JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY.

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY, THE THIRD DAY OF DECEMBER, IN THE YEAR OF OUR LORD 1832, AND OF THE COMMONWEALTH THE FORTY-FIRST.

FRANKFORT:

ALBERT G. HODGES, Printer for the State.

1832.
At a General Assembly, begun and held for the Commonwealth of Kentucky, at the Capitol, in the town of Frankfort, on Monday, the third day of December, A. D. 1832, and the 41st 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, viz: From the county of Adair, Francis Montgomery; from the county of Allen, Walter Thomas; from the county of Anderson, David White; from the county of Bourbon, Jesse Kennedy and Robert Matson; from the county of Bracken, Buckner S. Morris; from the county of Bullitt, Nathaniel P. Sanders; from the county of Bath, Thomas J. Young; from the county of Barren, Franklin Gorin and William B. Cooke; from the counties of Breckinridge and Hancock, Jefferson Jennings; from the county of Boone, John P. Gaines; from the county of Campbell, William W. Southgate and Horatio T. Harris; from the county of Caldwell, Enoch Prince; from the county of Cumberland, Ambrose Bramlett; from the county of Christian, Gustavus A. Henry and John Pendleton; from the county of Clarke, James Simpson and Robert Wickliffe, Jr.; from the counties of Clay and Harlan, John Bates; from the counties of Calloway and McCracken, John L. Murray; from the county of Casey, George C. Riffe; from the county of Daviess, Richard Lockhart; from the counties of Estill and Perry, Joseph Scrivener; from the county of Fleming, Daniel S. Morgan and Abraham Megowan; from the county of Franklin, John J. Crittenden; from the county of Fayette, Aaron K. Woolley, Henry E. Innis, and John R. Dunlap; from the counties of Floyd and Pike, Samuel May; from the county of Greene, James Allen; from the county of Greenup, Samuel Seaton; from the county of Gallatin, Samuel S. English; from the counties of Graves and Hickman, Samuel P. McFall; from the counties of Grant and Pendleton, Samuel T. Hauser; from the county of Grayson, Thomas M. Yates; from the county of Harrison, John Williams and Joseph Patterson; from the counties of Hardin and Meade, Thomas Chilton, John Y. Hill, and John S. Cully; from the coun-
ty of Hart, Benjamin Copeland; from the county of Hopkins, Francis Jett; from the county of Henderson, James Bell; from the county of Henry, William Smith and Elijah F. Nuttall; from the county of Jefferson, Henry Churchill; from the City of Louisville, Charles M. Thruston and James Rudd; from the county of Jessamine, George W. Brown; from the counties of Knox and Whitley, Henry Tuggle; from the county of Lincoln, John Green and David Shanks; from the county of Lewis, Chauncey B. Shepherd; from the county of Livingston, Joseph Hughes; from the county of Logan, Ephraim M. Ewing and David T. Smith; from the counties of Laurel and Rockcastle, Elisha Smith; from the county of Mason, Richard H. Lee, Thomas J. Pickett, and David Morris; from the county of Monroe, Radford Maxey; from the county of Mercer, Robert B. McAfee and Dred Bowling; from the county of Madison, John White and Joseph Collins; from the county of Montgomery, Benjamin F. Thomas and Josiah Davis; from the county of Muhlenburgh, David Short; from the county of Nelson, Stanley Young; from the county of Nicholas, Samuel Fulton; from the county of Oldham, Jack Pryor; from the county of Ohio, Elijah Crow; from the county of Owen, Benjamin Hayden; from the county of Pulaski, Ephraim C. Fair; from the county of Shelby, George W. Johnston and Percival Butler; from the county of Scott, Job Stevenson and William Johnson; from the county of Simpson, James W. Davidson; from the county of Spencer, Stilwell Heady; from the county of Trigg, James E. Thompson; from the county of Todd, Squire H. Boone; from the county of Union, Joseph R. Delaney; from the county of Warren, Robert W. Lucas and Euclid M. Covington; from the county of Washington, Jesse Abel, James McDonald and William Osborne; and from the county of Wayne, Sherrod Williams.

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

Mr. John J. Crittenden was unanimously elected Speaker of the House during the present session, and conducted to the chair; from whence he recommended the observance and preservation of good order and decorum.

Mr. Robert S. Todd was unanimously elected clerk; and Mr. Joseph Gray, Sergeant at Arms.

Mr. B. F. Thomas nominated Mr. William B. Holeman as a proper person to fill the office of Door-keeper; Mr. White nominated Mr. George A. Robertson; and Mr. Stevenson nominated Mr. Ambrose Wickersham; and after taking a vote between the candidates on nomination, a majority having appeared in favor of Mr. William B. Holeman, he was thereupon declared duly elected. A message was received from the Senate, announcing the meeting of that body, their organization, by the election of the usual
officers, and a readiness on their part to proceed to the despatch of public business.

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 the clerk carry the said message.

Mr. Williams, of Wayne, moved the following resolution:

Resolved, That this house will now proceed to the election of an Assistant Clerk.

Which being twice read, was adopted.

Whereupon, Mr. J. Allen nominated Mr. Gabriel I. Johnson as a proper person to fill that office; Mr. Henry nominated Mr. Alexander R. Macey; Mr. Chilton nominated Mr. George P. Brown; and Mr. Jef. Jennings nominated Mr. John C. Herndon.

And after taking a vote between the candidates, it stood thus:


No one on nomination having received a majority of all the votes given, the house proceeded to take a second vote between the candidates, which stood thus:


For Mr. Macey—Messrs. Bates, Boone, Butler, Cook, Covington, Davis, Dunlap, Ewing, Gorin, Green, Henry, Innis, Lucas, Maxey, Me-


No one having yet obtained a majority of all the votes, the house proceeded to take a third vote, (Mr. Brown having been withdrawn from the nomination,) when it stood thus:


Whereupon, Mr. A. R. Macey (having received a majority of all the votes given,) was declared duly elected.

A message from the Senate by Mr. Wingate:

Mr. Speaker—The Senate have appointed a committee on their part, to act in conjunction with a committee to be 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.

Whereupon, Messrs. D. White, J. Allen, Chilton, and McAfee, were appointed a committee on the part of this house.

Ordered, That Mr. White inform the Senate thereof.

Ordered, That the rules of the last be adopted as those of the present session; and that the Public Printer forthwith print 150 copies thereof, for the use of the members of this house.

Mr. White, from the joint committee appointed to wait on the Governor, and inform him that the General Assembly had convened, and were now ready to receive any communication he might
think proper to make, reported, that the committee had discharged the duty assigned them, and were informed by the Governor, that he would make a written communication, by way of message, to each house of the General Assembly, in their respective chambers, on to-morrow at 11 o'clock.

Ordered, That a committee of propositions and grievances be appointed, and a committee was appointed, consisting of Messrs. McAfee, W. Thomas, Megowan, Tuggle, Abel, Bates, Smith, of Logan, Pierce, Faris, Dugalp, Collins, Murray, and Davis, and such other members as may from time to time choose to attend; who are to meet and adjourn from day to day, and 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 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. Kennedy, Wm. Johnson, Patterson, Copeland, Bell, Churchill, Pendleton, Ozborn, and Scrivner; who are to meet and adjourn from day to day, and to take under consideration and examine all returns for members returned 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 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. Butler, W. Smith, Bramlett, Shepherd, Thompson, Gaines, Hughes, Ford, Harris, and Meriwether; who are to meet and adjourn from day to day, and to 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. Ewing, S. Williams, Thruston, Gorin, Henry, Simpson, Morris, of Bracken, Nuttall, Lee, Davidson, Marshall, Hauser, and Covington; who are to meet and adjourn from day to day, and to take into 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 last session, and draw up a statement of the matters there depending and undetermined, 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. Stevenson, D. Morris, Patterson, CROW, Short, May, Shanks, T. J. Young, and Montgomery; who are to meet and adjourn from time to time, and take into consideration all matters and things relating to religion and morality, and such others as may from time to time be referred to them, and report their proceedings with their opinion thereupon to the house; and 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. Stevenson, D. Morris, Patterson, CROW, Short, May, Shanks, T. J. Young, and Montgomery; who are to meet and adjourn from time to time, and take into consideration all matters and things relating to religion and morality, and such others as may from time to time be referred to them, and report their proceedings with their opinion thereupon to the house; and said committee shall have power to send for persons, papers, and records, for their information.

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ton, Heady, E. Smith, Hill, Riffe, Sanders, J. Williams, Yates, Bowling, Culley, Hayden, and Delaney; who are to meet and adjourn from time to time, and take under consideration the militia laws of this Commonwealth, and all matters and things relating to the militia, and such other as may from time to time be referred to them, reporting 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 Messrs. Prince, Pickett, Innis, Morgan, Johnston, of Shelby, and McDonald, be appointed a committee of enrolments, on the part of this house; and that Mr. Prince inform the Senate thereof, and request the appointment of a committee on their part.

On motion of Mr. Simpson:
Ordered, That leave be given to bring in a bill to divide this state into congressional districts.

And then the house adjourned.

TUESDAY, DECEMBER 4.

1. The Speaker laid before the house the petition of Silas W. Robbins, praying a reimbursement of the expenditures in defending a prosecution instituted against him to remove him from his office of Circuit Judge, in the year 1824.

2. Mr. Chilton presented the petition of sundry citizens of Hardin county, praying an appropriation of money out of the public Treasury, to be applied to the improvement of the navigation of Nolin.

3. Mr. S. Williams presented the petition of Eleanor Alexander, the widow and guardian of the infant heirs of Smith Alexander, deceased, of Wayne county, praying legislative authority to sell some of the real estate of her deceased husband, for the purpose of discharging the debts of the estate.

4. Mr. Davidson presented the petition of W. Lynch, administrator and guardian of the infant heirs of James Gibson, deceased, of Wayne county, praying legislative authority to sell a tract of land in South Carolina, to pay the debts due by the estate of said decedant.

5. Mr. W. Johnson presented the petition of John Cook, of Scott county, praying a divorce from his wife Betsey, late Betsey Dingle.

6. Mr. Murray presented the petition of Frances Heard, praying a divorce from her husband, Wm. Heard.

7. Mr. S. Young presented the petition of Cynthia Ann Lutes, praying a divorce from her husband, Wilson B. Lutes.

8. Mr. Gorin presented the petition of William B. Cook and
Braxton B. Courts, executors of the estate of Everard Clarke, deceased, and guardian of his infant child, Lucinda C. Clarke, praying that a law may pass to authorize a sale of a part of the real estate of the decedant, to be applied by them, in aid of the personal estate, to the payment of the debts of said decedent.

9. Mr. Gaines presented the petition of the heirs and devisees of Lawrence Sandford, deceased, of Boone county, representing that the decedant devised to them a tract of land and several slaves, in the said county, and that a fair and equitable division is almost impracticable, without great detriment to their respective interests; and praying that a law may pass to authorize a sale of said estate, and a division of the proceeds among them.

Which petitions were severally received, the reading thereof dispensed with, and referred: the first to the committee of claims; the second to the committee on internal improvements; the third, fourth and eighth to the committee for courts of justice; the fifth, sixth and seventh to the committee of religion; and the ninth to a select committee of Messrs. Gaines, Southgate, Harris, and Hauser.

A message was received from the Senate announcing the appointment of a committee of enrolments on their part.

Mr. Thomas F. Marshall, a member returned to serve in this house from the county of Woodford; Mr. Jeremiah S. Pierce, a member from the county of Russell; Mr. Alired Anderson, a member from the county of Green; Mr. Richard S. Ford, a member from the counties of Butler and Edmonson; Dr. Burr Harrison, from the county of Nelson; and Mr. David Meriwether, a member from the county of Jefferson, severally appeared, produced certificates of their election, and of their having taken the oaths required by the constitution of the United States, and the constitution and laws of this state, and took their seats.

Mr. E. Smith moved the following resolutions:

Resolved, That it is expedient to amend the law establishing the Court of Appeals, so as to compel said court to sit annually at five several sites in Kentucky, two on the North and three upon the South side of the Kentucky river.

Resolved, That the committee on the judiciary be instructed to report a bill accordingly, leaving the sites blank.

Which being twice read, was laid on the table.

Mr. Simpson moved the following resolution:

Resolved, That a committee be appointed, consisting of thirteen members, to prepare and bring in the bill to lay off the state into congressional districts; and that one be selected from each congressional district, as now organized; and the thirteen members of said committee be selected at the discretion of the Speaker, without regard to his location.

Which being twice read, was adopted—and Messrs. Simpson
B. F. Thomas, Lee, Wm. Johnson, D. White, Thruston, J. White, McAfee, Allen, Chilton, Ewing, Prince, and Harrison, appointed a committee pursuant thereto.

A message in writing was received from the Governor, by Mr. Sanders, his Secretary.

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

GENTLEMEN OF THE SENATE,
AND OF THE HOUSE OF REPRESENTATIVES:

Having been called to our respective stations by the voice of our constituents, and the time having arrived when you are about to commence your important duties as legislators, I greet you, upon your arrival at the seat of government, and hope, that under a kind Providence, you will enjoy good health during your sojourn among us.

In all communities, there must be some settled rule of action; laws must be enacted with a view to the protection of the rights of individuals, and to advance their happiness. The people cannot all collect together for that purpose; hence, the selection of various agents, or representatives, to act for them. To have been selected for a trust so important, is highly flattering, and should always be responded to by a determination not to disappoint the expectation and wishes of those who have delegated the power—the people.

It is made my duty, by the constitution, to give you information of the state of the Commonwealth, and, to recommend to your consideration, such measures as I may deem expedient.

In discharging that duty, gentlemen, I am aware, that I address a Legislature of much talent, and of great experience in the affairs of state, and, that should I err in any opinion I may advance, it has to meet the scrutiny of your deliberation.

It is a subject that should call forth our unfeigned thanks to the author of all good, that generally, during the present year, our citizens have been permitted to enjoy good health. Recently, portions of our state have been afflicted with an epidemic, alarming in its nature. And, though we deplore the loss of many valuable and interesting citizens, our hearts should be filled with gratitude to the Divine Being, the Ruler of all events, that in His pleasure the disease has been less malignant with us, than elsewhere, and its visitation transient.

Our farmers, except in a few counties, have been favored with abundant crops. The surplus of the various products of agriculture is as great as usual, and prices rather better than for some years past, which is highly gratifying. Enquire into the condition of any country, and you will find its prosperity regulated in a great degree by the situation of the farmers; they, to a great extent, support us all, and, as they prosper, so will the whole community. Our citizens are principally agricultural in their pursuits. I regret that manufactories have not to a greater extent been established among us. It is important that the pursuits of men should be diversified, so that mutual aid may be given. Few states in the Union possess greater resources, than the state of Kentucky. A soil good—a climate mild—her citizens industrious and enterprising. She sends forth her wheat, flour, tobacco, and corn; horses,
mules, cattle, hogs; bacon and pork, cotton bagging and cordage, besides various other articles, to other states and countries.

We have plenty at home, and peace with all the world. Never was there a time when we occupied in our foreign relations a more elevated stand than at present, nor, when our citizens were furnished with a more advantageous and extended commerce—so valuable to those who cultivate the soil. The wealth of every country depends greatly upon the knowledge, industry and enterprise of its citizens. That nation is most prosperous, which draws in the greatest degree upon its own resources. The great desideratum in political economy, is to pursue that course which will ensure to the country the greatest profit and advantage from its condition and means.

It is important to the people that laws, enacted for their rule of action, should have been well considered, and when adopted, that they should remain with as little alteration as possible, consistent with public good. The people cannot all be lawyers; hence the perplexity often incident to the frequent changes of the law upon a given subject.

There should be as little legislation as possible, having regard to the wants of the people. Laws should be general, and have effect throughout the whole state. Look into our statute book and you will find laws operating one way, in one county, and differently in another; fines and forfeitures appropriated to different objects in various counties; and several other instances of the like character. It certainly never was contemplated that each county should have its separate code of laws. When a proposition of a general character is made, let it be ascertained whether its adoption would be beneficial to the whole state.

Permit me to ask, whether a species of legislation upon private, local bills, has not, of late years, prevailed to too great an extent? The practice should be guarded against as an evil. If it be tolerated, it will increase upon you, and extend the time of your sessions; besides, laws of that character are often obtained upon an ex parte application and hearing, and the rights of others prejudiced. If there be evils complained of, let them be remedied by a law to embrace all similar cases. Your legislative halls should not be converted into courts of justice. You constitute one of the departments to enact laws; to another, is assigned the power to expound them, examine into facts, and give the remedy.

The subject of Education cannot be too often, nor too forcibly, pressed upon the consideration of the Legislature, and of the people.

I am pleased to observe that Transylvania University, especially its Law and Medical Departments, is in a flourishing condition. It presents high claims to the patronage of the people.

We have colleges and schools, in various sections of the state, in high repute. The Georgetown college; the Augusta college; Centre college, at Danville; St. Joseph's, at Bardstown; Cumberland, at Princeton; and various seminaries are all successfully engaged in the laudable business of qualifying the young men of our country to take their stand in society as divines, statesmen, farmers, lawyers, physicians, merchants and mechanics. The juniors of the present day are soon to fill the places of those who are now upon the stage; they are to wield the destinies
of the state, to occupy the pulpit, the bar, and other places of business. When such considerations are presented to the mind, are they not sufficient to induce every one to inculcate the necessity of education, and to act upon the subject so as to insure its diffusion as much as possible. "Knowledge is power;" and a republican government rests mainly upon the virtue and intelligence of the people.

Notwithstanding the condition of the institutions I have mentioned, there is a manifest inattention in many parts of the state, to the subject alluded to, which is very much to be regretted.

The subject of internal improvements, from its importance and the expectation of the people, will necessarily claim your consideration.

The navigable streams of the state might be greatly improved; Green River passes through a productive and interesting portion of our country, and by a survey, recently made, and the observation of many men of experience, it is ascertained, that that stream might be improved with great facility; no doubt the obstruction at the principal falls might be removed with but little expense. I hope you will take the subject into consideration, and dispose of it as its importance demands.

The roads of our country are generally in a bad condition; I am gratified to discover that in many parts of the state a very laudable zeal has manifested itself, and that valuable improvements are in progress. The President and Directors of the "Maysville, Washington, Paris and Lexington Turnpike Road Company," have favored me with a communication, shewing "the progress, condition and prospects" of that road, from which I will submit some extracts. "The road has been located from Maysville to Lexington, passing the points named in the charter, and on a route most eligible for the construction of a good road, and the accommodation of the community; about forty five miles have been surveyed and put under contract, forty of which will be finished for travel during the present fall (1832,) and the ensuing winter, and five additional miles will be completed by the next autumn leaving only eighteen miles yet to be made, situated at two different points on the road. The Directors have already expended and become liable by contract for upwards of $200,000, the funds of the stockholders, including the subscription of the state, and have no means in their hands or under their control to construct that part of the road not under contract." They state that "the toll received at the single gate erected on the road completed between Maysville and Washington, a distance of four miles, has yielded (and will do so) to the stockholders an annual dividend of twelve per centum after keeping the road in repair." The President and Directors are of opinion that the road when finished will yield eight per centum on the sum invested.

The Shelby County Turnpike is also in progress, and a considerable portion of it completed. As those roads are important links in the communication between Louisville and Maysville, through Shelbyville Frankfort, Lexington and Paris, and as the state is already interested in them by investments in stock, I submit to your consideration whether some additional aid cannot be given towards their completion. Let me, however, call your attention to the necessity of commencing the improvement of a road from the Seat of Government to Smithland, pas-
sing through Bowlinggreen. A communication thus made would afford many advantages to the people of a great portion of the state; lateral roads might readily be made from the one adverted to, to other points, particularly to the enterprising and commercial City of Louisville. The munificence of the Legislature should be as general as possible; it should be extended, in a spirit of equality, to the various sections of the state, having due regard to leading objects of improvement. Should such be the action of the government, the people would be the better satisfied, and they would enter more cheerfully into the business and system of internal improvement.

The Louisville and Portland Canal, I am gratified to learn, is completed, and the passage of vessels through it rendered safe.

To the enterprise of a company of individuals, we are indebted for the commencement and progress of a work, of a high and useful character in the list of improvements—the Lexington and Ohio Rail Road. I feel great solicitude for the successful termination of this work, as tending, in so eminent a degree, to afford facilities to the traveller, the farmer, the merchant, and the manufacturer. Much is due to those gentlemen who have thus engaged in a work, so well calculated to benefit the public.

The Lunatic Asylum, at Lexington; the Deaf and Dumb Asylum, at Danville; the Hospitals, at Louisville and at Smithland, are institutions which I hope will continue to receive the patronage of the Commonwealth. The unfortunate inmates of those establishments exhibit strong claims upon our benevolence and sympathies, and appeals on their behalf, will not, I am sure, when made to the Representatives of the high-minded people of Kentucky, be disregarded.

The police and finances of the Penitentiary are of a character highly creditable to the gentleman who has charge of that institution. Whilst the unfortunate convicts are made to attend reasonably to business, they are well clothed and fed, and treated humanely.

The Judiciary is an important department of the government; and, whatever relates to it should have your especial consideration. It is the interest of the people to have able and enlightened courts, and intelligent jurors. If a litigant should be satisfied that such is the case, and his suit be decided against him, he would most generally acquiesce; but if not, or, from any other cause he supposes injustice has been done him, he will put himself to the expense of an appeal, and if unsuccessful, will complain still. The great purpose is that the law be correctly administered, and that the people be satisfied.

In relation to jurors, I am decidedly of opinion that a change should be made in the mode of selection; and, that they should have a reasonable compensation for their services. Let them be selected either by the Sheriff, or the county court, some time before the term, at which they shall be required to attend. Let the additional expense be paid, in part, by the litigants, and the balance by the state. This change would bring to the jury-box men generally better qualified to decide the various matters of dispute between man and man; who would give more attention, than is now generally bestowed on the subjects brought before them; the result would afford a more correct decision of controversies.
If it be objected that the change would tend to an additional expense, to some extent, I ask, to whom would the money go—the people, to the great body of citizens, those who pay the taxes and fight the battles of the country? I hold that every man is entitled to some compensation for public service. Upon what principle is it, that an individual is often compelled to remain, day after day, pay his own expenses, and not receive one cent for his attention to the business of others? The people love their government; they know its value, they know its cost; they know that all governments must be supported; and whatever is necessary, under an economical administration of it, will always be rendered with pleasure.

The militia of our country is its great defence. In a time of peace we should always prepare, and be ready for war; we know not when it may come. I find that it is duly organized; but the details of the system need some revision. The law anterior to our last session of the Legislature required of Captains to report the strength of their companies at the June muster. The parade in that month was abolished, and no provision made requiring the report to be made at any other time. There is on hand a considerable number of muskets, yagers, pistols, and swords, which I should be pleased to see distributed among the militia of the state. It adds greatly to the appearance and energy of a regiment that it be well armed, and the officers in uniform with side arms.

We have in the Bank of Kentucky funds amounting to about the sum of fifty thousand dollars, which will be paid over as stock to the Commonwealth's Bank, as distribution may be made to stockholders. From the Bank of the Commonwealth it is believed we may calculate on receiving, by the time it is closed, the sum of six hundred thousand dollars. The amount of notes in circulation is about the same as last year; the diminution is but little for the last two or three years, owing to the re-issue through the Treasury.

I submit to your consideration whether a law in relation to "riots, routs, and unlawful assemblies," does not require amendment. Cases of the most flagrant character are certain to be brought before a Justice of the Peace for trial, the warrant taken out perhaps upon the information of the person who violated the law, and the case frequently tried ex parte. The limit to the fine is twenty dollars, and a trial before a magistrate within thirty days is a bar to any further prosecution. Would it not be better to allow an appeal to the circuit court, at the instance of the Commonwealth, by some officer, or, of the defendants. Enlarge the maximum of the fine, or repeal the law entirely, and let the circuit court have exclusive jurisdiction of such cases. The law, as now generally executed, is inefficient in many cases of outrage.

I would suggest to you, gentlemen, the propriety of a particular examination into the laws in relation to retailing spirituous liquors without license. A well regulated tavern is highly beneficial to the community; but heavy penalties should be imposed upon those who violate the law, and retail those liquors without authority. The practice exists to a considerable extent, and tends greatly to intemperance, an evil that has a more deleterious influence upon society than perhaps any other. A habit of using the intoxicating draught to excess, destroys the faculties of the mind, prostrates the energies of the body, brings on premature old
age and disease. It destroys a man's peace of mind, that of his family, and of society—leads to the gaming-table, to the loss of property, and to bankruptcy, and often seduces its victim to the commission of capital offences.

I regret, gentlemen, that in the discharge of my duty, I have to exhibit the state of our finances. On the 10th of October last, there was a balance against the Treasury of one hundred and forty-seven thousand five hundred and thirty-four dollars!!! Debts against the national or state governments ought not to exist, except on extraordinary emergencies. They are at any time an evil, that should be got rid of as soon as possible. If tolerated they readily accumulate—we should never burden our children with that, which it is our duty to meet.

I have endeavored thus to give you an expose, to some extent, of the condition of the Commonwealth, and to present some subjects to your consideration; but I feel that I should not do justice to myself, nor to the people, if I did not pursue the subject further. The question is, what may be done to improve the condition and finances of the state? I am aware of the importance of the solution, and of the difficulty of answering it in a way satisfactory to all; that is not to be expected. But every man should meet the responsibilities of his station, and rely upon the magnanimity and forbearance of a confiding people. From the best view that I have been able to take of the condition of the country, and of the interests of the people, I feel impelled by a sense of duty, aside of every consideration other than public good, to recommend to your attention the establishment of a Bank based upon a solid capital, whose notes shall be equal to gold or silver. The state has funds in the banks of Kentucky and of the Commonwealth, that may be fairly estimated at six hundred and fifty thousand dollars. Let those funds be realized, and subscribed as stock in the Bank proposed, as soon as can be with convenience; the balance of the stock to be taken by individuals; the capital to be two millions of dollars, or more, under the direction of a principal Bank, and three or four branches, not more; a reasonable annual tax on the stock held by individuals, as a bonus, to be fixed in the charter; the directors to be appointed in part by the state, and the balance by the stockholders.

I know that in recommending this subject, I shall be met with many objections. Be it so. I have done what I believe to be my duty, and that which, in my opinion, would increase the prosperity of the people, whose interests it is my great desire to advance.

It will be said that I am in favor of a depreciated currency. Not so: no one is more solicitous for a sound circulating medium than I am. Does it follow that the establishment of a Bank, as is proposed, would tend to a depreciation of the currency? I think not. Whenever it failed to redeem its notes in gold or silver, the charter should be declared at an end, never to be resuscitated. If a bank be prudently and carefully managed, there is no danger that it will not be able to sustain its credit. Our sister states have their banks of good credit, and why is it that we cannot do the like? Shall we, the people of Kentucky, be tributary to other states and countries, compelled of necessity to give, and they to receive, the profit arising from banking institutions? Let us endeavor to take care of ourselves.
It will be said that we have suffered by a depreciated currency, and that it would therefore be impolitic to make another effort. What does an objection of that character imply?—that we are not able to take care of our own interests—that we are indeed incapable of self-government—that the people have not intelligence and firmness enough to rule. I flatter myself that no one need be alarmed by such apprehensions, and that we have in our state, honesty, prudence, talent, and experience, sufficient to manage the concerns of a Bank in a way beneficial to the country. If an individual fail in business, because of an effort to do more than his means justified, will he fold his arms unwilling to do anything lest he may fail again? He should rather redouble his energies; endeavor to profit by the past, and take a prudent, cautious course; make no engagement that he has not the ability to perform. The currency was depreciated, because the business of banking was entirely overdone. Banks were put into operation in more than half the counties in the state without capital. It was impossible for them to sustain their issues. But I trust we have profited by past experience. Let no such banks go into operation. Let the money be had first, and then issue.

The capital might, as I hope, be readily raised. Afford an opportunity at least to make the effort. That which belongs to the state can certainly be had, as the Banks of Kentucky and of the Commonwealth close their business. Those who have money engaged in private loans would, in most cases, prefer to withdraw it, and vest it in an institution that would be permanent and useful.

A great portion of the sum that I have mentioned as belonging to the state, has been unproductive for several years. It is known, that neither the Bank of Kentucky nor the Commonwealth, has made any discounts for a considerable time past. The state's portion of stock in the Bank of Kentucky, has been annually distributed and subscribed as stock in the Bank of the Commonwealth, where it has been unavailing.

The settled policy of the government, for many years, was to invest the proceeds of the sales of vacant land south of Green river, and elsewhere, in stock in the Bank of Kentucky, which continued until we had accumulated the sum of five hundred and ninety-six thousand seven hundred dollars; the consequence was, that in the years 1819, 1820, and 1821, there was paid into the Treasury of the state, on account of the dividends due the Commonwealth on her stock, and of tax on stock owned by individuals, the sum of one hundred and thirty-five thousand dollars, equal to an average of forty-thousand one hundred and eighteen dollars per annum. But in the year 1822 the charter of the Bank was repealed; and what followed? The item of forty-five thousand dollars, for state's dividend and tax on bank stock, disappeared, no longer to be seen in the report of receipts into the treasury, and a state debt created to the amount before stated. What then is our condition? Valuable public works in progress, others of like importance to the state that should be commenced; a solicitude to patronize education—to pay jurors for their services; the current expenditures of the government to be provided for; and—a treasury in arrear the sum of one hundred and forty-seven thousand five hundred and thirty-four dollars—a debt of no ordinary
I have said to you gentlemen, establish a Bank—a Bank to be based on a substantial capital. Re-invest the stock owned by the state, as it was in the Bank of Kentucky, and restore to the Treasury that annual “item” of forty-five thousand one hundred and eighteen dollars, on account of state’s dividend and tax on bank stock, as soon as possible, or as much of it as we can; and whilst we should thus aid the finances of the state, we would afford some facilities to the people, in furnishing an addition to the circulating medium, which would be equal to gold and silver.

A prudent man will endeavor to live upon the proceeds of his estate. He should not exhaust his capital, if in his power to prevent it.

It is a subject of gratulation, that our relations with the general government are of the most amicable character. No question of supposed violated state sovereignty agitates our Commonwealth. Our ancestors, in their wisdom and patriotism, have given us a form of government infinitely superior to that of any other nation—predicated upon the idea that all power emanates from the people. A legacy so valuable must be retained. The integrity of the Union must be preserved. It was said by many, that our government could not bear the test of experiment; but it has turned out otherwise; and it is a source of much pleasure to me, that by recent developments, a large majority of the people of the Union have manifested their approbation of the manner in which it has been administered. The great object of government is, that the people be satisfied. When that is the case we have no fear of disunion.

Suffer me gentlemen, in conclusion, to assure you, that I shall be highly gratified in co-operating with you in such measures as may tend to advance the interest of the Commonwealth.

December 4, 1832.

JOHN BREATHITT.

Ordered, That the Public Printer forthwith print 3000 copies thereof, for the use of the members of this house.

Mr. McAfee read and laid on the table the following preamble and resolutions, viz:

The course lately adopted by the State of South Carolina, in calling a convention for the purpose of attempting to nullify the acts of Congress, commonly called the “Tariff Laws,” by their single authority, presents a crisis which calls for an expression of the opinion of this Legislature. It is a subject that involves the principles upon which our sacred Union was formed, as well as the future prospects of our happy country; and we cannot remain silent upon it.

But, in the discharge of this duty, we would observe that high respect which is due to a sovereign state, the people of which we regard as our brethren and fellow-citizens, however widely we may differ from them in opinion as to the mode of redress they have proposed.

We do not believe that any one state can, by its own authori-
The state of Kentucky has had some experience on this subject; she has ever been the ardent and devoted friend of the constitutional rights of the states, and viewed with a jealous eye the encroachments of the federal government. She has more than once made successful appeals to the enlightened patriotism of her sister states, to repeal laws which were believed to be made in violation of the reserved rights of the states. But it is with feelings of deep regret that we have seen our brethren of South Carolina hastening to interpose her single arm to arrest the authority of the laws of the Union, at a moment when the spirit of conciliation is awakened to hear and redress their grievances. We confidently hoped that the modification of the Tariff at the last session of Congress, would have been regarded as a strong indication of the spirit, since manifested by the people in the other states on this subject, from which it is evident that the taxes will be reduced to the necessary wants of the government; whilst, at the same time, protection will be retained on such articles as are essential to our independence in a time of war, with a gradual reduction of the taxes upon all the necessaries of life consumed by the great body of the people; and more than this cannot reasonably be required by any state. But it seems that a portion of the people of South Carolina are unwilling to wait for a change of the laws, in the manner thus anticipated, and would take the power into their own hands.

The state of Kentucky cannot agree with them, neither in the right claimed, nor the mode pursued to redress their complaints. There are other more peaceful and constitutional ways provided, by which the political grievances of the states can be adjusted.

If improper grants of power have been made to the federal government, any state, as well as congress, has the right to propose amendments to the several states, who, as component parts of the Union, will either adopt or reject them; or if, on the other hand, the power granted is abused, or exercised oppressively upon any of the states, a remonstrance, and the discussion of the subject before an enlightened community, will always eventuate in obtaining justice, until the administration of the government shall fall into the hands of a party regardless of that spirit of compromise which produced our Union—a period which we hope is yet far distant.

It is impossible that a remonstrance and appeal to the patriotism of our sister states, on questions of constitutional construction, will ever fail of success, if founded on substantial grounds; and the experience of Kentucky fully confirms us in this opinion.

We would, therefore, most earnestly entreat our fellow citizens of South Carolina to pause before they adopt any rash mea-
sures which may lead to consequences dangerous to the peace and prosperity of our common country.

The legislature and people of Kentucky avow themselves to be the steadfast friends of the Union; and they cannot consent to see its authority and laws set aside by any one member; and whilst we assure our southern brethren that we will hear their complaints with patience, and aid in redressing their real grievances, yet we must solemnly protest against the course resorted to by them, and take our stand on the side of our country, our whole country. Therefore—

1. Resolved, by the General Assembly of the Commonwealth of Kentucky, That the doctrine advanced by the legislature of South Carolina, "that any one state has the right to nullify and set aside a law of the United States," is contrary to the constitution, and would be destructive to the peace and harmony of the Union.

2. Resolved, That "the Federal Union must be preserved."

Mr. Henry moved the following resolutions:

Resolved, That so much of the Governor's message as relates to the subject of internal improvements, be referred to the committee on internal improvements.

Resolved, That so much of the Governor's message as relates to the subject of the revenue of the Commonwealth of Kentucky, be referred to the committee of ways and means.

Which being twice read, were adopted:

Mr. Chilton moved the following resolution:

Resolved, That the committee on education be instructed to enquire into the expediency of establishing, within the State of Kentucky, a system of common school education; and that if said committee shall be of opinion, that such a system would be expedient, they report to this house their opinion of the best practicable plan for the establishment thereof.

Which being twice read, was adopted.

Mr. E. Smith moved the following resolution:

Resolved, That so much of the Governor's message as relates to the judiciary, be referred to the committee for courts of justice.

Which being twice read, was adopted.

Mr. Allen moved the following resolutions, which being twice read and amended, were adopted in the following words:

1. Resolved, That so much of the Governor's message as relates to education be submitted to the committee on education.

2. That so much of the Governor's message as relates to the Lunatic Hospital and Deaf and Dumb Asylum, be submitted to a select committee.

3. That so much of the Governor's message as relates to the Penitentiary, be submitted to a select committee.

4. That so much of the Governor's message as relates to the militia be submitted to the committee on the militia.
5. That so much of the Governor's message as relates to the laws on riots, routs, and unlawful assemblies, be submitted to the committee for courts of justice.

6. That so much of the Governor's message as relates to the laws regulating taverns, be submitted to the committee for courts of justice.

7. That so much of the Governor's message as relates to the establishment of a bank, be submitted to the committee of ways and means.

Whereupon, Messrs. McAfee, Innis, Dunlap, Woolley and Kennedy, were appointed a committee pursuant to the second; and Messrs. Allen, Anderson and Stevenson, pursuant to the third resolution.

Leave was given to bring in the following bills:

On the motion of Mr. B. F. Thomas—1. A bill to improve the road from Lexington, through Winchester, Mount Sterling, and Owingsville, to the Mouth of Big Sandy.

On the motion of Mr Pierce—2. A bill to establish a road from Louisville to the state line, in a direction to Knoxville.

On the motion of Mr Nuttall—3. A bill to exempt from execution growing crops.

On the motion of Mr Murray—4. A bill to reduce the price of the public lands, in the district of country West of the Tennessee river, and to protect the actual settlers in said district.

On the motion of Mr Southgate—5. A bill to connect the towns of Newport and Covington with Cincinnati by a bridge.

On the motion of Mr B. F. Thomas—6. A bill to authorize the publication of advertisements in the Cross and Baptist Banner, printed in Frankfort.

On the motion of Mr Thruston—7. A bill more effectually to prevent the importation of slaves.

On the motion of Mr Butler—8. A bill to regulate the duties of attorneys at law.

On the motion of Mr Gorin—9. A bill to incorporate a company to make a turnpike road from the City of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville, Bowlinggreen, and Franklin, to the state line, in a direction to Nashville, Tennessee.

On the motion of Mr D. T. Smith—10. A bill to amend the penal laws.

On the motion of Mr Harris—11. A bill to incorporate the Licking river Navigation Company.

On the motion of Mr D. White—12. A bill providing for the improvement of the road from the seat of government, by the way of Lawrenceburg, in Anderson county, to Harrodsburg, in Mercer county.
On the motion of Mr McAfee—13. A bill to amend the laws concerning the Lunatic Asylum.

On the motion of Mr Chilton—14. A bill to provide for revising, digesting, and abridging the statute laws of Kentucky.

On the motion of Mr Lucas—15. A bill to fix the compensation of the Clerks of the Senate and House of Representatives.

On the motion of Mr D. T. Smith—16. A bill to provide for the collection of fines, recoverable under the by-laws of the town of Russellville.

On the motion of Mr Henry—17. A bill to change the time of holding the Trigg circuit court.

On the motion of Mr B. S. Morris—18. A bill to amend and reduce into one the several acts concerning the town of Augusta, in Bracken county.

On the motion of Mr S. Williams—19. A bill to take the sense of the good people of this Commonwealth, as to the propriety of calling a convention.

On the motion of Mr Chilton—20. A bill to change the mode of summoning jurors, and to provide for their compensation.

On the motion of Mr Crow—21. A bill to provide pay for grand jurors; and,

On the motion of Mr E. Smith—22. A bill to remove obstructions in certain navigable streams of this Commonwealth.

Messrs. B. F. Thomas, T. J. Young, Wickliffe, May, Morgan, Seaton, and Woolley, were appointed a committee to prepare and bring in the first; Messrs. Pierce, S. Williams, and Paris, the second; the committee for courts of justice, the third and twentieth; Messrs. Murray, Prince, and McFall, the fourth; the committee on internal improvements, the fifth and ninth; Messrs. B. F. Thomas, Gaines, and Davis, the sixth; Messrs. Thruston, Green, and McAfee, the seventh; Messrs. Butler, D. White, and G. W. Johnston, the eighth; Messrs. D. T. Smith, Ewing, and Gorin, the tenth; Messrs. Harris, Southgate, Hauser, and Gaines, the eleventh; Messrs. D. White, Green, and McAfee, the twelfth; Messrs. McAfee, White, Rudd, and Woolley, the thirteenth; Messrs. Chilton, Wickliffe, Simpson, and Butler, the fourteenth; Messrs. Lucas, Gorin, and Cook, the fifteenth; Messrs D. T. Smith, Ewing, and Boone, the sixteenth; Messrs. Henry, Thompson, and Boone, the seventeenth; Messrs. B. S. Morris, Yates, and Kennedy, the eighteenth; Messrs. S. Williams, Ewing, and E. Smith, the nineteenth; Messrs. Crow, E. Smith, Green, Allen, and Nuttall, the twenty-first; and Messrs. E. Smith, J. White, Paris, Bates, Prince, and S. Williams, the twenty-second.

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

By Mr B. F. Thomas—1. A bill to authorise the publication
of advertisements in the Cross and Baptist Banner, printed in Frankfort; and,

By Mr. Murray—2. A bill to reduce the price of public lands in the district of country West of the Tennessee river, and to protect the actual settlers in said 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 said bills having been dispensed with, the first (having been amended at the Clerk's table,) was ordered to be engrossed and read a third time; and the second was committed to the committee of ways and means.

And 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 amended to read “an act to authorise the publication of advertisements in certain newspapers.”

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

And then the house adjourned.

WEDNESDAY, DECEMBER 5.

Mr. John Jennings, a member returned to serve in this house from the county of Garrard, 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.

The Speaker laid before the house a letter from the Auditor of Public Accounts, enclosing the annual report of the Auditor of Public Accounts, exhibiting the situation of his office, of the amount of warrants issued on the Treasury, for the last year; and also the report of the Commissioners appointed to settle the accounts of the Receiver of Public moneys West of the Tennessee river, under an act of the last session, which is in the following words and figures:

Auditor's Office, Ky.

Frankfort, 5th December, 1832.

SIR:—You will please lay before the House of Representatives the accompanying statements, comprising the Auditor's report for 1831-2; and the report of the Register, Auditor and Treasurer, (by special act of Assembly,) of the situation of the books and accounts of the Receiv-
er of public moneys West of the Tennessee river, up to the first day of May, 1832. Respectfully, yours,  
PORTER CLAY, Auditor Public Accounts.  
JOHN J. CRUTTENDEN, Esq. Speaker of the House of Rep's.  

**No. 1.**

A statement of moneys received and paid at the Treasury, for the year ending on and including the 10th day of October, 1832, to-wit:

**Bank Stock Fund—**
- Received on lands granted under the acts of 1795, 6, and 1800, (denominated head-rights,) $ 283 60  
- Ditto under the acts of 1815, 20 and 25, (denominated land-warrants,) 2,783 35  
**Total:** $3,066 95

**Non-residents' Lands—**
- For tax received on non-residents' lands, 1,818 49

**Revenue collected by Sheriffs—**
- From the sheriffs, for the collection of the revenue of 1821, 525 00  
- Ditto 1824, 9 61  
- Ditto 1827, 38 71  
- Ditto 1829, 285 00  
- Ditto 1830, 65,777 05  
- Ditto 1831, 3,962 55  
**Total:** 70,598 82

**Revenue collected by Clerks, &c.—**
- From clerks, for taxes received on law process, deeds, seals, &c., 11,516 45  
- Do. Register of the Land Office, 1,053 49  
- Do. Secretary of State, 10 45  
**Total:** 12,580 39

**Miscellaneous Receipts—**
- For taxes received for the redemption of residents' lands forfeited to the State, &c. 45 83

**Lands West of Tennessee River—**
- For the sale of lands by Edmund Curd, receiver of public moneys, (being in full up to the 1st of May, 1832, at which time a full settlement was made by the Register, Auditor and Treasurer, commissioners appointed by the last legislature for that purpose,) $32,428 59  
**Total:** $120,539 07

(Amount forwarded.)
Sale of Warrants—
For warrants to be laid on forfeited lands, $75.00
Ditto to be laid on West Cumberland river, $563.30
Ditto to confirm titles to forfeited lands, $30.00

Bank of the Commonwealth of Kentucky—
For the nett profits of said institution from the 30th day of November, 1830, to the 30th day of November, 1831.—No report made since said date, $24,151.85

Bank of Kentucky—
For distribution of stock, (in Commonwealth's paper,) $14,917.50
Ditto (in specie,) being the balance due, after deducting $1,058.16 allowed John D. Hays, by an act of the last Legislature, $12,859.34

Total amount received by the Treasurer from the 11th of Oct., 1831, to the 10th of Oct., 1832, inclusive, $174,141.06

Total amount received in Commonwealth's paper, $160,281.72
Ditto in Specie, $13,859.34

Commonwealth's Paper.
Warrants reported to have been paid by the Treasurer from the 11th day of October, 1831, to the 10th of Oct., 1832, is $148,229.95
Stock subscribed in the Bank of the Commonwealth of Kentucky, same time, $14,917.50

Whole amount paid, $163,147.45
Balance due from government on the 10th October, 1831, $93,194.17
Making the whole debit, $256,641.62
From which deduct the amount of receipts as enumerated above, $160,281.72
Balance due from government on the 10th October, 1832, $96,359.30

Specie.
Warrants reported to have been paid by the Treasurer from the 11th October, 1831, to the 10th Oct., 1832, $33,139.65
Stock subscribed in the Bank of the Commonwealth of Kentucky, same time, $13,859.34

Whole amount paid, $46,998.99
Balance due from government on the 10th October, 1831, $18,035.41
Making the whole debit, $65,034.40

(Amount forwarded.) D
(Amount brought forward.)

From which deduct the amount of receipts as enumerated above,

Balance due from government on the 10th October, 1832,

Amount due from government on the 10th day of October, 1832, in Commonwealth’s paper,

Ditto in Specie,

Total amount due,

**No. 2.**

A statement of warrants drawn by the Auditor of Public Accounts on the Treasurer, from the 11th day of October, 1831, to the 10th day of October, 1832, inclusive; showing the amount drawn for each source of expenditure; and also, the amount of warrants paid and unpaid during the same period, viz:

**Jailors**—
Attending on courts, furnishing fuel, &c. $2,857 36
Committing and releasing criminals, 152 28
Dieting criminals, 3,877 50.
Conveying criminals to jail, 2 50
Ironing criminals, 1 37

**Executive Offices**—
Fuel, stationary, &c. furnished the Auditor’s Office, 663 97
Ditto Treasurer’s Office, 220 75
Ditto Land Office, 918 61
Ditto Secretary’s Office, 675 47

**Public Printer**—
For advertising non-residents’ lands, 25 25

**Distributing Acts and Journals Nov. Session, 1831**—
First District, 90 00
Second or Middle District, 110 00
Third District, 85 00

**Criminal Prosecutions**—
For the attendance of venire-men, 4,804 00
Ditto of witnesses on behalf of Commonwealth in criminal prosecutions, 3,887 60
Sheriffs for apprehending criminals, 442 00

(Amounts forwarded.)

$9,103 00

$9,780 06
**Criminal Prosecutions—(continued.)**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Amount brought forward,</td>
<td>$9,103 60</td>
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<tr>
<td>Sheriffs, for summoning witnesses on behalf of the Commonwealth in criminal</td>
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<tr>
<td>prosecutions,</td>
<td>707 18</td>
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<tr>
<td>Sheriffs, for summoning venires,</td>
<td>401 00</td>
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<tr>
<td>Constables, for whipping criminals,</td>
<td>96 98</td>
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<tr>
<td>Ditto for apprehending do.</td>
<td>1,488 00</td>
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<tr>
<td>Sheriffs, for conveying criminals to the Penitentiary,</td>
<td>1,238 66</td>
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<tr>
<td>Guards, for guarding criminals in Jail, to Jail, and to the Penitentiary,</td>
<td>2,089 38</td>
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<td>Sheriffs, for conveying criminals to Jail,</td>
<td>260 85</td>
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<tr>
<td>Constables, for conveying do. to Jail,</td>
<td>160 22</td>
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<tr>
<td>Sheriffs, for summoning juries in cases of idiots,</td>
<td>74 93</td>
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<tr>
<td>Sheriffs, for ironing criminals,</td>
<td>5 00</td>
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<tr>
<td>Sheriffs, for whipping criminals,</td>
<td>17 77</td>
</tr>
<tr>
<td>Sheriffs, for executing process for contempt in Commonwealth's cases,</td>
<td>68 20</td>
</tr>
<tr>
<td>where the contempt is cleared,</td>
<td></td>
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<tr>
<td>Sheriffs, for executing criminals condemned to be hung,</td>
<td>31 26</td>
</tr>
<tr>
<td>Coroners, for summoning venires,</td>
<td>14 00</td>
</tr>
<tr>
<td>Ditto for attending court,</td>
<td>20 00</td>
</tr>
<tr>
<td>Sheriffs, for removing papers in change of venue, by act of Assembly,</td>
<td>19 32</td>
</tr>
<tr>
<td>Coroners, for summoning witnesses for the Commonwealth in criminal</td>
<td>84</td>
</tr>
<tr>
<td>prosecutions,</td>
<td></td>
</tr>
</tbody>
</table>

**Public Communications—in Commonwealth's paper.**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>By the Governor and Secretary,</td>
<td>58 07</td>
</tr>
<tr>
<td>Auditor Public Accounts,</td>
<td>19 34</td>
</tr>
<tr>
<td>Ditto—in specie,</td>
<td></td>
</tr>
<tr>
<td>By the Governor and Secretary,</td>
<td>172 37</td>
</tr>
<tr>
<td>Auditor Public Accounts,</td>
<td>301 58</td>
</tr>
<tr>
<td>Quartermaster General,</td>
<td>3 02</td>
</tr>
<tr>
<td>Contingent Expenses—</td>
<td></td>
</tr>
<tr>
<td>For arranging the public Library,</td>
<td>57 71</td>
</tr>
</tbody>
</table>

**(Amounts forwarded.)**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Amount brought forward.)</td>
<td>$9,780 06</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheriffs, for summoning witnesses on behalf of the Commonwealth in criminal</td>
<td></td>
</tr>
<tr>
<td>prosecutions,</td>
<td></td>
</tr>
<tr>
<td>Sheriffs, for summoning venires,</td>
<td></td>
</tr>
<tr>
<td>Constables, for whipping criminals,</td>
<td></td>
</tr>
<tr>
<td>Ditto for apprehending do.</td>
<td></td>
</tr>
<tr>
<td>Sheriffs, for conveying criminals to the Penitentiary,</td>
<td></td>
</tr>
<tr>
<td>Guards, for guarding criminals in Jail, to Jail, and to the Penitentiary,</td>
<td></td>
</tr>
<tr>
<td>Sheriffs, for conveying criminals to Jail,</td>
<td></td>
</tr>
<tr>
<td>Constables, for conveying do. to Jail,</td>
<td></td>
</tr>
<tr>
<td>Sheriffs, for summoning juries in cases of idiots,</td>
<td></td>
</tr>
<tr>
<td>Sheriffs, for ironing criminals,</td>
<td></td>
</tr>
<tr>
<td>Sheriffs, for whipping criminals,</td>
<td></td>
</tr>
<tr>
<td>Sheriffs, for executing process for contempt in Commonwealth's cases,</td>
<td></td>
</tr>
<tr>
<td>where the contempt is cleared,</td>
<td></td>
</tr>
<tr>
<td>Sheriffs, for executing criminals condemned to be hung,</td>
<td></td>
</tr>
<tr>
<td>Coroners, for summoning venires,</td>
<td></td>
</tr>
<tr>
<td>Ditto for attending court,</td>
<td></td>
</tr>
<tr>
<td>Sheriffs, for removing papers in change of venue, by act of Assembly,</td>
<td></td>
</tr>
<tr>
<td>Coroners, for summoning witnesses for the Commonwealth in criminal</td>
<td></td>
</tr>
<tr>
<td>prosecutions,</td>
<td></td>
</tr>
<tr>
<td>Public Communications—in Commonwealth's paper.</td>
<td></td>
</tr>
<tr>
<td>By the Governor and Secretary,</td>
<td></td>
</tr>
<tr>
<td>Auditor Public Accounts,</td>
<td></td>
</tr>
<tr>
<td>Ditto—in specie,</td>
<td></td>
</tr>
<tr>
<td>By the Governor and Secretary,</td>
<td></td>
</tr>
<tr>
<td>Auditor Public Accounts,</td>
<td></td>
</tr>
<tr>
<td>Quartermaster General,</td>
<td></td>
</tr>
<tr>
<td>Contingent Expenses—</td>
<td></td>
</tr>
<tr>
<td>For arranging the public Library,</td>
<td></td>
</tr>
<tr>
<td>(Amounts forwarded.)</td>
<td></td>
</tr>
</tbody>
</table>
Contingent Expenses—(continued.)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount brought forward,</td>
<td>$57 71</td>
</tr>
<tr>
<td>To the sergeant of the Court of Appeals and the upstaff, for their attendance on the Court of Appeals and Gen'l Court, and for furnishing fuel, &amp;c. for same,</td>
<td>883 28</td>
</tr>
<tr>
<td>Stationary, &amp;c. furnished Quartermaster-General,</td>
<td>165 28</td>
</tr>
<tr>
<td>Cutting and packing wood for the Legislature,</td>
<td>37 50</td>
</tr>
<tr>
<td>Stove furnished Quartermaster General,</td>
<td>24 00</td>
</tr>
<tr>
<td>Ditto Adjutant General,</td>
<td>24 00</td>
</tr>
<tr>
<td>Repairing the public buildings,</td>
<td>381 62</td>
</tr>
<tr>
<td>Binding Laws of other States,</td>
<td>120 31</td>
</tr>
<tr>
<td>Blinds furnished for the windows of the capitol,</td>
<td>16 71</td>
</tr>
<tr>
<td>Salary, stationary, &amp;c. of the Receiver of public moneys West Tennessee river,</td>
<td>290 37</td>
</tr>
<tr>
<td>Publishing proposals to distribute the Laws, &amp;c.</td>
<td>30 75</td>
</tr>
<tr>
<td>Repairs done the Governor's house,</td>
<td>25 85</td>
</tr>
<tr>
<td>Bags, &amp;c. furnished the carriers of the public books,</td>
<td>62 91</td>
</tr>
<tr>
<td>Total</td>
<td>2,120 29</td>
</tr>
</tbody>
</table>

Salaries—

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual salaries of the Judiciary officers,</td>
<td>19,173 17</td>
</tr>
<tr>
<td>Ditto Executive officers,</td>
<td>7,596 83</td>
</tr>
<tr>
<td>Total</td>
<td>26,770 00</td>
</tr>
</tbody>
</table>

Attorneys—

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual salaries of the Commonwealth’s Attorneys,</td>
<td>4,894 77</td>
</tr>
</tbody>
</table>

Military Expenditures—

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payment of Brigade Inspectors,</td>
<td>214 50</td>
</tr>
<tr>
<td>Storage on public arms,</td>
<td>28 57</td>
</tr>
<tr>
<td>Freight on ditto,</td>
<td>10 00</td>
</tr>
<tr>
<td>Repairing of public arsenal,</td>
<td>23 21</td>
</tr>
<tr>
<td>The pay of Provost Marshals,</td>
<td>2 00</td>
</tr>
<tr>
<td>Repairing and cleaning public arms,</td>
<td>51 34</td>
</tr>
<tr>
<td>Total</td>
<td>329 62</td>
</tr>
</tbody>
</table>

Idiots—

For the support of Idiots,                                                  | 12,974 19  |

Decisions of the Court of Appeals—

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount in adv. for Marshall’s 4th vol.</td>
<td>350 00</td>
</tr>
<tr>
<td>Balance for Marshall’s 1st vol.</td>
<td>984 00</td>
</tr>
<tr>
<td>Total</td>
<td>$1,334 00</td>
</tr>
</tbody>
</table>

(Amounts forwarded.)
Dec. 5.]  HOUSE OF REPRESENTATIVES.  

(Amount brought forward.)  $73,561 14

Decisions of the Court of Appeals—(continued.)

Amount brought forward, $1,331 00
Balance for Marshall's 2d vol. 936 00
Ditto 3d vol. 1,234 00
Amount in adv. for Marshall's 5th vol. 350 00
Ditto 6th vol. 350 00
Balance for Monroe's 7th vol. 1,126 00 5,330 00

Clerks Services—

Ex-officio services of the General and Circuit Court clerks, 3,760 00
Presses furnished the several clerk's offices, 542 10
Record books furnished ditto, 1,788 46
Clerks of county courts for copying Commissioners' books, 2,727 16
Circuit court Seals furnished, 22 62
Office Rent of the Clerk of the Court of Appeals, 50 00 8,590 34

Deaf and Dumb—

Kentucky institution for the tuition of the Deaf and Dumb, for the support of the indigent pupils, 3,117 62

Money Refunded—

Taxes twice paid, 9 10
Fees paid into the Treasury for the attorney general, clerk of the General Court, &c. by delinquent officers vs. whom judgments have been rendered, 426 30 435 40

Public Roads—

Pay of Commissioners on the road from Pikeville or Shelby creek to the top of Cumberland mountain, 43 50
Ditto from Mountsterling to the Virginia line by the way of Prestonsburg, 6 00 49 50

Sheriffs, Comparing Polls—

For Congress, 537 02
Senate, 84 87
ELECTORS, in 1828, 9 00
Governor and Lieutenant Governor, 1,592 45 2,223 34

Legislature, Nov. Session, 1831—

Pay of members, 14,425 72

(Amount forwarded.)  $108,033 06
### Appropriations Nov. Session, 1831—(in specie.)

To James Garrard,

- Appropriations Dec. Session, 1830—
  - To A. W. Dudley,

### Appropriations Nov. Session, 1831—

To William Shackelford,

- Thomas McConnaigle,
- Joseph Gray,
- Gabriel I. Johnston,
- Bacon & Johnson,
- John J. Posey,
- William Wood,
- Benjamin R. Pollard,
- Joseph B. Crockett,
- Richard Apperson,
- Thomas S. Page,
- John Breathitt,
- James Stonestreet,
- Richard Radd,
- Andrew McCulla,
- R. K. Scott,
- Robert S. Todd,
- James Davidson,
- Cumberland Hospital,
- Alexander R. Macey,
- Moses B. Morrison,
- Tilman,
- Braxton,
- A. Trumbo, Jr.
- A. G. Hodges,
- A. C. Keenon,
- Lunatic Asylum,
- Jno. Brown, Jas. Shannon, Peter Dudley, and Jno. Harvie,
- Anthony Crockett,
- Jacob H. Holeman,
- L. Batchelor,
- Charles Hutchinson,
- William Holeman,
- John J. Crittenden,
- Jos. Taylor & Son,

<table>
<thead>
<tr>
<th>Amount brought forward</th>
<th>Amount overpaid</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 00</td>
<td>26 87</td>
</tr>
<tr>
<td>10 00</td>
<td>70 00</td>
</tr>
<tr>
<td>382 03</td>
<td>143 50</td>
</tr>
<tr>
<td>154 85</td>
<td>210 00</td>
</tr>
<tr>
<td>28 87</td>
<td>16 75</td>
</tr>
<tr>
<td>70 00</td>
<td>20 00</td>
</tr>
<tr>
<td>788 85</td>
<td>120 00</td>
</tr>
<tr>
<td>210 00</td>
<td>210 00</td>
</tr>
<tr>
<td>16 00</td>
<td>450 00</td>
</tr>
<tr>
<td>120 00</td>
<td>8 00</td>
</tr>
<tr>
<td>1,063 00</td>
<td>1,163 00</td>
</tr>
<tr>
<td>10 00</td>
<td>2,000 00</td>
</tr>
<tr>
<td>210 00</td>
<td>450 00</td>
</tr>
<tr>
<td>210 00</td>
<td>450 00</td>
</tr>
<tr>
<td>1,429 50</td>
<td>1,429 50</td>
</tr>
<tr>
<td>332 86</td>
<td>332 86</td>
</tr>
<tr>
<td>2 32</td>
<td>2 32</td>
</tr>
<tr>
<td>14 33</td>
<td>14 33</td>
</tr>
<tr>
<td>10,000 00</td>
<td>10,000 00</td>
</tr>
<tr>
<td>23,571 47</td>
<td>23,571 47</td>
</tr>
</tbody>
</table>

**Sheriffs for Revenue—**

<table>
<thead>
<tr>
<th>Amount of Revenue overpaid, 1830,</th>
<th>Amount overpaid</th>
</tr>
</thead>
<tbody>
<tr>
<td>382 03</td>
<td>182,024 04</td>
</tr>
<tr>
<td>Ditto, ditto, 1827,</td>
<td>2 32</td>
</tr>
<tr>
<td>Ditto, ditto, 1820,</td>
<td>14 33</td>
</tr>
</tbody>
</table>

(Amount forwarded.)
### Slaves Executed

Hung by order of the Fayette circuit court, 485.00
Ditto Mason ditto, 450.00
Ditto Montgomery ditto, 440.00

### Commissioners of Tax

For taking in lists of taxable property for 1831, 1,375.00

### Turnpike Roads—*(Commonwealth's paper,)*

Shelby County, 7,515.63
From the mouth of Sandy river to J. M. Rice's in Bath county, 1,000.00

### Ditto—*(Specie,)*

Maysville, Washington, Paris and Lexington, Shelby county, 50,000.00 6,000.00

### Greenup County Bridges

Under act of the Assembly, approved, 11th Feb. 1828, 56,000.00 15.90

### Bridges—*(Specie,)*

Pay of comm'rs to Rockcastle bridge, 156.00
In part of the State’s subscription to Taylorsville bridge, 850.00

### Distributing Acts and Journals, Dec. Session, 1829

1,006.00 112.00

### Legislature Dec. Session, 1828—

Balance of pay due Tho. J. Young, a Representative, 8.00

Total amount of warrants issued from the 11th day of October, 1831, to the 10th of Oct. 1832, inclusive, 206,224.27

Total warrants issued in Specie, 57,542.97

Commonwealth’s Paper, 148,681.30

Commonwealth’s Paper,

Warrants issued from the 11th of October, 1831, to the 10th of October, 1832, 148,681.30

Warrants unpaid on the 10th Oct. 1831, 2,059.77

Making a sum of 151,641.07

From which deduct the amount of warrants reported to have been paid by the Treasurer, from the 11th of Oct. 1831, to the 10th of Oct. 1832, inclusive, 148,329.95

Warrants issued from the 11th of October, 1831, to the 10th of October, 1832, 57,542 97
From which deduct the amount of warrants reported to have been paid by the Treasurer during same time, 33,139 65
Warrants unpaid on the 10th of Oct., 1832, in specie, 24,403 32
Warrants unpaid on the 10th of October, 1832, in Commonwealth’s paper, 3,411 12
Ditto, in specie, 24,403 32
Total, 27,814 44

No. 3.

A statement of debts due to government on the 10th day of October, 1832, viz:

Of the Revenue collected by Sheriffs—

For the year 1793 104 06
Ditto 1794 138 61
Ditto 1795 1,805 36
Ditto 1796 101 36
Ditto 1797 217 25
Ditto 1798 172 26
Ditto 1799 31 99
Ditto 1800 1,662 21
Ditto 1801 618 26
Ditto 1802 273 43
Ditto 1803 48 58
Ditto 1804 52 44
Ditto 1805 10 26
Ditto 1806 754 54
Ditto 1807 942 86
Ditto 1808 472 30
Ditto 1809 52 44
Ditto 1810 10 26
Ditto 1811 754 54
Ditto 1812 942 86
Ditto 1813 472 30
Ditto 1814 52 44
Ditto 1815 10 26
Ditto 1816 1,519 02
Ditto 1817 374 16
Ditto 1818 510 67
Ditto 1819 1,010 58
Ditto 1820 16 54
Ditto 1821 37 63
Ditto 1822 519 30
Ditto 1823 11,394 67
Ditto 1824 7,127 84
Ditto 1825 1,105 06
Ditto 1826 5,665 14
Ditto 1827 58,593 58
Ditto 1828 1,473 85
Ditto 1829 85,360 14
Ditto 1830

Debts receivable, 85,360 14
Tax on Bank stock, (Independent Banks,) 85,360 14
Clerks, for taxes, 58,593 58
Loans to the Penitentiary, 1,473 85
Treasurer of the town of Columbus, 5,665 14
Total amount of debts due to government on the 10th day of October, 1832, 11,394 67

Stock owned by the State.

In the Bank of Kentucky, 119,340 00
In the Bank of the Commonwealth of Kentucky, in specie, 58,611 84
Ditto, in Commonwealth's paper, 602,228 63

In Turnpike Roads—
Maysville, Washington, Paris and Lexington, 14,285 70
Shelby county ditto, 26,273 26

Maysville, Washington, Paris and Lexington, in specie 62,500 00
Shelby county, ditto, 6,000 00

Taylorsville bridge, in Commonwealth's paper, 571 42
Ditto, in specie, 850 00

Total amount of stock owned by the State on the 10th of October, 1832, 890,660 55

No. 4.
A statement of debts due from Government on the 10th day of October, 1832, and for which the Treasury is bound for payment, viz:

Sheriffs for Revenue—
Revenue for 1813, overpaid, 8 32
Ditto 1822, ditto, 7 12
Ditto 1826, ditto, 4 68
Ditto 1827, ditto, 3

To the town of Columbus, 2,052 84

Purchasers of Non-residents' lands, 258 18

Warrants unpaid, in Commonwealth's paper, 3,411 12
Ditto in specie, 24,408 32

Attorneys for salaries due, 1,712 18
Salaries due to the Judiciary and Executive officers, 8,030 87
Treasurer town of Waidsboro', 05

Total amount due from government on the 10th day of October, 1832, 39,990 38

Of which is in specie, 24,408 32
Ditto Commonwealth's paper, 15,482 06
A statement shewing the debits and credits of the Revenue account for 1830, as due from Sheriffs during the year ending on the 10th day of October, 1832, viz:

**DEBITS.**

Balance due the Commonwealth on the 10th day of October, 1831, 77,064.31
Additional lists charged, 72.29
Costs of judgments charged, 8.50
Errors corrected, 40.50
Warrants issued for accounts overpaid, 332.86

---

**CREDITS.**

By amount paid Treasurer, 65,777.05
Amount of delinquents, exonerations, and errors corrected, 4,470.70
Commission for collecting, 5,690.41
Wolves killed, 1,160.00

Balance due government on the 10th day of October, 1832, as per statement No. 3, 519.30

---

**No. 6.**

A statement shewing the debits and credits of the accounts of Clerks, (Circuit, County, Court of Appeals, and General Court,) for the collection of tax on law process, deeds, seals, &c. accounted for, during the year ending on and including the 10th of Oct., 1832, viz:

**DEBITS.**

Balance due Commonwealth on the 10th day of October, 1831, 6,669.93
Amount of accounts rendered, 10,822.00
Ditto of costs charged, 240.51

---

**CREDITS.**

By amount paid the Treasurer, 11,516.45
Commission for collecting, 540.85
Circuit Court seal furnished, 10.00

Balance due government on the 10th day of October, 1832, as per statement No. 3, 5,665.14
No. 7.

A statement shewing the probable amount of the expenditures of Government for the year ending on and including the 10th day of October, 1833, viz:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jailors</td>
<td>$8,000</td>
</tr>
<tr>
<td>Executive Offices</td>
<td>2,500</td>
</tr>
<tr>
<td>Public Printer</td>
<td>35</td>
</tr>
<tr>
<td>Distributing Acts and Journals, Dec. Session, 1832,</td>
<td>300</td>
</tr>
<tr>
<td>Criminal Prosecutions</td>
<td>16,000</td>
</tr>
<tr>
<td>Public Communications</td>
<td>600</td>
</tr>
<tr>
<td>Contingent Expenses</td>
<td>2,500</td>
</tr>
<tr>
<td>Salaries of the Executive and Judiciary Officers,</td>
<td>30,000</td>
</tr>
<tr>
<td>Military Expenditures</td>
<td>500</td>
</tr>
<tr>
<td>Idiots</td>
<td>13,000</td>
</tr>
<tr>
<td>Decisions of the Court of Appeals</td>
<td>4,500</td>
</tr>
<tr>
<td>Clerks Services</td>
<td>9,000</td>
</tr>
<tr>
<td>Deaf and Dumb Asylum</td>
<td>3,000</td>
</tr>
<tr>
<td>Money Refunded</td>
<td>400</td>
</tr>
<tr>
<td>Public Roads</td>
<td>50</td>
</tr>
<tr>
<td>Sheriffs Comparing Polls</td>
<td>2,000</td>
</tr>
<tr>
<td>Slaves Executed</td>
<td>2,500</td>
</tr>
<tr>
<td>Commissioners of Tax</td>
<td>8,000</td>
</tr>
<tr>
<td>Sheriffs for Revenue overpaid</td>
<td>300</td>
</tr>
<tr>
<td>Turnpike Roads</td>
<td>2,500</td>
</tr>
<tr>
<td>Legislature, Dec. Session, 1832, including all expenses, and supposing the same to sit eight weeks,</td>
<td>40,000</td>
</tr>
<tr>
<td>Lunatic Asylum</td>
<td>10,000</td>
</tr>
</tbody>
</table>

Total amount expected to be expended during the year ending on the 10th day of October, 1833, $155,685 00

No. 8.

A statement of moneys which is expected to be paid into the Treasury during the year ending on and including the 10th day of October, 1833, subject to the expenses of government, viz:

The gross amount of the Revenue collectable by sheriffs for the year 1831, and made payable on the first Monday in December next, is $81,175 19

The loss on the collection of the same, including credits for commissions, exonerations, delinquents, and compensation for killing Wolves, is presumed, will be about 16 per cent. amounting to, 12,988 03

Leaving, 68,187 16

(Amount forwarded.)
Amount brought forward, $68,178 16

Of this sum there has been collected and paid into the Treasury, previous to the 10th of October, 1832, as in statement No. 1,

The delinquent sheriffs will be about, $ 3,962 55
500 00
4,462 55

Which leaves a sum that may be expected will be paid into the Treasury during the ensuing year, of

Of the Revenue collectable by clerks, (including tax on tavern licenses, &c.) Register of the Land Office, and the Secretary of State,

Miscellaneous receipts,
For tax on non-residents’ lands,
From the Bank of the Commonwealth of Kentucky,
From the Bank stock fund, viz: Vacant and head-right lands,
From the sale of Warrants, viz: To be laid west of Cumberland river,
Ditto on forfeited lands,
Ditto to confirm titles,

For the sale of lands west of Tennessee river,
From the balances due government, as in statement No. 3, will be collected of Revenue due by sheriffs,
Ditto due by clerks,
From loans to the Penitentiary,
From Treasurer town of Columbus,

Of the other balances it is not supposed that any thing can be collected.

Total amount expected to be received during the year ending on and including the 10th of Oct., 1833, 131,598 46

Balance due from government, as in statement No. 1, in Common’wealth’s paper, 93,359 90
Ditto in specie, 51,175 06
147,534 96

Ditto No. 4, the statement of debts due from government, in Common’wealth’s paper,
Ditto in specie,

Ditto No. 7, the supposed amount of the expenses for 1833,

Making a sum that may be expected will be expended during the year ending on the 10th Oct., 1833, of

(Amount forwarded.) 348,110 34
<table>
<thead>
<tr>
<th>COUNTY</th>
<th>TAXES</th>
<th>TAWERS</th>
<th>VALENTY</th>
<th>TAX ON PAUL</th>
<th>TOTAL PAUL</th>
<th>ADDITIONAL TOTAL ACCOUNTS</th>
<th>TOTAL PAUL</th>
<th>TOTAL ACCOUNTS</th>
<th>DUE IT CLERKS</th>
<th>TOTAL AMOUNTS</th>
<th>EXPENSES PAID TO SHERIFS, ETC. CLERKS, JUROR.</th>
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<td>Adams</td>
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</tbody>
</table>

* From Russell County, the Commissioners' books show only 1220 white males over 21 years old; the clerk afterwards forwards a certificate for 225 additional, making 1441 in all.

** From Jefferson County the returns are incomplete—number of white males, obtained by the clerk's conjecture. County 1856, Oct. 15th.**

**PORTER CLAY. - Aud. Pub. Journals.**

*To face page 17, H. R. Journal.*

Amherst's Office, Kentucky.}

Fayette, Oct. 10th, 1832.
REPORT of the Committee appointed to settle with the Receiver of Public Moneys for the Land District West of the Tennessee River.

By an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act providing for the settlement with the Receiver of Public Moneys for the Land District West of the Tennessee River," approved the 23d December, 1831—the undersigned report appointed to examine the books of said Receiver, and to make out a full report of said settlement, specifying the number of quarter sections, and fractional sections, sold and paid to Receiver in each year up to the date of the settlement, and also the amount of money received for said sales, and the amount of money paid into the Treasury, deducting therefrom the amount rightfully retained by said Receiver, as his salary, expenses and salary, and report the same.

In conformity with said act of Assembly, Edmund Card, Receiver as aforesaid, on the 1st day of May, 1832, produced his Record Books, at the Office of the Register of the Land Office—where he undertook, after the appointment of Thomas T. Page, as Clerk, to make and submit the settlements provided for in said act, and to submit the following report on the result of the same,

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount received from 6th of June, 1825, for 240 quarter sections sold, containing 29,140 acres, at $1 per acre, is</th>
<th>$29,140</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>By commission retained this year, by amount paid into the Treasury this year, by balance due this year.</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>$29,140</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>$29,140</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>$29,140</td>
<td></td>
</tr>
</tbody>
</table>

Balance due on the 6th of June, 1832, (amount brought forward) $1,653.21

By commission for this year, by amount paid into the Treasury, by amount overpaid this year, by balance due this year, $1,653.21

Total amount received from the 6th of June, 1831, to the 20th of April, 1832, being the date the Receiver issued the last certificate of sale, and the time the funds were closed in making this settlement, is for 942 quarter sections sold, containing 150,720 acres, at 20 cents per acre, is $37,580.

The total amount received from the 6th of June, 1831, to the 29th of April, 1832, is $38,227.08.

By commission at the rate of $230 per annum, during the same period, by amount paid into the Treasury, by balance due the same time, $2,317.29.

To balance due on the 9th of May, 1832, $12,317.29.

Recapitulation of the foregoing Statements.

<table>
<thead>
<tr>
<th>Quarter Sections</th>
<th>Fractional Quarter Sections</th>
<th>Total Amount Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,120</td>
<td>28,261</td>
<td>$12,317.29</td>
</tr>
<tr>
<td>1,120</td>
<td>28,261</td>
<td>$12,317.29</td>
</tr>
<tr>
<td>1,120</td>
<td>28,261</td>
<td>$12,317.29</td>
</tr>
</tbody>
</table>

Note: The amount of money due on the 6th of June, 1832, is $1,653.21, which was paid into the Treasury, and the balance was accounted for.

W. T. A. Stewart, Clerk.

JOHN M. FOSTER, Reg. Land Office, JAMES DAVIDSON, Treasurers.

Amount brought forward, $343,110 34
From which deduct the expected receipts, as in the
foregoing statement, No. 8, 131,598 46.
Leaving a supposed balance due from government
on the 10th day of October, 1833, of
$211,511 88

The Speaker also laid before the house a letter from the Treas­
urer of the Commonwealth, enclosing his annual report, exhibiting
the state of that office, and of the amount of money received
and paid during the last fiscal year, ending on the 10th day of Oc­
tober last; which is in the following words, viz:

Frankfort, 6th December, 1832.

SIR—You will please lay before the honorable house over which
you preside, the enclosed statement, which gives a concise view of the situa­
tion of the Treasury department, from the 11th day of October, 1831,
to the 10th day of October, 1832, inclusive.

I have the honor to be, very respectfully,
Your obedient servant,
JAMES DAVIDSON, Treasurer.

JOHN J. CRITTENDEN, Esq. Speaker of the House of Rep's.

No. 4

A statement shewing the amount of moneys received by the Treasurer
(under their appropriate heads,) from the 11th day of October, 1831,
to the 10th day of October, 1832, inclusive.

Bank Stock Fund—

From Headright lands, 283 60
" Land Warrants, 2,783 36
" Non-residents' Lands, 1,818 49
" Sheriffs, for Revenue, 70,008 82
" Clerks, for Taxes, 11,516 45
" Register of the Land Office, 1,053 49
" Secretary of State, 10 45
" Lands West of Tennessee River, 12,580 39
" Lands West of Cumberland River, 32,428 59
" Warrants to be laid on forfeited Lands, 588 30
" Do to confirm Titles, 75 00
" Miscellaneous Receipts, 39 00
" Bank of the Commonwealth of Ky. (net profits,) 45 83
" Distribution of Stock from the Bank of Kentucky, 24,151 85
in Commonwealth's paper,
" Distribution of Stock from the Bank of Kentucky, 14,917 50
in specie,
" Miscellaneous Receipts, 13,859 34

Total amount received during the year ending the 10th
day of October 1882, $174,141 06
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Total amount received in specie,</td>
<td>13,859 34</td>
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<tr>
<td><strong>&quot; in Commonwealth’s paper,</strong></td>
<td>160,281 72</td>
</tr>
<tr>
<td><strong>No. 2.</strong></td>
<td></td>
</tr>
<tr>
<td>A statement shewing the amount of</td>
<td></td>
</tr>
<tr>
<td>warrants paid by the Treasurer</td>
<td></td>
</tr>
<tr>
<td>(under their appropriate heads,)</td>
<td></td>
</tr>
<tr>
<td>from the 11th day of October, 1831,</td>
<td></td>
</tr>
<tr>
<td>to the 10th day of October, 1832,</td>
<td></td>
</tr>
<tr>
<td>inclusive.</td>
<td></td>
</tr>
<tr>
<td>On Criminal Prosecutions,</td>
<td>16,103 66</td>
</tr>
<tr>
<td>For Lunatics,</td>
<td>13,094 19</td>
</tr>
<tr>
<td>To Jailors,</td>
<td>6,514 85</td>
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<tr>
<td>For Clerks Services,</td>
<td>9,685 14</td>
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<tr>
<td>To Sheriffs, for Revenue,</td>
<td>335 73</td>
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<tr>
<td>Salaries of the Executive and</td>
<td>26,989 00</td>
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<tr>
<td>Judicial Departments,</td>
<td>2,473 36</td>
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<tr>
<td>Executive Offices,</td>
<td>1,948 86</td>
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<tr>
<td>Contingent Expenses,</td>
<td>7,087 56</td>
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<td>Commissioners of Tax,</td>
<td>301 05</td>
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<td>Military Expenses,</td>
<td>21 13</td>
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<td>Money Refunded,</td>
<td>15 00</td>
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<td>Greenup County Bridge,</td>
<td>397 00</td>
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<td>Distributing the Acts and Journals,</td>
<td>8,515 63</td>
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<td>Turnpike Roads, in Commonwealth’s</td>
<td>31,350 00</td>
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<tr>
<td>paper,</td>
<td>1,000 00</td>
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<tr>
<td>Turnpike Roads, in specie,</td>
<td>1,375 60</td>
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<td>Bridges, in specie,</td>
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<td>Slaves Executed,</td>
<td>23,368 97</td>
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<td>Appropriation Nov. Session, 1831,</td>
<td>60 00</td>
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<tr>
<td>Appropriation Nov. Session, specie,</td>
<td>14,433 72</td>
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<tr>
<td>1831,</td>
<td>5,330 00</td>
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<td>Legislature Nov. Session, 1831,</td>
<td>2,220 09</td>
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<td>Decisions of the Court of Appeals,</td>
<td>4,750 23</td>
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<td>Sheriffs, comparing polls,</td>
<td>77 41</td>
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<td>Attorneys for the Commonwealth,</td>
<td>423 65</td>
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<td>Public communications—Commonwealth’s</td>
<td>25 25</td>
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<td>paper,</td>
<td>3,117 62</td>
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<tr>
<td>Public communications—in specie,</td>
<td>49 50</td>
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<td>Public Printer,</td>
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<tr>
<td>Institution for the Tuition of the</td>
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<tr>
<td>Deaf and Dumb,</td>
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<tr>
<td>Public Roads,</td>
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<tr>
<td>Total amount of warrants paid from</td>
<td>181,369 60</td>
</tr>
<tr>
<td>the 11th of October, 1831, to the</td>
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<tr>
<td>10th October, 1832,</td>
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<tr>
<td>Total amount of warrants paid, in</td>
<td>33,139 65</td>
</tr>
<tr>
<td>specie,</td>
<td>148,229 95</td>
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<tr>
<td><strong>Ditto</strong></td>
<td>181,369 60</td>
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<tr>
<td>Stock subscribed during the same</td>
<td>148,229 95</td>
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<tr>
<td>time,</td>
<td>14,917 50</td>
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<tr>
<td>Making the sum of,</td>
<td>163,147 45</td>
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<tr>
<td><strong>(Amount forwarded.)</strong></td>
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</table>
(Amount brought forward.)

Balance due from government on the 10th of Oct. 1831, 163,147 45
Making, 93,494 17
From which deduct the receipts, as per statement No. 1. 256,041 62
Leaving a balance due from government on the 10th of October, 1832, in Commonwealth’s paper, 160,281 72
Total amount of warrants paid in specie, from the 11th of October, 1831, to the 10th of October, 1832, 33,139 65
Stock subscribed during the same time, in specie, 13,850 34
Total specie paid, 46,998 99
Balance due from government on the 10th of Oct., 1831, 18,035 41
From which deduct the above receipt for stock, 65,034 40
Balance due from government, (in specie,) on the 10th of October, 1832, 13,859 34
Amount due 10th October, 1832, in Com’wth’s paper, 51,175 06
Dito in specie, 96,359 90
Balance due from government 10th October, 1832, 51,175 06
$147,534 96

JAMES DAVIDSON, Tr.

The Speaker also laid before the house the report of Edmund Curd, Receiver of Public Moneys, for the land district west of the Tennessee river, containing a statement of the amount of money received by him, since his settlement with the state in May last, which is as follows:

WAIDSBORO’, KENTUCKY,
Receiver’s Office, November 21, 1832.

Agreeably to an act of Assembly, approved 22d December, 1831, requiring of the Receiver to receive in payment, for lands sold in the land district west of the Tennessee river, specie, bills upon the Bank of the United States, or its branches, and to allow to the persons making payment in such funds, five per cent. upon the same, and to keep an accurate account of such good funds as he may receive, as well as of the Commonwealth’s bank paper, distinctly and separately; the undersigned, receiver of public moneys of said district, asks leave to make the following report, viz:

Received in Commonwealth’s bank paper, since the settlement made at Frankfort in May last with the register, auditor and treasurer, 15,585 43.

(Amount forwarded.)
(Amount brought forward.)

<table>
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<th>Description</th>
<th>Amount</th>
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<td>Specie and United States' bank bills</td>
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</tr>
<tr>
<td>Five per centum allowed by law</td>
<td>85 00</td>
</tr>
<tr>
<td>Total amount, including the per cent. on good funds</td>
<td>$17,370 43</td>
</tr>
<tr>
<td>Commission, or per centage, for 1831 and 1832</td>
<td>600 00</td>
</tr>
<tr>
<td>Due the state</td>
<td>$16,770 40</td>
</tr>
</tbody>
</table>

All of which is respectfully submitted to the honorable Legislature of the Commonwealth of Kentucky.

EDMUND CURD,

Receiver of Public Moneys West of the Tennessee River.

P. S. In addition to what has been set forth by the undersigned, he will now beg leave to represent, that owing to the great exertion of the occupants of the country to save their improvements, before the expiration of the term giving time exclusive right of entry, by act of the last General Assembly, there has been a greater number of entries made since May last than was anticipated. Most or all of the valuable lands have been taken up; and at the present price there will, in all probability, be but few entries made during the ensuing year. He is of opinion, that it is to the interest of the state to dispose of all the lands which are vacant, as soon as practicable; and it would no doubt enhance the value and condition of the country very much. To effect this desirable object, he would recommend a reduction of the price of the vacant lands, so as to induce the people to immediately appropriate and take up so much of the vacant lands as are worth possessing. He is of opinion, that the proper course of legislation in relation to this subject, is to graduate the price of the public lands according to their value; an observance of this rule must necessarily produce a reduction of the price, insomuch as none of the lands remain vacant except the refuse, &c.

EDMUND CURD.

1. Mr. Bates presented the petition of sundry citizens of the county of Harlan, praying that a law may pass, authorizing the erection of a turnpike gate at Martin's Fork, on the road from Cumberland Ford, by Harlan Court-house, to the Virginia line.

2. Mr. W. Thomas presented the joint and separate petition of Michael and Judy Tracy, praying that they may be divorced from each other.

3. Mr. Brown presented the petition of sundry citizens of the county of Jessamine, praying that an additional constable may be allowed to said county.
4. Mr. Gorin presented the petition of George Galloway and others, praying that a law may pass authorising the sale of the dower interest of Mary Goodwin, (the mother of the petitioners,) in seventy-five acres of land.

5. Mr. Cook presented the petition of Bennet O'Neal and Jane O'Neal, the guardian of an infant, Jas. Vanzart, praying that a law may pass authorising the sale of certain real estate belonging to said ward.

6. Mr. Bates presented the petition of Nancy Williams, praying a divorce from her husband, Thomas Williams.

7. Mr. E. Smith presented the petition of sundry citizens of Laurel county, praying that a part of the Turnpike and Wilderness state road may be placed under the jurisdiction of the county court of Laurel.

8. Mr. Prince presented the petition of Samuel Black, administrator of the estate of Absalom Solomon, deceased, praying that a law may pass to authorise the sale of certain real property of said Solomon, lying in the county of Caldwell.

9. Mr. Henry presented the petition of Claiborne Brewer, praying that his name may be changed to Claiborne Grace.

10. Mr. Short presented the petition of John Fentress, praying that about fifty acres of land owned by him, and lying on Green river, in the county of Muhlenburgh, may be laid off into town lots, and the title thereof vested in certain trustees, and a town established thereon.

11. Mr. Marshall presented the petition of James Parish, a citizen of Woodford county, praying that a law may pass to authorise him to erect certain gates across a public road in said county.

12. Mr. Jef. Jennings presented the petition of Wm. McQuady, praying compensation for arresting and guarding John G. Merit and Robert Smith, charged with larceny.

13. Mr. Murray presented the petition of John Smith, praying that a law may pass to correct a mistake in entering the North-East quarter of section ten, in township three, in place of the North-West quarter of section eleven, and township three; and that a law may pass, authorising him to remove his entry.

14. Mr. S. Williams presented the petition of Giles W. Lloyd, guardian of Luther Clay, infant child of Thomas Collins, praying that a law may pass, authorising the sale of some real estate of his said ward.

15. Mr. Gorin presented the petition of Pamela A. Parker, praying a divorce from her husband, Wm. Parker.

16. Mr. Murray presented the petition of Bartlett Hill, praying that a law may pass to correct a mistake, committed by the Receiver of Public money, and that he be permitted to withdraw his entry and locate it on the land he intended in the first instance.
17. Mr. May presented the petition of Dicey Fletcher, praying to be divorced from her husband, George Fletcher.

18. Mr. Lee presented the petition of Thomas L. Payne, agent of the Limestone Bank, praying that a law may be passed to extend the time of closing the concerns of said institution, and to enable him to collect the money due it.

19. Mr. May presented the petition of sundry citizens of the counties of Floyd, Morgan, and Lawrence, praying the establishment of an inspection for tobacco in the town of Paintsville, in Floyd county.

20. Mr. John Jennings presented the petition of Tabitha D. Price, praying a divorce from her husband, David Price.

21. Mr. John Jennings presented the petition of sundry citizens of the county of Breckenridge, praying that an election precinct be established in the town of Cloverport, in said county.

Which petitions were severally received, the reading thereof dispensed with, and referred: the first, seventh, and tenth to the committee on internal improvements; the second, sixth, fifteenth, seventeenth, and twentieth to the committee of religion; the third to a select committee of Messrs. Brown, Marshall and Bates; the ninth to a select committee of Messrs. Henry, Boone, and Harris; the eleventh to a select committee of Messrs. Marshall, Brown, and Wickliffe; the nineteenth to a select committee of Messrs. May, Young, and Nuttall; the fourth, fifth, eighth, fourteenth, and eighteenth to the committee for courts of justice; the thirteenth, sixteenth, and twenty-first to the committee of propositions and grievances; and the twelfth to the committee of claims.

Mr. Young, of Bath, moved the following resolution:

Resolved, That that part of the execution law which authorises the issuing of an execution on forfeited delivery bonds, be referred to the committee for courts of justice; and that they report such a modification as they may think expedient.

Which being twice read, was adopted.

Mr. D. White moved the following resolution:

Resolved, That the committee on military affairs be instructed to enquire into the expediency of erecting a competent Arsenal, in which, more effectually to secure the public arms.

Which being twice read, was adopted.

Mr. E. Smith moved the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of taking depositions in civil cases, where the witness resides upwards of seventy-five miles from the place of trial.

Which being twice read, was adopted.

Mr. Heady moved the following resolution:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of amending the act requiring tav-
ern-keepers, pedlars of clocks, and the owners and keepers of covering horses and jacks, to pay their taxes in advance, so as to authorize the owners and keepers of covering horses and jacks, after obtaining and paying for a license, to stand such horse or jack in any other county or counties other than that in which such license was obtained.

Which being twice read, was adopted.

Leaves were given to bring in the following bills:

On the motion of Mr Abel—1. A bill to improve Muldrow's hill, within the counties of Washington and Green.

On the motion of Mr D. White—2. A bill to incorporate the Franklin Insurance Company.

On the motion of Mr Henry—3. A bill to regulate the mode of publishing the decisions of the Court of Appeals.


On the motion of Mr Brown—5. A bill to regulate the establishment of ferries in this Commonwealth.

On the motion of Mr Davidson—6. A bill to extend the powers of the trustees of the town of Franklin.

On the motion of Mr Harris—7. A bill to allow the Independent Banks in this Commonwealth further time to settle their concerns.

On the motion of Mr Hayden—8. A bill to provide for the erection of a bridge across Main Eagle, on the state road leading from Lexington to Ghent.

On the motion of Mr S. Young—9. A bill to vest the Governor with certain discretionary power to commute certain punishments now inflicted by law on negro slaves, free negroes, and mulattoes, and for other purposes.

On the motion of Mr Delaney—10. A bill to change the mode and allow pay for working on public highways.

On the motion of Mr Stevenson—11. A bill to give the county court of Scott power to regulate the pay to patroons of said county.

On the motion of Mr Wickliffe—12. A bill to authorize the county court of Estill to erect gates on the road leading from the town of Irvine to the Red River Iron works.

On the motion of Mr Gorin—13. A bill to dissolve the General Court.

On the motion of Mr Jennings, of Breckenridge—14. A bill to amend the law giving compensation to witnesses, and to increase their mileage.

On the motion of Mr Covington—15. A bill to authorize the appointment of an additional constable for the county of Warren.

On the motion of Mr Davidson—16. A bill to change the mode of taxing property in this Commonwealth.
On the motion of Mr Ewing—17. A bill to improve the navigation of Muddy river.

On the motion of Mr Simpson—18. A bill to regulate the election precincts in the county of Clarke.

On the motion of Mr Harris—19. A bill to reduce the militia fines in this Commonwealth.

On the motion of Mr Kennedy—20. A bill to amend the law of evidence in prosecutions for forgery.

On the motion of Mr Boone—21. A bill to abolish the April company muster of the militia, and to make it the duty of captains of companies to take the strength of their companies at the October Regimental muster annually.

On the motion of Mr Ewing—22. A bill to amend the laws imposing a tax on merchandise.

On the motion of Mr Johnston, of Shelby—23. A bill to appropriate the fines and forfeitures collected in Shelby county to the Seminary in said county; and,

On the motion of Mr Ewing—24. A bill to change the time of holding certain courts in the sixth judicial district.

Messrs. Abel, McDonald, Ozborn, Allen, and Anderson, were appointed a committee to prepare and bring in the first; Messrs. D. White, Butler, and G. W. Johnston, the second; the committee for courts of justice, the third, thirteenth, fourteenth, and fifteenth; Messrs. B. F. Thomas, Henry and Southgate, the fourth; Messrs. Brown, Wickliffe, and Marshall, the fifth; Messrs. Davidson, W. Thomas, and Covington, the sixth; Messrs. Harris, Southgate, and Gaines, the seventh; Messrs. Hayden, Stevenson, W. Johnson, English, Innis, Woolley, and Dunlap, the eighth; Messrs. S. Young, Green, and Heady, the ninth; Messrs. Delaney, Jett, Culley, Abel, and Crow, the tenth; Messrs. Stevenson, W. Johnson, Nuttall, and D. White, the eleventh; Messrs. Wickliffe, Brown, and Scrivner, the twelfth; the committee of ways and means, the sixteenth and twenty-second; the committee on internal improvements, the seventeenth; Messrs. Simpson, Wickliffe, and J. White, the eighteenth; the committee on military affairs, the nineteenth and twenty-first; Messrs. Kennedy, Morris, Yates, and Short, the twentieth; Messrs. G. W. Johnston, Butler, W. Smith, and Henry, the twenty-third; and, Messrs. Ewing, Davidson, Lucas, and Ford, the twenty-fourth.

On motion—

Ordered, That the Public Printer forthwith print 150 copies of the preamble and resolution offered on yesterday, by Mr. McAfee.

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

By Mr Henry—1. A bill to change the time of holding the Trigg circuit court.
2. A bill to change the name of Claiborne Brewer to Claiborne Grace; and,

By Mr. Brown—3. A bill authorising the county court of Jessamine to appoint an additional constable for said county.

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

And thereupon the rule of the house, constitutional provision, and second reading of the first and third bills having been dispensed with, the first was ordered to be engrossed and read a third time; and the third was committed to a select committee of Messrs. Prince, Brown, Marshall, and Bates.

And the rule of the house, constitutional provision, and third reading of the first bill having been dispensed with, and the same being engrossed:

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

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

And then the house adjourned.

THURSDAY, DECEMBER 6.

1. Mr. E. Smith presented the petition of Elizabeth McClure, praying to be divorced from her husband, Richard McClure.

2. Mr. Murray presented the petition of sundry citizens of this Commonwealth, praying that a law may pass to grant to Polly Campbell, a poor widow, a quarter section of land below the Tennessee river.

3. Mr. Kennedy presented the petition of William Thomas, of Bourbon county, praying that in consideration of his extreme old age, and poverty; and his services in the early settlement of the country, that some provision may be made for his future support.

4. Mr. S. Williams presented the petition of Dutton Loveall, praying a divorce from his wife Sally, late Sally Roberts.

5. Mr. T. I. Young presented the petition of John Bristo, representing that he is aged, poor, and infirm, and that his wife has, for 20 years past, been afflicted with disease; and praying that some provision may be made for the support of his wife by the Commonwealth.

6. Mr. Murray presented the petition of sundry citizens of this Commonwealth, praying a donation of a quarter section of land, West of the Tennessee river, to Jane Deason, a widowed female, with a large family of children, residing in that section of the state.

7. Mr. W. Thomas presented the petition of William Foster.
of Allen county, praying that a law may pass to authorise the county court of said county to grant him a tavern license, and to exempt him from the payment of the tax to the state therefor.

8. Mr. Ford presented the petition of David Cutlip and sundry other citizens of Edmondson, Butler, and Warren counties, representing that the said David is the owner, by purchase, of a mill and mill-dam, erected on Green River, in Edmondson county; that since his purchase he has discovered that said dam was erected in violation of law; that said dam is not injurious to the navigation of the river, and the mill is of great public convenience; and praying that a law may pass authorising the same to remain, and to exempt him from the penalty of the law.

9. Mr. Brown presented the petition of the heirs and legal representatives of George Chrisman, deceased, the minors by their guardian, praying that a law may pass to authorise a sale of a tract of land in Jessamine county, which descended to them from their deceased father.

10. Also, the petition of Mary Hord, widow of Francis P. Hord, and of John L. Price, husband of Nancy Hord, one of the heirs of said Francis P. Hord, praying that a law may pass to authorise a sale of certain real estate belonging to said decedent.

Which petitions were severally received, read and referred; the first and fourth to the committee of religion; the second, third, sixth, and eighth to the committee of propositions and grievances; the fifth to the committee of claims; the seventh to the committee of ways and means; and the ninth and tenth to the committee for courts of justice.

A message was received from the Senate announcing the passage of a bill entitled:

An act for the relief of the Sheriff of Garrard county; and,

The passage of a bill which originated in this house entitled:

An act to authorise the publication of advertisements in certain newspapers—with amendments.

The Speaker laid before the house the annual report of the Agent and Keeper of the Kentucky Penitentiary, which is in the following words:

To the honorable the Legislature of Kentucky:

I am happy to be permitted once more, to discharge the duty enjoined upon me by law, of reporting to you the condition of the Institution over which I have the honor to preside, as the Agent and Keeper.

Although disease and death have walked abroad, in the immediate vicinity of the prison, yet the convicts have been blessed with uncommon good health, there having been but one death among them during the last twelve months, and in that instance the deceased was about seventy-seven years of age.
So intense has been the vigilance of my assistant and guard, and so submissive have been the dispositions of the prisoners, that corporeal punishment has been but rarely inflicted; there has not been one single attempt to escape during the last year. It would be injustice and ingratitude in me, were I to omit ascribing my success this year, in an eminent degree, to my worthy and distinguished assistant, Harry I. Anderson. Indeed, it is due to all whom I have employed—my son, Mr. Lane, and the guard—to say, that they have performed their respective duties to my entire satisfaction.

Since my last report, twenty-nine convicts have been received; nineteen of whom were convicted of felony, (the particular offence not being specified in the record,) five for larceny, one for counterfeiting, one for perjury, and three for manslaughter. Of the whole number of convicts, thirty six have left the prison during the last year: of whom, twenty-seven served out their sentences, one died, and eight were pardoned—some of the last having only a small part of their sentences given them. It is due to the executive to say, that this has been done chiefly at the request of the keeper.

The number of convicts at this time is eighty-six; from which it will appear, that during the last several years, there has been a regular decrease in the number of convictions. The men are well clothed and fed, healthy, and actively employed in various business, which yields a reasonable profit. The prices of different manufactured articles, and the number of convicts, have been so much reduced, that I cannot report so large a profit as in former years. The Institution has sustained some losses in debts, which will reduce the profits of this year to about four thousand dollars.

I am sorry to inform you, that my constitution and health have so much declined, that during the last spring, summer and fall, I have been frequently confined to my bed, nearly one day in a week, on an average; and have seldom been able to perform an entire day’s duty, such as I have formerly bestowed; consequently, the superintendence of the Institution has greatly fallen upon my worthy and able assistants; and I feel that, in my feeble situation, I cannot discharge the duties of the office with satisfaction to the public, and credit to myself. Therefore, I would humbly request the Legislature to permit me to relinquish my contract, and retire from the Institution some time in the course of the next year, if my inability should continue or increase.

I would be happy to be visited by a committee of your body, during the early part of the session; and hope that, in your individual capacity also, you will visit the Institution as frequently as may be convenient;
and that you will ask and require all and every information about the Institution which you may desire, or which it may be necessary for you to have. On such occasions, you would much oblige me by making yourselves known as members of the Legislature, as I have not the pleasure of being acquainted with a number of your body.

I would here only add, that whenever I may retire from the Institution, any information or assistance which I can give, either to the Legislature or my successor in office, will be promptly and happily afforded.

All of which is, very respectfully, submitted by

Your obedient servant,

JOEL SCOTT,
Agent and Keeper of the Kentucky Penitentiary.

Mr. E. Smith read and laid on the table the following joint resolutions:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the public lands belong, in common, to the citizens of all the states of the confederacy.

Resolved, That after the extinguishment of the national debt, the proceeds arising from the sale of said lands should be equally divided among the states, according to federal representation, for the purposes of education, internal improvement, and colonization purposes, first giving a premium to the new states in which said lands may lie, over and above the other states.

Resolved, That we approve of the bill which passed the Senate of the United States, last session, proposing a distribution of the proceeds of the public lands among the several states.

Resolved, That the Governor be requested to transmit copies of the foregoing to each of our Senators and Representatives in Congress.

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

By Mr S. Williams—1. A bill to take the sense of the good people of this Commonwealth, as to the propriety of calling a convention.

By Mr B. S. Morris—2. A bill to amend and reduce into one the several acts concerning the town of Augusta, in Bracken county.

By Mr Kennedy—3. A bill to amend the law of evidence in prosecutions for forgery.

By Mr D. T. Smith—4. A bill to provide for the collection of fines, recoverable under the by-laws of the town of Russellville.

By Mr Thruston—5. A bill to prevent the importation of slaves into this Commonwealth.

By Mr B. F. Thomas—6. A bill to continue in force an act providing for the appointment of Commonwealth's Attornies, approved January 12, 1831.
By Mr Harris—7. A bill to incorporate the Licking river Navigation Company.

By Mr Brown—8. A bill to regulate the establishment of ferries in this Commonwealth.

By Mr Harris—9. A bill to allow the Independent Banks in this Commonwealth further time to settle their concerns.

By Mr McAfee—10. A bill to amend the laws concerning the Lunatic Asylum.

By Mr Covington—11. A bill increasing the jurisdiction of the trustees of the town of Franklin, Simpson county; and,

By Mr Brown—12. A bill to authorise the publication of advertisements in the Augusta Telegraph and Bracken county Advertiser.

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

Ordered, That the Public Printer forthwith print 150 copies of the fifth bill, for the use of the members of this house.

And thereupon the rule of the house, constitutional provision, and second reading of the second, third, fourth, sixth, seventh, and twelfth bills having been dispensed with, the second, third, fourth, and sixth were committed to the committee for courts of justice; the seventh to the committee on internal improvements; and the twelfth was ordered to be engrossed and read a third time.

And the rule of the house, constitutional provision, and third reading of the twelfth bill having been dispensed with, and the same being engrossed:

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

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

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

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

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

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

On motion of Mr. Chilton:

Ordered, That he be excused from, and Mr. Jennings, of Breathenridge, be added to the committee appointed to bring in a bill to lay off this state into congressional districts.

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Mr. E. Smith moved the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of prohibiting the confinement of slaves in the Penitentiary and public jails in this Commonwealth, put there by persons intending to vend them as merchandise.

Which being twice read, was adopted.

Leave was given to bring in the following bills:

On the motion of Mr S. Williams—1. A bill to pay off the deficit in the Treasury by allowing the Treasury a credit in the Commonwealth's Bank for the amount borrowed of said Bank.

On the motion of Mr Fulton—2. A bill to establish an election precinct in the county of Nicholas.

On the motion of Mr Stevenson—3. A bill to regulate the duties of the county court clerks.

On the motion of Mr Butler—4. A bill to regulate the duties and increase the responsibilities of the civil officers of this Commonwealth.

On the motion of Mr Gorin—5. A bill to repeal in part an act to amend the law concerning the Trustees of the town of Glasgow, and for other purposes, approved January, 1831.

On the motion of Mr Covington—6. A bill further to regulate trials of the right of property.

On the motion of Mr Hauser—7. A bill to incorporate the Falmouth Bridge Company.

On the motion of Mr Pierce—8. A bill to regulate the fines and forfeitures of Russell county, and for other purposes.

On the motion of Mr Allen—9. A bill to reduce the salaries and fees of certain officers of this Commonwealth.

On the motion of Mr Boone—10. A bill to authorise the sale of the Lebanon meeting-house, in Todd county.

On the motion of Mr Southgate—11. A bill to amend the law in proceedings by ejectment.

On the motion of Mr Meriwether—12. A bill to provide for the appropriation of fines and forfeitures within the county of Jefferson.

On the motion of Mr Thruston—13. A bill to increase the salary of the Judge of the fifth judicial district of this Commonwealth, and for other purposes.

On the motion of Mr Cook—14. A bill further to regulate the debt due this Commonwealth from the head-right settlers, on the South side of Green river.

On the motion of Mr B. S. Morris—15. A bill to authorise the publication of advertisements in the Augusta Telegraph and Bracken county Advertiser.

On the motion of Mr Harris—16. A bill to alter the mode of working the public roads in the county of Campbell.
On the motion of Mr. Young, of Bath—17. A bill for the benefit of George Coleman and others, of Bath county; and,

On the motion of Mr. Harris—18. A bill for the benefit of John W. Tibbatts, of the county of Campbell.

Messrs. S. Williams, Simpson, and Faris, were appointed a committee to prepare and bring in the first; Messrs. Fulton, Bowling, E. Smith, and Tuggle, the second; Messrs. Stevenson, W. Johnson, Allen, and McAfee, the third; Messrs. Butler, G. W. Johnston, and S. Young, the fourth; Messrs. Gorin, Cook, and Covington, the fifth; the committee for courts of justice, the sixth; Messrs. Hauser, B. S. Morris, Southgate, Harris, Patterson, and Gaines, the seventh; Messrs. Pierce, Faris, and Bramlett, the eighth; Messrs. Allen, McAfee, E. Smith, and W. Thomas, the ninth; Messrs. Boone, Henry, and Pendleton, the tenth; Messrs. Southgate, Woolley, and J. White, the eleventh; Messrs. Meriwether, Churchill, and Thruston, the twelfth; Messrs. Thruston, Rudd, Churchill, Meriwether, and Green, the thirteenth; Messrs. Cook, Gorin, and Ewing, the fourteenth; Messrs. B. S. Morris, Brown, and Covington, the fifteenth; Messrs. Harris, Southgate, and Hauser, the sixteenth; Messrs. T. I. Young, B. F. Thomas, May, and E. Smith, the seventeenth; and Messrs. Harris, Southgate, and Hauser the eighteenth.

And then the house adjourned.

FRIDAY, DECEMBER 7.

1. Mr. Shepherd presented the petition of sundry citizens residing within the bounds of Everett's Precinct, in Greenup county, praying that a law may pass to change the place of voting to Concord, in said county.

2. Mr. B. F. Thomas presented the petition of Israel Rose, praying a divorce from his wife, Polly Rose.

3. Mr. Kennedy presented the petition of William Simpson, praying a divorce from his wife, Elizabeth Simpson.

4. Mr. Lucas presented the petition of Susannah Johnson, praying a divorce from her husband Hiram Johnson.

5. Mr. Murray presented the petition of sundry citizens of the county of Calloway, praying that a law may pass granting to George Owens, a very aged and infirm man, a certain quarter section of land, in said county, which is now vacant, and on which the said Owens now resides with a wife and several children.

6. Mr. Delaney presented the petition of sundry citizens of the counties of Union, Hopkins, Livingston, and Caldwell, praying the erection of a new county out of certain specified boundaries of each of said counties.
7. Mr. S. Young presented the petition of Sally Crane, praying a divorce from her husband, George Crane.

8. Mr. S. Williams presented the petition of Patton Martin and Melinda Denny, administrator and administratrix of the estate of John L. Denny, praying a law to authorize them to sell certain slaves belonging to said estate.

Which said several petitions were received, the reading dispensed with, and referred: the second, third, fourth and seventh to the committee of religion; the fifth and sixth to the committee of propositions and grievances; the eighth to the committee for courts of justice; and the first to a select committee of Messrs. Shepherd, T. I. Young, and Morgan.

The Speaker laid before the house a letter from John Armstrong, President of the Maysville, Washington, Paris, and Lexington Turnpike Road Company, enclosing the annual report of said company, accompanied by reports from the Treasurer and engineer of said company, which are in the following words:

Maysville, 5th Dec., 1832.

To the Hon. John J. Crittenden, Speaker of the House of Rep's.

SIR—I have the honor of transmitting the report of the president and directors of the Maysville, Washington, Paris and Lexington Turnpike Road Company, which you will please lay before the house over which you preside. Respectfully, your obedient servant,

JOHN ARMSTRONG, President.

To the General Assembly of the State of Kentucky:
The President and Directors of the Maysville, Washington, Paris and Lexington Turnpike Road Company, beg leave to report:

That, previous to their report made to your honorable body, at the last session, they had caused to be put under contract thirty-nine miles and one hundred and twenty-eight and a half poles of the road, between the south boundary of Washington and Lexington; of which distance, thirty-six miles two hundred and sixty-eight and a tenth poles will be completed during the month of December; that by the 1st of January next, they expect to have seven toll-gates erected. They refer to the report of John S. Williams, the superintendent of said road, dated 29th November, 1832, herewith forwarded, to shew the progress of the work, and the reason the road was not completed by the time mentioned in their former report.

They also refer to the report of William Huston, jun. their Treasurer, shewing the situation of the funds of the company.

That since the last report, the county court of Bourbon county has subscribed one hundred shares, which will be expended in the construction of the bridge over Stonet, at Paris, and the completion of the section of road attached thereto, and the corporation of Paris have subscribed eighty shares, to be expended in the construction of the road through the
town of Paris. They have not been able to procure an additional subscrip-
tion of stock by individuals, although they have used every means in
their power to induce persons to subscribe. And they lament that they
are under the necessity of stating to your honorable body, that eighteen
miles two hundred and thirty-seven and two-tenths poles of the road has
not been put under contract; the cost of which, exclusive of the bridge
across Licking at the Blue Licks, will amount to $35,484.28, accord-
ing to the estimate of the superintendent. They have despaired of
obtaining the necessary funds to complete the road, by individual sub-
scriptions of stock, and they appeal to your honorable body for a sub-
scription, on the part of the state, to complete the same. They need
not urge to you the importance of the completion of the road, as being
the nearest and easiest channel of communication, between the Ohio
river and the interior of the state; that the sum necessary for its com-
pletion, they believe, will be a good investment of the funds of the state,
judging from the dividends declared upon that part of the road which has
been completed, from Maysville to the south boundary of Washington;
on the 1st of April last, a dividend of $5.50 was declared on each share
of stock, after paying all expenses, and leaving a balance in the Treas-
ury of $23.53 cents, and on the 1st of October last, a dividend of $7.50
was declared on each share, after paying all expenses, and leaving a
balance in the Treasury of $32.41 cents, making a dividend for the year
of thirteen per cent. on the cost of that part of the road; the cost of
which, by a reference to the former reports, will be seen, greatly ex-
ceeded the cost, per mile, of the construction of the balance of the road;
and they have not increased the tolls since the last report.

They respectfully suggest, that if your honorable body should author-
ise the subscription of stock, for the completion of the road, and will au-
thorise the President and Directors to borrow the amount necessary,
you can procure the same at a rate of interest not exceeding six per cent.
per annum, payable semi-annually; the principal to be paid at such time
as shall be provided for by law. They feel confident that the road can
be completed in eighteen months or two years, and that the tolls on the
stock of the state will greatly exceed the amount paid for interest on the
sum borrowed.

They pray that a law may pass, authorising the President and Direc-
tors to purchase an acre of land at the site of each of the toll-gates, or
to have an acre condemned upon payment of its value, in case they can-
ot purchase; and also, at such ravines on the line of road, where the cul-
verts shall exceed the sixty feet allowed for the width of the road, and
there shall exist a necessity to extend said culverts to a greater length,
to authorise a jury to assess such damages as shall be sustained in consequence of such extension; and also, where culverts are already made, that a jury shall have the power to assess the damages, if any.

All of which is respectfully submitted,

JOHN ARMSTRONG, President.

To the President and Directors of the Maysville, Washington, Paris and Lexington Turnpike Road Company:

GENTLEMEN—Agreeably to a requisition of your Board, I have the pleasure of reporting, that the 2d division of your road, containing 10 miles 148 poles, and the first six sections of the 3d division, containing 5 miles 29.5 poles, making a continuous line of 15 miles 44.5 poles, from the south end of Washington, including two bridges, one across the North Fork, and the other across Johnson's Fork of Licking, are all nearly completed. The 5th division contains 11 miles 226.5 poles, upon which is erected one bridge across Hinkston, at Millersburgh, in Bourbon county, is also nearly done, with the exception of 54.6 poles crossing Stoner, in Paris, which is in progress, together with two bridges: one across Stoner, and the other crossing Warren's mill-race, at the same place.

The 7th division, and part of the 6th division, containing 9 miles 317.3 poles, is also open to travel. This portion of the road ends at the boundary of the city of Lexington.

The last layer is in rapid progress in all these divisions of your road, and the presumption is fair, that the whole will be completed in all next month: from and after which time I presume it will be legal and right for you to collect tolls. You will perceive, that on the 2d division you have space for two gates; upon the 3d division, one gate; upon the 5th division, two; and upon the 6th and 7th divisions, two gates, with the exception 2.7 poles, which may be added during the time mentioned; in all, seven gates. The event of the completion of this part of the road, has been retarded beyond the time anticipated when the lettings were made, mainly by the scarcity of laborers during all the fore part of the season. To give you an adequate idea of the disadvantage under which we have labored in this respect, it is only necessary to mention, that the price of manual labor rose from eight and nine dollars a month to twelve and thirteen dollars, or about fifty per cent. This circumstance has not only operated to retard the progress of the work, but very injuriously upon the contractors.

The bridge across Stoner, and road thereto attached, together with 3 miles 112 poles on the 4th division, is under contract, to be completed next year. As that part of the 4th division which is under contract, and in an advanced state of progress, lies adjoining the 5th division, there will then be 15 miles 18.5 poles completed in one continuous line, from
Paris, eastwardly in Bourbon and Nicholas counties. This will entitle the company to the erection of one additional gate next year, making in all nine gates, including the one now erected between Maysville and Washington on the 1st division.

In conclusion, I beg leave again to call your attention to the subject of letting the remainder of the road—the unlet parts of which lie in two districts of country, and very disadvantageously for the travel of the parts now finishing. In Fleming and Nicholas counties, 12 miles 195.8 poles unlet, and in Bourbon, between Paris and Lexington, 6 miles 41.4 poles, making in all 18 miles 237.2 poles, an estimate of the cost of which was handed over to your Treasurer, and will probably be handed up in his report. It cannot but be plain to you and to everyone, that the finished parts of your road will be of little advantage in aiding transportation, while such rough and unimproved parts are suffered to exist: and, of course, but little revenue ought to be expected from the investments already made, until the line shall present its full advantages to the traveller and carrier.

I am yours, respectfully,

JOHN S. WILLIAMS, Superintendent.

Maysville, 29th Nov. 1832.

Statement, shewing the amount of Stock subscribed to the Maysville, Washington, Paris and Lexington Turnpike Road, the amount paid in, and the balance due.

| Stock subscribed for construction of Road from Maysville to the south end of Washington | $32,000 | 31,900 | 100 |
| State subscription | 75,000 | 57,900 | 17,100 |
| Mayslick do. by individuals | 15,400 | 10,536 | 51 |
| Nicholas county do. do | 2,100 |
| Millersburg do. do | 9,300 |
| Philadelphia subscription, obtained by James Batterton | 1,100 |
| Paris subscription by individuals | 12,500 | 7,433 | 5,067 |
| Corporation of Paris | 36,000 | 8,000 |
| County court of Bourbon | 10,000 |
| Lexington subscription, by individuals | 54,000 | 30,765 | 23,234 |
| Fayette county court | 20,000 |
| Philadelphia subscription, by individuals | 15,000 |
| Trustees of Maysville | 23,000 | 36,912 | 70 |
| Total stock | $79,612 | 29 ||
Estimate of the cost of that part of the Maysville, Washington, Paris and Lexington Turnpike Road, that is already finished and now under contract.

Cost of Road from Maysville to the south end of Washington, exclusive of contingencies, $28,270.69

Estimate of cost of 2d division, 10 miles 14.8 poles, $63,067.88
Do. do. 3d do. 3 " 29.5 " $26,322.97
Do. do. 4th do. 3 " 112.7 " $17,396.10
Do. do. 5th do. 11 " 226.5 " $68,367.99
Do. do. 6th do. 4 " 263.3 " $25,298.85
Do. do. 7th do. 5 " 54 " $22,777.59

Total of these estimates, $251,502.00

Contingencies paid on the whole line from Maysville to Lexington, $13,167.65
Estimate of probable amount of contingencies for finishing the present contracts, including damages assessed, expenses of erection of toll-gate houses, superintendents' salary, &c. &c. 7,000.00

Total estimated cost of road at present under contract, $272,119.74
To meet the payment of which, the amount of stock subscribed, as per annexed statement, is, $263,500
Also, the amount of stock taken by Lewis Vi- mont, to be paid by his estimates of work done on his contract in 5th division, 4,152.67

Total estimated cost of road, $270,652.67

Deficiency of stock subscribed is $1,467.07

Statement exhibiting the amount that will be due Contractors, when present lettings are finished:

Amount of estimated cost of that part of the road that is finished and under contract, exclusive of contingencies, $251,502.09
Paid contractors, $170,554.03

Balance, to pay contractors when present lettings are finished, $80,948.06
Add amount estimated to meet the contingencies for finishing the present lettings, including damages assessed for materials and right of way, expenses of erecting toll-houses and gates, superintendents' salary, &c. &c. 7,000.00

Total balance due for present lettings, when finished, $87,948.06
(Amount forwarded.)
To meet the payment of which the following statement is annexed:

Amount of stock paid in on the whole line, $186,887 71

Of which has been paid:
- To contractors, $170,554 03
- For contingencies, 13,917 65

Total $184,171 68

Cash in Treasury, $ 2,716 03
Add balance of stock due, as exhibited in first statement, 79,612 29
And amount of stock taken by L. Vimont, to be paid by work on 5th division, 4,152 67

Total $ 86,480 99

Leaving a deficiency to meet the present contracts, of $ 1,467 07

Maysville, 26th November, 1832.

To the President and Directors of the Maysville, Washington, Paris and Lexington Turnpike Road Company:

GENTLEMEN—Your Treasurer would respectfully report the annexed statements, exhibiting the amount of stock subscribed, the amount of stock paid in, and the balance due of said stock at the present date—reference to the first page of this report.

The second page exhibits the estimated cost of that part of the road already finished, and of that part now under contract.

The third page exhibits the amount that will be due contractors, when the present lettings are completed, and shows a deficiency in the amount of stock subscribed, to meet the estimated cost of the road now under contract. All of which is respectfully submitted,

WILLIAM HUSTON, JR. Treasurer.

Maysville, 26th November, 1832.

Subjoined is also a statement, shewing the amount of funds necessary to construct and finish that part of the road not under contract.

Respectfully,

WILLIAM HUSTON, JR. Treasurer.

Estimate of the probable cost of that part of the road not under contract, between Maysville and Lexington, exclusive of the bridge at Licking:

- Of the 3d Division, 7 miles, 3 poles, $30,658 86
- 4th " 5 " 192.8 " 25,821 44
- 6th " 6 " 41.4 " 31,003 93

Total $87,484 28

Estimate of contingencies, $8,000 00

Total $95,484 28
A message was received from the Senate announcing the passage of a bill which originated in this house entitled:

An act to change the time of holding the Trigg circuit court.

The passage of bills of the following titles:

An act to amend the law incorporating the town of Warsaw, late Fredericksburg, in Gallatin county; and,

An act for the benefit of Noah C. Summers, clerk of the Bullitt county court.

And requesting the appointment of a committee of conference on their part, to meet a committee of three members, on the part of the Senate, for the purpose of taking into consideration the expediency and propriety of adopting some mode different from the one now practised in taking the joint vote of the two branches of the legislature; and that the committee thus raised report their opinion thereon to both branches of the General Assembly.

Whereupon, Messrs. B. F. Thomas, Green, Kennedy, Morgan, S. Williams, and Ewing, were appointed a committee on the part of this house.

Ordered, That the Clerk inform the Senate thereof.

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

The committee for courts of justice have had under consideration the petition of Samuel Black, administrator of Absalom Holman, deceased, praying for a law authorising the sale of about 30 acres of land and a mill thereon, referred to them, and have come to the following resolution thereon:

Resolved, That said petition be rejected.

The committee for courts of justice have had under consideration the petition referred to them of Wm. Lynch, administrator of James Gibson, deceased, praying that an act may pass authorising the sale of a tract of land lying in South Carolina, and have come to the following resolution thereon:

Resolved, That said petition be rejected.

The committee for courts of justice have had under consideration the petition referred to them of Giles W. Lloyd and others, praying that a law may pass authorising the sale of a tract of land belonging to the infant heirs of Thomas Collins, deceased, and have come to the following resolution:

Resolved, That said petition be rejected.

The committee for courts of justice have had under consideration the title of a bill "to authorise the appointment of an additional constable for the county of Warren," and have come to the conclusion, that the bill ought not to pass.

Which being twice read, was concurred in.

Mr. Ewing, from the same committee, made the following report:

The committee for courts of justice have had under considera-
tion the resolution instructing them to enquire into the expediency of taking depositions in civil cases, when the witness resides upwards of 75 miles from the place of trial, and have come to the following resolution:  

Resolved, That it is inexpedient at this time to legislate on the subject.

It was then moved and seconded to amend the said report by striking out the word "inexpedient," and insert in lieu thereof the word "expedient," and the question being taken thereon, it was decided in the negative—the house being equally divided.

The yeas and nays being required thereon by Messrs. E. Smith and ——, were as follows:


The said report was then concurred in.

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

By Mr Southgate, from the committee on internal improvements—1. A bill to connect the towns of Newport and Covington with Cincinnati by a bridge.

By Mr Chilton, from the same committee—2. A bill to incorporate a company to establish a turnpike road from the City of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville, and Bowlinggreen, to the state line, in a direction to Nashvil.

By Mr Green, from the committee of ways and means—3. A bill to amend an act requiring tavern-keepers, peddlars, and the owners of covering horses and jacks, to pay taxes in advance and obtain license, approved Dec. 22, 1831.

By Mr Stevenson, from the committee of religion—4. A bill for the benefit of William May.

By Mr S. Williams—5. A bill to pay off the deficit in the
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treasury, by allowing the treasury a credit in the Commonwealth's Bank for the amount borrowed of said Bank.

By Mr D. White—6. A bill to incorporate the Franklin Insurance Company.

By M. Gorin—7. A bill to repeal in part an act to amend the law concerning the trustees of the town of Glasgow, and for other purposes, passed in January, 1831; and,

By Mr Stevenson—8. A bill to authorize the county court of Scott to increase the allowance to the patroles of said county.

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

And thereupon the rule of the house, constitutional provision, and second reading of the third, sixth, and seventh bills having been dispensed with, the third and seventh were severally ordered to be engrossed and read a third time, and the sixth was committed to the committee for courts of justice.

And the rule of the house, constitutional provision, and third reading of the third and seventh bills having been dispensed with, and the same being engrossed:

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

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

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

1. An act for the relief of the Sheriff of Garrard county.
2. An act for the benefit of Noah C. Summers, clerk of the Bullitt county court; and,
3. An act to amend the law incorporating the town of Warsaw, late Fredericksburg, in Gallatin county.

And thereupon the rule of the house, constitutional provision, and second reading of said bills having been dispensed with, the first and second were ordered to be read a third time, and the third was committed to a select committee of Messrs. English, Thruston, and D. White.

And the rule of the house, constitutional provision, and third reading of the first and second bills having been dispensed with:

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

Ordered, That the Clerk inform the Senate thereof.

The amendment proposed by the Senate to a bill which originated in this house, entitled, "an act to authorize the insertion of advertisements in certain newspapers," were twice read, and concurred in.

Ordered, That the Clerk inform the senate thereof.

The following bills were severally read a second time:
1. A bill to change the name of Claiborne Brewer to Claiborne Grace.
2. A bill to take the sense of the good people of this Commonwealth, as to the propriety of calling a convention.
3. A bill to regulate the establishment of ferries in this Commonwealth.
4. A bill allowing the Independent Banks of this Commonwealth further time to settle their concerns.
5. A bill to amend the laws concerning the Lunatic Asylum.
6. A bill increasing the jurisdiction of the trustees of the town of Franklin, in Simpson county; and,
7. A bill to prevent the importation of slaves into this Commonwealth.

The first, second, and sixth (the first having been amended at the Clerk’s table) were severally ordered to be engrossed and read a third time; the fourth was committed to the committee for courts of justice; the fifth to a select committee of Messrs. E. Smith, McAfee, Woolley, and Green; the seventh to a committee of the whole house for the 11th instant; and the question being taken on engrossing the third bill for a third reading, it was decided in the negative, and so the said bill was rejected.

And the rule of the house, constitutional provision, and third reading of the first bill having been dispensed with, and the same having been engrossed:

Resolved, That the said bill do pass, and that the title thereof be “an act to change the names of Claiborne Brewer and Mary Felicia McMann.”

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

And then the house adjourned.

SATURDAY, DECEMBER 8.

1. Mr. T. I. Young presented the petition of sundry citizens of the county of Bath, praying that a law may pass to authorise the erection of gates across a public road in said county, between John Harper’s and Cook’s old place.
2. Mr. Allen presented the petition of sundry citizens of Green county, praying a repeal of that part of the militia laws reducing the number of company musters.
3. Mr. B. S. Morris presented the petition of John H. Rudd, praying a divorce from his wife, Harriet Rudd.
4. Mr. Shanks presented the petition of Stephen Sampson, praying a divorce from his wife, Caty Sampson.
5. Mr. Jef. Jennings presented the petition of sundry citizens
of Hancock county, praying that an election precinct may be established in said county.

6. Mr. Ford presented the petition of sundry citizens of Butler county, praying that the law creating an election precinct at Mabon's, (now Harper's,) in said county, be repealed.

7. Mr. Faris presented the petition of Henry Waddle, praying an amendment to an act, which passed 14th Jan. 1830, for his benefit.

8. Mr. Culley presented the joint petition of Daniel Royalty and Elizabeth Royalty, praying that they may be divorced from each other.

9. Mr. Prince presented the petition of Abner W. Smith, Sheriff of Caldwell, praying that a law may pass to extend the time allowed by law to collect the taxes due by the citizens of said county, for the years 1829 and 1830, and to authorize them to collect the same.

Which said several petitions were received, the reading dispensed with, and referred; the first and fifth to the committee of propositions and grievances; the second to the committee on military affairs; the third, fourth, and eighth to the committee of religion; the sixth to a select committee of Messrs. Ford, Lucas, and Covington; the seventh to a select committee of Messrs. Ford, Williams, and Pierce; the ninth to a select committee of Messrs. Prince, Henry, Pendleton, and Hughes.

Mr. Butler, from the committee of claims, made the following report:

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

1. Resolved, as the opinion of this committee, that the petition of John Bristow, praying a donation, to buy medicine for his afflicted wife, be rejected.

2. Resolved, That the petition of John McQuady, praying remuneration of time lost and money expended in apprehending and guarding John G. Merit and Robert Smith, charged with larceny, be rejected.

Which being twice read, was concurred in.

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

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

1. Resolved, That the petition of Bennet O'Neal and Jane O'Neal, praying that a law may pass authorising the sale of a house and lot, the property of James VanZart, their infant ward, be rejected.

2. Resolved, That the petition of Mary Hord and others, pray-
ing that a law may pass authorising the sale of a house and town lots, the property of infants, be rejected.

3. Resolved, That the petition of Joseph Rutherford and others, praying that a law may pass, authorising the sale of a tract of land, the property of infants, be rejected.

Which being twice read, was concurred in.

A message was received from the Senate announcing the passage of a bill which originated in this house, entitled:

An act to authorise the publication of advertisements in the Augusta Telegraph and Bracken county Advertiser; and,

The passage of bills of the following titles:

An act to change the names of Matilda McNutt and John McNutt to those of Matilda Bayse and John Bayse.

An act to repeal in part an act declaring Beaver creek, in Barren county, a navigable stream.

An act to change the first constable's district in Washington county.

Mr. Ewing, from the committee for courts of justice, to whom was referred a bill to incorporate the Franklin Insurance Company; and,

A bill to amend and reduce into one the several acts concerning the town of Augusta, in Bracken county; reported the same without amendment.

Ordered, That the said bills be engrossed and read a third time on Monday next.

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

The committee of ways and means, have had under consideration the petition of William Foster, praying that a law may pass authorising the county court of Allen county to grant him a tavern license, without the payment of the tax thereon, report the following resolution thereon:

Resolved, That the said petition be rejected.

Which being twice read, was concurred in.

Mr. Green, from the same committee, to whom was referred a bill to reduce the price of the public lands, in the district of country West of the Tennessee river, and to protect the actual settlers in said district; reported the same with an amendment, which being twice read and concurred in, ordered to be engrossed and read a third time on Monday next.

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

By Mr. Ewing, from the committee for courts of justice—1. A bill to change the mode of publishing the decisions of the Appellate Court of this state.

2. A bill authorising the sale of a part of the real estate of Everard Clark, deceased, to pay his debts.
3. A bill for the benefit of Mary Goodwin.
By Mr Stevenson, from the committee of religion—4. A bill for the benefit of John Cook.
5. A bill for the benefit of Mary Ann Lutes.
6. A bill for the divorce of Dicey Fletcher.
By Mr Green, from the committee of ways and means—8. A bill to amend the laws imposing a tax on merchandise.
By Mr T. I. Young—9. A bill for the benefit of George Coleman and others.
By Mr Pierce—10. A bill to establish a road from Louisville to the state line, in a direction to Knoxville.
By Mr D. T. Smith—11. A bill to amend the penal laws of this commonwealth; and,
By Mr Shepherd—12. A bill to change the place of voting in Everett's and Forman's bottom precincts, in Lewis county.

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

And thereupon the rule of the house, constitutional provision, and second readings of said bills having been dispensed with, the first, second, third, fourth, fifth, sixth, and seventh, were severally ordered to be engrossed and read a third time; the ninth was committed to a select committee of Messrs. Morgan, Young, and Shepherd; the tenth to the committee on internal improvements; and the eleventh to the committee for courts of justice.

And thereupon the rule of the house, constitutional provision, and third reading of the first, second, third, fourth, fifth, sixth, and seventh bills having been dispensed with, and the same being engrossed:

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

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

Mr. Chilton, from the committee on internal improvements, reported a bill to improve the navigation of Nolin, a branch of Green river, and for other purposes; which was received and read the first time and ordered to be read a second time.

And thereupon the rule of the house and constitutional provision having been dispensed with, the said bill was read a second time.

Mr. S. Williams then moved to re-commit said bill to the committee on internal improvements, with the following instructions: "To report a bill adopting a general system of internal improvements for the whole state, having a due regard in the disbursement of the public funds to each portion of the state, and giving to each section of the state its equal share of the public funds."

It was then moved and seconded to lay the said bill and the
motion aforesaid on the table; and the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Shepherd and E. Smith, were as follows, viz:


Mr. E. Smith, from the select committee, to whom was referred a bill to amend the laws concerning the Lunatic Asylum, 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.

The said bill having been engrossed, was then read a third time.

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

Ordered, That the Clerk carry the same to the Senate and request their concurrence.

Mr. Crow, from the select committee, appointed for that purpose, reported a bill to provide pay for grand jurors; which was received and read the first time, as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter there shall be allowed to each grand juror, the sum of one dollar per day for their services, to be paid out of the county levy.

Sec. 2. Be it further enacted, That it shall be the duty of each circuit court clerk to give to each grand juror a certificate, showing the number of days he has served, and the Sheriff of such county shall receive such certificate in discharge of the county levy due from said jurymen, and pay to him the overplus, if any.

Sec. 3. Be it further enacted, That the number of grand jurors, to serve at any one court, shall not exceed ———.

Sec. 4. Be it further enacted, That the county court of each
county in this Commonwealth, shall, at their courts respectively, at which they settle with their sheriff, give them credit for the amount so paid.

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 yeas and nays being required thereon, by Messrs. Crow and Ewing, were as follows:


Mr. Harrison moved the following resolution:

WHEREAS, It appears to this house that the revenue of the government, collected under existing laws, is insufficient to discharge the ordinary expenditures, and in consequence thereof, a public debt is fast accumulating; and as just policy forbids the continuance of such a condition of the treasury, especially in time of perfect peace, when the country is in the most flourishing and prosperous state, and in possession of the most abundant and diversified resources; therefore,

Resolved, That the committee of ways and means be, and they are hereby instructed to report a bill to this house, with provisions for imposing and collecting an annual revenue at least equal to the annual expenditures of the government.

Which being twice read, was committed to a committee of the whole house for the 10th instant.

Mr. Kennedy moved the following resolutions:

1. Resolved, That it is expedient to increase the revenue of this Commonwealth to an extent not only adequate to meet the current expenditures of the government, but at the same time gradually to extinguish the existing debt.

2. Resolved, That the existing revenue law, in its operation upon certain species of property only, is unequal, and in its tendency to favor the monied aristocracy of the country, to the prejudice of the honest yeomanry of the same, it is unjust.
3. Resolved, That the existing tax upon covering horses and jacks, being exhorbitant in amount and disproportionate with the tax on other property of like value, is unjust and ought to be abolished, and that such property ought to be taken into the general estimate of the owner, and taxed like other property.

4. Resolved, That, for the purpose of promoting justice, by equalizing the taxes, and increasing the revenue, so as to effect the aforesaid objects, it is expedient to amend the existing revenue laws, so as to cause the government to be supported by the wealth of the country, without regard to the kind of property in which it may consist, or whether it be in property or in money.

5. Resolved, That the committee of ways and means be directed to consider the propriety of preparing and reporting a bill in conformity with the foregoing resolutions.

Which being twice read, were committed to a committee of the whole house for the 10th instant.

Mr. J. White read and laid on the table the following joint resolutions:

WHEREAS, the President of these United States, has, in his three last annual communications to Congress, urged the propriety of immediate action upon the subject of the re-charter of the Bank of the United States: and, whereas, at the last session of Congress the Secretary of the Treasury Department, in his annual report, recommended the renewal of the charter of said institution as an indispensable mean to the collection and disbursement of the revenue and efficient management of the finance of the nation: and, whereas, in pursuance of said recommendation, (proceeding from the organ of the Executive,) a bill was introduced and passed both houses of Congress, renewing said charter, with certain restrictive modifications, which bill was prevented from becoming a law by the Veto of the Executive of the General Government: and, whereas, said proposition may again come before Congress, during the present session, by the recommendation of the head of the Treasury Department, or otherwise. Therefore—

Resolved, That Congress has the constitutional power to incorporate a Bank, such as that of the United States.

Resolved, That it is expedient to establish and maintain such an institution as was proposed in the bill, of the last session of Congress.

Resolved, That it is inexpedient to establish "a National Bank, founded upon the credit of the Government and its revenues."

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to support a proposition, to renew the charter of the present Bank of the United States: and to oppose any and every proposition to establish a "National Bank, founded upon the credit of the Government and its revenues."

Ordered, That the Public Printer forthwith print 150 copies thereof, for the use of the members of this house.
Leave was given to bring in the following bills:

On the motion of Mr Woolley—1. A bill for the benefit of the Lexington and Ohio Rail Road Company.

On the motion of Mr Harris—2. A bill to authorise the circuit court of Jefferson to appoint commissioners to investigate the affairs and settle with the agent of the Commercial Bank at Louisville.

On the motion of Mr J. Williams—3. A bill in relation to the town of Cynthiana.

On the motion of Mr Ewing—4. A bill for the benefit of Mary Ann Patterson.

On the motion of Mr E. Smith—5. A bill for the benefit of Champ Mullens, of Rockcastle county.

On the motion of Mr Head—6. A bill to amend an act entitled, "an act to improve the navigation of Salt river."

On the motion of Mr Riffe—7. A bill to provide for the improvement of the road leading from the Lincoln county line, near William Cloyd’s, in Casey county, to William Jones’, by way of Liberty.

On the motion of Mr Delaney—8. A bill to give mechanics a lien on houses &c. built by them to secure them for their labor and materials furnished.

On the motion of Mr J. White—9. A bill to amend an act entitled, an act to provide for the erection of a bridge across Rockcastle river, on the turnpike and wilderness road, Approved Dec. 23, 1831.

On the motion of Mr Murray—10. A bill to amend an act entitled, an act to amend the revenue laws, approved Dec. 23, 1831, so far as the same relates to the district of country West of the Tennessee river; and,

On the motion of Mr S. Young—11. A bill to extend and explain the jurisdiction of justices of the peace, in relation to sums under five pounds.

The committee on internal improvements were directed to prepare and bring in the first; Messrs. Harris, Thruston, Meriwether, and Rudd, the second; Messrs. J. Williams, Patterson, and Davidson, the third; the committee of religion, the fourth; Messrs. E. Smith, J. White, and Shanks, the fifth; Messrs. Heady, Sanders, Harrison, and Chilton, the sixth; Messrs. Riffe, Green, S. Williams, Shanks, and Pierce, the seventh; the committee of propositions and grievances, the eighth; Messrs. J. White, Collins, E. Smith, and Tuggle, the ninth; the committee of ways and means, the tenth; and the committee for courts of justice, the eleventh.

And then the house adjourned.
MONDAY, DECEMBER 10.

A message was received from the Senate announcing the passage of bills which originated in this house of the following titles:

An act to repeal, in part, an act to amend the law concerning the trustees of the town of Glasgow, and for other purposes, passed January, 1831.

An act authorising the county court of Jessamine and other counties, to appoint, in their respective counties, additional constables; and,

An act to amend an act requiring tavern-keepers, pedlars, and the owners of covering horses and jacks, to pay taxes in advance and obtain license, approved Dec. 22, 1831; with amendments to the two latter bills; and the passage of a bill entitled, an act for the relief jailors.

Mr. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to authorise the publication of advertisements in the Augusta Telegraph and Bracken county Advertiser.

An act to authorise the insertion of advertisements in certain newspapers; and,

An act to change the time of holding the Trigg circuit court.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

1. The Speaker laid before the house the petition of sundry citizens of the town of Frankfort, praying an appropriation of money for the preservation of public buildings.

2. Mr. T. I. Young presented the petition of Eliza Badger, praying a divorce from her husband, Robert N. Badger.

3. Mr. J. White presented the petition of sundry citizens of the county of Madison, praying that a law may pass authorising the officers of the Madison Library to erect a suitable building for said library.

4. Mr. Henry presented the petition of Temple West, praying a divorce from his wife, Susan West.

5. Mr. McFall presented the petition of sundry citizens from Hickman county, praying that a law may be passed to give them the privilege of voting for a suitable place for the permanent location of the seat of justice in said county; or that a law may pass to constitute Moscow the seat of justice for said county.

6. Mr. Southgate presented the petition of Isabella Marshall, praying a divorce from her husband, Joseph B. Marshall.

7. Mr. Culley presented the petition of George A. Lawrence, praying a divorce from his wife, Jane Lawrence, late Jane Moore.

8. Mr. Dunlap presented the petition of Squire Shipley, Asa
Shipley, Daniel Shipley, James Shipley, and Emily Shipley, heirs and representatives of James Shipley, by their guardian, Elijah Bailey, praying that a law may pass authorising the sale of a certain tract of land belonging to said heirs, lying in the county of Fayette.

9. Mr. Southgate presented the petition of J. G. Lindsey, the Sheriff of Campbell county, praying that a law may pass to authorise the county court of Campbell, to make him an allowance for certain delinquent lists of taxes due from citizens of said county, accruing in the years 1826-7, and 8.

Which petitions were severally received, the reading thereof dispensed with, and referred: the first and fifth to the committee of propositions and grievances; the second, fourth, sixth, and seventh to the committee of religion; the third, to the committee on education; and the eighth and ninth to the committee for courts of justice.

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

The committee of propositions and grievances have had under consideration the petition of David Cuflip of Edmondson county, praying that a dam built across Green river, in said county, may be legalized, or that the legislature would appoint commissioners to review the same and report their opinion as to the propriety of its continuance at their next session; and are of opinion that the same is reasonable, so far as the appointment of commissioners for the purposes aforesaid is requested.

They have also had under consideration the petition of George Owens, praying that, in consideration of his age and other services to his country, that there may be granted to him a quarter section of land; on which he resides, West of the Tennessee river; and are of opinion that the same be rejected.

They have also had under consideration the petition of William Thomas, of Bourbon county, praying, that in consideration of his services in the revolutionary war, and in the early settlement of Kentucky; that the legislature would make some provision for his future support; and are of opinion that a precedent of this kind would lead to numerous other applications, inconsistent with the settled policy of this state; and that the same be rejected.

Which being twice read, was concurred in.

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

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

The committee for courts of justice have, according to order, had under consideration, a resolution to them referred, instructing them to enquire into the expediency of prohibiting the confine-
ment of slaves in the penitentiary or public jails; and have resolved, that it is inexpedient to legislate on the subject.

Which being twice read, was concurring in.

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

By Mr McAfee, from the committee of propositions and grievances—1. A bill to establish election precincts in the counties of Breckinridge and Hancock.

2. A bill to authorize the erection of gates across that part of the Old Iron Works road, between the houses of Andrew Gudgel and John Harper, in Bath county.

3. A bill for the benefit of Polly Campbell.

4. A bill for the benefit of Jane Deason.

5. A bill for the benefit of John Smith and Bartlett Hill.

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 second, third, fourth, and fifth bills having been dispensed with, the second, third, fourth, and fifth were ordered to be engrossed and read a third time, and the fifth was committed to the committee for courts of justice.

And thereupon the rule of the house, constitutional provision, and third reading of the second, third, and fourth bills having been dispensed with:

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. Ewing, from the committee for courts of justice, to whom was referred a bill to continue in force an act providing for the appointment of Commonwealth's Attorneys, approved January 12, 1831: reported the same without amendment.

The house then, according to the standing order of the day, resolved itself into a committee of the whole house, on the state of the Commonwealth—Mr. Allen in the chair—and after some time spent therein, the Speaker resumed the chair, and Mr. Allen reported that the committee had, according to order, had under consideration a resolution offered by Mr. Harrison, on Saturday last, in relation to the revenue, and had made some progress therein, but not having time to go through the same, had instructed him to ask for leave to sit again—which was granted.

Mr. E. Smith moved the following resolution:

Resolved, That the use of this hall be given to Robert S. Finley, Esq. this evening, to deliver an address upon the subject of Colonization.

Which being twice read, was adopted.

A message was received from the Governor, by Mr. Sanders,
Secretary of State, announcing that the Governor had, on this
day, approved and signed sundry enrolled bills, which originated
in this house, of the following titles:

An act to authorise the insertion of advertisements in certain
newspapers.
An act to change the time of holding the Trigg circuit court.
An act to authorise the publication of advertisements in the Aug­
usta Telegraph and Bracken county Advertiser.
Ordered, That the Clerk inform the Senate thereof.
And then the house adjourned.

TUESDAY, DECEMBER 11.

A message was received from the Senate announcing the pas­
sage of bills of the following titles:
An act continuing in force the law providing for the appoint­
ment of Commonwealth's Attornies.
An act for the benefit of William Davis, of Whitley county.
An act concerning executors and administrators.
An act regulating the ferry at the mouth of the Big Kentucky
river, in Gallatin county.
An act to change the times of holding the Lewis and Greenup
circuit courts, and for other purposes.
An act for the benefit of Jeffersontown.
An act to legalize the proceedings of the Greenup county court,
at their last November term.
1. Mr. Morgan presented the petition of sundry citizens of
Fleming county, praying that the election precincts in said coun­
ty, at Poplar Plains and James Makewell's, may be consolidated,
and that the place of voting hereafter, for the citizens residing
within the boundaries of both of said precincts, may be at F. & S.
Faudry's, in the town of Hillsborough; and also the remonstrance
of sundry citizens of said county against the prayer of said pe­
tition.
2. Mr. E. Smith presented the petition of Jane Byron, praying
a divorce from her husband, Alonzo Byron.
3. Mr. Hughes presented the petition of Bowling Thompson,
praying a divorce from his wife, Margaret Thompson.
4. The Speaker presented the petition of Robert D. Owen,
praying a release from the bonds of matrimony with his late wife,
Susan W. Owen.
5. Mr. J. White presented the petition of sundry citizens of
Whitley county, praying an appropriation of money for repairing
the road leading from Whitley Court-house to Somerset, in Pul­
aski county.
Which said several petitions were received, the reading dispensed with, and referred; the first to the committee of propositions and grievances; the fifth to the committee on internal improvements; the second, third, and fourth to the committee of religion.

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

The committee for courts of justice have had under consideration the petition of the heirs and representatives of James Shipley, deceased, referred to them, and have come to the following resolution thereon:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

Mr. Ewing, from the same committee, to whom was referred "a bill allowing the Independent Banks of this Commonwealth further time to settle their concerns:" reported the same with an amendment, which being twice read, was concurred in; and the said bill, as amended, ordered to be engrossed and read a third time.

Mr. Ewing, from the same committee, to whom was referred a bill to amend the penal laws of this Commonwealth: reported the same, with the following amendment, in lieu of the original bill, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases where fines shall hereafter be recovered from individuals, for failing or refusing to work on the public highways or streets, the justice, before whom such recovery shall be had, shall state in his judgment the time, not exceeding five days, he shall be confined in the jail, in case of his failure to pay the same; and shall endorse the said time on the execution, and a capias pro fine may issue therefor, in like manner as in other cases of fines; and in case of his failure to pay said fine and costs, he shall be confined in the jail of the county, the length of time designated in said judgment and execution.

It was then moved and seconded to lay the said bill and amendment on the table until the first day of June next.

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

The yeas and nays being required thereon by Messrs. E. Smith and Ewing, were as follows:


The said amendment was then concurred in: and the bill, as amended, ordered to be engrossed and read a third time tomorrow.

On the motion of Mr. Ewing, the committee for courts of justice was discharged from the duty of preparing and bringing in a bill to exempt from execution growing crops; and Messrs. Nuttall, G. W. Johnston, Stevenson and Covington, were appointed a committee to prepare and bring in the same.

The Speaker laid before the house an additional report from Edmund Curd, Receiver of Public moneys, for the land district West of the Tennessee river; which is in the following words:

Frankfort, Ky. December 8th, 1832.

Being an assistant for Edmund Curd, Receiver of Public Moneys West of the Tennessee river, and being now on the business of the office, viz: to settle with the Auditor and Treasurer the amount of sales made since the settlement in May last, I have discovered an error made in the report to the Legislature.

The amount of commission or per centage, retained by the receiver, is $600.00

In the settlement with the Auditor, Treasurer and Register, in May last, the Receiver did, at that time, retain for commission for the year ending the 6th day of June, 1832, the sum of $261.67; consequently he is now entitled to the sum of $38.33 the balance of the year's commission.

The Receiver is also entitled to one-half year's commission, for the year ending 6th January, 1833, being 188.33

Making 150.00

Amount of overcharge in commission 1,785.00

To which add the amount as reported to have been received, (in Commonwealth's paper,) 15,585.43

Also in specie, or United States paper, 1,700.00

Five per centum allowed by law, 85.00

Making the true amount received, and actually paid into the Treasury on this day, $17,182.10¾
It is hoped the Legislature will receive the above, as a correction for the sum of $411.79, which was improperly retained. The error I have no doubt was committed, owing to the Receiver being unable to obtain a copy of the settlement in May last, with the Auditor, Treasurer and Register. All of which is respectfully submitted,

EDWARD CURD, Assistant for
EDMUND CURT, R. P. M. W. T. R.

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

The committee of religion have had under consideration the petition of Dutton Loveall, praying to be divorced from his wife, Sally Loveall, and have come to the resolution, that said petition is unreasonable.

Which being twice read, was concurred in.

Mr. Morgan, from the select committee, to whom was referred a bill for the benefit of George Coleman and others: reported the same with an amendment, which being twice read, was concurred in; and the said bill, as amended, ordered to be engrossed and read a third time to-morrow.

Leave was given to bring in the following bills:

On the motion of Mr Butler—1. A bill to constitute a board of internal improvement for Franklin county; and,

On the motion of Mr Thruston—2. A bill to regulate the terms of the Jefferson and Oldham circuit courts.

Messrs. Butler, Marshall and Brown, were appointed a committee to prepare and bring in the first; and Messrs. Thruston, Rudd, Meriwether and Churchill, the second.

On motion—

Ordered, That Mr. W. Smith have leave of absence from the service of this house until Saturday next.

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

By Mr Ewing, from the committee for courts of justice—1. A bill to dissolve the General Court.

2. A bill authorising the sale of the slaves of infants.

3. A bill for the benefit of the heirs of Smith Alexander, deceased.

By Mr Stevenson, from the committee of religion—4. A bill for the benefit of Eliza Badger.

5. A bill for the benefit of Nancy Williams.

By Mr G. W. Johnston, from the committee on internal improvements—6. A bill to establish the town of Carrolltown, in the county of Muhlenburg.

By Mr Clifton, from the same committee—7. A bill to amend the law establishing the Turnpike and Wilderness road.
By Mr. Gaines—8. A bill for the benefit of the heirs of Lawrence Sandford, deceased.

By Mr. E. Smith—9. A bill to remove obstructions in certain navigable streams in this Commonwealth.

By Mr. Patterson—10. A bill in relation to the town of Cynthia.


By Mr. Simpson—12. A bill to regulate the election precincts in the counties of Clarke and Caldwell.

By Mr. Thruston—13. A bill to increase the salary of the judge of the fifth judicial district, and for other purposes.

By Mr. Marshall—11. A bill to increase the salary of the judge of the fifth judicial district, and for other purposes.

By Mr. Thruston—13. A bill to increase the salary of the judge of the fifth judicial district, and for other purposes.

By Mr. Butler—14. A bill to constitute a board of internal improvement for Franklin county.

By Mr. Heady—15. A bill to amend the act entitled, an act to improve the navigation of Salt river, approved 22d Dec. 1831.

By Mr. Cook—16. A bill further to regulate the debt due this Commonwealth, from head right settlers, South of Green river; and,

By Mr. Thruston—17. A bill to regulate the terms of the Jefferson and Oldham circuit courts.

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, sixth, seventh, eighth, tenth, eleventh, twelfth, fourteenth, and seventeenth bills having been dispensed with, the third, fourth, fifth, sixth, eighth, tenth, eleventh, and fourteenth (the tenth having been amended at the clerk's table,) were severally ordered to be engrossed and read a third time; the seventh and fourteenth was committed to the committee on internal improvements; and the twelfth to the committee of privileges and elections.

And thereupon the rule of the house, constitutional provision, and third reading of the third, fourth, fifth, sixth, eighth, tenth, eleventh, and seventeenth 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. S. Young, from the committee appointed for that purpose, reported "a bill to vest the Governor with discretionary power to commute certain punishments now inflicted by law on negro slaves, free negroes and mulattoes:" which was received and read the first time, as follows, viz:

Whereas, by the laws of this Commonwealth, there are sundry offences, made punishable by death, when committed by a slave, which if perpetrated by a free person, is made punishable
in the jail and penitentiary; and it is believed that this necessary severity of the law might, and would be mitigated, in many instances, by a wise exercise of the pardoning power, without any detriment to the public safety, if there was any milder punishment provided for, as an alternative; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases where the Governor shall exercise the pardoning power vested in him, in behalf of a slave sentenced to undergo the punishment of death, by any court of competent jurisdiction, it shall and may be lawful for him to order and direct that said slave shall, in lieu of the punishment of death, be imprisoned in the jail and penitentiary of this Commonwealth, and kept to hard labor, as other convicts, during life; which order shall be inserted in the pardon, and constitute a part thereof.

Be it further enacted, That every such qualified pardon shall be filed with the clerk of the court pronouncing the sentence of condemnation aforesaid, and shall be filed away and safely kept by him, with the indictment in the case; and it shall be the duty of such clerk to furnish the Sheriff of the county a certified copy of such pardon forthwith; and it shall, thereupon, be the duty of the Sheriff to convey such slave to the jail and penitentiary, who shall be received by the Keeper and treated as other convicts: Provided, however, That nothing herein contained shall be construed to limit the pardoning power vested in the Governor by the constitution. The owner of any slave confined in the jail and penitentiary, in virtue of this act, shall be paid for the same as though he or she were executed.

It was then moved and seconded to lay the said bill 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. Crow and S. Young, were as follows:


NAYS—Messrs. Bell, Boone, Butler, Churchill, Culley, Davidson, Delaney, Fulton, Gaines, Green, Harris, Harrison, Heady, Henry, Jef. Jennings, Jett, Lee, Lucas, McDonald, Maxey, Meriwether, Montgomery, B. S. Morris, Murray, Nuttall, Patterson, Prince, Seaton, Shepherd,
WEDNESDAY, DECEMBER 12.

1. Mr. Tuggle presented the petition of Darius Wailey, praying that a law may pass authorising the remission of the state price due on 200 acres of land in the county of Whitley.

2. Also, the petition of Jabez Perkins and Abraham Smith, praying that the Register may be authorised to issue patents to them for certain headright claims to land, in the county of Whitley, granted by the county of Knox, on which the state price has been paid, and the certificates and the assignment thereof lost.

3. Mr. W. Johnson presented the petition of John S. Findley, a sheriff of the county of Scott, praying that a law may pass authorising him to present his delinquent list and settle with the Paymaster of the Regiments of militia, subject to the inspection of the next annual Court Martial.

4. Mr. Gaines presented the petition of Mary Green, praying that a law may pass authorising the appointment of a committee to take charge of the estate of her husband, William Green, a lunatic, and person of unsound mind.

5. Mr. Jett presented the petition of Edward H. Earle, late sheriff of Hopkins county, praying that a law may pass remitting to him the sum of $172, that being thirty per cent, in damages, incurred by his deputies, for failing to return, in time, some executions in favor of the Bank of the Commonwealth.

6. Mr. McAfee presented the petition of sundry citizens of the county of Mercer, praying that a law may pass to authorise the sale of certain real estate of the heirs of Gabriel Gaines, to pay the debts of said Gaines.

7. Mr. D. White presented the petition of Polly Seeders, praying a divorce from her husband, John Seeders.

8. Mr. Gorin presented the petition of sundry citizens of the county of Barren, praying the passage of a law to establish an election precinct in said county.

9. Mr. Gorin presented the petition of sundry citizens of the county of Barren, praying that an additional constable be allowed said county.

Which said petitions were severally received, the reading dispensed with, and referred: the first, second, fifth, eighth, and ninth to the committee of propositions and grievances; the third to a select committee of Messrs. W. Johnson, Stevenson, and D. White;
the fourth and sixth to the committee for courts of justice; and
the seventh to the committee of religion.

A message was received from the Senate announcing the pas-
sage of a bill entitled, an act to amend the law regulating pro-
ceedings against absent defendants.

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

The Committee of Ways and Means, to whom was referred so
much of the Governor's Message as relates to the Revenue of the
Commonwealth, and likewise so much thereof as relates to
the establishment of a Bank, having had the subjects under con-
sideration, report as follows, in part:

His Excellency informs the General Assembly that on the 16th day
of October last, there was a balance against the Treasury of one hun-
dred and fifty-seven thousand, five hundred and thirty-four
dollars, (which amount on the 30th of November, 1832, had been swelled by overdrafts
of the Treasurer to $161,853 25,) and recommends, as well for the
improvement of the finances, as for the purpose of otherwise advancing
the interests of the people, and promoting the public good, that a Bank
be established, based upon a solid capital of two millions of dollars or
more; the notes of which shall be at all times redeemable in gold or silver,
under a penalty of a forfeiture of the charter, "never to be resuscitat-
ed." The message states that the state has funds in the Bank of Ken-
tucky and of the Commonwealth, which may be fairly estimated at six
hundred and fifty thousand dollars; and recommends that these funds be
realized and subscribed as stock in the proposed Bank, so soon as it can
be done with convenience, and that the balance of the stock be taken
by individuals.

Your committee concur entirely in the opinion indicated by his Ex-
cellency, that none other than a specie paying bank should be created,
or suffered to exist. Indeed, they would hope, that after the experience
which the people of Kentucky have had of the manifold evils of a
depreciated currency, it would be long before any statesman is found
among us, the advocate of a paper currency, not based on a solid
foundation, and redeemable in gold or silver. They also accord with
the sentiment, that public debts should never be contracted, except on
extraordinary emergencies, and when created, should be discharged so
soon as a wise economy and a faithful application of the resources of
the country can effect it. "We should never burden our children with
that which it is our duty to meet."

It would have afforded your committee pleasure to report, as the result
of their deliberations, a complete accordance with the recommendations
of the Governor; but being unable to perceive, in the situation and amount of the public funds in the Banks, in the actual state of the money markets, and the prospective operations of the Bank of the United States whilst winding up its affairs, the means necessary for the establishment of a bank of the character, and adequate to the purposes contemplated in the message, your committee feel it their duty to assign some of the reasons which have led them to a different conclusion.

The whole capital of the state in the Bank of the Commonwealth consists in the debts owing to that institution, by individuals scattered throughout the country. There is no specie on hand worth naming; and there are demands upon it on account of advances by the Bank of Kentucky, and specie checks from the Treasury, amounting to nearly thirty thousand dollars; which at this time, has no means of paying. What portion of this capital will ever be realized, must, of course, depend mainly on the solvency of the debtors, and cannot, therefore, at this time be estimated with precision. The officers of the bank have heretofore estimated the bad and doubtful debts at two hundred and ten thousand dollars. Assuming this estimate as being sufficiently accurate for our present purpose, the following statement will be found nearly correct.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital stock of the Bank of the Commonwealth</td>
<td>$660,540 47</td>
</tr>
<tr>
<td>Literary fund</td>
<td>140,917 44</td>
</tr>
<tr>
<td>Amounting, nominally, to</td>
<td></td>
</tr>
<tr>
<td>Deduct therefrom bad debts</td>
<td>801,457 91</td>
</tr>
<tr>
<td>Treasury overdrafts, up to the 30th November, 1832</td>
<td>216,000</td>
</tr>
<tr>
<td>Making</td>
<td>161,853 25</td>
</tr>
<tr>
<td>Leaving</td>
<td>371,853 25</td>
</tr>
<tr>
<td></td>
<td>429,904 66</td>
</tr>
</tbody>
</table>

Thus reducing the probable amount of the available funds of the state in this bank to four hundred and twenty-nine thousand nine hundred and four dollars, sixty-six cents. But this fund, as has been remarked, is in the hands of the debtors of the bank, and can only be realized by the slow process of collection. If the Legislature shall fail to provide a revenue adequate to the ordinary expenses of the government, and continue to supply the deficit in the treasury, out of the funds of the bank, the result must be, that in the final winding up, the whole capital of the bank will consist in the debt of the treasury, and nothing will ever be realized to receive the destination contemplated by his Excellency. But if the legislature shall, at its present session, direct the accounts between the bank and the treasurer to be balanced, and shall create a revenue sufficient for the expenditures of the government,
we will then be enabled to look forward to a period when, the notes of
the bank having been all taken in, the residue of the debts will be collectable in specie, and the funds may be once more brought subject to the disposal of the Legislature. By instituting an active and somewhat pressing system of collection, most of the notes of the bank now in circulation might be taken in during the next year; after which, and not till after, specie may be coerced from the debtors of the bank, and we might commence the laying of the solid foundation which the message contemplates.

In the mean time, there will be something receivable from the Bank of Kentucky. The value of the stock owned by the state in that institution, is like that of the Bank of the Commonwealth—uncertain. If estimated by its present price in market, it would fall short of $50,000. But, from information on which your committee rely, they are induced to fix it at $75,000. It is expected that a dividend will be declared in April next, of which the state's portion will amount to about $30,000; of which $20,000 may be in specie and the residue in notes of the Bank of the Commonwealth. But the Bank of Kentucky has a claim against the state for the sum of $12,500 specie, borrowed by the Bank of the Commonwealth to pay a treasury draft; and $5,000 for another treasury draft, which the Bank of the Commonwealth was unable to pay. These two sums should, on principles of justice, be set off against the $20,000 specie, before mentioned. So that we cannot look to the Bank of Kentucky for any immediate assistance, in the establishment of the Bank proposed in the message.

If the views of your committee be nearly correct, the whole funds of the state in the two banks will fall short of the Governor's estimate $150,000, the true amount being about 500,000 instead of 650,000, no part of which (worth speaking of,) can be realised for the purposes contemplated, in the coming year.

Your committee do not see how the conclusion can be avoided, that the means possessed by the two banks are totally inadequate to the objects recommended by the Governor; and they therefore feel bound to enter their dissent to his plan of increasing the revenue and advancing the public interest by means of a bank, as totally impracticable at this time.

Believing as they do, that the state is not prepared to take any part in a specie paying bank, your committee have not thought it their duty to make any special enquiry, in regard to the disposition or ability of individuals to take stock in such an institution. They, however, can see no adequate inducement for capitalists to vest their funds in a state bank at this time: the fact has gone forth to the world, that the West is
indebted to the Bank of the United States in the sum of *thirty millions of dollars*, which must be paid in a few years, and withdrawn from the country unless that bank is re-chartered. Your committee fear that a pressure, general, severe and continued, has commenced in the Western country, which can be terminated only by a change in the policy of the administration of the general government.

They believe that no bank, with a capital of two millions of dollars, can exist, and do business on banking principles, while the Bank of the United States is winding up. If such a bank were established, and every dollar of the capital actually paid in, they could not, at this time, in safety, issue more paper than their cash on hand; these notes would soon be received by the Bank of the United States, in payment of debts due them, returned upon the state bank and cashed. In this way, it seems to your committee, that the specie capital of the proposed bank would be transferred to the Bank of the United States, and in lieu thereof would remain the bonds, notes, mortgages, &c. of the debtors to the bank—a fund not very unlike that which constitutes the capital of the Bank of the Commonwealth. But, supposing that a state bank could sustain itself, while the Bank of the United States is winding up, it must be obvious that the stock would not yield a fair interest. It is upon the credit of the bank, and not upon the specie in her vaults alone, that much of the profits of banking operations depend. If the bank lends to the extent of her actual capital only, its receipts cannot amount to more than the legal interest on the same; but from this must be deducted the expenses of the institution, and the bad debts, which are occasionally created by the most prudent directory. The last item alone was, some years ago, so great in the Bank of the United States, that no dividends were declared for a considerable period. Under the most prudent management, the deductions from the income of a bank of two millions of dollars, for expenses and losses, cannot be safely estimated at less than one and a half per cent. per annum; leaving a dividend of four and a half per cent. to be distributed among the stockholders.

This might, in some old countries, where capital is abundant, and the chief difficulty is to find objects of investment, be deemed a reasonable profit; but in this country, at the present time, is by no means adequate. In this, as in all new countries, there is a demand for more capital than is possessed by its citizens; and, of course, the market rate of interest is comparatively high. Add to this, that the present time, and a few years to come, will probably constitute a period of peculiar pressure on the West; money will be in great demand; interest will be high, and our capitalists will prefer keeping their funds under their own control, for the
purpose of lending upon usury, or purchasing property at a sacrifice, to placing it in a bank, where it would yield them but a meagre profit.

These are some of the reasons which induce a belief that the stock would not be taken, and the capital paid in, bona fide, by individuals. They fear that, if the stock was taken and the payment made, the transaction would be one of form merely. The money would be paid in only to be immediately withdrawn by the same individuals. The experience furnished by the Independent Banks should not be lost on us.

In conclusion, your committee are of opinion, that the proposed bank would not contribute to relieve the community from pecuniary pressure, or to relieve the Treasury from its present embarrassments.

Your committee recommend the following resolution:

Resolved, That it is inexpedient, at this time, to pass a law establishing a state bank, upon the plan proposed by the Governor.

Which being twice read, was laid on the table.

It was then moved and seconded that 3000 copies of said report be printed, for the use of the members of this house.

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

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


Mr. Woolley, from the committee on internal improvements, made the following report, (accompanied by a bill for the benefit of the Lexington and Ohio Rail Road Company.)

The committee on Internal Improvements, to whom was referred the leave to bring in a bill for the benefit of the Lexington and Ohio Rail Road Company, have had the subject under consideration; and, after the most mature and deliberate attention it has been able to bestow upon...
it, have come to the conclusion to report a bill, to authorise a loan of three hundred thousand dollars on the credit of the Commonwealth, to aid in the speedy completion of the great work which individual enterprise has undertaken.

At this day it would surely be a useless task to speak of the benefits which are to result to the community from a liberal and enlarged system of public improvements. Its importance is felt and acknowledged by all; but while Kentucky has been talking upon the subject, other states have been acting, and she now finds herself surpassed by some of her younger sisters. Ohio has followed the example of the great commercial state of New York, called into action her vast resources by opening new channels of trade, and is now marching forward with giant steps in the road to prosperity. The anxious inquiry has been, with the committee, if it is not now the time to do something which, either in itself, or by the impulse it may give to other great works, may bring the state of Kentucky somewhat upon a level with her sister states. Our situation forbids, at once, the idea of making canals, if it were even desirable to do so; but your committee believe that they hazard nothing in assigning a decided superiority to rail-roads over canals. The celerity of movement, the application of steam power, the travelling and transportation at all seasons, and the absence of those causes which, in the neighborhood of canals, generate disease, have produced, in the minds of those who have investigated the subject, a decided preference for rail-roads. To such an extent has this feeling been carried, that rail-roads are now projected along the margin of canals, and even of the Hudson river.

If Ohio then could, upon her credit, borrow about five millions of dollars to open her canals, is it a startling proposition to ask, that Kentucky should pledge her credit for much less than a half million, to aid in furnishing a facility of intercommunication among her own citizens, much superior to canals?

But your committee are not satisfied to place the subject in that point of view alone. It is believed that, under the provisions of the bill, the state will have a double security for the faithful application of the money borrowed. If the amount were taken in stock, it might perhaps be contended that there would be no guaranty for the faithful application of the money, but that which would result from the integrity of the agents employed; but individual interest, as it now stands, cannot fail to prompt to a speedy and energetic prosecution of the work. When it is recollected, that the stock held by individuals, in sums over one thousand dollars, amounts in the aggregate to $389,900, upon which $106,303 have been paid, being four percent. over the amount which has been required by the
directory, it seems to the committee, that the work has been commenced in good earnest, and that but little doubt can be entertained, by any reasonable mind, that it will be successfully prosecuted. Six miles of the road is already finished, and the grading of various sections, between that point and Frankfort, in a state of rapid progression. The company has remitted for iron, which enters the United States free of duty, upwards of $26,000. It has paid out for real estate about $9,000. The whole amount paid, by all the stockholders, is $124,000. The road thus far finished, the iron and the real estate, of the company, together with whatever may be done with the money borrowed, stand bound to the state for the redemption of the loan which may be effected. Other states make internal improvements, and look alone to the works made, by money borrowed, for its redemption; but, in this instance, it is proposed that the whole $124,000 shall be a security, whatever additional sum may be spent by the stockholders, under the requisitions of the charter, which, under the proposed bill, must be at least equal to the amount to be borrowed on the credit of the state, shall be a security, as well as whatever work may be done with the money borrowed. As there can be no doubt that the work will be completed, if it should only yield an interest of two per cent. on the cost, it would be more than equivalent to the six per cent. upon $300,000 borrowed.

The interest of those concerned in this undertaking, apart from every other consideration, is a sufficient testimony before hand, that the work which may be completed by the money borrowed will, under any circumstances, be worth its cost. There can be no danger then from borrowing the money; but, on the other hand, it is believed that many advantages will result from it. The impulse which will be given to works of improvement will be felt throughout the country. It is believed that upon this subject, the most sanguine expectations of the projectors of the road will be more than realised. Turnpikes, in various directions, will be made to connect with the road; and when once commenced, they will gradually, but certainly, extend their branches in all directions through the state. They will become the veins and arteries, through which will flow the commerce and wealth of the country. If it shall be said, that this will in time be the case at any rate, we answer, that apparent and almost insurmountable difficulties, against the completion of any work of public improvement, dwindle into nothing, when any one great undertaking has been speedily and successfully accomplished. Works would then be commenced with confidence and a certain prospect of success, and without having to encounter that formidable opposition which arises from those who, wishing to purchase the character of superior sagacity
and prudence at the cheapest rate, are eternally declaiming against a work intended for the public good, as the idle and visionary scheme of dreaming enthusiasts. What country ever succeeded in accomplishing any great work, without disregarding the croakings of those who wish to throw over a contracted policy the mantle of prophetic wisdom?

Accomplish the work which it is intended to aid by the bill which has been reported, and you immediately create a sufficient motive to construct a turnpike in the direction of Montgomery and Bath counties from Lexington, one from the same point to Richmond, another through Nicholasville in the direction of Lancaster; on the other end of the road, one from Louisville towards Green river, and on the various intermediate points, branching from the rail-road into the heart of the country; and, at the same time, you enlist the individual interest and personal exertions of a body of capitalists, in favor of these works, as wealthy and as enterprising as any to be found in our country. The resources and means of the state might then be applied, to construct roads in those sections of the country where there is but little wealth, and where individual enterprise is unable to accomplish so desirable an object.

But, independently of the impulse it will give to the general improvement of the country, it will add greatly to its wealth, in the enhancement of the value of property and the rapid increase of the population of the state. This proposition it is considered is not debateable. The whole experience of the age in which we live, has fully demonstrated its truth. There is not one single example of a public work, in the United States, where this effect has not been produced. The amount of taxes it is evident, which would be paid into the Treasury, would be increased in proportion to the increase of population, and to the enhancement of the wealth of the state, without any change in the rate of taxation. No maxim of political economy is sounder, than that it is the interest of a state to legislate so as to increase the value of the property of its citizens; not that speculative, fictitious value, which receives its tinge from avaricious feelings when reflected by a bauble, but a value which arises from conferring a permanent and substantial benefit, which will stand the test of time and of common sense.

The committee in reporting this bill, and in recommending its passage into a law, cannot close their eyes upon the present condition of the state. The Bank of Kentucky has long ceased to discount, and has been gradually calling in its debts, until it has almost wound up its concerns. The Bank of the Commonwealth has been following its example, and is now regularly calling on her debtors. The Bank of the United States, whose paper has of late been our only circulating medium, will, in all
human probability, be compelled to pursue the same course, and that there must be a pressure, to a greater or less extent, appears inevitable. The committee believe, that the expenditure of the money which will be necessary to complete this road, will do much to alleviate this threatened pressure. It will first be paid to the contractors, they will pay it out to the workmen, and they to the farmers and mechanics, and it will thus receive a general and diffusive circulation. It will not be confined to a particular portion of the state, but, according to its universal law, will spread over the whole surface of the country until it finds its level.

The committee do not look upon the present undertaking as a mere experiment, though, as such, they believe it would be worth putting to the test. They consider the practicability and utility of rail-roads as settled by experience. For a number of years past, they have been in use in England and Wales, on a limited scale; and in all instances have realised the anticipations of their projectors. The idea of applying them on a more extended scale, is comparatively of recent origin; and it is said, that there are now more than two thousand miles in that country, either in successful operation or will be in a very short time. That between Liverpool and Manchester was commenced in the autumn of 1826. The difficulties which have been there overcome are almost incredible. There have been two tunnels excavated under the city of Liverpool, one two thousand two hundred, and the other two hundred and ninety-one yards long. Six considerable eminences, most of them of solid rock, had to be cut through. In many cases the level had to be maintained by embankments, one of which is seventy feet above the level of the surrounding country, and another through a morass four miles in length. Besides this, there are sixty-two bridges and viaducts, some of which have nine arches, with a span of fifty feet to the arch. The Baltimore and Ohio Rail Road had also difficulties to encounter, which, at first view, seemed almost impossible to be surmounted. The Allegheny mountain, towering to the height of three thousand feet above the level of the ocean, together with the various subordinate ridges parallel to it, run in a transverse direction to the general course of the road. The ridges between Baltimore and the Potomac, rise to an elevation of between eight and nine hundred feet. At the very commencement of the road there is a prominent ridge, running from South West to North East, which rendered it necessary to adopt an elevation of sixty-six feet above tide water, for the first twelve miles. Yet these difficulties did not dishearten those who engaged in this magnificent work. The first stone on this road was laid on the 4th of July, 1828, by the late venerable Charles Carroll, then the only surviving signer of the Declaration of our Independence.
There are no such difficulties in the line of the projected road, from Lexington to the Ohio river. The cost of the first six miles has not exceeded the original estimate, although executed in the best manner, and upon an improved plan on that originally designed. The entire road to Louisville, it is confidently believed, will not cost more than one million of dollars; and the state will then have a work of a million of dollars value, as security for the reimbursement of three hundred thousand. As to the profits to be derived from the road, the committee is constrained to express their entire conviction, that there is nothing to fear on that score. From evidence before them, it appears that the city of Lexington alone pays, at this time, the sum of sixty thousand dollars per annum, for transportation to and from the Ohio river, on six thousand tons of freight. Without any increase of business whatever, the rail-road will reap from this source, at the rate of tolls allowed by its charter, the sum of twenty-four thousand dollars. The intermediate places, between Lexington and Louisville, would furnish at least an equal amount of freight, and the amount paid by passengers would ensure a sufficiently reasonable per cent. upon the capital invested. But all fears must be dissipated, when it is recollected that an extent of country must participate in the immediate benefits of the road, embracing about twenty of the richest counties in the state, with a population of not less than two hundred and fifty thousand, and passing through the heart of the most fertile soil upon earth.

But, in all instances, where facilities of intercourse have been increased, the enterprise of man has been awakened, his industry has been quickened, new resources have been developed, and the general amelioration of the condition of our species has resulted. On the great New-York canal, towns, and villages, and cities, have sprung up, as if by the magic wand of enchantment. In such a country as that through which this road will pass, it must be an idle inquiry, to ask if its business will justify increasing, no matter to what extent, the facility of intercourse between its distant points. It is an unerring maxim, which has stood the test of the experience of all countries, that business will increase just in proportion as you increase the facility of intercourse.

The committee is gratified to have the example of the great state of New-York, for the measure which is now proposed. That enlightened and patriotic state, with an eye always to her own interest, pledged her faith and credit on behalf of the Hudson and Delaware Canal Company, for the loan of eight hundred thousand dollars. She thereby secured, without incurring a hazard upon her part, a speedier completion of one of the great works of internal improvement, which individual enterprise
had given birth to. Kentucky should cherish and foster a spirit of this kind. It is the safest, the most certain, as well as most speedy mode of deriving all the advantages from an enlarged system of internal improvements. When individual interest is enlisted with public good, the latter is sure to be well attended to. In conclusion, a majority of your committee express the confident hope, that the bill which has been reported, will pass.

Mr. Chilton, from the minority of said committee, made the following report:

The minority of the Committee on Internal Improvements, to whom was referred "Leave to bring in a bill for the benefit of the Lexington and Ohio Rail Road Company," have, in conjunction with the residue of said committee, had that subject under consideration; and deem it due to themselves, and to the House, that they should also submit a brief view of the subject referred.

They differ with the majority of the committee in their report, not as to the importance of the work presented, nor as to the general statement of facts exhibited in that report; nor, indeed, are they less zealous for the success of the undertaking, than ever its most untiring supporters. But they differ in "the recommendation," that the bill reported should pass this legislature, for reasons, which, though satisfactory to their own minds, may nevertheless be presented to the house in a few words.

They are, in the first place, of opinion, that to pledge their constituents, and the state, for the redemption of a loan, large or small, to an individual, or to a company of individuals, would not only be to establish a dangerous, if not a ruinous precedent; but would be to overstep the legitimate powers which are vested in them as representatives of the people.

In explanation of the first view, they have only to say, that if, in this instance, and for this company, the faith of the state should be pledged, other instances, numerous, if not, indeed, innumerable, would speedily be presented, of a similar character, and sustained by similar claims, in which an extension of the same liberality, would not merely be sought as a matter of general policy, or favour, but claimed as a matter of absolute right. In such an event, which is looked upon as inevitable, to refuse, would subject the legislature of our state to perhaps just imputations of partiality; while to yield, would involve the state in calamities which it requires no extraordinary depth of penetration to foresee. Adopt a general system of pledging the state and its citizens for the redemption of loans, made in the manner proposed, and no political arithmetician could, as they think, present a fair view of our real condition, or the extent of our state liabilities, which would follow. The minority
are as deeply solicitous for the progress and encouragement of a well regulated system of internal improvement, as those who go farthest. But they believe, that improvements which are undertaken by individual companies, and the profits of which, when completed, will belong to individuals, and not to the state, should depend, for their progress and completion, on individual enterprise, except in instances in which it may suit the convenience of the state, and the views and wishes of such companies, that the state become interested by subscribing for stock.

A word or two will exemplify their second objection. They believe, that in selecting them as the representatives of a portion of the people of this commonwealth, their constituents never did contemplate that they were delegating a power to pledge their property, or the property of the citizens of the state at large, for the purposes, and in the manner proposed. They conscientiously believe, that if the people whom they represent, were assembled in mass, nineteen twentieths, if not ninety and nine hundredths, would protest against the exercise of such power. It, therefore, occurs to them, that, in discharge of their duty, as faithful representatives, aside from other weighty considerations, they should oppose the exercise of such power, which they accordingly do. They are opposed to the passage of the bill as reported; and, therefore, most respectfully submit, for the consideration of the house, the foregoing suggestions, and with the greatest possible deference for the residue of the committee.

THO. CHILTON,
GEO. W. BROWN,
STILWELL HEADY,
JEFFERSON JENNINGS.

Ordered, That said reports and bill be laid on the table; and the Public Printer forthwith print 150 copies thereof, for the use of the members of this house.

Mr. D. White read and laid on the table the following joint resolution:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That six from the Senate and twelve from the House of Representatives, be appointed, whose duty it shall be to proceed, as soon as may be, to the City of Lexington, and examine into the progress already made on the Lexington and Ohio Rail Road; the quality of the work, and the facilities it is likely to afford, when completed, to the commerce of the country, &c. And the said committee are instructed to report specially to each branch of the General Assembly, such facts as may come to their knowledge in said examination, together with their opinion on the utility of the work.

And thereupon the rule of the house having been dispensed with, the said resolution was taken up, twice read, and adopted.
Ordered, That the Clerk carry the said resolution to the Senate and request their concurrence.

Mr. English, from the select committee, to whom was referred a bill from the Senate, entitled "an act to amend the law incorporating the town of Warsaw, late Fredericksburg, in Gallatin county," 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, and third reading of said bill having been dispensed with:

Resolved, That the said bill, as amended, do pass.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in said amendment.

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

By Mr Stevenson, from the committee of religion—1. A bill for the relief of Susannah Johnson.

By Mr Henry—2. A bill to authorise the erection of a building, for the use of a public library, on the public square in Richmond.

By Mr W. Johnson—3. A bill for the benefit of the Sheriff of Scott county.

By Mr Prince—4. A bill for the benefit of Abner W. Smith, former Sheriff of Caldwell county.

By Mr Harris—5. A bill to authorise the sale of Lebanon meeting-house in Todd county.

By Mr Harris—6. A bill to authorise the circuit court of Jefferson county to appoint commissioners to investigate the affairs and settle with the agent of the Commercial Bank at Louisville.

By Mr Stevenson—7. A bill to amend the act entitled, an act for the benefit of revolutionary soldiers.

By Mr May—8. A bill to establish a tobacco inspection at Paintsville, Floyd county; and,

By Mr Meriwether—9. A bill to provide for the appropriation of fines and forfeitures in the county of Jefferson.

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, third, fourth, fifth, sixth, and eighth bills having been dispensed with, the first, second, third, fourth, fifth, and eighth were severally ordered to be engrossed and read a third time, and the sixth was committed to the committee for courts of justice.

And the rule of the house, constitutional provision, and third reading of the first, second, third, fourth, fifth, and eighth bills having been dispensed with, and the same being engrossed:
Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

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

The house then, according to the standing order of the day, resolved itself into a committee of the whole house, on the state of the Commonwealth—Mr. Allen in the chair—and after some time spent therein, the Speaker resumed the chair, and Mr. Allen reported that the committee had, according to order, had under consideration a bill to prevent the importation of slaves into this Commonwealth, and had made some progress therein, but not having time to go through the same, had instructed him to ask for leave to sit again—which was granted.

Mr. B. F. Thomas read and laid on the table the following joint resolution:

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 Auditor's Office; 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; 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 Register's Office; 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 Penitentiary; 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 Bank of Kentucky; and, 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 Bank of the Commonwealth of Kentucky.

On motion of Mr. D. White:

Ordered, That the rules adopted for the government of the house, be submitted to a select committee of Messrs. White, McAfee, Allen, Green, and Prince, for the purposes of amendment.

Mr. E. Smith read and laid on the table the following joint resolutions:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That our Senators be instructed, and our Representatives be requested, to urge upon the consideration of Congress, the importance of an annual appropriation, by the General Government, to assist in colonizing free persons of colour, on the coast of Africa.

Resolved, That a portion of the Navy should be detailed to assist in colonizing free persons of colour, on the coast of Africa.

Resolved, That the Governor be requested to transmit copies of
the foregoing, to each of our Senators and Representatives in Congress.

Mr. Brown moved the following resolution:

Resolved, That the standing committees of this house be, and the same are hereby instructed to reject all and every petition or application to the General Assembly of this Commonwealth, to pass bills, upon personal or local matters, where a remedy is provided by the general laws of the land.

And the question being taken on the adoption thereof, it was decided in the negative, and so the said resolution was disagreed to.

Leave was given to bring in the following bills:

On the motion of Mr. Chilton-1. A bill concerning the county of Meade.

On the motion of Mr. McAfee-2. A bill for the benefit of Louisa Meriwether.

On the motion of Mr. Henry-3. A bill to legalize the proceedings of the Christian and Barren county courts, in appointing commissioners of tax, under the act, approved Dec. 23, 1831.

On the motion of Mr. Thruston-4. A bill to change the constable's district, in the first battalion, in the 88th Regiment of Kentucky Militia.

On the motion of Mr. S. Young-5. A bill to authorize the establishment of a road leading from Harrodsburg to the Lexington road from Bardstown.


On the motion of Mr. Delaney-7. A bill to remove obstructions to navigation in Trade Water, from White's mill to the mouth.

On the motion of Mr. B. S. Morris-8. A bill to appropriate $5000 towards building a permanent bridge across Licking river, at Claysville.

On the motion of Mr. Ewing-9. A bill to authorize the recording of deeds, remaining unrecorded in the clerk's office of the Logan county court, at the death of the late clerk.

On the motion of Mr. Paris-10. A bill for the benefit of Stephen Langford, of Pulaski county.

On the motion of Mr. Simpson-11. A bill to authorize the county court of Estill county to extend the boundary of the constable's district in said county, composed of the town of Irvine; and,

On the motion of Mr. Lucas-12. A bill for the benefit of Allen Taylor.

Messrs. Chilton, Hill and Culley, were appointed a committee to prepare and bring in the first; the committee of religion, the second and sixth; the committee for courts of justice, the third and ninth; Messrs. Thruston, Pryor and Nattall, the fourth; Messrs. S. Young, McAfee and Bowling, the fifth; Messrs. Delaney, Prince,
and Hughes, the seventh; Messrs. B. S. Morris, J. Williams and Patterson, the eighth; the committee of propositions and grievances, the tenth; Messrs. Simpson, Sairviner and Collins, the eleventh; and Messrs. Lucas, Covington and D. T. Smith, the twelfth.

And then the house adjourned.

THURSDAY, DECEMBER 15.

A message was received from the Senate announcing the passage of a resolution, which originated in this house, for appointing a joint committee to examine the Lexington and Ohio Rail Road.

The passage of bills which originated in this house of the following titles:

An act to authorise the sale of a part of the real estate of Evvard Clarke, deceased, to pay his debts; and,

An act for the benefit of Mary Goodwin; with amendments to the latter bill.

And that the Senate had received official information that the Governor did, on the 10th instant, approve and sign sundry enrolled bills, which originated therein, of the following titles:

An act for the benefit of Noah C. Summers, clerk of the Bullitt county court; and,

An act for the relief of the Sheriff of Garrard county.

Mr. Prince, from the joint committee of enrolments, reported that the committee had examined an enrolled resolution for appointing a joint committee to examine the Lexington and Ohio Rail Road; and had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

Whereupon, Messrs. D. White, B. S. Morris, Covington, Prince, Abel, Allen, Pierce, Cook, S. Williams, Megowan, Henry and Woolley, were appointed a committee on the part of this house.

Ordered, That Mr. White inform the Senate thereof.

1. Mr. B. F. Thomas presented the petition of sundry citizens of the county of Montgomery, in the Red River precinct, praying the passage of a law changing their place of voting from Robert Gay's, Esq. to John L. Martin's.

2. Mr. McAfee presented the petition of Louisa Meriwether to be divorced from her husband, James Meriwether.

3. Mr. Lucas presented the petition of D. W. Poor, Nicholas Gautier and Richard Curd, the securities of Spencer Card, late clerk of the Logan circuit and county court, praying that a law may pass granting them indulgence and time to arrange and settle the claims upon, and revenue tax due from, said clerk.
4. Mr. Woolley presented the petition of a committee of the Directors of the Lexington Library Company, praying the tax of two per cent, imposed on sales at auction, in the city of Lexington, heretofore appropriated to the Transylvania University, may hereafter be divided between that institution and the Lexington Library Company; and,

5. Mr. Faris presented the petition of the adult heirs of Isaac Hays, deceased, praying that a law may pass to authorize the sale of three tracts of land lying in Pulaski county, and held by them in conjunction with the infant heirs of Isaac Hays, deceased.

Which petitions were severally received, read, and referred: the first, to a select committee of Messrs. B. F. Thomas, Davis and Lee; the second, to the committee of religion; the third and fifth, to the committee for courts of justice; and the fourth, to the committee on education.

The following bills were reported from committees to whom the same were referred, viz:

From the committee of privileges and elections—1. A bill to regulate election precincts in the counties of Clarke and Caldwell.

From the committee for courts of justice—2. A bill to authorize the circuit court of Jefferson county to appoint commissioners to investigate the affairs, and settle with the agent of the Commercial Bank of Louisville: the former with, and the latter without amendment.

The said bills were then ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision, and third reading of said bills having been dispensed with:

Resolved, That the said bills do pass: that the title of the former be amended by adding thereto the words "and other counties," and that of the latter be as aforesaid.

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

The Speaker laid before the house the annual report of the President and Directors of the Bank of Kentucky, which is in the following words:

BANK OF KENTUCKY,

Frankfort, Dec. 12, 1832.

SIR:—I herewith transmit a general statement, exhibiting the condition of this institution, on the 10th instant, inclusive.

The capital stock now held in the institution, exclusive of the residuary interest, is composed of 11,275 shares, amounting nominally to the sum of $24,764, of which the state is the owner of 5967 shares, amounting to $11,340; and individuals and corporate stockholders own 5302 shares, equal to $105,424, shewing an excess of state interest in the
institution, over and above that of individuals and corporate stockholders collectively, of 665 shares, equal to $13,931; and that while the stock owned by the state is stationary, that of individuals is gradually diminishing. The residuary stockholders own 7331 shares, amounting nominally to the sum of $145,500.

Since the 31st of December last, 105 shares of the capital stock, amounting to $975, has been surrendered to the institution, in the payment of debts; and a redemption of 600 shares of residuary stock, amounting to $12,000, has been effected by means of compromises, for bad and doubtful debts, and the sale of unproductive depreciating real estate.

The real estate sold, and otherwise disposed of, within the same period of time, amounts to $18,633 75, while that acquired by sales under execution, decrees in chancery, or otherwise, is very limited, though not yet precisely ascertained.

Since the 31st Dec. last, notes of the corporation, payable to bearer, which were then in circulation, amounting to the sum of $444, have been redeemed, by payment in silver, which the President and Directors have subsequently cancelled and burnt, in the presence of the Treasurer; leaving of that description of paper in circulation, $29,362 33. Of those now in circulation, made payable to order, and usually termed post notes, amounting to $2,751 81, none have been presented for payment, (except the sum of five dollars,) and when added to those made payable to bearer, amounts to $32,122 14; constituting the entire demand against the bank for "notes issued." A very small proportion of this sum, it is most confidently believed, will ever be presented for redemption; and I hazard little in saying, that the gain to the institution, from the loss and destruction of its paper, will equal one per cent on the capital, or $30,000.

The "current profits" of the institution, since the 31st December last, amounts to the sum of $14,098 35, and the "current expenses" to $5,188 61; leaving an excess of profit, over and above the charges, of $8,909 74; which exhibits the fact, that the expenses of the institution this year, are less than those of the last, by the sum of $916 99; and that the "nett profits" of the bank, this year, exceed those of the last by the sum of $181 08, which I consider the best commentary on the management of the directors, in the application of economy to the concerns of the institution.

The President and Directors have cast around to see if a further reduction in the expenses of the institution can be effected without endangering its best interest; but they cannot see where or in what it can
be done, save in the diminution of the number of suits to be instituted, which has always been a source of drain on its “profits.”

Since the adjournment of the last Legislature, the President and Directors ordered a distribution to be made, and paid to the stockholders, of five dollars, on each share of capital stock, one half to be paid in silver and the other in notes of the Bank of the Commonwealth, which gave to the state, and was paid to the Treasurer, $14,967 50, in silver, and a like sum, in Commonwealth’s paper. This distribution, when added to those previously made, makes 80 per cent, or 80 dollars, on each share, which has been paid to the stockholders, and places them all on an equality, as to the amount received. The period allowed, by law, for closing the concerns of this institution, is limited to the 1st day of January, 1833, being three years. That it shall be effected within that period, and as much earlier as practicable, is as desirable to those who control the management of the institution, as it is to the stockholders themselves; but there is little ground to hope for attaining the object, unless additional facilities, with an extension of powers, are granted by the legislature, to the President and Directors. These were pointed out in a communication which I had the honor of submitting to the legislature, at its last session, and which I again respectfully submit for their consideration.

I have the honor to be, respectfully,

Your obedient servant,

P. DUDLEY, President.

Hon. John J. CRITTENDEN, Speaker of the House of Rep’s.


<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Due to other banks</td>
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<td>Current profits</td>
<td>$14,098.35</td>
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<td>Stock</td>
<td>$224,764.00</td>
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<td>do. residuary</td>
<td>$145,500.00</td>
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<td>Due to individuals</td>
<td>$65,150.35</td>
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<td><strong>Total</strong></td>
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<tr>
<td>Current expenses</td>
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<td>Due from other banks</td>
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<td><strong>Total paid</strong></td>
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(Amount forwarded.)
JOURNAL OF THE

(Amount brought forward,) $762,034 69

CASH ON HAND—Silver, - - $ 367 87

Notes of specie banks, - 11,380 00

d. of the Com't's. B'k. - 9,357 45

d. of uncurrent banks, - 206 00

21,311 32

$783,346 01

Attest, H. BLANTON, Clerk.

The Speaker also laid before the house, the annual report of the President and Directors of the Bank of the Commonwealth; which is in the following words:

BANK OF THE COMMONWEALTH OF KENTUCKY,

Frankfort, 13th December, 1832.

Sir:—I have the honor of communicating herewith a statement exhibiting, in detail, the situation of this institution, on the 30th day of the last month inclusive. (See annexed folding leaf.)

The notes now under regular discount, amounts to the sum of $526,114 52. Notes in suit, $158,212 09. Real estate, $46,180 45: making together, the aggregate sum of $730,507 06.

The interest received on notes under discount, and those paid off during the current year, amount to the sum of $26,082 61; and the expenses, within the same period, to $15,293 25; leaving the sum of $10,789 36, to be carried to the credit of the Treasurer, as a nett profit.

On the second day of January last, the President and Directors cancelled and burnt, in presence of the Auditor and Treasurer, $100,000, of the notes of the institution; leaving the amount of all the bills issued by the bank, at $250,000. $149,353 25 of which has been re-issued, and thrown into circulation, upon the drafts of the Treasurer, over and above the amount of his deposits; and to which is to be added the sum of $12,500, in specie, received on deposit, by the Bank of Kentucky, and paid out upon the checks of the Treasurer, in favor of the Maysville and Shelbyville Turnpike roads.

Supposing the above balance against the Treasury to be settled and paid off, and that sum added to the amount of cash on hand, ($117,547 19, in Commonwealth’s paper, and $1,546 20, in specie,) it will be seen that the bank would, at this time, have redeemed all its notes, and have in its vaults the sum of $18,446 64, in specie, or its equivalent, with a solvent debt of more than half a million of dollars, after deducting the bad debts, and a loss of one third upon the real estate.

By a resolution of the Board of Directors, the number of agents was,
Due to Literary Fund | Due to W. D. Barrett, late cashier.

<table>
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<tr>
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<td>Cashier,</td>
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<td></td>
<td>2,548.34</td>
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<td>23.40</td>
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<td>Halliburton,</td>
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<td>Stock and United States Notes,</td>
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<td>Notes of the Bank of the Commonwealth,</td>
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<td>119,093.39</td>
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<td>$1,044,867.72</td>
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The Branches to the Principal Bank, and from the Principal Bank.

EDMUND H. TAYLOR, Cashier.
<table>
<thead>
<tr>
<th>Branch</th>
<th>Assets</th>
<th>Liabilities</th>
<th>Surplus</th>
<th>Balance</th>
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<td>Principal Bank, Bardstown</td>
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<td>20,041.43</td>
<td>147,938.07</td>
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<td>Greensboro Branch</td>
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<tr>
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<tr>
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**RECAPITULATION.**

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<th>Item</th>
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<tr>
<td>Total Amount of Bank</td>
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<td>Nett Payable</td>
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<td>Due from Depositors</td>
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<tr>
<td>Due from other Banks</td>
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<tr>
<td>Amount due from A. B. Barnes, late cashier, Greensburg Branch</td>
<td>15,260.19</td>
</tr>
<tr>
<td>Amount due from William D. Barnes, late cashier, Greensburg Branch</td>
<td>17,947.15</td>
</tr>
</tbody>
</table>

**Notes:**
- The amounts in the above table are due to other banks.
- The balances due from the branches to the Principal Bank, and from the Principal Bank to the Bank of Kentucky.
on the first day of the present month, reduced from twelve to seven; and saves to the state at the rate of $1,100 per annum. In addition to this, the bank has an assurance of the undivided services of its agents, under this arrangement, which will, it is believed, greatly facilitate the collection of the debts now due.

I am, Sir, very respectfully,

Your obedient servant,

H. WINGATE, President.

Hon. John J. Crittenden, Speaker of the House of Rep's.

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

By Mr. Ewing, from the committee for courts of justice—1. A bill to legalize the proceedings of the Christian and Barren county courts, in appointing commissioners of tax, and for other purposes.

2. A bill to amend the law giving compensation to witnesses, and to increase their mileage.

3. A bill for the benefit of Gabriel Gaines.

4. A bill authorizing the recording of deeds unrecorded in the Clerk's office of the Logan county court, at the death of the late clerk.

By Mr. Stevenson, from the committee of religion—5. A bill for the benefit of Mary Ann Patterson.

6. A bill for the benefit of Isabella Marshall, of the county of Campbell.

7. A bill for the benefit of Elizabeth McClure.

By Mr. Pierce—8. A bill to regulate the fines and forfeitures of Russell county.

By Mr. Thruston—9. A bill to change the constable's district in the first Battalion and 88th Regiment, and to change a constable's district, in the county of Estill.

By Mr. Peris—10. A bill for the benefit of Henry Waddle.

By Mr. Riffe—11. A bill to provide for the improvement of the road leading from the Lincoln county line, near William Cloyd's, in Casey county, to William Jones', by way of Liberty.

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 second excepted,) the first, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth, (the ninth having been amended at the clerk's table,) were severally ordered to be engrossed and read a third time, and the eleventh was committed to the committee on internal improvements.

And the rule of the house, constitutional provision, and third reading of the first, third, fourth, fifth, sixth, seventh, eighth, ninth
and tenth 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. Butler, from the committee appointed for that purpose, reported "a bill to regulate the duties of attorneys at law," which was received and read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, each and every attorney at law, within this Commonwealth, shall be, and he is hereby required, to make his election, between the Court of Appeals and the inferior courts; and no attorney, who shall choose to practice in the Court of Appeals, shall be permitted to practice in the inferior courts; and no attorney, who shall choose to practice in the inferior courts, shall be permitted to practice in the Court of Appeals: Provided, however, That this act shall not be so construed as to prevent any licensed attorney from attending to, and consummating the business in which he may have been engaged, prior to the passage thereof: And, provided, also, that it shall be lawful for any attorney at law to change his election between the said courts, at any time, by declaring his intention so to do in open court, and having the same entered of record.

Be it further enacted, That any attorney at law, who shall be guilty of a wilful violation of the foregoing provision of this act, shall thereby forfeit his license; and it shall be the duty of the judge of the court, before whom any such offence may have been committed, upon being satisfied of the fact, to make an order, removing said offender from the privileges and immunities of an attorney at law, within this Commonwealth.

Mr. Chilton then moved to lay the said bill 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. Chilton and Butler, were as follows:

The house then, according to the standing order of the day, resolved itself into a committee of the whole house—Mr. Allen in the chair—and after some time spent therein, the Speaker resumed the chair, and Mr. Allen reported that the committee had, according to order, had under consideration a bill to prevent the importation of slaves into this Commonwealth, and had made some further progress therein, but not having time to go through the same, had instructed him to ask for leave to sit again—which being granted:

The house then adjourned.

FRIDAY, DECEMBER 14.

1. Mr. W. Johnson presented the petition of Benjamin Robinson, praying a divorce from his wife, Frances Robinson.

2. Mr. Hauser presented the petition of Polly Raines, praying a divorce from her husband, David Raines.

3. Mr. Scrivner presented the petition of sundry citizens of Clay and Perry counties, praying that a law may pass to authorize Edward Turner, of Clay county, to erect a mill-dam across the middle fork of Kentucky river.

4. Mr. Morgan presented the petition of John Walton, of Fleming county, praying that a law may pass to authorize him to retail spirituous liquors without obtaining license.

Which petitions were severally received, the reading thereof dispensed with, and referred; the first and second, to the committee of religion; the third, to the committee of propositions and grievances; and the fourth, to the committee of ways and means.

A message was received from the Governor, by Mr. Sanders, Secretary of State, announcing that the Governor had, on yesterday, approved and signed an enrolled resolution, originating in this house, appointing a joint committee to examine the Lexington and Ohio Rail Road.

A message was received from the Senate announcing the passage of bills of the following titles:

An act adding Edmonson county to the sixth judicial district, and for other purposes.

An act repealing an act declaring Dick's river navigable; and,
An act supplemental to an act for the benefit of the Sheriff of Garrard county.

The passage of bills which originated in this house of the following titles:
An act for the benefit of Mary Ann Patterson.
An act to authorize the sale of Lebanon meeting-house in the county of Todd.
An act for the benefit of the heirs of Smith Alexander, deceased.
An act to authorize the erection of a building, for the use of a public library, on the public square in the town of Richmond; and,
An act to change the mode of publishing the decisions of the Appellate Court of this Commonwealth; with amendments to the latter bill.

And their concurrence in the amendments proposed by this house to a bill which originated in the Senate, entitled an act to amend the law incorporating the town of Warsaw, late Frederickburg, in Gallatin county.

Mr. McAfee, from the committee of propositions and grievances, made the following report:
1. The committee of propositions and grievances have had under their consideration the petition of sundry citizens of Barren county, praying that an additional constable be allowed in said county; and are of opinion that the committee request to be discharged from any further consideration of the same.
2. Also, the petition of sundry citizens of Barren county, praying for the establishment of an election precinct in said county; and are of opinion that the same is reasonable.
3. Also, the petition of sundry citizens of Fleming county, praying that two precincts in said county may be consolidated, and a remonstrance against the same; and are of opinion that the same be rejected.
4. Also, the petition of John Perkins and Abraham Smith, of Whitley county, praying that patents may issue on two several head right certificates, in the Tellico purchase, one of each being assigned to them and now lost; and are of opinion that the same be rejected: this committee being of opinion that a court of chancery is the proper tribunal to apply to, when the rights of those interested may be investigated.

Which being twice read, was concurred in.

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

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:
By Mr. McAfee, from the committee of propositions and grievances—1. A bill for the benefit of Edward H. Earle.
By Mr. Ewing, from the committee for courts of justice—2. A
bill for the benefit of the wife and children of William Green, a 
lunatic.

By Mr Stevenson, from the committee of religion—3. A bill for 
the benefit of Louisa Meriwether.

4. A bill for the benefit of Isaac Rose.

5. A bill to amend the law concerning divorces.

By Mr Lucas—6. A bill for the benefit of Allen Taylor.

By Mr Nuttall—7. A bill to exempt from execution growing 
crops, and for other purposes.

By Mr Chilton—8. A bill concerning the county of Meade.

By Mr B. F. Thomas—9. A bill to change the place of voting 
in an election precinct in Montgomery county, from Robert Gay's 
to John L. Martin's.

By Mr G. W. Johnston—10. A bill to appropriate the fines and 
forfeitures, in the counties of Shelby and Christian, to the Shelby 
and Christian Academies; and,

By Mr Delaney—11. A bill to alter and amend the laws of this 
Commonwealth in relation to roads.

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

And thereupon the rule of the house, constitutional provision, 
and second readings of said bills (the first excepted,) having been 
dispensed with, the second, third, fourth and sixth, were ordered 
to be engrossed and read a third time; the fifth, seventh, eighth, 
ninth and tenth, was committed to the committee for courts of 
justice; and the eleventh to the committee on internal improvements.

And thereupon the rule of the house, constitutional provision, 
and third readings of the second, third, fourth and sixth bills hav­
ing 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. Davis moved the following resolution, viz: 

Resolved, That the committee of ways and means be instructed 
to enquire into the expediency of increasing the tax upon slaves, 
for the purpose of paying for those that may hereafter be executed; 
and that they make report by bill or otherwise.

And the question being taken on the adoption thereof, it was 
decided in the affirmative.

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

YEAS—Mr. SPEAKER, Messrs. Boone, Brown, Butler, Chilton, Col­ 
lins, Copeland, Crow, Culley, Davidson, Davis, Delaney, Ford, Fulton, 
Green, Hayden, Hauser, Heady, Hill, Jef. Jenning, Jett, W. Johnson, 
Lee, Lockhart, McDonald, McFall, May, Morgan, D. Morris, Murray,


Mr. E. Smith read and laid on the table the following joint resolutions:

Resolved, That in the opinion of the General Assembly of the Commonwealth of Kentucky, a McAdamised road, from Charleston, in the State of South Carolina, by way of the Cumberland Gap, to intersect the Shelbyville Turnpike road, leading to the City of Louisville, in Kentucky, is of national importance; therefore,

Be it resolved, That our Senators and Representatives in Congress be requested to procure the appointment of suitable engineers, by the General Government, to survey and report to Congress, the probable expense of constructing a McAdamised road, from Charleston, South Carolina, by way of Cumberland Gap, to intersect the Shelbyville Turnpike road, leading to the City of Louisville, in Kentucky.

Resolved, That the Governor be requested to transmit copies of the foregoing resolution to each of our Senators and Representatives in Congress.

Mr. McAfee moved the following resolution:

Resolved, That the committee on internal improvements be, and they are hereby instructed, to enquire into the amount of tolls collected to and at the Cumberland Gap; and also to enquire into the manner of appropriating said tolls, and whether any amendments are necessary to the laws regulating the tolls and repairs required on said road.

Which being twice read, was adopted.

Mr. Davidson read and laid on the table the following joint resolution:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That when the house adjourns on the 24th of this month, it adjourn without day.

Mr. E. Smith moved to obtain leave to bring in a bill to repeal the law allowing pay for slaves that are executed.

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

The yeas and nays being required thereon by Messrs. E. Smith and ——, were as follows:


Mr. Chilton moved the following resolution:

WHEREAS, by the existing laws of this Commonwealth, if the slave of one citizen kill the slave of another, and the slave so having committed murder, be found guilty, and executed, the owner of the executed slave is entitled to receive from the public treasury his value, while the owner of the slave murdered, receives no portion of the value of the slave murdered; wherefore,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency, in all such cases, of dividing between the owners of the slave murdering and of the slave murdered, the amount awarded, in proportion to the relative value of each.

Which being twice read, was adopted.

Mr. B. F. Thomas moved the following resolution:

Resolved, That the committee of ways and means be instructed to enquire into the propriety of amending the revenue laws of this Commonwealth, so as to have the same collected in gold and silver; and that they report by bill or otherwise.

Which being twice read, was adopted.

Mr. E. Smith moved the following resolution:

Resolved, That after the present week, the standing adjournment of this house shall be to 9 o'clock, A. M.

Which being twice read, was laid on the table.

Leave was given to bring in the following bills:

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

On the motion of Mr. Hayden—2. A bill to open a state road, to commence at or near a point on the road leading from Georgetown, in Scott county, to Ghent, in Gallatin county, known as the six mile tree, and thence to run so as to intersect the road leading from Georgetown to Cincinnati, at or near James Gouge's, on the Dry Ridge.
On the motion of Mr Delaney—3. A bill to increase the mileage and pay of members of the Legislature.

On the motion of Mr Thruston—4. A bill to establish a bank in the City of Louisville.

On the motion of Mr Heady—5. A bill to legalize the proceedings of the trustees of the town of Taylorsville, in the county of Spencer, and for other purposes.

On the motion of Mr Morgan—6. A bill to authorise the executor or administrator of Isaac Pitts, deceased, to sell a tract of land, in the county of Lewis, and for other purposes.

On the motion of Mr McAfee—7. A bill to add the county of Mercer to the 12th judicial district.

On the motion of Mr. Murray—8. A bill for the benefit of Edmund Card.

On the motion of Mr Nuttall—9. A bill to authorise the county courts in this Commonwealth to lay off their counties into convenient election precincts.

On the motion of Mr Ewing—10. A bill for the benefit of the jailor of Logan county; and,

On the motion of Mr Green—11. A bill to amend the law concerning lunatics.

Messrs. Heady, G. W. Johnston and E. Smith, were appointed a committee to prepare and bring in the first; Messrs. Hayden, Hauser and Stevenson, the second; Messrs. Delaney, Murray, G. W. Johnston and Southgate, the third; Messrs. Thruston, Butler, E. Smith, Rudd, Churchill, Harris and Pryor, the fourth; Messrs. Heady, Young and Butler, the fifth; the committee for courts of justice the sixth, seventh, tenth and eleventh; Messrs. Murray, Prince and McFall, the eighth; and Messrs Nuttall, Green and G. W. Johnston, the ninth.

The amendments proposed by the Senate to bills which originated in this house, of the following titles, were twice read and concurred in:

An act authorising the appointment of additional constables in certain counties.

An act to amend an act requiring tavern-keepers, pedlars, and the owners of covering horses and jacks, to pay taxes in advance and obtain license, approved Dec. 22, 1831; and,

An act for the benefit of Mary Goodwin.

Ordered, That the Clerk inform the Senate thereof.

The amendments proposed by the Senate to a bill which originated in this house, entitled an act to change the mode of publishing the decisions of the Appellate court of this Commonwealth were twice read and committed to the committee for courts of justice.

A bill to continue in force an act providing for the appointment
of Commonwealth's Attorneys, approved January 12, 1831: was ordered to be engrossed and read a third time to-morrow.

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

1. An act to change the first constable's district in Washington county.
2. An act to repeal in part an act declaring Beaver Creek, in Barren county, a navigable stream.
3. An act to change the names of Matilda McNutt and John McNutt to those of Matilda Bayse and John Bayse.
4. An act for the relief of jailors.
5. An act to legalize the proceedings of the Greenup county court, at their last November term.
6. An act for the benefit of Jeffersontown.
7. An act to change the times of holding the Lewis and Green-up circuit courts, and for other purposes.
8. An act regulating the ferry at the mouth of the Big Kentucky river, in Gallatin county.
10. An act for the benefit of William Davis, of Whitley county.
11. An act continuing in force the law providing for the appointment of Commonwealth's Attorneys.
12. An act to amend the law regulating proceedings against absent defendants.
13. An act repealing an act declaring Dick's river a navigable stream.
14. An act adding Edmonson county to the sixth judicial district, and for other purposes.
15. An act supplementary to an act for the benefit of the Sheriff of Garrard county.

And thereupon the rule of the house, constitutional provision, and second reading of said bills (the tenth excepted,) having been dispensed with, the first, third, fourth, fifth, sixth, eighth, thirteenth, fourteenth and fifteenth, (the fifth having been amended at the clerk's table,) were severally ordered to be read a third time; the second was committed to a select committee of Messrs. Gorin, Covington and Cook; the seventh, ninth, eleventh and twelfth, to the committee for courts of justice.

And thereupon the rule of the house, constitutional provision, and third reading of the first, third, fourth, fifth, sixth, eighth, thirteenth, fourteenth and fifteenth bills having been dispensed with:

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

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in the amendments proposed to the fifth bill.

Engrossed bills of the following titles were severally read a third time:
1. An act to reduce the price of the public lands in the district of country West of the Tennessee river, and to protect the actual settlers in said district; and,
2. A bill increasing the jurisdiction of the trustees of the town of Franklin, in Simpson county.

The first was committed to the committee for courts of justice. Resolved, That the second bill do pass, and that the title thereof be as aforesaid.

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

And then the house adjourned.

SATURDAY, DECEMBER 15.

1. Mr. Heady presented the petition of Griffith Willett, praying that a law may pass to authorise the sale of a tract of land belonging to his son, Cornelius F. Willett, who is a lunatic.

2. Mr. McFall presented the petition of sundry citizens of the county of Hickman, praying that a law may pass authorising them to vote for a permanent location of their seat of justice.

3. Mr. Harris presented the petition of Charles Daniel, praying that a law may pass to repeal an act of the legislature, which passed 12th day of January, 1831, which deprives him of rights and interests secured by an act that passed 25th of January, 1820, giving certain tolls on the turnpike road from Georgetown to Cincinnati.

4. Mr. Ford presented the petition of Nathaniel Herrington, praying a divorce from his wife, Milley Herrington.

5. Mr. Murray presented the petition of sundry citizens of Calloway county, praying that a law may pass giving said county an additional justice of the peace and constable.

Which several petitions were received, the reading dispensed with, and referred; the first and third, to the committee for courts of justice; the second and fifth, to the committee of propositions and grievances; and the fourth, to the committee of religion.

A message was received from the Senate announcing their disagreement to a bill which originated in this house, entitled, an act for the benefit of William Simpson; and,

The passage of bills which originated in this house of the following titles:
An act for the benefit of James Parish.
An act for the benefit of Louisa Meriwether.
An act to regulate the Jefferson and Oldham circuit courts.
An act for the benefit of the Sheriff of Scott county; and,
An act for the benefit of Dicey Fletcher: with amendments to the three latter bills.

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

Ordered, That the Clerk inform the Senate thereof.

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

The committee for courts of justice have had under consideration the petition, to them referred, of the heirs of Isaac Hays, deceased, praying that a law may pass authorising the sale of infants' real estate, and have come to the following resolution thereon:

Resolved, That said petition be rejected, as it is embraced within the provisions of the general law now in force.

Which being twice read, was concurred in.

Mr. Ewing, from the same committee, to whom was referred bills from the Senate, of the following titles:

An act to change the time of holding the Lewis and Greenup circuit courts, and for other purposes; and,

An act continuing in force the law providing for the appointment of Commonwealth's Attorneys: reported the said bills, the former with, and the last without amendments.

The amendments reported to the former bill was concurred in: and the said bills ordered to be read a third time.

And thereupon the rule of the house, constitutional provision, and third reading of said bills having been dispensed with:

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

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in the amendments proposed to the former bill.

Mr. Ewing, from the same committee, to whom was referred a bill from the Senate, entitled "an act concerning executors and administrators:" 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.

Mr. Ewing, from the same committee, to whom was referred a bill for the benefit of John Smith and Bartlett Hill; and a bill to change the place of voting in an election precinct in Montgomery county, from Robert Gay's to John L. Martin's: reported the same with amendments to each, which being twice read were concurred in; and the said bills, 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 bills having been dispensed with, and the same being engrossed:

Resolved, That the said bills do pass, that the the title of the first be as aforesaid, and that of the latter be amended by adding thereto the words, "and for other purposes."
Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

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

The committee of ways and means, have had under consideration the petition of John Walton, praying that a law may be passed authorizing him to retail spirituous liquors without paying for a license, have had the same under consideration, and have come to the following resolution:

Resolved, That the said petition be rejected.

Which being twice read, was concurred in.

Mr. G. W. Johnston, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles:

An act to amend the law incorporating the town of Warsaw, late Fredericksburg, in Gallatin county.

An act to repeal, in part, an act to amend the law concerning the trustees of the town of Glasgow, and for other purposes, approved January, 1831.

An act for the benefit of the heirs of Smith Alexander, deceased.

An act to authorize the erection of a building, for the use of a public library, on the public square in Richmond.

An act to authorize the sale of Lebanon meeting-house in the county of Todd; and,

An act for the benefit of Mary Ann Patterson: and had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. G. W. Johnston inform the Senate thereof.

Mr. Chilton moved the following resolutions:

While we have witnessed, with great satisfaction and delight, the rapid march of that spirit of improvement, to which our country is indebted for the multiplied facilities afforded the agricultural and commercial operations of our citizens, and particularly in the application of steam power, upon our navigable waters; we nevertheless find much to deplore, and many occurrences calculated to awaken the solicitude of the humane and benevolent, and to suggest the anxious enquiry—can nothing be done to prevent a recurrence of past disasters, at the recollection of which humanity startles? To recur only to one of the number, upon which memory might sorrowfully dwell—we are warned by the destruction of the boat "Brandywine," and the sufferings of those who perished on that occasion, that a defect exists somewhere in that mode of navigation; and that for the security of the lives and property of our citizens, this legislature should interpose, to the extent of its constitutional power and jurisdiction, to throw around those sacred objects, the strongest guards which its wisdom may
be competent to devise. We are appealed to by the sufferings and tears of the widows and orphans, which those disasters have made, and by all the tender sympathies of parental affection, as well as the success of our general commerce.

Be it therefore resolved, That the committee for courts of justice be instructed to enquire into the extent of the constitutional power and jurisdiction of this legislature, over the navigation of the Ohio and Mississippi rivers, so far as the state of Kentucky borders thereon; and its power to impose such restraints upon the boats and other craft employed in the navigation thereof, as will the more effectually secure the lives and property of our citizens, by preventing racing thereon, and the accidents resulting therefrom, and from other causes; and that said committee have leave to report by bill or otherwise.

Resolved further, That said committee be instructed to prepare and report to this house, a suitable memorial to the Congress of the United States, touching this subject, and praying an exertion of the constitutional power of that body, in aid of this benevolent object, in such cases as cannot be reached by the state authorities.

Which being twice read, was adopted.

Mr. B. F. Thomas moved the following resolution:

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of passing a law to prevent the emancipation of slaves, unless those wishing to emancipate shall provide the means to transport such slaves to Liberia, or some foreign country; and that they also be instructed to enquire into the expediency of passing a law to require the free coloured people of this Commonwealth, to give bond and security for their good behaviour.

Which being twice read, was adopted.

Mr. Kennedy moved the following resolutions:

1. Resolved, That it is expedient that this legislature should provide the ways and means for transporting from Kentucky, and colonizing on the coast of Africa, the free coloured population of this state.

2. Resolved, That ____ thousand dollars of the proceeds of the Bank of the Commonwealth ought to be set apart and constitute a fund for the accomplishment of the aforesaid objects.

3. Resolved, That a tax of ____ cents ought to be laid on each slave in this Commonwealth, to constitute an auxiliary fund to aid in the promotion of the same.

4. Resolved, That the committee of ways and means be instructed to prepare and report a bill embracing the above objects.

5. Resolved, That a sum sufficient to complete the turnpike road from Maysville to Lexington ought to be appropriated for that purpose.

6. Resolved, That a sum sufficient to complete the turnpike road
from Shelbyville to Frankfort ought to be appropriated for that purpose. Which being twice read, were committed to a committee of the whole house for the 18th instant.

Ordered, That the Public Printer print 150 copies thereof, for the use of the members of this house.

The house took up, for consideration, a resolution laid on the table on the 4th instant, relative to branching the Court of Appeals. The said resolution was then amended to read as follows, viz:

Resolved, That the committee for courts of justice enquire into the expediency of amending the law establishing the Court of Appeals, so as to compel said court to sit annually at three or more several sites in Kentucky; and report by bill or otherwise.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Thruston and E. Smith, were as follows:


Mr. J. White moved the following resolution:

Resolved, That the committee for courts of justice are instructed to enquire whether or not there exists any evils growing out of the management of the Deaf and Dumb Asylum, located at Danville, under its present board of trustees; and whether it be expedient to take said institution from under the control of its present trustees, and place the same under the control of a different board of trustees.

Which being twice read, was adopted.

On motion—

Ordered, That Mr. Chilton have leave of absence from the service of this house, until the 29th instant.

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

By Mr McAfee, from the committee of propositions and grievances—1. A bill to establish an election precinct in Barren county.
2. A bill to appoint commissioners to examine the mill-dam of David Cutlip, with a view to the navigation of Green river.

3. A bill for the benefit of Stephen Langford.

By Mr Ewing, from the committee for courts of justice—4. A bill to change the mode of summoning jurors, and to provide for their compensation.

By Mr Stevenson, from the committee of religion—5. A bill for the benefit of Jane Tibbs and Greenberry Tibbs, of Laurel county.

6. A bill for the benefit of Stephen and Caty Sampson.

7. A bill for the benefit of Benjamin Robinson.

8. A bill for the divorce of Polly Raines.

By Mr Deianey—9. A bill to remove obstructions to the navigation in Trade water.

By Mr Heady—10. A bill to change the time of holding the Spencer circuit and county courts, and the county courts of Shelby.

11. A bill to legalize the proceedings of the Trustees of the town of Taylorsville, in Spencer county, and for other purposes; and,

By Mr Young, of Bath—12. A bill to authorise the establishment of a road from Harrodsburg to the Lexington road from Bardstown, and for other purposes.

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

Ordered, That the Public Printer forthwith print 150 copies of the fourth bill, for the use of the members of this house.

And the rule of the house, constitutional provision, and second and third readings of the first, fifth, sixth, seventh, eighth, tenth, eleventh and twelfth 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.

Leave was given to bring in the following bills:

On the motion of Mr Gaines—1. A bill for the benefit of the Boone Academy.

On the motion of Mr Bates—2. A bill for the benefit of Stephen Tudor.

On the motion of Mr Hauser—3. A bill allowing additional terms to the county court of Pendleton county, and for other purposes.

On the motion of Mr Murray—4. A bill to appropriate a portion of the vacant lands, in the district of country West of the Tennessee river, to building of bridges in said district.

On the motion of Mr Gorin—5. A bill for the benefit of William R. McFerran.
On the motion of Mr Boone—6. A bill for the benefit of Daniel M. Kittinger; and,

On the motion of Mr D. Morris—7. A bill to amend the road laws, so far as respects the county of Mason.

Messrs. Gaines, Hauser, Harris and Southgate, were appointed a committee to prepare and bring in the first and third; Messrs. Bates, J. White and Collins, the second; Messrs. Murray, Prince, McFall and Thompson, the fourth; Messrs. Gorin, Ford and Ewing, the fifth; Messrs. Boone, Harris and B. F. Thomas, the sixth; and Messrs. Morris, Lee and Pickett, the seventh.

An engrossed bill entitled, an act allowing the Independent Banks of this Commonwealth further time to settle their concerns, was read a third time.

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

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

An engrossed bill entitled, an act to amend the penal laws of this Commonwealth, was read a third time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases where fines shall hereafter be recovered from individuals, for failing or refusing to work on the public highways or streets, the justice before whom such recovery shall be had, shall state in his judgment, the time, not exceeding five days, he shall be confined in the jail, in case of his failure to pay the same; and shall endorse the said time on the execution, and a capias pro fine may issue therefor, in like manner as in other cases of fines; and in case of his failure to pay said fine and costs, he shall be confined in the jail of the county the length of time designated in said judgment and execution.

The said bill was then amended, on motion of Mr. Southgate, by adding thereto the following engrossed clause, by way of rider, viz:

Be it further enacted, That all laws now in force, exempting owners of slaves from working on the public roads, by furnishing two hands, be, and the same are hereby repealed; and that the said owners shall be required to labor on the said roads in the same manner as other persons.

The question was then taken on the passage of said bill, with the rider aforesaid, which was decided in the negative; and so the said bill was rejected.

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

YEAS—Messrs. Bell, Bramlett, Brown, Culley, Davidson, Davis, Ewing, Faris, Gaines, Green, Harris, Hauser, Kennedy, Lee, Lucas, Mar-


And then the house adjourned.

MONDAY, DECEMBER 17.

The Speaker laid before the house the annual report of the Trustees of the Asylum for the tuition of the Deaf and Dumb, at Danville, which is in the following words:

To the honorable the General Assembly of the Commonwealth of Kentucky:

The Trustees of the Asylum for the instruction of the Deaf and Dumb, would respectfully report,

That the pupils in the Institution have enjoyed good health generally, during the past year, and have made satisfactory progress in their studies. We have, however, to regret the loss, by sickness, early in the year, of two promising young men—Thomas Kennon of Mississippi, and John G. Bell of Tennessee.

The additions to the buildings, mentioned in our last report, have been completed, and add much to the comfort and convenience of the Institution.

A statement of our funds accompanies this report; from which it will be seen, that we have been disappointed in the amount to be received this year, from sales of land in Florida. This has been caused by continued sickness of Colonel Allen, our agent, together with other causes assigned by him, of the difficulty of making collections there. The exact state of our prospects there we do not know, as yet, as we are promised a detailed statement of our affairs during the coming month of January, when we expect a visit from our agent. It is, as heretofore expressed, the constant policy of the trustees, as fast as possible, to create a permanent fund. By reference to our account, it will be seen what progress has been made on that subject. All loans are made upon unquestionable personal security.

A reference to the accompanying list of pupils, shew an increase in number since our last report, and we have prospects of more accessions upon the opening of the next spring.

It would afford the trustees pleasure to receive a visit from a committee of your honorable body, or to send a pupil or two, with a teacher, to the seat of government, if desired.

Respectfully submitted, by order,

D. G. COWAN, Secretary.
Statement showing the situation of the funds, of the Asylum for the Deaf and Dumb, on the 3d November, 1832.

DR—To balance on 3d November, 1831, as per report, $3,638 05
  " amount received from the Treasury, for the support of indigent pupils for the year ending 3d November, 1832, 3,117 62
  " tuition fees received from pay pupils, 244 11
  " cash received from R. C. Allen, agent in Florida, on account sales of land, 1,009 17
  " cash repaid by borrowers, 294 00
$11,300 95

CR—By amount paid for erection of a new building, $2,078 03
  " amount paid Mr. Kerr, for the support of indigent pupils, 1,484 76
  " amount paid same, salary as teacher, 400 00
  " amount paid Mr. Jacobs, principal teacher, for one year and one quarter's salary, at $750 specie, per annum, 1,058 00
  " amount paid W. D. Kerr, assistant teacher, 259 00
  " fuel for school-room, 20 00
  " amount paid for books, stationary, and incidental expenses, 41 03
  " amount paid for repairs of fences, making gates, pump, &c. 74 09
  " amount paid for fees, attorneys, clerks, &c. 22 77
  " amount paid for printing, 6 70
  " amount paid for postages, 3 20
$ 5,448 19
5,852 76
$11,300 95

Of the above balance of $5,852 76, there is upon loan, in specie, the sum of $4,375, bearing an interest of six per cent.—leaving on hand, in Commonwealth paper funds, $1,473 76.

D. G. COWAN, Secretary.

OFFICERS OF THE ASYLUM.
Pupils in the Asylum on the 3d November, 1832.

<table>
<thead>
<tr>
<th>Names</th>
<th>Age</th>
<th>When entered.</th>
<th>Where from.</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emily Grissom</td>
<td>25</td>
<td>Apr. 24, 1830</td>
<td>Adair co.</td>
<td></td>
</tr>
<tr>
<td>David Arnet</td>
<td>21</td>
<td>Aug. 3, 1830</td>
<td>Bath co.</td>
<td>Indigent.</td>
</tr>
<tr>
<td>William P. Moore</td>
<td>22</td>
<td>Aug. 2, 1830</td>
<td>West Tennessee</td>
<td></td>
</tr>
<tr>
<td>Sifas Ford</td>
<td>18</td>
<td>Sept. 25, 1830</td>
<td>Madison co.</td>
<td></td>
</tr>
<tr>
<td>John S. Langdon</td>
<td>14</td>
<td>May 18, 1830</td>
<td>Pulaski co.</td>
<td></td>
</tr>
<tr>
<td>Henry Grissom</td>
<td>14</td>
<td>Sept. 27, 1830</td>
<td>Adair co.</td>
<td></td>
</tr>
<tr>
<td>Edward Busby</td>
<td>14</td>
<td>Sept. 27, 1830</td>
<td>Adair co.</td>
<td></td>
</tr>
<tr>
<td>Thomas G. White</td>
<td>13</td>
<td>Sept. 27, 1830</td>
<td>Harrison co.</td>
<td></td>
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<tr>
<td>Laura Flournoy</td>
<td>15</td>
<td>Oct. 11, 1830</td>
<td>Caldwell co.</td>
<td></td>
</tr>
<tr>
<td>Adeline Flournoy</td>
<td>13</td>
<td>Oct. 11, 1830</td>
<td>Caldwell co.</td>
<td></td>
</tr>
<tr>
<td>Jesse Forsythe</td>
<td>23</td>
<td>Dec. 23, 1830</td>
<td>Pendleton co.</td>
<td></td>
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<tr>
<td>James Keeth</td>
<td>19</td>
<td>Dec. 23, 1830</td>
<td>Pendleton co.</td>
<td></td>
</tr>
<tr>
<td>William Hoagland</td>
<td>25</td>
<td>Mar. 22, 1831</td>
<td>Washington co.-</td>
<td></td>
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<tr>
<td>Curtis Gatewood</td>
<td>16</td>
<td>May 11, 1831</td>
<td>Nelson co.</td>
<td></td>
</tr>
<tr>
<td>William Gatewood</td>
<td>14</td>
<td>May 11, 1831</td>
<td>Nelson co.</td>
<td></td>
</tr>
<tr>
<td>Sally Gatewood</td>
<td>13</td>
<td>May 11, 1831</td>
<td>Nelson co.</td>
<td></td>
</tr>
<tr>
<td>Waller W. Wood</td>
<td>14</td>
<td>June 21, 1831</td>
<td>Mississippi</td>
<td>Pays ch.</td>
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<tr>
<td>Jesse Vanwinkle</td>
<td>12</td>
<td>Sept. 13, 1831</td>
<td>Wayne co.</td>
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<tr>
<td>Jacob N. Johnston</td>
<td>11</td>
<td>July 11, 1832</td>
<td>Bourbon co.</td>
<td></td>
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<tr>
<td>John C. Woods</td>
<td>15</td>
<td>Nov. 10, 1831</td>
<td>West Tennessee</td>
<td>Pays ch.</td>
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<tr>
<td>Charles A. Welden</td>
<td>11</td>
<td>May 30, 1832</td>
<td>Bracken co.</td>
<td></td>
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<tr>
<td>Eleanor Mills</td>
<td>11</td>
<td>Aug. 25, 1832</td>
<td>Jefferson co.</td>
<td></td>
</tr>
<tr>
<td>William W. Cole</td>
<td>22</td>
<td>Sept. 10, 1832</td>
<td>Franklin co.</td>
<td></td>
</tr>
<tr>
<td>Helen G. Martin</td>
<td>8</td>
<td>Oct. 3, 1832</td>
<td>Alabama</td>
<td>Pays ch.</td>
</tr>
<tr>
<td>Waller Rodes</td>
<td>16</td>
<td>Apr. 12, 1832</td>
<td>Scott co. Ky.</td>
<td></td>
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</tbody>
</table>

Ordered, That the said report be committed to the committee for courts of justice.

The Speaker also laid before the house a letter from John Jennings, Esq., a member of this house, from the county of Garrard, announcing a resignation of his seat therein; which was received and read.

Ordered, That a writ of election issue to the county of Garrard, for the purpose of electing a representative to supply the vacancy occasioned by the resignation aforesaid; and that the election be held on Monday, the 24th instant.

A message was received from the Senate announcing their disagreement to a bill which originated in this house, entitled, an act for the benefit of the heirs of Lawrence Sandford, deceased.

The passage of bills which originated in this house of the following titles:
An act in relation to the towns of Cynthiana and Lawrenceburg.

An act for the benefit of John Cook; and,
An act to regulate the fines and forfeitures of Russell county.
And the passage of bills of the following titles:
An act to amend the act providing for opening and keeping in repair the highways in the county of Fayette.
And act for the benefit of William Butler, clerk of the Monroe county and circuit courts.

An act appointing Trustees to the Glasgow Academy; and,
A resolution authorizing the public librarian to have certain acts of assembly bound.

1. The Speaker presented the petition of William Trigg, of Franklin county, praying that a sum of money paid by him to aid in rebuilding the former capitol of this state, be refunded to him.

2. Mr. Patterson presented the petition of Joanna Miller, praying a divorce from her husband, Dudley Miller.

3. Mr. D. Morris presented the petition of sundry citizens of Mason county, praying that a law may pass, to exonerate Levi Vancamp, late Captain of a Light Infantry Company, in the 29th Regiment, Kentucky Militia, from his bond, given for the return of certain arms, belonging to the state.

4. Mr. Hughes presented the remonstrance of sundry citizens of Hopkins county, protesting against the proposal to divide said county for the purpose of forming a new county out of parts of the counties of Livingston, Union, Caldwell and Hopkins; and,

5. Mr. Morgan presented the petition of sundry citizens of Fleming county, praying that a law may pass to appoint an additional justice of the peace for said county.

Which petitions were severally received, read, and referred: the first, to the committee of claims; the second, to the committee of religion; the third and fourth, to the committee of propositions and grievances; and the fifth, to a select committee of Messrs. Morgan, Megowan and Pickett.

A message from the Governor, by Mr. Sanders, Secretary of State.

Mr. Speaker:—The Governor did, on the 15th instant, approve and sign sundry enrolled bills, which originated in this house, of the following titles:

An act for the benefit of the heirs of Smith Alexander, deceased.

An act to authorise the sale of Lebanon meeting-house in the county of Todd.

An act to repeal, in part, an act to amend the law concerning the trustees of the town of Glasgow, and for other purposes, passed January, 1831.
An act to authorise the erection of a building, for the use of a public library, on the public square in Richmond; and,
An act for the benefit of Mary Ann Patterson.

And then he withdrew.

Ordered, That the Clerk inform the Senate thereof.

Mr. B. F. Thomas moved that a message be sent to the Senate, requesting leave to withdraw a bill, and the report of its passage, made by this house to the Senate on Saturday last, which originated in the Senate, for continuing in force an act providing for the appointment of Commonwealth's Attorneys.

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

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


Ordered, That Mr. B. F. Thomas carry the said message.

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

By Mr McAfee, from the committee of propositions and grievances—1. A bill to authorise Edward Turner to erect a mill-dam and mill on the middle fork of the Kentucky river, in Clay county.

By Mr Ewing, from the committee for courts of justice—2. A bill for the benefit of the jailor of Logan county.

By Mr Stevenson, from the committee of religion—3. A bill for the benefit of Polly Seeders.

4. A bill for the divorce of Temple West.

5. A bill for the relief of James Cole.

6. A bill for the benefit of Bowling Thompson.

By Mr Murray—7. A bill for the benefit of Edmund Curd.

By Mr E. Smith—8. A bill for the benefit of Champ Mullens of Rockcastle county.

By Mr Bates—9. A bill for the benefit of Stephen Tudor.
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By Mr Hayden—10. A bill to provide for the erection of a bridge across Main Eagle, on the state road leading from Lexington to Ghent.

By Mr Gaines—11. A bill for the benefit of the Boone Academy; and,

By Mr Hauser—12. A bill allowing additional terms to the county court of Pendleton, 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 first, second, third, fourth, fifth, sixth, seventh, tenth and eleventh bills having been dispensed with, the first, second, third, fourth, fifth, sixth and eleventh were severally ordered to be engrossed and read a third time; the seventh was committed to the committee of claims; and the tenth, to the committee on internal improvements.

And the rule of the house, constitutional provision, and third reading of the first, second, third, fourth, fifth, sixth and eleventh bills having been dispensed with, and the same being engrossed:

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

The yeas and nays being required on the passage of the fourth bill, by Messrs. D. Morris and ——, were as follows:


NAYS—Mr. Speaker, Messrs. Abol, Allen, Anderson, Collins, Covington, Davidson, Delaney, Dunlap, Ewing, Gaines, Green, Hill, Innis, Kennedy, McDonald, D. Morris, Ozborn, Pendleton, Pickett, Pierce, Rudd, Scriver, Seaton, Shepherd, W. Thomas, S. Williams, Woolley, and Yates—29.

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

An engrossed bill entitled, an act to take the sense of the good people of this Commonwealth, as to the propriety of calling a convention, was read a third time as follows, viz:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the sheriffs and judges, at the several places appointed to hold the annual elec-
tions, in the year 1833, to open columns in their several poll books, for qualified voters to vote for a convention; and it shall be the duty of the several sheriffs aforesaid to make a true and faithful return to the Secretary of State, within thirty days after the close of the polls, of all the votes which may have been given within their respective counties, for a convention; to be by said Secretary laid before the General Assembly, at their next annual session, within the first week thereof.

Sec. 2. Be it further enacted, That any Sheriff failing to transmit, by mail, his official statement of the votes given as above provided, shall be subject to a fine of six hundred dollars, to be recovered by action of debt, by any person suing for the same, in any court having competent jurisdiction thereof; and shall also be subject, upon conviction of such failure, to removal from office.

Sec. 3. Be it further enacted, That it shall be the duty of the several sheriffs to read, or cause to be read, this act, at their several places of voting, in their respective counties, at opening the polls on each of the next annual elections; and in case of failure so to do, the said officer shall be subject to the same penalties which are above prescribed, for his failing to transmit his official statements.

Sec. 4. Be it further enacted, That the Public Printer shall, upon a separate leaf or sheet, print twelve hundred copies of this act, and furnish them to the Secretary of State, who shall send to each county, at the time of forwarding the acts of assembly, &c. forward to the clerk's office of the county court of each county in this state, ten of these copies; and the Secretary shall take a receipt of the carriers thereof, who shall take the receipt of the respective clerks, to whom he may deliver them, and the respective clerks of the county courts shall deliver the same to the high sheriff of his county, and take his receipt for the same, a copy of which shall be, by such sheriff, delivered to each of his deputies, to be by them read at their several places of voting, as required by this act.

Sec. 5. Be it further enacted, That any fine recovered under this act, shall be one half for the benefit of the person suing for the same, and the other half to go towards lessening the county levy of the county in which the fine may be imposed.

And the question being taken on the passage thereof, it was decided in the negative: and so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. Kennedley and S. Williams, were as follows:

YEAS—Messrs. Allen, Bell, Copeland, Crow, Culley, Davidson, Davis, Delaney, English, Ewing, Fulton, Gaines, Gorin, Harris, Hauser, Henry, Hughes, Jett, McAfee, McFall, Maxey, May, Megowan, Morgan, B. S. Morris, Murray, Nuttall, Patterson, Pendleton, Prince, Shep-
The following bills were severally read a third time:

1. An act to incorporate the Franklin Insurance Company.
2. An act to amend and reduce into one the several acts concerning the town of Augusta, in Bracken county; and,
3. An act for the benefit of George Coleman, and others.

The first was recommitted to the committee for courts of justice; and the third was amended by an engrossed clause, offered by way of ryder.

Resolved, That the second and third 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.

A bill from the Senate entitled, an act concerning executors and administrators, was read a third time, and an engrossed clause added thereto, by way of ryder.

Ordered, That the Public Printer forthwith print 150 copies of said bill, for the use of the members of this house.

A bill to connect the towns of Newport and Covington with Cincinnati by a bridge: was read a second time, and ordered to be engrossed and read a third time to-morrow.

A message was received from the Senate, by Mr. Fleming, returning a bill which originated therein, entitled, an act for continuing in force the law providing for the appointment of Commonwealth’s Attorneys; and which passed this house on Saturday last.

And then the house adjourned.

TUESDAY, DECEMBER 18.

1. Mr. Thruston presented the petition of Eloise Taylor, wife of Edmund H. Taylor, of Jefferson county, a lunatic, praying for the sale of certain tracts of land, in the county of Jefferson.
2. Mr. Prince presented the petition of Alonzo Portus Buck, praying that a law may pass to change his name to Joseph Freon.
3. Mr. Thompson presented the petition of sundry citizens of
Trigg county, praying the passage of a law repealing the law passed 19th January, 1827, in relation to the establishment of ferries across the Cumberland and Tennessee rivers, or so much thereof as relates to the county of Trigg.

4. Mr. Lucas presented the petition of Lucretia Clifford, praying a divorce from her husband, Pearson P. Clifford.

5. Mr. Marshall presented the petition of David Rees, praying that a law may pass to release him from further liability, on account of his securityship for the sheriff of Harrison, in the year 1823, in the collection of the revenue for that year; on account of the great indulgence granted to said sheriff, by the Auditor, without his, said Rees', knowledge or consent.

6. Mr. Thruston presented the petition of Moses W. Brigham, praying a divorce from his wife, Margaret Brigham.

7. Mr. Boone presented the petition of John Halyard and Nancy, his wife, Wells Fowler, John McClean, Hugh Goodwin, and Francis and Edward R. Price, by their guardian, John Halyard; Thomas Price, by his guardian, Hugh Gordon, and Andrew Price, by his guardian, Wells Fowler, children of Richard A. Price, deceased, representing that they own a small tract of land in the county of Clarke, which cannot be divided advantageously, and praying that a law may pass authorising the sale thereof.

Which several petitions were received, the reading dispensed with; the first and seventh, to the committee for courts of justice; the second laid on the table; the third and fifth, to the committee of propositions and grievances; and the fourth and sixth, to the committee of religion.

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

The committee of propositions and grievances have had under consideration the petition of Levi Vancamp, late a Captain of a Light Infantry Company, of the 29th Regiment, praying that he may be released from his bond, given for public arms, for a portion of said arms which are lost; and are of opinion that the same be rejected.

Which being twice read, was concurred in.

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

The committee for courts of justice have had under consideration the petition of Griffith Willett, referred to them, and have come to the following resolution thereon:

Resolved, That the petition of Griffith Willett, praying that a law may pass authorising the sale of a tract of land, the property of a lunatic son, be rejected; being provided for, and embraced in the general law now in force.

Which being twice read, and amended, by striking out the word
“rejected” and inserting in lieu thereof the words “is reasonable,” was concurred in.

Ordered, That Messrs. Heady, G. W. Johnston and S. Young, be appointed a committee to prepare and bring in a bill pursuant to said resolution.

On motion—

Ordered, that the committee for courts of justice be discharged from the further consideration of a resolution offered by Mr. J. White, on the 15th instant, relative to the Deaf and Dumb Asylum, at Danville; and from the further consideration of a resolution offered by Mr. Chilton, on the 14th instant, relative to the pay for slaves executed for crimes; and that the latter be committed to a select committee of Messrs. S. Williams, Kennedy and Boone.

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

The committee of religion have had under consideration the petition of John H. Rudd, praying to be divorced from his wife, Harriet Rudd; and come to the resolution that said petition is unreasonable.

The committee of religion have had under consideration the petition of Robert D. Owen, praying to be divorced from his wife, Susan W. Owen; and come to the resolution that said petition is unreasonable.

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

Mr. Ewing, from the committee for courts of justice, to whom was referred a bill to incorporate the Franklin Insurance Company; also, a bill to amend the law of evidence in prosecutions for forgery; reported the former with, and the latter without amendment.

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

Mr. Southgate, from the committee on internal improvements, to whom was referred a bill to provide for the erection of a bridge across Main Eagle, on the state road leading from Lexington to Ghent; also, a bill to establish a road from Louisville to the state line, in a direction to Knoxville; reported said bills with amendments to each: which being twice read were concurred in.

Ordered, That the former bill be recommitted to a select committee of Messrs. D. White, Hayden and English; and the latter be engrossed and read a third time to-morrow.

Mr. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to change the first constable’s district in Washington county.
An act to change the names of Matilda McNutt and John McNutt to those of Matilda Bayse and John Bayse.
An act regulating the ferry at the mouth of the Big Kentucky river, in Gallatin county.
An act for the benefit of Jefferson County.
An act to legalize the proceedings of the Greenup county court, at their last November term, and for other purposes.
An act adding Edmonson county to the sixth judicial district, and for other purposes.
An act repealing an act declaring Dick's river navigable.
An act supplementary to an act for the benefit of the Sheriff of Garrard county; and,
An act for the relief of jailors.
Whereupon the Speaker affixed his signature thereto.
Ordered, That Mr. Prince inform the Senate thereof.
A message was received from the Senate announcing their concurrence in the amendments proposed by this house to a bill from the Senate, entitled an act to change the time of holding the Lewis and Greenup circuit courts, and for other purposes.
The passage of a bill entitled, an act concerning the Public Library, and to provide for the election of a librarian.
And the passage of bills which originated in this house, of the following titles:
An act to amend the laws concerning the Lunatic Asylum, and for other purposes; and,
An act for the benefit of Allen Taylor: with amendments to the two latter bills.
The following bills were reported from the several committees appointed to prepare and bring in the same, viz:
By Mr McAfee, from the committee of propositions and grievances—1. A bill for the benefit of Dorcas Worley.
2. A bill allowing an additional justice of the peace to the county of Calloway.
By Mr Stevenson, from the committee of religion—3. A bill to divorce Frances Heard from her husband, William Heard.
5. A bill for the benefit of Sarah Crane; and,
By Mr Thruston—6. A bill to establish the Louisville Bank of Kentucky.
Which bills were severally received and read the first time, and ordered to be read a second time.
And thereupon the rule of the house, constitutional provision, and second reading of the first, third, fourth, and sixth bills having been dispensed with, the first and fourth were ordered to be engrossed and read a third time; and the third and sixth were (with petitions accompanying the sixth) committed to the committee for courts of justice.
And the rule of the house, constitutional provision, and third reading of the first 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 the Clerk carry the said bills to the Senate and request their concurrence.

Mr. Simpson, from the select committee, appointed for that purpose, reported a bill to lay off this state into congressional districts: 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 was dispensed with.

An amendment having been offered in lieu of said bill:

Ordered, That the said bill and amendment be laid on the table, and the Public Printer forthwith print 150 copies of the first section of each, for the use of the members of this house, together with the federal numbers and voters attached to each county.

Mr. B. F. Thomas then moved to take up, for consideration, a bill which originated in the Senate, entitled an act continuing in force the law providing for the appointment of Commonwealth's Attorneys; which had passed this house, and was, by request, returned from the Senate.

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

Mr. B. F. Thomas then moved to reconsider the vote, by which said bill was passed.

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

The yeas and nays being required thereon, by Messrs. McAfee and B. F. Thomas, were as follows, viz:


The said bill was then amended by adding thereto an engrossed clause, by way of rider.

Mr. E. Smith then moved to commit said bill to the committee for courts of justice, with instructions to report a bill, vesting the power of appointment in the Governor and Senate.

And the question being taken on committing the bill, with the instructions aforesaid, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. E. Smith and —, were as follows, viz:


The question was then taken on the passage of said bill, with the rider aforesaid, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. S. Williams and E. Smith, were as follows:


Ordered, That the Clerk carry the said bill to the Senate and request their concurrence in the said amendments.
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Mr. D. White read and laid on the table a joint resolution providing for a recess of the General Assembly.

The said resolution (the rule of the house having been dispensed with for that purpose,) was then taken up and amended to read as follows, viz:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That when the Senate and House of Representatives shall adjourn on Saturday, the 22d instant, they will adjourn to meet again on the 31st day of December.

It was then moved by Mr. S. Williams 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. S. Williams and Prince, were as follows, viz:


The said resolution was then laid on the table.

Leave was given to bring in the following bills:

On the motion of Mr Marshall—1. A bill to constitute a Board of Internal Improvement for Woodford county.

On the motion of Mr Scrivner—2. A bill for the benefit of Rebecca Hill.

On the motion of Mr Riffe—3. A bill to change the time of holding the November term of the Casey circuit court, and for other purposes.

On the motion of Mr McFall—4. A bill to legalize the appointment of certain constables in the Graves county court, at their November term, 1832.

On the motion of Mr B. S. Morris—5. A bill to amend the law in relation to landlord and tenant.

On the motion of Mr S. Williams—6. A bill to improve the
road leading from Monticello to the state line, in a direction to Monroe, Tennessee.

On the motion of Mr Southgate—7. A bill to authorise the trustees of the Campbell county Seminary to sell their donation lands.

On the motion of Mr Thompson—8. A bill to alter the boundary line of the 72nd Regiment of Kentucky Militia, so as to include within said Regiment all the citizens of the county of Trigg.

Messrs. Marshall, Green and Butler, were appointed a committee to prepare and bring in the first; the committee of religion, the second; Messrs. Riffe, Seaton and Pierce, the third; the committee for courts of justice, the fourth; Messrs. B. S. Morris, Pickett and Lee, the fifth; Messrs. S. Williams, Bramlett and Farris, the sixth; Messrs. Southgate, Harris, Gaines and Gorin, the seventh; and Messrs. Thompson, Henry and D. Smith, the eighth.

Mr. Shanks moved to obtain leave to bring in a bill to allow sheriffs pay for superintending elections in the several precincts in this Commonwealth.

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

Mr. Davis read and laid on the table the following joint resolutions:

WHEREAS, it is the opinion of this General Assembly that the road leading from Lexington, Kentucky, through Winchester, Mount Sterling, and Owingsville, to the Mouth of Big Sandy, is the nearest route to the City of Washington, upon which a tri-weekly line of stages has been established. And, whereas, it is the great thoroughfare through which Kentucky supplies her sister states of the east with her live stock and produce, necessary to their subsistence. And, whereas, a considerable portion of said road passes through a section of this state sparse in population, and limited in resources; therefore,

Be it resolved, by the General Assembly of the Commonwealth of Kentucky, That said road is of high national importance, and demands the liberal consideration of the General Government.

2. Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their utmost exertions to procure an appropriation, in money, sufficient to make the necessary improvements on said road; and that the Governor be requested to transmit a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

A message was received from the Senate announcing that they had adopted a joint resolution for a recess of the General Assembly.

The said resolution was then taken up and read as follows, viz:
Resolved by the Senate and House of Representatives. That when they adjourn on Saturday next, they will adjourn to meet on the Monday week following.

Extract, &c.

Attest, J. STONESTREET, C. S.

Mr. Ewing then moved to amend said resolution, by expunging therefrom the words "Monday week," and inserting in lieu thereof the word "Friday."

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

The yea's and nay's being required thereon by Messrs. Ewing and —, were as follows, viz:


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

The yea's and nay's being required thereon by Messrs. Prince and S. Williams, were as follows, viz:


Ordered, That the Clerk inform the Senate.
Ordered, That the committee of the whole house be discharged from the further consideration of a bill to prevent the importation of slaves.
And then the house adjourned.

WEDNESDAY, DECEMBER 19.

Mr. G. W. Johnston presented the memorial and petition of the Louisville and Shelbyville Turnpike road Company, and the Board of Internal Improvement for Shelby county, praying that a law may pass to enlarge the powers of said Turnpike Company and Board of Internal Improvement, so as to enable them, in conjunction, to procure and put in operation, for their exclusive use, steam cars or carriages, for the transportation of persons or property on said turnpike road.

Which petition was received, read, and referred to a select committee of Messrs. G. W. Johnston, Thruston, Rudd and Butler.

A message was received from the Senate announcing their disagreement to bills which originated in this house, of the following titles:

An act to authorise the circuit court of Jefferson county to appoint commissioners to investigate the affairs of the Commercial Bank, at Louisville.

An act for the benefit of Susannah Johnson.

An act for the benefit of Nancy Williams.

An act for the benefit of the wife and children of William Green, a lunatic.

The passage of bills which originated in this house, of the following titles:

An act to legalize the proceedings of the Christian and Barren county courts, in appointing commissioners of tax, and for other purposes.

An act for the benefit of Henry Waddle.

An act to change the place of voting in an election precinct in Montgomery county from Robert Gay's to John L. Martin's, and for other purposes.

An act increasing the jurisdiction of the trustees of the town of Franklin, in Simpson county.

An act to allow the Independent Banks of this Commonwealth further time to settle their concerns.

An act to change the constable's district in the first Battalion, 88th Regiment of Kentucky Militia, and to change a constable's district in the county of Estill.
An act to regulate election precincts in certain counties.

An act to authorise the erection of gates across that part of the Old Iron Works road, between the houses of Andrew Gudgel and John Harper, in Bath county; and,

An act to change the time of holding the Spencer circuit and county courts, and the county court of Shelby: with amendments to the three latter bills.

And the passage of bills of the following titles:

An act to amend the law concerning champerty.

An act for the benefit of the Head-right and Tellico settlers.

An act to provide for copying and preserving certain records belonging to the office of the surveyor of Harlan county.

An act to appropriate part of the vacant land between Walker's line and the latitude 36° 30' North, in the state of Tennessee, for the purpose of improving and finishing the road leading from Monticello, Wayne county, to the state line, in a direction to Jacksboro and to Barboursville; and,

An act to authorise certain county courts to permit gates to be erected across public roads.

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

The committee of propositions and grievances have had under their consideration the petition of sundry citizens of Hopkins, Union and Caldwell counties, praying for the erection of a new county out of parts of said counties and Livingston county; and are of opinion that the same be rejected.

Also, the petition of the Trustees of the town of Frankfort, praying an appropriation of the sum of eight hundred dollars, for the purpose of purchasing a fire engine for the use of said town and preservation of the public buildings; and are of opinion that the same be rejected.

Also, the petition of sundry citizens of Trigg county, praying the repeal of an act of the General Assembly of this state, passed the 19th of January, 1827, prohibiting the establishment of ferries on the Cumberland and Tennessee rivers within less than one mile of each other; and are of opinion that the same be rejected.

Which being twice read, was concurred in.

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

By Mr McAfee, from the committee of propositions and grievances—1. A bill to authorise the qualified voters of Hickman county to select either Moscow or Clinton for the permanent seat of justice for said county, and for other purposes.

By Mr Thruston—2. A bill to authorise the sale of certain lands of Edmund H. Taylor.

Which bills were severally received and read the first time, and ordered to be read a second time.
The yeas and nays being required on the second reading of the first bill by Messrs. Brown and McFall, were as follows, viz:


And thereupon the rule of the house, constitutional provision, and second and third readings of the second bill having been dispensed with, and the same being engrossed:

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

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

The amendments proposed by the Senate to bills which originated in this house, of the following titles, were twice read and concurred in:

An act to amend the laws concerning the Lunatic Asylum, and for other purposes:
An act for the benefit of Allen Taylor.
An act to regulate election precincts in certain counties.
An act to authorise the erection of gates across that part of the Old Iron Works road, between the houses of Andrew Gudgell and John Harper, of Bath county; and,
An act to change the time of holding the Spencer circuit and county courts, and the county courts of Shelby.

Ordered, That the Clerk inform the Senate thereof.

An engrossed bill entitled, an act to connect the towns of Newport and Covington with Cincinnati by a bridge: 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. Shepherd and Southgate, were as follows:


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

An engrossed bill entitled, an act to establish a road from Louisville to the state line, in a direction to Knoxville: was read a third time.

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

The yeas and nays being required on the passage thereof, by by Messrs. S. Young and Pierce, were as follows, viz:


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

And then the house adjourned.
THURSDAY, DECEMBER 20.

The Speaker laid before the house the annual report of the managers of the Louisville Hospital, which is in the following words:

To the Honorable the Senate and House of Representatives of the State of Kentucky, in Frankfort assembled.

The Managers of the Louisville Hospital would respectfully report, that since the fourth of November, 1831, this institution has received two hundred and seventy-seven patients, of which thirty-eight have died, the rest have been healed of their diseases and discharged. Its resources, within that period, arising from the pr. ct. fund, on auction sales, were four thousand and eighty-two dollars sixty-eight cents; and there now remains a balance in the treasury of four hundred and thirty-one dollars fifty-five cents; a sum barely sufficient to discharge the demands which become due on the first of January next.

Your managers feel it their duty to say, that a considerable portion of the interior of the building yet remains in an unfinished state, and unfit for the purposes for which it was intended; that for the comfort of those who are received into the hospital, a considerable expenditure is required for beds, bedsteads, and other furniture.

If the legislature, at this session, could, consistently with its finances, appropriate five thousand dollars towards these objects, it would greatly enlarge the boundaries of its usefulness, and complete the building.

Every revolving year adds greatly to the trade and commerce of this western world. These have their concomitant evils in their train. Twice the number of sick were admitted the past year than that of the previous one; and the probability is great, that the proportion will not be lessened in the year to come. Again we appeal to the legislature of our state to make provision for that portion of the community whose labours and exposures, in all the civilized world, commend themselves to the best feelings of the human heart.

(A true copy,) J. J. JACOB, President.

W. S. VERNAX, Secretary.

1. Mr. Southgate presented the petition of Timothy Wilson and sundry citizens of the county of Campbell, praying that a law may pass authorising the erection of a mill-dam, for the purpose of working a saw and grist-mill, on Licking River, at Visalia, in the county of Campbell.

2. Mr. Pierce presented the petition of Peter Ellis, praying that a law may pass to authorize the establishment of a town on his lands, in the county of Russell.

3. Mr. E. Smith presented the petition of sundry citizens of Whitley county, praying that a law may pass attaching a small portion of Whitley to Laurel county.

4. Mr. Crow presented the petition of sundry citizens of Ohio.
county, praying that the place of voting in the Caney precinct, in said county, be changed from Allen's to David Clark's.

5. Mr. J. White presented the petition of sundry citizens of the county of Madison, praying changes in the militia laws, and suggesting a revision thereof and publication in a separate volume.

6. Mr. E. Smith presented the petition of sundry citizens of the county of Laurel, praying that a law may pass to give the county court of Laurel jurisdiction over all the roads within said county.

Which several petitions were received, the reading dispensed with, and referred; the first and sixth, to the committee on internal improvements; the second, to a select committee of Messrs. Pierce, Green and Simpson; the third and fourth, to the committee of propositions and grievances; and the fifth, to the committee on military affairs.

A message was received from the Senate announcing their concurrence in the amendment proposed by this house to a bill from the Senate, entitled "an act to continue in force an act providing for the appointment of Commonwealth's Attorneys."

And the passage of bills which originated in this house, of the following titles:

An act for the benefit of the Boone Academy.
An act for the benefit of George Coleman, and others.
An act to authorise the recording of deeds remaining unredeemed in the clerk's office of the Logan county court, at the death of the late clerk.
An act for the benefit of Gabriel Gaines' heirs.*

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

The committee for courts of justice have had under consideration the petition of the heirs of Richard A. Price, praying that a law may pass authorising them to sell a small tract of land which descended to them from their deceased ancestor; and have come to the following resolution thereon:

Resolved, That said petition be rejected, as presenting a case embraced by the existing laws.

Which being twice read, was concurred in.

Mr. Ewing, from the same committee, to whom was referred a bill to establish the Louisville Bank of Kentucky: reported the same with sundry amendments, which being twice read, were concurred in.

Ordered, That the said bill be laid on the table, and that the Public Printer forthwith print 300 copies of said bill, as amended, for the use of the members of this house.

Mr. Ewing, from the same committee, to whom was referred a bill to provide for the collection of fines recoverable under the by-laws of the town of Russellville: reported the same with an amend-
ment, which being twice read, was disagreed to. The said bill having been amended, was ordered to be engrossed and read a third time.

Mr. Ewing, from the same committee, to whom was referred a bill to appropriate the fines and forfeitures in the counties of Shelby and Christian to the Shelby and Christian Academies: reported the same without amendment. And the question being taken on engrossing the said bill for a third reading, 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, viz:

By Mr Ewing, from the committee for courts of justice—1. A bill for the benefit of James G. Lindsey.

2. A bill to change the mode of ascertaining the value of slaves executed.

3. A bill to repeal certain laws regulating certain turnpike roads.

By Mr Stevenson, from the committee of religion—4. A bill for the benefit of Joanna Milner.

5. A bill for the benefit of Rebecca Hill.

By Mr Green, from the committee of ways and means—6. A bill to provide for the ordinary expenses of government.

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

And thereupon the rule of the house, constitutional provision, and second reading of the first, fourth, fifth and sixth bills having been dispensed with, the first, fourth and fifth bills were ordered to be engrossed and read a third time; and the sixth was committed to a committee of the whole house.

Ordered, That the Public Printer forthwith print 300 copies of the sixth bill, for the use of the members of this house.

And thereupon the rule of the house, constitutional provision, and third reading of the first, fourth and fifth 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. G. W. Johnston, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act continuing in force the law providing for the appointment of Commonwealth's Attorneys.

An act to change the time of holding the Lewis and Greenup circuit courts, and for other purposes.

An act authorising the county courts of Jessamine and other
counties, to appoint, in their respective counties, additional constables and justices of the peace.

An act to regulate the fines and forfeitures of Russell county.

An act for the benefit of John Cook.

An act for the benefit of Dicey Fletcher.

An act for the benefit of James Parish.

An act for the benefit of Louisa Meriwether.

An act for the benefit of the Sheriff of Scott county, and for other purposes.

An act for the benefit of Mary Goodwin.

An act to authorise the sale of a part of the real estate of Everard Clark, deceased, to pay his debts; and,

An act to amend an act requiring tavern-keepers, pedlars, and the owners of covering horses and jacks, to pay taxes in advance and obtain license, approved Dec. 32, 1831.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. G. W. Johnston inform the Senate thereof.

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

The committee of ways and means, in obedience to the resolution of this house, instructing them to enquire into the expediency of increasing the tax upon slaves, for the purpose of paying for such slaves as may be hereafter executed; have performed that duty, and have come to the following resolution:

Resolved, That it is inexpedient to impose any other or higher tax on slaves than is, or may be, imposed on other articles of property, subject to taxation in proportion to their value.

Mr. E. Smith then moved to amend said resolution by substituting the following in lieu thereof, viz:

Resolved, That it is expedient to impose an additional tax on slaves, for the purposes aforesaid, and that the committee be directed to prepare and bring in a bill on that subject.

A bill to prevent the importation of slaves into this Commonwealth, was then taken up, and sundry amendments offered thereon; and after discussion thereon:

The house adjourned.

FRIDAY, DECEMBER 21.

1. Mr Southgate presented the petition of the Trustees of the town of Covington, representing that by an act of 1825, the election for Trustees of said town were required to be held at a public school-house in said town, which is now in a state of decay; they therefore pray that a law may pass repealing said act, and
that the citizens of said town be authorised to hold an election for Trustees at any place within the limits of said town.

2. Mr. Lockhart presented the petition of sundry citizens of the county of Daviess, praying that a law may pass changing the place of voting in the upper precinct in said county from the house of Thomas Gore to John Pursell's.

3. Mr. S. Young presented the remonstrance of sundry citizens of Daviess county, remonstrating against the passage of a law to change the place of voting from Thomas Gore's, in the upper precinct, in said county, to the house of John Pursell, in said precinct.

4. Mr. D. White presented the petition of Ezekiel Taylor, praying a divorce from his wife, Alice Taylor.

5. Mr. D. Morris presented the petition of Edwin Hord, a citizen of Mason county, representing that sundry judgments have been erroneously obtained against him in several actions of ejectment, instated by him against the same parties, praying that a law may pass authorising him to prosecute one writ of error only, making all the persons interested therein parties; suggesting that the decision of one case will settle the principle applicable to all.

6. Mr. Jett presented the petition of the officers of the 76th Regiment Kentucky Militia, praying that a law may pass to legalize the proceedings of the Court of Assessment of the 76th Regiment of Kentucky Militia, held on the last Monday in October, 1832.

Which said petitions were severally received, the reading dispensed with, and referred; the second and third, to the committee of propositions and grievances; the first and fifth, to the committee for courts of justice; the fourth, to the committee of religion; and the sixth, to the committee on military affairs.

A message was received from the Senate announcing the passage of bills of the following titles:

An act appropriating certain lands for improving the Cannon Creek road, in Harlan county.

An act to amend the law regulating proceedings in cases of ejectment and forcible entries and detainers.

An act to continue in force an act to incorporate the city of Louisville.

And that the Senate had received official information that the Governor did, on the 15th instant, approve and sign an enrolled bill, which originated therein, of the following title:

An act to amend the law incorporating the town of Warsaw, late Fredericksburg, in Gallatin county.

And on the 18th instant, those of the following titles:

An act supplemental to an act for the benefit of the Sheriff of Garrard county.
An act adding Edmonson county to the sixth judicial district,
and for other purposes.

An act to legalize the proceedings of the Greenup county court, at
their last November term.

An act repealing an act declaring Dick's river navigable.

An act for the relief of jailors.

An act to change the first constable's district in Washington
county.

An act to change the names of Matilda McNutt and John Mc-
Nutt to those of Matilda Bayse and John Bayse.

An act regulating the ferry at the mouth of the Big Kentucky
river, in Gallatin county; and,

An act for the benefit of Jeffersontown.

Mr. Ewing, from the committee for courts of justice, to whom
was referred the amendments proposed by the Senate to a bill
which originated in this house, entitled an act to change the mode
of publishing the decisions of the Appellate Court of this Com-
monwealth: reported the same without amendment. The said
amendment was then amended and concurred in.

Ordered, That the Clerk inform the Senate thereof.

Mr. Butler, from the committee of claims, to whom was refer-
red a bill for the benefit of Edmund Curd: reported the same
without amendment. The said bill was then read as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of
Kentucky, That it shall be lawful for Edmund Curd, Receiver of
Public Moneys for the district of county West of the Tennessee
river, to apply to the Auditor of Public Accounts, and procure a
warrant upon the Treasury, for the sum of fifty-five dollars thirty-
one and a fourth cents; and upon presenting said warrant the
Treasurer shall pay the full amount of said sum of money, the
same being the amount of expenses incurred and paid by said re-
ceiver, in travelling to and returning from the town of Frankfort,
and whilst remaining at said town, for the purpose of mak-
ing a settlement with the Auditor, Register and Treasurer, in the
month of May last, pursuant to the requisitions of an act of assembly,
passed for that purpose, and approved December 22d, 1831.

The question was then taken on engrossing the said bill and
reading it a third time, which was decided in the negative; and
so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Murray
and Gorin, were as follows:

YEAS—Messrs. Jett, Murray, Nuttall, Pierce, Prince, Riffe, Seaton,
W. Thomas, Thurston, and D. White—10.

NAYS—Messrs. Anderson, Bates, Bell, Boone, Bowling, Bramlett,
Brown, Butler, Churchill, Collins, Cook, Copeland, Crow, Covington,
Culley, Davis, Delaney, Dunlap, English, Fulton, Gorin, Green, Hay-
Mr. Green, from the committee of ways and means, made the following report:

The committee of ways and means, in obedience to the resolution of this house, instructing them to enquire into the propriety of amending the revenue laws of this Commonwealth, so as to have the same collected in gold or silver, have discharged that duty, and have come to the following resolution:

Resolved, That it is inexpedient to make any change in the existing law, so far as it provides that the revenue of this Commonwealth shall be payable in notes of the Bank of the Commonwealth of Kentucky.

Which being twice read, was laid on the table.

Mr. D. White, from the committee on internal improvements, to whom was referred a bill to constitute a Board of Internal Improvements for Franklin county: reported the same with an amendment.

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

On motion—

Ordered, That the committee on internal improvements be discharged from the further consideration of a bill to incorporate the Licking river Navigation Company: and that the same be committed to a select committee of Messrs. Harris, Thruston, Henry, J. White, B. F. Thomas, Woolley, Marshall, Innis, and Rudd.

Mr. D. White, from the select committee, to whom was referred a bill to provide for the erection of a bridge across Main Eagle, on the state road leading from Lexington to Ghent: 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.

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

By Mr Ewing, from the committee for courts of justice—1. A bill to change the place of voting in the Caney precinct, in the county of Ohio.

2. A bill to fix the times of holding the Trigg circuit court.

By Mr Butler, from the committee of claims—3. A bill for the benefit of Silas W. Robbins and others.
By Mr Stevenson, from the committee of religion—4. A bill for the benefit of Louinisey Clifford.

By Mr E. Smith, from the committee on military affairs—5. A bill authorising the building of an arsenal for the security and preservation of the public arms.

By Mr Simpson—6. A bill to establish the town of Washingtonport, in the county of Russell.

By Mr Gorin—7. A bill for the benefit of William R. McFerrin.

By Mr B. S. Morris—8. A bill to amend the law in relation to landlords and tenants.

By Mr Riffle—9. A bill to change the time of holding the November term of the Casey circuit court.

By Mr Murray—10. A bill to appropriate a portion of the vacant lands in the country West of the Tennessee river to the building of bridges in said district; and,

By Mr Delaney—11. A bill to increase the pay and regulate the mileage of members of the General Assembly.

Which bills were severally received and read the first time, and (with the exception of the eleventh 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 first, third, fourth, sixth, seventh, ninth and tenth bills having been dispensed with, the first, fourth, sixth and seventh were ordered to be engrossed and read a third time; the third and ninth were committed to the committee for courts of justice; and the tenth, to the committee on internal improvements.

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

And then the house adjourned.

SATURDAY, DECEMBER 22.

A message from the Governor, by Mr. Sanders, Secretary of State.

Mr. Speaker:—I am directed by the Governor to lay before this house a message in writing, transmitting therewith documents ordered by the Convention of the people of South Carolina to be
transmitted to the President of the United States, and to the Governor of each state.

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:

I TRANSMIT for your consideration certain documents, received on the 19th instant, under cover from the executive of South Carolina. The first in the series is the report of the committee of twenty-one to the convention of the people of South Carolina, on the subject of the several acts of congress imposing duties for the protection of domestic manufactures. The second is an Ordinance, by a convention of the state of South Carolina, to nullify certain acts of the congress of the United States, laying duties and imposts on the importation of foreign commodities. The third is an address to the people of South Carolina, by their delegates in convention. The fourth is an address to the people of the United States by the convention of the people of South Carolina.

These papers, gentlemen, present considerations of grave import to the legislature and people of Kentucky. I ask of you to give the subject a candid and dispassionate examination; it is one of no ordinary magnitude; it presents an epoch in the history of our government that may fix its destiny. It becomes us all to approach it as involving the perpetuity of our union; as calculated to test the strength of our republican government.

You will discover from the ordinance, that the convention assumes the following ground: "We, therefore, the people of the state of South Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the several acts and parts of acts of the congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States; and more especially an act entitled, an act in alteration of the several acts imposing duties on imposts, approved on the 19th May, 1828; and also an act entitled, an act to alter and amend the several acts imposing duties on imports, approved on the 14th July, 1832; are unauthorised by the constitution of the United States, and violate the true meaning and intent thereof, and are null, void, and no law, nor binding upon the state, its officers, or citizens; and all promises, contracts and obligations, made or entered into, with purpose to secure the duties imposed by the said acts; and all judicial proceedings, which shall be hereafter had in af-
firmance thereof; are and shall be held utterly null and void." "That it shall not be lawful for any of the constituted authorities of this state, or of the United States, to enforce the payment of duties, imposed by its acts, within the limits of this state; but it shall be the duty of the legislature to adopt such measures, and pass such acts as may be necessary to give effect to this ordinance, and to prevent the enforcement and arrest the operation of said acts."

The assumption of power by a single state to declare void the acts of the congress of the United States, to forbid their execution within its limits; to disfranchise all her own citizens, who will not join in the crusade, and punish those who may aid in sustaining the constituted authorities of the country; and, as is intimated, to fine and imprison the officers of the general government for obedience to their constitutional obligations and oaths; and to enforce the whole, as is further suggested, by a state army, is such a palpable infraction of the federal constitution, so destructive to the union of this republic, and so subversive of all good government, that I need not, I am sure, urge upon you the necessity of prompt action on your part. The advocates of liberal principles throughout the world, will look with anxious solicitude to the result. It therefore becomes us to save ourselves by taking such steps as will preserve the union, perpetuate and transmit to posterity unimpaired our constitutional freedom and privileges, and demonstrate to the world that man is capable of self government. It is deemed proper that our sister state should know what is the opinion of the people of Kentucky in relation to the subject presented, as soon as our voice can be made to reach her public authorities and citizens.

GENTLEMEN—Let us say to the people of South Carolina, that we regret exceedingly the state of things that has arisen. That the people of Kentucky will do all that they can, consistently with their honor and a just view of the constitution, to allay the excitement. That they will contribute to an amicable adjustment of the tariff upon principles of mutual forbearance and concession. In fine, that they will, as far as they are concerned, drain the cup of conciliation before ulterior measures are taken. But we cannot surrender and yield this fine fabric of government, the result of the wisdom of our ancestors, so well calculated to contribute to the harmony, happiness and prosperity of the American people. We cannot agree that a single state has a right, constitutionally, to nullify an act of congress. Whence is the right derived? If it be a peaceful, constitutional mode of redressing wrongs, supposed or real, the constitution itself must point it out. Is it to be found there? We think it cannot, even by implication. To suppose that such a right
was reserved by each of the states, is at war with the design and object of those distinguished statesmen who formed our present constitution; is inconsistent with the first principles of government—obedience to the laws made by the constituted authorities, and power to enforce that obedience when refused.

In vain did our ancestors gird on their armour, march to the field of battle, and mingle their blood with the dust of the valley, if, when the struggle is over, and a constitution formed, the continuity of the government is made to depend upon the will of any one of the twenty-four states. The government first formed for our rule, was a confederacy of the thirteen states—a union of sovereignties. Experience soon pointed out the necessity of a change; there had not been power conceded to the government of the confederacy equal to its exigencies. The states, whether large or small, had an equal voice in congress. Two-thirds were necessary to the passage of laws. The states were required to furnish their quotas of money, men, &c. for the use of the nation; but the general government had no authority to enforce a compliance with those demands. It may safely be affirmed, that a government thus organized could not long exist. The states became jealous of each other. New-York was unwilling to allow to Delaware as much power as she had. The states often delayed a compliance with the requisitions of congress; nor did the government possess energy enough to command respect at home or abroad. Public credit sunk, without the ability to restore it. There was no unity of action in the several states, so essential in all governments.

Thus, with the defects in the administration of our own government, the monitory lessons derived from history, in relation to the government and fate of the republics of other countries before them, the members of the convention formed our present constitution with a view to avoid the errors that had proved so fatal to the existence of other republics. Happily, indeed, did they succeed. The anarchy of a democracy was avoided; the corruption of an aristocracy negatived, and the power of a monarchy checked and controuled. A representative republican government was formed, with certain fixed powers delegated to congress, certain rights reserved to the states—so organized in its various departments that each acts as a check upon the other, and the whole controuled by the majesty of the people's will.

Among the powers thus expressly delegated, we find that "congress shall have power to lay and collect taxes, duties, imposts and excises to pay the debts, and provide for the common defence and welfare of the United States." In virtue of that express power, congress has, upon
many occasions, commencing almost with the date of the constitution, up to the present year, exercised it. The laws thus enacted by the constituted authorities of the union, are now, according to the views of a majority of the convention of the state of South Carolina, annulled and nullified, by an ordinance of their convention: and as they say, in a peaceful constitutional mode. To concede that they have such a right, would be admitting that the distinguished statesmen who gave us the constitution, had profited but little by the history of other confederacies. It would not have been admissible under our first imperfect association of states. In the United Netherlands one state had a right to put a negative upon questions presented for enactment, in the states general; so was it in the Polish diet; but it is not to be found in the history of the republics of Greece or any other, ancient or modern, that a single state or sovereignty, had a right to nullify a solemn act of its federative government.

It may be asked, what is is to be done in the event a state becomes dissatisfied? The answer is at hand. Look into the constitution. If it be insisted that too much power has been delegated to the general government, pursue the mode pointed out for amendment; and if the requisite number of states concur, the supposed evil will be remedied. Again—if it be contended that a given law is unjust in its operation, appeal to the intelligence and patriotism of the people; present remonstrances to the congress of the United States, and endeavor to have it repealed or modified. And, here let me remark, that our brethren of South Carolina have good reason to anticipate an alleviation of what they regard so onerous a burden. They have their constitutional share in the administration of the general government; they have distinguished and able men on the floor of each house of congress, and they have not discovered a manifestation to reduce the tariff to a rate that may be about equal to the necessary expenditures of government. Much has already been done upon the subject. During the last four years duties have been repealed equal to six or seven millions of dollars. The President of the United States, in his late message, has presented the matter again to the consideration of congress, and recommended a further reduction. May we not, with some degree of confidence, say to South Carolina—wait: stay the effort about to be made, and the tariff may still be modified in a way that will be satisfactory; do not hasten the dread crisis. Remember the deeds of valor of your ancestors, their privations and sufferings in the revolutionary struggle, and the distinguished part they bore in the formation of our government. The memory of the Pinckneys, of Laurens, and of Hayne, of Moultrie, Sumpter and Marion, will
long be cherished by every American patriot. And above all, remember the maxim adopted by our fathers—"United we stand, divided we fall." They acted upon that maxim, solemnly impressed with its truth: and will their descendants put their negative upon it? I hope not. I cannot yet believe, that our friends of South Carolina will put to hazard the many blessings secured to us, by our present form of government. Urge them not to daily upon the brink of the precipice.

We are told that the remedy is a peaceful one, that it is a constitutional mode. I am at a loss to understand how that is possible. It is a solution manifest, that a state can be covered with the panoply of the constitution, and at the same time be acting against it. The attitude of a peaceable quiet citizen yielding obedience to the laws emanating from the constituted authorities, is very different from that of one who bids defiance to their execution, and take the remedy into his own hands, declaring himself the proper judge of their justice and propriety. Allegiance and non-allegiance are repugnant, and not opposite to each other. "He that is not for me, is against me."

But why this sounding of the note of preparation for war on the part of South Carolina—the proposed organization of two thousand men for the defence of Charleston and its dependencies, and of ten thousand troops, called "the state guard?" Do not such acts prove that the remedy is any thing else than a "peaceful one;" that it is warlike? Call the course pursued by what name you will, facts are not to be disguised. It will, if persisted in, result in civil war with all its horrors, which God, in his infinite mercy, avert! Why, if nothing else was intended but a peaceable remedy, this rapid succession of important events in South Carolina? The state elections in October; an extraordinary meeting of the legislature in November, to pass a law authorising a convention of the people; the election held; the members meet; the ordinance adopted, virtually declaring a severance of the union; a meeting of the legislature again, all in the same month; and a recommendation, by the Governor, to pass such laws as may be necessary to carry the ordinance into effect; to raise and equip troops to be under the control of the state; to authorise him to issue clearances to vessels, in case the revenue officers should insist upon the observance of the laws; to request the general government to remove the United States' troops from the citadel at Charleston. Why this manifest disposition to be on the alert! This solicitude displayed by the celerity of those movements to bring the crisis to its climax? Let us again admonish our friends—do not hasten—wait, and interchange opinions with other states and with the general government.

Why make the communication (herewith sent,) to each of the states
of the union, if the fatal step is to be taken before sufficient time has elapsed to receive an answer? Surely, the new attitude about to be assumed by South Carolina, cannot be so desirable as to call for such precipitation. An attitude that exhibits the extraordinary spectacle of a single state attempting to nullify that which has received the sanction of congress, and of the executive, and of the judiciary of the whole union.

But the question made by the people of South Carolina in relation to the tariff is so intangible, and so difficult of being brought to any certainty by any known rule, that it is not easy to come to any conventional arrangement in regard to it. They admit the power of the general government to lay duties on foreign importations, but deny that those duties can be laid "with a view to protect the domestic manufactures of our country." If the motives of a measure are to fix its constitutionality, how are they to be ascertained? One state might resolve that a given duty upon an article would be protective in its character, another might think otherwise; a duty that some years ago might have been regarded as protective, may not be so now; and thus it is, that the cohesion of this American government is made to depend, according to the view of South Carolina, upon the single fact whether a law laying imposts has in it a single clause of a protective character, whether a duty is too high or too low—whether this article, that, or the other is selected or omitted in the scale; and who, I ask, is to decide the question? The congress of the United States, and the executive of the nation, to whom the subject properly belongs? No. A majority of the people of South Carolina, or of any other state, however small, according to this new theory. Thus it is, that a single state might dictate to the whole general government, and to the twenty-three other states. Can any one believe that intelligent statesmen, such as formed the constitution, would have consented to such a right—that they would have given to posterity a form of government, with a texture so fragile? infinitely worse than the confederation itself.

It is not important to enquire, whether ours be a government of the states or of the people; for, whether of the one or the other, the right claimed by South Carolina cannot be conceded. Whatever has been reserved to the states they must be permitted to enjoy; but that which has been granted to the general government must be under its direction. As relates to those powers, the exercise of which is given exclusively to the general government, the states, as sovereignties, have no negative, acting individually, as respects those powers delegated, requiring a conjoint action of the general and state governments, the states act in their sovereign capacities; as is the case in the mode of calling forth the militia into active service. There, requisition is made upon the states to send forth
their quotas; they appoint and commission the officers; organise the corps, and place it under the general government. In the execution of that branch of power, we have seen that difficulties and embarrassments attended it, even in the history of our own government during the last war; and that such will often be the case where the action is joint, is fully proven by the history of other republics. If the measures of the government have been retarded and embarrassed, in cases where the constitution requires joint action with the states, is it proper to allow to a state to place its negative upon the exercise of a power expressly delegated. Suppose it was deemed proper by the functionaries of the general government, to declare war against a foreign power, and a single state was to resolve that although congress have the express power over the matter, yet the cause was not sufficient,—the motive that induced the action of the government was not a legitimate one,—therefore unconstitutional, void, and of no effect,—We will annul it; we will imprison the officers of the nation who will dare to give allegiance to their government; we will swear our officers of the state so to regard it, our jurors so to decide it; and if all that will not do, we will raise an army of our state, to enforce the opinions we entertain. What, I ask, would the people of Kentucky say? Always patriotic, they would answer as they did in the last war—We make no such question, when our country calls by her constituted authorities; we go, whether it be to Canada, to the North West, to New Orleans, or elsewhere; we are for the field; we go, for our country, our whole country—our united country. Will any one, even in this day, conclude in the case stated, that it would be constitutional for a state to assume the attitude described? I think not. The effort would be as legitimate as the one now making in South Carolina; the authority is delegated with as much certainty and precision to congress, in the one case as in the other.

It is desirable, gentlemen, that our sister states should be informed, what is believed to be the fact, that, while Kentucky is ready to relieve her from all just ground of complaint, she will not permit this union, which protects us in the enjoyment of so many blessings, civil and religious, to be torn asunder for any cause. Her infant blood flowed freely to extend the settlements in the frontiers; and both the North and the South can bear witness that, although her position shielded her from invasion, her gallant sons, during the late contest with Great Britain, were forward to meet toil, privation, and all the horrors of savage, as well as civilized warfare, to maintain the dignity and assert the rights of our common country.

She cannot consent that her treasure and her blood shall have been expended in vain—she cannot consent that a sister state shall give to our children waters of bitterness to drink.
It is considered proper that the general government, and each of our sister states, should clearly understand the course which a deep sense of duty will require Kentucky to take. I therefore recommend, that your opinions be embodied in a series of resolutions; that you disapprove of the revolutionary doctrines contained in the ordinance communicated; that if, after all has been done that can be, towards a reconciliation of this unpleasant, unnatural controversy, and if South Carolina shall resort to force, and resist the execution of the laws named, or make a violent attempt to sever herself from the union, that the people of this state will stand upon their duty and their allegiance, and will support the general government in the use of any legal and constitutional means necessary, to prevent the accomplishment of so sad a catastrophe: and that a copy of those resolutions be sent to the Governor of South Carolina, to the President of the United States, the Governors of each of the other states, and to each of our Senators and Representatives in Congress.

JOHN BREATHITT.

December 21, 1832.

DOCUMENTS
ACCOMPANYING THE GOVERNOR'S MESSAGE.

In Convention, Columbia, S. C.,
November 24th, 1832.

Resolved, That copies of the Ordinance just adopted by this Convention, with the Report thereon, and the Addresses to the people of the several States, and of this State, be transmitted by the Governor to the President of the United States, to be by him submitted to Congress; and also, to the Governors of the several States, for the information of their respective Legislatures. [Attest.]

I. W. HAYNE, Clerk of the Convention.

REPORT OF THE COMMITTEE OF TWENTY ONE TO THE CONVENTION OF THE PEOPLE OF SOUTH CAROLINA, ON THE SUBJECT OF THE SEVERAL ACTS OF CONGRESS, IMPOSING DUTIES FOR THE PROTECTION OF DOMESTIC MANUFACTURES, WITH THE ORDINANCE TO NULLIFY THE SAME.

REPORT OF THE CONVENTION.

The committee to whom was referred "the Act to provide for the calling of a Convention of the people of this State," with instructions "to consider and report thereon and especially as to the measures proper to be adopted by the Convention in reference to the violations of the Constitution of the United States in the enactment, by Congress, on divers occasions, of laws laying duties and imposts for the purpose of encouraging and protecting domestic manufactures, and for other unwarrantable purposes," beg leave respectfully to submit the following REPORT.

The committee, deeply impressed with the importance of the questions submitted to them, and the weight of responsibility involved in
their decision, have given to the subject their most deliberate and anxious consideration. In stating the conclusions to which they have arrived, they feel that it is due to themselves, to this Convention, and to the public at large, briefly to review the history of the protecting system in this country; to show its origin, to trace its progress, to examine its character, point out its evils, and suggest the appropriate remedy. They propose to execute this task with all possible brevity and simplicity, sensible that the subject is too well understood in all its bearings to require at this time a very elaborate investigation.

In the natural course of human affairs, the period would have been very remote when the people of the United States would have engaged in manufactures, but for the restrictions upon our commerce which grew out of the war between Great Britain and France, and which led to the non-intercourse act, the embargo, and finally our own war of 1812. Cut off by these events from a free commercial intercourse with the rest of the world, the people of the United States turned their attention to manufactures, and on the restoration of peace in 1815 an amount of capital had been already invested in these establishments, which made a strong appeal to the liberality,—we might almost say to the justice of the country for protection; at least against that sudden influx of foreign goods, which it was feared would entirely overwhelm these domestic establishments. When, therefore, in 1816, it became necessary that the revenue should be brought down to the peace establishment, by a reduction of the duties upon imports, it was almost by common consent conceded to the claims of the manufacturers, that this reduction should be gradual; and three years were accordingly allowed for bringing down the duties to the permanent revenue standard, which, embracing all the ordinary expenses of the government, with liberal appropriations for the Navy and the Army, an extensive system of fortifications, and the gradual extinction of the public debt (then amounting to $130,000,000) was fixed at 20 per cent. If the manufacturers had at that time even hinted that permanent protection was deemed indispensable to their success,—if the slightest suspicion had been entertained, that instead of the gradual reduction expressly provided for by the act of 1816, there would be claimed a gradual increase of the protecting duties; and that instead of being brought down in three years to 20 per cent. the duties were to be carried up to 50 or 100 per cent. and in many cases to prohibition, the painful contest in which the country has been engaged for the last ten years on this subject, would have commenced immediately, and it is confidently believed, that in the temper of the public mind at that time, ample security would have been found against the introduction of such a system. But in defiance of the clear understanding of the whole country, and in violation of the principles of justice and of good faith, that part of the act above mentioned, which required that the duties should be reduced in three years to 20 per cent. was repealed, and a broad foundation thus laid for the permanent establishment of the protecting system. This system has been still further extended and fortified by the several successive acts of 1820, 1824, and 1828, until by the passing of the act of 1832, (to take effect after the discharge of the public debt) it has become incorporated into our political system, as the “settled policy of the country.”
We have not deemed it necessary, in tracing the origin and progress of this system, to go further back than the commercial restrictions which preceded the late war; for, whatever theoretical opinions may have been expressed by Alexander Hamilton and others in relation to it, at an earlier period, it cannot be denied that no duties were actually imposed beyond those deemed indispensable for the public exigencies, and that prior to the year 1816 no protection whatever was actually extended to manufactures, beyond what was strictly incidental to a system for revenue. The discrimination between the protected and unprotected articles now contended for as the very corner stone of the protecting system, was so far from being established by that act, that the highest duties were actually imposed on the very articles now admitted duty free, while the foreign manufactures which came into competition with our domestic fabrics, were subjected to a lower rate of duty. The truth, then, unquestionably is, that the protecting policy, according to the principles now contended for, was never introduced into this country until the period we have mentioned, when it crept insidiously into the legislation of Congress in the manner above described. This will be made abundantly manifest to every one who will take the pains to trace the progress of the duties from 7½ per cent. in 1790—up to 25 per cent. in 1816—40 per cent. in 1824—and 50, 60, and even 100 per cent. in 1828 and 1832, and who will merely examine the manner in which these duties were adjusted in the various acts here referred to. As early as 1820—so soon, indeed, as the capitalists who had relied on the powers of the Federal Government to enhance the profits of their investments by legislation, began to look forward to its eventual establishment as the settled policy of the country,—they clearly perceived that an extension of the appropriations to objects not embraced in the specific grants of the federal constitution was the necessary appendage of their system. They well knew that the people would not long submit to the levying of a large surplus revenue merely for the protection of manufactures, carried on almost exclusively in one quarter of the Union—and they therefore sought, in the extension of the appropriations to new objects, for a plausible and popular excuse for the continuance of a system of high duties. With that instinctive sagacity, which belongs to men who convert the legislature of a country into an instrument for the promotion of their own private ends, they clearly saw that the distribution of an enormous surplus treasure would afford the surest means of bringing over the enemies of the American System to its support, and of enlisting in their cause not only large masses of the people, but entire States, who had no direct interest in maintaining the protecting system, or who were even in some respects its victims. No scheme that the wit of man could possibly have devised, was better calculated for the accomplishment of this object. It proposed simply to reconcile men to an unjust system of national policy, by admitting them to a large share of the spoil—a word, to levy contributions, by the aid of those who were to divide the plunder. If the United States had constituted one great nation, with a consolidated government, occupying a territory of a limited extent, inhabited by a people engaged in similar pursuits, and having homogenous interests, such a system would only have operated as a tax upon all the
other great interests of the State, for the benefit of that which was favored by the laws; and when time had been allowed for the adjustment of society to this new condition of its affairs, the final result must have been an aggregate diminution of the profits of the whole community by diverting a portion of the people from their accustomed employments, to less profitable pursuits. In such a case, the hope might perhaps have been indulged, that experience would demonstrate the egregious folly of enacting laws, the only effect of which would be to supply the wants of the community at an increased expense of labor and capital. But it is the distinguishing feature of the American System, and one which stamps upon it the character of peculiar and aggravated oppression, that it is made applicable to a Confederacy of twenty-four Sovereign and Independent States—occupying a territory upwards of 2000 miles in extent, embracing every variety of soil, climate, and production,—inhabited by a people whose institutions and interests are in many respects diametrically opposed to each other,—with habits and pursuits infinitely diversified,—and in the great Southern section of the Union, rendered, by local circumstances, altogether incapable of change. Under such circumstances, a system, which, under a consolidated government, would be merely impolitic, and, so far, an act of injustice to the whole community, becomes, in this country, a scheme of the most intolerable oppression, because it may be, and has in fact been, so adjusted, as to operate exclusively to the benefit of a particular interest, and of particular sections of country, rendering, in effect, the industry of one portion of the confederacy tributary to the rest. The laws have, accordingly, been so framed, as to give a direct pecuniary interest to a sectional majority, in maintaining a grand system by which taxes are in effect imposed upon the few, for the benefit of the many; and imposed, too, by a system of indirect taxation, so artfully contrived, as to escape the vigilance of the common eye, and masked under such ingenious devices, as to make it extremely difficult to expose their true character. Thus, under the pretext of imposing duties for the payment of the public debt, and providing for the common defense and general welfare, (powers expressly conferred on the Federal Government by the Constitution) acts are passed containing provisions designed exclusively and avowedly, for the purpose of securing to the American Manufacturers a monopoly in our own markets to the great and manifest prejudice of those who furnish the agricultural productions which are exchanged in foreign markets for the very articles which it is the avowed object of those laws to exclude. It so happens, that six of the Southern States, whose industry is almost exclusively agricultural, though embracing a population equal to only one third part of the whole Union, actually produce for exportation near 40,000,000 annually, being about two thirds of the whole domestic exports of the United States. As it is their interest, so it is, unquestionably, their right, to carry these fruits of their own honest industry, to the best market, without any molestation, hindrance, or restraint whatsoever, and subject to no taxes or other charges, but such as may be necessary for the payment of the reasonable expenses of the government.

But how does this system operate upon our industry? While imposition to the amount of ten or twelve per cent. (if arranged on just and equal
principles) must be admitted to be fully adequate to all the legitimate purposes of Government—duties are actually imposed (with a few inconsiderable exceptions) upon all the Woollens, Cottons, Iron and Manufactures of Iron, Sugar, and Salt—and almost every other article received in exchange for the Cotton, Rice, and Tobacco, of the South, equal, on an average, to about 50 per cent, whereby, (in addition to the injurious effects of this system in prohibiting some articles and discouraging the introduction of others) a tax equal to one half of the first cost is imposed upon the Cottons, Woollens, and Iron, which are the fruits of Southern industry, in order to secure an advantage in the home market, to their rivals, the American manufacturers of similar articles, equivalent to one half of their value—thereby stimulating the industry of the North, and discouraging that of the South, by granting bounties to the one, and imposing taxes upon the other.

The Committee deem it unnecessary to go into an elaborate examination of the true character and sectional operation of the protecting system. The subject has of late been so frequently and thoroughly examined, and the bearing of the system been so completely exposed, that the argument is exhausted. To the people of the Southern States, there cannot be presented a more touching or irresistible appeal either to their understandings, or their hearts, than is found in the melancholy memorials of ruin and decay, which are every where visible around us,—memorials proclaiming the fatal character of that system, which has brought upon one of the finest portions of the globe, in the full vigor of its early manhood, the poverty and desolation, which belong only to the most sterile regions, or to the old age and decrepitude of nations. The moral blight and pestilence of unwise and partial legislation, has swept over our fields, with “the besom of destruction.” The proofs are every where around us.

It is in vain for any one to contend that this is a just and equal system, or that the Northern States pay a full proportion of the tax. If this were so, how is it to be accounted for, that high duties are regarded in that quarter of the Union, not as a burden, but as a blessing?

How comes it that a people, certainly not unmindful of their interests, are seen courting the imposition of taxes, and crying out against any material reduction of the public burdens?—Does not this extraordinary fact afford conclusive evidence that high duties operate as a bounty to Northern industry; and that whatever taxes the manufacturers may pay, as consumers, they are more than remunerated by the advantages they enjoy as producers?—or, in other words, that they actually receive more than they pay, and therefore, cannot be justly said to be taxed at all—When, in addition to all this, we take into consideration that the amount of duties annually levied for the protection of manufacturers, beyond the necessary wants of the Government, (which cannot be estimated at less than 10 or 12,000,000) is expended almost exclusively in the Northern portion of the Union,—can it excite any surprise, that under the operation of the Protecting System, the manufacturing States should be constantly increasing in riches and growing in strength, with an inhospitable climate and barren soil, while the Southern States, the natural garden of America, should be rapidly falling into decay. It is contrary to the
general order of Providence, that any country should long bear up against a system, by which enormous contributions, raised in one quarter, are systematically expended in another. If the sixteen millions of dollars now annually levied in duties on the foreign goods received in exchange for Southern productions, were allowed to remain in the pockets of the people, or, by some just and equal system of appropriation, could be restored to them, the condition of the plantation States would unquestionably be one of unexampled prosperity and happiness. Such was our condition under a system of free trade, and such would soon again be our enviable lot. Of the results which would thereby be produced, some faint conception may be formed by imagining what would be the effect upon the industry of the people of our own State, if the $8,000,000 of foreign goods now annually received in exchange for our productions, and paying duties to the amount of upwards of $3,000,000, could be obtained by us duty free, or the duties thus levied, were expended within our own limits. Is it not obvious that several millions per annum would thereby be added to the available industry of South Carolina? the effect of which would assuredly be, to change the entire face of affairs in this State, by enhancing the profits of the agriculturist, accumulating capital,—giving a fresh impulse to commerce, and producing a vivifying influence upon every department of industry, the happy consequences of which would be experienced by every inhabitant of the State. We present this strong view of the subject to shew the manifest justice of the claim which South Carolina now sets up to have this system of raising revenue, by duties upon imports, restricted within the narrowest limits, and to shew how utterly impossible it is for us to consent to have it extended beyond the indispensable wants of the government, either for the purpose of affording protection to the industry of others, or of distributing the proceeds among individuals or States.

Grievous, however, as the oppression unquestionably is, and calculated, in the strong language of our own Legislature, "to reduce the Plantation States to POVERTY and UTTER DESOLATION," it is not in this aspect that the question is presented in its most dangerous and alarming form. It is not merely that Congress have resorted, for unwarrantable purposes, to an oppressive exercise of powers granted to them by the Constitution, but that they have usurped a power not granted, and have justified that usurpation on principles, which, if sanctioned or submitted to, must entirely change the character of the Government, reduce the Constitution to a dead letter, and on the ruins of our confederated republic, erect a consolidated despotism, "without limitation of powers." If this be so, there is no man who is worthy of the precious heritage of liberty derived from our ancestors, or who values the free institutions of his country, who must not tremble for the cause of freedom, not only in this country, but throughout the world, unless the most prompt and efficient measures are at once adopted, to arrest the downward course of our political affairs, to stay the hand of oppression, to restore the Constitution to its original principles, and thereby to perpetuate the Union.

It cannot be denied that the Government of the United States possesses no inherent powers. It was called into being by the States. The States not only created it, but conferred upon it all its powers, and prescribed
its limits by a written charter called the Constitution of the U. States.—Before the Federal Government had thus been called into being, the several States unquestionably possessed as full sovereignty, and were as independent of each other as the most powerful nations of the world; and in the free and undisputed exercise of that sovereignty, they entered into a solemn compact with each other, by which it was provided, that for certain specified objects, a General Government should be established with strictly limited powers;—the several States retaining their sovereignty unimpaired, and continuing to exercise all powers not expressly granted to the Federal Government.

In the clear and emphatic language of Mr. Jefferson, "the several States composing the United States of America, are not united on the principle of unlimited submission to the General Government, but by a compact under the style and title of the Constitution of the United States, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving each State to itself the residuary mass of right to their own self-government, and whenever the General Government assumes undegraded powers, its acts are unauthoritative, void, and of no force." That such is the true nature of the federal compact, cannot admit of a reasonable doubt, and it follows of necessity, that the Federal Government is merely a joint agency, created by the States—that it can exert no power not expressly granted to them, and that when it claims any power, it must be able to refer to the clause in the charter which confers it. This view of the Constitution of the United States, brings the question of the constitutionality of the Tariff within the narrowest limits.

The regulation of domestic industry, so far as Government may rightfully interfere therewith, belonged to the several states before the Constitution was adopted, or the Union sprang into existence; and it still remains exclusively with them, unless it has been expressly granted to the Federal Government. If such a grant has been made, it is incumbent on those claiming under it, to point out the provision in the Constitution which embraces it. It must be admitted, that there is not a clause or article in that instrument which has the slightest allusion, either to manufactures or to agriculture; while, therefore, the "regulation of commerce" is expressly conferred on the General Government, the regulation of every branch of domestic industry is reserved to the several States, exclusively, who may afford them encouragement, by pecuniary bounties, and by all other means not inconsistent with the Constitution of the United States. To say that the power to regulate commerce, embraces the regulation of agriculture, and manufactures, and all the other pursuits of industry, (for they all stand upon the same footing,) is to confound the plainest distinctions, and to lose sight of the true meaning and intent of the grant in question. Commerce is, in general, regulated by treaties with foreign nations; and, therefore, it was deemed necessary, that this power should be confided to the General Government; but agriculture, manufactures, and the mechanic arts, can only be wisely ordered by municipal regulation. Commerce is one object of legislation, manufactures

* See Kentucky Resolutions of 1778.
another, agriculture a third; and if the regulation of commerce implies an
unlimited control over every thing which constitutes the object of com-
merce, it would follow, as a matter of course, that the Federal Gov-
ernment may exert a supreme dominion over the whole labor and capital of
the country. This would transform our confederated Government, with
strictly limited powers, into an absolute despotism, and of the worst sort,
where, under the forms of a free Government, we should have the spirit
of a despotic one. This view of the subject, we should deem perfectly
conclusive, even if it could not be shown that the power in question, so
far from being granted, was purposely withheld from the Federal Gov-
ernment, by the framers of the Constitution; and that there are provisions
of the Constitution, from which it may be fairly inferred, that it was un-
tended to be reserved to the States respectively. It appears from the
history of the proceedings of the Convention which framed the Constitu-
tion, that the subject of the protection of manufactures, was several times
brought distinctly to the view of that body, and that they did not see fit
to grant to the Federal Government the power in question. In the original
proposition, to confer on Congress the power to impose "duities, imposts
and excises," was embraced "prohibitions and restraints," which may
well be supposed to have been intended to embrace the protection of manu-
factures; but it is remarkable, that these words were omitted in the Report
of the Committee, on that clause. On the 15th of August, a motion was
made "to establish rewards and immunities, for the promotion of agricul-
ture, commerce, trades and manufactures;" but this proposition also fail-
ed. On a subsequent day, it was moved that there should be "a Secre-
tary of Domestic Affairs, &c.," whose duty it should be to attend to mat-
ters of general police, the state of agriculture and manufactures, the
opening of roads and navigation, and facilitating of intercourse through
the United States; and that he shall, from time to time, recommend such
measures and establishments as may tend to promote these objects.
This proposition likewise failed, the Constitution containing no provision
in conformity therewith.

Now, as it is utterly impossible, that these several propositions, em-
bracing imposts, duties, prohibitions and restraints, and the encour-
agement of manufactures, could have been disposed of, without bringing the
whole question of domestic manufactures fully into view—it must follow,
that, as no power was given to Congress over manufactures, while the
power to regulate commerce is expressly conferred, it was not the in-
tention of the framers of the Constitution, to entrust this power to Congress.
Although repeatedly urged to confer such a power, they constantly re-
fused it; and the Constitution, as finally ratified, contains no provision,
whatever upon the subject. In the Report of Luther Martin, a delegate
from Maryland, made to the Legislature of his State, an explanation is
given of the proceedings of the Convention, in relation to this matter,
which removes every shadow of doubt, with regard to the true meaning
and intent of the framers of the Constitution, in relation to the protection
of manufactures. It appears from his statement, that, as the encour-
agement of manufactures had been refused to be conferred upon the
Federal Government, it was the desire of Mr. Martin and others, to re-
serve to the States all the means which they supposed to be necessary
for affording effectual encouragement to manufacturers within their own limits. Among those it was presumed "that there might be cases in which it would be proper, for the purpose of encouraging manufactures, to lay duties to prohibit the exportation of raw materials, and even in addition to the duties laid by Congress on imports, for the sake of revenue, to lay a duty to discourage the importation of particular articles into a State, or to enable the manufacturer here to supply us on as good terms as could be obtained from a foreign market."* Here it will be seen that it is positively stated, by Mr. Martin, that the power given to Congress to impose duties upon imports was given expressly "for the sake of revenue," and was not considered as extending to any duty "to discourage the importation of particular articles, for the purpose of encouraging manufactures," and that it was considered that unless the several States should possess this power, as well as that of prohibiting the exportation of certain raw materials, they would not be enabled to extend that complete protection to their own manufactures which might be deemed indispensable to their success. "The most, however," says Mr. Martin, "which we could obtain was, that this power might be exercised by the States, by and with the consent of Congress and subject to its control." Thus, then, it manifestly appears, that in relation to manufactures, the framers of the Constitution positively refused to confer upon the Federal Government any power whatever—that the power to lay duties &c. was conferred for the sake of revenue alone, and was not intended to embrace the power to lay duties "to discourage the importation of particular articles to enable the manufacturers here to supply us on as good terms as could be obtained from a foreign market;" and, finally, that the whole subject was left in the hands of the several states, with the restriction, "that no State shall, without the consent of Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing their inspection laws." This power, it appears, was expressly inserted for the purpose of enabling the States to protect their own manufactures; and this, it seems, was the only provision which friends of domestic industry could obtain. It is vain to allege that the powers retained by the States on this subject, are inadequate to the effectual accomplishment of the object. If this were so, it would only show the necessity of some further provision on this subject—but surely it will not be pretended that it would justify the usurpation, by Congress, of a power, not only not granted by the Constitution, but purposely withheld.

We think, however, that this exposition of the Constitution places the protection of manufactures on the true foundation, on which it should stand in such a Government as ours. Nothing can be more monstrous than that the industry of one or more States in this confederacy should be made profitable at the expense of the others; and this must be the inevitable result of any scheme of legislation by the General Government, calculated to promote Manufactures by restrictions upon Commerce or Agriculture. But leave Manufactures where Agriculture and other domestic pursuits have been wisely left by the Constitution—with

* Yates' Secret Debates in the Convention, p. 71
the several States, and ample security is furnished, that no preference will be given to one pursuit over another; and if it should be deemed advisable in any particular state to extend encouragement to manufactures, either by direct appropriations of money, or in the way pointed out in the article of the Constitution above quoted, that this will be done not at the expense of the rest of the Union, but of the particular State whose citizens are to derive the advantages of those pursuits. Should Massachusetts, for instance, find it to her advantage to engage in the manufacture of Woollens or Cottons, or Pennsylvania be desirous of encouraging the working of her Iron Mines, let those States grant bounties out of their own Treasuries, to the persons engaged in those pursuits; and should it be deemed advisable to encourage their manufactures by duties, “discouraging the importation of similar articles” in these respective States, let them make an application to Congress, whose consent would doubtless be readily given to any acts of those States, having these objects in view. The Manufacturers of Massachusetts and Pennsylvania would thus be encouraged at the expense of the people of those States respectively. But when they claim to do more than this,—to encourage their industry at the expense of the industry of the people of the other States, to promote the Manufactures of the North at the expense of the Agriculture of the South, by restrictions upon Commerce,—in a word, to secure a monopoly for their manufactures, not only in their own market, but throughout the United States, then, we say, that the claim is unjust, and cannot be granted consistently with the principles of the Constitution, or the great ends of a Confederated Government. We shall not stop to inquire whether, as has been urged with great force, that provision of the Constitution which confers the power upon Congress “to promote the progress of science and the useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries,” does not, by a necessary implication, deny to Congress the power of promoting the useful arts, (which include both agriculture and manufactures) by any other means than those here specified. It is sufficient for our purpose to shew, that the power of promoting manufactures, as a distinct substantive object of legislation, has no where been granted to Congress. As to the incidental protection that may be derived from the rightful exercise of the power, either of regulating commerce, or of imposing taxes, duties and imposts, for the legitimate purposes of government—this certainly may be as freely enjoyed by manufactures as it must be by every other branch of domestic industry. But as the power to regulate commerce, conferred expressly for its security, cannot be fairly exerted for its destruction, so neither can it be perverted to the purpose of building up manufacturing establishments—an object entirely beyond the jurisdiction of the Federal Government—so, also, the power to levy taxes, duties, imposts and excises, expressly given for the purpose of raising revenue, cannot be used for the discouragement of importations, for the purpose of promoting manufactures, without a gross and palpable violation of the plain meaning and intent of the federal compact. Acts may be passed on these subjects, falsely purporting, on their face, to have been enacted for the purposes of raising revenue and regulating commerce,—but if, in truth,
they are designed, (as the acts of 1824, 1828, and 1832, confessedly
and avowedly have been) for an entirely different purpose, viz: for
the encouragement and promotion of manufactures—the violation of the
Constitution is not less gross, deliberate and palpable, because it
assumes the most dangerous of all forms, a violation by perversion, the
use of a power granted for one purpose, for another and a different
purpose, in relation to which Congress has no power to act at all. On
the whole, even from the very brief and imperfect view which we have here
taken on this subject, we think we have demonstrated that the protecting
system is as gross and palpable a violation of the Constitution,
according to its true spirit, intent and meaning, as it is unquestionably
unequal, oppressive and unjust in its bearing upon the great interests
of the country and the several sections of the Union.

But great as are the evils of the American System, fatal as it assuredly
must be to the prosperity of a large portion of the Union, and
gross as is the violation of the letter and spirit of the Constitution which
it perpetrates, the consequences which must inevitably result from the
establishment of the pernicious principles on which it is founded, are
evils of still greater magnitude. An entire change in the character of
the Government is the natural and necessary consequence of the applica-
tion to the Constitution of those insidious rules of construction, from
which this system derives its existence, and which must consolidate the
States by degrees into one sovereignty; the obvious tendency and inevi-
table result of which would be to transform the present representative
system of the United States into a Monarchy.*

We fearlessly appeal to all considerate men, whether it be in the
nature of things possible, to hold together such a Confederacy as ours, by
any means short of military despotism, after it has degenerated into a
CONSOLIDATED GOVERNMENT—that is to say, after it shall come to be its
established policy to exercise a general legislative control over the inter-
ests and pursuits of the whole American people.

Can any man be so infatuated as to believe, that Congress could regu-
late wisely the whole labor and capital of this vast Confederacy? Would
it not be a burden too grievous to be borne, that a great central govern-
ment, necessarily ignorant of the condition of the remote parts of the
country, and regardless, perhaps, of their prosperity, should undertake
to interfere with their domestic pursuits; to control their labor, to regu-
late their property, and to treat them in all respects as DEPENDENT COL-
ONIES, governed, not with reference to their own interests, but the in-
terest of others? If such a state of things must be admitted to be alto-
geither intolerable, we confidently appeal to the sober judgment and pa-
triotic feelings of every man who values our free institutions and desires
to preserve them—whether the progress of the Government towards
this result has not of late years been rapid and alarming? and whether,
if the downward course of our affairs cannot be at once arrested—the
consummation of this system is not at hand? No sooner had Congress
assumed the power of building up manufactures, by successive tariffs—
calculated and intended to drive men from agriculture and commerce
into more favored pursuits—than internal improvements sprung at once into vigorous existence. Pensions have been enlarged to an extent not only before unknown in any civilized country, but they have been established on such principles, as manifest the settled purpose of bestowing the public treasure in gratuities to particular classes of persons and particular sections of country. Roads and canals have been commenced, and surveys made, in certain quarters of the Union, on a scale of magnificence, which evinces a like determination to distribute the public wealth into new and favored channels; and it is in entire accordance both with the theory and practice of this new system, that the General Government should absorb all the authority of the States, and eventually become the grand depository of the powers, and the general guardian and distributor of the wealth of the whole Union. It is known to all who have marked the course of our national affairs, that Congress has undertaken to create a Bank, and has already assumed jurisdiction over science and the arts, over education and charities, over roads and canals, and almost every other subject formerly considered as appertaining exclusively to the States; and that they claim and exercise an unlimited control over the appropriation of the public lands as well as of the public money. On looking, indeed, to the legislation of the last ten years, it is impossible to resist the conviction, that a fatal change has taken place in the whole policy and entire operation of the Federal Government—that in every one of its departments it is, both in theory and practice, rapidly verging towards Consolidation—asserting judicial supremacy over the sovereign States, extending executive patronage and influence to the remotest ramifications of society, and assuming legislative control over every object of local concernment, thereby reducing the States to petty corporations, shorn of their sovereignty, mere parts of one great whole, standing in the same relation to the Union as a county or parish to the State, of which it is a subordinate part.

Such is the true character, and such the inevitable tendencies of the American System. And when the case, thus plainly stated, is brought home to the bosoms of patriotic men, surely it is not possible to avoid the conclusion, that a political system, founded on such principles, must bear within it the seeds of premature dissolution—and that though it may for a season be extended, enlarged and strengthened, through the corrupting influence of patronage and power, until it shall have embraced in its serpent folds all the great interests of the State, still the time must come, when the people, deprived of all other means of escape, will rise up in their might and release themselves from its thraldom, by one of those violent convulsions, whereby society is uprooted from its foundations, and the edict of Reform is written in blood.

Against this system South Carolina has remonstrated in the most earnest terms. As early as 1820, there was hardly a district or parish in the whole State, from which memorials were not forwarded to Congress, the general language of which was, that the protecting system was "utterly subversive of their rights and interests." Again, in 1823 and 1827, the people of this State rose up almost as one man, and declared to Congress and the world, "that the protecting system was unconstitutional, oppressive, and unjust." But these repeated remonstrances were
answered only by repeated injuries and insults—by the enacting of the tariffs of 1824 and 1828. To give greater dignity, and, if possible, more effect to these appeals, the Legislature, in Dec. 1825, solemnly declared, "that it was an unconstitutional exercise of power on the part of Congress to lay duties to protect domestic manufactories;" and, in 1828, they caused to be presented to the Senate of the U. S. and claimed to have recorded on its Journals the solemn protest of the State of South Carolina, denouncing this system as "utterly unconstitutional, grossly unequal and oppressive, and such an abuse of power as was incompatible with the principles of a free government, and the great ends of civil society," and that they were "then only restrained from the assertion of the sovereign rights of the State, by the hope that the magnanimity and justice of the good people of the Union would effect an abandonment of a system partial in its nature, unjust in its operation, and not within the powers delegated to Congress." And, finally, in Dec. 1830, it was resolved, "that the several Acts of Congress, imposing duties on imports, for the protection of domestic manufactories, are highly dangerous, and oppressive violations of the constitutional compact; and, that whenever the States which are suffering under the oppression, shall lose all reasonable hope of redress from the wisdom and justice of the Federal Government, it will be their right and duty to interpose, in their sovereign capacity, for the purpose of arresting the progress of the evil occasioned by the said unconstitutional acts."

Nor has South Carolina stood alone in the expression of these sentiments: Georgia and Virginia, Alabama and Mississippi, and North Carolina, have raised their voices in earnest remonstrances and repeated warnings. Virginia, in 1828, in responding to South Carolina, declared "that the Constitution of the United States, being a federative compact between sovereign States, in construing which no common arbiter is known, each State has a right to construe the compact for itself; and that Virginia, as one of the high contracting parties, feels itself bound to declare, and does hereby most solemnly declare, its clearest conviction, that the acts of Congress usually denominated the Tariff Laws, passed avowedly for the protection of domestic manufactories, are not authorised by the plain construction, true intent and meaning of the Constitution."

Georgia, through her Legislature, pronounced this system to be one "which was grinding down the resources of one class of the States, to build up and advance the prosperity of another of the same confederacy—and which they solemnly believed to be contrary to the letter and spirit of the Federal Constitution," and declared it to be the right of the several States, in case of any infraction of the general compact, "to complain, remonstrate, and even refuse obedience to any measure of the General Government manifestly against and in violation of the Constitution, that otherwise the law might be violated with impunity, and without redress as often as the majority might think proper to transcend their powers, and the party injured would be bound to yield an implicit obedience to the measure however unconstitutional, which must tend to annihilate all sovereignty and independence of the States, and consolidate all power in the General Government, which never was designed nor intended by the framers of the Constitution."
Alabama also protested against "the attempt to exclude the foreign in favor of the domestic fabrics, as the exercise of a power not granted by the Constitution," and concluded, by stating "that she wished it to be distinctly understood, that in common with the other Southern and South-Western States, she regards the power asserted by the General Government, to control her internal concerns by protecting duties, as a palpable usurpation of powers, not given by the Constitution, and a species of oppression little short of legalized pillage."

North Carolina in the same spirit, declared that, while "it was conceded that Congress have the express power to lay imposts, she maintains that that power was given for the purpose of Revenue, and Revenue alone, and that every other use of the power is an usurpation on the part of Congress." And finally, the Legislature of Mississippi "Resolved, that the State of Mississippi concurs with the States of Georgia, South Carolina and Virginia, in their different resolutions upon the subject of the Tariff, Colonization Society and Internal Improvement."

"It has been in the face of all these remonstrances and protests, and in defiance of these repeated warnings and solemn declarations, that the recent modification of the Tariff, by the Act of 1832, was effected. The period of the final extinction of the Public Debt had always been looked to as the crisis of our fate, when the policy of the country in reference to the Protective System was to be finally settled. It was the period assigned by common consent, as the utmost limit of the forbearance of South Carolina, whose citizens felt that in the adoption of that System, their Constitutional Rights had been trampled on, and their dearest interests cruelly sacrificed.

No one could fail to perceive, that when every pretext for the continuance of the high duties under which the Southern States had suffered for so many years, was taken away by the payment of the National Debt, and the consequent relief of the Treasury from an annual demand of twelve millions of dollars; that no reason could be given why these duties should not be brought down to the revenue standard, except that it was deliberately designed to secure to the Manufacturers forever, the monopoly they had so long enjoyed, at the expense of the other great interests of the country.

We find accordingly, that the new Tariff, which is intended to take effect, only after the final extinguishment of the Public Debt, has been arranged and adjusted with a single eye to the perpetuation of this System, and with an entire disregard of the just claims of the Plantation States. Whatever may be the amount of the aggregate reduction effected by this bill, (and it is not pretended in the latest Treasury estimate, to exceed $5,000,000, of which near $4,000,000 are on the unprotected articles,) it is not denied that it will leave a surplus of many millions in the Treasury, beyond the usual expenses or necessary wants of the Government; and it is notorious—nay, it appears on the face of the Bill itself—that while duties to the amount of 40, 50, and even 100 per cent. are still to be levied upon the protected articles, (that is to say, upon all the Cottons, Woolens, and Iron, the Sugar and the Salt, and the other articles embraced in the Protecting System,) the duties on the unprotected articles have been reduced greatly below the revenue standard, and upwards of
§3,000,000 entirely repealed; so that according to this System, as now established, a large surplus revenue, to be applied to Internal Improvements and other unwarrantable purposes, is to be levied by the imposition of enormous Taxes on the necessaries of life, the very articles received chiefly in exchange for Southern productions; and this has been done, in order to protect the industry of the North, with which ours comes into competition, while the articles of luxury, universally acknowledged to be the fittest subjects for Taxation, are to be admitted duty free.*

Now, let it be remembered, that the very point in controversy has all along been, not the Revenue, but the Protecting duties; and yet we see, that in answer to all our petitions and remonstrances, Congress has been graciously pleased to make an adjustment of the Tariff, which simply consists in taking off the duties imposed for Revenue, while the protecting duties are allowed to remain substantially untouched. It was not so much the amount of the imposition, as the inequality and injustice of the Protecting System, that has roused the people of South Carolina to determined resistance; and yet, we find that this inequality has been aggravated, and that injustice perpetuated, by the deliberate adoption of a measure, which was calculated and intended to rivet this System upon us, beyond all hope of relief.

The grave and solemn question now occurs, what is to be done to redeem ourselves from the state of Colonial vassalage into which we have unhappily fallen? Shall we still continue to wait for a returning sense of justice on the part of our oppressors? We are thoroughly persuaded, that the hope can no longer be indulged, that the tariff majority in Congress will, of their own accord, relieve us from this cruel bondage—experience teaches us that this expectation, so long and fondly indulged, is utterly delusive. The only effect of further delay must be, to strengthen the hand of the oppressor, to crush the public spirit—deaden the sensibility of the people to the inestimable value of their rights—and teach them the degrading lesson of wearing their chains in patience. It is almost inconceivable, that any reflecting man can believe that the crisis in our affairs, arising from the final extinction of the Public Debt, should be suffered to pass away, without reducing the tariff to the revenue standard, and yet that such reduction may be expected to take place at some future period. What period so auspicious as that which has been allowed to pass away unimproved? Is any one so ignorant of human nature, as not to know that the annual surplus, which then will be brought into the Treasury, under the Act of 1832, will be speedily absorbed by new and enlarged appropriations, serving as additional props, to a system, which some vainly imagine to be tottering on its base, ready to fall under its own weight? Even at the last session of Congress, the annual appropriations were enlarged by several millions of dollars, in anticipation of this expected surplus; and the foundation is already laid for its absorption, and when this shall be accomplished, where will be the hopes of those who now say that the evil is to correct itself, and who tell us that the Act of 1832, which was in fact designed to rivet the System upon

*See Treasury Estimate, published in August last, shewing an aggregate reduction of $5,167,976, of which $3,108,631 were made entirely free.
the country forever—and was hailed by its friends, as “a clear, distinct, and indisputable admission of the principle of protection,” is to be viewed as a blessed reform, presenting the brightest auspices for the future? The truth unquestionably is, that the American System is, from its very nature, progressive. When its foundations were laid, it was foreseen and predicted that the great interests which it would build up, would exert a controlling influence over the legislation of the country. The history of the world indeed affords no example of a voluntary relinquishment, by a favored class, of any pecuniary or political advantage, secured to them by the laws and general policy of the country. Force has often torn from the hands of the oppressor, his unrighteous gains; but reason and argument are as vain in convincing the understanding, as appeals to justice and magnanimity have ever proved to be impotent in softening the hearts of those who are enriched under the operation of laws passed professedly for the public good. Who is there, that can for one moment believe that anything short of a direct appeal to their interests will induce the dependants upon the Federal Government, the wealthy sugar planters and iron masters, or the joint stock companies, who have millions invested in cotton and woollen factories, yielding under the operation of the protecting system an annual income of 10 or 20 per cent, voluntarily to relinquish the advantages secured to them by the laws, and consent to come down to a level with the other classes of the community! It is impossible. From every view then which your committee have been able to take of this subject, they are constrained to announce to this Convention, the solemn truth, that after more than ten years of patient endurance of a system, which is believed by the people of this State to be fatal to their prosperity and a gross, deliberate and palpable violation of their constitutional rights—after the most earnest and unavailing appeals to that sense of justice, and those common sympathies, which ought to bind together the different members of a confederated republic, the crisis has at length arrived, when the question must be solemnly and finally determined, whether there remain any means, within the power of the State, by which these evils may be redressed?

It is useless to disguise the fact, or attempt to delude ourselves on this subject, the time has come when the State must either adopt a decisive course of action, or we must at once abandon the contest. We cannot again petition—it would be idle to remonstrate, and degrading to protest. In our estimation it is now a question of Liberty or Slavery. It is now to be decided, whether we shall maintain the rights purchased by the precious blood of our fathers, and transmit them unimpaired to our posterity, or tamely surrender them without a struggle. We are constrained to express our solemn conviction, that under the protecting system, we have been reduced to a state of “colonial dependence, suffering and disgrace,” and that unless we now fly, with the spirit which becomes freemen, to the rescue of our liberties, they are lost forever. Brought up in an ardent devotion to the Union of the States, the people of South Carolina have long struggled against the conviction, that the powers of the Federal Government have been shamefully perverted to the purposes of injustice and oppression. Bound to their brethren by the proud recollections of the past, and fond hopes of the future, by common strug-
gles for liberty and common glories, acquired in its defence—they have been brought slowly, and with the utmost reluctance, to the conclusion, that they are shut out from their sympathies, and made the unpitied victims of an inexorable system of tyranny, which is without example in any country claiming to be free. Experience has at length taught us the lamentable truth, that administered as the government now is, and has been for several years past in open disregard of all the limitations prescribed by the Constitution, the Union itself, instead of being a blessing must soon become a curse. Liberty, we are thoroughly persuaded, cannot be preserved under our system without a sacred and inviolable regard not merely to the letter, but to the true spirit of the Constitution; and without liberty the Union would not be worth preserving. If then there were no alternatives but to submit to these evils, or to seek a remedy even in Revolution itself, we could not, without proving ourselves recreant to the principles hallowed by the example of our ancestors, hesitate a moment as to our choice. We should say, in the spirit of our fathers, “we have counted the cost, and find nothing so intolerable as voluntary slavery.” But we cannot bring ourselves, for one moment, to believe, that the alternatives presented to us are revolution or slavery. We confidently believe, that there is a redeeming spirit in our institutions, which may, on great occasions be brought to our aid for the purpose of preserving the public liberty—restoring the Constitution—and effecting a regeneration of the Government, and thereby producing a redress of intolerable grievances, without war, revolution, or a dissolution of the Union. These great objects, we feel assured, may even now be effected, unless those who are in possession of the powers of the government, and charged with the administration of our national affairs, shall resolve to persevere in a course of injustice, and prove by their conduct that they love the usurpation (to which the people of this State are unalterably determined not to submit) better than the Union. We believe that the redeeming spirit of our system is State Sovereignty, and that it results from the very form and structure of the Federal Government, that when the rights reserved to the several States are deliberately invaded, it is their right and their duty “to interpose for the purpose of arresting the progress of the evil of usurpation, and to maintain within their respective limits the authorities and privileges belonging to them as independent sovereignties.” If the several States do not possess this right, it is in vain that they claim to be sovereign. They are at once reduced to the degrading condition of humble dependants on the will of the Federal Government. South Carolina claims to be a sovereign State. She recognizes no tribunal upon earth as above her authority. It is true she has entered into a solemn compact of Union with other sovereign States; but she claims, and will exercise the right to determine the extent of her obligations under that compact, nor will she consent that any other power shall exercise the right of judgment for her. And when that compact is violated by her co-States, or by the Government which they have created, she asserts her unquestionable right, “to judge of the infractions, as well as of the mode and measure of redress.”

*Virginia Resolutions of 1793.  †Kentucky Resolutions of 1798.
to judge for others. The States who are parties to the compact, must judge each for itself, whether that compact has been pursued or violated; and should they differ irreconcilably in opinion, there is no earthly tribunal that can authoritatively decide between them. It was in the contemplation of a similar case, that Mr. Jefferson declared, that if the difference could neither be compromised nor avoided, it was the peculiar felicity of our system, to have provided a remedy in a Convention of all the States, by whom the Constitution might be so altered or amended, as to remove the difficulty. To this tribunal, South Carolina is willing that an appeal should now be made, and that the constitutional compact should be so modified as to accomplish all the great ends for which the Union was formed, and the Federal Government constituted, and at the same time, restore the rights of the States, and preserve them from violation hereafter. You committee purposely avoid entering here into an examination of the nature and character of this claim, which South Carolina asserts, to interpose her sovereignty, for the protection of her citizens from the operation of unconstitutional laws, and the preservation of her own reserved rights. In an Address, which will be submitted to the Convention, this subject will be fully examined; and they trust that it will be made to appear, to the entire satisfaction of every dispassionate mind, that in adopting the Ordinance, which the Committee herewith report, declaring the Tariff laws passed for the protection of Domestic Manufactures, null and void, and not Law, and directing the Legislature to provide, that the same shall not be enforced within the limits of this State,—South Carolina will be asserting her unquestionable rights, and in no way violating her obligations under the federal compact.

The Committee cannot dismiss this point, however, even for the present, without remarking that in asserting the principles, and adopting the course, which they are about to recommend, South Carolina will only be carrying out the doctrine, which were asserted by Virginia and Kentucky in 1798, and which have been sanctified by the high authority of Thomas Jefferson. It is from the pen of this great apostle of liberty, that we have been instructed that to the Constitutional compact, "each State acceded as a State, and is an integral party, its co-states forming as to itself the other party," that "they alone being parties to the compact are solely authorised to judge in the last resort of the powers exercised under it; Congress being not a party but merely the creature of the compact;" that it becomes a sovereign State, "to submit to undelegated and consequently unlimited power in no man or body of men on earth—that in cases of abuse of the delegated powers, the members of the General Government being chosen by the people, a change of the people would be the Constitutional remedy, but where powers are assumed which have not been delegated [the very case now before us] A NULLIFICATION OF THE ACT IS THE RIGHTFUL REMEDY; that every State has a natural right in cases not within the compact [casus non fidei] to NULLIFY of their own authority all assumption of power by others within their limits, and that without this right they would be under the dominion absolute and unlimited, of whomsoever might exercise the right of judgment for them," and that in case of acts being pass-
ed by Congress so palpably against the Constitution as to amount to an undisguised declaration, that the compact is not meant to be the measure of the powers of the General Government, but that it will proceed to exercise over the States all powers whatsoever, by seizing the rights of the States, and consolidating them in the hands of the General Government with a power assumed of binding the States, not merely in cases made federal, but in all cases whatsoever, by laws made, not with their consent, but by others against their consent, it would be the duty of the States to declare the acts void and of no force, and that each should take measures of its own for providing that neither such acts, nor any other of the General Government, not plainly and intentionally authorised by the Constitution, shall be exercised within their respective territories."

In acting on these great and essential truths, South Carolina surely cannot err. She is convinced, and has so declared to Congress and the World, that the protecting system is, in all its branches, a "gross, deliberate, and palpable violation of the constitution." She believes that after having exhausted every other means of redress in vain, it is her right, and that it has now become her solemn duty, to interpose for arresting the evil within her own limits by declaring said acts "to be null and void and no law, and taking measures of her own that they shall not be enforced within her territory." That duty she means to perform, and to leave the consequences in the hands of Him, with whom are the issues of life and the destinies of nations.

South Carolina will continue to cherish a sincere attachment to the union of the States, and will to the utmost of her power endeavor to preserve it, "and believes that for this end, it is her duty to watch over and oppose any infraction of those principles which constitute the only basis of that union, because a faithful observance of them can alone secure its existence." She venerates the Constitution and will protect and defend it "against every aggression either foreign or domestic," but, above all, she estimates as beyond all price her liberty, which she is unalterably determined never to surrender while she has the power to maintain it. Influenced by these views, your committee report herewith for the adoption of the Convention a solemn DECLARATION and ORDINANCE.

AN ORDINANCE,

To NULLIFY certain Acts of the Congress of the United States, purporting to be Laws Laying Duties and Imposts on the Importation of Foreign Commodities.

Whereas, the Congress of the United States, by various acts, purporting to be acts laying duties and impost on foreign imports, but in reality intended for the protection of domestic manufactures, and the giving of bounties to classes and individuals engaged in particular employments, at the expense and to the injury and oppression of other classes and individuals, and by wholly exempting from taxation, certain foreign commodities, such as are not produced or manufactured in the United States, to afford a pretext for imposing higher and excessive duties on articles similar to those intended to be protected, hath exceeded its just powers under the Constitution, which confers on it no authority to
afford such protection, and hath violated the true meaning and intent of the Constitution, which provides for equality in imposing the burdens of taxation upon the several States and portions of the Confederacy;—And, whereas, the said Congress, exceeding its just power to impose taxes and collect revenue for the purpose of effecting and accomplishing the specific objects and purposes which the Constitution of the United States authorizes it to effect and accomplish, hath raised and collected unnecessary revenue, for objects unauthorized by the Constitution :

We, therefore, the people of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, that the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposing on the importation of foreign commodities, and now having actual operation and effect within the United States, and more especially an act entitled "an act in alteration of the several acts imposing duties on imports," approved on the nineteenth day of May, one thousand eight hundred and twenty-eight, and also an act entitled "an act to alter and amend the several acts imposing duties on imports," approved on the fourteenth day of July, one thousand eight hundred and thirty-two, are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null, void, and no law, nor binding upon this State, its officers or citizens; and all promises, contracts and obligations made or entered into, or to be made or entered into with purpose to secure the duties imposed by the said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void.

And it is further ordained, that it shall not be lawful for any of the constituted authorities whether of this State or of the United States to enforce the payment of duties imposed by the said acts within the limits of this State; but it shall be the duty of the Legislature to adopt such measures and pass such acts as may be necessary to give full effect to this ordinance, and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States, within the limits of this State, from and after the first day of February next, and the duty of all other constituted authorities, and of all persons residing or being within the limits of this State, and they are hereby required and enjoined to obey and give effect to this ordinance and such acts and measures of the Legislature as may be passed or adopted in obedience thereto.

And it is further ordained, that in no case of law or equity, decided in the courts of this State, wherein shall be drawn in question the authority of this Ordinance, or the validity of such act or acts of the Legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress, imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose, and if any such appeal shall be attempted to be taken, the Courts of this State shall proceed to execute and enforce their judgments, according to the laws and usages of the State, without reference to such attempted appeal, and the person or persons attempting to take such appeal may be dealt with as for a contempt of the Court.

And it is further ordained, That all persons now holding any office of honor, profit or trust, civil or military, under this State, (members of the Legislature excepted,) shall, within such time, and in such manner as the Legislature shall prescribe, take an oath, well and truly to obey, execute and enforce this ordinance, and such act or acts of the Legislature, as may be passed in pursuance thereof, according to the true intent and meaning of the same, and on the neglect or omission of any such person or persons so to do, his or their office or offices, shall be forthwith vacated, and shall be filled up, as if
such person or persons were dead, or had resigned; and no person hereafter elected to
any office of honor, profit or trust, civil or military, (members of the Legislature excepted,) shall, until the Legislature shall otherwise provide and direct, enter on the execution of his office, or be in any respect competent to discharge the duties thereof, until he shall in like manner, have taken a similar oath; and no juror shall be impannelled in any of the Courts of this State, in any cause in which shall be in question this ordinance or any act of the Legislature, passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath, that he will well and truly obey, execute, and enforce this ordinance, and such act or acts of the Legislature, as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof.

And we, the people of South Carolina, to the end, that it may be fully understood by the Government of the United States, and the people of the co-States, that we are determined to maintain this, our ordinance and declaration, at every hazard, do further declare that we will not submit to the application of force, on the part of the Federal Government, to reduce this State to obedience; but that we will consider the passage, by Congress, of any act, authorizing the employment of a military or naval force against the State of South Carolina, her constituted authorities or citizens; or any act, abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels, to and from the said ports; or any other act on the part of the Federal Government, to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union: and that the people of this State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connexion with the people of the other States, and will forthwith proceed to organize a separate Government, and do all other acts and things, which sovereign and independent States may of right do.

Done in Convention at Columbia, the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Declaration of the Independence of the United States of America.

James Hamilton, Jun. President of the Convention, and Delegate from St. Peter.

Thomas G. Blewett,  
P. M. Butler,  
John G. Brown,  
J. G. Brown,  
John Bauskett,  
A. Burt,  
Francis Burt, jr.  
Bailey Barton,  
A. Benville,  
James A. Black,  
A. H. Belt,  
Philip Cohen,  
Samuel Cordes,  
John S. Jeter,  
Job Johnston,  
John S. James,  
M. Jacobs,  
J. A. Keith,  
John Key,  
Jacob H. King,  
Stephen Laconde,  
James Lynah,  
Francis Y. Legare,  
Alex. J. Lowton,  
John Lipscomb,  
John Logan,  
J. Littlejohn,  
A. Lancaster,  
John Mugrath,  
Benj. A. Markey,  
John S. Maner,  
Wm. M. Murray,  
R. G. Mills,  
John B. McCull,  
D. H. Means,  
R. G. Maye,  
George McDuffie,  
James Moore,  
John L. Miller,  
Stephen D. Miller,  
John B. Miller,  
R. P. McCord,  
John L. Novell,  
Jennings O'Bannon,  
Charles Parker,  
Wm. Parcher,  
Edward G. Palmer,  
Chas. C. Pinckney,  
Wm. C. Pinckney,  
Francis D. Quash,  
Peter G. Gourdin,  
T. J. Goodwyn,  
Peter Guillard, jun.  
John K. Griffin,  
George W. Glenn,  
Alexander L. Gregg,  
Robert Y. Hayne,  
William Harper,  
Thomas Harrison,  
John Hation,  
Thomas Hartlee,  
Abm. Huguenin,  
Jacob Bond l'On,  
John Rivers,  
Donald Rowe,  
Benjamin Rogers,  
Thomas Ray,  
James G. Spann,  
James Spann,  
S. L. Simons,  
Peter J. Shand,  
James Mongin Smith,  
G. H. Smith,  
Wm. Smith,  
Stephen Smith,  
Wm. Stringfellow,  
Edwin J. Scott,  
E. W. Symmes,  
J. S. Sims,  
T. D. Singleton,  
Joseph L. Stevens,  
T. E. Screven,  
Robt. J. Turnbull,  
Eliza Tyler,  
Philip Tidgman,  
Isaac B. Utmer,  
Peter Vaught,  
Elías Vanderhorst,  
John L. Wilson,  
Isham Walker,  
Wm. Williams,  
Thos. B. Woodward,  
Sterling C. Williamson,  
F. H. Wardlaw,  
Amher Whatley,  
J. T. Whitefield,  
Saml. L. Watt,  
Nicholas Ware,  
Wm. Watties,  
J. Walter Phillips.

[ATTEST.]—ISAAC W. HAYNE, Clerk of the Convention.
ADDRESS

To the People of South Carolina, by their Delegates in Convention.

FELLOW-CITIZENS:

The situation in which you have been placed by the usurpations of the Federal Government, is one which you so peculiarly feel, as to render all reference to it at this moment unnecessary. For the last ten years the subject of your grievances has been presented to you. This subject you have well considered. You have viewed it in all its aspects, bearings, and tendencies, and you seen more and more confirmed in the opinion, expressed by both branches of the Legislature, that the Tariff, in its operation is not only "grossly unequal and unjust, but is such an abuse of power as is incompatible with the principles of a Free Government, and the great ends of civil society." and that if persisted in, "the fate of this State would be poverty and utter desolation."—Correspondent with this conviction, a disposition is manifested in every section of the Country, to arrest, by some means or other, the progress of this intolerable evil. This disposition having arisen, from no sudden excitement, but having been gradually formed by the free and temperate discussions of the press, there is no reason to believe, that it can ever subside, by any means short of the removal of the urgent abuse; and it is under this general conviction, that we have been convened to take into consideration, not only the character and extent of your grievances, but also the mode and measure of redress.

This duty, Fellow-Citizens, we have discharged to the best of our judgments, and the result of our deliberations, will be found in the DECLARATION and ORDINANCE just passed by us—founded on the great and undeniable truth, that in all cases of a palpable, oppressive and dangerous infraction of the Federal compact, each state has a right to annul, and to render inoperative within its limits all such unauthorized acts. After the luminous expositions which have been already furnished by so many great minds, that the exercise of this right is compatible with the first principles of our anomalous scheme of Government, it would be superfluous here to state at length, the reasons by which this mode of redress is to be sustained. A deference however for the opinions of those of our fellow-citizens, who have hitherto dissented from us, demands that we should briefly state the principal ground upon which we place the right, and the expediency of Nullification.

The Constitution of the United States, as is admitted by contemporaneous writers, is a compact between Sovereign States. Though the subject matter of that compact, was a Government, the powers of which Government were to operate to a certain extent upon the people of these Sovereign States, aggregate, and not upon the State Authorities, as is usual in Confederacies, still the Constitution is a Confederacy. First; It is a Confederacy, because in its foundations, it possesses not one single feature of nationality. The people of the separate States, as distinct political communities, ratified the Constitution, each State acting for itself, and binding its own citizens and not those of any other State. The act of ratification declaration it "to be binding on the States, so ratifying. The States are its authors—their power created it—their voice clothed it with authority—the Government it formed is in reality their Government, and the Union of which it is the bond, is a Union of States, and not of individuals." Secondly; It is a Confederacy, because the extent of the powers of the Government depends, not upon the People of the United States collectively, but upon the State Legislatures, or on the people of the separate States, acting in their State Conventions, each state being represented by a single vote.

It must never be forgotten, that it is to the creating and to the controlling power, that we are to look for the true character of the Federal Government; for the present controversy is, not as to the sources from which the ordinary powers of the Government are
drawn; these are partly federal, and partly national. Now, it is relevant to consider, upon whose powers operate. In this last view, the Government for limited purposes, is entirely national. The true question is, who are the parties to the compact? Who created, and who can alter and destroy it. Is it the States, or the People? This question has been already answered. The States as States ratified the compact. The People of the United States, collectively had no agency in its formation. There did not exist then, nor has there existed at any time since, such a political body as the People of the United States. There is not now, nor has there ever been such a relation existing, as that of a citizen of New Hampshire, and a citizen of South Carolina, bound together in the same Social Compact. It would be a waste of time to dwell longer on this part of our subject. We repeat, that as regards the foundation, and the extent of its powers, the Government of the United States, is strictly, what its name implies, a Federal Government—a league between several Sovereigns, and in these views, a more perfect Confederacy has never existed in ancient or modern times.

On looking into this Constitution, we find that the most important sovereign powers are delegated to the central Government, and all other powers are reserved to the States. A foreign or an inattentive reader, unacquainted with the origin, progress, and history of the Constitution, would be very apt, from the phraseology of the instrument, to regard the States, as having deviated themselves of their Sovereignty, and to have become great corporations subordinate to one Supreme Government. But this is an error. The States are as Sovereign now, as they were prior to their entering into the compact. In common parlance, and to avoid circumlocution, it may be admissible enough, to speak of delegated and reserved Sovereignty. But correctly speaking, Sovereignty is an unit. It is "one, indivisible and unalienable." It is therefore an absurdity to imagine, that the Sovereignty of the States, is surrendered in part, and retained in part. The Federal Constitution is a treaty, a confederation, an alliance, by which so many Sovereign States agree to exercise their sovereign powers conjointly upon certain objects of external concern; in which they are equally interested, such as War, Peace, Commerce, Foreign Negotiation, and Indian Trade; and upon all other subjects of civil Government, they were to exercise their Sovereignty separately. This is the true nature of the compact.

For the convenient conjoint exercise of the Sovereignty of the States there must of necessity be some common agency or functionary. This agency is the Federal Government. It represents the confederated States, and executes their joint will, as expressed in the compact. The powers of this government are wholly derivative. It possesses no more inherent sovereignty, than an incorporated town, or any other great corporate body—it is a political corporation, and like all corporations, it looks for its powers to an exterior source. That source is the States. It wants that "irresistible, absolute, uncontrolled authority," without which, according to jurists, there can be no sovereignty. As the States conferred, so the States can take away its powers. All inherent sovereignty, is therefore in the States. It is the moral obligation alone, which each state has chosen to impose upon itself, and not the want of sovereignty, which restrains her from exercising all those powers, which (as we are accustomed to express ourselves) she has surrendered to the Federal Government. The present organization of our Government, as far as regards the terms in which the powers of Congress are delegated, in no wise differs from the old confederation. The powers of the Old Congress were delegated rather in stronger language, than we find them written down in the new charter, and yet he would hazard a bold assertion, who would say, that the States of the old Confederacy were not as sovereign as Great Britain, France and Russia, would be in an alliance offensive and defensive. It was not the reservation in express terms of the Sovereignty,
Freedom, and Independence of each State which made them sovereign. They would have been equally sovereign, as is universally admitted, without such a reservation.

We have said thus much upon the subject of Sovereignty, because the only foundation upon which we can safely erect the light of a State to protect its citizens, is, that South Carolina, by the Declaration of Independence, became and has since continued in Peace, Sovereign and Independent State. That as a sovereign state, she has the inherent power to do all those acts, which by the law of nations, any Prince or Potentate may of right do. That like all independent States, she neither has, nor ought she to suffer any other restraint upon her sovereign will and pleasure, than those high moral obligations, under which all Princes and States are bound before God and man, to perform their solemn pledges. The inevitable conclusion from what has been said therefore is, that as in all cases of compact between Independent Sovereigns, where from the very nature of things, there can be no common judge or umpire, each sovereign has a right "to judge as well of infractions, as of the mode and measure of redress," so in the present controversy, between South Carolina and the Federal Government, it belongs solely to her, by her delegates in solemn convention assembled, to decide whether the federal compact was violated, and what remedy the state ought to pursue. South Carolina therefore cannot, and will not yield to any department of the Federal Government, and still less to the Supreme Court of the United States, the creature of a Government, which itself is a creature of the States, a right which enters into the essence of all sovereignty, and without which, it would become a bauble and a name.

It is fortunate for the view which we have just taken, that the history of the Constitution, as traced through the Journals of the Convention which framed that instrument, places the right contended for upon the same sure foundation. These journals furnish abundant proof, that "no line of jurisdiction between the States and Federal Government in doubtful cases," could be agreed on. It was conceded by Mr. Madison and Mr. Randolph, the most prominent advocates for a Supreme Government, that it was impossible to draw this line, because no tribunal sufficiently impartial, as they conceived could be found, and that there was no alternative, but to make the Federal Government supreme, by giving it, in all such cases, a negative on the acts of the State Legislatures.

The pertinacity with which this negative power was insisted on by the advocates of a national Government, even after all the important provisions of the judiciary or third article of the Constitution were arranged and agreed to, proves beyond doubt, that the Supreme Court was never contemplated by either party in that Convention, as an arbiter, to decide conflicting claims of sovereignty between the States and Congress; and the repeated rejection of all proposals to take from the States, the power of placing their own construction upon the articles of Union, evinces, that the States were resolved never to part with the right to judge whether the acts of the Federal Legislature were or were not, an infringement of those articles.

Correspondent with the right of a Sovereign State to judge of the infractions of the Federal Compact, is the duty of this Convention to declare the extent of the grievance, and the mode and measure of redress. On both these points, public opinion has already anticipated us, in much that we could urge. It is doubted, whether in any country, any subject has undergone before the people, a more thorough examination than the constitutionality of the several acts of Congress for the protection of Domestic Manufactures. Independent of the present embarrassments they throw in the way of our commerce, and the plain indications, that certain articles, which are the natural exchange for our valuable staple products, are sooner or later to be virtually prohibited—Independent of the diminution, which these import duties cause in our incomes, and the severity of the Tax
upon all articles of consumption needed by the poor, they recognize a principle, not less at war with the ends for which this great confederacy was formed, than it is with that spirit of justice, and those feelings of concord which ought to prevail amongst states, united by so many common interests and exalted triumphs. The people surely need not be told, in this advanced period of intellect and freedom, that no government can be free, which can rightfully impose a tax, for the encouragement of one branch of industry at the expense of all others, unless such a tax be justified by some great and unavoidable public necessity. Still less can the people believe, that in a confederacy of States, designed principally, as an alliance offensive and defensive, its authors could ever have contemplated, that the federal head should regulate the domestic industry of a widely extended country; distinguished above all others, for the diversity of interests, pursuits and resources in its various sections. It was this acknowledged diversity, that caused the arrangement of a conjoint and separate exercise of the sovereign authority; the one to regulate external concerns, and the other to have absolute control over the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the States.

It is the striking characteristic in the operation of a simple and consolidated government, that it protects Manufactures, Agriculture, or any other branch of the public industry—that it can establish corporations, or make Roads and Canals, and patronize learning, and the arts. But it would be difficult to show, that such was the government, which the sages of the Convention designed for the States. All these powers were proposed to be given to Congress, and they were proposed by that party in the Convention, who desired a firm National Government. The Convention having decided on the federal form, in exclusion of the national, all these propositions were rejected; and yet we have lived to see an American Congress who can hold no power except by express grant, as fully in the exercise of these powers, as if they were part and parcel of their expressly delegated authority. Under a pretence of regulating Commerce, they would virtually prohibit it. Were this regulation of Commerce resorted to, as a means of coercing foreign nations to a fair reciprocity in their intercourse with us, or for some other bona fide commercial purpose, as has been justly said by our Legislature, the Tariff acts would be Constitutional. But none of these acts have been passed as countervailing or retaliatory measures, for restrictions placed on our Commerce by foreign nations. Whilst other nations seem disposed to relax in their restraints upon trade, our Congress seems absolutely bent upon the interdiction of those articles of Merchandise, which are exchangeable for the products of Southern labor, thus causing the principal burthen of taxation to fall upon this portion of the Union, and by depriving us of our accustomed Markets, to impoverish our whole Southern country. In the same manner, and under the pretence of promoting the Internal Improvement of the States, and for other equally unjustifiable and unconstitutional purposes, Congress is in the constant habit of violating those fundamental principles of the Constitution, on which alone can rest the prosperity of the States, and the durability of the Union.

It is in vain to imagine, that with a people who have struggled for freedom, and know its inestimable value, such a state of affairs can be endured longer than there is a well founded hope, that reason and justice will resume their empire in the common council of the confederacy. That hope having expired with the last session of Congress, by the present Tariff Act, distinctly and fully recognizing as the permanent policy of the country, the odious principle of protection, it occurs to us, that there is but one course for the State to pursue. That course, fellow-citizens, is RESISTANCE. Not physical, but MORAL—resistance—not resistance in an angry, or irritated feeling, but resistance by such
counter-legislation, which, whilst it shall cringe to the world that our measures are built upon the necessity of tendering to Congress an unazeal issue, to try a doubtful question, between friends and neighbors, shall at the same time secure us in the enjoyment of our rights and privileges. It matters not, fellow-citizens, by what name this counter-legislation shall be designated—call it Nullification, State interposition, State veto, or by whatever other name you please, still it is but resistance to an oppressive measure, it is the course which duty, patriotism, and self-preservation prescribe. If we are asked, upon what ground we place the right to resist a particular law of Congress and yet regard ourselves as a constituent member of the Union, we answer—the ground of the compact.

We do not choose, in a case of this kind, to recur to what are called our natural rights, or the right of revolution. We claim to nullify by a more imposing title. We claim it as a constitutional right, not meaning as some have imagined, that we derive the right from the Constitution, for derivative rights can only belong to the functionaries of the high contracting parties to the Constitution, but we claim to exercise it as one of the parties to the compact, and as consistent with its letter, its genius and its spirit, it being distinctly understood at the time of ratifying the Constitution, that the exercise of all sovereign rights not agreed to be had conjointly, were to be exerted separately by the States. Though it be true, that the provision in favor of what we call the reserved rights of the States, was not necessary to secure to the States such reserved rights, yet the mere circumstance, of its insertion in the instrument, makes it as clear a constitutional provision, as that of the power of Congress to raise and maintain armies, or to declare war. Any exercise of a right in conformity with a Constitutional provision, we conceive to be a Constitutional right, whether it be founded on an express grant of the right, or be included in a general reservation of undefined powers. The Constitution being the supreme law, and instrument in which a distribution of powers is made between the Federal Government and the States, it is incumbent on the authorities of each Government, so to shape their legislation as not to overstep the boundaries assigned to them. No act can therefore be done by either Government, which for its validity can be referred to any other test, than the standard of the constitution. If a State Government passes an act defining and punishing a burglary, or a law abolishing the rights of primogeniture, it is more correct to say, that she is in the exercise of her Constitutional, than of her natural rights, because it is an express Constitutional provision, that she should exercise all her sovereign rights, not already entrusted to the common functionary of the parties. As it is impossible then that any act can be passed by either Government, which if disputed, must not be referred to the Constitution as the supreme law of the parties, so a right is Constitutional or unconstitutional, as it shall be found to comport with or to be repugnant to the terms or the spirit of that instrument. There is not therefore a sovereign, or a natural right, which South Carolina can lawfully exercise in conformity with her engagements, which is not stipulated for in the tenth amendment to the Constitution.—All such rights stipulated for, must be Constitutional. To regard them otherwise, would be a perversion of terms.

That Nullification under our reserved rights was regarded as constitutional by the Virginia Resolutions of 1798, is clear from the exposition of them by the celebrated Report, drawn by Mr. Madison. In defending the third of the resolutions, which asserts the doctrine of State interposition and protection, the Committee say, "that they have scaned it not merely with a strict, but with a severe eye, and they feel confidence in pronouncing, that in its just and fair construction, it is unexceptionably true in its several positions, as well as CONSTITUTIONAL and conclusive in its inferences." What were the positions of the third Resolution? 1st. That the powers of the Federal Government,
were limited to the plain sense of the instrument constituting the compact. 2d. That in case of a deliberate, palpable, and dangerous infraction of the compact, the State has the right to interpose, &c. Now what is the inference? It is, that "they are in duty bound to arrest the progress of the evil, by maintaining, within their respective limits, the authorities, rights and liberties appertaining to them." This inference says the Report, is "CONSTITUTIONAL and conclusive." The same doctrine was as distinctly affirmed by the Virginia Assembly in their Resolutions adopting the Report.—They say "that having fully and accurately re-examined and reconsidered these Resolutions, they find it to be their indispensable duty to ADHERE TO THE SAME as founded in truth, as CONSONANT WITH THE CONSTITUTION, and as CONDUCTIVE TO ITS PRESERVATION."

We are aware that it has been recently maintained, that by the State interposition referred to in this third Resolution, the Virginia Assembly had allusion to the natural right, and Mr. Madison himself has been brought forward to give a construction to this Resolution contrary to the most obvious import of the terms. Be it so. Then, if the State interposition here spoken of, be a natural right, it is a right, which the Virginia Assembly have pronounced "CONSONANT with the Constitution, and as conductive to its preservation." Or in other words, that without the exercise of this natural sovereign right of interposition, the Constitution cannot be preserved. There is no incongruity in this. It is quite competent for two monarchs, to stipulate in a treaty for that right, which independent of the treaty, would be a natural right, as if a power were conferred by the treaty, on the citizens of either Prince, to capture, adjudge and execute all subjects of the other engaged in piracy on the high seas. It certainly would be more proper to call such a right, a Conventional right, than a natural right, though it be both. Several of the State Constitutions furnish instances of natural rights, being secured by a constitutional provision.

Even in the instrument we are now considering, there is a distinct affirmation in terms of a natural right of sovereignty: such as the sovereign right of a State to keep troops and ships of war in a certain emergency, or the sovereign right of a State to lay import and export duties, for the purpose of executing its inspection laws. In these cases, a natural right is also a constitutional right, contrary to the definition of those who maintain that no right is properly constitutional which is a sovereign right—because constitutional rights are derivative rights exercised by functionaries. That reasoning would be indeed strange, which would place a natural reserved sovereign right, expressed in terms upon a better footing, than all that mass of residuary power included in the general reservation of the tenth amendment. It would be to create a distinction without a difference. The reserved rights, though undefined, are easily ascertained. Any particular right not found in the enumerated powers of Congress, of course belongs to the States.

The right to nullify is universally admitted to be a natural or sovereign right. The natural rights of the States are also admitted to be their reserved rights. If they are reserved, they must be constitutional, because the Constitution being an agreement to arrange the mode by which the States shall exercise their sovereignty, expressly stipulates for the exercise of these powers in all cases not enumerated. To some it may be unimportant upon what basis we place the right of a State to protect its citizens, as counter-legislation would be the beginning of resistance in either case; others may, perhaps justly, say, that the whole controversy is resolvable into a dispute as to what is, or is not, the proper definition of a constitutional right. We, however, think it of infinite importance, in urging the right of nullification, to regard it as a constitutional, rather than as a natural remedy, because a constitutional proceeding is calculated to give it a pacific course and a higher recommendation. The characteristic, in fact, of the American Con-
situations in general is, that they sanctify the fundamental principles of the American Revolution. Whilst other nations have to resort to the law of nature, and by force to drive despots from their thrones, thus incurring what amongst them is odiously termed the guilt of rebellion, we have the incredible advantage of a thorough understanding amongst all classes, that it is the right, as well as the duty, of a free people, to erect when necessary to their sovereign rights, to resist oppression. Such a sentiment as this, becoming familiar to the public mind, acquires prodigious strength, when its spirit is seen to pervade a written Constitution, and prevents rather than accelerates opportunities for an unnecessary recurrence to revolutionary movements. Under such a structure of the public sentiment, when the voice of a sovereign State shall be spoken, "it will be heard in a tone, which virtuous governors will obey, and tyrannical ones shall dread." Nothing can more reconcile nullification to our citizens, than to know, that if we are not proceeding according to the forms of the Constitution, we are nevertheless adhering to its spirit. The convention which framed the Constitution, could not agree upon any mode of settling a dispute like the present. The case was therefore left unprovided for, under the conviction no doubt, as is admitted by Mr. Hamilton in "The Federalist," that if the Federal Government should oppress the States, the State governments would be ready to check it by virtue of their own inherent sovereign powers. It may safely be received as an axiom in our political system, (says Mr. Hamilton,) that the State governments will, in all possible contingencies, afford complete security against invasion of the public liberty by the national authority.—Projects of usurpation cannot be masked under pretenses so likely to escape the penetration of select bodies of men, as of the people at large,—The Legislatures will have better means of information,—They can discover the danger at a distance; and, possessing all the organs of civil power, and the confidence of the people, they can at once adopt a regular plan of opposition, in which they can combine all the resources of the community.

That measure cannot be revolutionary, which is adopted, not with a view to resort to force, but by some decisive measures, to call the attention of the co-States to a disputed question in such a form, as to compel them to decide what are or are not the rights of the States, in a case of a palpable and dangerous infraction of those fundamental principles of liberty in which they all have an interest.

In the exercise of the right of nullification, we are not unmindful of the many objections which have been urged against it. That it may embarrass the present majority in Congress, who are fatally bent upon building up the sectional interests of their constituents, upon the ruin of our commerce, we can readily imagine; but these embarrassments, on examination, will be found to proceed rather from an unwillingness on their part to adjust the controversy on principles of reason and justice, than from any real difficulty existing in the Constitution.—The provisions of the Constitution are ample for taking the sense of the States on a question, more important than any which has occurred since the formation of the Government—But if the spirit of justice departs from the councils, to which we have a right to look up as the guardians of the public liberty and the public peace, no provisions of human wisdom can avail.—We have heard much of the danger of suffering one State to impede the operations of twenty-three states; but it must be obvious to every considerate man, that the danger can only exist where a state is wrong. If the people of any one State are right in the principles for which they contend, it is desirable that they should impede the operations of Congress, until the sentiments of its co-states shall be had. A higher eulogy could not be bestowed upon our system, than the power of resorting to some conservative principle, that shall stay a disruption of the league. It is no argument to say that a State may have no grounds upon which to place
herself upon her sovereign rights. This is a possible, but by no means a probable case. Experience has given us a most instructive lesson on this very subject—it has taught us that, the danger is not that the State may resort to her sovereign rights too often, but that it will not avail herself of them when necessary. Look, fellow-citizens, to our State—for ten years we have petitioned and remonstrated against the unconstitutionality of the Tariff Acts, and tho' the conviction has been universal that the effects of the system would be ruinous to our interests, yet the difficulty has been great, to bring the people to the resisting point.

And so with other objections. It has been maintained by us, that according to the philosophy of the government, and the true spirit of the compact, it becomes Congress in all emergencies like the present, to solicit from the States, the call of a Convention. That upon such a convention, it should be incumbent on the States claiming the doubtful power, to propose an amendment to the Constitution, giving the doubtful power, and on failure to obtain it by a consent of three fourths of all the States, to regard the power as never intended to be given. We must be understood to say, that was matter of even implied stipulation, at the formation of the compact. The Constitution is designedly silent on the subject, on account of the extreme difficulty in the minds of its framers of appointing a mode of adjusting these differences. This difficulty we now discover was imaginary. It had its source in apprehensions which an experience of upwards of forty years has proved to be without the shadow of a foundation. Many of the sages of that day, were dissatisfied with their work for a reason, which is the very opposite of the truth. They feared, not that the General Government would encroach upon the rights of the States, but that the States would perpetually be disposed to pass their boundaries of power, and finally destroy the confederation. Had they been blessed with the experience which we have acquired, there could have been an objection to trusting the States, who created the government, and who would not fully embrace it, with a veto under certain modifications. It seems but reasonable, that a disputed power, which it would have required three fourths of the States to add to the Constitution, ought not to be insisted on by a majority in Congress, as impliedly conferred, if none more than one fourth should object to it. To deny this, would be to decide finally the validity of a power by a positive majority of the people at large, instead of a concurring majority of the States. There is it is true one objection, and only one to this view, and that is, that under this theory, a majority little beyond the three fourths, as for instance, seven States out of twenty four, might deprive Congress of powers which have been expressly delegated. The answer to this, is that it would be a very extreme case for a single State to claim the resumption of a power, which it had clearly delegated in positive terms. But it seems almost beyond the range of possibility, that six other States should be found to sustain a nullifying State in such a pretension. Should such a case ever occur, as one fourth and upwards of the States resolving to break their pledges, without the slightest pretence, it would show, that it was time to dissolve the league. If a spirit of friendship and fair dealing, cannot bind together the members of this Union, the sooner it is dissolved the better. So that this objection is rather nominal, than substantial. But the evil of this objection is that whilst its admission would relieve us from an imaginary peril, we should be plunged into that certain danger of an unrestricted liberty of Congress to give us instead of a confederated government, a government without any other limitation upon its power than the will of a majority.

Other objections have been urged against nullification. It is said that the President or Congress might employ the military and naval force of the United States to reduce the nullifying State into obedience, and thus produce a civil dissention amongst the members of the confederacy. We do not deem it necessary in a community, so conversant with
this part of the subject, as that of South Carolina, to recapitulate the arguments which have been urged against such an improbable course, both for the want of power, and on the ground of expediency. But we cannot pass over one view, which we think sufficient to quiet all apprehension on that score. We live in an age of reason and intellect. The idea of using force on an occasion of this kind, is utterly at variance with the genius and spirit of the American people. In truth, it is becoming repugnant to even to the genius and spirit of the governments of the old world. We have lately seen in England one of the greatest reforms achieved, which her history records—a reform, which her wiser statesmen twenty years ago, would have predicted could not be accomplished without civil war, brought about by a bloodless revolution. The cause is manifest. Not only are the people every where better informed, but such is the influence which public opinion exerts over constituted authorities, that the rulers of this earth are more swayed by reason and justice than formerly. Under such evident indications of the march of mind and intellect, it would be best to pay but a poor compliment to the people of these States, to imagine, that a measure taken by a Sovereign State, with the most perfect good feeling to her confederates, and to the perpetuity of the Union, and with no other view than to force upon it members, the consideration of a most important constitutional question, should terminate otherwise than peaceably.

Fellow-Citizens, it is our honest and firm belief, that nullification will preserve, and not destroy this Union. But we should regret to conceal from you, that if Congress should not be animated with a patriotic and liberal feeling in this juncture, they can give to this controversy what issue they please. Admit, then, that there is risk of a serious conflict with the federal government. We know no better way to avoid the chance of hostile measures in our opponents, than to evince a readiness to meet danger, come from what quarter it will. We should think that the American Revolution was indeed to little purpose, if a consideration of this kind, were to deter our people from asserting their sovereign rights. That revolution, it is well known, was not entered into by our Southern ancestors from any actual oppression, which the people suffered. It was a contest waged for principle, emphatically for principle. The calamities of revolution, strife and civil war, were fairly presented to the illustrious patriots of those times, which tried the souls of men. The alternative was either to remain dependant colonies in hopeless servitude, or to become free, sovereign and independent States. To attain such a distinguished rank amongst the nations of the earth, there was but one path, and that the path of glory—the crowning glory of being accounted worthy of all suffering, and of embracing all the calamities of a protracted war abroad, and of domestic evils at home, rather than surrender their liberties. The result of their labors is known to the world, through the flood of light which that revolution has shed upon the science of government, and the rights of man—in the “LESSON it has taught the oppressor, and in the EXAMPLE it has afforded to the oppressed”—in the invigoration of the spirit of freedom everywhere, and in the amelioration it is producing in the social order of mankind.

Inestimable are the blessings of that well regulated freedom, which permits man to direct his labors and his enterprise to the pursuit or branch of industry to which he conceives nature has qualified him, unmolested by avarice enthroned in power. Such was the freedom for which South Carolina struggled when a dependant colony. Such is the freedom of which she once tasted as the first fruit of that revolutionary triumph which she assisted to achieve. Such is the freedom she reserved to herself on entering into the league. Such is the freedom of which she has been deprived, and to which she must be restored, if her commerce be worth preserving, or the spirit of her Laurens and her Gadsden has not fled forever from our bosoms. It is in vain to tell South Carolina that she can look to any ad-
administration of the federal government for the protection of her sovereign rights, or the
redress of her southern wrongs. Where the fountain is so polluted, it is not to be expected
that the stream will again be pure. The protection to which in all representative govern-
ments the people have been accustomed to look, to-wit, the responsibility of the governors
to the governed, has proved merciless and illusory—under such a system, nothing but a radic-
ral reform in our political institutions can preserve this union. It is full time that we
should know what rights we have under the federal constitution, and more especially
cught we to know whether we are to live under a consolidated government, or a confeder-
acy of States—whether the State be sovereign or their local Legislatures be mere corpo-
rations. A fresh understanding of the bargain we deem absolutely necessary.
No mode can be devised by which a dispute can be referred to the source of all power, but
by some one State taking the lead in the great enterprise of reform. Till some one
Southern State tenders to the federal government an issue, it will continue to have its *ap-
petite increased by what it feeds on." History admonishes us that rulers never have the
forecast to substitute, in good time, reform for revolution. They forget that it is always
more desirable that the just claims of the governed should break in on them "through well
créntrided and well disposed windows, not through flaws and breaches, through the yaw-
ning chasms of their own ruin." One State must, under the awful prospects before us,
throw herself into the breach in this great struggle for constitutional freedom. There is
no other mode of awakening the attention of the co-States to grievances, which, if suf-
fere d to accumulate, must dismember the union. It has fallen to our lot, fellow-citizens,
first to quit our trenches. Let us go on to the assault with cheerful hearts and undaunted
minds.
Fellow-citizens, the die is now cast. We have solemnly resolved on the course which
it becomes our beloved State to pursue—we have resolved that until these abuses shall
be reformed, NO MORE TAXES SHALL BE PAID HERE. "Millions for
defence, but not a cent for tribute." And now we call upon our citizens, native,
and adopted, to prepare for the crisis, and to meet it as becomes men and freemen.
We call upon all classes and all parties to forget their former differences, and to unite
in a solemn determination never to abandon this contest, until such a change be
affected in the councils of the nation that all the citizens of this confederacy shall
participate, equally, in the benefits and the burdens of the government. To this
solemn duty we now invoke you in the name of all that is sacred and valuable to man.
We invoke you in the name of that liberty which has been acquired by you from an
illustrious ancestry, and which it is your duty to transmit, unimpaired, to the most dis-
tant generations. We invoke you in the name of that constitution which you profess
to venerate, and of that union which you are all desirous to perpetuate. By the reverence
you bear to these, your institutions—by all the love you bear to liberty—by the detesta-
tion you have for servitude—by all the abiding memorials of your past glories—by the
proud association of your exalted and your common triumphs in the first and greatest of
revolutions—by the force of all those sublime truths which that event has inculcated
amongst the nations—by the noble flame of republican enthusiasm which warms your bo-
soms, we conjure you in this mighty struggle to give your hearts and souls and minds to
your injured and oppressed state, and to support her cause, publicly and privately, with
your opinions, your prayers and your actions. If appeals such as these prove unavailing,
we then COMMAND YOUR OBEDIENCE to the laws and the authorities of
the State by a title which none can gainsay. We demand it by that allegiance, which is re-
ciprocal, with the protection you have received from the State. We admit of no obedi-
ence to any authority, which shall conflict with that primary allegiance, which every citi-
citizen owes to the State of his birth or his adoption. There is not, nor has there ever been, "any direct or immediate allegiance between the citizens of South Carolina and the Federal Government. The relation between them is through the State." South Carolina, having entered into the Constitutional compact, as a separate, independent, political community, as has already been stated, has the right to declare an unconstitutional act of Congress, null and void—after her sovereign declaration that the act shall not be enforced within her limits, "such a declaration is obligatory on her citizens. As far as its citizens are concerned, the clear right of the State is to declare the extent of the obligation." This declaration once made, the citizen has no course, but TO OBEY. If he refuses obedience, so as to bring himself under the displeasure of his only and lawful sovereign, and within the severe pains and penalties, which by her high sovereign power, the Legislature, will not fail to provide in her self-defence, the fault, and the folly must be his own.

And now, fellow-citizens, having discharged the solemn duty, to which we have been summoned, in a crisis big with the most important results to the liberties, peace, safety and happiness of this once harmonious, but now distracted confederacy, we commend our cause to that great Disposer of events, who, (if He has not already, for some inscrutable purposes of His own, decreed otherwise,) will smile on the efforts of truth and justice. We know, that "unless the Lord keepeth the city, the watchman wakeeth but in vain;" but relying, as we do, in this controversy, on the purity of our motives, and the honor of our ends, we make this appeal with all the confidence, which in times of trial and difficulty, ought to inspire the breast of the patriot and christian. Fellow-citizens, DO YOUR DUTY TO YOUR COUNTRY AND LEAVE THE CONSEQUENCES TO GOD.

ADDRESS TO THE PEOPLE OF THE UNITED STATES,
BY THE CONVENTION OF THE PEOPLE OF SOUTH CAROLINA.

ADDRESS


We, the people of South Carolina, assembled in Convention, have solemnly and deliberately declared, in our paramount sovereign capacity, that the act of Congress approved the 19th day of May 1828, and the act approved the 14th July 1832, altering and amending the several acts imposing duties on imports, are unconstitutional, and therefore, absolutely void, and of no binding force within the limits of this State; and for the purpose of carrying this declaration into full and complete effect, we have invested the Legislature with ample powers, and made it the duty of all the functionaries and all the citizens of the State, on their allegiance, to co-operate in enforcing the aforesaid declaration.

In resorting to this important measure, to which we have been impelled by the most sacred of all the duties which a free people can owe either to the memory of their ancestors or to the claims of their posterity, we feel that it is due to the intimate political relation which exists between South Carolina and the other States of this confederacy, that we should present a clear and distinct exposition of the principles on
which we have acted, and of the causes by which we have been reluctant to assume this attitude of sovereign resistance in relation to the usurpations of the federal government.

For this purpose it will be necessary to state, briefly, what we conceive to be the relation created by the federal Constitution, between the States and the general government; and also, what we conceive to be the true character and practical operation of the system of protecting duties, as it affects our rights, our interests and our liberties.

We hold, then, that on their separation from the Crown of Great Britain, the several Colonies became free and independent States, each enjoying the separate and independent right of self-government; and that no authority can be exercised over them or within their limits, but by their consent, respectively given as States. It is equally true, that the Constitution of the United States is a compact formed between the several States, acting as sovereign communities; that the government created by it is a joint agency of the States, appointed to execute the powers enumerated and granted by that instrument; that all its acts not intentionally authorized, are of themselves essentially null and void, and that the States have the right, in the same sovereign capacity in which they adopted the federal Constitution, to pronounce, in the last resort, authoritative judgment on the usurpations of the federal government, and to adopt such measures as they may deem necessary and expedient to arrest the operation of the unconstitutional acts of that government, within their respective limits. Such we deem to be the inherent rights of the States—rights, in the very nature of things, absolutely inseparable from sovereignty. Nor is the duty of a State, to arrest an unconstitutional and oppressive act of the federal government, less imperative, than the right is incontestible. Each State, by ratifying the federal Constitution, and becoming a member of the confederacy, contracted an obligation to "protect and defend" that instrument; as well by resist ing the usurpations of the federal government, as by sustaining that government in the exercise of the powers actually conferred upon it. And the obligation of the oath which is imposed, under the Constitution, on every functionary of the States, to "preserve, protect, and defend" the federal Constitution, as clearly comprehends the duty of protecting and defending it against the usurpations of the federal government, as that of protecting and defending it against violation in any other form, or from any other quarter.

It is true, that in ratifying the federal Constitution, the States placed a large and important portion of the rights of their citizens under the joint protection of all the States, with a view to their more effectual security; but it is not less true that they reserved a portion still larger and not less important, under their own immediate guardianship, and in relation to which their original obligation to protect their citizens, from whatever quarter assailed, remains unchanged and undiminished.

But clear and undoubted as we regard the right, and sacred as we regard the duty of the States to interpose their sovereign power for the purpose of protecting their citizens from the unconstitutional and oppressive acts of the Federal Government, yet we are as clearly of the opinion, that nothing short of that high moral and political necessity,
which results from acts of usurpation, subversive of the rights and liberties of the people, should induce a member of this confederacy to resort to this interposition. Such, however, is the melancholy and painful necessity under which we have declared the acts of Congress imposing protecting duties, null and void within the limits of South Carolina. The spirit and the principles which animated your ancestors and ours, in the councils and in the fields of their common glory, forbid us to submit any longer to a system of legislation, now become the established policy of the Federal Government, by which we are reduced to a condition of colonial vassalage, in all its aspects more oppressive and intolerable than that from which our common ancestors relieved themselves by the war of the revolution. There is no right which enters more essentially into a just conception of liberty, than that of the free and unrestricted use of the productions of our industry. This clearly involves the right of carrying the productions of that industry wherever they can be most advantageously exchanged, whether in foreign or domestic markets. South Carolina produces, almost exclusively, agricultural staples, which derive their principal value from the demand for them in foreign countries. Under these circumstances, her natural markets are abroad; and restrictive duties imposed upon her intercourse with those markets, diminish the exchangeable value of her productions very nearly to the full extent of those duties.

Under a system of free trade, the aggregate crop of South Carolina could be exchanged for a larger quantity of manufactures, by at least one third, than it can be now exchanged for under the protecting system. It is no less evident, that the value of that crop is diminished by the protecting system very nearly, if not precisely, to the extent that the aggregate quantity of manufactures which can be obtained for it is diminished. It is, indeed, strictly and philosophically true, that the quantity of consumable commodities which can be obtained for the cotton and rice annually produced by the industry of the State, is the precise measure of their aggregate value. But for the prevalent and habitual error of confounding the money price with the exchangeable value of our agricultural staples, these propositions would be regarded as self-evident. If the protecting duties were repealed, one hundred bales of cotton or one hundred barrels of rice would purchase as large a quantity of manufactures, as one hundred and fifty will now purchase. The annual income of the State, its means of purchasing and consuming the necessaries and comforts and luxuries of life, would be increased in a corresponding degree.

Almost the entire cotton crop of South Carolina, amounting annually to more than six millions of dollars, is ultimately exchanged either for foreign manufactures, subject to protecting duties, or for similar domestic manufactures. The natural value of that crop would be all the manufactures which we could obtain for it under a system of unrestricted commerce. The artificial value, produced by the unjust and unconstitutional legislation of Congress, is only such part of those manufactures as will remain after paying a duty of fifty per cent. to the Government, or, to speak with more precision, to the Northern manufacturers. To make this obvious to the humblest comprehension, let it be supposed that
the whole of the present crop should be exchanged, by the planters themselves, for those foreign manufactures, for which it is destined, by the inevitable course of trade, to be ultimately exchanged, either by themselves or their agents. Let it be also assumed, in conformity with the facts of the case, that New-Jersey, for example, produces, of the very same description of manufactures, a quantity equal to that which is purchased by the cotton crop of South Carolina. We have, then, two States of the same confederacy, bound to bear an equal share of the burthens, and entitled to enjoy an equal share of the benefits of the common government, with precisely the same quantity of productions, of the same quality and kind, produced by their lawful industry. We appeal to your candor, and to your sense of justice, to say whether South Carolina has not a title as sacred and indefeasible to the full and undiminished enjoyment of these productions of her industry, acquired by the combined operations of agriculture and commerce, as New Jersey can have to the like enjoyment of similar productions of her industry, acquired by the process of manufacture? Upon no principle of Constitutional right—upon no principle of human reason or justice, can any discrimination be drawn between the titles of South Carolina and New-Jersey to these productions of their capital and labor. Yet what is the discrimination actually made by the unjust, unconstitutional and partial legislation of Congress? A duty, on an average, of fifty per cent is imposed upon the productions of South Carolina, while no duty at all is imposed upon the similar productions of New-Jersey! The inevitable result is, that the manufactures thus lawfully acquired by the honest industry of South Carolina are worth, annually, three millions of dollars less to her citizens than the very same quantity of the very same description of manufactures are worth to the citizens of New-Jersey—a difference of value produced exclusively by the operation of the protecting system.

No ingenuity can either evade or refute this proposition. The very axioms of geometry are not more self-evident. For even if the planters of South Carolina, in the case supposed, were to sell and not consume these productions of their industry, it is plain that they could obtain no higher price for them, after paying duties to the amount of $3,000,000, than the manufacturers of New-Jersey would obtain for the same quantity of the same kind of manufactures, without paying any duty at all.

This single view of the subject exhibits the enormous inequality and injustice of the protecting system in such a light, that we feel the most consoling confidence that we shall be fully justified by the impartial judgment of posterity, whatever may be the issue of this unhappy controversy. We confidently appeal to our confederate states, and to the whole world, to decide whether the annals of human legislation furnish a parallel instance of injustice and oppression perpetrated under the forms of a free government. However it may be disguised by the complexity of the process by which it is effected, it is nothing less than the monstrous outrage of taking three millions of dollars annually, from the value of the productions of South Carolina, and transferring it to the people of other and distant communities. No human government can
rightfully exercise such a power. It violates the eternal principles of natural justice, and converts the government into a mere instrument of legislative plunder. Of all the governments on the face of the earth, the Federal Government has the least shadow of a constitutional right to exercise such a power. It was created principally, and almost exclusively, for the purpose of protecting, improving and extending that very commerce, which, for the last ten years, all its powers have been most unnaturally and unrighteously perverted to cripple and destroy. The power to "regulate commerce with foreign nations," was granted obviously for the preservation of that commerce. The most important of all the duties which the Federal Government owes to South Carolina, under the compact of Union, is the protection and defence of her foreign commerce, against all the enemies by whom it may be assailed. And in what manner has this duty been discharged? All the powers of the earth, by their commercial restrictions, and all the pirates of the ocean, by their lawless violence, could not have done so much to destroy our commerce, as has been done by that very Government, to which its guardianship has been committed by the Federal Constitution. The commerce of South Carolina consists in exchanging the staple productions of her soil for the manufactures of Europe. It is a lawful commerce. It violates the rights of no class of people in any portion of the confederacy. It is this very commerce, therefore, which the constitution has enjoined it upon Congress to encourage, protect and defend, by such regulations as may be necessary to accomplish that object. But instead of that protection, which is the only tie of our allegiance, as individual citizens, to the Federal Government, we have seen a gigantic system of restrictions gradually reared up, and at length brought to a fatal maturity, of which it is the avowed object and must be the inevitable result, to sweep our commerce from the great highway of nations, and cover our land with poverty and ruin.

Even the states most deeply interested in the maintenance of the protecting system will admit, that it is the interest of South Carolina to carry on a commerce of exchanges with foreign countries, free from restrictions, prohibitory burdens or incumbrances of any kind. We feel, and we know, that the vital interests of the State, are involved in such a commerce. It would be a downright insult to our understandings, to tell us that our interests are not injured, deeply injured, by those prohibitory duties, intended and calculated to prevent us from obtaining the cheap manufactures of foreign countries for our staples, and to compel us to receive for them the dear manufactures of our domestic establishments, or pay the penalty of the protecting duties for daring to exercise one of the most sacred of our natural rights. What right, then, human or divine, have the manufacturing states—for we regard the Federal Government, as a mere instrument in their hands—to prohibit South Carolina, directly, or indirectly, from going to her natural markets; and exchanging the rich productions of her soil, without restriction or incumbrance, for such foreign articles as will most conduce to the wealth and prosperity of her citizens? It will not surely be pretended—for truth and decency equally forbid the allegation—that in exchanging our productions for the cheaper manufactures of Europe, we violate any
right of the domestic manufacturers, however gratifying it might be to them, if we would purchase their inferior productions at higher prices.

Upon what principle, then, can the State of South Carolina be called upon to submit to a system, which excludes her from her natural markets and the manifold benefits of that enriching commerce which a kind and beneficent Providence has provided to connect her with the family of nations, by the bonds of mutual interest? But one answer can be given to this question. It is in vain that we attempt to disguise the fact, mortifying as it must be, that the principle by which South Carolina is thus excluded, is in strict propriety of language, and to all rational intents and purposes, a principle of colonial dependence and vassalage, in all respects, identical with that which restrained our forefathers from trading with any manufacturing nation of Europe, other than Great Britain. South Carolina now bears the same relation to the manufacturing states of this confederacy, that the Anglo American colonies bore to the mother country, with the single exception that our burdens are incomparably more oppressive than those of our ancestors. Our time, our pride and the occasion, equally forbid us to trace out the degrading analogy. We leave that to the historian who shall record the judgment which an impartial posterity will pronounce upon the eventful transactions of this day.

It is in vain that we attempt to console ourselves by the empty and unreal mockery of our representation in Congress. As to all those great and vital interests of the state, which are affected by the protecting system, it would be better that she had no representation in that body. It serves no other purpose but to conceal the chains which fetter our liberties under the vain and empty forms of a representative Government. In the enactment of the protecting system, the majority of Congress, is in strict propriety of speech, an irresponsible despotism. A very brief analysis will render this clear to every understanding. What then, we ask, is involved in the idea of political responsibility, in the imposition of public burdens? It clearly implies that those who impose the burdens, should be responsible to those who bear them.—Every representative in Congress should be responsible, not only to his own immediate constituents, but through them and their common participation in the burdens imposed, to the constituents of every other representative. If in the enactment of a protecting tariff, the majority in Congress imposed upon their own constituents the same burdens which they impose upon the people of South Carolina, that majority would act under all the restraints of political responsibility, and we should have the best security which human wisdom has yet devised against oppressive legislation.

But the fact is precisely the reverse of this. The majority in Congress, in imposing protecting duties, which are utterly destructive of the interests of South Carolina, not only impose no burdens, but actually confer enriching bounties upon their constituents, proportioned to the burdens they impose on us. Under these circumstances, the principle of representative responsibility, is perverted into a principle of absolute despotism. It is this very tie, binding the majority of Congress to execute the will of their constituents, which makes them our inexorable op-
pressors. They dare not open their hearts to the sentiments of human justice, or to the feelings of human sympathy. They are tyrants by the very necessity of their position, however elevated may be their principles, in their individual capacities.

The grave question, then, which we have had to determine, as the sovereign power of the State, upon the awful responsibility under which we have acted, is, whether we will voluntarily surrender the glorious inheritance, purchased and consecrated by the toils, the sufferings, and the blood of an illustrious ancestry, or transmit that inheritance to our posterity, unmarred and unimpaired? We could not hesitate in deciding this question. We have, therefore, deliberately and unalterably resolved, that we will no longer submit to a system of oppression, which reduces us to the degrading condition of tributary vassals; and which would reduce our posterity, in a few generations, to a state of poverty and wretchedness, that would stand in melancholy contrast with the beautiful and delightful region, in which the Providence of God has cast our destinies. Having formed this resolution, with a full view of its bearings, and of all its probable and possible issues, it is due to the gravity of the subject, and the solemnity of the occasion, that we should speak to our confederate brethren, in the plain language of frankness and truth.—Though we plant ourselves upon the Constitution, and the immutable principles of justice, and intend to operate exclusively through the civil tribunals and civil functionaries of the State; yet, we will throw off this oppression, at every hazard. We believe our remedy to be essentially peaceful. We believe the Federal Government has no shadow of right or authority, to act against a sovereign State of the Confederacy, in any form, much less to coerce it, by military power. But we are aware of the diversities of human opinion; and have seen too many proofs of the infirmity of human power, not to have looked with the most anxious concern, to the possibility of a resort to military or naval force on the part of the Federal Government—and in order to obviate the possibility of having the history of this contest stained by a single drop of fraternal blood, we have solemnly and irrevocably resolved, that we will regard such a resort as a dissolution of the political ties which connect us with our confederate States; and will, forthwith, provide for the organization of a new and separate Government.

We implore you, and particularly the manufacturing States, not to believe that we have been actuated, in adopting this resolution, by any feeling of resentment, or hostility, towards them; or by a desire to dissolve the political bonds, which have so long united our common destinies. We still cherish that rational devotion to the Union, by which this State has been pre-eminently distinguished, in all times past. But that blind and idolatrous devotion, which would bow down and worship Oppression and Tyranny, veiled under that consecrated title—if it ever existed among us, has now vanished forever. Constitutional Liberty is the only idol of our political devotion; and, to preserve that, we will not hesitate a single moment, to surrender the Union, itself, if the sacrifice be necessary. If it had pleased God to cover our eyes with ignorance—if He had not bestowed upon us the understanding to comprehend the enormity of the oppression under which we labor—we might submit to it,
without absolute degradation and infamy. But the gifts of Providence cannot be neglected, or abused, with impunity. A people, who deliberately submit to oppression, with a full knowledge that they are oppressed, are fit only to be slaves; and all history proves, that such a people will soon find a master. It is the pre-existing spirit of slavery, in the people, that has made tyrants in all ages of the world. No tyrant ever made a slave—no community, however small, having the spirit of freemen, ever yet had a master. The most illustrious of these States, which have given to the world examples of human freedom, have occupied Territories, not larger than some of the Districts of South Carolina; while the largest masses of population, that were ever united under a common government, have been the object, spiritless and degraded slaves of despotic rulers. We sincerely hope, therefore, that no portion of the States of this Confederacy, will permit themselves to be deluded into any measures of rashness, by the vain imagination, that South Carolina will vindicate her rights and liberties, with a less inflexible and unyielding resolution, with a population of some half a million, than she would do with a population of twenty millions.

It does not belong to Freeman to count the costs and calculate the hazards of vindicating their rights and defending their liberties; and even if we should stand alone in the worst possible emergency of this great controversy, without the co-operation or encouragement of a single State of the confederacy, we will march forward with unyielding step, until we have accomplished the object of this great enterprise.

Having now presented, for the consideration of the Federal Government and of the confederate States, the fixed and final determination of this State in relation to the protecting system, it remains for us to submit a plan of taxation in which we would be willing to acquiesce, in a spirit of liberal concession, provided we are met in due time and in a becoming spirit by the States interested in the protection of manufactures.

We believe that upon every just and equitable principle of taxation, the whole list of protected articles should be imported free of all duty, and that the revenue derived from import duties, should be raised exclusively from the unprotected articles, or that whenever a duty is imposed upon protected articles imported, an excise duty of the same rate should be imposed upon all similar articles manufactured in the United States. This would be as near an approach to perfect equality as could possibly be made, in a system of indirect taxation. No substantial reason can be given for subjecting manufactures obtained from abroad in exchange for the productions of South Carolina to the smallest duty, even for revenue, which would not show that similar manufactures made in the United States, should be subject to the very same rate of duty. The former, not less than the latter, are, to every rational intent, the productions of domestic industry, and the mode of acquiring the one, is as lawful and more conducive to the public prosperity, than that of acquiring the other.

But we are willing to make a large offering to preserve the Union; and with a distinct declaration that it is a concession on our part, we will consent that the same rate of duty may be imposed upon the protected articles that shall be imposed upon the unprotected, provided that
no more revenue be raised than is necessary to meet the demands of
the Government for Constitutional purposes, and provided also, that a
duty, substantially uniform, be imposed upon all foreign imports.
It is obvious, that even under this arrangement, the manufacturing
States would have a decided advantage over the planting States. For
it is demonstrably evident, that, as communities, the manufacturing
States would bear no part of the burdens of Federal Taxation, so far
as the revenue should be derived from protected articles. The earnest-
ness with which their representatives seek to increase the duties on
these articles, is conclusive proof that those duties are bounties, and not
burdens, to their constituents. As at least two-thirds of the federal re-
venue would be raised from protected articles, under the proposed modifi-
cation of the Tariff, the manufacturing States would be entirely exempt-
from all participation in that proportion of the public burdens.
Under these circumstances we cannot permit ourselves to believe for
a moment, that in a crisis marked by such portentous and fearful omens,
these States can hesitate in acceding to this arrangement, when they
perceive that it will be the means, and possibly the only means of restor-
ing the broken harmony of this great confederacy. They must assured-
ly have the strongest of human inducements, aside from all consider-
ations of justice, to adjust this controversy, without pushing it to extrem-
ities. This can be accomplished only by the proposed modification of
the Tariff, or by the call of a general Convention of all the States. If
South Carolina should be driven out of the Union, all the other planting
States, and some of the Western States, would follow almost by an abso-
lute necessity. Can it be believed, that Georgia, Mississippi, Tenne-
see, and even Kentucky, would continue to pay a tribute of fifty per
cent upon their consumption, to the Northern States, for the privilege
of being united to them, when they could receive all their supplies
through the ports of South Carolina, without paying a single cent of
tribute?
The separation of South Carolina would inevitably produce a general
dissolution of the Union; and as a necessary consequence, the protect-
ing system, with all its pecuniary bounties to the Northern States, and its
pecuniary burdens upon the Southern States, would be utterly overthrown
and demolished, involving the ruin of thousands and hundreds of thou-
sands in the manufacturing States.
By these powerful considerations connected with their own pecuniary
interests, we beseech them to pause and contemplate the disastrous con-
sequences which will certainly result from an obstinate perseverance on
their part, in maintaining the protecting system. With them, it is a ques-
tion merely of pecuniary interest, connected with no shadow of right,
and involving no principle of liberty. With us, it is a question involving
our most sacred rights—these very rights which our common ancestors
left to us as a common inheritance purchased by their common toils
and consecrated by their blood. It is a question of liberty on the one
hand, and slavery on the other. If we submit to this system of uncon-
stitutional oppression, we shall voluntarily sink into slavery, and trans-
mit that ignominious inheritance to our children. We will not, we can-
not, we dare not submit to this degradation, and our resolve is fixed and
unalterable, that a protecting tariff shall be no longer enforced within the limits of South Carolina. We stand upon the principles of everlasting justice, and no human power shall drive us from our position.

We have not the slightest apprehension that the general government will attempt to force this system upon us by military power. We have warned our brethren of the consequences of such an attempt. But if, notwithstanding, such a course of madness should be pursued, we here solemnly declare that this system of oppression shall never prevail in South Carolina, until none but slaves are left to submit to it. We would infinitely prefer that the territory of the State should be the cemetery of freemen than the habitation of slaves. Actuated by these principles, and animated by these sentiments, we will cling to the pillars of the temple of our liberties, and if it must fall, we will perish amidst the ruins.

J. HAMILTON, Jr. Pres't of the Convention.

(Attest.)—ISAAC W. HAYNE, Clerk.

On motion of Mr. E. Smith:

Ordered, That the said message be laid upon the table, and that the Public Printer forthwith print 3000 copies of said message and accompanying documents, for the use of the members of this house.

Mr. Wickliffe presented the petition of Samuel Tribble, of Clarke county, praying a divorce from his wife, Polly Tribble.

Which was received, the reading dispensed with, and referred to the committee of religion.

A message was received from the Senate announcing their concurrence in the amendments proposed by this house, upon concurring in those proposed by the Senate, to a bill from the house, entitled an act to change the mode of publishing the decisions of the Appellate Court; and,

The passage of bills which originated in this house, of the following titles:

An act for the benefit of the jailor of Logan county.
An act to authorise the sale of certain lands of Edmund H. Taylor.
An act to authorise Edward Turner to erect a mill-dam and mill on the middle fork of the Kentucky river, in Clay county; and,
An act to establish an election precinct, in Barren county: with amendments to the two latter bills; and,
Their disagreement to a bill which originated in this house, of the following title:
A bill to establish the town of Carrollton, in Muhlenburg county.
And the passage of bills of the following titles:
An act to enlarge and explain the powers of the Trustees of the town of Frankfort.
An act to divide the state into congressional districts.
An act to allow the Sheriff of Madison to return the delinquent list in certain cases.
An act for the benefit of the devisees of Richard Shanklin; and,
An act to permit the sale of two small tracts of land belonging
to Nancy Dulin, an idiot.

Leave was given to bring in the following bills:
On the motion of Mr Ewing—1. A bill to authorise the sale of part of a street, in the town of Russellville.
2. A bill concerning the town of Adairsville, in Logan county.
On the motion of Mr Tuggle—3. A bill to establish an election precinct, in Whitley county, at the house of Gideon Gilbraith, on Pleasant run.
On the motion of Mr E. Smith—4. A bill to allow an additional constable to the county of Whitley.
On the motion of Mr May—5. A bill to clear the obstructions out of the Big Sandy river up to Pikesville, in Pike county.
The first, second, third and fourth, were each referred to the committee for courts of justice; and the fifth, to a select committee of Messrs. Southgate, McAfee, B. F. Thomas and T. I. Young.

And then the house adjourned.

MONDAY, DECEMBER 31.

Mr. Simeon H. Anderson, a member returned to serve in this house, from the county of Garrard; and Mr. Joseph R. Ward, a member from the counties of Lawrence and Morgan, 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.

1. Mr. B. F. Thomas presented the petition of Benjamin F. Oreoar, representing that he stands indicted in the Clarke circuit court, and that he cannot receive a fair and impartial trial in said county, and praying that a law may pass to authorise a change of venue from the Clarke circuit to the Bourbon circuit court.

2. Mr. W. Johnson presented the petition of Sally Spillman, praying a divorce from her husband, William Spillman.

3. Mr. Innis presented the petition of Francis Connors, praying that a law may pass divorcing him and his wife, Eliza Connors.

4. Mr. Green presented the petition of John L. Eoff and his wife, Amanda Eoff, praying that they may be divorced from each other.

5. Mr. W. Johnson presented the petition of Samuel C. Scroggin, praying a divorce from his wife, Mildred Scroggin.

6. Mr. Murray presented the petition of sundry citizens of the county of Calloway, praying that a law may pass changing the
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place of voting in the Clark's river precinct, in said county, from the house of Thomas Hill to William Story's, Esq. within the limits of said precinct.

7. Mr. Simpson presented the petition of Thomas Newkirk, praying a divorce from his wife, Pamela Newkirk.

8. Mr. E. Smith presented the petition of sundry citizens of the county of Pulaski, praying that a law may pass to add a small part of said county, including the dwellings of the petitioners, to the county of Rockcastle.

9. Mr. Abel presented the petition of sundry citizens of Washington county, praying that a law may pass granting to said county an additional justice of the peace and constable.

10. Mr. Chilton presented the petition of Geo. Handley, Adin Combs and John Seward, commissioners of the poor-house, in the county of Hardin, praying that a law may pass to authorise them to purchase an additional 100 acres of land adjoining the 200 acres already purchased by the county court of Hardin, for the establishment of a poor-house.

Which petitions were severally received, the reading dispensed with, and referred; the second, third, fourth, fifth and seventh, to the committee of religion; the sixth, eighth and ninth, to the committee of propositions and grievances; the tenth, to a select committee of Messrs. Chilton, Hill, Harrison and Culley; and the first to the committee for courts of justice.

Mr. Prince, from the joint committee of enrolments, reported that the committee had examined an enrolled bill entitled, an act to authorise the sale of certain lands of Edmund H. Taylor; and had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

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

By Mr Ewing, from the committee for courts of justice—1. A bill concerning the town of Adairsville.

2. A bill to authorise the sale of a street in Russellville.

By Mr B. F. Thomas—3. A bill to improve the road from Lexington to the mouth of Big Sandy, through Winchester, Mount Sterling and Owingsville.

By Mr S. Williams—4. A bill to improve the road leading from Monticello to the state line, in a direction to Monroe, Tennessee.

By Mr Boone—5. A bill for the benefit of Daniel M. Kettinger.

By Mr Chilton—6. A bill to authorise the county court of Hardin county to purchase 100 additional acres of land, for the poor-house established in said county.

By Mr Thompson—7. A bill changing the boundary lines of the 72d Regiment of Kentucky Militia; and,
By Mr. Gorin—8. A bill to regulate the compensation of the Clerks of the Senate and House of Representatives of 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 the first, second, third, fourth, fifth, sixth and seventh bills having been dispensed with, the first, second, fifth, sixth and seventh were severally ordered to be engrossed and read a third time; and the third and fourth were committed to the committee on internal improvements.

And thereupon the rule of the house, constitutional provision, and third reading of the first, second, fifth, sixth 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 the Clerk carry the said bills to the Senate and request their concurrence.

A bill for the benefit of the Lexington and Ohio Rail Road Company, 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 referred to the committee on Internal Improvements.

Leave was given to bring in the following bills:

On the motion of Mr. Gorin—1. A bill to repeal an act entitled, an act for the benefit of Henry G. Mitchell and Ezekiel Jenkins, approved Jan. 12, 1825.

On the motion of Mr. Ewing—2. A bill to change the time of the annual stated meeting of the General Assembly; and,

On the motion of Mr. Scrivner—3. A bill to improve the road from Mount Sterling through Irvine, in Estill county, Manchester, in Clay county, and to intersect the Wilderness state road at Flat Lick, in Knox county.

Messrs. Gorin, Cook and W. Thomas, were appointed a committee to prepare and bring in the first; the committee for courts of justice, the second; and Messrs. Scrivner, B. F. Thomas, Tuggle, and E. Smith, the third.

Mr. Chilton moved the following resolution:

Resolved, That the message of the executive of the Commonwealth, transmitted to this house on the 22d instant, together with the accompanying documents, be referred to a select committee to consist of —— members.

Which being twice read, was laid on the table.

Mr. Henry moved the following resolution:

Resolved, That for the remainder of this session, this house will meet at 9 o'clock, A. M.
Which being twice read, was adopted.

Mr. S. Williams moved to obtain leave to bring in a bill to repeal the law allowing pay for slaves executed.

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

The yeas and nays being required thereon by Messrs. S. Williams and B. F. Thomas, were as follows:


A bill to improve the navigation of Nolin, a branch of Green river, was taken up for consideration.

The question then recurred of committing the said bill to the committee on internal improvements, with the instructions moved by Mr. S. Williams, on the 8th instant, (see H. R. Journal, page 64.)

A division of the question was called for, and the question first put on committing, which was decided affirmatively.

The question was then put upon adopting the instructions aforesaid, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. S. Williams and Chilton, were as follows,viz:


The amendments proposed by the Senate to bills which origin-
ated in this house, of the following titles, were twice read and concurred in:

An act to authorise Edward Turner to erect a mill-dam and mill on the middle fork of Kentucky river, in Clay county; and,

An act to establish an election precinct in Barren county.

Ordered, That the Clerk inform the Senate thereof.

The following bills were severally read a third time; and an engrossed clause added to the second, by way of rider, viz:

1. An act to incorporate the Franklin Insurance Company.
2. An act to amend the law of evidence in prosecutions for forgery.
3. An act to provide for the collection of fines and forfeitures recoverable under the by-laws of the towns of Russellville, Glasgow and Bowlinggreen.

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

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

The following bills were severally read a second time, and ordered to be engrossed and read a third time, viz:

1. A bill to authorise the county court of Scott to increase the allowance to the patrol of said county.
2. A bill to incorporate a company to establish a turnpike road from the City of Louisville by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen to the state line, in a direction to Nashville.

And thereupon the rule of the house, constitutional provision, and third reading of the first bill having been dispensed with, and the same being engrossed:

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

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

A bill from the Senate entitled, an act for the benefit of the Head-right and Tellico settlers, 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 the Clerk inform the Senate thereof.

And then the house adjourned.
Mr. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to change the place of voting in an election precinct in Montgomery county from Robert Gay's to John L. Martin's, and for other purposes.

An act to legalize the proceedings of the Christian and Barren county courts, in appointing commissioners of tax, and for other purposes.

An act to change the constable's district in the first Battalion, 88th Regiment of Kentucky Militia, and to change a constable's district in the county of Estill.

An act for the benefit of Henry Waddle.

An act for the benefit of the Boone Academy.

An act for the benefit of Allen Taylor.

An act for the benefit of George Coleman, and others.

An act for the benefit of Gabriel Gaines' heirs.

An act to change the time of holding the Spencer circuit and county courts, and the county courts of Shelby.

An act to amend the laws concerning the Lunatic Asylum, and for other purposes.

An act to allow the Independent Banks of this Commonwealth, further time to settle their concerns.

An act to regulate election precincts in certain counties.

An act increasing the jurisdiction of the trustees of the town of Franklin, in Simpson county.

An act in relation to the towns of Cynthiana and Lawrenceburg.

An act authorising the county courts of Bath, Fleming, and Franklin, to permit gates to be erected across certain public roads.

Ordered, That Mr. Prince inform the Senate thereof.

1. The Speaker presented the petition of the county court of Fayette, representing that all fines for riots, routs, and breaches of the peace, assessed before the City authorities of Lexington are applied for the benefit of the City of Lexington, and praying that a law may pass to authorise such fines to be applied to the use of the county of Fayette, in lessening the county levy.

2. Mr. B. F. Thomas presented the petition of Ann Jones, praying a divorce from her husband, John Jones.

3. Mr. Gaines presented the petition of sundry citizens of Boone county, praying that a law may pass to impose a tax upon dogs.

4. Mr. Hayden presented the petition of Maria Tyler, praying a divorce from her husband, William Tyler.
5. Mr. English presented the petition of Thomas Spillman, Sheriff of Gallatin county, praying that a law may pass giving him further time, until the next court of assessment, to be helden for the 51st Regiment of Kentucky Militia, to return his delinquent list.

6. Mr. Sanders presented the petition of sundry citizens of the town of Washington, in the county of Bullitt, praying that a law may pass for the better regulation of said town.

7. Mr. May presented the petition of Henry Middleton, representing that he has expended a considerable sum of money in the pursuit of George Robinson and Pleasant Hackworth, who were charged with horse stealing and have been sent to the Penitentiary for that offence, and praying the passage of a law to remunerate him for his trouble and expenditures.

8. Mr. Paris presented the remonstrance of sundry citizens of the county of Pulaski, remonstrating against the passage of a law to add any portion of said county to the county of Rockcastle.

9. Mr. E. Smith presented the petition of sundry citizens of the county of Rockcastle, praying that an additional justice of the peace may be allowed that county.

10. Mr. B. F. Thomas presented the petition of Stephen Marcum, praying a divorce from his wife, Elizabeth Marcum.

11. Mr. Sanders presented the petition of Henry Crist, representing that he is the owner of two entries on certain tracts of land lying in Bullitt county, one that has been regularly surveyed and returned to the Surveyor's office, but owing to some mistake it has never been returned to the Register's office and has not been patented, the other has not been surveyed or registered: praying that a law may pass to authorise him to survey, register, and patent said claims.

12. Mr. May presented the petition of sundry citizens of the county of Pike, praying the passage of a law to permit Elias Bazbee to build a mill-dam and mill on the Louisa Fork of Big Sandy, above the town of Pikeville.

Which petitions were severally received, the reading dispensed with, and referred: the first, ninth and eleventh, to the committee for courts of justice; the third, fifth, seventh and eighth, to the committee of propositions and grievances; the second, fourth and tenth, to the committee of religion; the sixth, to a select committee of Messrs. Heady, Young, Chilton, Harrison and English; and the twelfth, to a select committee of Messrs. May, T. I. Young and Sanders.

On motion—

Ordered, That the Governor's message with the accompanying documents, communicated on the 22d ult., be referred to a select committee of Messrs. Marshall, McAfee, Chilton, A. Anderson.
A message was received from the Senate announcing their disagreement to bills which originated in this house of the following titles:

- An act for the benefit of Lourisey Clifford.
- An act for the benefit of Tabitha D. Price.
- An act for the benefit of Joanna Milner; and,
- An act for the benefit of Rebecca Hill.

The passage of bills which originated in this house, of the following titles:

- An act to change the place of voting in the Caney precinct, in the county of Ohio.
- An act for the benefit of Dorcas Worley.
- And the passage of a bill, which originated in the Senate, entitled, an act to add a part of the county of Oldham to the county of Shelby.

Mr. Ewing, from the committee for courts of justice, reported a bill to change the time of the meeting of the legislature: 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:

Mr. Kennedy then moved to lay the said bill on the table until the first day of June next.

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

The yeas and nays being required thereon, by Messrs. Ewing and Davis, were as follows:


An amendment having been moved to said bill and negatived:
Mr. Davis then again moved to lay the said bill on the table until the first day of June next.

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

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


The said bill was then ordered to be engrossed and read a third time to-morrow.

The house took up for consideration a joint resolution for appointing joint committees to examine the different public offices, the Penitentiary, the Bank of Kentucky, and the Bank of the Commonwealth: which being twice read, was adopted.

Ordered, That the Clerk carry the same to the Senate and request their concurrence.

Leave was given to bring in the following bills:

On the motion of Mr. Henry—1. A bill to authorise S. J. Hawkins to convey title, by deed, to John Lockridge, John Caldwell, Charles Glover, and James Anderson, of Montgomery county, for certain lands sold by John Hawkins to said individuals.

On the motion of Mr. McAfee—2. A bill to provide for the prosecution of the pleas of the Commonwealth in the Mercer circuit court.

On the motion of Mr. Hayden—3. A bill to appoint commissioners to review the state road from Owenton to Ghent, in Gallatin county.

On the motion of Mr. Boone—4. A bill to enlarge the town of Elkton.

On the motion of Mr. Riffe—5. A bill to change the state road leading through the land of Matthew Slaughter, in the county of Casey.

On the motion of Mr. S. Williams—6. A bill to authorise clerks
to collect their fee-bills, in certain cases, sooner than the time now fixed by law.

On the motion of Mr Harrison—7. A bill for the benefit of St. Joseph's College, at Bardstown.

On the motion of Mr Morgan—8. A bill to appoint an additional constable in the county of Fleming.

On the motion of Mr Lucas—9. A bill to amend and explain the several acts concerning riots, routs, unlawful assemblies, and breaches of the peace; and,

On the Motion of Mr G. W. Johnston—10. A bill further to regulate the town of Simpsonville.

The committee for courts of justice were directed to prepare and bring in the first and sixth bills; Messrs. McAfee, Green and Bowling, the second; Messrs. Hayden, English, and Harris, the third; Messrs. Boone, B. F. Thomas and Davis, the fourth; Messrs. Riffe, S. Williams and Faris, the fifth; Messrs. Harrison, S. Young and Chilton, the seventh; Messrs. Morgan, Megowan and Davis, the eighth; Messrs. Lucas, Cook and Gorin, the ninth; Messrs. G. W. Johnston, Butler and Pryor, the tenth.

Mr. W. Johnson moved a resolution, which was amended to read as follows:

Resolved, That the Sergeant at Arms of the House of Representatives be directed to procure, for the use of this hall, twenty additional writing tables, of half the length of those now in use, as soon as practicable.

Mr. Davis then moved 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 negative.

The yeas and nays being required thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Davis and W. Johnson, were as follows:


The said resolution was then adopted.
The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr Gorin—1. A bill to repeal an act entitled, an act for the benefit of Henry G. Mitchell and Ezekiel Jenkins, approved Jan. 12, 1825; and,

By Mr. Southgate—2. A bill to authorise the trustees of the Newport Seminary to sell their donation lands, 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 and third readings of the second bill having been dispensed with, and the same being engrossed:

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

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

A bill to increase the pay and regulate the mileage of members of the legislature: was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the tenth day of October, 1833, each member of the General Assembly shall, in lieu of his present compensation, be entitled to, and receive the sum of three dollars per day, together with ten cents per mile, for every mile he may necessarily travel, in going to and returning from the seat of government, and ferriages.

Mr. Chilton then moved to lay the said bill 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, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Chilton and Delaney, were as follows:


A message from the Governor, by Mr. Sanders, Secretary of State.

Mr. Speaker:—The Governor did, on the 20th ultimo, approve and sign an enrolled bill, which originated in this house, of the following title:

An act for the benefit of Louisa Meriwether.

And on the 22d thereof, enrolled bills originating in the same, of the following titles:

An act for the benefit of James Parish.

An act for the benefit of Dicey Fletcher.

An act for the benefit of John Cook.

An act to authorise the sale of a part of the real estate of Everard Clark, deceased, to pay his debts.

An act for the benefit of Mary Goodwin.

An act for the benefit of the Sheriff of Scott county, and for other purposes.

An act to regulate the fines and forfeitures of Russell county.

An act to amend an act requiring tavern-keepers, pedlars, and the owners of covering horses and jacks, to pay taxes in advance and obtain license, approved Dec. 22, 1831.

An act authorising the county courts of Jessamine and other counties, to appoint, in their respective counties, additional constables and justices of the peace.

And on the 31st of the same:

An act to authorise the sale of certain lands of Edmund H. Taylor.

And then he withdrew.

Ordered: That Mr. Prince inform the Senate thereof.

Mr. Brown read and laid on the table the following joint resolution:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That they will, by a joint vote, on the ___ day of ____, proceed to elect a Public Printer, Treasurer, President of the Bank of Kentucky, and President and Directors of the Bank of the Commonwealth.

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

Resolved, by the Senate and House of Representatives, That when they adjourn on Saturday, the 19th instant, they will adjourn sine die.

The house resumed the consideration of a bill to prevent the importation of slaves. An amendment having been moved there-to, by way of substitute for the bill, and some discussion thereon:

It was moved and seconded, at 40 minutes after one 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. Ewing and D. White, were as follows:


WEDNESDAY, JANUARY 2, 1833.

A message was received from the Senate announcing the passage of bills of the following titles:

An act to amend the several acts against unlawful gaming.

An act to authorise the Clarke circuit court to decree the sale of two and an half acres of land, devised to Wm. S. Downy and others;

And of a resolution to appoint a joint committee to examine and report the condition of the government house.

And that the Senate had received official information that the Governor did, on the 22d ultimo, approve and sign enrolled bills, which originated in the Senate, of the following titles:

An act to change the time of holding the Lewis and Greenup circuit courts, and for other purposes; and,

An act continuing in force the law providing for the appointment of Commonwealth's Attorneys.

1. Mr. D. White presented the petition of John Brown, praying the passage of a law to authorise the sale of a small tract of land lying in Franklin county, the property of his brother, William Brown, a confirmed lunatic, for the maintenance of said William Brown.

2. Mr. D. White also presented the petition of John Shields, representing that he has obtained from this state a patent for seventy-three acres of land lying in Franklin county, and that he is in the occupancy of it, and that the state has acquired title to the same by escheat, from one John Venus, and praying that a law
may pass to grant or release to him whatever title the state may have in and to the same.

3. Mr. Murray presented the petition of sundry citizens of Calloway county, representing that Orson Flowers, of said county, is old and worn down with bodily infirmities; that he has a wife who is also old and much afflicted, and that they are poor, worthy and without the means of subsistence: praying the passage of an act granting to said Flowers the South-East quarter of section twenty-one, township one, range three East, in the district of country West of the Tennessee river, which is represented as poor, of little value, and unappropriated.

4. Mr. Abel presented the petition of sundry citizens of the town of New-Market, in the county of Washington, praying the passage of a law for the better regulation of said town.

5. Mr. Ward presented the petition of Savilla Nickell, widow of John Nickell, and of John Nickell, guardian for the infant children of said Nickell, deceased, representing that the said John died possessed of about five hundred acres of land lying in Morgan county, and a small personal estate, insufficient to pay the debts of said deceased: praying the passage of a law to authorize the sale of so much of said land as will be sufficient to pay the debts of said John Nickell.

6. Mr. B. F. Thomas presented the petition of William Bowan, praying a divorce from his wife, Ellen Bowan.

7. Mr. McAfee presented the petition of Leonard Jones and Henry Banta, "subjects of eternal life," representing that they have lately discovered the great art of giving perpetual existence to their bodies, souls, and spirits, on this globe: praying the passage of a law granting them some of the unappropriated lands West of the Tennessee river, near the mouth of the Ohio.

8. Mr. Thompson presented the petition of sundry citizens of Caldwell county, praying that a law may pass to add a portion of said county to the county of Trigg.

9. Mr. Ward presented the petition of Geo. W. Tackett, representing that he stands indicted in the Morgan circuit court upon the charge of counterfeiting money; that he greatly fears that justice cannot be done him in said court: praying that a law may pass granting him a change of venue.

10. Mr. Ward presented the petition of Benjamin Clemens, praying a divorce from his wife, Polly Clemens.

11. Mr. Hauser presented the petition of sundry citizens of the county of Pendleton, praying that a law may pass compelling plaintiffs in certain actions to give security for costs before bringing suit.

Which petitions were severally received, the reading dispensed with, (the seventh excepted,) and referred; the first, second, fifth, ninth and eleventh, to the committee for courts of justice; the
third and eighth, to the committee of propositions and grievances; the sixth and tenth, to the committee of religion; the fourth, to a select committee of Messrs. Abel, McDonald and Ozborn; and the seventh was laid upon the table.

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

The committee of propositions and grievances have had under their consideration the petition of sundry citizens of Daviess county, praying for a change in the place of voting in Gore's precinct of said county, and a remonstrance against the same; and are of opinion that the same be rejected.

Also, the petition of sundry citizens of Boone county, praying that a tax may be levied on the dogs of this Commonwealth; and are of opinion that the same is unreasonable.

Also, the petition of sundry citizens of Calloway county, praying a change of the place of voting in a precinct of said county; and are of opinion that the same be rejected.

Which being twice read, was concurr'd in.

Mr. Kennedy, from the committee of privileges and elections, made the following report:

The committee of privileges and elections have, according to order, had under consideration the returns of all the members returned to serve in this house during the present session, and hereby report:

That the following gentlemen are returned as duly elected to serve as members of the House of Representatives, in this General Assembly, to-wit:

From the county of Adair, Francis Montgomery; from the county of Allen, Walter Thomas; from the county of Anderson, David White; from the county of Bourbon, Jesse Kennedy and Robert Matson; from the county of Bracken, Buckner S. Morris; from the county of Bullitt, Nathaniel P. Sanders; from the county of Bath, Thomas I. Young; from the county of Barren, Franklin Gorin and William B. Cook; from the counties of Breckenridge and Hancock, Jefferson Jennings; from the county of Boone, John P. Gaines; from the counties of Butler and Edmonson, Richard S. Ford; from the county of Campbell, William W. Southgate and Horatio T. Harris; from the county of Caldwell, Enoch Prince; from the county of Cumberland, Ambrose Bramlett; from the county of Christian, Gustavus A. Henry and John Pendleton; from the county of Clark, James Simpson and Robert Wickliffe; from the counties of Clay and Harlan, John Bates; from the counties of Calloway and McCracken, John L. Murray; from the county of Casey, George C. Riffe; from the county of Daviess, Richard Lockhart; from the counties of Estill and Perry, Joseph Scrivner; from the county of Fleming, Daniel S. Morgan and Abraham Megowan; from the county of Franklin, John J. Crittenden; from
the county of Fayette; Aaron K. Woolley, Henry E. Innis, and John R. Dunlap; from the counties of Floyd and Pike, Samuel May; from the county of Garrard, Simeon H. Anderson; from the county of Green, James Allen and Alfred Anderson; from the county of Greenup, Samuel Seaton; from the county of Gallatin, Samuel S. English; from the counties of Graves and Hickman, Samuel P. McFall; from the counties of Grant and Pendleton, Samuel T. Hauser; from the county of Grayson, Thomas M. Yates; from the county of Harrison, John Williams and Joseph Patterson; from the counties of Hardin and Meade, Thomas Chilton, John Y. Hill, and John S. Cully; from the county of Hart, Benjamin Copeland; from the county of Hopkins, Francis Jett; from the city of Henderson, James Bell; from the county of Hardin, William Smith and Elijah F. Nuttall; from the county of Jefferson, Henry Churchill and David Meriwether; from the city of Louisville, Charles M. Thruston and James Rudd; from the county of Jessamine, George W. Brown; from the counties of Knox and Whitley, Henry Tuggle; from the counties of Lawrence and Morgan, Joseph R. Ward; from the county of Lincoln, John Green and David Shanks; from the county of Lewis, Chauncey B. Shepherd; from the county of Logan, Ephraim M. Ewing and David T. Smith; from the counties of Laurel and Rockcastle, Elijah Smith; from the county of Livingston, Joseph Hughes; from the county of Madison, John White and Joseph Collins; from the county of Mason, Richard H. Lee, Thomas J. Pickett, and David Morris; from the county of Monroe, Radford Maxey; from the county of Mercer, Robert B. McAfee and Dred Bowling; from the county of Montgomery, Benjamin F. Thomas and Josiah Davis; from the county of Muhlenburg, David Short; from the county of Nelson, Burr Harrison and Stanley Young; from the county of Nicholas, Samuel Fulton; from the county of Oldham, Jack Pryor; from the county of Ohio, Elijah Crow; from the county of Owen, Benjamin Hayden; from the county of Pulaski, Ephraim C. Fair; from the county of Shelby, George W. Johnston and Percival Butler; from the county of Russell, Jeremiah S. Pierce; from the county of Scott, Job Stevenson and William Johnson; from the county of Simpson, James Davidson; from the county of Spencer, Stilwell Head; from the county of Trigg, James E. Thompson; from the county of Todd, Squire H. Boone; from the county of Union, Joseph R. Delaney; from the county of Warren, Robert W. Lucas and Euclid M. Covington; from the county of Washington, Jesse Abel, James McDonald, and William Ozborn; from the county of Wayne, Sherrod Williams; and from the county of Woodford, Thomas F. Marshall.

Which was concurred in.

Mr. Ewing, from the committee for courts of justice, made the following report:
The committee for courts of justice have, according to order, had under consideration the petition of Daniel Bradford, in behalf of the county court of Fayette, praying that the fines recovered in said county shall be diverted from the Transylvania University, and applied to the payment of the county levy; and have come to the following resolution thereon:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

Mr. Ewing, from the same committee, to whom was referred a bill concerning the county of Meade: 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 motion—

Ordered, that the committee for courts of justice be discharged from preparing and bringing in a bill to authorize S. J. Hawkins to convey title, by deed, to John Lockridge, John Caldwell, Charles Glover, and James Anderson, of Montgomery county, for certain lands sold by John Hawkins to said individuals: and that the same be referred to a select committee of Messrs. Henry, B. F. Thomas, and Boone.

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

By Mr McAfee, from the committee of propositions and grievances—1. A bill for the benefit of Thomas Spillman, Sheriff of Gallatin county.

2. A bill to allow an additional justice of the peace and constable to the county of Washington.

By Mr Stevenson, from the committee of religion—3. A bill for the benefit of Sally Spillman.

4. A bill for the benefit of Maria Tyler.

5. A bill for the benefit of Stephen Marcum.

By Mr Abel—6. A bill to turnpike Muldrow's hill, on the main road from Lexington to Nashville, and for other purposes.

By Mr Morgan—7. A bill to appoint an additional constable in the county of Fleming.

By Mr Riffe—8. A bill to change the road leading through the lands of Matthew Slaughter, in the county of Casey.

By Mr Boone—9. A bill to extend the limits of the town of Elkhorn, in the county of Todd.

By Mr May—10. A bill to authorize Elias Bazell to build a mill on the Louisa Fork of Big Sandy river.

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

And thereupon the rule of the house, constitutional provision, and second reading of the first, third, fourth, fifth, sixth, eighth, ninth and tenth bills having been dispensed with, the first was
committed to a select committee of Messrs. McAfee, English, Crow
and T. I. Young; the third, fourth, fifth, eighth and ninth, were
ordered to be engrossed and read a third time; and the sixth and
tenth were committed to the committee on internal improvements.

And thereupon the rule of the house, constitutional provision,
and third reading of the third, fourth, fifth, eighth and ninth 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. Chilton, from the committee on internal improvements, to
whom was referred a bill to improve the road leading from Mon­
ticello to the state line, in a direction to Monroe, Tennessee: re­
ported the same without amendment.

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

The house resumed the consideration of a bill to prevent the
importation of slaves: which was again read as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Common­
wealth of Kentucky, That from and after the first day of June next,
none shall be slaves within this Commonwealth, except such as
shall be slaves within the same on that day, and the descendants
of the females of them, and such slaves as may be thereafter law­
fully imported into this state, and the descendants of the females
of them.

Sec. 2. Be it further enacted, That so much of every law as
permits the importation of slaves into this Commonwealth, other­
wise than as hereinafter provided, shall be, and the same is here­
by limited to the said first day of June next—and after that time
the same shall stand repealed—and it shall not thereafter be law­
ful for any person or persons to import any slave or slaves into
this state, except emigrants to the state, bringing their slaves with
them, for their own use, and not as merchandise; and citizens of
this state claiming slaves in another state, by devise, descent or mar­riage, and bringing them to this state, for their own use, and not
as merchandise: Provided, however, That this act shall not be con­strued to prohibit citizens of other states visiting this state or
journeying or travelling through it to any other state or territory
with their slaves, without attempting to sell or hire any such slave,
or in any other manner, not resulting from unavoidable necessity,
to leave such slave in this state: nor shall this act be construed to
prohibit citizens of this state from reclaiming any slaves or the
descendants of the females of them, which having been once law­fully held by them in slavery within this Commonwealth, may
now or hereafter be absent from the same, whether such absence

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be by escape of such slave, or the voluntary act of the owner, otherwise than by the sale or transfer of property in such slave; but in all such cases, the owner of such absent slave, his heirs, executors, or administrators, may lawfully bring such slave or slaves again to this state, and continue such in slavery within the same.

Sec. 3. Be it further enacted, That all suits for freedom brought by persons who may be imported into this Commonwealth contrary to law, and illegally held in slavery within the same, shall be brought, in the case of a person of full age, within three years next after the accrual of the cause of action, and not afterwards; and in case of an infant, within three years next succeeding the time when such infant shall arrive at full age, and not afterwards; Provided, that nothing herein contained shall be held to imply a power in the General Assembly to emancipate any person, or the descendants of the females of them, who may be legally held in slavery within this Commonwealth under the then existing laws and the constitution, except by the consent of their owners, or by first paying to their owners their value in money.

Mr. Ewing then moved the following, as a substitute for said bill after the enacting clause, viz:

That so much of the act, passed February the 8th, 1815, in force from the first day of May thereafter, to permit the importation of slaves to this Commonwealth, as allows a resident of this state to bring a slave or slaves to this state from any other state or territory, for his, her or their own service, not having acquired title to the same, by marriage, descent, or devise, is hereby repealed; and hereafter, such person importing a slave to this state shall be subject to the pains and penalties, as other persons importing a slave or slaves to this state, contrary to the provisions of said act, and a person buying a slave or slaves from such person importing the same, shall be subject to the like pains and penalties as those who buy, in contravention of the provisions of said act.

Sec. 2. Be it further enacted, That it shall be the duty of the Attorneys for the Commonwealth, now in commission, at their first court after the passage of this act, to take a solemn oath that they will faithfully prosecute all offenders against said act, that may come to their knowledge, or of which they may be informed; and all Attorneys for the Commonwealth, who shall hereafter be commissioned, shall, at the time when they take the oath of office, take the like solemn oath; and in all cases of conviction the Attorney for the Commonwealth shall be entitled to an attorney's fee, of thirty dollars, out of the amount collected on said conviction, and the balance shall be paid into the public treasury, and set apart as a fund, under the direction of the Governor, and such other as the legislature may appoint, for colonizing free persons of color on the coast of Africa.
And the question being taken on adopting the same, in lieu of the original bill, it was decided in the negative.

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


Mr. Pierce then moved to amend the second section of said bill by expunging therefrom the words printed in italics.

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

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


Mr. Kennedy then moved further to amend said bill by adding thereto the following as an additional section:

_Be it further enacted, That no slave shall be emancipated by any of the provisions of this act without the consent of the owner, or without a full equivalent in money being first paid to the owner, for the slave so emancipated._

And the question being taken on adopting the said section, as an
amendment to the bill, it was decided in the negative; and so the proposed amendment was disagreed to.

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


Mr. Kennedy then moved further to amend said bill, by adding thereto the following as an additional section.

Be it further enacted, That no slave shall be emancipated by any of the provisions of this act, without saving the rights of creditors, and without an adequate guarantee being first given, that the slave, so emancipated, shall not become chargeable to any county in this Commonwealth.

The question being taken on the adoption thereof, it was decided in the affirmative.

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


Mr. Meriwether, from the majority on the vote by which the
Last amendment proposed was adopted, moved a reconsideration of said vote.
And the question being taken on reconsidering said vote, it was decided in the affirmative.
The question was then again propounded to the house, upon the adoption of said amendment, which was decided in the negative:
The yeas and nays being required thereon, by Messrs. Ewing and Kennedy, were as follows, viz:


A motion was then made by Mr. E. Smith to reconsider the vote by which the first amendment offered by Mr. Kennedy was adopted.
And the question being taken thereon, it was decided in the affirmative.
Mr. Harrison then moved to lay the said bill and amendment 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. Harrison and Thruston, were as follows, viz:


NAYS—Mr. Speaker, Messrs. S. H. Anderson, Bates, Bell, Butler, Chilton, Churchill, Collins, Cook, Culley, Ford, Fulton, Gaines, Gorin, Green, Harris, Henry, Hill, Jett, G. W. Johnston, Lucas, McAfee, M
Mr. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to establish an election precinct in Barren county.
An act to regulate the Jefferson and Oldham circuit courts.
An act for the benefit of the jailor of Logan county.
An act to authorize Edward Turner to erect a mill-dam and mill on the middle fork of the Kentucky river, in Clay or Perry county.
An act to change the mode of publishing the decisions of the Appellate Court of this Commonwealth.
An act to change the place of voting in the Caney precinct, in the county of Ohio.
An act for the benefit of Dorecas Worley.
An act to authorize the recording of deeds remaining unrecorded in the clerk's office of the Logan county court, at the death of the late clerk.
An act for the benefit of the Head-right and Tellico settlers.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

A message was received from the Senate announcing their disagreement to bills which originated in this house of the following titles:

An act for the benefit of Jane Deason.
An act for the benefit of Polly Campbell; and,
An act for the benefit of Abner W. Smith, former Sheriff of Caldwell county.

The passage of a bill which originated in this house, entitled, an act for the benefit of William R. McFerrin and others; with amendments.

And the passage of bills of the following titles:

An act to prevent the circulation of certain bank notes.
An act for the benefit of Wm. P. Smith, John J. Smith, Francis J. Hopkins and others.
An act for the benefit of the legatees of Richard Allen, deceased; and,
An act for the relief of Anna Maria Walsh.

1. Mr. Brown presented the petition of sundry citizens of the town of Nicholasville, in Jessamine county, representing that the town tax on the residents and property holders in said town is unequal and oppressive: praying the passage of a law to impose a tax in proportion to the property of each citizen, to include a tax upon groceries, merchandise, and every other species of property, and a law to appropriate all fines arising from riots, routs, unlawful assemblies, and breaches of the peace, committed within the limits of said town, to lessen the town tax therein.

2. Mr. May presented the petition of sundry citizens of Floyd and Pike counties praying the passage of a law declaring John's creek a navigable stream, to the mouth of Raccoon creek, in Pike county.

3. Mr. Hauser presented the petition of sundry citizens of Pendleton county, praying an alteration of the location of the state road leading from Frankfort to Neville, Ohio.

4. Mr. E. Smith presented the petition of sundry citizens of Laurel county, living on and near Moore's road, in said county, representing that by much labor said road has been so improved that a large portion of stock is carried to market on said road: praying that a law may pass that a ratable proportion of tolls collected at the gate on the Madison road and the gate at the Cumberland Gap, may be allowed to Moore's road.

5. Mr. S. Williams presented the petition of sundry citizens of the county of Wayne, representing that Matthew Castillo is a dumb boy and of unsound mind; that he is entitled to an undivided interest in a piece of land, lying in said county: praying the passage of a law to authorize the sale of said land, and to apply the proceeds thereof to the support of said Matthew Castillo.

6. Mr. Matson presented the petition of Hugh Talbot, of Bourbon county, representing that he is poor, is indebted to the Bank of the Commonwealth, to which he has mortgaged some property in Millersburg; that the same has been sold, and the bank became the purchaser, and that he has been unable to redeem the same: praying the passage of a law to give him six years to pay said bank debt and redeem his property.

7. Mr. Sanders presented the petition of Henry Small, praying a divorce from his wife, Mary S. Small.

8. Mr. Meriwether presented the petition of sundry citizens of Jefferson county, praying that a law may pass to authorize the erection of a bridge across Long run, where it crosses the Turnpike road leading from Shelbyville to Louisville.

9. Mr. Wickliffe presented the petition of John Owens and sundry other citizens of Clarke county, praying that said John Owens may be divorced from his wife, Sally Owens.

Which petitions were severally received, the reading dispens-
ed with, and referred; the first, to a select committee of Messrs. Brown, S. H. Anderson and Marshall; the second, third, fourth and eighth, to the committee on internal improvements; the seventh and ninth, to the committee of religion; the fifth, to the committee for courts of justice; and the sixth, to the committee of propositions and grievances.

Ordered, That a bill to establish the Louisville Bank of Kentucky be recommitted to a select committee of Messrs. D. White, Green, Matson, McAfee, J. White, Southgate, Gorin, Thruston, Rudd, Chilton, Abel, S. H. Anderson, E. Smith, Henry, Prince, Pierce, and Brown.

Mr. Gorin, from the select committee, to whom was referred an engrossed bill, entitled, an act to reduce the price of the public lands in the district of country West of the Tennessee river, and to protect the actual settlers in said district: reported the same without amendment.

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. Ewing and —- were as follows, viz:


A motion having been made to reconsider the vote rejecting said bill, and the same having been agreed to: the said bill was recommitted to the committee of ways and means.

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

By Mr. Ewing, from the committee for courts of justice—1. A bill to authorise the collection of clerk's fees from those persons about to leave this Commonwealth.

2. A bill requiring security for costs in certain cases.

By Mr. Stevenson, from the committee of religion—3. A bill for the benefit of Thomas Newkirk and wife.
4. A bill to dissolve the marriage contract between Francis Conner and wife, and others.
   By Mr May—5. A bill to improve the navigation of Big Sandy river.

   By Mr Butler—6. A bill to regulate the town of Simpsonville, in Shelby county.

   By Mr Chilton—7. A bill to provide for revising, digesting, and abridging the statute laws of this Commonwealth.

   By Mr Heady—8. A bill to authorize the sale of a tract of land belonging to Cornelius F. Willett, a lunatic.

   By Mr B. S. Morris—9. A bill to appropriate $5000 towards building a permanent bridge across Licking river, at Claysville.

   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, (the ninth excepted,) being dispensed with, the first was committed to a select committee of Messrs. S. Williams, Green and D. T. Smith; the second was committed to a select committee of Messrs. B. F. Thomas, Ewing, Hauser, Ward and Wickliffe; the fifth, to the committee on internal improvements; the seventh, to the committee for courts of justice; and the third, fourth, sixth and eighth were ordered to be engrossed and read a third time.

   And thereupon the rule of the house, constitutional provision, and third reading of the third, fourth, sixth and eighth 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.

   Leave was given to bring in the following bills:

   On the motion of Mr D. White—1. A bill to regulate the appointment of Deputy Sergeants to the Court of Appeals.

   On the motion of Mr B. F. Thomas—2. A bill for the benefit of Micajah Harrison.

   On the motion of Mr T. I. Young—3. A bill for the benefit of Spencer Boyd and others.

   On the motion of Mr Yates—4. A bill for the improvement of the navigation of Big Caney, a branch of Rough creek.

   On the motion of Mr Chilton—5. A bill regulating and defining the powers of the trustees of the town of Brandenburg, in Meade county.

   On the motion of Mr Short—6. A bill to provide for the improvement of the public roads in the county of Muhlenburg.

   On the motion of Mr Davis—7. A bill to amend the militia law.

   Messrs. D. White, B. F. Thomas and Kennedy, were appointed a committee to prepare and bring in the first; the committee
for courts of justice, the second; the committee of propositions and grievances, the third; the committee on internal improvements, the fourth and sixth; Messrs. Chilton, Hill and Culley, the fifth; and Messrs. Davis, Dunlap, Morgan, Matson, Boone and J. White, the seventh.

Mr. Harris moved to obtain leave to bring in a bill to repeal the law allowing compensation for wolf scalps.

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

Mr. Gorin moved the following resolution; which was twice read and adopted, viz:

Resolved, That a select committee be appointed to ascertain and report specially the amount of money paid annually to the officers of the General Court, for attending on the court during its sessions, for office rent, ex officio services, &c.; also, the number of suits, (except those in favor of the state,) instituted since 1824; the number decided since; the number of cases yet on the docket; the number of deeds recorded within the last year; and such other facts as may tend to show whether or not the said court ought to be abolished.

Whereupon, Messrs. Gorin, Butler and Meriwether were appointed said committee.

Mr. Green moved the following resolution:

Resolved, That the committee for courts of justice be instructed to bring in a bill fixing, provisionally, on an early day for the election of members to serve in the next Congress of the United States.

Which being twice read, was adopted.

A bill from the Senate entitled, an act to add a part of Oldham county to the county of Shelby; was read the first time, and ordered to be read a second time.

And the rule of the house, constitutional provision, and second reading of said bill having been dispensed with, the same, (together with a petition and remonstrance from the county of Oldham,) was referred to the committee of propositions and grievances.

The amendments proposed by the Senate to a bill from this house, entitled, an act for the benefit of Wm. R. McFerrin; were twice read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

The house then, according to the standing order of the day, resolved itself into a committee of the whole house—Mr. McAfee in the chair—and after some time spent therein, the Speaker resumed the chair, and Mr. McAfee reported that the committee had, according to order, had under consideration a bill to increase the revenue to meet the ordinary expenses of government, and had
made some progress therein, but not having time to go through the same, had instructed him to ask for leave to sit again—which being granted:

Then the house adjourned.

FRIDAY, JANUARY 4, 1833.

A message from the Governor, by Mr. Sanders, Secretary of State.

Mr. Speaker:—The Governor did, on the 2nd instant, approve and sign enrolled bills, which originated in this house, of the following titles:

An act for the benefit of Henry Waddle.
An act for the benefit of the Boone Academy.
An act to regulate election precincts in certain counties.
An act authorising the county courts of Bath, Fleming, and Franklin, to permit gates to be erected across certain public roads.
An act to change the place of voting in an election precinct in Montgomery county from Robert Gay's to John L. Martin's, and for other purposes.
An act increasing the jurisdiction of the trustees of the town of Franklin, Simpson county.
An act to legalize the proceedings of the Christian and Barren county courts, in appointing commissioners of tax, and for other purposes.
An act to change the constable's district in the first Battalion, 88th Regiment of Kentucky Militia, and to change a constable's district in the county of Estill.
An act to amend the laws concerning the Lunatic Asylum, and for other purposes.
An act to allow the Independent Banks of this Commonwealth further time to settle their concerns.
An act to change the time of holding the Spencer circuit and county courts, and the county courts of Shelby.
An act for the benefit of Allen Taylor.
An act for the benefit of George Coleman, and others.
An act for the benefit of Gabriel Gaines' heirs; and,
An act in relation to the towns of Cynthiana and Lawrenceburg.

And then he withdrew.

Ordered, That the Clerk inform the Senate thereof.

1. Mr. Morgan presented the petition of sundry citizens of Fleming county, praying the establishment of an election precinct in said county.
2. Mr. Harris presented the petition of John Jenner, praying a divorce from his wife, Mary Jenner.

3. Mr. Dunlap presented the petition of Wm. H. Richardson, administror of the estate of M. D. Richardson, deceased, praying an amendment to the act of the last session, passed for the benefit of said estate.

4. Mr. Hauser presented the petition of sundry citizens of Pendleton county, praying for the passage of a law changing the place of voting in the Ohio precinct in said county.

5. Mr. Kennedy presented the petition of Melinda Noe, praying a divorce from her husband, Charles Noe.

Which petitions were severally received, the reading thereof dispensed with, and referred; the first, to the committee of propositions and grievances; the second and fifth, to the committee of religion; the third, to a select committee of Messrs. Dunlap, Woolley and Innis; the fourth, to a select committee of Messrs. Hauser, Gaines and Harris.

A message was received from the Senate announcing their disagreement to a bill which originated in this house, entitled, an act for the divorce of Temple West.

The passage of a bill which originated in this house, entitled, an act for the benefit of Benjamin Robinson: with an amendment.

And the passage of a bill entitled, an act further to regulate the town of Springfield, in Washington county.

Mr. Ewing, from the committee for courts of justice, to whom was referred a bill to divorce Frances Heard from her husband, William Heard: reported the same without amendment.

And the question being taken on engrossing the said bill and reading it a third time, it was decided in the negative: and so the said bill was rejected.

Mr. Ewing, from the same committee, to whom was referred a bill to amend the law concerning divorces: reported the same with sundry amendments.

Mr. Green then moved to recommit said bill and amendments to a select committee.

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

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


Ordered, That Messrs. Green, McAfee and J. White compose said committee.

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

The committee for courts of justice have had under consideration the petition of George W. Tackett, and have come to the following resolution thereon:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

On motion—

Ordered, that the committee for courts of justice be discharged from the further consideration of the petition of John Brown, and that the same be referred to a select committee of Messrs. D. White, Gorin, Prince, and Culley.

Mr. S. Williams, from the select committee, to whom was referred a bill to authorise the collection of clerk's fees from those about to leave the 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.

Mr. McAfee, from the select committee, to whom was referred a bill for the benefit of Thomas Spillman, Sheriff of Gallatin 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 for the benefit of the sheriffs of Bath, Gallatin, and Pendleton counties.

Ordered, That the Clerk 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 McAfee, from the committee of propositions and grievances—1. A bill for the benefit of Spencer Boyd and others, of Bath county.

By Mr Ewing, from the committee for courts of justice—2. A bill for the benefit of John Shields.
3. A bill for the benefit of Henry Crist.
   By Mr Stevenson, from the committee of religion—4. A bill for the benefit of Samuel C. Scroggin.
   By Mr D. White—5. A bill to regulate the appointment of Deputy Sergeants of the Court of Appeals; and,
   By Mr Hayden—6. A bill to appoint commissioners to review the state road from Owenton to Ghent, in Gallatin county.

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

And thereupon the rule of the house, constitutional provision, and second reading of said bills having been dispensed with, the first was committed to the committee of propositions and grievances; the fifth, to the committee for courts of justice; and the second, third, fourth and sixth were ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision, and third reading of the second, third, fourth and sixth 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. D. White, from the select committee, to whom was referred a bill to establish the Bank of Louisville: reported the same with sundry amendments; several of which having been concurred in: the sixth amendment was read as follows, viz:

"Add to the bill as an additional section:"

Be it further enacted, That the Commonwealth of Kentucky shall have power, at any time, within five years from and after the passage of this act, to add to the capital stock of said bank any amount of shares, not exceeding five thousand, and to cause the same to be subscribed and taken on behalf of the Commonwealth: and upon the stock, or any part thereof, being so subscribed and paid for, the Commonwealth shall have all the rights, privileges, and benefits which are vested in the stockholders, and no more; and the stock of the state shall be voted upon by any person authorised by law.

Mr. McAfee then moved to amend the said amendment by striking out the whole thereof, after the enacting clause, and inserting in lieu thereof the following, viz:

That the Governor of this state, for the time being, shall, at any time within five years, have the privilege of subscribing for five thousand shares of said bank, and pay for the same from time to time, so soon as any surplus funds, arising from the sale of vacant lands or otherwise, can be collected; and the same are hereby reserved for that purpose.
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. McAfee and ——, were as follows:


Mr. Boone then moved to amend said amendment by striking out the word five, preceding the word years, in the second line, and inserting in lieu thereof the word eight.

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

The yeas and nays being required thereon, by Messrs. Ewing and Boone, were as follows:


The sixth section of said bill was then read as follows, viz:

Sec. 6. That the Directors chosen under the provisions of this charter, shall, as soon as may be after the first and every annual or other election, elect a President from their own body, who shall
preside at the board until the next election; and in case of the
death, absence or resignation of the President, the board shall
choose a President pro tempore; they shall fill all vacancies which
may occur in their own body, during the time for which they shall
have been elected—and appoint a Cashier, and subordinate offi-
cers, clerks, agents and servants of said bank; fix their compensa-
tion, define their powers and prescribe their duties; and shall re-
quire from them such bonds, and in such penalties and with such
conditions and sureties as they shall deem right; which bonds shall
be laid monthly before the Directory, who may then and at such oth-
er times as deemed proper, require the same to be altered or amen-
ded, and demand other and additional security; such officers shall
remain during the pleasure of the board under such regulations,
restrictions and limitations, as the President and Directors for the
time being may prescribe, not contrary to the provisions of this
charter, and the by-laws, rules and regulations of the bank. The
President and Directors, five of whom shall form a quorum, may
from time to time, make such by-laws, rules and regulations, for
their own government and for the management and disposition of
the property, estate, funds and business of the bank, and all mat-
ters appertaining thereto, which they may judge expedient, not
contrary to the provisions of this charter, and the by-laws, rules
and regulations which the stockholders may, from time to time
prescribe, at their annual or other meetings. They shall hold
stated meetings at least once in every week, on such day and at
such hour of the day, as they may, from time to time appoint, and
at such other times as the President shall order and direct; and a
majority shall constitute a quorum, and be competent to the trans-
action of any business within the scope of their powers, and con-
ected with their official duty; and all questions before the board
shall be decided viva voce, by a majority of those present, any
two of whom may require the yeas and nays to be taken on any
proposition submitted, entered and recorded on their journal of
proceedings; and no vote shall be reconsidered when a less num-
ber are present than when the original vote was given. They
shall, on the first Mondays of January and July annually, make
and declare such dividends resulting from the profits of said bank,
as shall not in anywise lessen the capital stock of the same, and
cause such dividends to be paid on demand to the several stock-
holders thereof: but whenever they shall declare a dividend of the
profits among the stockholders, they shall likewise declare a dividend
of two and a half per cent, on the amount of the profits then divided,
to this state, which shall be in lieu of all tax on the stock, and as a
bonus for this charter, and shall be paid to the Treasurer of this Com-
monwealth, on demand, as other dividends: Provided, however, that
no dividend shall be declared of the profits of said bank until
there shall be a surplus or contingent fund of twenty thousand
dollars, for one million of stock paid in, and after that rate; and the contingent fund shall never be reduced below that ratio on the amount of stock paid in. And if the President and Directors of said bank shall at any time make any dividend of the profits or other property of the bank, by which the capital stock thereof shall in anywise be lessened or impaired, or shall, by any mismanagement or neglect of duty, cause any loss or deficiency of the capital stock of the bank, the directors consenting thereto, or guilty of such mismanagement or neglect of duty, shall be jointly or severally liable in their individual capacities to any stockholder or creditor of said bank, who may sustain injury thereby; and the President and each and every Director shall be deemed to have consented to such dividend, and been guilty of such mismanagement or neglect, unless he shall forthwith give notice of his dissent thereto, or absence from the institution, in like manner as is provided in the fourth section of this charter, and call a meeting of the stockholders, as therein provided for.

Mr. McAfee then moved to amend said section by expunging therefrom the words printed in italics, and inserting in lieu thereof the following:

That the Cashier of said bank shall, on the first day of July, in the year 1834, and on the same day annually thereafter, pay into the treasury of this state twenty-five cents on each share held by the stockholders in said bank, which shall be in full of all tax or bonus on said bank: Provided, that the legislature may increase or reduce the same; but at no time shall the tax imposed on said stock exceed fifty cents on each share held in said bank.

Mr. Green then moved to amend the said amendment by striking out the proviso.

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

The yeas and nays being required thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Boone and Collins, were as follows:


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The question was then taken on adopting the amendment proposed by Mr. McAfee, which was decided in the affirmative.

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


And then the house adjourned.

SATURDAY, JANUARY 5, 1833.

A message was received from the Senate announcing the passage of a bill which originated in this house, entitled, an act for the benefit of John Smith and Bartlett Hill.

And the passage of bills of the following titles:

An act for the benefit of the Sheriff of Hickman county; and,

An act to protect the actual settlers in the land district West of the Tennessee river.

The Speaker laid before the house a letter from Henry Tuggle, Esq., a member of this house from the counties of Knox and Whitley, announcing a resignation of his seat therein; which was received, read and laid on the table.

1. Mr. Copeland presented the petition of sundry citizens of Caldwell county, praying an appropriation of land to aid them in the completion of the state road from Princeton to Waidborough.

2. Mr. W. Johnson presented the petition of sundry citizens of Scott county, praying an amendment to the criminal laws of this Commonwealth, so far as relates to slaves.
3. Mr. Jennings presented the petition of sundry citizens of Breckinridge county, praying for the establishment of an election precinct therein.

4. Mr. Murray presented the petition of sundry citizens of Hickman and McCracken counties, praying for the establishment of a new county out of a part of each of said counties.

Which petitions were severally received, the reading dispensed with, and referred; the first, to a select committee of Messrs. Copeland, Prince and Murray; and the second, third, and fourth, the committee of propositions and grievances.

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

The committee of propositions and grievances have had under their consideration the petition of Hugh Talbot and wife, praying that they may be allowed six years to redeem a house and lot in the town of Millersburg, which has been purchased and sold by the agent of the Bank of the Commonwealth; and are of opinion that the same be rejected.

Also, the petition of David Rees, praying to be released as one of the securities of James Patton, sheriff of Harrison county, upon his paying his proportion of a judgment obtained by the Auditor against the said Patton and his securities; and are of opinion that the same be rejected.

Also, the petition of Orson Flowers, of Calloway county, praying for a donation of a quarter section of land in said county, on account of his age and revolutionary services; and are of opinion that the same be rejected.

Which being twice read, was concurred in.

Mr. McAfee, from the same committee, to whom was referred a bill from the Senate, entitled, an act to add a part of Oldham county to the county of Shelby; reported the same without amendment.

Ordered, That the said bill be read a third time on Monday next.

Mr. McAfee, from the same committee, to whom was referred a bill for the benefit of Spencer Boyd and others, of Bath county: 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 the Clerk carry the said bill to the Senate and request their concurrence.

The following bills were reported from committees to whom the
same were referred for amendment: with amendments to the first bill, viz:

1. By Mr Green—A bill to reduce the price of the public lands in the district of country West of the Tennessee river, and to protect the actual settlers in said district.

2. By Mr Chilton—A bill to authorise Elias Bazell to build a mill on the Louisa fork of Big Sandy river.

3. By Mr Harris—A bill to incorporate the Licking River Navigation Company.

The first bill was laid on the table, and the second and third were ordered to be engrossed and read a third time.

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

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

A message was received from the Senate requesting leave to withdraw their report rejecting a bill which originated in this house, entitled, an act for the benefit of the wife and children of William Green, a lunatic.

Ordered, That leave be granted accordingly, and that the clerk inform the Senate thereof and return the said bill to the Senate.

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

By Mr McAfee, from the committee of propositions and grievances—1. A bill for the benefit of Henry Weddington.

2. A bill for the benefit of mechanics.

3. A bill to amend the laws relating to the town of Covington, and for other purposes.

By Mr Hauser—4. A bill to incorporate the Falmouth Bridge Company.

By Mr Brown—5. A bill to increase the powers of the trustees of the town of Nicholasville, in Jessamine county.

By Mr D. White—6. A bill to authorise the sale of the real estate of William Brown, a lunatic, for his maintenance.

By Mr Chilton—7. A bill regulating and defining the powers of the trustees of the town of Brandenburg, in Meade county.

By Mr McAfee—8. A bill to provide for the prosecution of the pleas of the Commonwealth in the Mercer circuit court.

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 propositions and grievances; the second and eighth, to the committee for courts of jus-
tice; the fourth, to the committee on internal improvements; and
the third, fifth, sixth and seventh, were ordered to be engrossed
read a third time.

And thereupon the rule of the house, constitutional provision,
and third reading of the third, fifth and sixth 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. Green, from the select committee, to whom was referred
a bill to amend the law concerning divorces; reported the same
with an amendment in lieu of the bill.

The said bill and amendment were then read as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Common-
wealth of Kentucky, That hereafter all suits for divorce may be
brought by petition, or bill in the nature of a petition, in the sev-
eral circuit courts of the Commonwealth, and shall be docketed
immediately after the Commonwealth's prosecutions of the court
where the same is filed, and shall be tried in its turn, when call-
ed, or the same may be laid over to some convenient day, or con-
tinued at the discretion of the court.

Sec. 2. That pregnancy by another, without the knowledge of
the husband, before marriage, and pending at the time of mar-
riage, shall be good cause for divorce.

Sec. 3. The judge of any circuit court, before whom a cause
shall be pending for a divorce, may, at his discretion, order a trial
by jury as to any facts; and in such cases testimony \textit{ore tenus} shall
be allowed to either party, but depositions may be taken as here-
tofore.

Strike out the whole of the bill after the enacting clause, and
in lieu thereof insert:

That hereafter all suits for divorces shall be docketed and stand
for trial next after attachments in civil cases, in the several courts
in which they may be pending.

Be it further enacted, That pregnancy in a female, before and
at the time of her marriage, by any other person than her hus-
band, shall be good cause for granting a divorce in favor of the
husband: \textit{Provided}, it shall appear that the husband withdrew
from all connection with his wife on such pregnancy coming to
his knowledge.

Be it further enacted, That the judge of any court, before whom
a suit shall be pending for a divorce, may, at his discretion, order
a trial by jury, to ascertain any facts alleged by either party; and
in such cases testimony \textit{ore tenus} shall be allowed; but depositions
may be taken and read as heretofore. And no divorce shall, in
any case, be granted except on satisfactory proof of the facts
charged, and relied on as grounds for the same; notwithstanding said facts may be admitted by the answer of the defendant, or the defendant may fail to answer.

The question was then taken on adopting the proposed amendment, in lieu of the bill, which was decided in the affirmative.

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


Mr. McDonald moved an amendment, which was amended to read as follows, viz:

Be it further enacted, That adultery on the part of the husband or wife shall be good cause of divorce.

Mr. Thruston then moved to amend said amendment by substituting the following in lieu thereof:

Be it further enacted, That adultery, on the part of the wife, or habitual cohabitation, on the part of the husband, with lewd women, shall be a good cause of divorce for the wife or husband as the case may be.

And the question being taken on the amendment to the amendment, it was decided in the negative.

The yeas and nays being taken thereon, by Messrs. Collins and Thruston, were as follows, viz:


NAYS—Mr. Speaker, Messrs. Abel, Bell, Bowling, Brown, Chilton, Churchill, Collins, Cook, Copeland, Crow, Davis, Delaney, Dunlap, English, Paris, Ford, Fulton, Gorin, Green, Harris, Harrison, Handy, Henry, Hill, Hughes, Innis, Jett, W. Johnson, Kennedy, Lucas, McFall, Maxey, Meriwether, Montgomery, Morgan, D. Morris, Ozborne, Nuttall,
The said amendment having been amended:

Mr. Rudd then moved to lay the said bill and amendments on the table until the first day of June next.

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

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


The said amendment was then adopted; and the bill, as amended, ordered to be engrossed and read a third time.

A resolution from the Senate for appointing a joint committee to examine and report the condition of the government house: was taken up, twice read and concurred in; and Messrs. Prince, McAfee, Abel, Nuttall, May and Jennings appointed a committee pursuant thereto.

Ordered, That the Clerk inform the Senate thereof.

Leave was given to bring in the following bills:

On the motion of Mr S. H. Anderson—1. A bill for the benefit of the Barboursville Seminary, in Knox county.

On the motion of Mr Gorin—2. A bill to authorize John Lewis to erect a mill-dam and mill on Big Barren river, in Barren county.

Messrs. S. H. Anderson, E. Smith and S. Williams, were appointed a committee to prepare and bring in the first, and Messrs. Gorin, Cook and Bramlett, the second.

Mr. E. Smith moved the following resolution:

Resolved, That a select committee be appointed and instructed
to enquire into the expediency of compelling the Judges of the Court of Appeals to sit, try, and by personal inspection of the record, all causes submitted to them during each term.

Which being twice read, was adopted; and Messrs. E. Smith, S. H. Anderson, Harrison, Simpson and Kennedy, appointed a committee pursuant thereto.

Mr. English moved the following resolution:

Resolved, by the House of Representatives, That a committee of seven be appointed to examine into and report the condition and present situation of Transylvania University and the Lunatic Asylum, at Lexington.

Which being twice read, was laid on the table.

And then the house adjourned.

MONDAY, JANUARY 7, 1833.

1. Mr. Ford presented the petition of sundry citizens of Butler county, representing that Benjamin Neale, of said county, was a revolutionary soldier; is now old, infirm, and poor; that he became indebted to the Bank of the Commonwealth, in several hundred dollars, to which he mortgaged the tract of land on which he resided; praying the passage of a law to permit him to redeem said land, by the payment of three hundred dollars in specie, in installments, in three years, this being one half of the sum for which said land was mortgaged.

2. Mr. Lee presented the petition of sundry citizens of the town of Maysville, praying the passage of a law to incorporate said town as a city, under the name and style of the “City of Maysville.”

The said petitions were received, the reading dispensed with, and referred; the first, to the committee of propositions and grievances; and the second, to a select committee of Messrs. Lee, Woolley, Simpson, Thurston and Pickett.

Mr. McAfee, from the committee of propositions and grievances, made a report; which was received, read and laid on the table.

Mr. D. White, from the joint committee appointed to examine the Lexington and Ohio Rail Road, and report to both houses, made the following report, viz:

The joint committee, appointed by the Senate and House of Representatives, to examine the Lexington and Ohio Rail Road, so far as the same has been completed, and also that part commenced and not finished, report:

That on the 14th of last December, they visited the Rail Road and examined it as far as the same had been completed; and on
the two succeeding days continued their examinations. There are near six miles of the road finished; the work seems to be well done in every part, and admirably adapted to facilitate the transportation of the exports and imports of the country, and for the conveyance of passengers upon said road.

Two horses and one driver can transport, in one day, the same burthen, as far as thirty horses, six wagons and drivers can, on the best M'Adamized road, and with much less liability to accidents of any kind. With the same proportion of power, passengers can be conveyed; and in addition to that, with a degree of comfort and convenience no stage can furnish, and which renders traveling to the passenger, a treat and luxury, instead of a laborious and fatiguing journey.

The duties of the committee were not specifically pointed out in the resolution. After a consultation among the members of the committee, they deemed it desirable to furnish the Legislature with all the information they could procure, that would enable the Senate and House of Representatives to vote understandingly upon the proposition now before them, from the company, to borrow $300,000, and the State to become responsible, or security, for the repayment of the loan.

The committee, through their chairman, addressed a note to the President of the Company, propounding a number of interrogatories to him, which is marked (A.) and here referred to as part of this report. The President responded to the interrogatories in a note addressed to the chairman, which is marked (B.) and here referred to as part of this report.

There has been $700,200 of stock subscribed to said road; of that sum, the company estimates $611,000 will be paid in when called for, and the balance defaulted; the amount paid in is $123,712, that has been expended, except $2,914.

The President of the Company assured the committee, that he had entire confidence in the accuracy of the estimates; and that confidence was increased by the fact, that as far as they had finished the road, the estimates were always equal to the expenditures, and in some few instances above it.
The committee inquired, why it was that the road would cost less per mile from Frankfort to Louisville, than from Lexington to Frankfort? The reasons given by the President were, that he apprehended that the damages that would be assessed to the owners of land through which it passed would be less, and the grading, which was a heavy item of expenditure, would be much less.

On the unfinished parts of the road from the termination of the first six miles, to Humphrey Marshall’s farm, there has been expended $42,556.81.

The company is indebted $10,683.33; and their property in iron rails, real estate, carriages, horses, &c., and mathematical instruments, amount to $37,900.

As to the profits of the road for the transportation of the exports and imports, passengers, and the mail, the committee beg to refer to the response of the President, in document (B.).

The company wishes to borrow $300,000 upon the credit of the State, and the State to enter security for the payment of the loan. The company has opened no negotiations of a direct character to obtain the loan; but they are of opinion, that the money can be borrowed at five per centum interest, in the city of New York. The principal to be reimbursed in twenty years from the date of the loan. The indemnity the company offers the State is this: The individual bonds of the Directors that the sum borrowed, to-wit, $300,000 and $600,000 of the company’s own funds, besides, making in all, $900,000, shall be economically and judiciously expended in making the road; that the road and all the company’s property shall be mortgaged to the State to secure her from eventual loss by reason of her going security.

The committee has no doubt, but that the security offered by the company is amply sufficient, and the State will run no risk in going security. The committee intends to offer no opinion upon the question involved in the fate of the bill now before the Legislature, that is, whether it ought to pass or be rejected; but yet, they cannot refrain from observing that to obtain a loan of $300,000, and expend that in the country for the labor of the people and their provisions, together with $100,000 of the company’s own funds, the present year, would be sensibly and beneficially felt by the whole country, particularly in those times of approaching pecuniary embarrassments and pressure.

There are other considerations that have pressed themselves upon the committee. The road, when done and in operation, will cheapen the cost and charges of transportation, and as that is done, in the same proportion do you increase the value of the articles transported, and consequently, the land which grows the article. Because in political economy it is a truism, that all cost and charges of bringing the growth of the land to market fall on the land, and as you diminish the cost you increase the price of land;
and by the same rule, as you increase the cost of transportation you diminish the value of the land.

Does the State owe nothing towards cherishing and fostering the praiseworthy and devoted enterprise of her citizens in such a useful and laudable undertaking?

Other States are now on the proud march of improving their internal condition by Turnpikes, Rail Roads, Canals, &c. And shall Kentucky risk and hazard nothing to encourage her own citizens in such great, proud and noble enterprises? Do we not owe it to the stockholders to aid them with our credit, and to prevent the probable sacrifice of $600,000 of private property, which will be the result if the road is not finished, and without a loan, the road cannot be completed? Kentucky in her sovereign character stands in the attitude of a parent towards the individual stockholders, and they have the claims of children upon her. Kentucky has ever been among the foremost of the States in the race of State pride, and fame. These noble sentiments made her, during the last war, so freely shed her blood upon the ocean and the land. And will her character be compromised by permitting this work and undertaking to be abandoned, and so many of her citizens ruined? The committee will not answer the above questions, but leave it to the patriot and sage to answer, who is equally careful of the interest and reputation of his State.

(A.)

LEXINGTON, DEC. 13, 1832.

To Elisha I. Winter, President of the Lexington and Ohio Rail-Road Company.

Sir—The joint committee of the Senate and House of Representatives, in obedience to a resolution of the two houses, assembled at this place on last night, conferred together touching the objects that the Legislature had in view, and the information which was desired by that body; and to enable the committee to discharge their official duty, I am directed to ask of you information upon the following subjects:

1st. How much stock has been subscribed, and where do the stockholders severally reside? [See answer No. 3.]

2d. Of the stock subscribed, how much has been paid in on each share? [See answer 5, and paper handed you.]

3d. How much of the road is completed, and how much of the unfinished part is commenced? [See answers Nos. 1 and 11.]

4. What has the road cost per mile, as far as the same has been finished? [See answer No. 1.]

5. How much labour has been done on that part which has been commenced and is not completed, and what has been paid for the work on that part of said road? [See answer No. 11, and Engineer's Report.]

6. How much of the road is under contract, and at what prices? [See answer No. 1, and Engineer's Report.]

7. What will it cost to finish the road to the Kentucky River at Frankfort per mile; and what will be the probable cost per mile from
Frankfort to Louisville; and the distance to each place as surveyed. [See answers No. 1 and 2.]

8. What amount of raw materials has the company on hand. [See answer No. 7.]

9. The amount of debts and liabilities due from and incurred by the company. [See answer No. 6.]

10. What sum does the company wish to borrow? Where does it expect to obtain the loan; upon what terms and conditions? Is the state to enter as joint obligors in the bonds to be given for refunding the money borrowed, or is she only to pledge her faith as a state to see that the contract, made by the company in obtaining the loan, shall be complied with and fulfilled? [See answer No. 9.]

11. What is the indemnity which the company proposes to give the state, to screen her against eventual loss in any engagements she may make for the company. Be so good as to specify the full extent of indemnity which the company can or will give?

As the state has no stock in the company, an answer to the above questions is not required, but respectfully requested.

I am with esteem,

BEN. HARDIN, Chairman.

(B.)

To the honorable Committee appointed by joint resolution of the two branches of the Legislature of Kentucky to examine the Lexington and Ohio Rail-Road.

GENTLEMEN:—I have the honour of handing, annexed, a response to the several interrogatories propounded to me through your chairman.

1. What will be the cost of the road from Lexington to Frankfort?

Ans.—The road from Lexington to Frankfort, as a convenient arrangement, is divided into two divisions. The first division is six miles in length, and is so near finished that the cost can be accurately ascertained—say, $50,000.

The second division is under contract for grading as far as the farm of H. Marshall, Esq., being 20 miles from the termination of the first division. The aggregate amount of contracts is $107,000.

The masonry is not all contracted for, but may be set down safely at $17,500.

The grading from H. Marshall's farm to the Kentucky river, to pass through one of the streets of Frankfort, will cost $16,000.

To pass through Brown's meadow, the cost will be less. Twenty-two miles of superstructure at $5,500 per mile, being a little over what has been the actual average cost on the first division of six miles $121,000.

For damages, say $4,000.

Add 10 per cent for contingencies, $315,500.

Total, $347,050.
2. What will be the cost of the road from Frankfort to Louisville?
Ans.—1st, The bridge across the Kentucky river will cost $30,000
2d, The grading to Louisville, including masonry 140,000
3d, Superstructure sixty-three miles, at $5,500 per mile, 347,050
Add for contingencies, 10 per cent. 51,650

ReCAPITULATION.
Cost of the road from Lexington to Frankfort, 347,050
Cost of the road from Frankfort to Louisville, 568,200
Total, $915,250

Average cost, per mile, of the road from Lexington to Frankfort, 12,394
Average cost, per mile, of the road from Frankfort to Louisville, 8,741
Average cost, per mile, of the whole road, 9,841

3. What amount of stock has been subscribed to the road?
Ans.—The total amount up to this time, is $709,200

4. What amount of stock will probably be met, and what defaulted?
Ans.—The stock is thus held: in Lexington, including a small part in Philadelphia, New York, and Frankfort, $481,200
At Louisville, 228,000

Out of the first named, the calls on $436,600 have been pretty regularly met. The calls have been but partially met on $44,600.
There is held in Louisville, as above stated, stock to the amount of 228,000
As we have not been calling on the Louisville subscribers, in consequence of the suspension of the work at that point, by season of a refusal of the corporation to permit our road to pass through one of the streets of the City, we have no accurate test by which we can form an opinion of the probable amount that will be paid; but judging from the standing of the individual subscribers, and their expression of a desire to see the work progress, I would suppose we might rely, with safety, on aid to the amount of $175,000.
And that the defalcations will not exceed, 53,000

ReCAPITULATION.
Amount relied upon from stockholders, may be thus classed: From Lexington, &c. $436,600
From Louisville, 175,000

$228,000

$311,000
5. What amount has been paid in on the capital stock?
   Ans.—There has been paid in by stockholders up to this time, including $4000 anticipated on the call now made, but not finally due until the 10th of January, $123,712
   Of which there has been expended, $120,708
   Balance in hand, $2,914

6. What amount does the company owe?
   Ans.—The company owes to H. Clay, for the purchase of Tammany Mills, in water street, intended to be occupied by the company for work shops, in constructing their wagons, carriage, and other machinery, $5,000
   To the town of Lexington for the Lower Market-house, rented to the company at $200 per annum, forever, equal to 3,333 33
   In England, balance of contract for 660 tons of iron, £450 sterling, equal to 2,000
   To Bank U. States for lots for a depot, 350
   The company also owes for damages about $900. That amount has, however, been handed to the Chief Engineer, to pay over to the claimants, and, therefore, cannot be properly considered a debt. It is possible there may be also due some small balance from the company to its forwarding agents. Our contractors were paid up, according to contract, on the 1st of the present month. It is our invariable practice to pay monthly.

7. What amount of property has the company on hand?
   Ans.—We have 660 tons of iron here and in Europe—(about 125 tons have been laid down)—on which has been paid, 26,000
   Real estate, $17,083 33
   Less due on account, 9,033 33
   Carriages, horses, &c., 2,500
   Mathematical Instruments, 1,000
   $37,900

8. What do you anticipate will be the net proceeds of the road when completed?
   Ans.—In answering this question it will be proper to remark, that, with the exception of Fayette county, we have no accurate information on which to found an opinion. In the year 1830, I ascertained that the town of Lexington, including the manufactures in her vicinity, paid transportation on 6000 tons to and from the Ohio river, at $10 per ton, average. The principal articles were,
   Hemp and Hempen manufactures, 1500 tons,
   2400 bales of Cotton, part direct from
Tennessee and Alabama, but which will be transferred to rail road, equal to
Half that amount, at least, was returned to the Ohio manufactured,
Salt,
All other articles,

6,000 tons.

But the traffick between Fayette county and the Ohio river, and intermediate points, may be set down at 5000 tons, at 20 cents per 100 lbs.

Transportation for the counties of Clark, Madison, Bourbon, Jessamine, Scott, Woodford, Mercer, Garrard, Lincoln, Franklin, in the aggregate 2000 tons, at 17½ cents per 100 lbs.

All the residue of the line, 1000 tons at 16 cents per 100 lbs.

Transportation round the Falls, 20,000 tons at 30 cents per ton, which is less than half the price now paid,—say 20,000 tons at 30 cents per ton,

Transportation of mail,
For 60 passengers per day, between Portland and Louisville, (that is to say, 30 each way,) at 12 cents,
For 16 passengers per day, each way, maintained through the line from Lexington to Louisville, at $3 50 each,

Charges on the above business, 25 per cent.

$62,713

9. What sum does the company wish to borrow, &c.? Ans.—The company requires and wishes to borrow $300,000, which, with the amount subscribed and relied upon, to be promptly met, is believed to be sufficient to meet the expenditures necessary in constructing a single line of railroad from Lexington to Louisville. And the company expect to obtain a loan for that amount from the Eastern capitalists, on the bonds of the company, if aided by a pledge of the faith and credit of the state, that the company will comply punctually with its engagements made in obtaining said loan.

10. What is the indemnity which the company proposes to give the state, &c.? Ans.—The company proposes to give the state an assignment, by way of mortgage, of all their property of every description, and the individual bonds of the directors, that the expenditures of the company shall be at least double the amount of the sum for which the state shall guarantee. For a more full and perfect response to this interrogatory, I beg to refer to the Bill, recently reported to the House of Representatives.

The foregoing responses to the several interrogatories, propounded by the honorable committee, is respectfully submitted; and it will afford
me pleasure to give them any further information, if necessary, to aid them in their deliberations.

I have the honor to be,

Very respectfully,

Your obd. servant,

ELISHA I. WINTER,

Pres't. Lex. & Ohio Rail Road Co.

LEXINGTON & OHIO RAIL ROAD OFFICE,
Lexington, December 15, 1832.

Answer 11—There has been done on the 2nd division of the road work to the amount of $42,556 86, up to the 17th instant. That is to say—

In earth excavation, 136,321 cubic yards, $32,622 81
In rock do. 7,010 " " 4,384 50
Of masonry, 4282 perches, 5,649 50

$42,556 81

The above work is done on twenty sections of the second division, there being, in all, twenty-three sections; three sections remain untouched; they are light, and will be taken up by those Contractors who first finish their job.

For a detailed statement of the work done, the prices paid, &c., I beg to refer to the Engineer's report, handed herewith.

It is proper to remark that the measurement of the work was accurately made up to the 1st instant, and as there has been as many hands employed this month as was last; there has been added to last returns half as much as was done in last month.

E. I. WINTER, Pres'dt. &c.

DECEMBER 18, 1832.

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

Mr McAfee, from the committee of propositions and grievances, reported a bill to add a small part of Caldwell county to the county of Trigg: 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. Ewing, from the committee for courts of justice, made the following report:

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

1. Resolved, That the petition of sundry citizens of Scott county, praying that castration may be substituted in the place of hanging, as the punishment of a slave guilty of rape, be rejected.

2. Resolved, That the petition of Edwin Hord, praying that a law may pass authorising writs of error to be combined in land
cases against several defendants, where the same title is involved, be rejected.

3. Resolved, That the petition of sundry citizens of Wayne county, praying that a law may pass authorising the sale of the estate of Matthew Castillo, a lunatic, be rejected.

4. Resolved, That the petition of sundry citizens of Rockcastle county, praying that a law may pass authorising the appointment of a magistrate on the East fork of Skagg's creek, be rejected, as an unconstitutional exercise of power on the part of the legislature.

Which being twice read, was concurred in.

The Speaker laid before the house the annual report of the managers of the Lunatic Asylum; which is in the following words:

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

The report of the Commissioners of the Lunatic Asylum is respectfully submitted:

In the annexed paper, marked A., is contained a list of the patients, their age, sex, disease, from what county, and the date when received: also, the number received since the establishment of this humane Institution by your honorable body—shewing that, since then, 131 have been restored to society and their friends, out of 353. During the past year forty-five have been received: of whom, thirteen have been discharged, six have died, and four have eloped. The number now in the house is one hundred and two.

The document marked B. exhibits the receipts and expenditures for the last thirteen months—shewing that all the money appropriated and received from other sources, has been expended on the buildings and support of the Institution.

To enable your commissioners to complete the payments due, and that will become due for the erection of the new wing, wash-house, and the support of the patients, &c. it will require an appropriation of nine thousand dollars.

All which is respectfully submitted,

JOHN W. HUNT,
RICHARD ASHTON,
R. HIGGINS,
JOHN BRAND,
THOMAS P. HART.

December 31, 1832.
List of Patients remaining in the Lunatic Asylum, Lexington, 31st December, 1832.

<table>
<thead>
<tr>
<th>Date</th>
<th>Disease</th>
<th>Sex</th>
<th>County</th>
<th>Age</th>
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Males 51—Females 51—Total 102.

Remained in Hospital, 19th November, 1831, per last Report, 102

Of whom have since died, 13
eclipped, 2
discharged, 7

Received since last Report, to 1st December, 1832, 45

Of whom have died, 6
eclipped, 4
discharged, 13

Remain this 31st December, 1832, 102
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<td>102</td>
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<td>Of whom have died,</td>
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<td>Campbell</td>
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<td>Spencer</td>
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<td>Daviess</td>
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<td>Simpson</td>
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<td>Fayette</td>
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<td>Garrard</td>
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<td>Wayne</td>
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<td>Mississippi</td>
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<td>Tennessee</td>
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<td>McCracken</td>
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<td>Monroe</td>
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<td></td>
<td>Total</td>
<td>102</td>
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(B.)

Receipt and Expenditure of the Lunatic Asylum, from 1st December, 1831, to 31st December, 1832.

Dec. 1, 1831. To balance on hand, as per last report, $1932 25
Dec. 31, 1832. To cash received from boarders, 1454 01
To State appropriation, 10,000 00

$13,386 26

Dec. 1832. By amount paid for Provisions,

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>for Clothing,</td>
<td>$2633 97</td>
</tr>
<tr>
<td>for Furniture,</td>
<td>1929 17</td>
</tr>
<tr>
<td>Salaries and hire,</td>
<td>164 14</td>
</tr>
<tr>
<td>for repairs, painting, &amp;c.</td>
<td>1431 85</td>
</tr>
<tr>
<td>for medicine, &amp; physicians salary,</td>
<td>249 75</td>
</tr>
<tr>
<td>for fuel,</td>
<td>989 26</td>
</tr>
<tr>
<td>for conveying patients,</td>
<td>97 79</td>
</tr>
<tr>
<td>for extras,</td>
<td>85 15</td>
</tr>
<tr>
<td>for erecting new wing,</td>
<td>5480 06</td>
</tr>
</tbody>
</table>

E. & O. E.

Lexington, 31st December, 1832.

$13,386 26
Abstract of the Intromissions of John W. Hunt, with the Funds of the Lunatic Asylum, as Chairman of the Board of Commissioners thereof.

He has received from the 1st December, 1831, to the 31st December, 1832, from the following sources, viz:
- Balance in his hands, per report to General Assembly, $1932.25
- From boarders in Asylum, 1454.01
- The State appropriation, 10000.00

Total, $13,386.26

He has expended during the same period, according to vouchers, duly authenticated and filed in the Asylum, for the following items, viz:
- Provisions, $2633.97
- Clothing, 1929.17
- Furniture, 164.14
- Salaries and hire, 1431.85
- Repairs, painting, &c. 249.75
- Medicine, and Physician's fee, 925.12
- Fuel, 989.26
- Conveying patients, 97.79
- Extras, 85.15
- Erecting new building, 5180.08

Ordered, That the said report be committed to the committee raised on that part of the Governor's message relating to said institution.

Mr. Ewing, from the committee for courts of justice, to whom was referred a bill to change the time of holding the November term of the Casey circuit court: 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 the clerk carry the said bill to the Senate and request their concurrence.

Mr. Ewing, from the same committee, to whom was referred—
1. A bill for the benefit of mechanics.
2. A bill to regulate the appointment of Deputy Sergeants of the Court of Appeals.
3. A bill from the Senate, entitled, an act to amend the law regulating proceedings against absent defendants; and,
4. A bill to provide for the prosecution of pleas of the Commonwealth in the ninth judicial district: reported the same, with an amendment to the third bill.
The first was recommitted to a select committee of Messrs. Chilton, Delaney, W. Thomas and Culley; the third and fourth were laid on the table.

And the question being taken on engrossing the second bill and reading it a third time, it was decided in the negative: and so the said bill was rejected.

Mr. Ewing, from the same committee, to whom was referred a bill for the benefit of Silas W. Robbins and others: reported the same without amendment.

The said bill (having been amended at the Clerk's table) was then ordered to be engrossed and read a third time to-morrow.

Mr. Chilton, from the committee, to whom was referred a bill appropriating a portion of the vacant lands in the district of country West of the Tennessee river to the building of bridges in said district: reported the same with an amendment; which being twice read, was concurred in. And the said bill, as amended, ordered to be engrossed and read a third time to-morrow.

Mr. Green presented the petition of Levise D. Barnes, praying a divorce from her husband, David Barnes; and,

Mr. Thruston presented the petition of Flora N. E. Harding, praying a divorce from her husband, Albert G. Harding.

Which were received, the reading dispensed with, and referred to the committee of religion.

Mr. Chilton, from the committee on internal improvements, to whom was referred a bill to provide for the improvement of the road leading from the Lincoln county line, near William Cloyd's, in Casey county, to Wm. Jones', by way of Liberty: reported the same with an amendment; which being twice read, was concurred in.

The said bill having been further amended, was, with the amendments, recommitted 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 McAfee, from the committee of propositions and grievances—1. A bill authorising the several county courts of this Commonwealth to permit gates to be erected on certain public roads.

By Mr Ewing, from the committee for courts of justice—2. A bill to legalize the appointment of certain constables, in Graves county, at the November term, 1832.

By Mr Fulton, from the committee on military affairs—3. A bill to legalize the proceedings of courts of assessment.

By Mr Gorin—4. A bill to authorise John Lewis to erect a mill-dam and mill on Big Barren river, in Barren county.

By Mr S. H. Anderson—5. A bill for the benefit of the Barboursville Seminary, in Knox county.

By Mr Harrison—6. A bill for the benefit of St. Joseph's College, at Bardstown.
By Mr. Chilton—7. A bill defining the limits of the town of Washington, Bullitt county, and for other purposes.

By Mr. Anderson—8. A bill for the benefit of Morgan Forbes’ heirs.

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 and eighth were committed to the committee for courts of justice; the third, to the committee on military affairs; the fourth, to the committee on internal improvements; and the second, fifth, sixth and seventh, were severally ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision, and third reading of the second, fifth and sixth 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. Chilton, from the select committee, to whom was referred a bill for the benefit of mechanics: reported the same with an amendment; which being twice read, was concurred in: and the said bill amended to read as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, every house-carpenter, brick or stone-mason, plasterer, painter, mill-wright, or other mechanic, who may perform any labor within the line of his art or profession, in putting up, building, finishing off, or repairing any dwelling-house, barn, stable, or other house or building, affixed to the freehold; or in putting up, finishing off, or repairing any chimney, portico, or other thing appendant to, and part of a house or other building; or in building, repairing, or finishing off any mill, cotton-gin, or other manufacturing establishment, affixed to the freehold, whether the same be operated upon or intended to be moved or operated upon by water, steam, horse, or other power, shall, notwithstanding any sale, transfer, or other disposal thereof, have a lien upon the same for the payment of his wages, due and owing, by reason of the performance of such work; which lien shall be preferred to, and have precedence of all other liabilities or claims.

Be it further enacted, That where any mechanic shall have performed any work, contemplated by the first section of this act, and obtained judgment and execution for his wages against his employer, with a return of nulla bona thereon, or where the said employer may be a non-resident, it shall be lawful for said mechanic, or his legal representative, to file his bill in chancery, setting forth
his judgment and the return of his execution, or the non-residence of his employer, together with his demand, making his employer, his or her executor or administrator, and all others claiming title to such house, mill, manufactory, or other building or establishment, on which said mechanic may have a lien, defendants, and praying the chancellor to subject the same to the payment of his demand; which suit shall be heard and determined, as other cases of equity; and if the said demand be established, the chancellor shall enter up a decree subjecting the said property on which the lien exists, and execution thereon shall issue, as in other cases, and the same be sold for the payment of said demand.

Be it further enacted, That no mechanic shall have any such lien, as is contemplated by this act, in any case where he may have taken security from his employer for the payment of his wages, nor shall he be permitted to file any bill to enforce the same after the expiration of eighteen months, from the time of finishing said work: Provided, That no lien shall exist in any case where the amount due to the mechanic does not amount to the sum of thirty dollars: Provided, nevertheless, That in order to entitle such mechanic to the lien allowed by this act, he shall, within twenty days after he shall have completed the work of his employer, where the value thereof shall exceed the said sum of thirty dollars, file in the office of the clerk of the county court of the county in which the work done shall be situated, a memorandum, setting forth the work so done, and materials furnished by said mechanic, and the amount due and unpaid therefor; which said memorandum shall be recorded by said clerk, in a book, to be by him kept for that purpose, and free for the inspection of any and all persons desiring to inspect the same: And provided, further, That this act shall, in no instance, be so construed as to create a lien upon any property other than the work done and materials furnished; and that the lien in favor of any such mechanic shall commence with the commencement of the work, and terminate in the event of his failure to file the memorandum, as required by this act.

The question was then taken on engrossing the said bill and reading it a third time; which was decided in the negative: and so the said bill was rejected.

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


Leave was given to bring in the following bills:

On the motion of Mr S. Young—1. A bill to incorporate a Rail Road Company from Bardstown to Louisville.

On the motion of Mr Harris—2. A bill to incorporate the town of Alexandria, in the county of Campbell, and for other purposes.

On the motion of Mr D. White—3. A bill for the benefit of Fanny Richardson and her children.

On the motion of Mr Seaton—4. A bill to amend the road law, so far as respects the county of Greenup.

On the motion of Mr May—5. A bill to regulate the payments of the debts due the Bank of the Commonwealth.

On the motion of Mr B. F. Thomas—6. A bill to increase the powers of the trustees of towns; and,

On the motion of Mr Hayden—7. A bill making an appropriation for building a bridge over Elkhorn, where the public road from Frankfort to Owenton crosses the same.

Messrs. S. Young, Harrison, Sanders, Meriwether and Churchill, were appointed a committee to prepare and bring in the first; Messrs. Harris, Southgate and J. White, the second; the committee for courts of justice, the third and sixth; Messrs. Seaton, Pickett and D. Morris, the fourth; the committee of propositions and grievances, the fifth; and Messrs. Hayden, English and Stevenson, the seventh.

Mr. Gorin, from the select committee, to whom was referred a bill from the Senate, entitled, an act to repeal in part an act declaring Beaver Creek, in Barren county, a navigable stream: reported the same without amendment.

And the question being taken on reading the said bill a third time, it was decided in the negative; and so the said bill was rejected.

Ordered, That the Clerk inform the Senate thereof.

Mr. McDonald moved the following resolution:

Resolved, by the House of Representatives, That the Governor be requested to have a national salute fired on the public square, at sunrise, to-morrow, the 8th inst., in honor of the officers and soldiers who so bravely defended the cause of freedom, at New Orleans, the 8th of January, 1815.

An amendment having been moved thereto:
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. Brown and McDonald, were as follows, viz:


Mr. Prince, from the joint committee of enrolments, reported that the committee had examined an enrolled resolution for appointing a joint committee to examine the government house, and had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

The house resumed the consideration of a bill to establish the Bank of Louisville.

The second section of said bill was then read as follows, viz:

Sec. 2. That said bank shall have and keep an Office of Discount and Deposit in the City of Louisville, and at no other place, where its banking business shall be transacted, and its books of accounts, journals and records, shall be kept; and it shall be lawful for said bank to loan money, buy, sell and negotiate bills of exchange, checks, and promissory notes, and stocks in incorporated companies, and to discount upon banking principles and usages, bills of exchange, post notes, promissory notes, and other negotiable paper or obligations for the payment of a sum of money certain; also to issue bills or bank notes, payable to bearer on demand; and at its Office of Discount and Deposit, also to draw and issue post notes and bills of exchange on individuals, companies or corporations, payable to order, and at such place and at such time or day as the Directors for the time being may deem expedient: Provided, That it shall not be lawful for said bank to
issue any bank notes, post notes, promissory notes, checks or orders, payable to bearer, or to any individual, or individuals, companies or corporations, of a less denomination than five dollars; nor shall it issue any bills, notes, checks or orders, payable to bearer, other than such as are made payable on demand at its Office of Discount and Deposite. The promissory notes made payable to the President, Directors and Company of the Bank of Louisville, and by said bank discounted; and the promissory notes made payable and negotiable at the Bank of Louisville, or at any other incorporated bank in the City of Louisville; or at any Office of Discount and Deposite of the Bank of the United States, in said city, for the time being, and discounted at said Bank of Louisville, shall not be subject to sets-off, nor their consideration impeached; and all notes made payable at or discounted by the Bank of Louisville, shall stand on the same footing in law as bills of exchange.

Mr. Ewing then moved to amend said section by inserting after the word kept, in the fourth line, the following words:

And within reasonable time after said principal bank shall go into operation, it shall establish two Offices of Discount and Deposite, at least, at two separate places in the state; one to be located at some suitable place on the South side of Green river, to be selected by the President and Directors of the principal bank, having due regard to centrical position, commercial advantages, and bank accommodations, in that grand division of the state, with a capital of not less than two hundred thousand dollars; and one to be located on the North side of the Kentucky river, at some suitable place, to be selected in like manner and with like regard to centrical position, commercial advantages, and bank accommodations, in the northern grand division of the state, with a capital of not less than four hundred thousand dollars. And at each of which said Offices of Discount and Deposite banking business shall be transact, and the books of accounts, journals, and records of each office shall be kept.

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

The yeas and nays being required thereon, by Messrs. T. I. Young and Ewing, were as follows, viz:


NAYS—Mr. SPEAKER, Messrs. Abel, S. H. Anderson, Bell, Bramlett, Brown, Butler, Chilton, Churchill, Collins, Davidson, Davis, Delaney, Dunlap, English, Faris, Ford, Gaines, Gorin, Green, Harris, Har-
Mr. B. F. Thomas then moved further to amend said bill by attaching thereto the following as an additional section, viz:

Be it further enacted, That no person, except a citizen of the United States, shall, at any time be permitted to subscribe for, hold, possess or enjoy any share or shares of stock in said institution, directly or indirectly, by agent or otherwise; and if it shall be made appear that any such person or persons shall, at any time, hold, possess or enjoy any such share or shares of stock, the same shall become forfeited to this Commonwealth; and if such forfeiture shall accrue in consequence of information by any individual, such individual shall be entitled to one half of the stock so forfeited: which forfeiture may be declared and adjudged by any court of original jurisdiction of this state, upon satisfactory evidence being adduced to them of the fact; and it shall be the duty of the President and Directors, annually, to lay before the legislature, upon oath, a list of the stockholders, with the amount of shares held by each, and their respective places of residence; and no citizen of the United States shall hold, in trust, any such share or shares of stock for another, not being a citizen of the United States, without incurring the penalty of forfeiture.

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

The yeas and nays being required thereon, by Messrs. B. F. Thomas and T. I. Young, were as follows:


The previous question having been moved by Mr. Green, and the call sustained by the house: the question was put on engrossing the said bill and reading it a third time; which was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Ewing and Thruston, were as follows:


And then the house adjourned.

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**TUESDAY, JANUARY 8, 1833.**

Mr. D. White, from the committee to whom was referred, for amendment, the rules of this house, made the following report:

The committee to which the rules of the house were referred, have, according to order, had the same under consideration, and recommend the adoption of the following amendment:

That for the remainder of the present session, motions for leave to bring in bills and resolutions, directing any one of the standing committees to enquire into the expediency of a definite proposition, may be made and introduced, within the time allotted for the presentation of petitions, and before reports are called for.

Which being twice read, was concurred in.

1. The Speaker presented the petition of John D. Jones, praying a divorce from his wife, Elizabeth, late Elizabeth Beavis.
2. Mr. Prince presented the petition of the trustees of the town of Princeton, praying that the powers of the trustees of said town may be increased.
3. Mr. Chilton presented the remonstrance of sundry citizens of Laurel county, against the passage of any law to divert from the improvement of the Madison turnpike road any part of the funds of said road to improve Moore's road in said county.
4. Mr. Butler presented the petition of Benjamin Miles, praying the passage of a law to exempt him from the payment of the tax on tavern license and all other taxes.

5. Mr. S. Williams presented the petition of Elizabeth Barnes, representing that her husband is, and has been for years past, a lunatic; and that she is unwilling that he should be removed to the Lunatic Asylum, and praying an appropriation annually, out of the treasury, of the sum of fifty dollars, for the support of her husband.

6. Mr. Faris presented the petition of sundry citizens of Pulaski county, praying that an increase may be made to the allowance of Hiram Chaney for keeping and maintaining Eliza Vance, an idiot, in said county.

7. Mr. McDonald presented the petition of sundry citizens of Washington county, praying the establishment of an Independent Bank in the city of Louisville; and, Mr. Butler presented the petition of sundry citizens of Shelby county, on the same subject; and,

8. Mr. B. S. Morris presented the petition of Vachel Walden, jailor of Bracken county, praying that an allowance may be made him for the support of a runaway lunatic slave, confined in the jail of said county; and for whose support he has been refused payment by the county court of Bracken.

Which petitions were severally received, the reading dispensed with, and referred; the first, to the committee of religion; the second, to a select committee of Messrs. Prince, Hughes and Thompson; the third, to the committee on internal improvements; the fourth, to the committee of propositions and grievances; the fifth, to the committee for courts of justice; the sixth, to the committee of ways and means; the eight, to the committee of claims; and the seventh was laid on the table.

Mr. B. F. Thomas presented the petition of Thomas F. Hazlecrigg, representing that at an election held for a representative to serve in this house, from the counties of Lawrence and Morgan, in December last, to supply the vacancy occasioned by the resignation of Joseph Jones, he received a majority of the legal votes; but that owing to the fraud of the sheriff of Lawrence, or some other person, after the close of the polls, and previous to a comparison of the votes, the poll books for Lawrence county were altered, by adding additional names and votes, so as to give the apparent majority to the returned member, Joseph R. Ward; and praying to be admitted to take his seat in lieu of the member so illegally returned.

Which petition was received, read, and with sundry certificates, referred to a select committee of Messrs. B. F. Thomas, May, T. I. Young, Shepherd, Gorin, S. H. Anderson and Lee; giving said committee power to send for persons, papers and records.
Leave was given to bring in the following bills:

On the motion of Mr Davis—1. A bill to amend the law concerning alimony.

On the motion of Mr J. Williams—2. A bill to change the place of voting in the Claysville precinct, in Harrison county, at the town of Claysville.

On the motion of Mr Harris—3. A bill for the benefit of John Marshall and others.

On the motion of Mr Covington—4. A bill to repeal certain sections of an act incorporating the Green and Barren River Navigation Company.

On the motion of Mr Meriwether—5. A bill further to amend the execution laws of this Commonwealth.

On the motion of Mr D. Morris—6. A bill regulating the fines and forfeitures in the county of Mason.

On the motion of Mr Faris—7. A bill for the benefit of William Sears.

On the motion of Mr Shepherd—8. A bill to continue in force an act, approved Jan. 31, 1827, establishing the town of Vanceburg, in Lewis county.

On the motion of Mr Maxey—9. A bill to appropriate the fines and forfeitures in Monroe county in aid of the county levy.

On the motion of Mr B. S. Morris—10. A bill to amend an act entitled, an act to establish a fire company in the town of Augusta.

On the motion of Mr E. Smith—11. A bill to establish libraries in the counties of Rockcastle and Laurel.

On the motion of Mr Boone—12. A bill to amend the law in relation to the appointment of the clerks of the circuit courts.

On the motion of Mr Jennings—13. A bill providing for the appointment of trustees of the Hancock Seminary, and for other purposes.

Messrs. Davis, J. White, Wickliffe and Thomas, were appointed a committee to prepare and bring in the first; Messrs. J. Williams, Patterson and W. Johnson, the second; Messrs. Harris, Southgate and Pickett, the third; Messrs. Covington, Gorin and Chilton, the fourth; Messrs. Meriwether, Gorin and Thruston, the fifth; Messrs. D. Morris, Pickett and Lee, the sixth; Messrs. Faris and Dunlap, the seventh; Messrs. Shepherd, B. F. Thomas and Hauser, the eighth; Messrs. Maxey, Bramlett and Montgomery, the ninth; Messrs. B. S. Morris, Kennedy and G. W. Johnston, the tenth; the committee on education, the eleventh; the committee for courts of justice, the twelfth; and Messrs. Jennings, Crow and Lockhart, the thirteenth.

The Speaker laid before the house the annual report of the Board of Internal Improvement for Shelby county, which is in the following words:
To the Legislature of Kentucky.

In obedience to the requisitions of the act to constitute a Board of Internal Improvement for Shelby county, approved January 15th, 1831, the undersigned, as chairman of said board, begs leave to submit the following as their annual report, for the year 1832:

The statute which first incorporated said board was enacted in January, 1830; they commenced their operations in the summer of the same year. They have, since that time, constructed within the county of Shelby something upwards of fifteen miles of first rate M’Adam’s turnpike road, upon a grade, at no point, exceeding an elevation of three degrees; five miles of which turnpike, is just completed and thrown open for public accommodation.

Thus, the board has the pleasure of announcing to the Legislature, as to kind patrons, from whom they have received their origin and powers of public usefulness, that there is now an uninterrupted chain of turnpike road, commencing at the city of Louisville, and terminating five and a half miles east of Shelbyville, on the road to Frankfort; being a distance of thirty-five and a half miles, and approaching within fifteen miles of the capital; about six and a half of which fifteen miles, lie within the limits of Shelby county; the remainder within Franklin county.

For so much of said unfinished road as is within the county of Shelby, the board have, by unusual exertion, obtained by private subscription of stock, an amount equal to one half the sum required for the completion of the work; and they are authorised to say, in relation to so much as is within the county of Franklin, that a company of enterprising citizens have already pledged themselves to take fifty per cent. of the stock.

If, therefore, the state, acting upon the principle hitherto on various occasions adopted and pursued by its representatives, in relation to this enterprize, will subscribe for one half of the stock in the unfinished part of said road, you will have the satisfaction, at your next annual session, of seeing fifty miles of superior turnpike road, connecting the capital of your state with the city of Louisville, that great capital of your commerce, completed, and thronged with delighted passengers, travelling in every variety of vehicle, probably not even excepting steam carriages.

But on the other hand, if it should seem proper, in your judgment, to renounce the principle sanctioned by your predecessors, and to withhold any farther patronage from this now prosperous and almost perfected enterprize, you will behold what is but too common a spectacle in Kentucky, a great undertaking partially finished and abandoned, a monument of the fluctuating purposes and imbecile policy of our councils.

You will, however, before you consent to a farther investment of the
public funds in this road stock, naturally be led to inquire, what are its dividends? What is its average cost per mile, and what interest does it yield upon that amount? To these interrogatories we will yield answers, in which we will endeavor to be candid and uninfluenced by our desires to secure your farther aid.

The average cost of the road, per mile, has been $4,000. The reports made to your honorable body at your two last sessions, being referred to, will shew upon that amount of expenditure, per mile, a dividend exceeding ten per cent. But it is our duty to report the dividend since we have become members of the board.

On the 7th day of December, 1831, the second toll gate was erected upon the turnpike, constructed in Shelby county. The tolls received from the two gates, calculating one from the 21st of November, 1831, and the other from the 7th of December, 1831, up to the 21st of November, 1832, amount to the sum of $3,102.08.

This sum, you will perceive, is about eight per cent. upon the capital invested, allowing nothing for expenditures or drawbacks, in the way of gate-keeper's salaries and repairs. The latter item of which is always considerable, for the first year, upon a new turnpike road. We will hereafter report the exact amount when we have more minute information; but as an average, for a series of years, we are prepared to say that we think it will not exceed ten per cent. upon the dividends. Which, being applied to our last year's receipts, will reduce them to about seven per cent. upon the capital invested.

This is less than has heretofore been reported as the interest upon the capital stock in the Shelby turnpike; and it is less than may be expected in time to come. The existence of the Cholera at Louisville and the apprehension of it before it commenced, and after it disappeared, frightened many persons from the road during a season when it is ordinarily thronged with passengers. And we would also suggest, as a well established truth, that the rate of interest or dividends is increased by the extension of the road.

All of which is respectfully submitted, by your obedient servant,

P. BUTLER,

Chair'n of the Board of Int. Imp. for Shelby County.

Ordered, That the Public Printer forthwith print 150 copies of said report, for the use of the members of this house.

On motion—

Ordered, That the Public Printer forthwith print 150 copies of the report of the Managers of the Lunatic Asylum, for the use of the members of this house.

Mr. Hauser moved the following resolution:

H2
Resolved, That the committee of ways and means be instructed to enquire into the expediency of passing a law authorising the appropriation, under existing laws, of such lands as have been forfeited to the Commonwealth, for the non-payment of tax.

Which being twice read, was adopted.

On motion of Mr. B. F. Thomas:

The report of the committee of propositions and grievances, rejecting the petition of sundry citizens of Daviess county, praying to change the place of voting in an election precinct in said county, was reconsidered: and the same was recommitted to a select committee of Messrs. B. F. Thomas, Lockhart and Crow.

Mr. Ewing, from the committee for courts of justice, reported a bill giving the officers of the Court of Appeals liens for their fees; 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.

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

By Mr Covington, from the committee for courts of justice—1. A bill for the benefit of Benjamin F. Orear.

By Mr Stevenson, from the committee of religion—2. A bill for the benefit of Flora N. E. Harding.

3. A bill for the benefit of Louisa E. Barnes.


5. A bill for the benefit of Melinda Noe.

By Mr Davis—6. A bill to amend the militia law.

By Mr Hauser—7. A bill to amend an act entitled, an act to establish an election precinct in Pendleton county, approved Jan. 29, 1830, and for other purposes.

By Mr S. Young—8. A bill to incorporate a Rail Road Company from Bardstown to Louisville.

By Mr Abel—9. A bill for the regulation of the town of New Market, in Washington county.

By Mr Meriwether—10. A bill further to amend the execution laws of this Commonwealth.

By Mr Murray—11. A bill to improve the road leading from Princeton to Wardsborough; and.

By Mr J. Williams—12. A bill to change the place of voting at the Claysville precinct in Harrison county.

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

And thereupon the rule of the house, constitutional provision, and second reading of said bills (the first excepted) having been dispensed with, the second, third, fourth, fifth, seventh, and ninth were severally ordered to be engrossed and read a third time; the sixth was committed to the committee on military affairs; the
eighth and eleventh, to the committee on internal improvements; the tenth, to the committee for courts of justice; and the twelfth, to a select committee of Messrs. Chilton, J. Williams and Harris.

And thereupon the rule of the house, constitutional provision, and third reading of the second, third, fourth, fifth, seventh and ninth bills having been dispensed with, and the same being engrossed:

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

The yeas and nays being required on the passage of the second bill, by Messrs. Collins and Stevenson, were as follows:


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

The amendments proposed by the Senate to a bill which originated in this house, entitled, an act for the benefit of Benjamin Robinson; were twice read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

An engrossed bill entitled, an act to provide for the erection of a bridge across Main Eagle, on the state road leading from Lexington to Ghent; 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. W. Thomas and Hayden, were as follows, viz:

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

Mr. Gorin then moved to take up for consideration a bill from the Senate, entitled, an act to divide this state into congressional districts.

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

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


An engrossed bill entitled, an act to incorporate a company to establish a turnpike road from Louisville by the mouth of Salt river, Elizabethtown, Munfordsville, and Bowlinggreen to the state line, in a direction to Nashville: 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. Davidson and Chilton, were as follows:


NAYS—Messrs. Abel, Bowling, Bramlett, Davidson, Ford, Hughes, Jett, McAfee, McDonald, Montgomery, Ozborn, Nuttall, Sanders, W. Thomas, J. Williams, and T. I. Young—16.

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

An engrossed bill entitled, an act to change the time of the legislature: was read a third time.

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

The yeas and nays being required on the passage thereof, by Messrs. Davis and Ewing, were as follows, viz:


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

An engrossed bill entitled, an act to authorise the collection of certain officers' fees from those about to leave this Commonwealth: was read a third time.

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

The yeas and nays being required on the passage thereof, by Messrs. Nuttall and S. Williams, were as follows, viz:


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

The following engrossed bills were severally read a third time:

1. An act to improve the road leading from Monticello to the state line, in a direction to Monroe, Tennessee; and,

2. An act concerning the county of Meade.

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.

A bill from the Senate, entitled, an act to add a part of the county of Oldham to the county of Shelby: was read a third time.

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

Ordered, That the Clerk inform the Senate thereof.

A message from the Governor, by Mr. Sanders, Secretary of State.

Mr. Speaker:—The Governor did, on the 3d instant, approve and sign an enrolled bill, which originated in this house, entitled, an act to regulate the Jefferson and Oldham circuit courts.

And did, on the 4th instant, approve and sign enrolled bills, which originated in the same, of the following titles:

An act to authorise the recording of deeds remaining unrecorded in the clerk's office of the Logan county court, at the death of the late clerk.

An act to change the place of voting in the Caney precinct, in the county of Ohio.

An act to change the mode of publishing the decisions of the Appellate Court.

An act for the benefit of Dorcas Worley.

An act to authorise Edward Turner to erect a mill-dam and mill on the middle fork of the Kentucky river, in Clay or Perry county.

An act for the benefit of the jailor of Logan county; and,

An act to establish an election precinct in Barren county.

Ordered, That the Clerk inform the Senate thereof.

And then the house adjourned.
The Speaker laid before the house a letter addressed to him by John C. Mossie, soliciting the use of the Representative Chamber, on Thursday evening next, for the purpose of delivering a lecture; which was received and read.

Whereupon, permission was granted accordingly.

Mr. Marshall, from the select committee, to whom was referred the Governor's message, of the 22nd ultimo, made the following report:

The select committee of the House of Representatives, to whom was referred the message of his Excellency, the Governor, transmitting the documents which contain the proceedings of the Convention held at Columbia, in South Carolina, in November last, have examined those papers with much care, and beg leave respectfully to report to the house the views they have taken thereon:

The Convention have declared that the existing laws of the United States, imposing duties upon the importation of foreign commodities into the United States, are iniquitous in their principle, and most oppressive and ruinous in their operation; and, moreover, a palpable infraction of the Federal Compact. They have proceeded to decide, authoritatively, that these laws are in violation of the Constitution of the United States, and therefore, null and void; and have directed a course of measures to the Legislature of that state, by which their operation may be obstructed within the territorial limits of South Carolina. In the address to the States, a scheme of general taxation is submitted, with a distinct understanding that it is a concession on the part of South Carolina, which, if promptly met, and in a becoming manner, will be made by her to preserve the Union; and that scheme is, "that the same rate of duty may be imposed upon the protected articles that shall be imposed upon the unprotected, provided that no more revenue be raised than is necessary to meet the demands of the government for constitutional purposes; and provided, also, that a duty, substantially uniform, be imposed upon all foreign articles." It is abundantly obvious, that South Carolina reserves to herself the right of determining what are "constitutional objects;" and should the principle of discrimination in the import system be abandoned, there is no certainty that the future revenue laws would not be nullified. In the proviso for a substantial uniformity in duties upon all foreign imports, it is impossible not to see a field at once laid open for future dispute and differences. If the intentions of South Carolina be really to prevent future difficulties, she should define, with certainty, what are the "constitutional purposes" for which revenue may be raised. The states should, also, require that the distinction be clearly drawn between an apparent and "substantial uniformity" in the duties imposed upon all foreign imports. The Constitution of the United States declares, that "all duties, imposts and excises shall be uniform throughout the United States;" and your committee are under the impression that the requisition is complied with in the present sys-
tern. The distinction taken, in the proposition made to the states, would seem to imply, that where a duty was laid upon an article of foreign growth or manufacture, a corresponding tax should be imposed upon similar articles of domestic production. The effect of such a principle is too obvious for commentary, and effectually destroys any hope the friends of American manufactures might derive from the first branch of the proposition, allowing the same rate of duty to be imposed upon protected articles that should be imposed upon unprotected. It would be a great abuse of terms to call any article protected, when loaded with an excise equal to the duty imposed upon its foreign rival. This was not only to forbid the laying a duty, with a view to protection, but to prohibit such incidental protection as would arise from the imposition of duties laid with a sole view to revenue, and adjusted to that standard.

It will not be expected of the committee to enter upon the debated ground of the tariff. They may be permitted, however, to observe, that they can scarcely reconcile the operation of that system, as described in the South Carolina address, with the increase of our navigation, and the extension of our mercantile operations, as communicated by the President of the United States in his message to the present Congress, or the flourishing state of internal trade which we know to exist. The President says, "the returns which have been made out since we last met will show an increase, during the preceding year, of more than 80,000 tons in our shipping, and of near $40,000,000 in the aggregate of our imports and exports." This picture of growing prosperity, is scarcely compatible with a system which is represented as spreading ruin and desolation over every class of the community, except a few capitalists engaged in manufactures, prematurely begun and artificially sustained. It cannot be reconciled with the depression of agriculture, or the idea that that portion of the United States which furnishes almost the whole export upon which foreign trade is based, is ground into poverty and insignificance by an oppressive government.

The committee are unable to perceive that the whole amount of duties falls upon southern productions. They believe that the people of South Carolina pay, like the people everywhere else, the people of the manufacturing states as well as others, in proportion to their consumption.

The committee believe that the people of this Commonwealth have considered the tariff, so far as it operates the encouragement of American manufactures, as a national measure, contributing to our strength and independence, and as a measure decidedly of prospective defence. That its ultimate effect is to develop, to the utmost, the great natural resources of our country, to enlarge the sphere of our domestic industry and domestic commerce, and to accelerate our advance to that point of opulence and power, which the peculiar advantages of our situation would seem to indicate. Free trade prevails between the states of this union. The Constitution provides for the unrestrained circulation of commodities, throughout this vast continent. And we cannot but believe that the permanent residence of the mechanical arts, in any part of it, will be favorable to every branch of industry, in every other part of it. Arts and manufactures require encouragement: they have flourished most in those countries where the government has ex-
tended its patronage, and richly have they rewarded, in their matured state, the generous protection which shielded their infancy. In the full perfection in which they exist in other countries, at what conceivable point of time, or under what conceivable state of things, could individual enterprise and capital enter, unaided, into a contest in which the power and resources of foreign governments would certainly be thrown into the scale against them. To deny the principle of protection, is to prohibit manufactures forever to the United States.

Your committee, without going further into this subject, or without undertaking to decide the extent to which protection ought to be afforded, would remark, that the proposition from South Carolina, should have been made rather in the nature of a remonstrance to Congress, than in the character of an address to the state governments. It is in the style of a proposition for a commercial treaty between sovereign states, in which she lays down her ultimatum, and threatens that, unless it be met speedily, she will dissolve the political connexion already subsisting between the American states. In the view of your committee, that connexion is already dissolved, so far, at least, as the Ordinance of South Carolina can effect so portentous an event. In the view of your committee, the provisions of that Ordinance, and the principles upon which those who framed it have chosen to rest its vindication, are in direct violation of the Constitution of the United States, and if sustained, are immediately subversive of the American Republic. Though, from the tone assumed by Carolina in her address to the states, there is little hope that persuasion or reasoning will produce any effect upon her; your committee have still thought that, in a crisis so momentous, we should spread our constitutional opinions upon the archives of our state.

South Carolina, under the lead of her ablest statesmen in 1832, proclaims a law, laying a duty with a view to protection, and all appropriations for the purposes of internal improvement to be plain, palpable violations of the federal compact, and atrocious usurpations upon the part of the general government—a system of legislative plunder, rivetted upon her by an irresponsible despotism.

In 1816, this very state, by her champion in Congress, recommends to the general government, the protection of manufactures, with a force of argument not easily resisted.

In 1819, the same talented champion of the South recommends "a judicious system of roads and canals, constructed for the convenience of commerce," "such a system," says Mr. Calhoun, in his report on roads and canals submitted to Congress on the 7th January, 1819, from the department of war, "such a system, by consolidating our union, increasing our wealth and fiscal capacity, would add greatly to our resources in war."

It is of the last importance that judicial decisions should be uniform. If the nation depended for its constitutional law upon South Carolina, it must be confessed that the precedents would be found in irreconcilable conflict. In truth, she led most prominently, in the initiation of that system, to put down which, she would now rend the union.

The Convention, however, affirm that nullification, or the right of a state to pronounce an authoritative judgment upon the constitutionality
of a law, is a right under the constitution. They deny that this is a revolutionary movement. They disdain the idea of rebellion. As the Ordinance is the only existing specimen of nullification, it would be well perhaps, in the solution of this question, to compare its provisions with the Constitution. That instrument declares that the judicial power therein delegated, shall extend to all cases in law and equity arising under the Constitution, the laws of the United States and treaties made, or which shall be made, under their authority. The Ordinance forbids an appeal to the Supreme Court of the United States, in any case in law or equity, in which the acts of Congress of the 13th of May, 1828, and of the 14th of July, 1832, are, or shall be drawn in question.

The Constitution proclaims itself, and the laws of the United States made in pursuance thereof, and all the treaties made or which shall be made under the authority of the United States, to be the supreme law of the land, and the judges of every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding. The Ordinance declares itself paramount and binding upon the citizens of South Carolina, and makes all officers, judicial and others, within the state, swear to observe and execute it.

The Constitution provides that all duties, imposts and excises, shall be uniform throughout the United States. The Ordinance declares that no duties shall be collected within the limits of Carolina, under the existing revenue laws of the union, although they are in force every where else throughout the United States.

The Constitution gives to Congress the power to provide for calling forth the militia of the union to execute the laws, suppress insurrections, and repel invasions. The Ordinance declares, that if Congress attempts to execute her laws by force, South Carolina will organize a separate government, and maintain her Ordinance at all hazards.

Your committee conceive the statement of these propositions to render all argument unnecessary.

The extent of the powers of the general government depend most certainly on the Constitution; it is strictly a government of delegated powers, and the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people. But where a power of a sovereign character is expressly granted by that instrument, it would be difficult to maintain that the same power is among the reserved rights of the states. The judicial power in the case under consideration, has been delegated, in express terms, to the general government.

The Convention felt that to maintain their Ordinance, they must abandon the Constitution, and seek elsewhere for argument and illustration. They have accordingly done so, and found the judicial power, not among the reserved rights of the states, but in a theory, partly of their own construction and partly borrowed from certain resolutions of the Virginia Legislature, passed in times of high party excitement. As to the authority of the resolutions in favor of nullification, your committee would remark that the construction given to them by the Convention, has been disavowed in a published letter of Mr. Madison, their venerable author.
Your committee beg leave to give their views of this theory, productive, as it is likely to be, of such important practical results.

It is said that, by our memorable revolution, "the British Colonies in America became, and were declared to be, sovereign and independent states; that as distinct political communities, they entered into a compact, treaty, league or alliance, under the style and title of the Constitution of the United States; but that each remained as absolutely and unconditionally sovereign as under the articles of confederation, or as any other prince, potentate or sovereign upon earth; that there has not existed at any time such a political body as the people of the United States; that there is not now, nor has there ever been such a relation existing as that of a citizen of New Hampshire and a citizen of South Carolina bound together in the same social compact; that there is not now, nor has there ever been any direct allegiance between the citizens of South Carolina and the Federal Government; the relation between them is through the state; that the general government is in fact a compact between sovereigns, imposing merely a moral obligation upon the states not to exercise certain powers, which still remain in them, and which are in fact unalienable, though we are accustomed to say inaccurately, that they have been surrendered by the states; that the extent of the powers of the general government depends upon the states; in short, that they are as sovereign as Great Britain, France and Russia would be in an alliance, offensive and defensive; that it follows from the nature of their political connexion, and is essential to their preservation, that they, like other sovereigns in the absence of a common arbiter, should be the interpreters of their own agreements, and that in their character of sovereign arbiters, they have the unquestionable right to redress violations and infractions of their compact, and to choose the mode and measure of such redress; that the compact has been violated palpably; that South Carolina has interposed, and by counter legislation, which, from the principles above laid down, is, and must be paramount within her own limits, arrested the operation of the acts, which transcend the charter; "South Carolina cannot and will not yield to any department of the federal government, and still less to the Supreme Court of the United States, the creature of a government, which is itself the creature of the states—a right, which enters into the essence of all sovereignty, and without which, it would become a bauble and a name."

Who does not discern in this system, the principles of utter disorganization. It is obvious that the judicial power, in such cases as that under consideration, is as clearly delegated to the government of the United States, as any other power whatever. If South Carolina could not surrender this, as being of the essence of her sovereignty, and therefore unalienable, she could surrender no other sovereign power, legislative or executive; the doctrine denies the validity of the Constitution, and nullifies the whole instrument. It would seem useless in this view of the matter, to appeal to the Constitution; we must drive our inquiries higher and wider—we must explore the foundations upon which that instrument rests its claims to validity, and settle its authority, before we seek to penetrate its meaning. Let us pursue this metaphysical theory (for it seems no less,) a little further: They say the powers of the gen-
eral government are delegated and derivative—the state sovereignties are original and inherent. We would reply, that derivative powers are a trust, and therefore unalienable, but that original and inherent rights can be granted away. The consequence, that flows from this indisputable distinction, is, that if the state governments be primitively, inherently and of their own right sovereign, and the Constitution was really derived from that source alone, which is assumed as the basis of the argument in the address of the Convention, then the grants contained in the Constitution are valid, and as we have shown the judicial power to be among them, and extending to the very case under consideration, the Ordinance of nullification, from their own shewing, is an illegal usurpation of a power, which has been vested in another tribunal.

But we will not place the Constitution upon that ground. It is not a mere treaty of alliance between sovereigns, left to the interpretation of the sword; nor is it dependent, for the execution of its powers, upon the will of twenty-four absolutely sovereign governments. The articles of confederation were the act of the state governments. The old Congress was their creature—and a miserably impotent, dependent creature it was—their acts were mere accommodations, and most frequently disregarded; they were a consulting body merely, and the whole executive authority, or rather entire sovereignty, resided in the states. The fruits of the revolution were likely to be lost in the evils of an inefficient government, and an imperfect union. The great geniuses who achieved the revolution, perceived the defects of their system, and roused the people to a sense of their danger. The Federal Constitution does not derive its authority from the Convention that met at Philadelphia. As the act of that body it was a mere recommendation of a form of government by which the people of the several states might become United. It was adopted, and made law, by Conventions chosen by the people in each state, in the same manner that their state Constitutions are. The grants of power contained in it are not concessions upon the part of the state governments. They are grants from the people of the states. The state governments did not, and indeed they could not, delegate their authority, which was itself but derivative, but the people, their masters, in adopting the new Constitution, denied them certain powers. The Federal Constitution is the fundamental law of each state, made so by the authority of the people of each state. It is the fundamental law of all the states, made so by the consent of the people of all the states. It created such a body politic as the people of the United States. In the language of Gen. Washington, it consolidated their union.

The science of politics has been thought to have received great improvement from the American revolution, and its soundest principles to have been incorporated in the Federal Constitution. One, and not the least important of these principles is, that all political and governmental power is derivative. The original or jure divino right, either in states or princes, is gone. Government is the result of a convention between individuals, deriving its just powers from the consent of the governed. There are no original sovereigns—save each individual man in a state of nature, and his sovereignty extends only to himself. All government is a trust, springing out of the necessities of mankind. It is
a conventional method, in every instance, by which the strength and
reason of many distinct individuals can be united, in such manner as to
give to each the power and protection of the whole. A written Con-
stitution is the deed which creates the trust, and provides a mode of inter-
pretation where difficulties arise. No power, short of that which created,
can cancel an instrument so solemn and important; all have an inter-
est in it: nor can it be changed in any other way than by the con-
sent of all, or in such manner as itself provides, or by physical force
and revolution. In pursuance of these principles it was made an
objection to the articles of confederation, that they had not been rat-
ified by the people, and being dependent upon the state legislatures
for their origin, were subject to legislative repeal. The statesmen of that
time understood well that a government which was intended to act im-
mediately upon persons and property through its own agents, which
was to depend upon itself for the execution of its powers, could not be
the result of an international compact; that it could hold no claim of al-
legiance upon individuals unless it flowed from the people, the pure and
only legitimate fountain of power. In the sanctions of the popular au-
thority, therefore, they laid the deep foundations of our social order, and
established the relation of citizen and government, with the correspon-
ding duties of allegiance and protection. Your committee can never be-
thieve that government can justly be created in any other way.
The people of separate and distinct communities are surely compe-
ten, voluntarily and upon full deliberation, to unite themselves under
one government, with a Constitution containing all the safeguards of
liberty, and all the powers necessary for its own preservation: and such
a Constitution is perpetually binding upon all. Such a one, and drawn
from such a source, the Constitution of the United States purports to be;
and such it has been, in its practical operation, for more than forty
years, in the constant exercise of those powers which are now denied it. "We
the people," says its caption—"We, the people of the United States, in
order to form a more perfect union, establish justice, ensure domes-
tic tranquility, provide for the common defence, promote the general
welfare, and secure the blessings of liberty to ourselves and pos-
terity, do ordain and establish this Constitution for the United States of Ameri-
can," and it has operated these grand results to the full letter of its
promise.
South Carolina warns the states against any measures of rashness.
Can it be possible that she imagines any state will proceed, in her so-
vereign capacity, to make war upon her? Does she consider the Con-
stitution so completely at an end, that each state shall seize the sword,
which has been committed to our common government? To declare
war, is not among the reserved rights. We have no power to enter into
alliances, pro or con. Our allegiance to the Constitution requires, that
we should obey the call of that power appointed to execute the laws, sup-
press insurrections, and repel invasions. The people of this common-
wealth have obeyed that call, for the latter purpose, whether to the north
or to the south. May it please Heaven to spare them the proofs of pat-
riotism, which dangers from domestic sources would compel them to fur-
nish. In the contemplation of an event so calamitous, your committee
would forget the terms in which South Carolina announces her lofty resolves, her inflexible determination—terms that would seem to admit neither of answer nor remonstrance. We would remonstrate, we would adjure South Carolina, or those who guide her counsels, by the blood and sufferings of our common ancestors, not to mar their work; not to insult the memory of the dead; not to emit the last hours of that small remnant of the revolution, who yet linger upon earth, by demonstrating that a republic, that vision of glory which led them on through toil and privation, was a delusion and a cheat. We would adjure them by their own great names—names won in the service of the United States, and hitherto looked upon as a portion of American wealth,—by the talents so gloriously exerted in defence of those very principles which they now denounce—we would adjure them to be satisfied with lawful fame. Let them not dream of a resemblance between their situation and that of the fathers of the revolution. Mankind will not, and cannot, recognize it. Should they succeed in generating enthusiasm to madness; should they succeed in infusing their own wild passions into the people of the South, and precipitate the United States into all the horrors and dangers of civil war, the glory which hallows the tomb of the patriot martyr will not be theirs; their past honors will turn to infamy, and they will set in storm and darkness, amidst the deep execrations of all mankind.

Your committee would recommend, to the Legislature, the adoption of the following resolutions, to the end that South Carolina, and the world, and posterity, may know that, in this first convulsion of our political system, Kentucky at least was faithful.

1. **Resolved, by the General Assembly of the Commonwealth of Kentucky,** That the union of the people of these states, as established by the Federal Constitution, is essential to their prosperity, liberty, and happiness, and must be preserved.

2. That, whatever differences of opinion may prevail as to the extent of protection which ought to be afforded to American manufactures, we concur in opinion, that the acts of Congress of 1828, and 1832, declared null and void by the late Convention of South Carolina, are laws of the United States, made in pursuance of the Federal Constitution, and in the language of that instrument, are "the supreme laws of the land," and binding upon the whole, until altered or repealed by the authority that made them.

3. That the Ordinance of the Convention, being an attempt on the part of a single state, to nullify a portion of the supreme laws of the land, is an assumption of power not warranted by the Constitution, nor to be found among the rights reserved to the states respectively.

4. That the people of the United States have a deep interest in the integrity of the union, and an undoubted right to preserve it; and the right of secession, asserted by the Ordinance, is not only unauthorized by the Constitution, but is repugnant to its letter and spirit.

5. That it is a duty, which every citizen of the United States owes to himself and our common country, when called upon, to aid the constituted authorities of the government in carrying into effect the laws of the union; and we receive with approbation the pledge, which the President
has given to the nation in his late proclamation, that he will perform the solemn duty, which the Constitution and his oath of office impose, to take care that the laws be faithfully executed.

6. That his Excellency the Governor be, and he is hereby requested to transmit copies of these resolutions to the President of the United States, our Senators and Representatives in Congress, and to the Governor of South Carolina.

Which was read, and referred to a committee of the whole house for Monday next; and 150 copies thereof ordered to be printed for the use of the members.

1. Mr. S. Williams presented the petition of sundry citizens of Russell and Wayne counties, praying the passage of a law declaring Beaver creek a navigable stream, from McKinley's old mill to the mouth thereof.

2. Mr. Ford presented the petition of sundry citizens of the county of Edmonson, praying the passage of a law to remove the seat of justice for said county, from Barboursville to Robert McCounts, on the road leading from Louisville and Lexington to Nashville.

3. Also, the petition of sundry citizens of Warren and Barren counties, praying the passage of a law to add a portion of said counties to the county of Edmonson.

4. Mr. Davidson presented the petition of Jacob Miller, of Simpson county, representing that he is old, poor, and has a large family of children: praying the passage of a law to permit him to locate one quarter section of land West of the Tennessee river.

5. Mr. Henry presented the petition of John T. Courtney, of the county of Christian, representing that he is old, poor, and afflicted, and praying that a law may pass to authorise him to retail spirituous liquors, in the town of Hopkinsville, without obtaining tavern license.

6. Mr. Davidson presented the petition of George W. Clarke, representing that in 1825 he borrowed from the Branch Bank of the Commonwealth, at Bowling Green, $161; that through his security, Nathan Salmons, he entered into an arrangement with the Cashier of said branch, and transferred a judgment he held on Samuel S. Brooking, for the same amount, by which he supposed he had discharged said debt to the bank: but in this it seems he was mistaken; and praying the passage of a law to release him from the payment of said debt.

7. Mr. Prince presented the petition of Thos. Prince, executor of Elizabeth Prince, praying the passage of a law authorising him to sell a certain negro woman, devised to the children of said Elizabeth, for their use and benefit.

8. Mr. E. Smith presented the petition of sundry citizens of Clay, Lincoln, Garrard, Laurel, and Rockcastle counties, repre-
senting that the law changing the Lincoln state road to the Madison state road to the Goose creek Salt works, has not answered public expectation, but is grievous and oppressive; and praying the passage of a law to re-establish the old road, and that tolls be collected on said old road as heretofore.

9. Mr. Pierce presented the remonstrance of sundry citizens of Russell county, against the passage of a law to declare Beaver creek, in said county, a navigable stream.

10. Mr. McPail presented the petition of sundry citizens of Feliciana, in Graves county, praying the passage of a law to establish a town in said county, and for the regulation of the same.

11. Mr. Hauser presented the petition of the securities of Wm. Harrison, late sheriff of Grant county, praying that a law may pass to grant said sheriff longer time to return his delinquent lists of taxes due to the Commonwealth.

Which petitions were severally received, the reading dispensed with, and referred; the first, eighth and ninth, to the committee on internal improvements; the second, third and tenth, to the committee of propositions and grievances; the fourth, to a select committee of Messrs. Davidson, Stevenson, Shephred, S. Young and Matson; the fifth, to the committee of ways and means; the sixth, to the committee of claims; and the seventh and eleventh, to the committee for courts of justice.

Mr. B. S. Morris moved the following resolution, viz:

Resolved, That the committee on education be, and is hereby instructed, to inquire into the propriety of donating to the Augusta College, all the lands lying in Bracken county, that have been forfeited to the state for the non-payment of taxes, or otherwise; for the benefit and use of said institution; and that said committee report by bill or otherwise.

Which being twice read, was adopted.

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

The committee of propositions and grievances have had under their consideration the petition of Benjamin Miles, of Shelby county, praying that, in consequence of his decrepitude and inability to labor, that he may be exempted from the payment of taxes and tavern licence; and are of opinion that the same be rejected.

Also, the petition of Benjamin Neale, of Butler county, praying permission to redeem a mortgage to the Bank of the Commonwealth on two hundred acres of land, on the payment of one half the amount of said mortgage; and are of opinion that the same be rejected.

Also, the petition of sundry citizens of McCracken and Hickman counties, praying for the erection of a new county out of parts of said counties; and are of opinion that the same be rejected.

Which being twice read, was concurred in.
Mr. Stevenson, from the committee of religion, made the following report:

The committee of religion have had under consideration the petition of John L. Eoff, praying to be divorced from his wife; and are of opinion that said petition ought to be rejected.

The committee of religion have had under consideration the petition of Michael Tracy, praying to be divorced from his wife, Judy Tracy; and are of opinion that said petition ought to be rejected.

The committee of religion have had under consideration the petition of John Jenner, praying a divorce from his wife; and are of opinion that said petition be rejected.

The committee of religion have had under consideration the petition of John D. Jones, praying to be divorced from his wife, Elizabeth; and are of opinion that said petition be rejected.

Which being twice read, was concurred in.

Mr. Chilton, from the committee on internal improvements, to whom was referred a bill to incorporate a Rail Road Company from Bardstown to Louisville; and,

A bill to incorporate the Falmouth Bridge Company: reported the same without amendment.

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

Mr. Fulton, from the committee on military affairs, to whom was referred a bill to legalize the proceedings of courts of assessment: reported the same without amendment.

And the question being taken on engrossing the said bill and reading it a third time, it was decided in the negative: and so the said bill was rejected.

A message was received from the Senate announcing their disagreement to a bill which originated in this house, entitled, an act for the benefit of Isabella Marshall, of the county of Campbell.

The passage of a bill which originated in this house, entitled, an act to amend and reduce into one the several acts concerning the town of Augusta, in Bracken county.

And the passage of bills of the following titles:

An act to authorize the clerks of the county courts of Hopkins, Hancock, Union, and the circuit court of Harrison, to transcribe certain records in their respective offices.

An act for the benefit of the estate of Henry Ditto, Jr.

An act to enlarge the town of Madisonville.

An act concerning the town of Henderson, and for other purposes.

An act to amend the laws concerning Transylvania University.

An act for the benefit of the representatives of James Honaker, deceased.
An act to authorise persons prosecuted for felony, in the county of Jessamine, to be confined in the jail of Fayette.

The adoption of a resolution fixing a day for the election of public officers; and,

A preamble and resolutions relative to the public lands; the Bank of the United States, and the deposits of the treasury.

And that the Senate had received official information that the Governor did, on the 4th instant, approve and sign an enrolled bill, which originated in the Senate, entitled, an act for the benefit of the Head-right and Tellico settlers,

And on the 7th instant, did approve and sign a joint resolution, which originated in the same, entitled, a resolution to appoint a joint committee to examine and report the condition of the Government house.

Mr. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of John Smith and Bartlett Hill; and,

An act for the benefit of William R. McFerran, and others.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

Leave was given to bring in the following bills:

On the motion of Mr. Woolley—1. A bill to authorise the insertion of advertisements in the "Observer and Reporter," at Lexington.

On the motion of Mr. Southgate—2. A bill to establish a state bank.

On the motion of Mr. Riffe—3. A bill to authorise the county court of Casey to abolish one or both of the precincts for voting in said county.

On the motion of Mr. Hill—4. A bill for the relief of Abraham Miller.

On the motion of Mr. F. Smith—5. A bill for the benefit of George Proctor, Sen., of Rockcastle county.

On the motion of Mr. Marshall—6. A bill to amend the act entitled, an act to authorise the establishing of private passways, approved Dec. 13, 1820.

On the motion of Mr. Ward—7. A bill to improve certain roads in the counties of Lawrence, Morgan, and Floyd, and for other purposes.

Messrs. Woolley, Butler and G. W. Johnson, were appointed a committee to prepare and bring in the first; Messrs. Southgate, McAfee, Chilton, Matson, Ewing and Harrison, the second; Messrs. Hill, Culley and Chilton, the fourth; Messrs. E. Smith, S. Williams and Paris, the fifth; Messrs. Marshall, Wickhille and W. Johnson, the sixth; Messrs. Ward, T. I. Young and May, the seventh; and the committee of privileges and elections, the third.
Mr. Harris moved to obtain leave to bring in a bill to repeal the law allowing fees to justices of the peace.

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

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

By Mr. McAfee, from the committee of propositions and grievances—1. A bill to establish an election precinct at the great falls of Rough creek, in the county of Breckenridge.

2. A bill to regulate the payment of the debts due the Bank of the Commonwealth.

3. A bill to add a part of the county of Whitley to the county of Laurel.

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

And thereupon the rule of the house, constitutional provision, and second reading of the first and second bills having been dispensed with, the first was ordered to be engrossed and read a third time; and the second was committed to the committee of ways and means.

And thereupon the rule of the house, constitutional provision, and third reading of the first bill having been dispensed with, and the same being engrossed:

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

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

Mr. Fulton, from the committee on military affairs, to whom was referred a bill to amend the militia law: reported the same with amendments; the first of which was concurred in, and the second disagreed to.

An amendment having been moved to said bill:

The house, according to the rule of the house, proceeded to the orders of the day.

An engrossed bill entitled, an act for the benefit of Silas W. Robbins and others: was read a third time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That any person who may have attended as a witness in behalf Silas W. Robbins, Judge of the eleventh judicial district, pending an enquiry into the official conduct of the said Robbins, before the House of Representatives, in the year 1824; and who actually received from the clerk of said House of Representatives a certificate of his claim, for such attendance, is hereby authorised to present such certificate to the Auditor of Public Accounts; and the Auditor is hereby required to issue his warrant
upon the treasury for the amount of said certified claim; and the Treasurer shall be, and he is hereby required to pay the same.

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. Ward and Chilton, were as follows, viz:


The following engrossed bills were severally read a third time, viz:

1. An act regulating and defining the powers of the trustees of the town of Brandenburg, in the county of Meade.
2. An act to appropriate a portion of the lands West of the Tennessee river to the purposes of education or making certain improvements in said district.
3. An act defining the limits of the town of Mount Washington, in Bullitt county, and for other purposes.

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.

An engrossed bill entitled, an act to incorporate the Louisville Bank of Kentucky: was read a third time.

Mr. Ewing then moved to amend said bill by adding thereto the following engrossed clause, by way of Ryder, viz:

Provided, however, That for all bills or notes put into circulation by said bank, as well as for the debts, dues or demands contracted, and liabilities incurred by said bank, the shareholders in the same shall be individually liable, jointly and severally, in proportion to the amount of his, her or their shares, held in said bank, at the time said bills or notes were put into circulation, or said
debts or liabilities were contracted; and in case of the failure of said bank to redeem said bills or notes, or pay said debts or liabilities, suit may be brought jointly or severally against said shareholders, in chancery or at law, by the creditor, at his discretion, in which said suit the said corporation may be made a party, and such proceedings he had as may be necessary to secure the payment of said bills, notes, debts or liabilities.

And the question being taken on adopting the proposed amendment, as a rider to the bill, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. B. S. Morris and Ewing, were as follows:


And then the house adjourned.

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**THURSDAY, JANUARY 10, 1833.**

A message was received from the Senate announcing their disagreement to bills which originated in this house, of the following titles:

An act to establish the town of Washingtonport, in the county of Russell.

An act for the benefit of Polly Seeders.

An act for the benefit of Cynthia Ann Lutes.

And the passage of bills of the following titles:

An act to provide for the location of the Lexington and Ohio Rail Road through the City of Louisville, and for other purposes; and,

An act for the benefit of Matthew D. Hume.

1. Messrs. Nuttall, Meriwether, Gorin and Covington, severally presented petitions from the counties of Henry, Jefferson, Barren,
and Warren, praying the establishment of an Independent Bank at Louisville.

2. Mr. Nuttall presented the petition of sundry citizens of Henry county, praying for the establishment of an election precinct in said county.

3. Mr. Gorin presented the petition of sundry citizens of the county of Barren, representing that they are satisfied with remaining in said county, and pray that they may not be added to the county of Edmonson.

Also, the remonstrance of sundry citizens of said county, remonstrating against the removal of the county seat of Edmonson county.

4. Mr. Gorin presented the petition of sundry citizens of Barren county, representing the evils resulting from the permission granted by masters to their slaves, in hiring their own time; suggesting the propriety of so amending the laws now in force as to make it the especial duty of some officer to prosecute for all violations of the laws upon this subject.

5. Mr. Davidson presented the petition of sundry citizens of the county of Simpson, representing that the trustees of the Seminary for said county have been induced to purchase a suitable building for said institution, relying upon the fines and forfeitures arising in said county, to aid them in payment for said building; that many fines have been remitted to individuals, and that a debt now exists against them to the amount of $240: praying an appropriation of that sum for said Seminary.

Which said petitions were severally received, the reading dispensed with, and referred; the second and third to the committee of propositions and grievances; the fourth, to the committee for courts of justice; the fifth, to the committee on education; and the first was laid on the table.

Mr. B. S. Morris moved the following resolution:

Resolved, That the committee on education be, and they are hereby instructed, to enquire into the propriety of passing a law legalizing the study of Anatomy; and report by bill or otherwise.

Which being twice read, was adopted.

Mr. W. Johnson moved the following resolution:

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of amending the law authorizing the circuit court judges to take security to keep the peace.

Which being twice read, was adopted.

Mr. Seaton moved the following resolution:

Resolved, That the committee for courts of justice be directed to enquire into the expediency of revising and amending the attachment laws of this Commonwealth; and that they report by bill or otherwise.

Which being twice read, was adopted.
The house resumed the consideration of an engrossed bill entitled, an act to incorporate the Louisville Bank of Kentucky.

Mr. Gorin from the majority on the vote, by which the engrossed ryder offered by Mr. Ewing to said bill, on yesterday, was adopted, moved a reconsideration of said vote.

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

The question was then again taken on adopting the said amendment, as a ryder to the bill: which was decided in the negative.

The yeas and nays being required thereon, by Messrs. Ewing and Kennedy, were as follows:


Mr. D. T. Smith then moved to amend said bill by adding thereto the following engrossed clause, by way of ryder, viz:

Be it further enacted, That the stockholders of this institution shall be liable to the amount of stock owned by them, for all or any of the debts of said bank, in their natural and private capacities, by a joint or several actions of debt against them, their, or any of their respective heirs, executors or administrators, in any court having jurisdiction thereof, by any creditor or creditors of said bank: Provided, said bank, or the lands, tenements, goods, chattels and funds of the same be inadequate to satisfy and discharge the whole of its debts.

And the question being taken on adopting the proposed amendment, as a ryder to the bill, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. D. T. Smith and Kennedy, were as follows, viz:

YEAS—Messrs. A. Anderson, Bowling, Chilton, Collins, Cook, Copeland, Crow, Culley, Davidson, Davis, Delaney, Ewing, Fulton, Gaines, Harrison, Hauser, Hughes, Kennedy, Lucas, Maxey, B. S. Morris, D. Morris, Patterson, Pendleton, Pickett, Riffe, Scrivner, Shanks, Short,
The question was then taken on the passage of said bill; which was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. E. Smith and Thruston, were as follows:


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

Mr. McAfee, from the committee of propositions and grievances, to whom was referred a bill for the benefit of Henry Weddington: reported the same with amendments; which being twice read, were concurred in.

Ordered, That the said bill be recommitted to the committee of claims.

Mr. Butler, from the committee of claims, made the following report:

The committee of claims have, according to order, had under consideration the petition of George W. Clark, to them referred; and have come to the following resolution thereon:

Resolved, That the said petition be rejected.
Which being twice read, was concurred in.

Mr. Ewing, from the committee for courts of justice, to whom was referred a bill for the benefit of Morgan Forbes' heirs: 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 Clarke McAfee's heirs."

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

Mr. Ewing, from the same committee, to whom was referred a bill to authorise the several county courts in this Commonwealth to permit gates to be erected across certain public roads: reported the same with amendments; which being twice read, were concurred in: and the said bill, as amended, ordered to be engrossed and read a third time.

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

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

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

Mr. Ewing, from the committee for courts of justice, reported a bill to increase the powers of the trustees of towns; 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. Ewing, from the same committee, to whom was referred a bill to provide for revising, digesting and abridging the statute laws of this Commonwealth: reported the same with amendments; which being twice read, were concurred in.

The question was then taken on engrossing the said bill and reading it a third time; which was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. T. I. Young and Chilton, were as follows, viz:

YEAS—Mr. Speaker, Messrs. S. H. Anderson, Bell, Boone, Brown, Butler, Chilton, Churchill, Collins, Cook, Copeland, Crow, Covington, Culley, Delaney, Dunlap, English, Ewing, Faris, Games, Gorin, Green, Harris, Hayden, Hauser, Heady, Hill, Innis, Jennings, W. Johnson, Kennedy, Lee, Lucas, McDonald, Marshall, Matson, Megowan, Mor-
Mr. Stevenson, from the committee of religion, made the following report:

The committee of religion have had under consideration the petition of Samuel Tribble praying to be divorced from his wife; and are of opinion that said petition is unreasonable.

The committee of religion have had under consideration the petition of George A. Lawrence, praying to be divorced from his wife, Jane; and are of opinion that said petition ought to be rejected.

The committee of religion have had under consideration the petition of Daniel and Elizabeth Royalty, praying to be divorced from each other; and are of opinion that the same is unreasonable.

Which being twice read, the first and second resolutions were concurred in, and the third recommitted to a select committee of Messrs. Chilton, Cully and Hill.

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

The committee of ways and means, have had under consideration the petition of John Courtney, praying that a law may pass authorising him to retail spirituous liquors; and have come to the following resolution:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.

On motion—

Ordered, That the committee of ways and means be discharged from the further consideration of a bill to regulate the payment of debts due the Bank of the Commonwealth; and that the same be committed to a select committee of Messrs. May, Southgate, D. White and McAfee.

Mr. Harrison, from the committee on education, made the following report:

The committee on education have had under consideration the petition of the directors of the Lexington Library, praying that one half of the duties of two per cent. on auctions in the City of Lexington, be taken from the Transylvania University and granted to said Library; and have come to the following resolution, to-wit:
Resolved, That the petition be rejected.

Which being twice read, was concurred in.

Mr. Chilton, from the select committee, to whom was referred a bill to change the place of voting at the Claysville precinct, 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 amended by adding thereto the words "and for other purposes."

Ordered, That the clerk 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. Butler, from the committee of claims—1. A bill for the benefit of Vachel Welden, jailor of Bracken county.

By Mr. Kennedy from the committee of privileges and elections—2. A bill to authorise the county court of Casey to abolish one or both of the election precincts in said county.

By Mr. Ewing, from the committee for courts of justice—3. A bill to authorise the appointment of clerks in vacation.

4. A bill for the benefit of Fanny Richardson and her children.

By Mr. Stevenson, from the committee of religion—5. A bill for the benefit of Ann Jones.

By Mr. Green, from the committee of ways and means—6. A bill to provide for laying the levy in certain counties.

By Mr. Green—7. A bill to explain the law concerning the Stanford Academy.

By Mr. Simpson—8. A bill to incorporate the City of Maysville.

By Mr. Woolley—9. A bill to authorise the insertion of advertisements in the Observer and Reporter, and for other purposes.

By Mr. Hayden—10. A bill to provide for opening a road from Frankfort to Williamstown, in Grant county.

By Mr. S. Williams—11. A bill for the benefit of William Sears.

By Mr. B. F. Thomas—12. A bill to change the place of voting in the election precinct in Daviess county.

By Mr. Hill—13. A bill for the relief of Abraham Miller, of Hardin county.

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

And thereupon the rule of the house, constitutional provision, and second reading of said bills having been dispensed with, the first, second, third, fourth, fifth, seventh, ninth, tenth, eleventh,
twelfth and thirteenth bills were severally ordered to be engrossed and read a third time; the sixth was committed to the commit-
tee of ways and means; and the eighth, to the committee for
courts of justice.

And thereupon the rule of the house, constitutional provision,
and third reading of the said bills, (the sixth and eighth excepted,) hav-
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. E. Smith, from the select committee appointed for that pur-
pose, reported a bill further to regulate the duties of the Judges
of the Court of Appeals.

Which was received and read the first time.

Mr. Green then moved to lay the said bill 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. E. Smith
and Nuttall, were as follows, viz:

YEAS—Mr. Speaker, Messrs. S. H. Anderson, Bell, Boone, Brown,
Butler, Chilton, Churchill, Collins, Cook, Covington, Culley, Davidson,
Davis, Dunlap, English, Ewing, Faris, Ford, Gaines, Green, Hayden,
Hauser, Heady, Henry, Hill, Hughes, Innis, Jennings, Jett, W. Johnson,
Kennedy, Lee, Lockhart, Lucas, McDonald, McFall, Marshall, Matson,
Maxey, Megowen, Morgan, D. Morris, Pendleton, Pierce, Prince, Pryor,
Riife, Rudd, Scrivner, Seaton, Shanks, Simpson, D. T. Smith, W. Smith,
Stevenson, B. F. Thomas, Thruston, Ward, Wickliffe, S. Williams, D.
White, J. White, Woolley, and Yates—65.

NAYS—Messrs. Abel, Bowling, Bramlett, Copeland, Crow, Delaney,
Fulton, Harrison, McAfee, May, Montgomery, B. S. Morris, Ozborn,
Nuttall, Pauterson, Sanders, Shepherd, Short, E. Smith, W. Thomas,
Thompson, J. Williams, and T. I. Young—23.

Mr. D. White, from the select committee appointed for that
purpose, reported a bill to provide for the improvement of the
road from Frankfort, via. Lawrenceburg, Harrodsburg, Danville,
and Stanford, to the Crab Orchard.

And then the house adjourned.
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 trustees of the Newport Seminary to sell their donation lands, and for other purposes.

An act to change the time of holding the November term of the Casey circuit court.

An act to amend the laws relating to the town of Covington, and for other purposes.

An act to increase the powers of the trustees of the town of Nicholasville, in Jessamine county.

An act for the benefit of Spencer Boyd and others, of Bath county.

An act to authorize the sale of a tract of land belonging to Cornelius F. Willett, a lunatic.

An act to enlarge the limits of the town of Elkton, in the county of Todd.

An act to regulate the town of Simpsonville, in Shelby county.

An act to authorize the county court of Hardin county to purchase one hundred acres of land for the poor-house established in said county.

An act to authorize the county court of Scott county to increase the allowance to patroles of said county.

An act to provide for the collection of fines recoverable under the by-laws of the towns of Russellville, Bowlinggreen, and Glasgow.

An act to change the names of Claiborne Brewer and Mary Felicia McMann; and,

An act to legalize the proceedings of the trustees of the town of Taylorsville, in the county of Spencer, and for other purposes; with an amendment to the latter bill.

Their concurrence in a resolution, which originated in this house, for appointing joint committees to examine the Public Offices, the Bank of the Commonwealth of Kentucky, and the Bank of Kentucky; and the appointment of committees on their part.

And the passage of bills of the following titles:

An act to legalize the proceedings of the Court of Assessment of fines of the 20th Regiment of Kentucky Militia.

An act to repeal the law now in existence in relation to Headright settlers; and to dispose of the balance of the debt due from this class of debtors to the purposes of internal improvement; and,

An act for the benefit of the Cumberland Hospital.

Whereupon, Messrs. B. F. Thomas, Davis, Collins, Riffe, D. T. Smith and Culy, were appointed a committee, on the part of
this house, to examine the Auditor's Office; Messrs. S. Williams, Pickett, Lee, D. Morris, G. W. Johnston and English, to examine the Treasurer's Office; Messrs. Chilton, J. White, Gaines, Henry, Boone and B. S. Morris, the Register's Office; Messrs. E. Smith, Abel, Lucas, W. Thomas, Meriwether and Bramlett, to examine the Penitentiary; Messrs. Harrison, Woolley, Dunlap, S. H. Anderson, Prince and Brown, a committee to examine the Bank of Kentucky; and Messrs. D. White, Butler, Kennedy, Covington, W. Johnson and Morgan, a committee to examine the Bank of the Commonwealth.

Ordered, That the Clerk inform the Senate thereof.

Mr. Innis, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

1. An act to amend and reduce into one the several acts concerning the town of Augusta, in Bracken county; and,
2. An act for the benefit of Benjamin Robinson.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Innis inform the Senate thereof.

1. Mr. Murray presented the petition of James Reese, Richard Reese, and James M. Reese, praying the passage of a law to enable them to convey a certain tract of land, in Hickman county, for the benefit of the children of James Reese, in order to obtain the original purchase money for said land.

2. Mr. J. White presented the petition of sundry citizens of Madison county, praying that William Hatton, of said county, be permitted to erect a gate, on his land, across the road leading from Bear-run ford, intersecting the road leading from the mouth of Muddy creek to Boonsborough.

3. Mr. Marshall presented the petition of Hannah Hinton, wife of Casper Hinton, deceased, representing that Hinton died somewhat embarrassed, and in the payment of his debts his personal estate has been exhausted; that he willed a small tract of land, in said county, to his children, (being eight in number,) that the division of the same into eight parts would be of little value to either; praying that a law may be passed to authorise the sale of said land to educate and maintain his children aforesaid.

4. Mr. Lucas presented the remonstrance of sundry citizens of Edmonson county, against the removal of the seat of justice of said county.

5. Mr Harris presented the petition of Agnes B. Berry, praying a law to authorise the sale of a certain lot in Newport.

6. Mr. Dunlap presented the petition of sundry citizens of Fayette county, representing that the sale of ardent spirits to slaves, by grocery keepers and keepers of tippling houses, has become an intolerable nuisance, and praying that a law may pass prohibiting all persons, except licensed tavern-keepers and distillers, from re-
tailing ardent spirits, in any way, in less quantity than by the barrel.

Mr. Murray presented the petition of Jesse Boyd, representing that he committed a mistake in entering the South-East quarter of section two, township four, range one, West, instead of the South-West quarter of same section: and praying that he may be permitted to withdraw his entry and locate it on another vacant and unappropriated quarter section.

Which petitions were severally received, the reading dispensed with, and referred; the first, third, fifth and sixth, to the committee for courts of justice: the fourth and seventh, to the committee of propositions and grievances: and the second, to a select committee of Messrs. J. White, Marshall and Pierce.

On motion of Mr. E. Smith:

Ordered, that the committee for courts of justice prepare and bring in a bill to regulate the sitting of the several circuit and county courts in the 15th Judicial district.

Mr. Ewing, from the committee for courts of justice, to which was referred a bill to exempt from execution growing crops, and for other purposes: reported the same without amendment.

Mr. Gaines then moved 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. Nuttall and D. White, were as follows, viz:


The said bill was then committed to a select committee of Messrs. D. White, Gorin, Harrison and Nuttall.

A bill to provide for the improvement of the road from Frankfort, via Lawrenceburg, Harrodsburg, Danville and Stanford to Crab Orchard: 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 on internal improvements.

Mr. Ewing, from the committee for courts of justice, reported a bill providing for the election of members of Congress for this state; and,

A bill prescribing a mode for vacating judgments recovered against or in favor of deceased persons.

Which were 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 bills having been dispensed with:

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. S. Williams moved the following resolution:

Resolves, That the operation of the rule of the house requiring two-thirds to take a bill or resolution out of the regular orders of the day be so amended, for the present, that a majority may take up the resolutions from the Senate, in relation to the public lands, the Bank of the United States, and the deposits of the Treasury.

And the question being taken on the adoption of the said resolution, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. McAfee and S. Williams, were as follows:


The house then, according to the standing order of the day, resolved itself into a committee of the whole house—Mr. S. H. Anderson in the chair—and after some time spent therein, the
Speaker resumed the chair, and Mr. Anderson reported that the committee had, according to order, had under consideration a bill to constitute a Board of Internal Improvement for Shelby county; and, a bill to provide for the ordinary expenses of government: and had made amendments to each; which he handed in at the Clerk's table.

The former bill, with the amendments thereto, were laid on the table.

The amendments to the latter bill having been concurred in: the reading of the said bill, as amended, was called for; and the same was read as follows, viz:

*WHEREAS,* it is deemed expedient that the debt due from the treasury to the Bank of the Commonwealth be discharged; that the residue of the funds of the state in the Bank of Kentucky and the Bank of the Commonwealth, be reserved for the purposes of education, internal improvement, and other extraordinary calls which may be made upon the resources of the country; and that the revenue from taxation should be so increased as to meet the ordinary expenses of the government.

**Sec. 1.** Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Cashier of the Bank of the Commonwealth of Kentucky be, and he is hereby required to credit the treasury with the amount that may be due from the treasury to said bank, on the 10th day of October next.

**Sec. 2.** Be it further enacted, That it shall be the duty of the several Sheriffs of this Commonwealth to collect, upon the valuation contained in the commissioner's returns, for the year 1833, and for every year thereafter, after the rate of ten cents for every hundred dollars, contained in the valuation of each individual's property, subject to taxation on the *ad valorem* principle; and the taxes collectable on the lands of non-residents shall be charged and collected at the same rate. Each and every sheriff shall advertise at the doors of their respective court-houses, on the first day of the March and April courts held therein, the rate per $100, fixed by this act.

Mr. McAfee then moved to amend said bill by striking out the whole of the first section after the enacting clause, and the enacting clause of the second section.

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

The yeas and nays being required thereon, by Messrs. McAfee and Ewing, were as follows:

**YEAS**—Messrs. Abel, Bowling, Davidson, Delaney, Fulton, Gaines, Harrison, W. Johnson, Kennedy, McAfee, M. Donald, May, Montgomery, B. S. Morris, D. Morris, Osborn, Patterson, Rudd, Seaton, Shepherd, Stevenson, and J. Williams—22.

Mr. Chilton then moved to amend the second section by striking out the whole of said section after the enacting clause.

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

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


And then the house adjourned.

SATURDAY, JANUARY 12, 1833.

A message was received from the Senate announcing their disagreement to bills which originated in this house, of the following titles:

An act to authorise Elias Bazell to build a mill on the Louisa fork of Big Sandy river.

An act to appoint commissioners to review the state road from Owenton to Ghent, in Gallatin county.
The passage of bills which originated in this house, of the following titles:

An act to amend the law of evidence in prosecutions for forgery.

An act to incorporate the Franklin Insurance Company.

An act to establish a road from Louisville to the state line, in a direction to Knoxville.

An act for the benefit of the sheriffs of Gallatin, Pendleton, and Bath counties.

An act for the benefit of Sally Spillman.

An act to authorize the establishment of a road from Harrodsburg to the Lexington road from Bardstown, and for other purposes; and,

An act changing the boundary lines of the 72d Regiment of the Kentucky Militia: with amendments to the six latter bills.

And the passage of bills of the following titles:

An act to amend an act, approved Dec. 10, 1822, for the establishment of a state road from Lexington to Ghent, on the Ohio river.

An act to amend the law regulating the manumission of slaves.

An act for the benefit of Benjamin Tobin.

An act for the benefit of James Ellicott's heirs.

An act for the benefit of the heirs of John Nalle, Jr.

An act to authorize the Bourbon county court to levy a tax on the lands of the county.

A bill to provide for the ordinary expenses of government; was taken up for consideration, in the regular orders of the day.

It was then moved and seconded to postpone the consideration of said bill with a view to take up for consideration a preamble and resolutions relative to the public lands, the Bank of the United States, and the depositories of the treasury.

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

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


NAYS—Messrs. Abel, Bowling, Bramlett, Churchill, Copeland, Crow, Davidson, Delaney, English, Ford, Fulton, Hayden, Heady, Hughes,
The said preamble and resolutions were then taken up and read as follows, viz:

WHEREAS, The President of the United States, in his message to Congress on the second day of the present session, suggested the propriety of the government of the United States surrendering to the new states respectively, all the waste and unappropriated land within their limits: the same policy would lead to a surrender of the public domain in the territories, whenever they should come into the Union as states.

It becomes necessary for the other states to inquire into and investigate the justice of such a measure; and to do that, the first question for consideration is, how did the government of the United States become invested with the public lands? The history of the title is this: By the definitive treaty of peace with Great Britain in, 1783, the boundaries of the United States and their Territories are defined. The right and title of Great Britain to any of the waste lands within those defined limits, were the joint purchase of the people of the United States, and for their common interest and benefit: the consideration paid was the treasure of the people, and the best blood of the land. A number of the old thirteen states had claims to land lying North of the Ohio, East of the Mississippi, and South of the Lakes; these claims were surrendered to the United States, to be held by her for the common good and benefit of all. The United States purchased Louisiana of the Government of France, for the sum of fifteen millions of dollars: the money paid was the common property of all the states. The lands within the now States of Mississippi and Alabama were, in 1802, purchased of Georgia by the United States. The consideration given was one million two hundred and fifty thousand dollars, and at the expense and cost of the United States, to extinguish the Indian title to the lands within the limits of Georgia. Subsequent to the cession of the land by Georgia, the Yazoo company and Tennessee company set up claim to a great part of the land ceded by Georgia; the foundation of the claim of these companies was, a corrupt bargain and cession of said land by Georgia to them, before the cession made to the United States. Congress declared the claim of the Yazoo and Tennessee companies void, on account of the corruption and bribery practised by those companies in obtaining the grant. The dispute was subsequently decided by the Supreme Court of the United States in favor of the validity of the claim; a compromise took place, and the United States paid $5,000,000 for their claims. The whole
sum paid for that land is not less than $10,000,000. Out of these transactions has the unfortunate controversy grown up, between the United States and Georgia: that state demanding a speedy extinguishment of the Indian title, which the United States have not been able to effect. For Florida the United States paid Spain $5,000,000, and about $10,000,000 have been paid to the Indians for the extinguishment of their title; making in all money paid, about $40,000,000.

When the title is thus derived, is not the vacant land in the new states and territories, common property? Have they not been paid for with the blood and treasure of all the people of the states? And when the public debt is paid off and extinguished, for the payment of which they were pledged by Congress, if not retained to defray in part the ordinary expenditures of the government, ought not the proceeds, after paying the cost of surveying, selling, &c. be divided among the States? Surely every man must answer these questions in the affirmative.

What claim have the new states to the land within their limits? By the compact made by each state with the United States, upon obtaining permission to become a state, it is expressly stipulated that the United States shall own and sell, at will and pleasure, the public lands. This article in the compact is a fundamental part of their constitution, being accepted and ratified in convention.

It is alleged by some, that this article in the compact interferes with the great and unalienable right of sovereignty, and is therefore void. There is nothing in this point. The United States was competent to make such a contract, and so were the states. It is a fit subject of contract between governments: as much as that of Louisiana between France and America, and the cession of Florida, by Spain, to the United States. The constitutionality and validity of this article, in the compacts with the new states, have been virtually recognised by the courts of the Union and of the states, in their adjudication upon lands patented by the President.

In point of justice, what claims have the new states to the land? The answer is—surely none. In the compacts made with the government of the United States, they have obtained already one sixteenth part for schools, and five per centum upon the sales of the residue, for roads and canals, making about one eighth part. These donations were bounties, and not based on the principles of justice. When, in addition to that, the new states obtained their proportion of the residue, according to federal numbers, justice and liberality will have been meted out to them with an overflowing measure, and with which they and the President ought to be satisfied.

As it respects Kentucky, she has had no part of the public money; no part of the public lands—her people are the hewers of
wood and drawers of water. It may be asked, is it her interest to sit by, and tamely surrender her right in the public lands, because the new states may require it, and a President may will it? Every man who has the interest of his state at heart, will answer, no. "Let it be asked, what would be the amount of the interest of Kentucky in the public lands, when distributed according to federal numbers? The answer is, not less than ten millions of dollars; which sum, judiciously laid out, as annual distributions should be made, would clear out the obstructions in her rivers and make them navigable, turnpike her roads, and endow her schools, seminaries, colleges and universities, and render the country rich, by the circulation of the money among the people for their work, provisions, \\&c.; wherefore,

1. Be it resolved, by the General Assembly of the Commonwealth of Kentucky, That the public lands of the United States are not, of right, the property of the particular states in which they lie, nor that of the people of such states; and therefore the Congress of the United States ought not to cede such lands to such states, or any of them, or to appropriate such lands for any purpose whatever, but in behalf and for the benefit of the people of all the states.

2. Resolved, That so soon as the national debt is paid off, all moneys arising from the sales of the public lands, after defraying the expenses incident to the sales, ought to be distributed among the several states, according to the federal numbers of each state.

3. Resolved, That the General Assembly of the state of Kentucky deem a Bank of the United States, so constituted and organized as to secure to the nation the maintenance of a sound, wholesome, and convenient currency, indispensable to the prosperity of the country; and that the nation cannot dispense with such a bank, without a certain prospect of private and public distress; and therefore instruct their Senators and request their Representatives, in the Congress of the United States, to use all just and constitutional means to sustain the Bank of the United States in its credit and usefulness, and in all its rights and privileges, under its charter; and do further instruct their Senators and request their Representatives to use their best endeavors to procure, and that they vote for, the passage of an act of Congress rechartering said bank.

4. Resolved, further, That the General Assembly of the State of Kentucky, have seen with surprise, and view with regret, the efforts made to embarrass the Bank of the United States in its operations, and to force unnecessarily the bank to withdraw its funds from circulation, and to reduce its discounts, to the great oppression of its debtors, and to the injury of every branch of trade and labor.

5. Resolved, That the General Assembly of the State of Kentucky highly disapprove of all efforts to destroy the credit and standing of the Bank of the United States, by representing or in-
sinuating that said institution is insolvent, and that it was no longer safe to make the public deposits in said bank or its branches; thereby injuring not only the credit of the bank, but seriously affecting the interest of individual stockholders, and the labor and industry of the country.

6. Resolved, further, That this General Assembly condemns the effort of the President of the United States and the Secretary of the Treasury, in their attempts to place the public funds into private or state banks instead of the National Bank, as tending greatly to endanger the safety of the public funds, to increase, injuriously to the public, the power and patronage of the President and said Secretary, and as ruinous to public confidence and the safety of a national currency.

7. Resolved, therefore, That we instruct our Senators and request our Representatives in Congress, to use all lawful and constitutional means to prevent the public deposits from being withdrawn from the Bank of the United States, and placed in private or state banks, or elsewhere, at the discretion of the President or said Secretary of the United states.

8. Resolved, That in the opinion of this General Assembly, an institution such as is proposed by the President of the United States, in his annual message of 1830, that is to say, “a National Bank,” founded “on the credit of the government and its revenues,” would be a dangerous institution, calculated to enlarge the powers of the Executive Department, and put to hazard the best interests of the people of the United States.

9. Resolved, That copies of the foregoing resolutions be forwarded, by the Governor, to the Executives of the several states, with a request that they lay the same before the legislatures of the states respectively; also, a copy to each of our Senators and Representatives in the Congress of the United States, with a request that they lay the same before each branch of the National Legislature.

Mr. McAfee then moved to amend the first resolution by striking out the words printed in italics, and inserting in lieu thereof the following words:

Resolved, That the Congress of the United States may rightfully dispose of said lands, or the money arising from the sales thereof, as other revenues for the general welfare.

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

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

YEAS—Messrs. Abel, Bowling, Bramlett, Copeland, Crow, Davidson, Delaney, English, Ford, Fulton, Hayden, Heady, Hughes, Jett, W. Johnson, Lockhart, McAfee, McDonald, McFall, Maxey, May, Meri-
The question was then taken on the adoption of the first resolution, which was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. B. S. Morris and McAfee, were as follows, viz:


Mr. McAfee then moved to amend the second resolution by adding thereto the following words:

Provided, The public exigencies and the general welfare should not require such monies to be otherwise disbursed.

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

The yeas and nays being required thereon, by Messrs. McAfee and B. S. Morris, were as follows, viz:

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

The yeas and nays being required thereon, by Messrs. Marshall and W. Johnson, were as follows, viz:


Mr. Murray then moved to amend the third resolution by striking out the words printed in italics and inserting in lieu thereof the following:

Strike out the residue of the resolution, after the words "constitutional means," in the ninth line, and insert the following:

To procure the establishment of such a bank, so organized and so constituted, as to exclude foreigners from holding stock in said bank, either directly or indirectly.

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. Murray and Harris, were as follows, viz:


Mr. McAfee then moved to amend said resolution by striking out the whole thereof, after the words “United States,” in the second line, and inserting in lieu thereof the following words:

Organized as the present United States Bank, is unconstitutional in some of its provisions, and corrupting in its operations; notwithstanding a Bank of the United States may be so constructed that the same will be convenient, necessary and proper to aid the Treasury Department of the United States in the collection and disbursement of the public revenue; and that a Bank of the United States, properly organized and managed, may be conducive to a sound and wholesome currency in the United States.

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

The yeas and nays being required thereon, by Messrs. McAfee and E. Smith, were as follows:


Mr. Meriwether then moved further to amend said resolution by adding thereto the following words:

With such modifications and restrictions as may be deemed necessary and proper.

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

The yeas and nays being required thereon, by Messrs. Meriwether and Murray, were as follows:


Mr. Stevenson then moved to amend the said resolution by adding thereto the following words:

So modified as to exclude the bank from holding real estate in the government of the United States, unless by the consent of the legislature of any state in which such real estate may lie.

And the question being taken on the adoption of the proposed amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Stevenson and W. Johnson, were as follows, viz:


Mr. Davidson then moved to amend said resolution by adding thereto the following words:

So modified as to prevent the loan of money or negotiable paper discounted, except upon personal security; and that in the event of said bank becoming possessed of any real estate, except for banking purposes, shall dispose of the same within ten years, or the same shall be forfeited to the state in which such real estate may be.
And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. E. Smith and Davidson, were as follows, viz:


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

The yeas and nays being required thereon, by Messrs. McAfee and B. F. Thomas, were as follows, viz:


Mr. Chilton then moved to amend the said resolutions by expunging the fourth, fifth and sixth resolutions, and substituting the following in lieu thereof, viz:

Resolved, further, That in the opinion of this legislature, the present Bank of the United States is solvent, and that it is safe to make the public deposits therein, or its branches; and that any attempt to hasten the withdrawal of its funds from circulation, or increase its calls upon its debtors, or to curtail its discounts.
will operate an injury to the agricultural, mechanical, and commercial interests of the country.

A division of the question was called for, and the question put on striking out said fourth, fifth and sixth resolutions, which was decided in the negative.

The yeas and nays being required thereon, by Messrs. McAfee and Chilton, were as follows:


The fourth and fifth resolutions were then severally adopted.

Mr. Brown then moved to amend the sixth resolution by striking out the whole thereof, after the word "resolved," and inserting in lieu thereof the following words:

That this legislature has entire confidence in the Bank of the United States as a place of safe deposite for the national funds; and that they view with regret any intimation of an intention to transfer those funds to any other institution.

A division of the question was called for, and the question first put on striking out, which was decided in the affirmative.

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


The question was then taken on the adoption of the amendment proposed, which was decided in the negative.

Mr. B. F. Thomas then moved to lay the said preamble and resolutions on the table until the first day of June next.

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

The yeas and nays being required thereon, by Messrs. Crow and B. F. Thomas, were as follows, viz:


Mr. D. T. Smith, from the majority on the vote by which the sixth resolution was struck out, moved a reconsideration of said vote.

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

The question was then again put on striking out the said sixth resolution, which was decided in the negative.

The yeas and nays being required thereon, by Messrs. D. T. Smith and Murray, were as follows, viz:


The seventh resolution was then read and adopted.

The eighth resolution having been read:
Mr. McAfee then moved to amend the same by striking out the whole thereof, after the word "resolved," and inserting in lieu thereof the following words:

That should Congress determine to recharter the present bank, or any other Bank of the United States, it should be so constructed that neither the Government of the United States or the officers of said bank should be permitted to prostitute its influence to the enlargement of the executive patronage, or interfere with the right of suffrage in the elections of the several states.

A division of the question was called for, and the question was put on striking out, which was decided in the negative.

The yeas and nays being required thereon, by Messrs. McAfee and S. Williams, were as follows, viz:


Mr. McAfee then moved to amend the said resolution by adding thereto the following proviso:

Provided, That should Congress determine to recharter the present bank, or any other Bank of the United States, it should be so constructed that neither the Government of the United States or the officers of said bank should be permitted to prostitute its influence, to the enlargement of the executive patronage, or interfere with the right of suffrage in the elections of the several states.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. McAfee and Brown, were as follows:


Mr. Gorin moved the previous question; that the main question be now put. It was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Ford and Gorin, were as follows:


The main question, viz: on the adoption of the eighth resolution, was accordingly put, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Ewing and McAfee, were as follows:


Mr. Crow then moved the following as an additional resolution:

Resolved, further, That this General Assembly entertain the most unbounded confidence in the integrity and love of country of Andrew Jackson, President of the United States, and Lewis McLane, Secretary thereof.

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

The yeas and nays being required thereon, by Messrs. Crow and S. H. Anderson, were as follows:


NAYS—Mr. Speaker, Messrs. S. H. Anderson, Bell, Boone, Butler, Chilton, Collins, Cook, Covington, Culley, Davis, Ewing, Faris, Gaines, Gorin, Green, Harris, Harrison, Hauser, Henry, Hill, Innis, Jennings, G. W. Johnston, Lee, Lucas, Marshall, Megowan, Morgan, B. S. Morris, D. Morris, Pendleton, Pickett, Pierce, Pryor, Riffe,
Mr. English then moved the following as an additional resolution:

Be it resolved, by the General Assembly of the Commonwealth of Kentucky, That should the Congress of these United States pass a law renewing the charter of the United States Bank, that the charter of said institution should be so modified as to exclude foreigners from holding any stock in said institution.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. English and Yates, were as follows:


The ninth resolution was then adopted.

The question was then taken on adopting the preamble, which was decided in the affirmative.

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


It was then moved and seconded, at 8 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. Heady and Davidson, were as follows:


It was then moved and seconded that the Public Printer be directed to print 3000 copies of said preamble and resolutions, for the use of the members of this house.

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

The yeas and nays being required thereon, by Messrs. Delaney and Gorin, were as follows:


NAYS—Messrs. Abel, Bowling, Bramlett, Collins, Copeland, Crow, Culley, Davidson, Delaney, English, Ford, Fulton, Harrison, Heady, Hughes, McAfee, McDonald, McFall, Maxey, May, Montgomery, Murray, Osborn, Prince, Riffe, Sanders, Shanks, Shepherd, Short, W. Thomas, Thompson, Ward, J. Williams, and T. I. Young—34.

And then the house adjourned.

MONDAY, JANUARY 14, 1833.

1. The Speaker presented the petition of John Smith, a citizen of the State of Ohio, representing that as the Sheriff and keeper of the jail of the county of Greene, in said state, one Jacob Funk, a fugitive from justice from this state, was taken up and committed to his custody, by the requisition of the Governor of this state upon the Governor of Ohio; and praying the passage of a law to compensate him for keeping in custody and supporting said fugitive for about six months.

2. Mr. Anderson presented the petition of sundry citizens of Campbellsville, in Green county, praying the establishment of a bank at Louisville.

3. Mr. Chilton presented the petition of Catharine Jordan, praying that she may be divorced from her husband, Richard Jordan.
4. Mr. D. Morris presented the petition of sundry citizens of Mason county, representing in strong terms, the many evils arising from the multiplicity of establishments, commonly called "groceries," and praying the passage of an efficient law to prevent the establishment and abuses of such establishments.

5. Mr. English presented the petition of sundry citizens of Gallatin county, praying the passage of a law to authorise a change of the state road leading from Lexington, Ky., to Vevay, Indiana, where said road passes through the lands of Robert Sanders.

6. Mr. Bowling presented the petition of Susannah Brown, praying that she may be divorced from her husband, Samuel Brown.

7. Mr. E. Smith presented the petition of sundry citizens of Harlan county, complaining of the passage of an act of the last session of this General Assembly, establishing a road from this state to the Virginia line; and praying that a law may pass and that commissioners may be appointed to review said road, and that the same may be permitted to pass from the county of Estill, through said county of Harlan, to the Virginia line.

8. Mr. Seaton presented the petition of sundry citizens of Greenup county, praying the passage of a law to compensate the gate keeper of the Sandy road, for his services rendered at said gate; that said gate be sold, and that a tax be imposed upon hogs passing through said gate in said county.

Which petitions were severally received, the reading dispensed with, and referred; the first, to the committee of claims; the third and sixth, to the committee of religion; the fourth, to the committee for courts of justice; the fifth, seventh and eighth, to the committee on internal improvements; and the second was laid on the table.

Leave was given to bring in the following bills:

On the motion of Mr. D. White—1. A bill to regulate the terms of certain circuit courts, and for other purposes.

On the motion of Mr. Davidson—2. A bill for the benefit of poor widows.

On the motion of Mr. Thruston—3. A bill to incorporate the Louisville Savings Institution.

On the motion of Mr. Harris—4. A bill to amend the law allowing compensation for wolf scalps.

On the motion of Mr. Davis—5. A bill to amend the law allowing pay to owners of wagons, ploughs and teams used in keeping the public roads in repair.

Messrs. D. White, Brown, Woolley, Butler and Marshall, were appointed a committee to prepare and bring in the first; the committee for courts of justice, the second; Messrs. Thruston, Butler, Chilton, Shepherd, Rudd, Meriwether and Churchill, the third;
Messrs. Harris, Brown and Smith, the fourth; and Messrs. Davis, Thomas and Boone, the fifth.

On motion—

Ordered, That Mr. Heady have leave of absence from the service of this house until Thursday next.

A message was received from the Senate announcing their disagreement to a bill which originated in this house, entitled, an act for the benefit of Ann Jones.

The passage of bills which originated in this house, of the following titles:

An act to establish an election precinct at the Great Falls of Rough, in the county of Breckenridge.


An act to explain the law concerning the Stanford Academy.

An act for the benefit of St. Joseph’s College, at Bardstown.

An act for the benefit of the Barboursville Seminary, in Knox county.

An act for the benefit of the wife and children of William Green, a lunatic.

An act to authorise the insertion of advertisements in the Observer and Reporter, and other papers.

An act for the benefit of William Sears.

The passage of bills of the following titles:

An act limiting the time for which persons may be held to bail for their good behaviour.

An act authorising the Trustees of the Baptist Education Society to emancipate a slave.

An act to establish election precincts in Woodford, Graves, Whitley, and Henderson counties; and,

The adoption of a resolution fixing a day for an adjournment of the legislature.

Mr. Prince, from the joint committee of enrolments reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to add a part of the county of Oldham to the county of Shelby.

An act to authorise the trustees of the Newport Seminary to sell their donation lands, and for other purposes.

An act to enlarge the limits of the town of Elkton, in Todd county.

An act to regulate the town of Simpsonville, in Shelby county.

An act to authorise the sale of a tract of land belonging to Cornelius F. Willett, a lunatic.

An act for the benefit of Spencer Boyd and others, of Bath county.
An act to authorize the county court of Scott county to increase the allowance to patroles of said county.

An act to change the time of holding the November term of the Casey circuit court.

An act to increase the powers of the trustees of the town of Nicholasville, in Jessamine county.

An act to amend the laws relating to the town of Covington, and for other purposes.

An act to authorize the county court of Hardin county to purchase one hundred additional acres of land for the poor-house established in said county.

An act to provide for the collection of fines recoverable under the by-laws of the towns of Russellville, Bowlinggreen, and Glasgow.

An act to change the names of Claiborne Brewer and Mary Felicia McMann; and,

A preamble and resolutions in relation to the public lands, the Bank of the United States, and the deposites of the treasury.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

A message from the Governor, by Mr. Sanders, Secretary of State.

Mr. Speaker:—The Governor did, on the 9th instant, approve and sign enrolled bills, which originated in this house, of the following titles.

An act for the benefit of John Smith and Bartlett Hill.

An act for the benefit of William R. McFerran, and others.

And on the 11th instant, bills which originated in the same, of the following titles:

An act for the benefit of Benjamin Robinson; and,

An act to amend and reduce into one the several acts concerning the town of Augusta, in Bracken county.

Ordered, That the Clerk inform the Senate thereof.

Mr. Murray moved the following resolution:

Resolved, That the committee for courts of justice be directed to enquire into the expediency of amending the law of evidence, so far as relates to prosecutions for felony, committed by stealing bank notes, in such manner as to dispense with the necessity of proving, on behalf of the prosecution, that the bank notes stolen are genuine, before a conviction can be had.

Which being twice read, was laid on the table.

Mr. Ward moved the following resolution:

Resolved, That the committee for courts of justice be instructed to enquire into the propriety of bringing in a bill to invest in the occupant citizens of this Commonwealth, holding actual possession of any lands, by title deducible of record, all the right, title and interest which the state has heretofore derived, or which
the state may hereafter derive, in virtue of any law of forfeiture of this Commonwealth; and to limit the time of bringing suits, by writ of right, from the present limitation, to the period of ten years.

Mr. Ewing then moved 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. Ward and Ewing, were as follows, viz:


The said resolution was then amended:

And the question being taken on adopting the said resolution, as amended, it was decided in the negative; and so the said resolution was disagreed to.

Mr. E. Smith moved the following resolution, viz:

Resolved, That the committee for courts of justice be instructed to inquire into the expediency of amending the rules of this house, for the residue of the session, so as to set apart two or more days in the week for reports from standing and select committees, unless two thirds of the house shall dispense with the rule; and that they report to this house as soon as practicable.

Which was twice read; and the question being taken on the adoption of said resolution, it was decided in the negative.

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

The committee of propositions and grievances have had under their consideration the petition of sundry citizens of Edmonson, Warren, and Barren counties, praying that the seat of justice for the county of Edmonson be removed to the store of Robert McCoun, on the Lexington road, and in that event, the petitioners from the counties of Warren and Barren pray to be added to the county of Edmonson; and are of opinion that the same be rejected.

Which being twice read, was concurred in.
Mr. Green, from the committee of ways and means, made the following report:

The committee of ways and means have, according to order, had under consideration the petition of sundry persons, praying for the passage of a law providing for the increase of the allowance made for the keeping of Eliza Vance, a lunatic; and have come to the following resolution:

Resolved, That the said petition is unreasonable.

Which being twice read, was concurred in.

Mr. Green, from the committee of ways and means, to whom was referred a bill to provide for laying the levy in certain cases: 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 the Clerk carry the said bill to the Senate and request their concurrence.

Mr. Chilton, from the committee on internal improvements, to whom was referred a bill to authorise John Lewis to erect a mill and mill on Big Barren river, in Barren county: reported the same with a resolution that the same ought not to pass; which being twice read, was concurred in: and so the said bill was rejected.

Mr. Chilton, from the same committee, made the following report:

The committee on internal improvements have, according to order, had under consideration the petition of sundry citizens of Russell county, praying that a law may pass declaring Beaver creek, in said county, a navigable stream; and have come to the following resolution, to-wit:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

On motion of Mr. Chilton:

Ordered, That the committee on internal improvements be discharged from the further consideration of a bill to provide for the improvement of the road leading from the Lincoln county line, near William Cloyd's, in Casey county, to William Jones', by way of Liberty—of a bill to improve the road leading from Princeton to Waidsborough—of a resolution directing said committee to enquire into the amount of tolls collected at the several turnpike gates on the turnpike and wilderness road; the manner of their appropriation, and whether any amendments are necessary to the
laws regulating said tolls—and from the further consideration of the leave granted to prepare and bring in a bill to provide for the improvement of the public roads in the county of Muhlenburg; and that the same be laid on the table.

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

The committee on Internal Improvement, who were instructed by a late resolution of this house, to take under consideration and report the most beneficial and practical plan for a general system of Internal Improvement; having due regard to the resources of the government, and an equitable disbursement of the public funds among the different sections of the state,—have according to order had that subject under consideration, and beg leave most respectfully to report:

That they have experienced some difficulty from the phraseology of the resolution under which they act, in endeavouring to ascertain the precise intention of the house, relative to the manner in which it became their duty to propose a distribution of the amount of money which now is, or may ultimately be subject to the control of this Legislature. They could not clearly infer, whether it was intended that they should report a plan for the disbursement of the whole, or only part of that amount; nor in either event, whether it was designed that, in the plan for disbursement, they should embrace every object which they should deem worthy of legislative consideration in the different sections of the state—apportioning the amount appropriated, or proposed to be appropriated, to the importance of the several objects presented, without regard to the sufficiency of the sum allowed, to advance materially the advantages and improvement of all, or the entire accomplishment of any.

They have nevertheless arrived at the conclusion, that the most probable intention of the house was, that a prudent and well constructed foundation for a general system for the improvement of the roads and rivers of the state, should be laid; and that in doing this, it was intended that this committee should report their opinion touching the extent to which the government is at present able to advance in the construction and completion of public improvements; and that they should exercise a sound discretion in the selection of such objects, as they should deem not only of paramount importance as revenue measures, but most likely, in their accomplishment, to awaken a general spirit of enterprise and improvement; to afford the most numerous facilities to agriculture and commerce; and in fine to constitute the best and safest foundation for a general plan.

Guided by these considerations, your committee have investigated, so far as they have had the means of doing so, the probable amount of funds which it can be supposed will, within any reasonable time, be realized as the property of the state, from the Bank of Kentucky and the Bank of the Commonwealth; and in this investigation, they have encountered difficulties, which satisfactorily prove that human ingenuity cannot determine with precision, the amount which may in time be realized; nor the time, at which the entire disposable interest of the state in those institutions can be definitely known. Debts due them, which are
now considered safe, may turn out to be otherwise, while others, now considered doubtful, may possibly be collected. They have nevertheless endeavored to adopt a safe hypothesis, as the basis of their recommendation, which is exhibited in the following table. By reference to the report of the Treasurer, page 12, it appears that the state owns—

<table>
<thead>
<tr>
<th>In the Bank of Kentucky</th>
<th>$119,340.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>In the Bank of the Commonwealth of Kentucky, in specie</td>
<td>$58,611.84</td>
</tr>
<tr>
<td>do in Commonwealth's paper</td>
<td>$602,228.63</td>
</tr>
</tbody>
</table>

Making a total of $780,180.47

From this amount deduct the supposed deficit in the treasury, on the 10th of October, 1833, which the house propose to cancel, to-wit: $211,511.88, as appears by the report and estimate of the Treasurer at page 16, and there remains the sum of $568,668.59; of which amount your committee have ventured to recommend the appropriation of the sum of $350,000, for the purposes contemplated by the resolution. It will be perceived that this amount deducted leaves, of the fund of the state, $218,668.59, which will, as they suppose, not only secure the school fund, but cover all probable losses to the state, from bad debts and other casualties.

The objects, to which the sum proposed to be appropriated is designed to be applied, are specifically enumerated in the bill, which is herewith reported, and need not therefore a place in this report.

Before your committee, however, take leave of this subject, they would invite the serious, the dispassionate attention of the house, to a few brief suggestions, relating to the importance of adopting a general and fixed system of Internal Improvement, if a system indeed is to be adopted at all, as the only mean of legislating advantageously and with effect upon that subject.

It is a fact, which cannot be disguised, that the present plan of dispensing the public bounty, is not only often calculated to produce serious discontent, by exciting local jealousies of legislative impartiality—but that the public money is applied to very little purpose, when it is but always beginning new schemes, but never accomplishing any. The commencement of a general system may, upon slight examination, seem to operate partially, and be unsatisfactory, but your committee entertain the confident belief, that upon a fair investigation of the subject, local feelings aside, it will be seen that no other plan can be devised, which can terminate in the accomplishment of any general good. The public funds are not sufficient, however judicious their application may be, to operate any substantial good, if divided out among the numerous works, which, under other circumstances and at some more auspicious moment, will claim and receive the attention of the Legislature. They have, therefore, considered it their duty to recommend, as an object of paramount importance, the construction and completion of a continued line of road through the heart of the state, as being most likely to result in the construction and improvement of lateral branches, leading in every direction, in which the agriculture and commerce of the country may demand.
Your committee are aware, that different views are entertained by different members of the house, as to the most advantageous and prudent plan of disposing of the public funds. Some prefer an investiture in bank stock; while others incline to the opinion that, to devote them to works of Internal Improvement, would be preferable. Your committee are of opinion, that while they may safely speak of the advantages, which they believe would result from the one or the other mode, yet, that deference for the opinions of others, would forbid that they should arrogantly attempt to settle a course of proceeding for the house. It seems to them, however, that above the perils, which are always incident to banking institutions—the government could not reasonably anticipate a greater certain profit than six per centum per annum on the capital employed in banking; and though the money so employed would perhaps aid in relieving the country from its alleged embarrassments, yet it would reach the people by a route so perfectly circuitous, and by a process so slow, as in all probability to afford the country a less substantial aid, than by giving to the money a different direction.

The advantages resulting from their investiture in works of Internal Improvement, as they appear to the minds of your committee, are briefly the following:

When the state consents to aid in the construction of some important road, to the same extent to which private individuals or companies of individuals will raise funds for the same purpose, the effect is to draw forth from money holders, owning real estate in the vicinity of the route over which such road is proposed to pass, and the value of which would thereby be greatly increased, large amounts of money, which would otherwise be inactive in their coffers, or be devoted perhaps to speculations on the misfortunes of those around them. The funds thus advanced on the part of the state, or raised by individuals, are thrown into circulation, not by keeping up the delusion that the citizen is to be relieved by borrowing the means of paying his debts; but that he is to obtain them in exchange for his labour. Thus, employment would be given to hundreds—may, to thousands of our citizens—a market is opened for the products of the farmer's soil—the property of the country is enhanced in value—the price of transportation is diminished as the facilities are increased—agriculture and commerce flourish—and yet the public money, thus vested in stock and thrown into circulation, remains the property of the people, yielding a revenue of perhaps 10, 12 or 15 per cent; which fact, your committee are informed, has been sustained by an experiment already made on a part of the road recommended.

Your committee desire, nevertheless, to be understood as in no way committing themselves upon the subject of banks. Under certain circumstances, and with proper guards, they consider them necessary. They prefer nevertheless, that the fund alluded to, be disposed of in the manner herein recommended, inasmuch as it is emphatically a fund of the people—drawn from the people, and one which, they believe, should be thrown out among the people again.

They herewith report "a bill to provide for making certain Internal Improvements within this commonwealth."
The bill reported therewith, by said committee was then 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. Green and Chilton, were as follows:


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

1. A bill to establish an election precinct in the county of Henry.

2. A bill for the benefit of the securities of the late Sheriff of Grant county.

3. A bill declaring John's creek, in Floyd and Pike counties, a navigable stream.

4. A bill granting certain vacant and unappropriated lands to the several counties of this Commonwealth, for the purposes therein mentioned.

5. A bill to amend an act to provide for the erection of a bridge across Rockcastle river, on the turnpike and wilderness road.

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

And thereupon the role of the house, constitutional provision, and second reading of the first, second, third and fourth bills having been dispensed with, the first, second and third were ordered to be engrossed and read a third time; and the fourth was committed to the committee on internal improvements.
And thereupon the rule of the house, constitutional provision, and third reading of the first, 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 the Clerk carry the said bills to the Senate and request their concurrence.

Mr. Chilton, from the committee on internal improvements, to whom was referred a bill to improve the navigation of Nolin, a branch of Green river: reported the same without amendment.

The orders of the day having been called for, the hour of 12, M., having arrived:

The house according to the standing order of the day, resolved itself into a committee of the whole house—Mr. D. White in the chair—and after some time spent therein, the Speaker resumed the chair, and Mr. White reported that the committee had, according to order, had under consideration the report of the select committee, to whom was referred the Governor’s message, on the subject of the powers claimed by South Carolina to nullify acts of Congress, and had gone through the same, with sundry amendments.

The first of which being concurred in; the first and second resolutions were unanimously adopted.

The second amendment, which proposes to substitute the following in lieu of the third resolution, was concurred in, in the following words:

Resolved, That we disapprove the ordinance of the Convention, and all attempts made in pursuance thereof, by the State of South Carolina, to nullify the said acts of Congress, or to obstruct in any way their execution, as an assumption of power not warranted by the constitution, nor to be found among the rights reserved to the states respectively.

The said resolution, as amended, was then unanimously adopted.

The amendment to the fourth resolution having been concurred in, the said resolution was then unanimously adopted.

The amendment proposed by said committee to the fifth resolution was then read as follows:

Strike out the second clause thereof, in the following words:

"And we receive with approbation the pledge which the President has given to the nation, in his late proclamation, that he will perform the solemn duty which the constitution and his oath of office impose, to take care that the laws be faithfully executed."

And the question being taken on adopting the amendment proposed, it was decided in the affirmative.

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


The fourth amendment proposed was then read as follows:

“Add as a sixth resolution:"

Resolved, That so long as the present constitution remains unaltered, the legislative enactments of the constituted authorities of the United States can only be repealed by the authorities that made them; and if not repealed, can in no otherwise be finally and authoritatively abrogated or annulled, than by the sentence of the Federal Judiciary declaring their unconstitutionality; that those enactments, subject only to be so repealed or declared null, and treaties made by the United States, are supreme laws of the land; that no state of the union has any constitutional right or power to nullify any such enactment or treaty, or to contravene them, or obstruct their execution; that it is the duty of the President of the United States, a bounden, solemn duty, ministerial and not discretionary, to take care that these enactments and treaties be faithfully executed, observed and fulfilled; and we receive with unfeigned and cordial approbation, the pledge which the President has given to the nation, in his late proclamation, that he will perform this high and solemn duty.

And the question being taken on concurring in the proposed amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Ford and S. H. Anderson, were as follows, viz:


The fifth amendment proposed by the committee was then read as follows, viz: "Add as a second resolution:"

Resolved, That the powers of the Federal Government are derived from the constitution of the United States; and whether that charter was ordained by the whole people of the United States, as one nation, or by the people of the states, or by the states in their distinct political capacities, the rules and principles of construction in relation to it, are the same.

And the question being taken on concurring the amendment proposed, it was decided in the affirmative.

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


A further amendment having been moved:

The house then adjourned.

TUESDAY, JANUARY 15, 1833.

A message was received from the Senate announcing their disagreement to a bill which originated in this house, entitled, an act to authorise the county court of Casey to abolish one or both of the precincts for voting in said county.
The passage of bills which originated in this house, of the following titles:

An act for the benefit of Thomas Newskirk and wife.

An act to change the time of the meeting of the legislature of Kentucky.

An act regulating and defining the powers of the trustees of the town of Brandenburg, in the county of Meade.

An act defining the limits of the town of Mount Washington, in Bullitt county, and for other purposes; and,

An act to change the place of voting at the Claysville precinct, in Harrison county, and for other purposes: with an amendment to the latter bill.

And the passage of bills of the following titles:

An act for the benefit of Mary Richardson.

An act for the benefit and relief of Eleanor Jewell.

An act to amend an act entitled, an act to incorporate the City of Lexington.

An act to amend the charter of the Shelbyville and Louisville Turnpike Company.

An act to provide the mode of paying the state's subscriptions in incorporated companies.

An act to appoint trustees to the Washington Academy.

An act for the benefit of the clerk of Perry county.

Ordered, That leave be given to bring in a bill to amend the law establishing a state road from the mouth of Salt River to Bowlinggreen, and for other purposes; and that Messrs. Jennings, Yates and Hill be appointed a committee to prepare and bring in said bill.

1. Mr. Prince presented the petition of sundry citizens of Eddyville and its vicinity, in Caldwell county, representing that Benjamin Marshall died, leaving an infant child possessed of a house and lot in Eddyville, which is rapidly going to decay: praying the passage of a law to authorise the immediate sale of said property, for the benefit of said infant heir.

2. Mr. Brown presented the petition of Elberton T. Moore, representing that he stands indicted upon the charge of keeping a gaming table in the county of Scott, and praying the passage of a law to authorise a change of venue.

Mr. G. W. Johnston presented the petition of Caleb Martin, representing that he conveyed to seven children a tract of land, in Shelby county, containing sixty-seven acres, and representing that a division of the same cannot be partitioned among them without loss and injury, and praying the passage of a law to authorise the sale of said land, and the investment of the purchase money in other property, for the use and benefit of said children.
Which petitions were severally received, the reading dispensed with, and referred to the committee for courts of justice.

Mr. Woolley, from the committee on internal improvements, to whom was referred a bill for the benefit of the Lexington and Ohio Rail Road Company, reported the same with amendments.

Ordered, That the said bill with the amendments be committed to a committee of the whole house for this day.

Mr. Harrison, from the committee on education, made the following report:

The committee on education have had under consideration the petition of the trustees of Simpson Seminary, praying an appropriation of $240, for the benefit of said Seminary, from the public treasury; and have come to the following resolution thereon:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

Mr. Stevenson, from the committee of religion, reported a bill for the benefit of Benjamin Clemens, 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.

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

By Mr Stevenson, from the committee of religion—1. A bill for the benefit of Ezekiel Taylor and Ailsey Taylor, his wife.

By Mr Green, from the committee of ways and means—2. A bill for the benefit of John Barnes, a lunatic.

By Mr Chilton, from the committee on internal improvements—3. A bill for the improvement of Big Caney, a branch of Rough creek.

By Mr Harrison, from the committee on education—4. A bill for the benefit of the Augusta College.

5. A bill to authorise the establishment of a Library in Rockcastle county, and for other purposes.

By Mr D. Morris—6. A bill to amend the road laws so far as respects 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 and third readings of the first, second, fourth, fifth and sixth 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. Southgate, from the select committee, appointed for that
purpose, reported a bill to establish a State Bank; which was re-ceived and read the first time; and ordered to be read a second time.

Mr. Southgate then moved to dispense with the rule of the house, constitutional provision, and second reading of said bill; with a view to its commitment to a select committee.

And the question being taken thereon, it was decided in the negative: four-fifths of the members present not voting therefor.

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


Ordered, That the Public Printer forthwith print 150 copies of said bill, for the use of the members of this house.

Mr. Gaines from the majority, by which the motion aforesaid was rejected, moved a reconsideration of said vote.

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

The question was then again put on dispensing with the constitutional provision and second reading of said bill, which was de-cided in the affirmative.

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

YEAS—Mr. SPEAKER, Messrs. Abel, Bell, Boone, Bowling, Brown, Butler, Chilton, Cook, Copeland, Crow, Covington, Culley, Davis, Delaney, Dunlap, English, Ewing, Faris, Ford, Fulton, Gaines, Harris, Harrison, Hayden, Hauser, Henry, Hill, Hughes, Innis; Jennings, Jett, G. W. Johnston, W. Johnson, Kennedy, Lee, Lockhart, McAfee, M. Donald, McFall, Matson, Maxey, May, Meriwether, B. S. Morris, D. Morris, Murray, Ozborn, Nuttall, Patterson, Pendleton, Pickett, Prince, Pryor, Rudd, Sanders, Seaton, Shepherd, Short, Simpson, D. T. Smith, E.
The said bill was then committed to a select committee of Messrs. Southgate, W. White, Woolley, Ewing, C. W. Johnston, Crow, Shepherd, Chilton, Marshall, McAfee, Matson, A. Anderson, and Nuttall.

Mr. B. F. Thomas, from the select committee, to whom was referred a bill requiring security for costs in certain actions; reported the same with sundry amendments.

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

Mr. Prince, from the joint committee of enrolments reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to amend the law of evidence in prosecutions for forgery.
An act for the benefit of the wife and children of William Green, a lunatic.
An act for the benefit of William Sears.
An act to explain the law concerning the Stanford Academy.
An act to establish an election precinct at the Great Falls of Rough, in the county of Breckenridge.
An act to authorize the insertion of advertisements in the Observer and Reporter, and for other purposes.
An act for the benefit of St. Joseph's College, at Bardstown.
An act for the benefit of the Barboursville Seminary, in Knox county; and,

A resolution for appointing joint committees to examine the Public Offices, the Bank of the Commonwealth of Kentucky, and the Bank of Kentucky.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

The house then, according to the standing order of the day, resolved itself into a committee of the whole house—Mr. Green in the chair—and after some time spent therein, the Speaker resumed the chair, and Mr. Green reported that the committee had, according to order, had under consideration a bill for the benefit of the Lexington and Ohio Rail Road Company; and had made sundry amendments thereto; which he handed in at the Clerk's table.

Which being twice read, were concurred in—and the said bill amended to read as follows:
WHEREAS, the Lexington and Ohio Rail Road Company is, by its charter, authorized to borrow the sum of three hundred thousand dollars, to aid in the construction of the road, and it being desirable that the work should be completed at an early day. Therefore—

Sec. 1. Be it enacted, by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Lexington and Ohio Rail Road Company to borrow, on the credit of this commonwealth, one hundred and fifty thousand dollars, at a rate of interest not exceeding six per cent. per annum; and to issue bonds therefor under the seal of the corporation, signed by the President thereof, and countersigned by its Treasurer: for the redemption of which, and the due payment of interest thereon to the owners of said stock, the faith and credit of the commonwealth is hereby pledged.

Sec. 2. Be it further enacted, That the stock hereby authorized to be issued, shall not, at any time, exceed, in amount, the sum which shall actually have been paid in by the stockholders of the Lexington and Ohio Rail Road Company, as capital stock in the institution; which stock shall be redeemable between the periods of the first day of January, one thousand eight hundred and forty-five, and the first day of January, one thousand eight hundred and fifty-five.

Sec. 3. Be it further enacted, That whenever the President of the Lexington and Ohio Rail Road Company, shall transmit to the Auditor of public accounts of this commonwealth, a statement of the amount that has been actually paid to the company by the stockholders therein, in part, of their capital stock, and appropriated to the lawful purposes of the company, attested by the oath or affirmation of their treasurer, and a bond executed by the President and Directors of the Lexington and Ohio Rail Road Company, binding them in their individual capacity, conditioned that they will faithfully and according to the true intent and meaning of this act, apply the money raised on the certificate of the stock hereby authorized to be issued, towards the construction of their road, and the form of the bonds thus given, are approved by the Attorney General of this commonwealth, that then, he, the said Auditor, shall be and is hereby authorized, to pledge the faith and credit of the Commonwealth of Kentucky, by endorsement on the back of the bonds hereby authorized to be issued, and in the following words, to-wit: "This is to certify that by an act of the General Assembly of the Commonwealth of Kentucky, the faith and credit thereof is pledged for the payment of the interest and principal of the debt created by the within." Which shall be signed by him and attested by the seal of his office.

Sec. 4. Be it further enacted, That whenever any holder of any such
certificate shall desire to transfer the same, or to divide any certificate he may hold, or to consolidate any such certificates, he may do so by surrendering the same to the President and Directors of said company, or an agent appointed by them for that purpose; and thereupon, the said company may issue new certificates of stock, in form as before prescribed, for the amount of such as shall have been surrendered; and upon the surrender of the cancelled certificates to the Auditor of public accounts, he is authorized to endorse upon the new certificates issued, the same pledge and in the same words as is provided in the third section of this act, which cancelled certificates shall remain in the office of the Auditor of public accounts.

Sec. 5. Be it further enacted, That for the purpose of completely securing the Commonwealth of Kentucky from any risk or responsibility incurred by the pledge of its credit as aforesaid, the Auditor of public accounts, with the advice of the Attorney General of this commonwealth, is hereby authorized and required, before he endorses the stock hereby authorized to be issued, or any part thereof, to obtain from the Lexington and Ohio Rail Road Company, under their corporate seal, attested by their President, an assignment, by way of mortgage, of all its lands, tenements, machinery or other property of whatsoever description it may hold or possess, or may hereafter hold or possess, with all its rights and privileges now held by virtue of the laws of this commonwealth, and which may be hereafter granted: which mortgage, or other instruments to be taken, shall be made to the Commonwealth of Kentucky, and shall be recorded in the office of the Clerk of the Court of Appeals of this commonwealth, in the same manner and for the same purposes, that deeds and other conveyances of real estate are there recorded. And in case of the non-payment of the interest on said stock, at the time or times stipulated for the payment thereof, or in case of the non-redeemption of the said stock at the time appointed therefor, that then, and in either case, it shall and may be lawful, for the Auditor of public accounts to sell the premises pledged in said assignment or mortgage, or such parts or portions thereof, as he, the Auditor, may in his discretion elect, to the highest bidder, at public auction, for ready money, at the capitol in the town of Frankfort, after due notice thereof being published in some authorized newspaper, printed in the town of Frankfort, for twelve calendar months preceding said sale; and upon said sale, the Auditor will be, and he is hereby authorized to confer a title upon the purchaser or purchasers, of said estate so sold, (in the event of a sale thereof,) by deed or other appropriate conveyance; or the said Auditor may, with the advice and approbation of the Governor and Attorney General of this common-
wealth, bid for and purchase the same, or any part thereof, for and on behalf of the Commonwealth of Kentucky, for such sum as the commonwealth shall then be liable for, on account of its faith and credit being so pledged, as aforesaid, if in their opinion it shall be necessary for the better security of the people of this commonwealth. And in case said company shall faithfully comply with the provisions aforesaid, in the redemption of the stock, as aforesaid, and in the payment of the interest thereon, then, and in that case, the Auditor of public accounts shall release, discharge, cancel and give up to said company all, and all manner of conveyances, or securities, to be taken as aforesaid, from the said company, and the said company shall be fully released and discharged from the same forever.

Sec. 6. Be it further enacted, That the President and Directors of the Lexington and Ohio Rail Road Company, in behalf of the stockholders of that corporation, in consideration of the privileges conferred upon them by the passage of this act, shall subscribe to the capital stock of a turnpike road company, to be incorporated, for the purpose of constructing a Macadamised road, from Lexington, in Fayette county, to the Kentucky river, to meet the river at a point suitable for an extension to Danville, in Mercer county, or Lancaster, in Garrard county, making Nicholasville, in Jessamine county, a point at which the said road shall pass, the sum of ten thousand dollars; also, the further sum of ten thousand dollars to any company which may be incorporated to construct a Macadamised road from Lexington, aforesaid, to Richmond, in Madison county: and also, the further sum of ten thousand dollars to any company which may be incorporated to construct a Macadamised road from Lexington to Mountsterling, in Montgomery county, passing through Winchester, in Clarke county; the said several sums of money to be paid by the said President and Directors of the Lexington and Ohio Rail Road Company, in the same proportions, and at the same times that other stockholders in the aforesaid turnpike road incorporations be required to pay, under the respective charters which may be hereafter granted, and is to be applied in the construction of the several roads, or either of them, to that part next to, and adjacent to, the city of Lexington; and the said Lexington and Ohio Rail Road Company are to enjoy and exercise all the privileges and immunities, of other stockholders in the several turnpike road associations contemplated herein: Provided, nevertheless, That the obligation imposed upon the Lexington and Ohio Rail Road Company, by the provisions of this section, shall cease and be of no effect in three years from the passage of this act, so far as regards those roads which shall not have been commenced within that time.
Sec. 7. Be it further enacted, That from the date of the passage of this act, and until two years after the Lexington and Ohio Rail Road shall have been in use from Lexington to Frankfort, the right is reserved to the commonwealth to convert the bonds and certificates, herein authorized to be issued, or any part thereof, into stock in the said Rail Road Company at its par value; that is to say, for each one hundred dollars of the said bonds and certificates, a certificate for a share of the capital stock, in said Rail Road Company, of equal amount, shall be issued to the commonwealth, and held by it; and on which said stock, the same rate of dividends shall be made; and at the same time paid over to the proper officer of this government, for the benefit of the people of this commonwealth, as are made and paid over to other stockholders in said company. And in place of the stock, which may be held by this commonwealth, being represented and voted at the meeting held by the stockholders in said company, the right and privilege is reserved and conceded, to the people of this state, of appointing one Director for every one hundred thousand dollars of the capital stock, which may be held at the time, in the said road, by this commonwealth; which appointment of Directors, made in behalf of the state, and in pursuance hereof, shall be made annually, and be done in the manner prescribed by the act establishing the Bank of the Commonwealth, for the appointment of Directors in that institution.

The question was then taken on engrossing the said bill and reading it a third time, which was decided in the negative; and so the said bill was rejected.

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


And then the house adjourned.
1. Mr. Scrivner presented the petition of the widow and heirs of James Rucker, deceased, of Estill county, praying that a law may pass to authorise them to sell a small tract of land which descended to them from the said James Rucker.

2. Also, the petition of William Stamper, of Estill county, praying the passage of an act to allow an additional justice of the peace to said county.

3. Mr. Murray presented the petition of sundry citizens of Calloway county, praying a donation of a quarter section of land to William Derrington, of said county.

Which petitions were severally received, the reading dispensed with, and referred; the first, to a select committee of Messrs. Scrivner, J. White and E. Smith; and the second and third, to the committee of propositions and grievances.

Leave was given to bring in the following bills:

On the motion of Mr. D. White—1. A bill to incorporate the trustees to the Grittenden School, in Franklin county, and for other purposes; and,

On the motion of Mr. Jennings—2. A bill to change the time of holding the Butler circuit court, and for other purposes.

Messrs. D. White, Harris, and Cook, were appointed a committee to prepare and bring in the first; and Messrs. Jennings, Ford, and Gorin, the second.

A message was received from the Senate announcing their disagreement to bills which originated in this house, of the following titles:

- An act for the divorce of Polly Raines.
- An act for the benefit of Louisa E. Barnes.
- An act for the benefit of Henry Small.
- An act for the benefit of Henry Crist.
- An act to authorise the sale of the real estate of Wm. Brown, a lunatic, for his maintenance.

The passage of bills which originated in this house, of the following titles:

- An act for the relief of Abraham Miller, of Hardin county.
- An act to change the state road leading through the lands of Matthew Slaughter, in the county of Casey.
- An act for the benefit of Jane Tibbs and Greenberry Tibbs, of Laurel county.
- An act to authorise Clerks, Sheriffs, Justices, and Constables the collection of their fees from those about to leave this Commonwealth.
- An act for the benefit of Morgan Forbes' heirs and Clark McAfee's heirs.
An act authorising the several county courts of this Commonwealth to permit gates to be erected on certain public roads: with amendments to the three latter bills.

And the passage of bills of the following titles:

An act to incorporate the Louisville Hotel Company.

An act to permit the trustees of Columbus to allow mills and ware-houses to be built in the commons of said town.

An act for the relief of William Cecil and Benedict Morehead.

An act to amend the law prohibiting the importation of slaves into this state.

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

1. A bill for the benefit of Jesse Boyd.

2. A bill to establish the town of Feliciana, in Graves county.

3. A bill to explain and increase the jurisdiction of justices of the peace in relation to sums under five pounds.

4. A bill for the benefit of Agnes Berry and children.

5. A bill to amend the fourteenth section of the act to reduce into one the execution laws of this state.

6. A bill to regulate the circuit and county courts in the 15th judicial district.

7. A bill to amend the law establishing the turnpike and wilderness gates.

8. A bill to incorporate the Louisville Savings Institution.

9. A bill to amend an act organizing a fire company in the town of Augusta.

10. A bill appropriating $250 towards building a bridge over Elkhorn.

11. A bill to appoint additional justices of the peace and constables in certain counties, and for other purposes.

12. A bill to establish the town of Alexandria, in the county of Campbell, 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 said bills having been dispensed with, the first, second, third, fourth, fifth, ninth, eleventh and twelfth bills were severally ordered to be engrossed and read a third time; the sixth and eighth were committed to the committee for courts of justice; the seventh, was committed to a select committee of Messrs. Green, Brown, Shanks, and S. H. Anderson; and the tenth, to the committee on internal improvements.

And thereupon the rule of the house, constitutional provision,
and third reading of the first, second, third, fourth, fifth, ninth, and twelfth 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.

A message from the Governor, by Mr. Sanders, Secretary of State.

Mr. Speaker:—The Governor did, on the 14th instant, approve and sign enrolled bills, which originated in this house, of the following titles.

An act to authorise the county court of Scott county to increase the allowance to patroles of said county.

An act to change the time of holding the November term of the Casey circuit court.

An act to enlarge the limits of the town of Elkton, in Todd county.

An act to regulate the town of Simpsonville, in Shelby county.

An act to amend the laws relating to the town of Covington, and for other purposes.

An act to increase the powers of the trustees of the town of Nicholasville, in Jessamine county.

An act to authorise the sale of a tract of land belonging to Cornelius F. Willett, a lunatic.

An act for the benefit of Spencer Boyd and others, of Bath county.

An act to authorise the county court of Hardin county to purchase one hundred additional acres of land for the poor-houses established in said county.

An act to authorise the trustees of the Newport Seminary to sell their donation lands, and for other purposes.

An act to change the names of Claiborne Brewer and Mary Felicia McMann; and,

An act to provide for the collection of fines recoverable under the by-laws of the towns of Russellville, Bowlinggreen, and Glasgow.

Ordered, That the Clerk inform the Senate thereof.

Mr. Chilton, from the committee on internal improvements, to whom was referred a bill granting certain vacant and unappropriated lands to the several counties of this Commonwealth, for the purposes therein mentioned: reported the same without amendment.

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. Green and E. Smith, were as follows, viz:


Mr. D. White, from the select committee, appointed for that purpose, reported a bill to regulate the terms of certain circuit courts, and for other purposes: which was received and read.

The hour of 12 o'clock having arrived, the house proceeded to the consideration of the orders of the day.

Mr. Gorin then moved to take from the orders of the day, for immediate consideration, a bill from the Senate, entitled, an act to lay off this state into congressional districts.

And the question being taken thereon, it was decided in the negative: two-thirds of the members not voting therefor.

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


The house took up for consideration the preamble and resolutions reported by the select committee, to whom was referred the message of his Excellency, the Governor, transmitting the documents which contain the proceedings of the Convention of South Carolina.

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

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


NAYS—Messrs. Abel, Bowling, Churchill, Copeland, Crow, Davidson, Delaney, English, Falton, Jenr, McAfee, McDonald, McPall, Montgomery, Ozborn, Nuttall, Patterson, W. Thomas, and J. Williams—19.

The seventh resolution having been reconsidered and amended, by striking out the words ministerial and not discretionary, was then adopted.

Ordered, That the Clerk carry the said preamble and resolutions to the Senate and request their concurrence.

The house resumed the consideration of a bill to provide for the ordinary expenses of government.

An amendment having been offered to said bill:

Mr. E. Smith moved to commit said bill and amendments to the committee of ways and means, with certain instructions.

A division of the question was called for, and the question put on committing, which was decided in the affirmative.

And then the house adjourned.

THURSDAY, JANUARY 17, 1833.

1. Mr. T. I. Young presented the petition of sundry citizens of the town of Sharpsburg and its vicinity, in Bath county, praying that an additional justice of the peace may be allowed to said county.
2. Mr. Scrivner presented the petition of sundry citizens of Estill county, representing that Jeremiah Barnett departed this life leaving several infant children possessed of a tract of land, of one hundred and forty acres, in said county; that the same cannot be divided among his children without serious prejudice, and praying that a law may pass to authorise William Horn to sell said land and to invest the proceeds thereof in lands in Missouri.

3. Mr. G. W. Johnston presented the petition of Jane Pemberton, praying a divorce from her husband, Henry Pemberton.

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

Leave was given to bring in the following bills:

On the motion of Mr. S. H. Anderson—1. A bill for the benefit of the clerk of the Garrard county court.

On the motion of Mr. Collins—2. A bill for opening a road from Clay court-house to Harlan court-house.

On the motion of Mr. Harris—3. A bill for the benefit of the heirs of Samuel Flournoy, deceased.

On the motion of Mr. Murray—4. A bill further to regulate elections in this Commonwealth.

Messrs. S. H. Anderson, Greep, and Brown, were appointed a committee to prepare and bring in the first; Messrs. Collins, J. White, and E. Smith, the second; Messrs. Harris, Henry, and Prince, the third; and Messrs. Murray, Copeland, and Prince, the fourth.

On motion of Mr. McAfee:

Ordered, That the committee of propositions and grievances be discharged from the further consideration of the petition of William Stamper.

Mr. Butler, from the committee of claims, to whom was referred a bill for the benefit of Henry Weddington: 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.

A message was received from the Senate announcing their disagreement to a bill which originated in this house, entitled, an act to establish a tobacco inspection at Paintsville, in Floyd county.

And the passage of bills which originated in this house, of the following titles:

An act for the benefit of Vachel Welden, jailor of Bracken county.

An act prescribing a mode for vacating judgments recovered against or in favor of deceased persons.

An act to authorise the sale of a street in Russellville.

An act for the benefit of Daniel M. Kittenger.
An act to provide for laying the levy in certain counties, and for other purposes: with amendments to the two latter bills.

Mr. Butler, from the committee of claims, made the following report:

The committee of claims have, according to order, had under consideration the petition of John Smith; and have come to the following resolution:

Resolved, That said petition is reasonable, except so much thereof as prays for interest upon his claim.

Which being twice read, was adopted.

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

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

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

1. Resolved, That the petition of James Reese and others, praying that a law may pass authorising him to sell a tract of land, deeded in trust, for the benefit of his children, be rejected.

2. Resolved, That the petition of sundry citizens of Caldwell county, praying that a law may pass authorising the sale of a house and lot in Eddyville, the property, by descent, of the infant heir of Benjamin Marshall, deceased, be rejected; as provided for by the general law now in force.

3. Resolved, That the petition of sundry citizens of Barren county, praying that a law may pass amending the laws now in force in relation to slaves hiring themselves, be rejected.

Which being twice read, was concurred in.

On the motion of Mr. Ewing:

Ordered, That the committee for courts of justice be discharged from preparing and bringing in a bill for the benefit of poor widows.

Mr. Ewing, from the committee for courts of justice, to whom was referred a bill to incorporate the Louisville Savings Institution: reported the same without amendment.

The said bill having been amended:

Mr. Gorin then moved further to amend said bill by adding thereto the following section:

Be it further enacted, That nothing in this act contained shall be so construed as to prevent the legislature from altering or amending the same.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Davidson and Hauser, were as follows:


The said bill was then ordered to be engrossed and read a third time.

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

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

The yeas and nays being required on the passage of said bill, by Messrs. Green and Gorin, were as follows, viz:


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

Mr. Ewing, from the committee for courts of justice, to whom was referred a bill to incorporate the City of Maysville: 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 the clerk carry the said bill to the Senate and request their concurrence.

A bill to regulate the terms of certain circuit courts, and for other purposes: was ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second reading of said bill having been dispensed with, the same was referred to a select committee of Messrs. D. White, Brown, Woolley, Butler, and Marshall.

The following bills were reported from the committee for courts of justice, viz:

1. A bill for the benefit of the infant heirs of Casper Hinton.
2. A bill for the benefit of the children of Caleb Martin.

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

And thereupon the rule of the house, constitutional provision, and second and third readings of said bills having been dispensed with, and the same being engrossed:

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

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

Mr. — then moved to take up, for consideration, a resolution from the Senate, fixing on a day for an adjournment of the General Assembly.

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

The yeas and nays being required thereon, by Messrs. D. T. Smith and Simpson, were as follows, viz:


An engrossed bill entitled, an act to incorporate the Licking river Navigation Company: was read a third time.

It was then moved and seconded to lay the said bill 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. Fulton and Hauser, were as follows, viz:


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 authorising the several county courts of this Commonwealth to permit gates to be erected on certain public roads.

An act to legalize the proceedings of the trustees of the town of Taylorsville, in the county of Spencer, and for other purposes.

An act for the benefit of Daniel M. Kittenger.

An act to change the place of voting at the Claysville precinct, in Harrison county, and for other purposes.

An act to authorise Clerks, Sheriffs, Justices, and Constables the collection of their fees from those about to leave this Commonwealth.

An act for the benefit of Morgan Forbes' heirs and Clark McAfee's heirs.

An act changing the boundary lines of the 72d Regiment of the Kentucky Militia.

An act to authorise the establishment of a road from Harrodsburg to the Lexington road from Bardstown, and for other purposes.

An act for the benefit of Sally Spillman.
An act for the benefit of the sheriffs of Gallatin, Pendleton, and Bath counties.

An act to establish a road from Louisville to the state line, in a direction to Knoxville.

Ordered, That the Clerk inform the Senate thereof.

The house took up the amendments proposed by the Senate to a bill which originated in this house, entitled, an act to provide for laying the levy in certain counties, and for other purposes. Which being twice read, the first and third were disagreed to, and the second concurred in.

Ordered, That the Clerk inform the Senate thereof.

And then the house adjourned.

FRIDAY, JANUARY 18, 1833.

Leave was given to bring in the following bills:

On the motion of Mr. Chilton—1. A bill to incorporate the Elizabethtown Savings Institution.

On the motion of Mr. Morgan—2. A bill for the benefit of Samuel Stockwell.

Messrs. Chilton, Thruston, McAfee, Hill, Culley, Jennings, and Yates, were appointed a committee to prepare and bring in the first; and the committee of religion, the second.

Mr. Kennedy presented the petition of sundry citizens of Bourbon county, praying the establishment of an election precinct in said county.

Which was received, read and referred to the committee of privileges and elections.

A message was received from the Senate announcing their disagreement to bills which originated in this house, of the following titles:

An act for the benefit of Melinda Noe.
An act for the benefit of Bowling Thompson.
An act for the benefit of Maria Tyler.
An act to dissolve the marriage contract between Francis Conner and wife, and others.
An act for the benefit of Samuel C. Scroggin.
An act for the benefit of Israel Rose.
An act for the relief of James Cole.

And that the Senate had received official information that the Governor did, on the 14th instant, approve and sign an enrolled bill, which originated in the Senate, entitled, an act to add a part of the county of Oldham to the county of Shelby.

Mr. Ewing, from the committee for courts of justice, made the following report:
The committee for courts of justice have, according to order, had under consideration the petition of sundry citizens of Estill county, praying that a law may pass authorising the sale of a tract of land, the property of the infant heirs of Jeremiah Barnett, deceased; and have come to the following resolution thereon:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

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

By Mr McAfee, from the committee of propositions and grievances—1. A bill allowing an additional justice of the peace for the county of Bath, and for other purposes.

By Mr Ewing, from the committee for courts of justice—2. A bill to explain and amend the act of 22d December, 1831, on the subject of granting license to tavern keepers.

3. A bill to prohibit the county courts from granting license to free persons of colour, and for other purposes.

4. A bill for the benefit of the infant heirs of Thomas Frazier, deceased.

By Mr Stevenson, from the committee of religion—5. A bill for the benefit of Susannah Brown.

6. A bill to dissolve the marriage contract between William and Pamela Parker.

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, second, fourth, fifth and sixth were severally ordered to be engrossed and read a third time; and the third was committed to the committee for courts of justice.

And thereupon the rule of the house, constitutional provision, and third reading of the first, second, fourth, fifth and sixth 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. Clifton, 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, surveys in bundles, numbered from 1 to 278, neatly labelled, with an alphabet; also, 19 bundles containing the caveated and defective surveys on which grants have issued, four bundles of caveated surveys, two bundles of
defective surveys, and one bundle of surveys mislaid from their proper places, all neatly labelled and recorded in eleven volumes, well bound, with a complete alphabet; two bundles of warrants located and mislaid, one bundle copies of wills, sixteen volumes, the record of grants issued on the aforesaid surveys in good order with a complete alphabet; the record of military warrants from the Virginia Land Office, in two volumes with alphabets, in good order. A list of Virginia Treasury warrants, in two volumes. The record of pre-emption warrants, in one volume, and one volume containing the record of warrants under the proclamation of 1763, with alphabets, in good order. Commissioner's 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, (though the books are somewhat worn,) the books in which the sales of 1803, 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 bundles and numbered from 1 to 145, neatly labelled, with an alphabet. The records of these surveys, together with the record of some grants, in eleven volumes with an alphabet, in good order; the grants issued on the aforesaid surveys are in nineteen volumes with an alphabet, in good order. The surveys on Head-right claims are neatly registered in three volumes with two alphabets, (one of which is much worn.) The Head-right plats and certificates of survey are filed in bundles, numbered from 1 to 314, neatly labelled, and recorded in seventeen volumes, with two alphabets, in good order. The grants issued thereon are recorded in twenty-eight volumes, well bound with two alphabets, in good order. Land warrants issued under the act of 1800, the surveys and grants on the same, and also, the Tellico surveys and grants, are in three volumes, they are registered in one volume; the original surveys tied up in thirteen bundles neatly labelled, all in good order. Nine bundles of certificates on which warrants have issued, seven bundles of 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, seven bundles of caveats since 1792, four bundles caveated surveys since 1792, two bundles of surveys not registered for the want of fees since 1792, one bundle of defective surveys since 1792, forty-two bundles of vouchers on which the late Kentucky land warrants have issued, all neatly labelled and in good order, one volume containing the surveys under the proclamation of 1763, with an alphabet, two volumes of certificates granted in 1796, and three volumes in 1798, with alphabets. Anderson and 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 of relinquishments in tolerable order. A list of Kentucky land warrants issued under the act of 1814, and subsequent acts, in three volumes, and the record of said warrants in ten volumes. The original surveys made on said warrants, are tied up in three hundred and fifty-one bundles neatly labelled and recorded, in sixteen volumes well bound; the grants issued thereon recorded in twenty-six volumes with two alphabets, in good order; the said surveys are neatly registered in four volumes with three alphabets, in good order; three volumes in which caveats are recorded, with alphabets. Eleven books of original entries from the county of Fayette, neatly transcribed in four volumes well bound with an alphabet, in good order, agreeably to an act of Assembly, approved 5th January, 1824. One book of original entries from the county of Mercer, one from Bourbon, and one of Nelson, have been returned by the surveyors of said counties, to the Register's office, agreeably to an act of Assembly, 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 Register's office, as your committee have been informed by the Register. One volume of military grants for land west of the Tennessee river, one volume in which the surveys of that land are recorded, and one volume in which they are registered, the surveys are neatly tied up in six bundles, each volume having a separate alphabet; three volumes in which certificates of sales of lands West of the Tennessee river are recorded, five volumes of grants issued thereon, with alphabets, in good order; one volume of Henderson's field notes; one volume in which the surveys of land South of Walker's line are recorded; three volumes of grants, one volume in which the same are registered, with alphabets, in good order; the surveys are tied up in twenty-three bundles neatly labelled; one volume of the list of warrants South of Walker's line; one volume in which these warrants are recorded; one volume in which the surveys on forfeited lands are registered; one volume of the record of grants on the same, with alphabets, in good order; eleven bundles certificates of sale of lands West of the Tennessee river on which grants have issued, neatly labelled.

Your committee deem it an act of justice to say, that they found the office, its furniture, books and papers in excellent order, and that their examination was greatly facilitated both by the prompt answers of the
Register and his clerks, to all the questions propounded to them, and the
fact that all the books and papers were in their proper places. Your
committee are satisfied that the labors of the office have been greatly in-
creased since the reduction of the price of warrants; and particularly,
since the practice has been adopted of dividing large appropriations of
land into numerous small warrants and certificates of survey, upon which
the state price has been remitted, and no fees are chargeable.

It has been heretofore reported to the Legislature, that the Register
expended about eight hundred dollars of his salary annually for clerk
hire, on account of the increased duties of his station. Your committee
are informed that this is the fact, and incline to the opinion that it would
be but an act of justice to that officer, that in all cases in which appro-
priations of land are made on which the state price and fees are remitted,
that some allowance be made to the Register for his increased labor.

All of which is respectfully submitted.

JAN. 18.] HOUSE OF REPRESENTATIVES.

Mr. Ewing, from the committee for courts of justice, reported
for the adoption of the house, the following resolution:

Resolved, That this house, during the balance of the session,
will adjourn each day precisely at half after one o’clock, to meet
again at half after two o’clock, for the purpose of sitting in the
evening.

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. Gorin
and Ewing were as follows:

YEAS—Messrs. Abel, Bowling, Bramlett, Butler, Chilton, Churchill,
Delaney, English, Green, Harris, Henry, Lee, Matson, Montgomery,
Ozborn, Nuttall, Patterson, Rudd, W. Smith, Southgate, B. F. Thomas,
J. Williams, D. White, and Woolley—24.

NAYS—Messrs. S. H. Anderson, Bell, Boone, Brown, Collins, Cook,
Copeland, Crow, Covington, Davidson, Davis, Dunlap, Ewing, Fairis,
Gaines, Gorin, Hauser, Hughes, Jennings, Jett, W. Johnson, Kennedy,
Lockhart, Lucas, McAfee, McDonald, McFall, Marshall, Maxey, May,
It having been objected that said resolution was out of order, and not being within the province of said committee to offer for consideration. The Speaker, (Mr. McAfee, then occupying the chair,) so declared it to be out of order; from which decision of the chair Mr. Ewing appealed to the house.

The question was then taken: Is the decision of the chair correct? Which was decided in the affirmative.

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


Mr. Ewing then moved to dispense with the usual orders of the day, with a view to offer for consideration the aforesaid resolution.

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

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


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

The committee of religion have had under consideration the petition of Nathaniel Herrington, praying to be divorced from his wife, Milley; and they are of opinion that said petition is unreasonable.

They have had under consideration the petition of William Bowers, praying to be divorced from his wife, Ellen; and are of opinion that said petition is unreasonable.

They have also had under consideration the petition of Moses W. Brigham, praying to be divorced from his wife, Margaret; and are of opinion that said petition ought to be rejected.

Which being twice read, was concurred in.

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

The committee of ways and means to whom was committed a bill to provide for the ordinary expenses of government, have had the same under consideration, and ask leave respectfully, to report:

That by the estimates of the Auditor of Public Accounts, there will be required to defray the **ordinary expenses** of government during the present fiscal year, ending on the 10th day of October next, the sum of **one hundred and fifty-five thousand six hundred and eighty-five dollars**; and your committee do not think it would be safe to calculate on meeting the current demands on the Treasury by any smaller sum.

To meet those demands, we are informed from the same source, that the probable receipts into the Treasury during the present year, will not exceed the sum of **one hundred and thirty-four thousand five hundred and ninety-eight dollars and forty-six cents**; making a deficit, according to the most favorable estimate, of **twenty-four thousand and eighty-five dollars and fifty-four cents**. But it must be recollected, that in the estimated amount of receipts into the Treasury, there are embraced the following items which can scarcely be considered as **ordinary revenue**, as they are the proceeds of the public domain, the patrimony received from our parent state, and are every year rapidly diminishing in amount, to-wit:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Profits on stock in the Bank of the Commonwealth</td>
<td>$10,000 00</td>
</tr>
<tr>
<td>Bank stock fund, viz: Vacant and Head-right lands</td>
<td>3,000 00</td>
</tr>
<tr>
<td>Other land warrants and forfeited lands</td>
<td>550 00</td>
</tr>
<tr>
<td>Sale of lands West of Tennessee river</td>
<td>25,000 00</td>
</tr>
<tr>
<td>Town treasurer of the town of Columbus</td>
<td>1,473 83</td>
</tr>
</tbody>
</table>

**$40,123 83**
Making the sum of forty thousand one hundred and twenty-three dollars and eighty-three cents, which, although it is by law made payable into the Treasury and subject to be distributed like other moneys, yet is not raised by ordinary taxation. If this sum be deducted from the Auditor's estimates, it will be found that the net amount expected to be collected the present year, by taxation, including a few outstanding balances due from sheriffs and others, is only $91,478 63, being $64,206 37 less than the estimated expenditures of the present year.

Your committee are induced to take this view, for the purpose of submitting the following propositions:

1st. If it be the policy of the General Assembly to set apart the capital owned by the state in the banks and the residue of the public lands, for the purposes of internal improvements or other extraordinary appropriations, then it will be necessary to provide an additional revenue, to defray the ordinary expenses of government, to the amount of $64,306 37.

2d. But if it be decided that the above sum of $40,123 83 shall go in aid of the revenue, towards defraying the expenses of government, then it will be necessary to provide an addition of only $24,086 54 to meet the ordinary expenses of the present year. With a view to meet the one or other object, as the Legislature might decide, your committee have enquired, whether the field of taxation might not be enlarged. But after the best consideration they could give the subject, are unable to agree upon any additional subjects of taxation, and have agreed to recommend an increase of the tax on all property now subject to the ad valorem tax.

In coming to this conclusion, your committee have not been unmindful of the weighty suggestions which have been made in favor of taxing money, furniture, cattle, &c. But it has not appeared to a majority of your committee, that the additional subjects proposed would produce an amount equal to the demands of the Treasury; or that the people would pay their taxes more kindly, merely because they were paid on a greater variety. To impose a tax on cattle or hogs, is only taxing the land and labour employed in their rearing, in a new form, and it would produce an odious distribution between the different pursuits of agriculture. While the tobacco planter and the hemp grower, &c. were exempt from its burdens, the enterprising grazer who is improving the real and taxable value of his land, by causing two blades of grass to grow where only one grew before, would be compelled to submit to additional burdens. We do not say that the present system of taxation operates with entire equality on all the pursuits of life. But it does seem to your committee to be sufficiently so, for practical purposes, and as much so as the proposed additions to the subjects of taxation would make it. There are many
who believe that a tax on money is ultimately paid by the borrower, and in that way bears oppressively on the necessitous. For this and other reasons, we believe such a tax is seldom imposed, except where money is vested in bank stock, where the rate of interest is regulated, and usually forbidden by the charter. To form a proper estimate of the productiveness of any rate of increase of taxation, it is necessary to have in view the probable amount at which the commissioners may value the property subject to an ad valorem tax. This has fluctuated within the last nine years from ninety-five millions, to one hundred and fifty-two millions of dollars; making an average of about the amount at which the Auditor estimates it for the present year; being a little over one hundred and twelve millions and a quarter. Which at the rate of six and a quarter cents on every hundred dollars will produce a net revenue, after deducting all losses and drawbacks for collections, &c. of $68,178 16. Taking this data as a criterion, an increase to nine cents on each $100 would about cover the deficit of $24,086 54; and ten cents on each $100 of taxable property, would probably yield a few thousand dollars more than would be absolutely necessary to defray the ordinary expenses of the government. Should the Legislature determine to adopt the line of policy stated in the first proposition of your committee, it will be necessary to increase the ad valorem tax to about twelve and a half cents on each $100, or double the present amount.

Your committee, in conformity with the foregoing views, report a substitute in lieu of the original bill and amendments, leaving the amount to be filled by the house.

The substitute—strike out the original bill and insert:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the several sheriffs of this Commonwealth to collect, upon the valuation contained in the commissioners returns for the year 1833, and for every year thereafter, after the rate of cents for every hundred dollars contained in the valuation of each individual’s property subject to taxation on the ad valorem principle: and the tax collectable on the lands of non-residents shall be charged and collected at the same rate. Each and every sheriff shall advertise at the doors of their respective court houses, on the first day of the March and April courts held therein, the rate per hundred dollars fixed by this act.

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

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

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Mr. Butler then moved 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. Chilton and Butler, were as follows, viz:


Mr. Chilton then moved an amendment, as a separate section, which was amended, by a vote of the house, to read as follows, viz:

And be it further enacted, That there shall hereafter be collected, as now required by law, upon other articles subject to taxation, upon all cattle, two milk cows with their calves excepted, six and a fourth cents upon each hundred dollars in value.

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. Chilton and Thruston, were as follows, viz:


Mr. Chilton then moved further to amend said bill, by adding thereto as an additional section, the following, viz:

And be it further enacted, That upon all gold and silver and bank notes, at their value in gold and silver, which the person listing his property for taxation, may have in his own possession, or upon deposit or loan, in the hands and possession of any other person or persons whatever, excepting thereout such money or bank notes as he may have on loan from others; and on all road, bridge, or other stock, except bank stock paying a bonus, actually paid in, there shall be collected on each hundred dollars, six and a fourth cents.

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

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


NAYS—Mr. Speaker, Messrs. A. Anderson, Bell, Boone, Butler, Churchill, Collins, Cook, Dunlap, Faris, Ford, Gaines, Gorin, Green, Harris, Harrison, Hauser, Henry, Hughes, Jett, G. W. Johnston, W. Johnson, Marshall, Maxey, May, Megowan, Morgan, D. Morris, Pendleton, Pickett, Pryor, Riffe, Ruddle, Seaton, Shanks, Short, W. Smith,
Mr. Hauser then moved to amend said bill by adding thereto the following as an additional section:

*Be it further enacted, That it shall be the duty of the commissioners of taxable property, to list without specification, the aggregate value of the personal estate of each person giving in his lists of taxable property; and for that purpose the said commissioners are hereby authorised to administer the oath, as now required by law, and to interrogate the person so giving in his list of taxable property as to the aggregate value of his or their personal estate: Provided, however, That nothing herein contained shall be so construed as to subject such property as is now exempt from exaction to taxation.*

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

The yeas and nays being required thereon, by Messrs. B. F. Thomas and Hauser, were as follows, viz:


Mr. Meriwether then moved to amend said bill by adding thereto the following as an additional section, viz:

*Be it further enacted, That eight cents on each hundred dollars worth of property, held by any individual and actually in his possession on the 10th day of January, in each and every year, be assessed and collected by the Sheriffs of this Commonwealth, on the ad valorem principle; and the taxes collected on non-residents, lands shall be after the same rate. And it shall be the duty of each Sheriff to advertise at the door of their respective courthouses, on the first day of the March or April term of their respective county courts the rate, per hundred dollars, fixed by this act to be collected.*
And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Meriwether and B. S. Morris, were as follows, viz:


Mr. McFall then, from the majority on the vote by which the substitute reported by the committee of ways and means was rejected, moved a reconsideration of said vote.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Chilton and Thruston, were as follows:


The section of said bill, proposed to be stricken out by the substitute, was read as follows, viz:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Cashier of the Bank of the Commonwealth*
of Kentucky be, and he is hereby required to credit the treasury with the amount that may be due from the treasury to said bank, on the 10th day of October next.

A division of the question was called for, and the question first put on striking out; which was decided in the affirmative.

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


The question was then put on adopting the substitute proposed by the committee, which was decided in the affirmative.

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


And then the house adjourned.
Leave was given to bring in the following bills:

On the motion of Mr Murray—1. A bill for the benefit of the Sheriff of Hickman county.

On the motion of Mr Harris—2. A bill to incorporate the Eagle Copper and Lead Company.

On the motion of Mr D. White—3. A bill to provide for collecting and preserving the public arms.

On the motion of Mr W. Johnson—4. A bill to authorize Daniel Henry to sell or exchange lots Nos. 242 and 243, in Georgetown, the property of Eliza Henry, an infant heir.

On the motion of Mr E. Smith—5. A bill to amend an act of the last session of the legislature, appropriating land warrants to Moore's road, in Laurel county, and for other purposes.

On the motion of Mr Heady—6. A bill to appoint commissioners to review and mark a road from Taylorsville, in Spencer county, to Jeffersontown, in Jefferson county; and,

On the motion of Mr Chilton—7. A bill to authorize the county court of Hardin to appoint an Inspector at West Point, in said county.

Messrs. Murray, Ewing, Green, and McFall, were appointed a committee to prepare and bring in the first; Messrs. Harris, Woolley, Southgate and White, the second; Messrs. W. Johnson, Stevenson and Henry, the fourth; Messrs. Heady, Sanders and Thros-ton, the sixth; Messrs. Chilton, Hill, Culley and Nuttall, the seventh; the committee on military affairs, the third; and the committee on internal improvements, the fifth.

1. Mr. Green presented the petition of the heirs and representatives of John Epperson, deceased, (some of whom are infants,) praying that a law may pass to legalize the sale of a tract of land made by them to a certain George Helm, lying in Lincoln county.

2. Mr. Ward presented the petition of sundry citizens of Morgan and Estill counties, praying a further appropriation in land warrants, for the purpose of completing the road from the state road to the Kentucky river near the mouth of Holly creek.

Which petitions were received, read and referred; the first, to the committee for courts of justice; and the second to the committee on internal improvements.

Mr. Prince, from the joint committee appointed to examine the Government House, made the following report, viz:

The joint committee appointed to examine the Government House, in the town of Frankfort, have performed that duty, and beg leave to report—

That the house has been thoroughly repaired, and is now ready for
the reception of the Executive; and in examining said repairs, your committee would state, that they saw nothing which had not been absolutely necessary to render the house comfortable, and although the amount claimed for said repairs, in the aggregate, amount to a considerable sum, to-wit: $2325.56 cents, in examining the bills separately, they see nothing in them extravagant, more than is usually paid for work and materials of a similar kind by private individuals; they therefore recommend the adoption of the following resolution:

Resolved, That the said bills be filed with the committee on claims, with instruction to report a bill for the payment thereof out of the public treasury, in commonwealth's paper.

Cyrus Wingate, WM. G. Boyd, Enoch Prince, Robt. B. McAfee, E. F. Nuttall, Samuel May, J. Jennings, Jesse Abell,

which being read, the resolution therein referred to was concurred in.

Mr. Green, from the select committee, to whom was referred a bill to amend the law establishing the turnpike and wilderness gates: reported the same with an amendment; which being twice read was disagreed to.

The said bill was then laid on the table.

Mr. D. White, from the select committee, to whom was referred a bill to exempt from execution growing crops, and for other purposes: reported the same with an amendment, in lieu of the bill; which being twice read, was concurred in.

It was then moved and seconded to lay the said bill on the table until the first day of June next.

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

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


Mr. Gorin then moved to amend said bill by adding thereto the following as an additional section:

Be it further enacted, That the provisions of this act shall in no case apply, unless the defendant does swear before a justice of the peace, that he is unable to pay the execution without disposing of the articles exempted by law.

And the question being taken on the adoption thereof, it was decided in the affirmative.

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


Mr. Pierce then moved to amend said bill, by adding thereto the following additional section:

Be it further enacted, That in no case shall more than one hundred dollars' worth of property be exempted from execution under the provisions of this act.

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

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


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The previous question having been called for and sustained; the question was then taken on engrossing the said bill and reading it a third time, which was decided in the affirmative.

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

By Mr Murray—1. A bill for the benefit of the Sheriff of Hickman county.

By Mr Woolley—2. A bill for the further relief of the administrator of Marcus D. Richardson, deceased.

By Mr Harris—3. A bill for the benefit of the heirs of Samuel Flournoy.

By Mr S. H. Anderson—4. A bill for the benefit of the clerk of the Garrard county court.

By Mr W. Johnson—5. A bill to amend an act entitled, an act to authorise the establishing of private passways, approved Dec. 13, 1830.

By Mr D. Morris—6. A bill to regulate the fines and forfeitures in Mason county.

By Mr Jennings—7. A bill to change the time of holding the Butler circuit court, and for other purposes.

By Mr Chilton—8. A bill to authorise the county court of Hardin to appoint Inspectors at West Point and Elizabethtown, in said county.

By Mr D. White—9. A bill to incorporate Trustees for the Crittenden Seminary, in Franklin county, and for other purposes.

By Mr Davis—10. A bill to amend the law concerning alimony.

By Mr Davidson—11. A bill for the benefit of Jacob Miller, of Simpson county.

By Mr Prince—12. A bill further to improve the town of Princeton.

By Mr Shepherd—13. A bill to revive and continue in force an act to establish the town of Vanceburg, in Lewis county, approved Jan. 21, 1827, and for other purposes; and,

By Mr Collins—14. A bill to provide for opening a road from Clay court-house to Harlan court-house, 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 said bills having been dispensed with, the first, second, third, fourth, sixth, eighth, eleventh, twelfth, thirteenth and fourteenth, were severally ordered to be engrossed and read a third time; the fifth, seventh and tenth, were committed to the committee for courts of justice; and the ninth, to the committee on education.

And the rule of the house, constitutional provision, and second reading of the first, second, third, fourth, sixth, eighth, eleventh, twelfth and thirteenth 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. Prince, from the joint committee of enrolments reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to change the time of the meeting of the legislature of Kentucky.

An act for the benefit of Jane Tibbs and Greenberry Tibbs.

An act to change the state road leading through the lands of Matthew Slaughter, of the county of Casey.

An act for the relief of Abraham Miller, of Hardin county.

An act for the benefit of Thomas Newskirk and wife.

An act regulating and defining the powers of the trustees of the town of Brandenburg, in the county of Meade; and,

An act defining the limits of the town of Mount Washington, in Bullitt county; and for other purposes.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

A message was received from the Senate announcing their disagreement to bills which originated in this house, of the following titles:

An act to provide for the erection of a bridge across Main Eagle, on the state road leading from Lexington and Frankfort to Ghent.

An act for the benefit of John Shields.

An act for the benefit of Elizabeth McClure.

The passage of bills which originated in this house, of the following titles:

An act declaring John's creek, in Floyd and Pike counties, a navigable stream.

An act for the benefit of the Sheriff of Hickman county; and,

An act to improve the road leading from Monticello to the state line, in a direction to Monroe, Tennessee: with an amendment to the latter bill.
And the passage of bills of the following titles:
An act for the benefit of Spencer Cund’s representatives; and,
An act to authorize the trustees of the town of Richmond to levy a tax to MacAdamize the streets.
A message from the Governor, by Mr. Sanders, Secretary of State.

Mr. Speaker:—The Governor did, on the 16th instant, approve and sign enrolled bills, which originated in this house, of the following titles.
An act to explain the law concerning the Stanford Academy.
An act to authorize the insertion of advertisements in the Observer and Reporter, and for other purposes.
An act for the benefit of the Barboursville Seminary, in Knox county.
An act for the benefit of St. Joseph’s College, at Bardstown.
An act to establish an election precinct at the Great Falls of Rough, in the county of Breckenridge.
An act for the benefit of William Sears.
An act to amend the law of evidence in prosecutions for forgery.
An act for the benefit of the wife and children of William Green, a lunatic.

And also, on the same day, he did approve and sign an enrolled resolution, entitled, a resolution for appointing joint committees to examine the Public Offices, the Bank of the Commonwealth of Kentucky, and the Bank of Kentucky.

And I am directed by the Governor to lay before this house a message in writing.
And then he withdrew.

Ordered, That the Clerk inform the Senate thereof.

Mr. B. F. Thomas, from the joint committee appointed to examine the Auditor’s Office, made the following report:

The joint committee, appointed by the Senate and House of Representatives, to examine the Auditor’s Office, have but partially performed that duty.

The committee was informed by the Auditor, that no full and satisfactory examination of the office had taken place since the one made by the commissioners appointed by an act of the General Assembly, approved the 29th January, 1830. The joint committee of last year, appointed to examine said office, seems to have abandoned the examination, because of the immense time and labour it would take, no examination was therefore made last year; this consequently threw a double portion of labour upon this committee, which they are unwilling to undertake,
as it would deprive their constituents of their due proportion of legislation.

The committee found the books, so far as they examined them, kept in fine style, and the entries correctly corresponded with the report made by the Auditor to both houses, at an early day in the session.

The committee are of opinion that it is highly important, that provision should be made by law, for the appointment of at least three qualified resident citizens of Frankfort, whose duty it shall be, annually, to examine the Auditor's and Treasurer's Offices, and report the same to the General Assembly.

The committee, therefore, beg leave to accompany this report by a bill.

All of which is respectfully submitted.

MARTIN BEATTY,
Chairman of the Committee of the Senate.

B. F. THOMAS,
Chairman of the Committee of the H. R.

The bill reported by said committee was then 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. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled:

An act for the benefit of the Sheriff of Hickman county; and,
An act declaring John's creek, in Floyd and Pike counties, a navigable stream.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. Harris, from the select committee appointed for that purpose, reported a bill to amend the law allowing compensation for wolf scalps: which was received and read the first time.

It was then moved and seconded to lay the said bill on the table until the first day of June next.

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

Mr. Southgate, from the select committee, to whom was referred a bill to establish a state bank: reported the same with sundry amendments.

Ordered, That the said bill, and amendments, be laid on the table.

Mr. Chilton, from the select committee, appointed for that purpose, reported a bill to divorce Daniel and Elizabeth Royalty.

And then the house adjourned.
MONDAY, JANUARY 21, 1833.

A message was received from the Senate announcing the passage of a bill which originated in this house, entitled, an act to provide for the opening a road from Frankfort to Williamstown, in Grant county.

And the passage of bills of the following titles:

An act to incorporate the Louisville and Bonharbour Coal Company; and,
An act for the relief of the heirs of Francis P. Hord, deceased.

Mr. Ewing, from the committee for courts of justice, reported a bill for the benefit of David Short; 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 the clerk carry the said bill to the Senate and request their concurrence.

A bill for the divorce of Daniel and Elizabeth Royalty; 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 the Clerk carry the said bill to the Senate, and request their concurrence.

A bill to provide for the ordinary expenses of government: was ordered to be engrossed and read a third time to-morrow.

A message was received from the Senate announcing the passage of a bill which originated in this house, entitled, an act for the benefit of David Short.

An engrossed bill entitled, an act to incorporate the Falmouth Bridge 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. Fulton and Huaser, were as follows:

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

An engrossed bill entitled, an act to provide for revising, digesting and abridging the statute laws of this Commonwealth: was read a third time.

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

The yeas and nays being required on the passage of said bill, by Messrs. McAfee and Chilton, were as follows:


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

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 to improve the road from Monticello to the state line, in a direction to Monroe, Tennessee.

An act to incorporate the Franklin Insurance Company.

Ordered, That the Clerk inform the Senate thereof.

An engrossed bill entitled, an act to exempt from execution growing crops: was read a third time; and an engrossed clause added thereto, by way of rider.

Resolved, That the said bill do pass, and that the title thereof be amended to read, "an act to exempt additional property from execution."
The yeas and nays being required thereon, by Messrs. Chilton and Green, were as follows, viz:


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

The following engrossed bills were severally read a third time, and an engrossed clause added to the fifth, by way of rider, viz:
1. An act to amend the law concerning divorces.
2. An act to incorporate a Rail Road Company from Bardstown to Louisville.
3. An act to appoint additional justices of the peace and constables in certain counties.
4. An act for the benefit of Henry Weddington and others; and,
5. An act to provide for the improvement of roads in certain counties.

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.

A bill to pay off the deficit in the treasury by allowing the treasury a credit in the Commonwealth's Bank for the amount borrowed of said bank: was read a second time, and amended.

The question was then taken on engrossing the said bill and reading it a third time, which was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. McAfee and S. Williams, were as follows, viz:

YEAS—Mr. Speaker, Messrs. S. H. Anderson, Bell, Brown, Butler, Chilton, Collins, Cook, Copeland, Covington, Culley, Dunlap, Ewing, Euts, Gorin, Green, Hayden, Headly, Hill, Hughes, Innis, G. W. Johnston, Lee, Lucas, Maxey, Megowan, Meriwether, Morgan, Murray, Pendleton, Pickett, Pierce, Prince, Pryor, Riffe, Sanders, Shanks, Short,
The following bills were severally read a second time:

1. A bill for the benefit of William May.
2. A bill to amend the law imposing a tax on merchandise.
3. A bill to change the places of voting in Everett's and Fornik's bottom precincts, in Lewis county.
4. A bill to establish election precincts in the counties of Breckinridge and Hancock.
5. A bill to dissolve the General Court.
6. A bill authorising the sale of the slaves of infants.
7. A bill to amend the act entitled, an act to improve the navigation of Salt river, approved Dec. 22, 1831.
8. A bill to amend the act entitled, an act for the benefit of revolutionary soldiers.
9. A bill to provide for the appropriation of fines and forfeitures in the county of Jefferson.
10. A bill to amend the law giving compensation to witnesses, and to increase their mileage.
12. A bill to appoint commissioners to examine the mill-dam of Daniel Cutlip, with a view to the navigation of Green river; and,

The first, third, fourth, sixth, seventh, eighth, tenth and thirteenth, were severally ordered to be engrossed and read a third time; the second, fifth and eleventh, were committed to the committee for courts of justice; the ninth, to the committee of ways and means.

And the question being taken on engrossing the twelfth bill and reading it a third time, it was decided in the negative: and so the said bill was rejected.

And thereupon the rule of the house, constitutional provision, and third reading of the first, third, fourth, sixth, seventh, eighth, tenth and thirteenth 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.

A bill to remove obstructions to the navigation of Trade Wa-
ter: was read a second time, and ordered to be engrossed and read a third time.

And thereupon the rule of the house and constitutional provision having been dispensed with, and the said bill being engrossed; the same was read a third time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be appropriated, out of the nett profits of the Bank of the Commonwealth, one thousand dollars, to be applied to the improvement of Trade Water, between Wilson's mill and the mouth; and that James Wallace, of the county of Union; Ira Nunn, of the county of Livingston; William Brooks, of the county of Hopkins; and Abner W. Smith, of the county of Caldwell, be and they are hereby appointed commissioners, for the purpose of superintending said work.

And be it further enacted, That it shall be the duty of said commissioners, or a majority of them, to draw their warrant upon the treasury for the amount aforesaid, and lay out the same in removing logs and rafts in said stream, and cutting away standing timber on the banks thereof, which leans or projects over said stream so as to endanger the passage of boats down the same.

And be it further enacted, That in the prosecution of said work, the said commissioners shall begin at the mouth of said river.

And be it further enacted, That before the commissioners shall enter upon the duties prescribed in this act, they shall severally enter into bond and security, in the county court in the county in which they severally reside, in the penalty of one thousand dollars each, conditioned faithfully to perform the duties required of them by this act.

And be it further enacted, That the said commissioners be allowed one dollar per day, each, while engaged in the duties required of them by this act, and that not more than one of them shall be necessary to be with the hands they may employ at the same time.

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. Megowan and Delaney, were as follows, viz:


NAYS—Messrs. Abell, Allen, S. H. Anderson, Boone, Bowling,

A message was received from the Senate announcing the passage of bills of the following titles:

An act to authorise an additional subscription, on behalf of the Commonwealth, in the capital or joint stock of the Maysville, Washington, Paris, and Lexington Turnpike Road Company, and to amend the several acts incorporating said company.

An act to authorise an additional subscription, on behalf of the Commonwealth, in the stock of the Board of Internal Improvement for Shelby county, and for other purposes; and,

An act to appropriate a sum of money for the purpose of improving the navigation of the Cumberland river, at Smith's shoals, and the Big South Fork of said river up to the coal banks.

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 William Davis, of Whitley county.
2. An act to amend the act providing for opening and keeping in repair the highways in the county of Fayette.
4. An act appointing Trustees to the Glasgow Academy.
5. An act to amend the law concerning champerty.
6. An act to provide for copying and preserving certain records belonging to the office of the surveyor of Harlan county.
7. An act to appropriate a part of the vacant lands lying between Walker's line and the latitude 36° 30' North, in the State of Tennessee, for the purpose of improving and finishing the road leading from Monticello, Wayne county, to the state line, in a direction to Jacksborough and to Barboursville.
8. An act to amend the law regulating proceedings in cases of ejectments and forcible entries and defainers.
9. An act appropriating certain lands for improving the Cannon Creek road, in Harlan county.
10. An act to continue in force an act to incorporate the city of Louisville.
11. An act to allow the Sheriff of Madison to return his delinquent list in certain cases.
12. An act to enlarge and explain the power of the Trustees of the town of Frankfort.
13. An act to divide the state into congressional districts.
15. An act to permit the sale of two small tracts of land belonging to Nancy Dulin, an idiot.
16. An act to amend the several acts against unlawful gaming.
17. An act to authorize the Clarke circuit court to decree the sale of two and an half acres of land, devised to Wm. S. Downy and others.
18. An act to prevent the circulation of certain bank notes.
19. An act for the benefit of the legatees of Richard Allen, deceased.
20. An act for the relief of the heirs of Anna Maria Walsh.
22. An act concerning the public library, and for the election of a librarian.

And thereupon the rule of the house, constitutional provision, and second reading of said bills, (the ninth, thirteenth and eighteenth excepted,) having been dispensed with, the first, second, third, fourth, sixth, seventh, eleventh, twelfth, fourteenth, fifteenth, seventeenth, nineteenth, twenty-first and twenty-second were severally ordered to be read a third time; and the fifth, eighth, tenth, sixteenth and twentieth were committed to the committee for courts of justice, the fifth with certain instructions.

And thereupon the rule of the house, constitutional provision, and third reading of the first, second, third, fourth, sixth, seventh, eleventh, twelfth, fourteenth, fifteenth, seventeenth, nineteenth, twenty-first and twenty-second bills having been dispensed with:

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 twenty-second bill, by Messrs. Harrison and Woolley, were as follows,

Viz:


NAYS—Messrs. Allen, A. Anderson, Bowling, Collins, Copeland, Crow, Davidson, Davis, English, Harrison, Hayden, Heady, Hill, Hughes, Lockhart, McDonald, Maxey, May, Megowan, Montgomery, Morgan, Ozborn, Patterson, Prince, Sanders, Scrivner, Shepherd, Short,
E. Smith, W. Thomas, J. Williams, S. Williams, S. Young, and T. Young—34.

Ordered, That the Clerk inform the Senate thereof.

And then the house adjourned.

TUESDAY, JANUARY 22, 1833.

The Speaker laid before the house a letter from Joseph R. Ward, Esq., a member of this house, from the counties of Lawrence and Morgan, announcing a resignation of his seat therein; which was received, read, and laid on the table.

A message was received from the Senate announcing their disagreement to bills which originated in this house, of the following titles:

- An act to regulate the fines and forfeitures in Mason county.
- An act to explain and increase the jurisdiction of justices of the peace in relation to sums under five pounds.
- An act for the benefit of Ezekiel Taylor and Alsey Taylor, his wife.
- An act to amend the 14th section of the act to reduce into one the execution laws of this state.
- An act for the benefit of John Barnes, a lunatic.
- An act to explain and amend the act of 32d December, 1831, on the subject of granting license to tavern keepers.
- An act for the benefit of Susannah Brown.
- An act to dissolve the marriage contract between William and Pamela M. Parker.

And the passage of bills which originated in this house, of the following titles:

- An act to amend the road laws, so far as respects the county of Mason.
- An act to authorise the establishment of a library in Rockcastle, and for other purposes.
- An act to amend an act organizing a Fire Company in the town of Augusta.
- An act to revise and continue in force an act entitled, an act to establish the town of Vanceburg, approved Jan. 24, 1827, and for other purposes.
- An act further to improve the town of Princeton.
- An act for the benefit of the late Sheriff of Grant county and his securities.
- An act for the benefit of the heirs of Samuel Flournoy, deceased.
- An act for the benefit of the clerk of the Garrard county court.
An act to establish election precincts in the counties of Breckenridge and Hancock.

An act to amend an act to establish an election precinct in Pendleton county, approved Jan. 29, 1830, and for other purposes.

An act to incorporate a company to establish a turnpike road from the City of Louisville by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen to the state line, in a direction to Nashville: with an amendment to the latter bill.

And the passage of bills of the following titles:

An act to incorporate the Greenwick Academy.

An act providing for settling the accounts with the keeper of the Penitentiary.

And that the Senate insist on their first and recede from their third amendment proposed to a bill which passed this house, entitled, an act to provide for laying the levy in certain counties, and for other purposes. They have appointed a committee of conference, on their part, and solicit the appointment of a committee, on the part of this house.

Whereupon, Messrs. Green, A. Anderson and Henry, were appointed a committee on the part of this house.

Ordered, That Mr. Green inform the Senate thereof.

Mr. Prince, from the joint committee of enrolments reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to authorise the establishment of a road from Harrodsburg to the Lexington road from Bardstown, and for other purposes.

An act for the benefit of Morgan Forbes' heirs and Clark McAfee's heirs.

An act for the benefit of Daniel M. Kittenger.

An act authorising the several county courts of this Commonwealth to permit gates to be erected on certain public roads.

An act to authorise Clerks, Sheriffs, Justices, and Constables the collection of their fees from those about to leave this Commonwealth.

An act prescribing a mode for vacating judgments recovered against or in favor of deceased persons.

An act to establish a road from Louisville to the state line, in a direction to Knoxville.

An act to legalize the proceedings of the trustees of the town of Taylorsville, in the county of Spencer, and for other purposes.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

A bill from the Senate, entitled, an act to protect the actual settlers in the land district West of the Tennessee river: was read the first time, and ordered to be read a second time.

And thereupon the rule of the house and constitutional provi-
Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall not be lawful for any person, within nine months after the passage of this act, to enter any quarter section or fractional quarter section of land which has been improved by any actual settler in the land district West of the Tennessee river, at the passage of this act; and any entry made contrary to the provisions of this act, is hereby declared null and void: Provided, however, That said settler may, at any time, enter the same: Provided, further, That no settler shall be protected in more than two quarter sections of land under the provisions of this act.

Mr. Chilton then moved to amend said bill by striking out from the proviso the words printed in italics.

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

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


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 the Clerk inform the Senate thereof.

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

1. An act further to regulate the town of Springfield, in Washington county.

2. An act to authorise the clerks of the county courts of Hop-
kins, Hancock, Union, and the circuit court of Harrison, to transcribe certain records in their respective offices.

3. An act for the benefit of the estate of Henry Ditto, Jr.

4. An act to enlarge the town of Madisonville.

5. An act concerning the town of Henderson, and for other purposes.

6. An act to amend the laws concerning Transylvania University.

7. An act for the benefit of the representatives of James Homaker, deceased.

8. An act to authorise persons prosecuted for felony, in the county of Jessamine, to be confined in the jail of Fayette.

9. An act to provide for the location of the Lexington and Ohio Rail Road through the City of Louisville, and for other purposes.

10. An act to legalize the proceedings of the Court of Assessment of fines of the 20th Regiment of Kentucky Militia.

11. An act to repeal the law now in existence in relation to Head-right settlers; and to dispose of the balance of the debt due from this class of debtors to the purposes of internal improvement.

12. An act for the benefit of the Cumberland Hospital.

13. An act to authorise the Bourbon county court to levy a tax on the lands of the county.

14. An act for the benefit of the heirs of John Nall, Jr.

15. An act for the benefit of James Blincoe’s heirs.

16. An act for the benefit of Benjamin Tobin.

17. An act to amend the laws regulating the manumission of slaves.

18. An act limiting the time for which persons may be held to bail for their good behaviour.

19. An act to establish election precincts in Woodford, Graves, Whitley, and Henderson counties.

20. An act authorising the Trustees of the Kentucky Baptist Education Society to emancipate a slave.

21. An act to provide the mode of paying the state’s subscriptions in incorporated companies.

22. An act to amend the charter of the Shelbyville and Louisville Turnpike Company.

23. An act to amend an act entitled, an act to incorporate the City of Lexington.


25. An act for the divorce of Mary Richardson.

26. An act to appoint trustees to the Washington Academy.

27. An act for the benefit of the clerk of Perry county.

28. An act to incorporate the Louisville Hotel Company.
29. An act to permit the trustees of Columbus to allow mills and warehouses to be built in the commons of said town.

30. An act for the relief of William Cecil and Benedict Morehead.

And thereupon the rule of the house, constitutional provision, and second reading of said bills having been dispensed with, the first, second, third, fourth, fifth, sixth, seventh, eighth, tenth, thirteenth, fourteenth, fifteenth, sixteenth, nineteenth, twentieth, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-ninth and thirtieth, were severally ordered to be read a third time; the ninth was committed to a select committee of Messrs. Thruston, Woolley, Rudd, Dunlap, Innis, Simpson, Green, S. Young, Meriwether, E. Smith, Wickliffe, Nuttall and Matson; the eleventh, seventeenth, eighteenth and twenty-eighth, to the committee for courts of justice; the twelfth and twenty-first, to the committee of ways and means; the twenty-second, to the committee on internal improvements.

And thereupon the rule of the house, constitutional provision, and third reading of the first, second, third, fourth, fifth, sixth, seventh, eighth, tenth, thirteenth, fourteenth, fifteenth, sixteenth, nineteen, twentieth, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-ninth and thirtieth bills having been dispensed with:

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

Ordered, That the Clerk inform the Senate thereof.

A bill from the Senate, entitled, an act to amend an act, approved Dec. 10, 1822, for the establishment of a state road from Lexington to Ghent, on the Ohio river: was 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.

Ordered, That the Clerk inform the Senate thereof.

A resolution from the Senate, fixing on a day for the election of public officers, a President and Directors of the Bank of the Commonwealth, and a President and Directors of the Bank of Kentucky: was taken up, read, and committed to the committee for courts of justice.

Mr. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of David Short.

An act to improve the road leading from Monticello to the state line, in a direction to Monroe, Tennessee.

An act changing the boundary lines of the 72d Regiment of the Kentucky Militia.
An act to change the place of voting at the Claysville precinct, in Harrison county, and for other purposes.
An act for the benefit of the sheriffs of Gallatin, Pendleton, and Bath counties.
An act for the benefit of Sally Spillman.
An act for the benefit of Vachel Welden, jailor of Bracken county.
An act to authorize the sale of a street in Russellville.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

A resolution from the Senate, fixing on a day for the adjournment of the Legislature: was taken up, read, and amended by striking out “Saturday, the 20th instant, January.”

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. Davidson and Ewing, were as follows:


A motion to fill the blank having been moved:

Mr. Harrison then again moved 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. Ewing and Davidson, were as follows:

YEAS—Mr. Speaker, Messrs. Abell, Bowling, Brown, Butler, Culley, Delaney, Dunlap, Fulton, Harris, Harrison, Hayden, Hauser, Hendy, Innis, Jett, G. W. Johnston, W. Johnson, Kennedy, Lee, Lockhart, McAfee, M. Donald, M. Fall, Marshall, Matson, May, D. Morris, Murray, Nuttall, Pickett, Rudd, Sanders, Seaton, Short, E. Smith, W. Smith,
Southgate, Stevenson, Thruston, D. White, Woolley, Yates, and S. Young—44.


It was then moved and seconded to fill the blank in said resolution with "Wednesday, the 4th day of February."

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

The yeas and nays being required thereon, by Messrs. T. I. Young and Woolley, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Abell, Bell, Bowling; Butler, Delaney; Dunlap, English, Fulton, Harris, Hayden, Heady, Jett, G. W. Johnston, Lee, McAlee, McDonald, M. Fall, Marshall, Mason, B. S. Morris, D. Morris, Murray, Nuttall, Pickett, Rudd, Sanders, Shepherd, E. Smith, W. Smith, Southgate, Thruston, Wickliffe, D. White, Woolley, and Yates—36.


The blank in said resolution was then filled with Saturday, the 2d February; and the resolution, as amended, concurred in.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in said amendment.

A bill to change the mode of summoning jurors, and to provide for their compensation: was read a second time.

Mr. Yates then moved to lay the said bill on the table until the first day of June next.

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

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

YEAS—Mr. SPEAKER, Messrs. Abell, Allen, A. Anderson, S. H. An-
The said bill was then committed to a committee of the whole house for the 29th instant.

A message was received from the Senate announcing the passage of bills of the following titles:

An act to remove the obstructions to navigation at the falls of Green river, and for other purposes; and,

An act to amend an act incorporating the Bardstown and Louisville Turnpike Company.

The house took up for consideration the preamble and resolutions laid on the table on the ___ day of December, by Mr. Davis, on the subject of the road leading from Lexington to the Virginia state line, by way of Winchester, Mount Sterling, and Owingsville; which being twice read, was adopted.

Ordered, That the Clerk carry the same to the Senate, and request their concurrence.

The following bills were severally read a second time:

1. A bill for the benefit of Champ Mullens, of Rockcastle county.
2. A bill for the benefit of Sarah Crane.
3. A bill to authorise the qualified voters of Hickman county to select either Moscow or Clinton for a permanent seat of justice for said county, and for other purposes.
4. A bill to change the mode of ascertaining the value of slaves executed.
5. A bill to fix the terms of the Trigg circuit court.
6. A bill authorising the building of an arsenal for the security and preservation of the public arms.
7. A bill to amend the law in relation to landlords and tenants.
8. A bill to regulate the compensation of the clerks of the Senate and House of Representatives.
10. A bill to allow an additional justice of the peace and constable to Washington county.

11. A bill to appropriate $5000 towards building a permanent bridge across Licking river, at Claysville.

12. A bill for the benefit of Benjamin F. Orear.

13. A bill to add a part of the county of Whitley to the county of Laurel.

14. A bill for the improvement of the navigation of Big Caney, a branch of Rough creek.

The first, second, third, fourth, sixth, tenth, twelfth, thirteenth, and fourteenth, were severally ordered to be engrossed and read a third time; the fifth, seventh, eighth, and ninth, were committed to the committee for courts of justice; and the eleventh, to the committee on internal improvements.

And thereupon the rule of the house, constitutional provision, and third reading of the third, sixth, and tenth bills having been dispensed with, and the same being engrossed:

Resolved, That the said bills do pass; that the titles of the third and sixth be as aforesaid; and that of the tenth be amended by adding thereto the words, "and a justice of the peace to Shelby county.

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

A bill to amend the act to provide for the erection of a bridge across Rockcastle river, on the turnpike and wilderness road: was read a second time.

The question was then taken on engrossing the said bill and reading it a third time, which was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. McAfee and E. Smith, were as follows, viz:


And then the house adjourned.
WEDNESDAY, JANUARY 23, 1833.

Leave was given to bring in the following bills:
On the motion of Mr Allen—1. A bill for the benefit of Lewis Strader and — Strader.
On the motion of Mr Allen—2. A bill to authorise the county court of Green county to regulate the constables' districts, so far as to reduce the number of constables in said county to five.
On the motion of Mr Hayden—3. A bill to provide for opening a road from Frankfort to Williamstown, in Grant county.
On the motion of Mr Maxey—4. A bill for the improvement of the public roads in Monroe county.

Messrs. Allen, A. Anderson and McAfee, were directed to prepare and bring in the first and second; Messrs. Hayden, D. White and Hauser, the third; and the committee of ways and means, the fourth.

A message was received from the Senate announcing their disagreement to bills which originated in this house, of the following titles:

An act to amend the law concerning divorces.
An act for the benefit of Augusta College.
The passage of bills, which originated in this house, of the following titles:
An act for the benefit of Stephen Langford.
An act to appoint additional justices of the peace in certain counties and for other purposes.
An act to authorise the appointment of clerks in vacation; with amendments to the two latter bills.
The passage of bills of the following titles:
An act to erect a house of public worship in the town of Mount Vernon, in Rockcastle county; and,
An act to amend an act entitled, an act for the benefit of the heirs of Samuel Shannon, deceased.
And their concurrence in the amendments proposed by this house to a bill from the Senate, entitled, an act concerning the public library, and to provide for the election of a Librarian.

Mr. B. F. Thomas, from the select committee, to whom was referred the petition of Thomas F. Hazelrigg, made the following report:
The select committee, to whom was referred the memorial of Thomas F. Hazelrigg, praying to be admitted as a member of this house, in the place of Joseph R. Ward, the then sitting member, from the counties of Lawrence and Morgan, have had the subject under consideration, and have agreed upon the following report:
The petitioner, Thomas F. Hazelrigg, charges, that he was duly elected, as a representative from the counties of Lawrence and
Morgan, at an election held in said counties, on the 13th, 14th, and 15th days of December, 1832; and that after the close of said election, the poll books of three of the precincts in Lawrence county were \textit{altered} and \textit{interpolated}, so as to give Joseph R. Ward, the member returned, a majority of sixteen votes. As the facts set out in said petition imputed to the sheriff, to whom the custody of said poll books was confided, conduct, if not criminal, at least highly reprehensible; the committee deemed it their duty to avail themselves of the power delegated to them, and to send for persons and papers, touching said alteration of the poll books.

Upon the first meeting of the committee, after the arrival of the witnesses, they received from the sitting member, Joseph R. Ward, a letter, announcing his resignation as a member of this house. Whatever motives may have dictated such a course, your committee did not think that the investigation of the alleged alteration of the poll books ought to be declined or evaded; nor did they suppose that such resignation of the sitting member would entitle the petitioner to a seat in this house, unless it appeared from competent testimony, that he had received a majority of the qualified votes given at said election.

The committee regret that in the prosecution of this investigation they were unable to obtain the poll books, which are alleged to have been altered, as the Sheriff not only failed to appear before the committee, but had also failed to deposit the books in the office of the clerk of the county court of Lawrence, as he was by law bound to do: consequently the committee were constrained to allow, in relation to said matter, a secondary grade of testimony, to-wit: the parole testimony of witnesses; and although the production of said books might have produced a more certain conviction in the minds of the committee, in relation to the alleged alteration, yet they must admit that the testimony introduced before them was of such a character as to leave but little, if any, doubt upon this subject. They would therefore respectfully call the attention of the house to the facts as they appeared in evidence.

By an inspection of the poll books of Morgan county, it appeared that Hazelrigg received, in that county, 311 votes and Ward, 44 votes. It was then proven by the Sheriff who compared the polls, that in Lawrence county, at the Rockcastle precinct, Ward received 21 votes and Hazelrigg, 1; or that such was the state of the poll, when shown to him, upon the comparison of the polls; that at the George's creek precinct, Ward received 38 votes and Hazelrigg, \textit{none}; that at Louisa, Ward received 85 votes and Hazelrigg, \textit{none}; at the East Fork precinct, Ward received 74 votes and Hazelrigg, \textit{none}; at the Little Fork precinct, Ward received 62 votes and Hazelrigg, \textit{none}; and that at the Blain's precinct, Ward received 45 votes and Hazelrigg, 41: making the en-
tire vote of Ward, in the two counties, 369; and the entire vote of Hazelrigg, 353. These facts appear from the poll-books, as they existed when the comparison of the polls was made. But it appeared in testimony before the committee, by Henry Burgess, Esq., one of the judges of the election, in the George’s creek precinct, that the entire vote given there was 31 votes, all of whom were given to Ward. It also appeared, by the testimony of Jas. Markham, one of the judges of the election, at the courthouse, (Louisa,) that the entire vote given there was 73 votes, all of whom were for Ward. And it further appeared, by the testimony of John Stafford, Esq., who was one of the judges of the election, at the Rockcastle precinct, that at said precinct the entire vote was 13, 12 of whom were for Ward and one for Hazelrigg. These facts seemed so fresh in the recollection of said witnesses, which, when combined with the good character of said witnesses, left no doubt on the minds of the committee in relation to the true vote given at said precincts. According to these data, the entire vote in the two counties for Ward was 341, and for Hazelrigg, 353: giving to Hazelrigg a majority of 12 votes.

In coming to this conclusion, your committee have felt the more confidence, from the fact that if their conclusion be wrong it might have been repelled by the production of the books; and whilst they admit that there was no evidence before them going to prove that Joseph R. Ward had any knowledge of said alteration; yet they feel constrained to say, that the conduct of the Sheriff of Lawrence county has been highly censurable and deserving of reprobation. When ministerial officers so far forget their solemn and sacred duties as to permit personal friendship or party zeal to overcome their judgments, and to induce them, officially, to suggest that which is false, or to suppress that which is true, there is no safety, no guaranty for a due administration of the laws.

The committee therefore recommend the adoption of the following resolution:

Resolved, That in the opinion of this committee, Thomas F. Hazelrigg was duly elected, as a member to serve in this house, from the counties of Lawrence and Morgan, in place of Joseph Jones, resigned; and that he be permitted to take his seat as such.

The question was then upon concurring in the resolution presented by said committee for the consideration of the house.

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

The yeas and nays being required thereon, by Messrs. Chilton and B. F. Thomas, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs; Allen, A. Anderson, S. H. Anderson, Bell, Bowling, Bramlett, Brown, Butler, Churchill, Collins, Cook, Crow,
Mr. Ewing then moved the following resolution: 
Resolved, That Harris W. Thompson, Sheriff of the county of Lawrence, pay the costs of this proceeding; and that an execution issue by the Clerk of this house against him for the same, which shall be executed by the Sergeant of this house or by the Coroner of Lawrence.

Which being read, was committed to the committee for courts of justice.

Mr. Prince, from the joint committee of enrolments reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the clerk of the Garrard county court.
An act for the benefit of the late Sheriff of Grant county and his securities.
An act for the benefit of the heirs of Samuel Flournoy, deceased.
An act further to improve the town of Princeton.
An act to provide for the opening a road from Frankfort to Williamstown, in Grant county.
An act to establish election precincts in the counties of Breckenridge and Hancock.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. Green, from the committee of conference, appointed on the subject of the disagreement of the two houses, with regard to the first amendment proposed by the Senate to a bill which originated in this house, entitled, an act to provide for laying the levy in certain cases, and for other purposes: made a report. Whereupon,

Resolved, That this house adhere to their disagreement to the first amendment proposed by the Senate.

Ordered, That the Clerk inform the Senate thereof.

Mr. Thomas F. Hazelrigg, appeared, produced a certificate of his having taken the several oaths required by the constitution of the United States and the constitution and laws of this state, and
took his seat as a member of this house, from the counties of Lawrence and Morgan.

The house took up for consideration "a bill to establish a State Bank," and the amendments proposed thereto by the select committee.

The said amendments were then concurred in; and the said bill amended to read as follows:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a Bank, to be denominated the "State Bank of Kentucky," shall be and the same is hereby established, in , in this Commonwealth, with a capital of three millions of dollars, to be divided into shares of one hundred dollars each, and subscribed and paid for in the manner hereinafter mentioned and described, which subscribers and share holders, their successors and assigns, shall be and are hereby created a body politic and corporate, by the name and style of the "State Bank of Kentucky," and shall so continue a body politic and corporate, until the first day of January 1863; and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of this Commonwealth, as natural persons with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey, and dispose of all such real estate, goods, chattels and effects, as shall be necessary and proper for the transaction of its business, or which may be conveyed to said bank as collateral security, or received in payment of any doubtfull debt due and owing as aforesaid, and which had previously accrued in the course of its dealings, either by contract of purchase, or otherwise; and may have and use a common seal, and alter and change the same; and make, ordain, and establish, and put in execution, such by-laws, ordinances, rules and regulations, for the government of said bank, as may be considered meet and proper: provided the same are not inconsistent with the constitution of this commonwealth and the laws thereof; and the constitution and laws of the United States.

SEC. 2. Be it further enacted, That ten thousand shares of the capital stock of said bank be and the same are hereby reserved for the State of Kentucky, to be subscribed for and paid in the manner hereinafter provided.

SEC. 3. Be it further enacted, That John W. Hunt, Lewis Keene, and Benjamin Gratz, of the City of Lexington; Nathan Hickson, Adam Beatty, and John M. Morton, of the town of Maysville; Peter Dudley, John Harvie, and Edward P. Johnson, of the town of Frankfort; John T. Jacob, John P. Oldham, and David S. Chambers, of the City of Lou-
Alexander McCandless, John W. King, and William Yorke, of the town of Covington; Samuel Daviess, Christopher Chinn, and John Bull, of the town of Harrodsburg; and —— of the town of Russellville; are hereby appointed commissioners, to open books and receive subscriptions for the capital stock of said bank; and for that purpose, it shall and may be lawful for said commissioners, or any two of them, on the first day of April next, or at any other time within twelve months thereafter, at the places herein named, having given not less than thirty days' notice in at least one newspaper printed in Louisville, one in Lexington, and one in Frankfort, and in such other papers in Kentucky or elsewhere, as they may think proper, to open books of subscription for the capital stock in said bank, and to keep said books open from ten in the morning until four in the evening, for sixty days (Sundays excepted,) or until at least ten thousand shares of said stock shall have been subscribed, when the same may be closed; and if more than twenty thousand shares shall be subscribed, the said commissioners shall deduct the amount of such excess from the largest subscriptions, in such manner as that no subscription shall be reduced while one remains larger; and in the event the full amount of twenty thousand shares shall not be subscribed for, at the closing of the books as aforesaid, the said books may be re-opened, for subscriptions by the commissioners aforesaid, until the whole of said stock may be taken; and for the purpose of ascertaining the amount of stock subscribed, and making the distribution as aforesaid, if necessary, it shall be the duty of said commissioners, or a majority of them, to convene at the capitol, in the town of Frankfort, on the first Monday in July next, or sooner, if they think proper, and if it shall appear that ten thousand shares of said capital stock have been subscribed, by individuals, bodies politic or corporate, said commissioners, or a majority of them, shall have power to convene a general meeting of the stockholders, in ——, and at such time as they may direct, giving at least thirty days' notice in not less than four newspapers printed in Kentucky.

Sec. 4. Be it further enacted, That the payment of shares of said capital stock shall be made in gold or silver, and completed by the subscribers respectively, at the times and in the manner following: that is to say—at the time of subscribing, ten dollars on each share; within thirty days after the election of the first directors, the further sum of twenty dollars on each share; and the balance due on each share shall be made in payments of thirty dollars in three months thereafter, and forty dollars in six months thereafter; but any subscriber may, at his option, pay the full amount of his subscription at any time, or any greater
amount than herein required to be paid. And if any subscriber shall fail in the payment of any part of any sum subscribed to the capital of said bank, he she or they so failing shall lose the benefit of any dividend which may have accrued prior to the time of making such payment, and during the delay of the same: Provided, the President and Directors shall have power to cause the stock so subscribed to be re-sold, as other unsubscribed stock, in default of payment as aforesaid.

Sec. 5. Be it further enacted, That the management of said Bank shall be under the direction and control of a board of thirteen directors, who shall be stockholders, and citizens resident in the state of Kentucky, four of whom shall be chosen by the Legislature on joint ballot of both houses; and after the first election, shall be elected annually on the first Monday in February, by the stockholders, at such place as the President and Directors for the time being may designate. At every election and meeting of the stockholders, held under the provisions of this charter, each and every shareholder shall be entitled to one vote for each and every share he or she may hold in his or her own right, up to fifty; and for every five shares over fifty shares, each stockholder shall be entitled to one vote up to one hundred votes, but no shareholder shall be entitled to more than one hundred votes in his own right; and after the first election, no share shall confer the right of suffrage, which shall not have been held by the then owner thereof, and so appear on the books, at least three months previous to the election. Any stockholder not personally attending such election, or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder actually attending the election. No director of any other bank shall be eligible to the office of director, nor shall two partners in trade be eligible as directors in this bank at the same time, nor shall any person vote for a director, either directly or by proxy, who is not a citizen of the United States at the time he offers to vote.

Sec. 6. Be it further enacted, That the directors chosen under the provisions of this act, shall, as soon as may be after the first and every annual or other election, elect a President from their own body, who shall preside at the board until the next election; and in the event of his death, absence, or resignation, the board shall choose a President pro tempore; they shall fill all vacancies which may occur in their own body, during the time for which they shall have been elected—and appoint a cashier, and subordinate officers, clerks, agents and servants of said Bank; and, also, in the event any one or more branches of said bank shall be established by them—to appoint the directors thereof; and cashier or cash-
ers thereof, fix their and each of their compensation, define their pow­
ers, and prescribe their duties; requiring from them such bonds, and in such penalties, and with such conditions, as they may prescribe; and require the same, from time to time, to be altered and enlarged, with such additional security, as in their discretion, may be considered most advantageous to the interest and safety of said Bank. The President and six Directors may form a quorum, and they shall be authorized to make, ordain and put in execution, such by-laws, rules and regulations for their own government, and for the management of said Bank, or any or all of its branches, if any shall be created, and of the estate, funds, and every matter and thing connected with the management of said Bank, not inconsistent with the provisions and exceptions herein contained. They shall hold stated meetings once in every week at least, and at such other times as the President or a majority of said Directors shall direct; and all questions before said board shall be decided vive voce by a majority present, any one of whom may require the yeas and nays to be taken and recorded on any proposition submitted. They shall, on the first Mondays in January and July, in each year, make and declare dividends resulting from the profits of said Bank, provided the capital stock shall in no wise be lessened, and pay such dividends on demand to the several stockholders; and provided further, that before any dividend is made, in each and every year, there shall be declared and set apart from the profits of said Bank, a surplus or contingent fund, of at least one half per cent. on the dividends so declared, which shall and may be re-loaned, together with the profits arising there­from, and kept and considered as a distinct fund, during the continu­ance of this charter. And if the President and Directors of said Bank shall, at any time, make any dividend of the profits, or other property of said Bank, by which the capital stock shall in any wise be lessened or impaired, or shall, by any mismanagement or neglect of duty, cause any loss of the capital stock of the Bank, the Directors consenting there­to, shall be jointly or severally liable, in their individual capacities, to any stockholder or creditor of said Bank, who may sustain injury thereby. And the President and each and every Director shall be deemed to have consented to such dividend, and been guilty of such mismanage­ment, unless he shall cause his dissent to be entered on the books of said Bank, or establish the fact, that he was not present at the time: Provided, That before the President or any one or all of the Directors aforesaid, or the President and Directors of any branch bank, or the cashier or cashiers thereof, clerks, tellers, and all other officers, con­nected either with the principal bank or its branches, shall enter on
the duties of their several offices, they shall severally take an oath before some justice of the peace in this Commonwealth, faithfully and honestly to discharge the duties of their several offices and stations created by this charter, or which may be created by any of the by-laws of said Bank; and, moreover, that they will not violate any of the provisions of this charter, nor sanction or suffer it to be done by others, if they, or each of them, can prevent; and if any violation should happen, that they will make the same known to the attorney general of this Commonwealth, and the Governor thereof.

Sec. 7. Be it further enacted, That it shall and may be lawful for said Bank to loan money, buy, sell, and negotiate bills of exchange, checks, and promissory notes, and other negotiable paper or obligations for the payment of a sum of money certain, and stock in incorporated companies; and to discount, on banking principles and usages, bills of exchange, promissory notes, and other negotiable paper; also, to issue bills or Bank notes, payable to bearer on demand; also to draw and issue bills of exchange on individuals, companies or corporations, payable to order, and at such place and at such time or day as the Directors, for the time being, may deem expedient: Provided, it shall not be lawful for said Bank to issue any bank note of a less denomination than five dollars, and provided, also, that all notes made payable at and discounted by said Bank, or any of its branches, shall not be subject to set-off, nor shall the consideration thereof be impeached; and, provided further, that the said President and Directors shall not, in any event discount any promissory note, unless there shall be at least three responsible names thereupon, either as drawers or endorsers, as they may require.

Sec. 8. Be it further enacted, That the board of Directors shall and may allow and pay to the President of said Bank, and the cashier thereof, and the Presidents and cashiers of any branch, and the clerks and other officers, such compensation for their services as in their discretion may be considered proper; and it shall be the especial duty of said board, once in every month, to cause a strict examination of the accounts of the principal cashier, and the cashiers of each branch, and a statement of such examination shall be entered on the journals and proceedings of the board; and it shall not be lawful for any cashier or other officer of said Bank, to become indebted to said Bank, either as borrower, or endorser, or security, nor shall the cashier, clerk or any other officer of said Bank, vote at any election for Directors, as attorney, agent or proxy, of any stockholder.

Sec. 9. Be it further enacted, That said Bank shall not at any time,
owe, whether by bond, bill, note or other contract, an amount exceeding twice the sum of their capital stock actually paid in, exclusive of sums due on deposits; and in cases of excess, the President and Directors under whose administration it shall have occurred, shall be liable for all or any of the debts of said Bank, in their natural and private capacities, by a joint or several action of debt against them, their or any of their respective heirs, executors, or administrators, in any court having jurisdiction thereof, by any creditor or creditors of said Bank, and may be proceeded to judgment and execution: Provided, the lands, goods, chattels, funds and choses in action, belonging to said bank, are inadequate to satisfy the excess; and provided, also, that if the President or any Director shall be absent when the excess may be created, or being present, shall dissent from the resolution or act by which the excess was made, he or they shall not be liable under this section, if he or they shall, within ten days from the creation or discovery thereof, make affidavit of the fact of his or their absence or dissent, and file the same for record with the clerk of the county court of ——— county.

Sec. 10. Be it further enacted, That said Bank shall not, at any time, suspend, fail or refuse payment in gold or silver, for any of its notes, bills or other obligations, due and payable, or moneys received on deposit, and in the event the officers in the usual banking hours, at the office of discount and deposit of said Bank, or any of its branches, shall fail or refuse, or unreasonably delay payment, in gold or silver of any note or bill of said Bank, there presented for payment, and payable at such office of discount and deposit, or the payment of any money previously deposited therein, and there demanded by any person or persons entitled to receive the payment of the same, the said Bank shall be liable to pay, as additional damages, at the rate of twelve per centum per annum on the amount thereof, from the time of such failure, refusal or delay, until the payment thereof; and for such failure or refusal, as well as for a violation of any of the provisions of this charter, the same shall be forfeited on a scire facias, sued out in the name of the Commonwealth, on the motion of the Attorney General, and such proceedings had as to declare such forfeiture by the judgment, of any court of competent jurisdiction.

Sec. 11. Be it further enacted, That the certificates of deposit, bills, notes, bills of exchange, orders or checks of said Bank, signed by the President and countersigned by the cashier, promising or directing the payment of money to any person or persons or to bearer, shall be obligatory on said Bank, though not under the seal thereof; and all such bills, notes or orders, payable to order, shall be transferable and negotiable by en-
dorsement, and those payable to bearer by delivery. That the shares in said bank shall be considered as personal estate, and assignable on the books of said corporation, in the manner prescribed by the President and Directors.

Sec. 12. Be it further enacted, That if any cashier, or any of the officers, agents or servants of said bank, or any of its branches, shall embezzle, and without authority from the President and Directors of said bank, appropriate any of the funds of said corporation to his own use, with intent to cheat and defraud said bank, or shall fail to make correct entries on the books of said bank, with intent to defraud said bank or any other person or persons whatever, said officer, agent, or servant shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the Jail and Penitentiary of this state, for a period not less than two nor more than five years.

Sec. 13. Be it further enacted, That so soon as ten thousand shares of said capital stock shall be subscribed as aforesaid, and the sum of five hundred thousand dollars or upwards of said stock, actually paid in, in gold or silver, or the notes of the Bank of the United States, or its branches, the President and Directors shall notify the Governor of this Commonwealth thereof, who is hereby authorised to appoint some suitable persons to examine and count the money so paid in, and take the written affidavit of the President, and at least six Directors, that said money has been actually paid in bona fide, as part of the capital stock of the bank. And upon the Governor being satisfied that the sum herein required has been paid as aforesaid, he is hereby authorised and required to subscribe for, on behalf of the state, ten thousand shares of the capital stock of said bank; and for the purpose of enabling him to pay for the same, he is required to cause certificates or bonds, signed by the Treasurer, and endorsed by the Auditor, in such form as he may prescribe, with the seal of each, and countersigned by himself, with the seal of the Commonwealth, to be issued for one million of dollars, in such sums or amounts, as he may deem advisable, bearing an annual interest of not more than five per cent, redeemable in thirty years, the interest of which shall be paid annually, which said bonds shall be placed in the hands of the President and Directors of said bank, and by them negotiated; for the redemption of which said bonds or certificates, the faith and credit of this Commonwealth, together with the proceeds of her vacant lands, stocks, and surplus funds and resources, are hereby pledged: Provided, however, That the privilege shall be reserved, on the part of the state, to redeem and pay off one third of said sum at any time after 15 years.
SEC. 14. Be it further enacted, That the said President and Directors shall, and they are hereby required, to establish any number of branches of discount and deposit; in this Commonwealth, and at any place, and, with such capital, as in their sound discretion, may be considered necessary and advantageous to said bank: Provided, there shall not be established more than four branches, two of which shall be located on the South side of the Kentucky river, and two on the North side thereof. And the said President and Directors may commit the management of said branches of discount and deposit, and the business thereof, to such persons and under such regulations, as they shall deem proper, not being contrary to law or the charter of this bank.

SEC. 15. Be it further enacted, That no other bank shall be established by any future law of the State of Kentucky during the continuance of the corporation hereby created, for which the faith of Kentucky is hereby pledged.

SEC. 16. Be it further enacted, That in consideration of the privileges and benefits hereby conferred upon said bank, the President and Directors shall pay to the State of Kentucky, out of the corporate funds thereof, by way of bonus, after the rate of twenty-five cents on each hundred dollars per annum actually paid in, of said capital stock, from and after the first day of January in the year 1835, which said bonus shall be paid out of the profits of said bank.

SEC. 17. Be it further enacted, That it shall at all times be lawful for a joint committee of both branches of the Legislature of Kentucky, to inspect the books and examine the proceedings of the corporation hereby created, and report their opinion thereupon. And it shall be the especial duty of said President and Directors, during the first week of the session of the Legislature, in each year, to transmit to the Speaker of the House of Representatives, for the use of the Legislature, an accurate and just statement of the condition of said bank, and all and each of the branches thereof; which statement shall specify the amount of capital stock actually paid in, the value of the real estate, and the cost thereof; the amount of gold and silver and other moneys on hand, the amount on deposit, the amount of notes in circulation, and the amount of the contingent fund; which statement shall be verified by the oath of the President and principal Cashier.

SEC. 18. Be it further enacted, That it shall not be lawful for any stockholder, who may be indebted to said bank, either as principal or security, to transfer his stock, or any part thereof, to said bank, in payment thereof; nor shall said bank discount or loan money on the pledge of the capital stock of said bank; nor shall any stockholder transfer his stockholder.
stock, who may be indebted to said bank, to any person or persons, unless with the consent of the President and Directors first had and obtained.

Sec. 19. Be it further enacted, That the said bank shall not contract for or receive a greater rate of interest than at the rate of six per cent per annum for the loan or forbearance of money, and interest on promissory notes negotiable and payable at said bank, or any of its branches, and there discounted, shall be calculated on the true time such notes have to run, including three days grace, and shall be paid in advance, and on banking principles, in conformity with Rowlett's tables of discount and interest.

Sec. 20. Be it further enacted, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any bill or note in imitation of, or purporting to be a bill or note issued by order of the President and Directors of said bank, or any order or check on said bank, or any Cashier thereof; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering, any bill or note issued by order of the President and Directors of said bank, or any order or check on said bank, or any Cashier thereof; or shall pass, utter or publish, or attempt to pass, utter or publish, as true, any false, forged or counterfeited bill or note, purporting to be a bill or note issued by order of the President and Directors of said bank; or any false, forged or counterfeited order or check upon said bank, or any Cashier thereof, knowing the same to be falsely forged or counterfeited; or shall pass, utter or publish, or attempt to pass, utter or publish as true, any falsely altered bill or note, issued as aforesaid, or any falsely altered order or check on said bank or any Cashier thereof, knowing the same to be falsely altered, with intention to defraud said bank or any other person, every such person shall be deemed guilty of felony, and upon conviction thereof, shall be confined in the jail and penitentiary of this Commonwealth for a period not less than two nor more than seven years.

Sec. 21. Be it further enacted, That it shall be the duty of the Cashier of said bank to make out quarterly returns, and cause the same to be entered in a book, to be kept for that purpose, of all debts due said bank or any of its branches, and by whom, and the security or securities thereupon, and the time when the same are, or may be due and payable; which said book shall at all times be free and open to the inspection of any director of said bank, or of any committee appointed by the legislature, as herein before provided for.
Sec. 22. Be it further enacted, That it shall not be lawful for said President and Directors, at any time, to issue an amount of paper exceeding double the capital actually and in good faith in said bank, under the penalties herein before provided.

Sec. 23. Be it further enacted, That the bills and notes of said bank so long as the same are redeemed in gold or silver, shall be received by Sheriffs and collectors of the revenue tax and county levy, and all other officers for debts due this Commonwealth.

Sec. 24. Be it further enacted, That in the event that the stock herein authorized to be subscribed shall not be taken in two years, nor the bank commence operations within three years, the act of incorporation shall cease and determine.

Mr. Gaines then moved 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. Southgate and Gaines, were as follows, viz:


Mr. E. Smith then moved to amend said bill by striking out from the thirteenth section thereof, commencing in the twenty-fourth line thereof, the following words:

"Together with the proceeds of the vacant lands, stocks, and surplus funds and resources."

And the question being taken on the adoption of the proposed amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. E. Smith and Southgate, were as follows, viz:

YEAS—Mr. Speaker, Messrs. S. H. Anderson, Bell, Boone, Butler,
Mr. Ewing then moved to amend said section by inserting after the word pledged, in the 26th line, the following words:

And the Governor of this Commonwealth, for the time being, shall pay over to said bank, all the surplus funds of the state, now in the Bank of Kentucky, and in the Bank of the Commonwealth of Kentucky, or which may be derived from the sale of her vacant lands, over and above the necessary current support of the government, after deducting therefrom the sum of two hundred and twelve thousand dollars, as a credit to the treasury, for the money already borrowed from the Bank of the Commonwealth, and which may be necessary to borrow by the 10th of October next, to defray the current support of the government till that time; which said surplus funds shall be paid into the bank, created by this charter, as fast as the same shall be collected and reduced to specie; and when paid into said bank shall be received and go as a credit, and in payment of so much of the debt contracted by the state, in obtaining the one million of dollars authorized by this act. And the privilege is hereby reserved, on the part of the state, to pay off and discharge one half of said debt so soon as said funds in said banks are realized.

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

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


NAYS—Mr. SPEAKER, Messrs. Abell, S. H. Anderson, Bell, Bramlett, Butler, Chilton, Churchill, Copeland, Crow, Covington, Culley, Davidson, Davis, Delaney, Dunlap, English, Faris, Fulton, Gaines, Green,

The previous question was then called for, by Mr. Woolley, and sustained by the house; and the question was then put on engrossing the said bill, as amended, and reading it a third time, which was decided in the negative.

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

YEAS—Mr. Speaker, Messrs. Aitell, Allen, A. Anderson, Bell, Bowling, Bramlett, Chilton, Churchill, Copeland, Crow, Culley, Delaney, English, Ford, Fulton, Harris, Harrison, Hayden, Hazelrigg, Heady, Hill, Jett, W. Johnson, Lockhart, McAfee, McDonald, McFall, Matson, May, Meriwether, Montgomery, Murray, Nuttall, Ozborn, Patterson, Prince, Rudd, Sanders, Shepherd, Southgate, Stevenson, W. Thomas, Thruston, J. Williams, D. White, and T. I. Young—47.


Mr. Hughes, from the majority on the vote 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 question was then again put upon engrossing the said bill and reading it a third time, which was decided in the negative: and so the said bill was rejected.

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


A message from the Governor, by Mr. Sanders, Secretary of State.

Mr. Speaker:—The Governor did, on the 22d instant, approve and sign enrolled bills, which originated in this house, of the following titles:

An act for the benefit of Abraham Miller, of Hardin county.
An act defining the limits of the town of Mount Washington, in Bullitt county, and for other purposes.
An act to change the state road leading through the lands of Matthew Slaughter, in the county of Casey.
An act for the benefit of Thomas Newkirk and wife.
An act regulating and defining the powers of the trustees of the town of Brandenburg, in the county of Meade.
An act to change the time of the meeting of the legislature of Kentucky.
An act to authorise the establishment of a road from Harrodsburg to the Lexington road from Bardstown, and for other purposes.
An act for the benefit of Morgan Forbes' heirs and Clark McAfee's heirs.
An act authorising the several county courts of this Commonwealth to permit gates to be erected on certain public roads.
An act for the benefit of Daniel M. Kittenger.
An act to authorise Clerks, Sheriffs, Justices, and Constables, the collection of their fees from those about to leave this Commonwealth.
An act prescribing a mode for vacating judgments recovered against or in favor of deceased persons.
An act to establish the town of Taylorsville, in Spencer county, and giving the trustees thereof certain powers.
An act to establish a road from Louisville to the state line, in a direction to Knoxville.
An act changing the boundary lines of the 72d Regiment of the Kentucky Militia.
An act to change the place of voting at the Claysville precinct, in Harrison county, and for other purposes.
An act for the benefit of David Short.
An act to improve the road leading from Monticello to the state
line, in a direction to Monroe, Tennessee, and the road from Columbia, by Creelsburg, to the state line.

An act for the benefit of Vachel Welden, jailor of Bracken county.

An act to authorise the sale of a street in Russellville.

An act for the benefit of the sheriffs of Gallatin, Pendleton, and Bath counties.

An act for the benefit of Sally Spillman; and,

An act for the benefit of Jane Tibbs and Greenberry Tibbs, of Laurel county.

Ordered, That the Clerk inform the Senate thereof.

Mr. Chilton, from the select committee, appointed for that purpose, reported a bill to incorporate the Elizabetown Savings Institution; 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 referred to the committee for courts of justice.

Mr. Ewing, from the committee for courts of justice, to whom was referred a resolution from the Senate, fixing on a day for the election of public officers, a President and Directors of the Bank of Kentucky, and a President and Directors of the Bank of the Commonwealth: reported the same without amendment.

The said resolution was then amended and concurred in.

Ordered, That the Clerk inform the Senate thereof.

And then the house adjourned.

THURSDAY, JANUARY 24, 1833.

1. The Speaker laid before the house the petition of Jane Wilson, widow of John F. Wilson, deceased, and guardian of his infant children, ten in number, representing that said John F. Wilson died possessed of a small tract of land, in the county of Franklin; that the same cannot be divided among the several heirs without great prejudice to the interests of all, and praying that a law may pass to authorise the sale of said land, that the proceeds thereof may be equally divided among the children and widow of said John F. Wilson.

2. Mr. Chilton presented the petition of the Brandenburg Academy, in Meade county, representing that by an act of 1831 six thousand acres of land were granted said Academy, to be located on the vacant lands in the county of Meade, and that after diligent search, the agents appointed for that purpose by said trustees, have reported that no vacant land can be found within the limits of said county, and praying the passage of a law to author
ise them to locate said quantity of land on vacant and unappropriated lands West of the Tennessee river.

3. Mr. Henry presented the petition of James W. Ewing, guardian of Mary Ellen Ewing, representing that he, as guardian, hired out a certain slave of said ward: that said slave ran off in the year 1831, since which time, although diligent search has been made, he has been unable to recover the possession of said slave; and that, apprehending the entire loss of said slave, he has been induced, to advance the interest of said ward, to sell the right, title, and chance of said slave: praying the passage of a law to legalize said sale.

4. Mr. Allen presented the petition of sundry citizens of Green, Hart, and Barren counties, praying that an appropriation of money be made to remove obstructions in the Little Barren River, from its mouth to the mouth of East Fork.

5. Mr. Butler presented the petition of Charles, a free man of colour, praying that he be released from the penalties of the law, in relation to free negroes, and that he be permitted to reside within the State of Kentucky.

6. Mr. Ewing presented the petition of Thomas Anderson, of Logan county, praying permission to sell a tract of 646 acres of land lying in Green county, which he had conveyed to his infant children.

7. Mr. Woolley presented the petition of Lydia Jones, widow of Thomas G. Jones, and the children of said Jones, praying that a law may pass to authorize the sale of certain slaves belonging to them, which they represent cannot be divided advantageously.

Which petitions were severally received, the reading dispensed with, and referred; the first, second, third and sixth, to the committee for courts of justice; the fourth, to the committee on internal improvements; the fifth, to the committee of propositions and grievances; and the seventh, to a select committee of Messrs. Woolley, J. White, and Dunlap.

A message was received from the Senate announcing their disagreement to bills which originated in this house, of the following titles:

- An act for the further relief and benefit of the administrator of Marcus D. Richardson.
- An act for the benefit of Agnes B. Berry and children.
- An act to provide for revising, digesting, and abridging the state laws of this Commonwealth.
- An act for the benefit of the children of Caleb Martin.
- An act for the benefit of Stephen and Caty Sampson.

The passage of bills, which originated in this house, of the following titles:

- An act to provide for the improvement of the roads in certain counties.
An act for the benefit of Flora N. E. Harding.
An act for the benefit of Stephen Marcum.
An act for the benefit of the infant heirs of Thomas Frazer, deceased.
An act for the benefit of the infant heirs of Casper Hinton.
An act to incorporate a Rail Road Company from Bardstown to Louisville.
An act concerning the town of Adairsville.
An act to incorporate the City of Maysville: with amendments to the four latter bills.

The passage of bills of the following titles:
An act for the benefit of the devisees of John Branigan.
An act to authorise the Secretary of State to distribute certain military books.
An act further to enlarge the powers of the trustees of the town of Harrodsburg.

Resolutions concerning the opening and improving the navigation of Cumberland and Kentucky rivers.
Resolutions concerning the opening and improving the navigation of Green and Big Barren rivers.

And their concurrence in the amendment proposed by this house to a resolution from the Senate, fixing on a day for the adjournment of the General Assembly; and in the amendment proposed to a resolution fixing on a day for the election of public officers.

Mr. D. White, from the joint committee, appointed to examine the Bank of the Commonwealth of Kentucky, made the following report:

The joint committee appointed to examine the Bank of the Commonwealth of Kentucky, report:

That on the 22d inst. they attended at the Bank and examined the books of the institution, and as far as they are able to judge, found them correctly kept and in good order, and shewed an amount of cash on hand of $139,152. The committee then proceeded to count the money, and found it to correspond with the amount shown by the books. The committee report, that a considerable portion of the notes are in a mutilated condition and unfit for circulation, and that $100,000 of the notes may be burned in the course of the present year, and leave an abundance to answer any demands which the present Legislature may create on the Bank. The committee also report, that in their opinion, there is no further necessity for the Directors of said Bank, and that a law ought to pass to dispense with the Directors, and commit the whole management of the Bank to the President, Cashier and principal clerk, and beg leave to report the following resolutions:
Resolved, by the General Assembly of the Commonwealth of Kentucky, That the President and Cashier of the Bank of the Commonwealth of Kentucky, shall, on or before the first Monday in February next, in the presence of the Auditor and Treasurer, proceed to count and destroy, by burning, fifty thousand dollars of the notes of said Bank, that have been withdrawn from circulation; and on or before the first Monday in December next, that the sum of fifty thousand dollars more, of the notes of said Bank, be destroyed, by burning, under the same regulation as the first fifty thousand dollars, and that such notes be selected, in both instances, as have been most defaced.

Resolved, For the purpose of regulating the Directors of said Bank, the committee have leave to report a bill.

And thereupon the rule of the house having been dispensed with, the said resolutions was twice read and adopted.

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

The bill reported by said committee was then 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 for courts of justice.

Mr. Seaton, from the select committee appointed for that purpose, reported a bill to amend an act entitled, an act to amend the law in relation to public roads in certain counties; 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 the Clerk carry the said bill to the Senate and request their concurrence.

A bill to amend the law establishing the turnpike and wilderness gates; was read a second time, and laid on the table until the first day of June next.

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 Stephen Tudor.
2. A bill to increase the salary of the judge of the fifth judicial district, and for other purposes.

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; that the title of the first
be as aforesaid; and that of the second be "an act to provide for the appointment of an additional judge to the fifth judicial district."

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

Mr. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to amend an act organizing a Fire Company in the town of Augusta.

An act to revive and continue in force an act to establish the town of Vanceburg, in Lewis county, approved January 24, 1827, and for other purposes.

An act to incorporate the Franklin Insurance Company.

An act to amend an act entitled, an act to establish an election precinct in Pendleton county, approved January 29, 1830, and for other purposes.

An act to authorise the establishment of a library in Rockcastle county, and for other purposes.

An act to amend the road laws, so far as respects the county of Mason.

An act for the benefit of the heirs of Richard Shanklin.

An act to allow the Sheriff of Madison to return his delinquent list in certain cases.

An act for the relief and benefit of Eleanor Jewell.

An act for the benefit of Benjamin Tobin.

An act for the benefit of the clerk of Perry county.

An act to permit the trustees of Columbus to allow mills and ware-houses to be built in the commons of said town.

An act to appoint trustees of the Washington Academy.

An act for the divorce of Mary Richardson.

An act to protect the actual settlers in the land district West of the Tennessee river.

An act to amend the laws concerning Transylvania University.

An act to enlarge the town of Madisonville.

An act to legalize the proceedings of the Court of Assessment of fines of the 36th Regiment of Kentucky Militia.

An act for the benefit of the heirs of John Nall, Jr.

An act further to regulate the town of Springfield, in Washington county.

An act to appropriate a part of the vacant lands lying between Walker's line and the latitude 30° 30' North, in the State of Tennessee, for the purpose of improving and finishing the road leading from Monticello, Wayne county, to the state line, in a direction to Jacksborough and to Barboursville.

An act for the benefit of William Butler, clerk of the Monroe county and circuit courts.
An act appointing Trustees to the Glasgow Academy.
An act to provide for copying and preserving certain records belonging to the office of the surveyor of Harlan county.
An act to permit the sale of two small tracts of land belonging to Nancy Dulin, an idiot.
An act for the benefit of William Davis, of Whitley county.
An act for the benefit of the legatees of Richard Allen, deceased.
An act concerning the public library, and for the election of a Librarian.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

An engrossed bill entitled, an act to provide for the ordinary expenses of the government: was read a 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. Gorin and Green, were as follows:


It was then moved and seconded to fill the blank in said bill with “10 cents,” as the amount to be collected annually, on each $100 worth of property, listed for taxation.

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

The yeas and nays being required thereon, by Messrs. Collins and Chilton, were as follows:

YEAS—Mr. SPEAKER, Messrs. Bell, Boone, Brown, Butler, Covington, Dunlap, Gaines, Green, Harris, Harrison, Hauser, Hazelrigg, Henry, Innis, Jennings, Jett, G. W. Johnston, W. Johnson, Kennedy, Lee, In-
Mr. Pierce then moved to lay the said bill 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. Pierce and Chilton, were as follows:

Mr. Abell, from the majority on the vote by which the said bill was laid on the table until the first day of June next, moved a reconsideration of said vote.

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

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


The consideration of said bill was then postponed for the present.

An engrossed bill entitled, an act to provide for balancing the accounts of the treasury with the Bank of the Commonwealth: was read a third time.

Mr. Green then moved to amend said bill by adding thereto the following engrossed clause, by way of rider, viz:

And after the said accounts shall have been balanced, the Cashier of the said bank shall not make any further advances to the treasury, except in pursuance of law.

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


Mr. S. Williams then moved further to amend said bill by adding thereto the following engrossed clause, by way of rider, viz:

Be it further enacted, That said Cashier shall pay to or hand over to the treasurer of this state any sum of money which may be in the Commonwealth's Bank, at any time when called on by the Treasurer, for the purpose of paying the amount of any warrant or warrants which may be drawn on the Treasurer by the Auditor of Public Accounts, for any demand which the government owes; and said Treasurer is hereby directed to draw on the Cashier of said bank, at any time, for the purposes aforesaid.

And the question being taken on the adoption of said amendment, as a rider to the bill, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. S. Williams and E. Smith, were as follows:


NAYS—Mr. Speaker, Messrs. Abell, Allen, A. Anderson, Bell, Boone, Bowling, Bramlett, Brown, Copeland, Delaney, Dunlap, English, Fulton, Gaines, Gorin, Green, Harris, Harrison, Hayden, Hauser, Hazelrigg, Henry, Innis, W. Johnson, Kennedy, Lee, Lucas, McAfee, McDonald, Matson, Montgomery, B. S. Morris, D. Morris, Nuttall, Ozborne, Pickett, Prince, Rudd, Seaton, Shepherd, Short, Simpson, W. Smith, Southgate,

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

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


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

Ordered, That a bill granting certain vacant and unappropriated lands to the several counties in this Commonwealth for the purposes therein mentioned—a bill to remove obstructions in certain navigable streams in this Commonwealth—and a bill from the Senate, entitled, an act appropriating certain lands for improving the Cannon Creek road, in Harlan county: be severally laid on the table.

A message from the Governor, by Mr. Sanders, Secretary of State.

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

And then he withdrew.

And then the house adjourned.

FRIDAY, JANUARY 25, 1833.

The message communicated by the Governor, on yesterday, was taken up, read and committed to a select committee of Messrs. E. Smith, Gorin, Anderson, J. White, and W. Johnson.

The message communicated by the Governor, on the 18th in-
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stant, was taken up, read and referred to the committee on military affairs.

1. Mr. B. S. Morris presented the petition of sundry citizens of the counties of Harrison and Bracken, praying that an appropriation be made to construct a bridge across the Licking river, at Claysville.

2. Mr. W. Johnson presented the petition of the Surveyor of the county of Scott, praying that a law may pass to authorize him to execute his official bond, which has been overlooked by himself and the county court of Scott.

3. Mr. Jennings presented the petition of John S. Woollums, praying a divorce from his wife, Elizabeth Woollums.

4. Mr. Jennings presented the petition of sundry citizens of the county of Breckenridge, praying that an additional justice of the peace may be allowed said county.

5. Mr. Marshall presented the petition of William O'Bannon, representing that he has a life estate to a small tract of land, in Woodford, and which at his death is to be divided among his children; praying that a law may pass to authorize the sale of said land and the proceeds to be rested in other lands.

Which petitions were severally received, the reading dispensed with, and referred; the first, to the committee on internal improvements; the second and fourth, to the committee of propositions and grievances; the third to the committee of religion; and the fifth, to the committee for courts of justice.

Leave was given to bring in the following bills:

On the motion of Mr Heady—1. A bill supplementary to an act entitled, an act to establish the town of Taylorsville, and to legalize the proceedings of the trustees of said town, approved Jan. 22, 1833.

On the motion of Mr Ford—2. A bill to appropriate some of the vacant lands in Butler county for the purposes of internal improvement in said county.

On the motion of Mr Prince—3. A bill for the benefit of Elijah Stevens.

On the motion of Mr Murray—4. A bill to repeal so much of the law as prohibits the Receiver of Public monies from entering lands.

On the motion of Mr Nuttall—5. A bill to amend an act entitled, an act authorising the trustees of New-Castle to sell certain alleys in said town.

On the motion of Mr Chilton—6. A bill to amend an act entitled, an act for the endowment of a seminary of learning in the town of Brandenburg, in Meade county, and for other purposes, approved Dec. 23, 1831.

On the motion of Mr W. Thomas—7. A bill to provide for the improvement of the Nashville road through Allen county.
On the motion of Mr. Hazelrigg—8. A bill to amend the penal laws of this Commonwealth.

Messrs. Headly, Gaines, and Woolley, were directed to prepare and bring in the first; Messrs. Ford, Nuttall, and Pendleton, the second; Messrs. Prince, Hughes, and Copeland, the third; Messrs. Murray, McFall, and Prince, the fourth; Messrs. Nuttall, Smith, and Allen, the fifth; Messrs. Chilton, Hill, and Culley, the sixth; the committee of ways and means, the seventh; and the committee for courts of justice, the eighth.

Mr. Headly, from the select committee, appointed for that purpose, reported a bill supplementary to an act entitled, an act to establish the town of Taylorsville, and to legalize the proceedings of the trustees of said town, approved Jan. 22, 1833; 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 the Clerk carry the said bill to the Senate and request their concurrence.

A message from the Governor, by Mr. Sanders, Secretary of State.

Mr. Speaker:—The Governor did, on the 19th instant, approve and sign enrolled bills, which originated in this house, of the following titles:

An act declaring John's creek, in Floyd and Pike counties, a navigable stream.

An act for the benefit of the Sheriff of Hickman county.

On the 24th, he approved and signed enrolled bills which originated in the same, of the following titles:

An act to provide for the opening a road from Frankfort to Williamstown, in Grant county.

An act to establish election precincts in the counties of Breckinridge and Hancock.

An act for the benefit of the late Sheriff of Grant county and his securities.

An act for the benefit of the clerk of the Garrard county court.

An act for the benefit of the heirs of Samuel Flournoy, deceased.

An act further to improve the town of Princeton.

And on this day, he approved and signed enrolled bills which originated in the same, of the following titles:

An act to authorise the establishment of a library in Rockcastle, and for other purposes.
An act to amend the road laws, so far as respects the county of Mason.

An act to amend an act to establish an election precinct in Pendleton county, approved Jan. 29, 1830, and for other purposes.

An act to revive and continue in force an act entitled, an act to establish the town of Vanceburg, approved January 24, 1827, and for other purposes.

An act to amend an act organizing a Fire Company in the town of Augusta; and,

An act to incorporate the Franklin Insurance Company.

Ordered, That the Clerk inform the Senate thereof.

A bill from the Senate entitled, an act to incorporate the Louisville and Bonharbour Coal Company: 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 the Clerk inform the Senate thereof.

The house then, after exchanging nominations with the Senate, proceeded to the election of public officers, for the ensuing twelve months, a President and Directors of the Bank of Kentucky, and a President and Directors of the Bank of the Commonwealth; and after taking several votes and having the same compared by joint committees of both houses, and a report from said committees, the following persons were declared duly elected for the ensuing year, viz:

For Treasurer of the State, JAMES DAVIDSON.

Public Printer, ALBERT G. HODGES.

Public Librarian, GEORGE A. ROBERTSON.

President of the Bank of Kentucky—PETER DUDLEY.

Directors thereof, on the part of the State—JAMES SHANNON and CHARLES S. MOREHEAD.

President of the Bank of the Commonwealth of Kentucky—HENRY WINGATE.

Directors—JAS. DAVIDSON, THOMAS S. PAGE, EDWARD P. JOHNSON, and LEANDER J. SHARP.

A message was received from the Senate announcing their disagreement to a bill which originated in this house, entitled, an act to incorporate the Falmouth Bridge Company.

The passage of bills, which originated in this house, of the following titles:

An act to establish an election precinct in the county of Henry.

An act to change the places of voting in Everett's and Forman's bottom precincts, in Lewis county.
An act to amend an act entitled, an act for the benefit of revolutionary soldiers.

An act allowing an additional justice of the peace to the county of Bath, and for other purposes.

An act to provide for laying the levy in certain counties, and for other purposes: with amendments to the three latter bills.

And the passage of bills of the following titles:

An act concerning Mount-Carmel, in Fleming county.

An act appointing commissioners to view and mark a way for a road from the state road leading from Lexington to Ghent to the town of Frankfort.

An act for the benefit of the widow and heir of Walker Thornton, deceased.

An act concerning county levies in certain counties.

An act to repeal in part and amend the act incorporating the Lexington, Chilesburg, and Winchester Road Company.

An act to extend the powers of the road commissioners of Bracken county.

And they adhere to their first amendment proposed to a bill which originated in this house, entitled, an act to provide for laying the levy in certain counties, and for other purposes.

Mr. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of James Blincoe's heirs.

An act for the benefit of the estate of Henry Ditto, Jr.

An act concerning the town of Henderson, and for other purposes.

An act to establish election precincts in Woodford, Graves, Whitley, and Henderson counties.

An act to authorise persons prosecuted for felony, in the county of Jessamine, to be confined in the jail of Fayette; and,

A resolution for fixing on a day for the election of public officers.

Whereupon the Speaker affixed his signature thereto.

Ordered, That the Clerk inform the Senate thereof.

Mr. Ewing, from the committee for courts of justice, to whom was referred a bill to change the time of holding the Butler circuit court, and for other purposes: reported the same with sundry 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 to read, "an act to change the time of holding certain circuit courts, and for other purposes."
Ordered, That the clerk carry the said bill to the Senate and request their concurrence.

Mr. Ewing, from the same committee, to whom was referred a bill from the Senate, entitled, an act to repeal the law now in existence in relation to Head-right settlers, and to dispose of the balance of the debt due from this class of debtors to the purposes of internal improvements: reported the same with sundry amendments; which being twice read, were concurred in: and the said bill, as amended, ordered to be read a third time.

Mr. Ewing, from the same committee, to whom was referred a bill from the Senate, entitled, an act to incorporate the City of Louisville: 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 the Clerk inform the Senate thereof, and request their concurrence in the said amendments.

Mr. Ewing, from the same committee, to whom was referred a bill to incorporate the Elizabethtown Savings Institution: reported the same with sundry amendments; which being twice read, were concurred in.

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. S. H. Anderson and Chilton, were as follows:

YEAS—Messrs. Abell, Covington, Davidson, Gorin, Green, Megowan, Riffe, and Scriven—5.


The said bill was then ordered to be engrossed and read a third time.

The said bill being engrossed was read a third time.

Resolved, That the said bill do pass, and that the title thereof be amended to read, "an act to incorporate the Elizabethtown and Harrodsburg Savings Institution."
The yeas and nays being required on the passage of said bill, by Messrs. Gorin and Chilton, were as follows, viz: 


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

Mr. Ewing, from the same committee, to whom was referred a bill to amend an act entitled, an act to authorise the establishing of private passways—also, a bill from the Senate, entitled, an act for the relief of the heirs of Anna Maria Walsh: reported the same without amendment.

The said bills were then ordered to be read a third time.

And thereupon the rule of the house, constitutional provision, and third reading of said bills having been dispensed with:

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

Ordered, That the Clerk inform the Senate thereof.

Mr. Ewing, from the same committee, to whom was referred a bill for the benefit of Edward H. Earle: reported the same with an amendment; which being twice read, was concurred in: and the said bill, as amended, ordered to be engrossed and read a third time to-morrow.

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

By Mr. Allen—1. A bill for the benefit of Lewis Strader and David Strader.

2. A bill to authorise the county court of Green to regulate the constables' districts, so as to reduce the number of constables in said county to five.

By Mr. McAfee, from the committee of propositions and grievances—3. A bill for the benefit of Joseph Norris, Surveyor of Scott county.

By Mr. Kennedy—4. A bill to establish an election precinct in Bourbon county.

By Mr. Ewing, from the committee for courts of justice—5. A bill for the benefit of the children of Thomas Anderson.
6. A bill for the benefit of James W. Ewing.
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 first, third, fourth, fifth and
sixth bills having been dispensed with, and the same being en-
grossed:
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. Ewing, from the committee for courts of justice, to whom
was referred a bill from the Senate, entitled, an act to amend
the several acts against unlawful gambling: reported the same without
amendment.
It was then moved that the previous question, viz: "shall the
main question (the third reading of the bill) be now put?"
And the question being taken on now taking the main question,
it was decided in the negative.
The yeas and nays being required thereon, by Messrs. Harrison
and Green, were as follows, viz:
YEAS—Messrs. Allen, Chilton, Cook, Covington, Davidson, Davis,
Delaney, Ewing, Ford, Gorin, Green, Hughes, Jennings, Kennedy, Lee,
Lucas, B. S. Morris, D. Morris, Murray, Pendleton, Prince, Pryor,
Ribble, Scrivner, Simpson, D. T. Smith, B. F. Thomas, W. Thomas, J.
Williams, and S. Williams—30.
NAYS—Messrs. Audell, S. H. Anderson, Bell, Boone, Bowling, Butler,
Churchill, Collins, Copeland, Culley, Dunlap, English, Fulton, Gaines,
Harris, Harrison, Hayden, Hauser, Hazelrigg, Healy, Lockhart, Mc-
Afee, M. Donald, Marshall, Matson, May, Megowan, Meredith, Mont-
gomery, Ozborn, Sanders, Seaton, Shepherd, Short, E. Smith, W. Smith,
Southgate, Thompson, Thruston, D. White, J. White, Yates, S. Young,
and T. I. Young—44.
Mr. Gorin again moved that the previous question be now put.
And the question being taken thereon, it was decided in the
affirmative.
And the question was then put on reading the said bill a third
time, which was decided in the affirmative.
The yeas and nays being required thereon, by Messrs. Chilton
and Green, were as follows:
YEAS—Mr. Speaker, Messrs. Boone, Butler, Chilton, Cook, Cop-
eland, Covington, Davidson, Davis, Delaney, Dunlap, Ewing, Ford, Ful-
ton, Gaines, Gorin, Green, Hauser, Hughes, Jennings, Jett, W. John-
son, Kennedy, Lee, Lucas, McAfee, McDonald, B. S. Morris, D. Mor-

Mr. Harrison, from the committee on education, to whom was referred a bill to incorporate the Trustees for the Crittenden School, in Franklin county: reported the same with sundry 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 the New Providence School, in Mercer county.”

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

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

The committee for courts of justice have, according to order, had under consideration the petition of the heirs of John Epper- son, deceased, praying that the sale of infants’ estate may be legalized; and have come to the following resolution thereon:

Resolved, That said petition be rejected.

The committee for courts of justice, to whom was referred the petition of Z. Moore, praying a change of venue from the Scott to the Fayette circuit court, upon an indictment for having kept a gaming table, have, according to order, had the same under consideration; and have come to the following conclusion:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

Mr. Ewing, from the same committee, to whom was referred bills of the following titles:

1. A bill to fix the terms of the Trigg circuit court.
2. A bill to amend the law imposing a tax on merchandise; and,
3. A bill to amend the law concerning alimony: reported the same with amendments to each; which being severally twice read, were concurred in; and the said bills, as amended, ordered to be engrossed and read a third time.

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

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

The following bills which had been referred to the said committee, for amendment, were severally reported therefrom by Mr. Ewing, viz:

1. A bill to amend the law in relation to landlords and tenants.
2. A bill from the Senate, entitled, an act limiting the time for which persons may be held to bail for their good behaviour.
3. A bill to regulate the compensation of the Clerks of the Senate and House of Representatives.
5. A bill to prohibit the county courts from granting license to free persons of colour, and for other purposes.
6. A bill from the Senate, entitled, an act to amend the law concerning champerty.
7. A bill from the Senate, entitled, an act to amend the law regulating proceedings in cases of ejectments and forcible entries and detainers.
8. A bill to amend the charter of the Bank of Kentucky and of the Bank of the Commonwealth of Kentucky: the three former with amendments, and the five last without amendment; and said bills were placed in the orders of the day.

Mr. Green, from the committee of ways and means, to whom were referred the following bills, viz:

1. A bill to provide for the appropriation of fines and forfeitures in the county of Jefferson.
2. A bill from the Senate, entitled, an act for the benefit of the Cumberland Hospital.
3. A bill from the Senate, entitled, an act to provide the mode of paying the state's subscriptions in incorporated companies.
4. A bill from the Senate, entitled, an act to provide for the location of the Lexington and Ohio Rail Road through the City of Louisville, and for other purposes: reported the first with an amendment, and the three last without amendment. The said bills were then placed in the orders of the day.

Mr. Chilton, from the committee on internal improvements, to whom was referred, for amendment, bills of the following titles:

1. A bill to alter and amend the laws of this Commonwealth in relation to roads.
2. A bill to improve the navigation of Big Sandy river.
3. A bill to improve the road from Lexington to the Mouth of Big Sandy, through Winchester, Mount Sterling, and Owingsville.
4. A bill appropriating $250 towards building a bridge over Elkhorn.

5. A bill to turnpike Muldrow's hill on the main road from Lexington to Nashville, and for other purposes.

6. A bill to provide for the improvement of the road from Frankfort via Lawrenceburg, Harrodsburg, Danville, and Stanford, to the Crab Orchard.

7. A bill to amend the law establishing the turnpike and wilderness road: reported the said bills without amendment. The first six bills were placed in the orders of the day, and the seventh was laid on the table.

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

By Mr Ewing, from the committee for courts of justice—1. A bill to amend the law in relation to guardians.

By Mr Green, from the committee of ways and means—2. A bill for the improvement of the public roads in Monroe, Allen, and Barren counties; and,

By Mr E. Smith—3. A bill for the benefit of the heirs of Jas. Rucker, deceased.

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

On the motion of Mr. Chilton:

Ordered, That the committee on internal improvements be discharged from the further consideration of the following petitions, and that the same be laid on the table, viz:

The petition of sundry citizens of Gallatin county, in relation to the state road from Lexington to Ghent or Vevay.

The petition of sundry citizens of Laurel county, in relation to Moore's road in said county.

The petition of sundry citizens of Pendleton county, praying an alteration in the state road leading from Frankfort to Neville, Ohio.

The petition of sundry citizens of Harlan county, praying the establishment of a turnpike gate on the road leading from the Cumberland Ford, by way of Harlan court-house, to the Virginia line.

The petition of sundry citizens of Jefferson county, praying the erection of a bridge across Long run, in said county.

The petition of sundry citizens of this Commonwealth, in relation to the Sandy road; and,

The petition of sundry citizens of this Commonwealth, praying the re-establishment of the old road leading from the Lincoln county line to the Goose Creek Salt works.

Mr Allen, from the committee on military affairs, reported a bill to provide for collecting and preserving the public arms, which was received.

And then the house adjourned.
A message was received from the Senate announcing their disagreement to a bill which originated in this house, entitled, an act to exempt additional property from execution.

The passage of bills, which originated in this house, of the following titles:

An act for the benefit of Fanny Richardson and her children;

An act authorising the sale of the slaves of infants: with an amendment to the latter bill.

The passage of the preamble and resolutions which originated in the Senate, in relation to the public lands, the Bank of the United States, and the deposits of the treasury—the objections of the Governor to the contrary notwithstanding.

And that the Senate had received official information that the Governor did, on the 25th instant, approve and sign enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend the laws concerning Transylvania University.

An act to protect the actual settlers in the land district West of the Tennessee river.

An act to appoint trustees to the Washington Academy.

An act for the divorce of Mary Richardson.

An act to permit the trustees of Columbus to allow mills and ware-houses to be built in the commons of said town.

An act for the benefit of the clerk of Perry county.

An act for the benefit and relief of Eleanor Jewell.

An act for the benefit of Benjamin Tobin.

An act for the benefit of the devisees of Richard Shanklin.

An act to allow the Sheriff of Madison to return his delinquent list in certain cases.

An act to appropriate a part of the vacant lands lying between Walker's line and the latitude 36° 30' North, in the State of Tennessee, for the purpose of improving and finishing the road leading from Monticello, Wayne county, to the state line, in a direction to Jacksborough and to Barboursville.

An act for the benefit of William Butler, clerk of the Monroe county and circuit courts.

An act concerning the public library, and for the election of a Librarian.

An act for the benefit of the legatees of Richard Allen, deceased.

An act to enlarge the town of Madisonville.

An act to legalize the proceedings of the Court of Assessment of fines of the 20th Regiment of Kentucky Militia.

An act for the benefit of the heirs of John Nalle, Jr.
An act to regulate the town of Springfield, in Washington county.

An act to permit the sale of two small tracts of land belonging to Nancy Dulin, an idiot.

An act for the benefit of William Davis, of Whitley county.

An act to provide for copying and preserving certain records belonging to the office of the surveyor of Harlan county; and,

An act appointing Trustees to the Glasgow Academy.

Mr. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Flora N. E. Harding.

An act for the benefit of Stephen Langford.

An act for the benefit of the infant heirs of Thomas Frazer, deceased.

An act to provide for the improvement of the roads in certain counties; and,

An act for the benefit of Stephen Marcum.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

A bill from the Senate entitled, an act to divide the state into congressional districts: was read a second time.

It was then moved and seconded to commit the said bill to a committee of the whole house for Wednesday next.

A division of the question was called for, and the question first put on committing the bill to a committee of the whole house; which was decided in the affirmative.

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


The question was then put upon committing the said bill for Wednesday next.

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

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


On the motion of Mr. Gorin:

Leave was given to bring in a bill to authorise the insertion of advertisements in the "Commonwealth," a paper to be printed in Frankfort; and the committee for courts of justice was directed to prepare and bring in the same.

A bill from the Senate, entitled, an act to prevent the circulation of certain bank notes: was read a second time.

It was then moved and seconded to lay the said bill on the table until the first day of June next.

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

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


NAYS—Mr. SPEAKER, Messrs. Abell, S. H. Anderson, Brown, Butler, Chilton, Churchill, Collins, Cook, Copeland, Davidson, Davis, Delaney, Dunlap, Ewing, Fulton, Gaines, Gorin, Green, Harrison, Hill, Jennings, G. W. Johnston, Kennedy, Lee, Lucas, Marshall, Matson, Megowan, Meriwether, Morgan, B. S. Morris, D. Morris, Patterson, Pickett, Scriv-
The said bill was then committed to the committee of ways and means.

A resolution from the Senate, authorizing the public librarian to have certain acts of assembly bound: was taken up, twice read and adopted.

Ordered, That the Clerk 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 to amend the law prohibiting the importation of slaves into this state.
2. An act for the benefit of Spencer Curd's representatives.
3. An act to authorise the trustees of the town of Richmond to levy a tax to McAadamize the streets.
4. An act for the relief of the heirs of Francis P. Hord, deceased.
5. An act to authorise an additional subscription, on behalf of the Commonwealth, in the capital or joint stock of the Maysville, Washington, Paris, and Lexington Turnpike Road Company, and to amend the several acts incorporating said company.
6. An act to authorise an additional subscription, on behalf of the Commonwealth, in the stock of the Board of Internal Improvement for Shelby county, and for other purposes.
7. An act to appropriate a sum of money for the purpose of improving the navigation of the Cumberland river, at Smith's shoals, and the Big South Fork of said river up to the coal banks.
8. An act providing for settling the accounts with the keeper of the Penitentiary.
9. An act to remove the obstructions to navigation at the falls of Green river, and for other purposes.

And thereupon the rule of the house, constitutional provision, and second and third readings of the second, third, fourth and eighth bills having been dispensed with:

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

Ordered, That the Clerk inform the Senate thereof.

The house proceeded to consider the amendments proposed by the Senate to a bill from this house, entitled, an act to incorporate a company to establish a turnpike road from the City of Louisville, by the mouth of Salt river, Elizabethtown, Munfortsville, and Bowlinggreen, to the state line, in a direction to Nashville:

Which being twice read, the first, second, third, fifth, seventh and eighth were disagreed to; and the fourth, sixth, ninth, tenth, eleventh, twelfth and thirteenth concurred in.
The fourteenth amendment proposed by the Senate to said bill, together with the first section of said bill, to which said amendment applies, were then read as follows:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a company be, and the same is hereby formed, for the purpose of making a road from the City of Louisville, by the mouth of Salt river, Elizabethtown, Munforidsville, on Green river, Bowlinggreen, and to the state line, in a direction to Nashville, Tennessee, under the name and style of the Louisville Turnpike Road Company.

Amendment.—Strike out the words printed in italics.

The question was then taken on concurring in the said amendment of the Senate, which was decided in the negative.

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


The fifteenth and sixteenth amendments were then disagreed to.

Mr. D. White then moved to lay the said bill and amendments on the table.

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

The yeas and nays being required thereon, by Messrs. McAfee and Chilton, were as follows:


NAYS—Mr. Speaker, Messrs. Boone, Butler, Chilton, Cook, Copे
The seventeenth amendment proposed by the Senate to said bill, was then read as follows, viz:

Add to the bill as additional sections:

Sec. 29. Be it further enacted, That when the sum of fifty thousand dollars shall be subscribed in stock, by individuals, the Governor is authorised to subscribe for the sum of fifty thousand dollars in stock in said corporation, on behalf of the Commonwealth; and whenever the President and Managers of the corporation shall certify to the Governor that any amount has been paid on behalf of the individual stockholders, the Auditor is directed to draw upon the Treasurer, in favor of said President and Managers, for the like amount, to be paid on behalf of the Commonwealth, from time to time, until the whole amount of the state's subscription shall be paid.

Sec. 30. Be it further enacted, That the Commonwealth shall have the right to vote at all elections for President and Managers, and to give the number of votes that the amount of stock held by her may entitle her: the said right to be exercised in the same manner as is done in other turnpike corporations in which the Commonwealth holds an interest.

Mr. Crow then moved to amend the said amendment by striking out the whole thereof, after the enacting clause, and inserting in lieu thereof the following:

That there shall be, and is hereby appropriated, out of the money in the Bank of the Commonwealth, the sum of two hundred thousand dollars, for the improvement of the roads, navigable streams, make and repair bridges and public highways, in this Commonwealth, to be apportioned among the several counties in proportion to the number of voters in each county: the proportion of each county to be paid to the order of the county court of each county. And it shall be the duty of the President and Directors to pay to the order of each county court its due proportion of the two hundred thousand dollars aforesaid according to the foregoing rate.

Be it further enacted, That the county courts of the several counties lying on, or contiguous to, any of the turnpike roads of this Commonwealth, shall have full power, a majority of all the justices of the peace in commission in each county concurring therein, to subscribe such portions as may be allowed to such coun-
ties for stock in such road or roads, or such parts thereof as they may deem proper.

Be it further enacted, that the several county courts of this Commonwealth shall, and they hereby have full power and authority to apply their respective portions in such manner as they may deem proper, to effect the objects of this act.

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

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


Mr. Butler moved the previous question; and the question being put, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. McAfee and ——, were as follows:


The main question, viz: concurring in said seventeenth amendment of the Senate, was accordingly put, and decided in the negative.

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


Ordered, That the Clerk inform the Senate thereof.

The amendments proposed by the Senate to a bill which originated in this house, entitled, an act for the benefit of the infant heirs of Casper Hinton: were twice read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

And then the house adjourned.

MONDAY, JANUARY 28, 1833.

A message was received from the Senate announcing the passage of bills which originated in this house, of the following titles:

An act to authorise the county court of Hardin county to appoint an inspector for West Point and Elizabethtown in said county.

An act to allow an additional justice of the peace and constable to the county of Washington, and an additional justice of the peace for the county of Shelby.

An act to amend an act entitled, an act to improve the navigation of Salt river, approved Dec. 22, 1831.

An act to amend the law giving compensation to witnesses and to increase their mileage.

Resolutions in relation to the road leading from Lexington
through Winchester, Mount Sterling, and Owingsville, to the mouth of Big Sandy.

Their concurrence in the amendments proposed by this house to bills from the Senate of the following titles:

An act to incorporate the Louisville and Bonharbour Coal Company; and,

An act to amend and continue in force an act to incorporate the City of Louisville.

And the passage of a bill, entitled, an act to authorise the trustees of Cynthiana to close an alley in said town.

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 to incorporate a Rail Road Company from Bardstown to Louisville.

An act concerning the town of Adairsville.

An act to incorporate the City of Maysville.

An act to amend an act entitled, an act for the benefit of revolutionary soldiers.

An act allowing an additional justice of the peace to the county of Bath, and for other purposes.

An act to appoint additional justices of the peace and constables in certain counties and for other purposes.

An act authorising the sale of the slaves of infants.

Ordered, That the Clerk inform the Senate thereof.

The house took up the amendments proposed by the Senate to a bill which originated in this house, entitled, an act to authorise the appointment of clerks in vacation: which being twice read, the first was disagreed to, and the second and third concurred in.

Ordered, That the Clerk 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 to incorporate the Greenwick Academy.

2. An act to amend an act incorporating the Bardstown and Louisville Turnpike Company.

3. An act further to enlarge the powers of the trustees of the town of Harrodsburg.

4. An act to authorise the Secretary of State to distribute certain military books.

5. An act for the benefit of the devisees of John Branigan.

6. An act to amend an act entitled, an act for the benefit of the heirs of Samuel Shannon.


8. An act for the benefit of the widow and heir of Walker Thornton, deceased.

10. An act to repeal in part and amend the act incorporating the Lexington, Chilesburg, and Winchester Road Company.

11. An act to extend the powers of the road commissioners of Bracken county.

12. An act to provide for improving the roads in the counties of Floyd and Perry.

13. An act to appropriate a part of the vacant lands in Laurel county to make a road from London to the mouth of Big Laurel, and for other purposes.

14. An act to authorise the trustees of Cynthiana to close an alley in said town.

And thereupon the rule of the house, constitutional provision, and second and third readings of said bills having been dispensed with, (the second, twelfth and thirteenth excepted, the latter being amended and ordered to a third reading:)

Resolved, That the said bills, with the exceptions aforesaid, do pass.

Ordered, That the Clerk inform the Senate thereof.

A resolution from the Senate, concerning the opening and improving the navigation of Cumberland and Kentucky rivers: was twice read and amended, by inserting the words, "and Licking river."

The question was then taken on concurring in the said resolution, as amended, which was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. S. Williams and E. Smith, were as follows:


Ordered, That the Clerk inform the Senate thereof, and request their concurrence in said amendment.

A resolution from the Senate, concerning the opening and improving the navigation of Green and Big Barren rivers: was twice read.
It was then moved, by Mr. Heady, to amend said resolution by inserting in the first resolution, "and Salt river, and the Beech and Rolling forks."

And the question being taken on the adoption of the proposed amendment, it was decided in the negative.

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


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

The yeas and nays being required thereon, by Messrs. Heady and ——, were as follows:


Ordered, That the Clerk inform the Senate thereof.

A bill from the Senate, entitled, an act to erect a house of public worship in the town of Mount Vernon, Rockcastle county: was read the first time as follows, viz:
Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Rockcastle, a majority of all the justices in commission concurring therein, shall have power and authority to permit the erection of a house, on the public square, in Mount Vernon, for the purpose of religious worship, which shall be open and free of access to all teachers or preachers of the gospel, under such rules and regulations as the trustees hereinafter provided shall ordain and establish.

Sec. 2. Be it further enacted, That in the event of leave to erect a house for public worship, James McCall, James Terrill, John B. Dysart, John A. Moore, Richard Randalls, Mason C. Miller, Samuel M. Dysart, Josiah Joplin, James Fish, Samuel Wilson, and Schuyler Barnett, be and they are hereby appointed commissioners, to contract for the erection of said house. They shall, within four weeks after such grant is obtained, meet at the court-house in Mount Vernon, a majority of whom shall have power to transact business, appoint a chairman, elect a clerk, who shall keep a faithful record of the proceedings of said meeting. They shall have power to open books of subscription in any part of said county, payable to the clerk of said board, or his successor; the said subscriptions, when they shall exceed ten dollars, shall be made payable by instalments, as said commissioners may direct, by order entered of record before the books are opened, but for sums less than ten dollars shall be collected at any time within six months after such subscription; and the said clerk is hereby authorised to collect the same by due process of law as well as other subscriptions.

Sec. 3. Be it further enacted, That the seminary lands belonging to the county of Rockcastle, be and are hereby vested in the aforesaid commissioners, who are hereby authorised to appoint an agent to sell and convey any lands that may have been appropriated for the Rockcastle Seminary, and locate the residue, if there be any unappropriated, and dispose of the same, and the proceeds appropriated to assist in the erection of said building.

Sec. 4. Be it further enacted, That said commissioners shall take from the undertaker or undertakers bond and approved security, payable to the clerk of said board or his successor, in such penalty as they may require, for the performance of the work, agreeable to the plan adopted by the commissioners; and for a breach of the bond the said commissioners shall cause the same to be put in suit.

Sec. 5. Be it further enacted, That upon failure or refusal of the aforesaid commissioners to act, the county court of Rockcastle shall fill any vacancy in said board.
Sec. 6. Be it further enacted, That when the commissioners shall have received said house, it shall be the duty of the county court of Rockcastle to appoint five discreet and orderly men as trustees, who shall have power and authority, and it shall be their duty to permit a school to be taught in the same, five days in the week, in the place of a seminary for said county. They shall appoint a keeper of said house, who shall have charge of the same, under such rules and regulations as said trustees may direct; and for his services, the trustees, under the direction of their clerk, are authorised to raise and collect, by subscription, any sum they may think a just equivalent for his services annually.

Sec. 7. Be it further enacted, That the appointment of trustees by the county court, a majority present concurring, shall be annually, at the court of claims; and they shall have power, from time to time, to fill any vacancy.

Sec. 8. Be it further enacted, That it shall be the duty of the trustees to appoint a chairman and clerk, who shall keep a record of their proceedings, at each meeting, which shall be at least once in every three months, at the court-house in Mount Vernon, a majority of whom shall transact business: Provided, however, That they shall have power to pass such by-laws, subject to be annulled by the order of the county court, a majority of all the justices concurring, as they deem necessary for the preservation of said house and the government of the same, not inconsistent with the laws of this state or the United States.

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


Mr. Prince, from the joint committee of enrolments, reported that the committee had examined an enrolled resolution and bills of the following titles, and had found the same truly enrolled, viz:

Resolutions in relation to the road leading from Lexington through Winchester, Mount Sterling, and Owingsville, to the mouth of Big Sandy; and,

An act to change the places of voting in Everett’s and Forman’s bottom precincts, in Lewis county.

An act to establish an election precinct in the county of Henry.

An act for the benefit of Fanny Richardson and her children.

An act to incorporate the Louisville and Bourbon Coal Company.

An act for the relief of the heirs of Anna Maria Walsh.

An act for the benefit of William P. Smith, John J. Smith, Francis J. Hopkins and others.

An act to authorise the Clarke circuit court to decree the sale of two and an half acres of land, devised to Wm. S. Downy and others.

An act to enlarge and explain the powers of the Trustees of the town of Frankfort.

An act to amend an act entitled, an act to incorporate the City of Lexington.

An act for the relief of William Cecil and Benedict Morehead.

An act to authorise the Bourbon county court to levy a tax on the lands of the county.

An act for the benefit of the representatives of James Honaker, deceased.

An act providing for settling the accounts with the keeper of the Penitentiary.

An act for the relief of the heirs of Francis P. Hord, deceased.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

A bill from the Senate, entitled, an act to amend the several acts against unlawful gaming: was read a third time, as amended.

Resolved, That the said bill, as amended, do pass.

Ordered, That the clerk inform the Senate thereof, and request their concurrence in the said amendments.

A bill from the Senate, entitled, an act to amend the several acts against unlawful gaming: was read a third time, and an engrossed clause added thereto by way of rider.

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. S. H. Anderson and Green, were as follows:


Mr. S. H. Anderson then moved to amend said bill by adding thereto the following engrossed clause, by way of rider, viz:

Be it further enacted, That any person who shall be convicted of playing and betting upon any game of "poker," or other game of cards, shall be fined the sum of $100, to be recovered by indictment or presentment in any court having jurisdiction of such offence.

And the question being taken on the adoption of the rider aforesaid, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. S. H. Anderson and Boone, were as follows:


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

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


Ordered, That the Clerk inform the Senate thereof and request their concurrence.

A message was received from the Senate announcing the passage of a bill which originated in this house, entitled, an act to establish the Louisville Bank of Kentucky: with amendments.

Mr. E. Smith, from the majority on the vote by which a bill to establish a State Bank was rejected, moved a reconsideration of said vote.

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

The yeas and nays being required thereon, by Messrs. S. H. Anderson and McAfee, were as follows, viz:


The thirteenth section of said bill, having been amended, was read as follows, viz:

**SEC. 13. Be it further enacted,** That so soon as ten thousand shares of said capital stock shall be subscribed as aforesaid, and the sum of five hundred thousand dollars or upwards of said stock actually paid in, in gold or silver, or the notes of the Bank of the United States or its branches, the President and Directors shall notify the Governor of this Commonwealth thereof, who is hereby authorized to appoint some suitable person or persons to examine and count the money so paid in, and take the written affidavit of the President, and at least six Directors, that said money has been actually paid in _bona fide_, as part of the capital stock of the bank. And upon the Governor being satisfied that the sum herein required has been paid as aforesaid, he is hereby authorized and required to subscribe for, on behalf of the state, ten thousand shares of the capital stock of said bank; and for the purpose of enabling him to pay for the same, he is required to cause certificates or bonds, signed by the Treasurer, and endorsed by the Auditor, in such form as he may prescribe, with the seal of each, and countersigned by himself, with the seal of the Commonwealth, to be issued for one million of dollars, in such sums or amounts as he may deem advisable, bearing an annual interest of not more than five per cent, redeemable in thirty years, the interest of which shall be paid annually; which said bonds shall be placed in the hands of the President and Directors of said bank, and by them negotiated; for the redemption of which, said bonds or certificates, the faith and credit of this Commonwealth are hereby pledged: Provided, That said bonds shall not be sold for less than their nominal amount; and should they, when sold, command a premium, such premium shall be paid over into the treasury of this Commonwealth, by said President and Directors: Provided, further, That the privilege shall be reserved, on the part of the state, to redeem and pay off one third of said sum at any time after 15 years.

Mr. Seaton then moved to amend said section by striking out therefrom the words printed in italics.

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

The yeas and nays being required thereon, by Messrs. Seaton and Southgate, were as follows:

NAYS—Mr. Speaker, Messrs. Abell, Allen, Bell, Bowling, Bramlett, 
Barler, Churchill, Cowper, Copeland, Crow, Covington, Culley, 
Delaney, Dunlap, English, Ford, Fulton, Harris, Harrison, Hayden, 
Hauser, Hazelrigg, Headly, Henry, Hill, Hughes, Innis, Jennings, Jett, 
G. W. Johnston, W. Johnson, Kennedy, Lee, Lockhart, McAfee, Mc 
Donald, McFall, Matson, Maxey, May, Megowan, Meriwether, Mont 
gomery, Morgan, B. S. Morris, D. Morris, Nuttall, Ozborn, Patterson, 
Pickett, Pierce, Riffe, Rudder, Sanders, Short, S. Smith, W. Smith, South 
gate, Stevenson, Thompson, Thruston, J. Williams, Woolley, and Yates 
66.

Mr. S. H. Anderson then moved to amend said section by add 
ing thereto the following words: 
Provided, That the scrip or bonds of this state hereby authoriz 
ed to be issued, shall in no event become the property of any per 
son who is not a citizen of the United States; nor shall any alien 
hold, directly or indirectly, any share or shares of stock in this 
corporation; and in case any such alien shall purchase or become 
the owner of any such share or shares of stock, his shares, so held, 
shall be forfeited to this state. And any circuit court within 
this Commonwealth is hereby authorised to make the enquiry and 
to pass a judgment or decree of forfeiture.

And the question being taken on the adoption thereof, it was 
decided in the negative.

The yeas and nays being required thereon, by Messrs. S. H. 
Anderson and Southgate, were as follows, viz:

YEAS—Messrs. S. H. Anderson, Bowling, Collins, Crow, Delaney, 
English, Fallon, Gaines, Gorin, Hauser, Hazelrigg, Headly, McAfee, 
Maxey, May, Meriwether, Montgomery, Patterson, Riffe, Sanders, Scriv 
er, Seaton, E. Smith, Stevenson, B. P. Thomas, W. Thomas, J. Wil 
lins, and S. Williams—28.

NAYS—Mr. Speaker, Messrs. Abell, Allen, Bell, Boone, Bramlett, 
Brown, Butler, Churchill, Cook, Covington, Culley, Davidson, 
Davis, Dunlap, Ewing, Faris, Ford, Green, Harris, Harrison, Hayden, 
Henry, Hill, Hughes, Innis, Jennings, G. W. Johnston, W. Johnson, 
Kennedy, Lee, Lockhart, Lucas, McDonald, McFall, Marshall, Matson, 
Megowan, Morgan, B. S. Morris, D. Morris, Nuttall, Ozborn, Pendleton, 
Pickett, Prince, Pryor, Rudder, Shanks, Shepherd, Short, Simpson, D. T. 
Smith, W. Smith, Southgate, Thompson, Thruston, Wickliffe, J. White, 
Woolley, and S. Young—62.

The previous question having been called for and sustained; 
the question was then taken on engrossing the said bill and reading 
it a third time, as amended, which was decided in the affirma 
tive.
The yeas and nays being required thereon, by Messrs. Chilton and Gaines, were as follows:


Mr. Sanders, from the majority on the vote by which the seventeenth amendment proposed by the Senate to a bill which originated in this house, entitled, an act to incorporate a company to establish a turnpike road from the City of Louisville by the mouth of Salt river, Elizabethtown, Munfordsville, and Bowling-green, to the state line, in a direction to Nashville, was rejected, moved a reconsideration of said vote.

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

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


The consideration of said amendment was then postponed for the present.
It was then moved and seconded, at 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. Matson and B. F. Thomas, were as follows:


The house took up for consideration a bill from the Senate, entitled, an act to provide for the location of the Lexington and Ohio Railroad through the City of Louisville, and for other purposes.

An amendment having been moved thereto:

The house then adjourned.

TUESDAY, JANUARY 29, 1833.

On the motion of Mr. D. White:

Ordered, That a message be sent to the Senate requesting the withdrawal of a bill which originated in the Senate, and passed this house on yesterday, entitled, an act appointing commissioners to view and mark a way for a road from the state road leading from Lexington to Ghent to the town of Frankfort: and that Mr. White carry the said message.

After a short time a message was received returning said bill.

A message was received from the Senate announcing their disagreement to bills which originated in this house, of the following titles:

An act to amend an act entitled, an act to authorising the establishing of private passways, approved Dec. 13, 1820.
An act for the benefit of Stephen Tudor.

An act to establish the town of Alexandria, in the county of Campbell, and for other purposes.

An act for the benefit of Lewis Strader and David Strader.

The passage of bills, which originated in this house, of the following titles:

An act to establish an election precinct in Bourbon county.

An act for the benefit of Joseph Norris, surveyor of Scott county.

An act supplementary to an act to establish the town of Taylorsville and to legalize the proceedings of the trustees of said town, approved, Jan. 22, 1833.

An act for the benefit of Eliza Badger.

An act to incorporate the Crittenden School, in the county of Franklin, and the New Providence School, in the county of Mercer.

An act to amend an act entitled, an act to amend the law in relation to opening and repairing the public roads in certain counties, approved Jan. 29, 1830.

And the passage of a resolution which originated in the Senate, to amend the joint rules of both houses.

And that the Senate insist on their first amendment, proposed to a bill from this house, entitled, an act to authorize the appointment of clerks in vacation; and ask a committee of conference.

Whereupon, a committee was appointed on the part of this house.

The house resumed the consideration of a bill from the Senate, entitled, an act to provide for the location of the Lexington and Ohio Rail Road through the City of Louisville, and for other purposes.

The first section of said bill was then read as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said President, Directors and Company of the Lexington and Ohio Rail Road Company shall have the power, under the charter, to pass through the limits of the said City of Louisville, to the Ohio river, at such point as they may deem eligible on the Ohio, below the falls of said river. And if the Mayor and Council of the City and the said President and Directors of the Rail Road cannot agree upon the proper street through which the said Rail Road shall be located, then and in that case, it shall and may be lawful for William O. Butler, of Gallatin county; John L. Hickman, of Bourbon county; George C. Thompson, of Mercer county; and James Crutcher, of Hardin county, or any three of them, who are hereby constituted a board of commissioners, to designate the site of said Rail Road through the City of Louisville, paying, in such location, a due regard to the interests and con-
veniences of said City, the public good, and the rights and claims of the Rail Road Company in the location; and the street or site thus designated as the location, by the commissioners, shall be, throughout the City limits, the location and site of said Rail Road in and through said City. And it shall be lawful for the Rail Road Company aforesaid to proceed to construct the road agreeable to the location of the commissioners, according to their charter, and to exercise such power and authority over the road, so located, as is given over other parts of the road, by the charter; and after such location, it shall be the duty of the City authorities of Louisville, and all others, to allow said company to progress with the road, on the location, without let or hindrance, and to allow said company full ingress, egress and regress, with all necessary servants, beasts, timbers, stones, &c. and instruments necessary to construct the said road, and to do and perform whatever they may rightfully do upon other parts of the road, the property of individuals: Provided, however, That before the commissioners aforesaid shall proceed to act, they shall take an oath before some justice of the peace, to faithfully and impartially perform the duties enjoined upon them by this act; and for their services, in travelling and attending to and performing the duties enjoined upon them by this act, they shall severally receive five dollars per day, to be paid them by the Rail Road Company: Provided, however, That the Lexington and Ohio Rail Road Company shall replace all improvements in the streets, through and over which the rail way shall pass, in the manner in which they are found to be at the time of laying out the rail way, except the rail way or tract itself; and shall moreover, at all times, keep the rail way in good order and free of nuisances to the City; and shall not, by the construction of the rail road, create any nuisances in the City; and on failure to do so, it shall be lawful and proper for the Mayor and Council to cause it to be done, at the expense and charge of said company; which costs and expenses shall be recoverable as other debts are, due from the said Lexington and Ohio Rail Road Company.

Mr. Thruston then moved to amend said section by striking out, after the words "Ohio river," in the fifth line, the whole of said section, and inserting in lieu thereof the following, viz:

Provided, The Mayor and Council of the said City shall have consented to, and agreed with the said President, Directors and Company, upon the street through which said Rail Road shall pass and he laid, and the point at which it shall terminate, within the said City: And provided, That on no pretence whatever, shall said President, Directors and Company have power to establish any other rail way or ways, from the
point of termination within said City, to any other point or points above or below such point of termination to the Ohio river; nor shall they have any right or power, when the point of termination shall have been agreed on as aforesaid, to establish any lateral ways to the Ohio at any point, after said rail way shall have entered the bounds of the City of Louisville; and power and authority is hereby conferred on the Mayor and Council aforesaid, to enter into the arrangement with and give the consent aforesaid, provided for in this section; and the route or street and point of termination aforesaid, when thus agreed on and consented to, shall be forever thereafter the true site and location and point of termination of said rail road; and after the route and street and point of termination shall have been agreed on, as aforesaid, it shall be lawful for the said President, Directors and Company to proceed to lay down and construct their road aforesaid, within said City, as aforesaid; and it shall be the duty of said authorities, and all others, to allow the said company to progress with the said Rail Road, on the location to the point of termination aforesaid, without let or hindrance, and to allow them full ingress, egress and regress, with all necessary servants, beasts, timbers, tools, wagons, &c. necessary to construct the said road: Provided, however, That the said company shall be liable by action on the case of private individuals, or to the City corporation, for any loss sustained or injury done to private property or corporate property, by said Rail Road Company, their agents and servants, and to the public, by indictment, for any nuisance created by them, their agents or servants, within the bounds of the City of Louisville: And provided moreover, That the said President, Directors and Company shall replace all improvements in the streets which they shall have passed across and through with their rail way, in the same way that they were found at the time of their removal; except the rail way or tract itself; and shall, at all times, keep the rail way in good order and free of nuisances to the said City or the public; and on failure to do so, over and above their liability to suit and indictment, as aforesaid, the Mayor and Council may cause said nuisances to be removed at the cost and charge of said Rail Road Company, which may be recovered from said President, Directors and Company, by and in the name of the Mayor and Council by any appropriate suit or action.

A division of the question was called for, and the question put on striking out, which was decided in the negative.

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

YEAS—Messrs. Allen, Bowling, Bramlett, Chilton, Churchill, Cook,
The said bill having been 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.

The yeas and nays being required on the passage of said bill, by Messrs. Thruston and Rudd, were as follows, viz:


Ordered, That the Clerk carry the said bill to the Senate and request their concurrence in the said amendments.

The house proceeded to consider the amendments proposed by the Senate to a bill which originated in this house, entitled, an act to incorporate the Louisville Bank of Kentucky.

The twelve first amendments having been concurred in; the thirteenth amendment was read as follows, viz:

Add to the bill as an additional section:

Sec. 13. That it shall be the duty of the Cashier of said bank to make quarterly, on the first day of January, April, July, and
October, a complete memorandum, in alphabetical order, of all the debts due said bank, above one thousand dollars, setting out the amount due by each individual, with the names of the endorsers, and other security; which memorandum shall at all times be open to the examination of any stockholder or stockholders, owning one hundred or more shares of the stock in his or their own right.

Mr. Harrison then moved to amend said amendment by adding thereto the words "or to any citizen of this state."

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

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


The thirteenth amendment was then concurred in.

The fourteenth amendment was then read as follows, viz:

Add to the bill:

Sec. 24. That no person shall be eligible to serve as a Director in said bank more than two years in succession, except the President, who shall at all times be eligible to re-election.

Mr. Ewing then moved to amend said amendment by adding thereto the following words:

"Nor shall any Director owe said bank, directly or indirectly, at any one time, more than the sum of $5000.

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

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

YEAS—Messrs. Collins, Copeland, Davidson, Ewing, Gaines, Harrison, Hauser, Kennedy, McAfee, B. S. Morris, Patterson, Scrivner, Shep-
The said amendment, and also the remaining amendments, were then concurred in.

Ordered, That the Clerk inform the Senate thereof.

The house resumed the consideration of the seventeenth amendment proposed by the Senate to a bill which originated in this house, entitled, an act to incorporate a company to establish a turnpike road from the City of Louisville by the mouth of Salt river, Elizabethtown, Munfordsville, and Bowling Green, to the state line, in a direction to Nashville.

The question was then taken on concurring in the said amendment of the Senate, which was decided in the affirmative.

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


Ordered, That the Clerk inform the Senate thereof.

A bill from the Senate, entitled, an act to provide for improving the roads in the counties of Floyd and Perry: was read a third time.
Resolved, That the said bill, as amended, do pass.

Ordered, That the clerk inform the Senate thereof, and request their concurrence in the said amendments.

A message was received from the Senate announcing the passage of a bill entitled, an act for the benefit of the Lexington and Ohio Rail Road Company: and,

A bill which originated in this house, entitled, an act to authorize the qualified voters of Hickman county to select either Clinton or Moscow for the permanent seat of justice of said county: with an amendment.

A bill from the Senate, entitled, an act to amend the law prohibiting the importation of slaves into this Commonwealth: was read a second time.

Mr. E. Smith then moved to amend said bill by adding thereunto the following proviso, viz:

Provided, That the provisions of this act shall not apply to any citizen of this Commonwealth, who shall purchase and import into this state, a slave or slaves, for his, her or their use and benefit: Provided, he, she or they shall, within sixty days after such importation, go before the clerk of the county court of the county in which he, she or they shall reside, and make oath that such slave or slaves were imported into this Commonwealth for his, her or their own use, and not for the purpose of sale or merchandise; which affidavit shall be recorded by said clerk, in a book kept for that purpose.

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

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


Mr. Thruston then demanded the previous question; and the question being taken, shall the main question be now put? it was decided in the affirmative.
The yeas and nays being required thereon, by Messrs. Thruston and Green, were as follows, viz:


The question was then taken on reading the said bill a third time, which was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. E. Smith and S. H. Anderson, were as follows, viz:


A bill from the Senate, entitled, an act to authorise an additional subscription, on behalf of the Commonwealth, in the capital or joint stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, and to amend the several acts incorporating said company: was read a second time.

Mr. McAfee then moved to amend the said bill by adding to the section thereof the following words:

Provided, That no part of the subscription authorised by this act shall be paid out of any portion of the capital stock of the
Bank of the Commonwealth or of the Bank of Kentucky, but out of the profits alone.

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

The yeas and nays being required thereon, by Messrs. McAfee and ——, were as follows:


Mr. Gaines then moved to amend said bill by adding thereto the following additional sections:

Be it further enacted, That it shall and may be lawful for the Governor of this Commonwealth, for the time being, and he is hereby required to subscribe, on the part of the state, the sum of fifty thousand dollars in stock in the Lexington and Covington Turnpike Road Company: Provided, That the state shall not be required to pay any part or installment of said stock hereby authorized to be subscribed on the part of the state, until it shall satisfactorily appear that a like sum has been subscribed and paid on the part of the stockholders: And provided, further, That the stock hereby subscribed, and the like sum taken by the stockholders, shall be appropriated on said road, commencing at Covington and extending by the way of Florence, in Boone county, in the direction to Lexington.

Be it further enacted, That it shall be lawful for Jas. M. Gaines, Moses Scott, and Willis Graves, of the county of Boone, to open books in Burlington, and John W. King, John B. Casey, and Alexander P. Sandford, of the county of Campbell, to open books of subscription in Covington, on the first Monday in April next, who, as commissioners, may receive subscriptions under the directions and provisions of the act entitled, an act to incorporate said company.

And the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon, by Messrs. Gaines and Southgate, were as follows, viz:


Mr. Crow then moved to amend said bill by striking out the whole thereof, after the enacting clause, and inserting in lieu thereof the following:

That there shall be and is hereby appropriated out of the money in the Bank of the Commonwealth, the sum of two hundred thousand dollars, for the improvement of the roads, navigable streams, make and repair bridges and public highways in this Commonwealth, to be apportioned among the several counties in proportion to the number of qualified voters in each county; and it shall be the duty of the President and Directors to pay to the orders of each county court, its proportion of the two hundred thousand dollars aforesaid, according to the foregoing rate.

Sec. 2. Be it further enacted, That the several county courts, a majority of all the justices in commission being present, and concurring therein, may, if to such court it shall seem most advisable, appropriate the funds to which they may be entitled, under the provisions of this act, to the erection of permanent bridges; to the removal of obstructions in the navigable streams within their respective counties, or to vest the same in the stock in any Turnpike Road Company now incorporated, or hereafter to be incorporated within this Commonwealth; and the interest or profits arising from such stock, so taken, shall, under the control and direction of said court, be appropriated for the improvement of roads, navigable streams, or bridges, within their respective counties.

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

The yeas and nays being required thereon, by Messrs. Crow and E. Smith, were as follows:
YEAS—Messrs. Abell, Allen, Bell, Boone, Bowling, Bramlett, Collins, Copeland, Crow, Davidson, Delaney, English, Ewing, Gaines, Hauser, Hazzelrigg, Heady, Hughes, Jett, Lockhart, McAfee, McDonald, McFall, Maxey, Megowan, Montgomery, Nuttall, Ozborn, Patterson, Pendleton, Prince, Riffe, Sanders, Scrivner, Shepherd, E. Smith, Southgate, W. Thomas, Thompson, J. Williams, J. White, and Yates—42.


The previous question having been called for, and sustained by the house; 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. Nuttall and Kennedy, were as follows, viz:


NAYS—Messrs. Abell, Allen, Boone, Bowling, Bramlett, Copeland, Crow, Culley, Davidson, Delaney, English, Ford, Gaines, Hauser, Hazzelrigg, Heady, Hughes, Jett, Lockhart, McAfee, McDonald, Maxey, Montgomery, Nuttall, Ozborn, Patterson, Pendleton, Prince, Riffe, Southgate, W. Thomas, Thompson, J. Williams, and Yates—34.

A bill from the Senate, entitled, an act to authorize an additional subscription, on behalf of the Commonwealth, in the stock of the Board of Internal Improvement for Shelby county, and for other purposes: was read a second time.

And the question being taken on reading the said bill a third time, it was decided in the affirmative.

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

YEAS—Mr. SPEAKER, Messrs. S. H. Anderson, Bates, Bell, Brown, Butler, Chilton, Churchill, Collins, Cook, Covington, Culley, Dunlap,
A bill from the Senate, entitled, an act to appropriate a sum of money for the purpose of improving the navigation of Cumberland river at Smith's shoals, and the big South Fork of said river up to the coal banks: was read a second time.

Mr. Gorin then demanded the previous question; and the question was taken, shall the main question be now put? which was decided in the affirmative.

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


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

A bill from the Senate, entitled an act to remove the obstruc-
tions to the navigation at the falls of Green river, and for other purposes: 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. Gorin and Thruston, were as follows:


NAYS—Messrs. Abeil, Boone, Churchill, Delaney, English, Fulton, Hayden, Head, Hughes, McAfee, McDonald, Maxey, May, Montgomery, Morgan, Murray, Oziorn, Rudd, Sanders, Shanks, Short, Southgate, Stevenson, Thompson, and J. Williams—25.

Ordered, That the Clerk inform the Senate thereof.

A bill from the Senate, entitled, an act to amend the law concerning champerty: was ordered to be read a third time.

The amendments proposed by the committee for courts of justice to a bill from the Senate, entitled, an act limiting the time for which persons may be held to bail for their good behaviour: were concurred in; and the said bill 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, and that the title thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in the said amendment.

A bill from the Senate, entitled, an act to amend the law regulating proceedings in cases of ejectments and forcible entries and detaines: was taken up.

Mr. Southgate then moved to amend the same by adding thereunto the following as an additional section:

Be it further enacted, That hereafter no judgment shall be rendered in any action for the recovery of land, in favor of any non-resident or non-residents, claiming under an adverse title, unless the person or persons seeking to recover shall shew and produce, on the trial, the certificate of the Auditor of this Commonwealth
that the lands sought to be recovered have been entered for taxation, and that the taxes thereon have been paid, for at least one year next before the institution of the suit.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Southgate and Ewing, were as follows:


The said bill was then ordered to be read a third time.

A bill from the Senate, entitled, an act for the benefit of the Cumberland Hospital—also, a bill from the Senate, entitled, an act to provide the mode of paying the states' subscriptions in incorporated companies: were ordered to be read a third time.

And thereupon the rule of the house, constitutional provision, and third reading of the former bill having been dispensed with:

Resolved, That the said bill do pass.

Ordered, That the Clerk inform the Senate thereof.

A bill from the Senate, entitled, an act to amend the act incorporating the Bardstown and Louisville Turnpike Company: was read a second time.

Mr. Crow then moved to amend said bill by attaching thereto the following as an additional section, viz:

Be it further enacted, That there shall be appropriated to the county of Daviess one thousand dollars, and to the county of Ohio two thousand dollars, for the purpose of improving the road from Owenborough to Nashville, by the way of Russellville, and the road from Hartford to Bowlinggreen; to be applied in such manner as the county courts of said counties may direct. Also, one thousand dollars to the county of Logan, and five hundred dollars to the county of Butler, to aid in the completion of said road.

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

The yeas and nays being required thereon, by Messrs. Crow and B. F. Thomas, were as follows, viz:
YEAS—Messrs. Abell, Allen, Bell, Bowling, Crow, Delaney, Ewing, Ford, Fulton, Jeff, Lockhart, Maxey, May, Montgomery, Patterson, J. Williams, and Yates—17.


The said bill was then ordered to be read a third time tomorrow.

A bill from the Senate, entitled, an act for the benefit of the Lexington and Ohio Rail Road Company: 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 ordered to be read a third time.

The house resumed the consideration of a bill to provide for the improvement of the road from Frankfort, via Lawrenceburg, Harrodsburg, Danville, and Stanford, to the Crab Orchard—and, a bill to improve the road from Lexington to the Mouth of Big Sandy, through Winchester, Mount Sterling, and Owingsville.

The said bills (the latter being amended at the Clerk's table) were then ordered to be engrossed and read a third time to-morrow.

The house then adjourned.

WEDNESDAY, JANUARY 30, 1833.

Mr. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled resolutions and bills of the following titles, and had found the same truly enrolled, viz:

Resolutions concerning the opening and improving the Cumberland, and Kentucky and Licking rivers.

Resolutions concerning the opening and improving the Green and Big Barren rivers.

An act allowing an additional justice of the peace to the county of Bath, and for other purposes.

An act to appoint additional justices of the peace in certain counties, and for other purposes.
An act to amend an act entitled, an act for the benefit of revolutionary soldiers.

An act to amend the law giving compensation to witnesses and to increase their mileage.

An act to amend the act to improve the navigation of Salt river, approved Dec. 22, 1831.

An act for the benefit of the infant heirs of Casper Hinton.

An act to allow an additional justice of the peace and constable to the county of Washington, and an additional justice of the peace for the county of Shelby.

An act to authorise the county court of Hardin county to appoint an inspector for West Point and Elizabethtown in said county.

An act to amend the act providing for opening and keeping in repair the highways in the county of Fayette.

An act to authorise the clerks of the county courts of Hopkins, Hancock, Union, and the circuit court of Harrison, to transcribe certain records in their respective offices.

An act for the benefit of the devisees of John Branigan.

An act concerning Mount-Carmel, in Fleming county.

An act to authorise the Secretary of State to distribute certain military books.

An act to authorise the trustees of Cynthiana to close an alley in said town.

An act concerning county levies in certain counties.

An act for the benefit of the widow and heir of Walker Thornton, deceased.

An act to repeal, in part, and amend the act incorporating the Lexington, Chilesburg, and Winchester Road Company.

An act further to enlarge the powers of the trustees of Harrodsburg.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

A message was received from the Senate announcing the passage of bills of the following titles:

An act to appropriate some of the vacant lands in Butler county for the purpose of internal improvement in said county.

An act to amend the penal laws; and,

An act for the improvement of certain roads in Morgan county; and for other purposes.

And requesting leave to withdraw their report rejecting a bill which originated in this house, entitled, an act to amend an act to authorise the establishing of private passways, approved Dec. 13, 1830—also, an act for the benefit of Agnes B. Berry and children.

Whereupon, leave was given to withdraw said reports and bills.

An engrossed bill entitled, an act to improve the road from
Frankfort, via Lawrenceburg, Harrodsburg, Danville, and Stanford, to the Crab Orchard: was read a third time.

Mr. Brown then moved to amend said bill by adding thereto the following engrossed clause, by way of Ryder, viz:

*Be it further enacted, That the sum of one thousand dollars be and the same is hereby appropriated, out of the funds of the Commonwealth's Bank, to improve the road leading from the town of Nicholasville to Lexington; and that so soon as William Shreeve and Thomas I. Brown, or either of them, shall enter into bond before the county court of Jessamine, in the penalty of two thousand dollars, stipulating and binding themselves faithfully to expend said appropriation on said road between the town limits of the town of Nicholasville and Benjamin Blackford's dwelling, the Auditor of Public Accounts is hereby authorised and directed to issue his warrant upon the Treasurer for said thousand dollars; and he is hereby directed to pay over to said Shreeve and Brown, or either of them, said sum.*

And the question being taken on adopting the proposed amendment, as a Ryder to the bill, it was decided in the negative.

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


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

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

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

Mr. Abell moved the following resolution:

The members of this house regret to see an editorial remark, in the Kentuckian and Commentator, wounding to the feelings of members of this body. The attack, by James Birney Marshall, upon any member, for exercising their rights and privileges, as representatives of the people, deserves the reprobation of every member of this body and the condemnation of a free people. Therefore,

Be it resolved, That the said James Birney Marshall be expelled from a seat in this house, for the purpose of reporting the proceedings thereof.

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. Pierce and ——, were as follows, viz:


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

By Mr. Butler, from the committee of claims—1. A bill for the appropriation of money; and,
By Mr Heady—2. A bill for opening a road from Taylorsville, in Spencer county, to Jeffersontown, in Jefferson county. Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second readings of said bills having been dispensed with, the first was committed to the committee of claims, and the second was ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision, and third reading of the latter bill having been dispensed with:

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

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

On the motion of Mr. Green:

Ordered, That the committee of ways and means be discharged from the further consideration of a bill from the Senate, entitled, an act to prevent the circulation of certain bank notes.

Mr. Southgate then moved 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. Southgate and E. Smith, were as follows, viz:

YEAS—Messrs. Abell, Bell, Bowling, Bramlett, Covington, Crow, Culley, Davis, English, Fair, Harris, Hayden, Hauser, Hazelrigg, Heady, Henry, Hughes, W. Johnson, Lockhart, McAfee, McDonald, McFall, Matson, Maxey, May, Montgomery, Nuttall, Oxborn, Patterson, Prince, Pryor, Rudd, Sanders, Seaton, E. Smith, W. Smith, Southgate, Stevenson, Thurston, D. White, J. White, and Yates—42.


It was then moved and seconded to strike out the first section of said bill, after the enacting clause, and the enacting clause of the second section, in the following words:

That from and after the first day of May next, it shall not be lawful for any person or persons to pay, tender in payment, exchange, offer to exchange, barter, offer to barter, or in any other mode circulate, or attempt to circulate, in this Commonwealth, the notes, checks or bills of any bank or incorporated company, chartered by any one of the other states of the United States, or
the notes, checks or bills of any individual or individuals, in the nature or of the character of bank notes, checks or bills, under five dollars; and each and every payment, exchange or barter of any such notes, checks or bills, shall be void; and each and every person paying, tendering in payment, exchanging, or offering to exchange, bartering, or offering to barter, circulating, or offering to circulate, any such notes, checks or bills, shall, for each and every such offence, be liable to a penalty of ten dollars, recoverable by a warrant before any justice of the peace, in favor of any person suing for the same, or in the name of the Commonwealth, on the presentment of a grand jury.

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

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


The said bill was then laid on the table.

A bill from the Senate, entitled an act to incorporate the Louisville Hotel Company: was reported from the committee for courts of justice, 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 the Clerk carry the said bill to the Senate and request their concurrence.

An engrossed bill entitled, an act to amend the law concerning alimony: was read a third time.

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

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

On motion—
The committee of the whole house was discharged from the further consideration of a bill from the Senate, entitled, an act to divide the state into congressional districts.

The first section thereof was then read as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That this state shall be and is hereby divided into thirteen congressional districts, as follows: The first district shall be composed of the counties of Hickman, Calloway, Graves, McCracken, Livingston, Caldwell, Trigg, and Union; the second district shall be composed of the counties of Christian, Hopkins, Henderson, Muhlenburg, Butler, Ohio, Daviess, and Hancock; the third district shall be composed of the counties of Todd, Logan, Warren, Edmonson, Simpson, Allen, Monroe, and Barren; the fourth district shall be composed of the counties of Cumberland, Adair, Russell, Wayne, Pulaski, Rockcastle, Whitley, and Casey; the fifth district shall be composed of the counties of Lincoln, Garrard, Jessamine, Mercer, and Anderson; the sixth district shall be composed of the counties of Green, Hardin, Hart, Grayson, Breckinridge, and Mende; the seventh district shall be composed of the counties of Washington, Nelson, Bullitt, and Spencer; the eighth district shall be composed of the counties of Jefferson, Oldham, Shelby, and Henry; the ninth district shall be composed of the counties of Madison, Laurel, Knox, Harlan, Clay, Perry, Estill, Pike, and Floyd; the tenth district shall be composed of the counties of Clarke, Fayette, Woodford, and Franklin; the eleventh district shall be composed of the counties of Montgomery, Bath, Morgan, Lawrence, Greenup, Lewis, and Fleming; the twelfth district shall be composed of the counties of Bracken, Mason, Nicholas, Bourbon, and Pendleton; the thirteenth district shall be composed of the counties of Scott, Harrison, Grant, Campbell, Boone, Gallatin, and Owen.

Mr. McAfee then moved a substitute in lieu of the first section of said bill in the following words:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That this state shall be and is hereby divided into thirteen congressional districts, as follows: The first district shall be composed of the counties of Montgomery, Bath, Fleming, Greenup, Floyd, Morgan, Lawrence, Lewis, and Pike; the second district shall be composed of the counties of Bourbon, Nicholas, Mason, and Bracken; the third district shall be composed of the counties of Fayette, Clarke, Woodford, and Jessamine; the fourth district shall be composed of the counties of Estill, Madison, Clay, Garrard, Knox, Perry, Harlan, Laurel, and Whitley; the fifth district shall be composed of the counties of Scott, Harrison, Grant, Campbell, Pendleton, and Boone; the sixth district shall be composed of the counties of Spencer, Henry, Gallatin, Franklin, Owen, and Anderson; the seventh district shall be
composed of the counties of Mercer, Lincoln, Washington, and Casey; the eighth district shall be composed of the counties of Pulaski, Wayne, Cumberland, Rockcastle, Adair, Russell, Monroe, and Allen; the ninth district shall be composed of the counties of Jefferson, Oldham, Shelby, and Bullitt; the tenth district shall be composed of the counties of Nelson, Hardin, Hart, Green, and Edmonson; the eleventh district shall be composed of the counties of Henderson, Breckenridge, Grayson, Hancock, Muhlenburgh, Ohio, Hopkins, Daviess, Butler, and Meade; the twelfth district shall be composed of the counties of Barren, Todd, Logan, Simpson, and Warren; the thirteenth district shall be composed of the counties of Hickman, Graves, Calloway, McCracken, Livingston, Caldwell, Trigg, Christian, and Union.

Mr. Gaines then moved to amend said first section of the bill from the Senate by striking out the county of "Scott," from the thirteenth congressional district, and adding it to the tenth.

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

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


Mr. Hauser then moved to amend said section by striking out "Pendleton" from the twelfth and adding it to the thirteenth district.

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

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


NAYS—Mr. Speaker, Messrs. Abell, Allen, S. H. Anderson, Bell, Bowling, Bramlett, Brown, Butler, Chilton, Churchill, Collins, Copeland,
Mr. Bates then moved to amend said section by striking out "Whitley" from the fourth district and adding it to the ninth.

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

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


Mr. Riffe then moved to amend said section by striking out "Lincoln" from the fifth and adding it to the fourth district.

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

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


NAYS—Mr. Speaker, Messrs. Allen, S. H. Anderson, Bell, Bramlett, Brown, Butler, Churchill, Collins, Cook, Copeland, Covington, Davis, Delaney, Dunlap, Ewing, Faris, Gorin, Green, Harris, Harrison,

Mr. Boone then moved to amend said section by striking out "Todd" from the third and adding it to the second district.

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

The yeas and nays being required thereon were as follows:


Mr. Green then moved the previous question: insisting that the substitute offered by Mr. McAfee, in lieu of the first section of the bill, was not before the house, having been entirely superseded by the several motions to amend the first section of the Senate's bill; and that not more than one proposition for amendment could be before the house at the same time.

The Speaker declared that Mr. McAfee's substitute was before the house, and was first in order, and that the call for the previous question was not in order, while said amendment was pending.

From which decision of the chair Mr. Green 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 were as follows:


A motion having been made by Mr. May to strike out the counties of Floyd and Pike from the ninth and to add them to the eleventh congressional district, and the same having been negatived:

Mr. Allen then moved further to amend said section by striking out the county of Edmonson from the third district and adding it to the sixth district.

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

The yeas and nays being required thereon were as follows:


A motion having been made by Mr. D. White to strike out the county of Anderson from the fifth and to add the same to the seventh district, and the same having been negatived:

A division of the question having been called for, on Mr. McAfee's amendment; the question was put on striking out the first section of the bill from the Senate, which was decided in the negative.

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

Lockhart, McAfee, McDonald, Maxey, May, Meriwether, Montgomery, Murray, Nattall, Ozborn, Riffie, Sanders, Shepherd, Southgate, Stevenson, W. Thomas, J. Williams, and D. White—39.


The said bill was then ordered to be read a third time tomorrow.

An engrossed bill entitled, an act to improve the navigation of Big Cane, a branch of Green river: was read a third time.

A message was received from the Senate announcing their disagreement to bills which originated in this house, of the following titles:

An act to change an election precinct in the county of Daviess. An act for the benefit of the children of Thomas Anderson; and, An act for the benefit of James W. Ewing.

Their concurrence in the amendments proposed by this house to bills from the Senate of the following titles:

An act to provide for the location of the Lexington and Ohio Rail Road through the City of Louisville, and for other purposes; and, An act limiting the time for which persons may be held to bail for their good behaviour.

And in those proposed to a resolution from the Senate, concerning the navigation of the Cumberland and Kentucky rivers.

And their disagreement to the first and second, and concurrence in the third amendment proposed by this house to a bill from the Senate, entitled, an act to provide for improving the roads in the counties of Floyd and Perry.

And then the house adjourned.

THURSDAY, JANUARY 31, 1833.

Mr. E. Smith, from the select committee, to whom was referred the Governor's Message of the —— instant, made the following report:

The select committee, to whom was referred the message of the Governor, containing certain resolutions of the State of South Carolina,
proposing a "Constitution of the States, for the purpose of considering and determining such questions of disputed power as have arisen between the States and the General Government," have had that subject under consideration, and have agreed upon the following report:

The State of South Carolina, in her legislative capacity, has adopted a resolution, requesting "a call of a Convention of the States, for the purpose of considering and determining such questions of disputed power as have arisen between the States of this Confederacy and the General Government;" copies of which resolve have been forwarded to the several States. In making a reply to a proposition emanating from a source so respectable, the committee felt it to be their duty, not only to consider the expediency of such a Convention, but to enquire, what would be its powers when assembled; and after the most careful attention, and sober reflection upon the subject, they have been led to the conclusion, that there is no authority in the Constitution of the United States, for a convention of the States, for the purpose of settling questions of disputed power between the States and General Government; but that such a convention can only be called "upon the application of the Legislatures of two-thirds of the several States," and when called, would be confined in its deliberations to the act of proposing amendments to the Constitution, subject to be ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification might be proposed by Congress.

We are aware of the importance of this question, and have, therefore, examined it with the utmost caution. If South Carolina is correct in supposing that a convention of the States, may not only consider, but determine questions of disputed power between the States, but between the States and General Government, then may such a convention, by its decision, strip the General Government of many of the powers which are essential to its existence and wholesome operation. Such a tribunal, we conceive, is entirely unknown to the constitution, as a court of the last resort for settling questions of political power. Nor can we admit, that it is among the reserved rights of the States, to call a convention for that purpose.

The Government of the United States is partly federal, and partly national in its character. In its foundation, and in the sources from whence it derives its powers, it is mainly federal; but in its operations it is national. The constitution is the charter from whence its powers are derived; and in the exercise of the powers granted in that instrument, it is as much supreme and sovereign, as would be an independent
State. For the truth of this position, we refer to the language of the constitution, in which it is declared, that "this constitution, and the laws of the United States, which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding."

Let us, however, pursue this subject one step further, and enquire, what tribunal is there to settle questions of disputed power between the States and General Government? There may arise questions so purely of a political character, as not to be brought within the forms of judicial proceedings, in which cases an appeal may not only be made to the people, but a convention of the States might be called for the purpose of proposing amendments to the constitution (subject to the ratification of the states) so as either to affirm or deny the power attempted to be exercised. If these appeals fail, then there is no other remedy; and whilst we are reluctant to yield our assent to the proposition, that the General Government is the exclusive judge of the powers granted to it, yet we can see more safety in that concession, than in yielding to each state the right to interpret the federal constitution, "to judge of infractions, and of the mode and measure of redress." Such extraordinary contests of political power as those alluded to, can seldom occur; and all others may be brought within the scope of judicial authority, whose decisions are final and obligatory.

But South Carolina has not enumerated nor specified any of the disputed powers, which she desires to be brought before a convention of the States; and of course the committee were left to conjecture on this subject. If, however, it be supposed that the laws of the United States, usually denominated the Tariff laws, are among that class, then this committee cannot refrain from an expression of opinion, that said laws are not only constitutional, but founded in wise and just policy. We are not unmindful that other questions of disputed power have arisen, in the progress of the Government; but they all have been settled by the judicial power of the United States, and the decisions of that tribunal have been sustained by the intelligence and patriotism of the people.

We can never indulge the feelings of jealousy and discontent in relation to the powers of the General Government, which seems to pervade some of our sister states. We look upon that Government as having been established to secure the blessings of liberty to us and our posterity, by those whose prescience and paternal regard should warn us, not rashly to mar their work. It is our government, having no feelings
Having defined, as we conceive correctly, the powers of a convention of the States, when called, and seeing that it would be confined in its action to proposing amendments, and could not even repeal or abrogate a law of Congress, and believing moreover that the present crisis is inauspicious for the proper adjustment of political power, or for proposing amendments to the constitution, your committee recommend the adoption of the following resolutions:

1. Resolved, by the General Assembly of the Commonwealth of Kentucky, That a convention of the States of this Union can only be called for the purpose of proposing amendments to the Constitution of the United States, which would be valid and binding when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification might be proposed by Congress.

2. Resolved further, That the present crisis is inauspicious for the call of a convention of the States, even for proposing amendments to the constitution; and this Legislature cannot therefore unite in a request to Congress to call such a convention.

3. Resolved further, That the Governor of this State be requested to transmit copies of this preamble and resolutions to the Governors of the several States, to be laid before the Legislatures thereof; and also to our Senators and Representatives in Congress, to be by them laid before Congress for consideration.

Ordered, That the Public Printer forthwith print 150 copies of said report, for the use of the members of this house.

Mr. E. Smith, from the joint committee, appointed to examine the Penitentiary, made the following report:

The committee raised for the purpose of examining the Penitentiary beg leave to report:

That they have proceeded to a discharge of the duties assigned them, and found this institution in as good a condition as could have been expected, after taking into view the construction of its interior buildings. Commenced in the first place on comparatively a small scale, it has been the policy of the State to enlarge it as necessity required. This has resulted in the accumulation of a mass of buildings, detached and heterogeneous in their construction, without a due regard either to economising the space within its exterior walls or the labor and convenience of the Superintendent. They would therefore beg leave to recommend that the interior buildings be, at some convenient time, entirely rebuilt.
And they are of opinion that it would be consistent with a due regard to economy, on the part of the state, to do so, when it is recollected that a considerable amount must necessarily be expended, before many years, for repairs, which will be required, if the institution is not rebuilt. As many of the old materials would enter into the construction of new buildings, they are decidedly of opinion that the state would find it to her advantage to rebuild rather than repair this institution.

They would further report, that they did not go into a thorough examination of the books, but from all they saw, and after examining the Clerk on oath, they are of opinion that no injustice or fraud has been practised on the state; and from the manner of conducting the business, they cannot think it possible, so long as the Clerk appointed by government remains faithful. They witnessed with regret the extent to which individuals had become indebted to the institution; and whenever a final settlement is had with the present incumbent, your committee would beg leave to suggest the propriety of curtailing, if not entirely abolishing, the credit system.

They examined the Assistant Keeper, on oath, as to the dieting, police, &c. and from his answers, think that the unfortunate and degraded inmates of this prison are furnished plentifully with substantial and nourishing food. And although corporeal punishment has, in many cases, been resorted to, and in a few, probably to an extent not tolerated outside the walls of a prison, yet your committee, after taking into view the class of individuals with whom the Keeper has to deal, are doubtful as to the propriety of abolishing that mode of punishment entirely.

Your committee would further recommend the passage of a law authorising the appointment of commissioners to settle with the present Superintendent.

A message was received from the Senate announcing their disagreement to a bill which originated in this house, entitled, an act authorising the building of an arsenal for the security and preservation of the public arms.

The passage of bills, which originated in this house, of the following titles:

An act providing for opening a road from Taylorsville, in Spencer county, to Jeffersontown, in Jefferson county, and for other purposes.

An act for the benefit of Jacob Miller, of Simpson county.

An act to amend the law imposing tax on merchandise.

An act to amend an act entitled, an act to authorize the establishment of private passways, approved Dec. 13, 1820.

An act to change the time of holding certain circuit courts, and for other purposes: with amendments to the four latter bills.

And the passage of bills of the following titles:
An act for the benefit of the children of John Mizner, deceased.
An act to change the name of James Harvey.
An act for the benefit of Achilles Jasper, of Pulaski county.

On the motion of Mr. Davis:
Leave was given to bring in a bill to legalize the proceedings of the Court of Assessment of the 34th Regiment, Kentucky Militia; and, Messrs. Davis, B. F. Thomas, and Simpson, were appointed a committee to prepare and bring in the same.

Mr. Chilton, from the committee on internal improvements, to whom was referred a bill from the Senate, entitled, an act to amend the charter of the Shelbyville and Louisville Turnpike Company; reported the same without amendment. Said bill was then ordered to be read a third time to-morrow.

Mr. Delaney moved the following resolution:
[The resolution referred to was not found in the papers of the Clerk.
We believe, however, that the substance of the resolution was to print ten thousand copies of the President's proclamation and message, in relation to South Carolina.]—Public Printer.

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 yea and nays being required thereon were as follows, viz:


Mr. D. White read and laid on the table the following joint resolution:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the Governor be and he is hereby requested to cause to be procured, the best plan that has been devised of an arsenal, for the security of the public ordnance, arms, and accoutrements, and report the same to the next General Assembly, together with
the number and kind of arms now on hand; how many of those arms have been distributed among the militia of the state, and on what terms let out; also, how many additional arms, &c., are due, the State of Kentucky from the general government, and not yet received.

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

Ordered, That the Clerk carry the same to the Senate, and request their concurrence.

Mr. Ewing, from the committee for courts of justice, to whom was referred a bill to regulate the circuit and county courts in the fifteenth judicial district: reported the same with an amendment; which being twice read was adopted, and the said bill, as amended, was ordered to be engrossed and read a third time to-morrow.

Mr. Ewing, from the same committee, to whom was referred a bill from the Senate, entitled, an act to amend the law regulating the manumission of slaves; reported the same without amendment. The said bill was then ordered to be 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 McAfee, from the committee of propositions and grievances—1. A bill for the benefit of Arch Lewis, a free man of colour.

By Mr Murray—2. A bill to repeal so much of the law as prohibits the Receiver of Public Moneys from entering lands.

By Mr Davis—3. A bill to legalize the proceedings of the Court of Assessment of the 34th Regiment, Kentucky Militia.

By Mr Gorin—4. A bill to authorize the insertion of advertisements in the Commonwealth.

By Mr Ewing, from the committee for courts of justice—5. A bill to amend the penal laws.

Which bills were severally received and read the first time, and the first, third, fourth and fifth ordered to be read a second time. And the question being taken on reading the second bill a second time, the same 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 first, third, fourth and fifth 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.

It was then moved and seconded to take up, for immediate consideration, a bill to establish a State Bank.
And the question being taken thereon, it was decided in the negative.

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


Mr. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act authorising the sale of the slaves of infants.
An act concerning the town of Adairsville.
An act to incorporate the City of Maysville.
An act to extend the powers of the road commissioners of Bracken county.
An act to repeal the law now in existence in relation to Headright settlers; and to dispose of the balance of the debt due from this class of debtors to the purposes of internal improvement.
An act to incorporate the Greenwich Academy.
An act to amend an act entitled, an act for the benefit of the heirs of Samuel Shannon, deceased.
An act for the benefit of Spencer Curd’s representatives.
An act to authorise the trustees of the town of Richmond to levy a tax to MacAdamize the streets.
An act to amend an act to remove the obstructions to navigation at the falls of Green river, and for other purposes.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

Mr. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act authorising the Trustees of the Kentucky Baptist Education Society to emancipate a slave.
An act for the benefit of the Cumberland Hospital.
An act limiting the time for which persons may be held to bail for their good behaviour.
An act to appropriate a sum of money for the purpose of improving the navigation of the Cumberland river, at Smith's shoals, and the Big South Fork of said river up to the coal banks.

An act providing for opening a road from Taylorsville, in Spencer county, to Jeffersonville, in Jefferson county, and for other purposes.

And a resolution concerning the opening and improving the navigation of the Cumberland, Kentucky and Licking rivers.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

An engrossed bill entitled, an act for the improvement of the navigation of Big Caney, a branch of Rough creek: was read a third time, and amended by an engrossed clause, by way of rider.

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

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

The house took up for consideration the amendment made by the Senate to a bill which originated in this house, entitled an act to authorise the qualified voters of Hickman county to select either Moscow or Clinton for a permanent seat of justice for said county, and for other purposes; which was read as follows:

Strike out the whole of the bill, after the enacting clause, and insert:

That the legal and qualified voters of the county of Hickman shall have the privilege, at their election for members of the General Assembly of the Commonwealth, in August, 1833, to meet at their respective precincts, in said county, and vote, \textit{viva voce}, whether their seat of justice shall be removed to the town of Moscow, or remain at the town of Clinton.

Sec. 2. \textit{Be it further enacted}, That the judges appointed by the county court of Hickman, to superintend the election for members of the General Assembly of this Commonwealth, in August, 1833, shall open two columns on their poll-books, one for the town of Moscow and one for the town of Clinton; and shall permit the qualified voters of said county to vote for the removal of said seat of justice to Moscow or remain at Clinton. And the laws now in force in regard to the election of members of the General Assembly of this Commonwealth, shall govern and direct the judges, sheriffs, and clerks of said county, in holding said election, in removing said seat of justice.

Sec. 3. \textit{Be it further enacted}, That if, at said election, there shall be given a majority of one hundred and fifty votes, of the legal and qualified voters of said county, for the town of Moscow, then and in that event the said seat of justice shall be and remain permanent at the town of Moscow: \textit{Provided}, however, That the sum of two thousand dollars be paid, or secured by bond with se-
curity, approved by a majority of the justices of the peace of the said county, said bond payable to the justices of said county court of Hickman, in two annual instalments, viz: one thousand dollars of said money payable one year after the first Monday in August, 1833, and one thousand dollars, payable in twelve months after the first Monday in August, 1834.

Sec. 4. Be it further enacted, That the clerks of the circuit and county courts of said county of Hickman shall, when notified in writing by the county court, that the town of Moscow has received a majority of one hundred and fifty votes, and that the aforesaid sum of two thousand dollars has been paid, or secured to said county court, remove the records and papers, belonging to their respective offices, to the town of Moscow within ten days after the service of said notice: Provided, however, That suitable houses or rooms be prepared by said county court of Hickman for said records and paper.

Sec. 5. Be it further enacted, That nothing in the foregoing act shall be construed to take effect until the first Monday in March, 1834, except the election hereby provided for.

It was then moved and seconded that this house disagree to the said amendment.

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

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


Ordered, That the Clerk inform the Senate thereof.

The house proceeded to reconsider their first and second amendments proposed to a bill from the Senate, entitled, an act to provide for improving the roads in the counties of Floyd and Perry.

Resolved, That this house recede from their first and second amendments to said bill.

Ordered, That the Clerk inform the Senate thereof.
The house took up the amendments proposed by the Senate to bills which originated in this house of the following titles:

An act to amend an act entitled, an act to authorise the establishing of private passways, approved Dec. 13, 1820.

An act for the benefit of Jacob Miller, of Simpson county; and,

An act to change the time of holding certain circuit courts, and for other purposes.

Those proposed to the two first bills were concurred in, and those to the latter disagreed to.

Ordered, That the Clerk inform the Senate thereof.

The house took up for consideration the amendments proposed by the Senate to a bill which originated in this house, entitled, an act to amend the law imposing a tax on merchandise.

The amendment proposed by the Senate was then read as follows:

Add to the bill as an additional section:

Be it further enacted, That for the year eighteen hundred and thirty-three, and each and every year thereafter, there shall be levied and collected, ten cents upon each one hundred dollars of taxable property; which sum shall be collected and accounted for by the collectors of the public revenue, in the same manner, subject to the same conditions, limitations and restrictions as are now prescribed by law, for collecting the public revenue.

Mr. Woolley called for the previous question; and the question was, shall the main question be now put? it was decided in the negative.

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


The question was, after some debate, taken on concurring in the said amendment of the Senate, and decided in the negative, and so the said amendment was disagreed to.
The yeas and nays being required thereon were as follows, viz:


Ordered, That the Clerk inform the Senate thereof.

A bill from the Senate, entitled, an act to amend the law prohibiting the importation of slaves into this state: was read a third time.

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

The yeas and nays being required on the passage thereof were as follows, viz:


Ordered, That the Clerk inform the Senate thereof.

A bill from the Senate, entitled, an act to authorize an additional subscription, on behalf of the Commonwealth, in the capital or joint stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, and to amend the several acts incorporating said company: was read a third time.
Mr. Davis then moved to attach thereto the following sections, by way of rider, viz:

Be it further enacted, That the sum of ten thousand dollars be and the same is hereby appropriated, out of any money in the treasury, not otherwise appropriated, to be applied and used to the improvement of the road from Lexington to the Mouth of Big Sandy, by way of Winchester, Mount Sterling, and Owingsville; and that portion of said road lying between John M. Rice's, in the county of Bath, and the Mouth of Big Sandy.

Be it further enacted, That John M. Rice, of the county of Bath; Henry S. Powers, of the county of Fleming; Gabriel Scott, Robert Henderson, and Horatio Catlett, of the county of Greenup—any three of whom, or their successors, shall have the power of performing the requisitions of this act—shall be appointed commissioners, each of whom shall, before he enters on the discharge of the duties required by this act, in the county court of the county where he resides, enter into bond, payable to the Commonwealth of Kentucky, in the penalty of three thousand dollars, conditioned for the faithful performance of all the duties required by this act, of him, with good and sufficient security, to be approved by said court.

Be it further enacted, That it shall be the duty of the commissioners, appointed by the second section of this act, to superintend the repairs and improvements of said road, by causing the same to be widened, the hills dug down, causeways made, where it may be necessary, and bridges built across the streams, and in such other manner as they may deem most advisable.

Be it further enacted, That the Auditor of Public Accounts be and he is hereby authorised to issue his warrant upon the Treasury for the sum of ten thousand dollars, upon the production of the clerk's certificate (with the seal of the county court thereto attached) that the commissioners have entered into bond, according to the provisions of this act, and have taken an oath to impartially, faithfully and truly carry into effect the provisions of this act, so far as it may be within their power.

Be it further enacted, That said commissioners shall appoint a gate-keeper, to superintend the turnpike gate now erected at Gabriel Scott's, in Greenup county; who shall receive the following rates of toll for passing the same: for each person, (except women, and children under ten years of age,) six-and-a-fourth cents; for every horse, mare or mule, six-and-a-fourth cents; for every two wheeled carriage, twenty-five cents; for every four wheeled carriage, fifty cents, (except pedlar's wagons or dearborns, twenty-five cents;) for every head of neat cattle, three cents each; for every hundred head of hogs, fifty cents, and at the same rate for a greater or less number. And the said commissioners shall have full power to erect an additional turnpike gate and appoint a gate-
keeper, if they shall deem it necessary, to be erected at any point on said road, between the gate now erected and the Mouth of Big Sandy. And if the gate shall be so erected the keeper thereof shall demand and receive only the one half of the several tolls as aforesaid. And if any person shall forcibly pass, or attempt to pass, the said gate or gates, without paying the tolls aforesaid, or directly avoid or attempt to avoid it, he or they shall forfeit and pay ten dollars for every such offence, recoverable before any justice of the peace, by warrant, in the name of the commissioners.

Be it further enacted, That before the said keeper, or keepers, shall enter on the discharge of his or their duties, said commissioners shall cause him or them to execute a bond or bonds to said commissioners, and their successors in office, in the penalty of one thousand dollars, with good and sufficient security, conditioned for the faithful performance of his or their duty; the collection of the tolls herein imposed, and the payment of the proceeds thereof to said commissioners, on request; and the same, when taken, shall, by the said commissioners, be deposited by one of them in the clerk's office of the Bath county court. And for any breach of the conditions thereof suit may be instituted by the said commissioners, or their successors, in the circuit court of any county in which any of said obligors may be found; and the same may be put in suit, from time to time, as often as may be, until the penalty may be recovered.

Be it further enacted, That whenever a sum sufficient shall be received from the tolls, it shall be the duty of said commissioners to pay into the treasury of this state, to the Treasurer thereof, the sum of five per centum per annum, on the said ten thousand dollars; and the same to pay, as aforesaid, annually thereafter, if there shall be so much arising from the tolls, and the balance of the proceeds to be laid out in the continued repair and improvement of the road, except the sum to be employed in procuring a gate-keeper or gate-keepers, which shall not exceed one hundred dollars each, per annum, and seventy-five cents per day to each commissioner for every day in which they are engaged in the performance of their duties; and with this further exception, that one fifth of the nett profits of the gates on said road shall be applied by said commissioners, and laid out in the continued repair and improvement of the road leading from Flemingsburg to Sandy Salt Works, beginning at Robert Plumer's, at the crossing of Forb's creek, and intersecting the Sandy road at Joshua Knapp's.

Be it further enacted, That the gate-keepers and commissioners shall, before they enter on the duties of their office, make oath before the county court before which they may execute bond, as required by this act, that they will well and faithfully perform all the duties required of them by this act. The said commissioners shall have power to fill any vacancy which may occur, as to them-
selves or gate-keepers; and moreover, shall annually report to the Legislature the extent of improvement caused to be made on said roads, and the amount of tolls received, together with an account of the services which they have performed.

Be it further enacted, That the gate-keepers shall be subject to removal at the pleasure of the commissioners, and that the commissioners shall be subject to removal by the county court of the county in which they shall live: Provided, however, That they shall have at least ten days notice of any application for their removal: And provided, further, That there shall be a majority of the justices of the peace upon the bench when said trial shall be had, a majority of whom shall concur in the removal.

And the question being taken on the adoption thereof, as a rider to the bill, it was decided in the negative.

The yeas and nays being required thereon were as follows:


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

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


NAYS—Messrs. Abell, Allen, Boone, Bowling, Brown, Collins, Copeland, Crow, Culley, Davidson, Davis, Delaney, English, Ewing, Ford, Hayden, Hauser, Hazelrigg, Head, Hughes, Lockhart, McAule, M. Donald, Maxey, Montgomery, Nuttall, Ozborn, Patterson, Pendleton,
Prince, Scrivner, D. T. Smith, Southgate, W. Thomas, Thompson, J. Williams, and J. White—37.

Ordered, That the Clerk inform the Senate thereof.

A bill from the Senate, entitled, an act to authorise an additional subscription, on behalf of the Commonwealth, in the stock of the Board of Internal Improvement for Shelby county, and for other purposes: was read a third time.

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

The yeas and nays being required on the passage of said bill were as follows, viz:


Ordered, That the Clerk inform the Senate thereof.

A message was received from the Senate announcing that the Senate recede from their first, second, third, fifth, seventh, eighth, fourteenth, fifteenth, sixteenth and eighteenth amendments proposed to a bill from this house, entitled, an act to incorporate a company to establish a turnpike road from the City of Louisville, by the Mouth of Salt river, Elizabethtown, Munfordsville, and Bowling-green, to the state line, in a direction to Nashville.

And their disagreement to a bill which originated in this house, entitled, an act for the divorce of Daniel and Elizabeth Royalty.

Mr. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to authorise an additional subscription, on behalf of the Commonwealth, in the stock of the Board of Internal Improvement for Shelby county, and for other purposes.

An act to amend an act entitled, an act to authorise the establishment of private passways, approved Dec. 13, 1820: and,

An act to establish the Louisville Bank of Kentucky.
Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

An engrossed bill entitled, an act to establish a State Bank; was read a third time, and amended by an engrossed clause, by way of rider.

Mr. Wing then moved further to amend said bill by adding thereto the following engrossed clause, by way of rider:

Be it further enacted, That there shall be one of the branches directed in this act, located on the South side of Green River, by said President and Directors, having, in said location, due regard to central position, commercial advantages, and bank accommodations, in that grand division of the state.

And the question being taken on adopting the proposed amendment, as a rider to the bill, it was decided in the negative.

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

YEAS—Messrs. A11e1l, Bell, Boone, Bowling, Crow, Culley, Davi-


NAYS—Mr. SPEAKER, Messrs. Allen, S. H. Anderson, Bates, Bram-
lott, Butler, Chilton, Churchill, Collins, Cook, Copeland, Covington, Dun-
lap, English, Gorin, Green, Harris, Harrison, Hayden, Hauser, Hill, Innis, Jett, G. W. Johnston, Kennedy, Lee, Lucas, Marshall, Megowan, Meriwether, Morgan, D. Morris, Pickett, Pryor, Rudd, Sanders, Scriv-

The question was then taken on the passage of said bill, which was decided in the negative: the house being equally divided.

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


NAYS—Messrs. S. H. Anderson, Bates, Boone, Butler, Collins, Cov-
ington, Crow, Davidson, Davis, Ewing, Fair, Ford, Gaines, Green, Harri-

son, Henry, Hughes, Innis, G. W. Johnston, Kennedy, Lockhart, Lu-
cas, Marshall, Maxey, Megowan, B. S. Morris, D. Morris, Murray, Pat-
A message was received from the Senate announcing that the Senate receded from their amendment proposed to a bill from this house, entitled, an act to authorize the qualified voters of Hickman county to select either Moscow or Clinton for a permanent seat of justice for said county, and for other purposes.

An engrossed bill entitled, an act to improve the road from Lexington to the Mouth of Big Sandy, through Winchester, Mount Sterling and Owingsville: was read a third time.

Mr. Maxey then moved to amend said bill by adding thereto the following engrossed clause, by way of ryder, viz:

Be it further enacted, That there shall be appropriated to Monroe county, the sum of five hundred dollars, of the notes due the Bank of the Commonwealth of Kentucky, from citizens of said county, which shall be applied to the improvement of such roads, in said county, as the county court may direct, a majority of all the justices in said county being present and concurring therein. And the county court shall appoint a commissioner, whose duty it shall be to superintend the improvement of such roads and at such places as the county court may direct; who shall enter into bond, with good and sufficient security, in said county, in the sum of one thousand dollars, for his performance; he shall make report to said court, at least four times in each year, what progress he has made and the amount of money expended. And so soon as the said commissioner shall have entered into bond, as aforesaid, the county court shall certify the same to the President of said bank, who shall either endorse such notes as the commissioner may request, to the amount of five hundred dollars, or direct the agent for said bank to make endorsement thereon. The said commissioner shall receive for his services such compensation as the said court may direct.

And the question being taken on adopting the proposed amendment, as a ryder to the bill, it was decided in the negative.

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


NAYS—Mr. Speaker, Messrs. Allen, S. H. Anderson, Bates, Bell, Bowling, Brown, Butler, Chilton, Churchill, Copeland, Covington, Davis, Dunlap, English, Faris, Gaines, Green, Harris, Harrison, Hauser, Hazeltig, Henry, Hill, Hughes, Innis, G. W. Johnston, Kennedy, Lee, McDonald, Marshall, Matson, Megowan, Meriwether, Montgomery, Mor-
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 were as follows, viz:


A message was received from the Senate announcing their disagreement to a bill which originated in this house, entitled, an act to incorporate the Elizabethtown and Harrodsburg Savings Institutions.

And the passage of bills, which originated in this house, of the following titles:

An act to incorporate the Louisville Savings Institution; and,
An act to provide for balancing the accounts of the treasury with the Bank of the Commonwealth; with amendments to the two latter bills.

And that the Senate recede from their amendment proposed to a bill from this house, entitled, an act to amend an act imposing a tax on merchandise.

A bill to improve the navigation of Big Sandy river, was ordered to be engrossed and read a third time tomorrow.

Mr. B. F. Thomas, from the majority on the vote by which an engrossed bill entitled, an act establish a State Bank, was rejected, moved a reconsideration of said vote.

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

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

YEAS—Mr. Speaker, Messrs. Abell, Allen, Bell, Bowling, Bramlett, Brown, Chilton, Churchill, Cook, Copeland, Covington, Culley, Davidson, Delaney, Dunlap, English, Ewing, Fulton, Gorin, Harris, Hayden,
The question was then again put on the passage of said bill, which was decided in the affirmative.

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


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

A bill from the Senate, entitled, an act to amend the law concerning champerty: was read a third time.

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

Ordered, That the Clerk inform the Senate thereof.

And then the house adjourned.

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**FRIDAY, FEBRUARY 1, 1833.**

Ordered, That Messrs. Ewing, S. H. Anderson and B. F. Thomas be appointed a committee of conference on the subject of a bill which originated in this house, entitled, an act to authorise the ap-
pointment of clerks in vacation; and that Mr. Ewing 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 authorise the insertion of advertisements in the Commonwealth; and,

An act to legalize the proceedings of the Court of Assessment of the 34th Regiment, Kentucky Militia.

And the passage of bills of the following titles:

An act to establish a Medical Institute in the City of Louisville.  
An act for the benefit of Samuel T. Fife, constable of Grayson county.  
An act to regulate the terms of the Jefferson circuit and Oldham courts.

Mr. Butler, from the committee of claims, to whom was referred a bill for the appropriation of money: reported the same with sundry amendments.

The following section was then read as follows, viz:

To the Sergeant-at-Arms of the Senate and House of Representatives — dollars per week each.

It was then moved and seconded to fill the blank therein with the sum of "thirty dollars."

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

The yeas and nays being required thereon, it was decided in the negative.

The yeas and nays being required thereon were as follows:


The said blank was then filled with §28.

The following item was also read as follows, viz:

To the Door-keepers of the Senate and House of Representatives — dollars per week each.

It was then moved and seconded to fill the blank therein with the sum of twenty-eight dollars.
And the question being taken thereon, it was decided in the negative.

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


The said blank was then filled with twenty-one dollars.

The said bill was then recommitted to the committee of claims.

Mr. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to incorporate a Rail Road Company from Bardstown to Louisville.

An act for the benefit of Jacob Miller, of Simpson county.

An act to incorporate the Crittenden School, in the county of Franklin, and the New Providence School, in the county of Mercer.

An act to amend an act entitled, an act to amend the law in relation to opening and repairing the public roads in certain counties, approved Jan. 29, 1830.

An act for the benefit of Joseph Norris, surveyor of Scott county.

An act to establish an election precinct in Bourbon county.

An act for the benefit of Eliza Badger.

An act supplementary to an act entitled, an act to establish the town of Taylorsville and to legalize the proceedings of the trustees of said town, approved Jan. 22, 1833.

An act to incorporate the Louisville Hotel Company.

An act to amend and continue in force an act to incorporate the City of Louisville.

An act to authorise an additional subscription, on the behalf of the Commonwealth, in the capital or joint stock of the Maysville, Washington, Paris, and Lexington Turnpike Road Company, and to amend the several acts incorporating said company.
An act to authorize the insertion of advertisements in the Commonwealth.

An act to legalize the proceedings of the Court of Assessment for the 34th Regiment of Kentucky Militia.

An act to amend the law imposing tax on merchandise.

An act to authorize the qualified voters of Hickman county to select either Clinton or Moscow for the permanent seat of justice for said county.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

The amendments proposed by the Senate to a bill which originated in this house, entitled, an act to incorporate the Louisville Savings Institution, were twice read and concurred in.

Ordered, That the clerk inform the Senate thereof.

The house proceeded to consider the amendment proposed by the Senate to a bill which originated in this house, entitled, an act to provide for balancing the accounts of the treasury with the Commonwealth's Bank.

The said bill, together with the proposed amendment of the Senate, was then read as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Cashier of the Bank of the Commonwealth of Kentucky be and he is hereby required to credit the account of the treasury in said bank with the amount which may be due from the treasury to the bank, on the tenth day of October next; and after the said accounts shall have been balanced, the Cashier of said bank shall not make any further advances to the treasury except in pursuance of law.

Amendment of the Senate.—Strike out the words printed in italics.

The question was then taken on concurring in the said amendment of the Senate, which was decided in the affirmative.

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


Nuttall, Prince, Seaton, Shepherd, Southgate, W. Thomas, and Wickliffe—34.

Ordered, That the Clerk inform the Senate thereof.

A message was received from the Senate, requesting leave to withdraw a bill entitled, an act to incorporate the Elizabethtown and Harrodsburg Savings Institutions, and the report of the Senate rejecting the same.

Whereupon, leave was given accordingly.

Mr. Ewing moved the following resolution:

Resolved, That the Public Printer of this Commonwealth print 10,000 copies of the titles of the acts passed at this session, with a short abstract of the substance of each, for the use of the members.

And the question being taken on the adoption thereof, it was decided in the affirmative.

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


Mr. D. White read and laid on the table a joint resolution for rescinding the resolution adopted by both houses for a final adjournment of the Legislature.

On the motion of Mr. McAfee:

Ordered, That a message be sent to the Senate requesting leave to withdraw a bill from the Senate, entitled, an act to amend the law concerning champerty, and the report of its passage; and that Mr. McAfee carry said message.

Whereupon, the said bill was returned to this house.

A bill from the Senate, entitled an act to amend the law regulating proceedings in cases of ejectments and forcible entries and detainers: was read a third time.

Resolved, That the said bill do pass.

Ordered, That the Clerk inform the Senate thereof.

A bill from the Senate, entitled, an act to provide the mode for
paying the state's subscriptions in incorporated companies: was
read a third time.
Mr. McAfee then moved to commit said bill to the committee
for courts of justice, with instructions to report a bill requiring all
appropriations to be paid in Commonwealth's paper at par.
A division of the question was called for, and the question was
put on committing, which was decided in the affirmative.
The yeas and nays being required thereon were as follows, viz:

The question was then put on giving said committee the instruc-
tions aforesaid, which was decided in the affirmative.
A bill from the Senate, entitled, an act to amend the act incor-
porating the Bardstown and Louisville Turnpike Company: was
read a third time.
Mr. Delaney then moved to add to said bill the following en-
grossed clause, by way of rider, viz:
And be it further enacted, That for the purpose of aiding the
county court of Union county in building a bridge across High-
land creek, in said county, at or near the crossing of the road lead-
ing from Shawneetown to Louisville, there be and is hereby ap-
propriated to the said county court the sum of one thousand dol-
ars, to be paid out of any money in the treasury not otherwise
appropriated.
And the question being taken on adopting the amendment afo-
said, as a rider to the bill, it was decided in the negative.
The yeas and nays being required thereon were as follows:
The question was then taken on the passage of said bill, which was decided in the negative: and so the said bill was rejected.

The yeas and nays being required thereon were as follows:


The yeas and nays being required thereon were as follows:


Ordered, That the Clerk inform the Senate thereof.

A message was received from the Senate announcing their disagreement to a bill which originated in this house, entitled, an act for the benefit of William May.

And the passage of a bill, which originated in this house, entitled, an act to amend the penal laws: with an amendment.

The said amendment was then taken up, read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

A bill from the Senate, entitled, an act for the benefit of the Lexington and Ohio Rail 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 were as follows:

YEAS—Mr. Speaker, Messrs. Bates, Bell, Boone, Brown, Butler, Covington, Dunlap, Faris, Gaines, Gorin, Green, Harris, Harrison, Hayden, Henry, Innis, G. W. Johnston, W. Johnson, Kennedy, Lee, Lucas, McFall, Marshall, Matson, B. S. Morris, D. Morris, Murray, Nuttall, Pen-
Ordered, That the Clerk inform the Senate thereof.

A bill from the Senate, entitled, an act to divide the state into congressional districts: was read a third time.

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

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


Ordered, That the Clerk inform the Senate thereof.

A bill from the Senate, entitled, an act to appropriate a part of the vacant lands in Laurel county to make a road from London to the mouth of Big Laurel, and for other purposes: was read a second time, amended, and ordered to be read a third time.

And upon 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.

The yeas and nays being required on the passage thereof were as follows:


NAYS—Messrs. Abell, Bowling, Crow, English, Fulton, Lockhart, McAfee, Montgomery, Ozborn, and J. Williams—10

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in the said amendments.

A bill for the improvement of the public roads in Monroe, Allen and Barren counties: 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:

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

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

An engrossed bill entitled, an act to provide for the improving the navigation of Big Sandy river: was read a third time.

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

The yeas and nays being required on the passage of said bill were as follows, viz:


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

Mr. D. White, with the unanimous consent of the house, reported a bill for the benefit of the heirs of the late Charles Humphreys, deceased: which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second and third readings of said bill having been dispensed with, and the same being engrossed:

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

Mr. Butler, from the committee of claims, reported a bill for the appropriation of money: with amendments; which being severally twice read were concurred in.

Mr. Gaines then moved to amend said bill by adding thereto the following item:

To J. B. Marshall, for the Kentuckian and Commentator, furnished the members of both branches of the legislature, during the session, $50.

To Chambers and Holman, for the Cross and Banner, furnished the members of the Senate and House of Representatives, $50.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

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


Mr. Chilton then moved to amend said bill by adding thereto the following section, in blank, which was amended by filling the blank as follows:

To Oliver Frazier $600, for one gilt-framed and full length portrait of George Washington, for the use of the House of Representatives, to be permanently fixed in the Representative Chamber.

To C. D. Cooke $300, for one varnished-framed and full length portrait of George Washington, for the use of the Senate, to be permanently fixed in the Senate Chamber.

The question was then taken on the adoption of the said amendment, which was decided in the negative.

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

The said bill was then ordered to be engrossed and read a third time.

Mr. Heady, with the permission of the house, reported a bill to alter the time of holding the county courts of Spencer county; which was received and read the first time, and ordered to be read a second time.

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

A bill from the Senate, entitled, an act to amend the charter of the Shelbyville and Louisville Turnpike Road Company: was read a third time.

And the question being taken on the passage thereof, it was decided in the negative.

Ordered, That the Clerk inform the Senate thereof.

Mr. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to provide for the location of the Lexington and Ohio Rail Road through the City of Louisville, and for other purposes.

An act to divide the state into congressional districts.

An act for the benefit of the Lexington and Ohio Rail Road Company.

An act to incorporate the Louisville Savings Institution; and,

An act to amend the penal laws.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Prince inform the Senate thereof.

And then the house adjourned.
A bill from the Senate, entitled, an act appropriating certain lands for improving the Cannon creek road, in Harlan county: was taken up and 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. G. W. Johnston inform the Senate thereof.

The house took up for consideration the resolution laid on the table on yesterday, by Mr. D. White, for rescinding a resolution for an adjournment of the General Assembly.

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

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


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

A message was received from the Senate announcing their concurrence in preamble and resolutions in relation to nullifying acts of Congress by a single state of the union.

An engrossed bill entitled, an act to fix the terms of the Trigg circuit court: was read a third time.

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

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

Mr. Nuttall, by the leave of the house, reported a bill to authorise the sale of a public alley in the town of Newcastle; 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:

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

Ordered, That the Clerk carry said bill to the Senate and request ther concurrence.

On motion—

Ordered, That Messrs. Green, Ford and Pierce have leave of absence from the services of this house during the remainder of the session.

Mr. Gorin, from the committee for courts of justice, to whom was referred a bill from the Senate, entitled, an act to provide the mode of paying the state's subscription in incorporated companies: reported the same with an amendment.

The said bill and amendment, being amended, were then read as follows, viz:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That when stock to roads, bridges and rivers have been or shall hereafter be subscribed, under the authority of law, by the Commonwealth of Kentucky, that if the Treasurer cannot pay in the stock thus subscribed, in gold and silver or bank paper, at par value, by reason of not having such funds; then, and in that event, he is hereby authorised to pay said stock in Commonwealth's Bank paper, at the rate of one hundred dollars in paper for ninety dollars of stock: Provided, the directors of said company will accept the paper at the above rate; Provided, that if the Treasurer can purchase gold or silver at a less discount than ninety dollars in gold or silver for one hundred in said bank paper, then and in that case he is authorised to make said purchase for the purpose of paying such subscription.

Amendment.—Strike out the whole of the bill after the word "Kentucky," in the fourth line, and in lieu thereof insert: “the said subscriptions shall be paid in the paper of the Bank of the Commonwealth of Kentucky, at par, except in cases where the faith of the state has heretofore been pledged for the payment of gold or silver.”

And the question being taken on adopting the said amendment, as amended, it was decided in the affirmative.

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

McDonald, McFall, Marshall, Maxey, May, Megowan, Montgomery, Morgan, Murray, Nutall, Ozborn, Patterson, Pendleton, Riffe, Sanders, Scrivner, Shepherd, Short, Simpson, D. T. Smith, W. Smith, Southgate, B. F. Thomas, W. Thomas, Thompson, J. Williams, S. Williams, D. White, and J. White—58.


Mr. D. White then moved further to amend said bill by adding thereto the following amendment:

Be it further enacted, That hereafter the debtors to the Bank of the Commonwealth of Kentucky shall have the privilege of paying off their calls, discounts and debts in the said bank in gold or silver or in notes on the Bank of the United States, at the rate of exchange that may exist at the time of payment made. And the Cashier and collectors or agents and attorneys of the Bank of the Commonwealth shall receive and credit the said debtors at that rate on the books of the bank.

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

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


The said bill was laid on the table.

Mr. A. Anderson, by permission of the house, submitted his protest to the report of the majority of the house, on the message of the Governor, enclosing sundry resolutions from the Governor of South Carolina, which is in the following words:

With due respect for the opinions and talents of the majority of the committee to whom was referred the message of his excellency, the Governor, transmitting the documents which contain
the proceedings of the Convention of South Carolina, it is but just­
tice to myself to say, that I cannot, as a member of that commit­
tee, approve all the doctrines contained in its report.

In expressing my dissent to some of the doctrines of that report
I do not deem it necessary to embrace all the points of argument
presented by it. Such a course is neither demanded by the occa­sion,
by justice to myself, nor respect for the committee. All that
these considerations demand, at my hands, is, that I shall so far
express my views of the subjects presented to our considera­tion
as to stand uncommitted to doctrines opposed to my earliest and
strongest convictions of the nature and policy of our government.

While, on the one hand, I can cordially unite with the commit­tee
in condemning nullification—the method of redress resorted to
by South Carolina—I must be permitted, on the other, to say, that
I cannot approve that system of taxation which burdens one por­tion
of the industry of the country for the benefit of another. The
system of taxation complained of by South Carolina has been op­pressive, not only to her, but it has oppressed the South gener­ally,
and the agricultural interests of the whole country.

The committee say: “they believe that the people of South
Carolina pay, like the people every where else, the people of the
manufacturing states as well as others, in proportion to their con­sumption.” Admit this to be true, and it does not disprove what
is asserted, that the burden of the existing tariff laws operates
unequally. It is to be remembered that the Southern and Wes­tern states, for their interests are nearly allied, are agricultural in
their pursuits, and consequently are consumers only and not pro­ducers of the articles usually imported, which are the subjects of
taxation, while the Northern and Eastern states manufacture these
articles. And although the Northern manufacturer does pay the
duty, or the increased price, which is the effect of the duty, upon
so much of his own manufacture as he consumes, he receives the
same increased price upon the much larger portion of it which
he sells, and this is paid by the mass of consumers, who receive
no equivalent for it.

The argument of the committee would be as just if applied to
the sugar planter, for whose benefit the duty on sugar has been
imposed. The planter pays the duty in proportion to the sugar
he consumes; but is it to be inferred that the burden of the duty
is as great upon him as upon the great mass of consumers who pay
the duty and receive none?

“That the ultimate effect of a protective tariff is to develope,
to the uttermost, the great natural resources of our country, and
accelerate our advance to opulence and wealth,” is a position
which, with great deference to the committee, I cannot think
tenable. The wealth of a nation is the aggregate wealth of all
its citizens, and their wealth consists in the annual products of

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their labor. That labor, then, which is most profitable and best rewarded, contributes most to national wealth.

A protective tariff burdens much the largest portion of American industry with a tax, and to that extent diminishes its profits, while its benefits are felt by the smallest portion, viz: the manufacturing class, and that at the expense and loss of all the rest. The loss of wealth sustained by the nation through a protective policy, may, in the general, be said to approximate the amount of difference between the cost of the various manufactures here and the cost of those imported; leaving out of the calculation all the losses and blighting influences of commercial derangements, which are the certain fruits of the restrictive policy.

The argument that protection increases the manufacturers, and the competition created lessens prices, is more specious than solid. The favours of government, it is true, increases the manufacturers, and the increase of them here comparatively lessens the price of their commodities, but that diminution is made with the amount of duty upon similar commodities still superadded. How considerable to the mass of consumers is such a diminution of price compared to that of the total abolition of the duty, where, for purposes both of buying and selling, the unfettered competition of the whole world is thrown open to them.

The committee say: "in the full perfection in which they exist," alluding to manufactures, "in other countries, at what conceivable point of time or under what conceivable state of things, could individual enterprise and capital enter, unaided, into a contest in which the power and resources of foreign governments would be thrown into the scale against them?" I answer, precisely at that point of time and in that state of things when the condition of this country shall be assimilated to that of the manufacturing countries of the old world. The opinion that we have only to afford protection to manufactures to give them existence, and nurse them through a few years of infancy, and then they will have strength enough to go on unaided, is wholly delusive. The causes which prevent their existence must forever destroy it when given. And they can never exist unaided by the bounty of government, till our country shall cease to afford an independent home for the freeman, and our population shall become as dense and our labor as cheap as in the countries of Europe. In a word, the condition of things here must be similar to that in those countries before the same system of policy will suit them and us.

Our shipping and our exports and imports are said to have increased within the preceding year, the former, 80,000 tons, the two latter, $40,000,000. This is evidently the result of the vast resources and the peculiar advantages of our favoured country and not the effect of the duties we pay. We flourish, not by reason of the duties, but in defiance of them; and because, from the
bounties of a kind Providence to us, as a nation, we flourish under circumstances embarrassing in their nature, it is no evidence that we would not flourish still more divested of them.

The shipping and commercial interest, to the extent that they depend on agriculture, feel the effects of its decline, and whatever policy injures the latter must, indirectly, injure the former. It may, in the general, be said, that all departments of human industry receive life and vigor from agriculture, and cannot long survive its decay.

It is certainly wise in a nation to protect, if protect it must, all portions of its industry alike, and not to deal out its favors to some while it neglects the rest, and much less at the expense of the rest. Justice is recognised as the first great duty of a nation to its citizens, and where it is wanting that nation cannot long exist.

It is the conclusion of the political economists of the present age, deduced from the experience of past ages, that the best economy of a nation is to permit its citizens to make choice of their own pursuits, each directed in his choice by the nature of his situation, and his own fitness for the pursuit he adopts. This done —defend him from aggression; secure to him the honest fruits of his industry, and leave the rest to individual enterprise.

This position, true in itself, has peculiar force in its application to the American people. If the system, favoring some part of the industry of a country to the injury of the rest, can be considered congenial to the spirit and character of any government, it approximates nearer to the character of despotic governments than any other. There it is, that distinction in the orders of society and inequality of rights are recognised; and this unnatural condition of things, can only be sustained by artificial restrictions or monopolies of some sort. It is, in the free and happy government of this country, where no distinction is recognised, and where equality of rights is considered, an axiomatic truth in the science of government, to leave our citizens free; therefore, to choose their own occupation and to defend them in the honest pursuit of it, are vital principles in the true American system.

It may be said that systems of restriction do not change the pursuits of a country, and do not interfere with the citizen in the choice of his occupation. I ask, then, if the creation of some new business, or the continuance by the fostering hand of government of some which would be deserted, from lack of profits, be not designed. Why are the restrictions imposed? It is obvious that old pursuits are abandoned and new ones adopted, whose profits have been enhanced by the exclusion of articles, which are the products of similar pursuits. And the radical changes in the employment of labor and capital, and all the inequality of effect upon the different pursuits of a country are precisely the
same, whether produced by direct means or the indirect means of restriction.

If we honestly desire the preservation of our sacred union, we must leave the management of private interests, a privilege dear to freemen, and the adoption of their own internal policy, to individuals and their state governments. These, and these alone, are the fit judges, and the natural conservators of them.

It is impossible, in the nature of things, that a country as extensive as this, so widely different in the nature of the country itself, and so widely different in the character of the people who inhabit it, can ever be brought to live and flourish under the same system of internal policy. As well might you expect that the animals of creation, destined to live in different elements, could be made to live and flourish in the same. They may flutter for a time, in a short and miserable existence, but an untimely death must be their inevitable destiny.

The wise men who framed our constitution cannot be supposed, at the time they were forming a bond of union which was designed to be perpetual, to have implanted in it a principle which, in the nature of things, must sooner or later burst it to atoms; and I humbly conceive they did not.

Strange as it may seem, the impossibility for twenty-four states, differing in character and interest, ever to live harmoniously under the same system of internal regulation, has been urged as an argument in its favor. That is, what the nature of things and the very decrees of heaven say cannot be—must be.

You see, then, the necessity, arising from the nature of our government and the nature of our own situation and condition, out of which the government grew, that the federal government, if our union is to be preserved, confine its acts to the powers granted to it, which, for the most part, are for general purposes, and leave with the states the superintendence of those internal concerns, which they never have, and which it would have been unwise for them ever to have relinquished.

This great truth directed the patriots of the revolution to the caution they exercised, in making grants of power to the federal government. It was the fear of relinquishing powers which were essential to the control of their own affairs and the perfect security of their rights as states, which for a long time constituted the obstacles, with the small states, to the adoption of the constitution. This fear it was which, for a time, held in suspense the future destiny of the new government struggling into existence. And at last, the constitution which was adopted was the result of compromise, and the grants of sovereignty which were made by the states were made with all the caution and all the guards thrown around them which human wisdom, directed by the purest motives, could devise. No doubt existed then as to the independence
and sovereignty of the states, otherwise there could have been no difficulty as to their consent to the compact, but the consent of the states was essential to the formation and final adoption of the constitution.

Who does not perceive, that if the majorities of the large states, or the combined majorities of states influenced by sectional interest, are to substitute their discretion for the constitution, that all the reserved rights and the well-being itself of the other states are no longer protected, but are at the mercy of those, whose interest it may be to oppress them.

And is it in the government of America, where divine rights have long ceased, and constitutional supremacy recognised, that we shall suffer our rights to depend upon the caprice or mercy of men or parties? When that hour arrives the spirit of our government will have left it, and we shall have reason to fear that its days are numbered.

The opinion, that majorities should rule, has no application to the case. All agree that majorities should rule where it is their province to act. But by what principle of right is it that the majorities of New York should control the local concerns of Kentucky. All differences between the federal and state governments, as to the powers to be exercised by each, are said to be referable for their decision to the federal judiciary. If so, we shall constitute that court the judge in its own case, and consequently render its decisions paramount to the constitution itself.

In the structure of our federal government we have guarded our rights, as states, with all the circumspection of which the human mind is susceptible, by limitations on the legislative and executive departments; and if this position, as to the judiciary, be true, we have constituted that branch destitute of all limitation whatever. This view of the powers of the judiciary not only destroys all the analogies of the government, but destroys, at the same time, all those limitations which we have been so careful to ingraft upon the legislative and executive departments of it; and we shall present to the world, not, as we have professed to do, a government of constitutional supremacy, which is paramount to all the departments of government which created them, and are a law to them; but we shall present a constitution whose supremacy is nominal but whose essential powers are as boundless as the wills of the dominant party.

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

2. An act to amend the penal laws.
3. An act to appropriate some of the vacant lands in Butler county for the purpose of internal improvement in said county.
4. An act for the improvement of certain roads in Morgan county, and for other purposes.
5. An act for the benefit of Achilles Jasper, of Pulaski county.
6. An act to change the name of James Harvey.
8. An act to regulate the terms of the Jefferson and Oldham courts.

And thereupon the rule of the house, constitutional provision, and second and third readings of the said bills (the fourth and sixth excepted, which were laid on the table) having been dispensed with:

Resolved, That the said bills do pass.

Ordered, That the Clerk inform the Senate thereof and request their concurrence in the amendments proposed to the seventh bill.

An engrossed bill entitled, an act for the appropriation of money: was read a third time, and amended by an engrossed rider.

Mr. McAfee then moved to attach to said bill the following engrossed clause, by way of rider, viz:

To Gervas E. Russell, for the Argus, furnished to members of the Senate and House of Representatives, for two sessions, thirty-five dollars each session; and,

To the editors of the Kentuckian and Commentator, each, for their papers, for the two last sessions, $35 each session.

And the question being taken on adopting the amendment aforesaid, as a rider to the bill, it was decided in the negative.

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


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

The yeas and nays being required thereon were as follows:


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

A resolution from the Senate, to amend the joint rules of both houses: was twice read and laid on the table.

A message was received from the Senate announcing the passage of resolutions and bills which originated in this house, of the following titles:

A resolution in relation to burning certain notes of the Bank of the Commonwealth.
An act for the benefit of Arch Lewis, a free man of color.
An act for the improvement of the navigation of Big Caney, a branch of Rough creek.
An act to fix the terms of the Trigg circuit court.
An act for the benefit of the heirs of the late Charles Humphreys; and,
A resolution in relation to an arsenal, for the security of the public arms.

Their concurrence in the amendments proposed by this house to bills from the Senate of the following titles:
An act for the benefit of the children of John Mizner, deceased.
An act to appropriate a part of the vacant lands in Laurel county to make a road from London to the mouth of Big Laurel, and for other purposes.

And that the Senate had received official information that the Governor did, on the 25th day of January, 1833, approve and sign enrolled bills, which originated in the Senate, of the following titles, viz:
An act concerning the town of Henderson, and for other purposes.
An act to authorise persons prosecuted for felony, in the county of Jessamine, to be confined in the jail of Fayette.
An act for the benefit of James Hincoe’s heirs.
An act for the benefit of the estate of Henry Ditto, Jr.
An act to establish election precincts in Woodford, Graves, Whitley, and Henderson counties.
A resolution fixing on a day for the election of public officers.
On January the 28th, he approved and signed enrolled bills, which originated in the Senate, of the following titles:

An act for the benefit of William P. Smith, John J. Smith, Francis J. Hopkins and others.

An act to incorporate the Louisville and Bonharbour Coal Company.

An act for the relief of the heirs of Francis P. Hord, deceased.

An act providing for settling the accounts with the keeper of the Penitentiary.

An act to amend an act entitled, an act to incorporate the City of Lexington.

An act for the relief of William Cecil and Benedict Morehead.

An act to authorise the Clarke circuit court to decree the sale of two and a half acres of land, devised to Wm. S. Downey and others.

An act to enlarge and explain the powers of the Trustees of the town of Frankfort.

An act for the benefit of the representatives of James Honaker, deceased.

An act to authorise the Bourbon county court to levy a tax on the lands of the county.

An act for the relief of the heirs of Anna Maria Walsh.

Also, on the 30th day of January, he approved and signed enrolled bills and resolutions, which originated in the Senate, of the following titles.

An act further to enlarge the powers of the trustees of Harrodsburg.

An act to repeal, in part, and amend the act incorporating the Lexington, Chilesburg, and Winchester Road Company.

An act concerning county levies in certain counties.

An act for the benefit of the widow and heir of Walker Thornton, deceased.

An act for the benefit of the devisees of John Branigan.

An act concerning Mount-Carmel, in Fleming county.

An act to amend the act providing for opening and keeping in repair the highways in the county of Fayette.

An act to authorise the clerks of the county courts of Hopkins, Hancock, Union, and the circuit court of Harrison, to transcribe certain records in their respective offices.

An act to authorise the Secretary of State to distribute certain military books.

An act to authorise the trustees of Cynthiana to close an alley in said town.

Resolutions concerning the opening and improving the navigation of Green and Big Barren rivers.

A resolution authorising the public Librarian to have certain acts of Assembly bound.
On the 31st January, 1833, he approved and signed enrolled resolutions and bills of the following titles:

- Resolutions concerning the opening and improving the navigation of Cumberland, Kentucky and Licking rivers.
- An act for the benefit of Spencer Curd's representatives.
- An act to authorise the trustees of the town of Richmond to levy a tax to McAdamize the streets.
- An act limiting the time for which persons may be held to bail for their good behaviour.
- An act for the benefit of the Cumberland Hospital.
- An act to incorporate the Greenwick Academy.
- An act to amend an act entitled, an act for the benefit of the heirs of Samuel Shannon, deceased.
- An act to extend the powers of the road commissioners of Bracken county.
- An act to repeal the law now in existence in relation to Headright settlers; and to dispose of the balance of the debt due from this class of debtors to the purposes of internal improvement.
- An act authorising the Trustees of the Kentucky Baptist Education Society to emancipate a slave.

On the 1st instant, enrolled bills of the following titles:

- An act to continue in force an act to incorporate the City of Louisville.
- An act to incorporate the Louisville Hotel Company.
- An act to provide for the location of the Lexington and Ohio Rail Road through the City of Louisville, and for other purposes.

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

The committee on internal improvements, to whom was referred the petition of sundry citizens of the counties of Green, Hart, and Barren, praying an appropriation for the purpose of removing the obstructions to the navigation of Little Barren river, have, according to order, had that subject under consideration, and are satisfied that the petition is reasonable. It is to be regretted that the proposition was not presented at an earlier hour of the session, but being of opinion that the improvement of the navigation of that stream is not only an object of importance, but that a small appropriation would greatly advance that object; your committee have prepared and herewith report a bill.

The bill reported by said committee was read the first time, and ordered to be read a second time.

And thereupon the rule of the house having been dispensed with, the said bill was amended to read as follows:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of five hundred dollars, out of any money in the treasury, not otherwise appropriated, be and the same is hereby
appropriated for the purpose of improving the navigation of Little Barren river.

Sec. 2. Be it further enacted, That it shall be lawful for the county courts for the counties of Har, Green, and Barren, to appoint one commissioner each, to superintend the improvement of the navigation of said stream. And said commissioners, before they enter upon the discharge of their duties, shall take an oath before some justice of the peace, in one of the aforesaid counties, in substance, that they will faithfully discharge their duties, and apply the money hereinbefore appropriated, in that manner which they may believe best calculated to advance the improvements herein contemplated. And said commissioners shall moreover enter into bond, with approved security, in the office of the clerk of the county court of Green county, in the penalty of one thousand dollars, conditioned for the faithful performance of their duties, and made payable to the Commonwealth of Kentucky. And upon producing to the Auditor of Public Accounts the certificate of the clerk taking the aforesaid bond, that said commissioners have executed the same, and taken the oath required by this act, the Auditor shall issue his warrant upon the Treasurer for said sum of five hundred dollars; which shall be advanced to said commissioners, as other moneys appropriated by law.

Sec. 3. Be it further enacted, That the sum of five thousand dollars be and the same is hereby appropriated, out of any money in the treasury, not otherwise appropriated by law, for the purpose of building a bridge across Salt River, where the road leading from Bardstown to Louisville crosses the same, in Bullitt county; and that the county court of Bullitt county may determine as to the plan of said bridge, and appoint commissioners to let out the building of the same, and having discharged that duty, shall take bond from the contractors, in the penalty of ten thousand dollars, payable to this Commonwealth, for the faithful discharge of their duty. And the said bridge shall be built and erected in a good and workmanlike manner, and according to contract; which said sum of $5000 shall be paid by the Treasurer, upon the order of the county court of Bullitt; and for a breach of the provisions of said bond, suit or suits may be instituted therein at the instance of said county court, and any damages sustained in any such suit or suits shall be for the benefit of said county.

Sec. 4. Be it further enacted, That the sum of three thousand dollars be and the same is hereby appropriated, out of any money in the treasury, not otherwise appropriated, for the purpose of building a bridge across Floyd's Fork of Salt River, where the road leading from Bardstown to Louisville crosses the same; and that the county courts of Bullitt and Jefferson counties may determine as to the plan of said bridge, and may, by joint order, appoint commissioners to let out the building of the same, and having discharged that duty, shall take bond from the contractors, in the penalty of $3000, payable to the Commonwealth, for the faithful discharge of their duty; and that said bridge shall be built and erected in a good and workmanlike manner and according to contract; which said sum of $3000 shall be paid by the Treasurer, upon the orders of the said county courts. And for a breach of the provi-
ions of said bond, suit or suits may be brought thereon at the instance of said county court; and any damages sustained in any such suit or suits shall be for the joint benefit of said counties.

The question was then taken on engrossing the said bill and reading it a third time, which was decided in the negative.

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


A message was received from the Senate announcing the passage of bills which originated in this house, of the following titles:

An act to alter the time of holding the Spencer county court; and,

An act for the appropriation of money: with amendments to the latter bill.

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

Ordered, That the Clerk inform the Senate thereof.

An engrossed bill entitled, an act to regulate the circuit and county courts in the fifteenth judicial district: was read a third time.

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

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

A bill from the Senate, entitled, an act to establish a Medical Institute in the City of Louisville: 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.

Ordered, That the Clerk 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 regulate the circuit and county courts in the fifteenth judicial district; and,
An act to authorise the sale of a public alley in the town of Newcastle.

And had received official information that the Governor did, on this day approve and sign enrolled bills, which originated in the Senate, of the following titles:

An act to appropriate a sum of money for the purpose of improving the navigation of the Cumberland river, at Smith's shoals, and the Big South Fork of said river up to the coal banks.

An act to authorise an additional subscription, on behalf of the Commonwealth, in the capital or joint stock of the Maysville, Washington, Paris, and Lexington Turnpike Road Company, and to amend the several acts incorporating said company.

An act to amend the law regulating proceedings in cases of ejectments and forcible entries and detainers.

An act to amend the several acts against unlawful gaming.

An act to amend the law prohibiting the importation of slaves into this state.

An act to provide for improving the roads in the counties of Floyd and Perry.

An act appropriating certain lands for improving the Cannon creek road, in Harlan county.

An act to divide this state into congressional districts.

An act to authorise an additional subscription, on behalf of the Commonwealth, in the stock of the Board of Internal Improvement for Shelby county, and for other purposes.

An act to remove the obstructions to navigation at the falls of Green river, and for other purposes.

An act for the benefit of the Lexington and Ohio Rail Road Company.

An act for the benefit of Samuel T. Fife, constable of Grayson county.

An act for the benefit of the children of John Mizner, deceased.

An act to amend the penal laws.

An act to appropriate a part of the vacant lands in Laurel county, to make a road from London to the mouth of Big Laurel, and for other purposes.

An act to regulate the terms of the Jefferson circuit and Oldham courts.

An act for the benefit of Achilles Jasper, of Pulaski county.

An act to appropriate some of the vacant lands in Butler county, for the purpose of internal improvement in said county.

An act to establish a Medical Institute in the City of Louisville.

Mr. Prince, from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to provide for improving the roads in the counties of Floyd and Perry.
An act to amend the law prohibiting the importation of slaves into this Commonwealth.
An act to amend the several acts against unlawful gaming.
An act to amend the law regulating proceedings in cases of ejectments, and forcible entries and detainers.
An act appropriating certain lands for improving the Cannon creek road, in Harlan county.
An act to incorporate a company, to establish a turnpike road from the City of Louisville by the mouth of Salt river, Elizabeth-town, Munfordsville and Bowlinggreen to the state line, in a direction to Nashville.
An act to provide for balancing the accounts of the treasury with the Commonwealth’s Bank.
Preamble and resolutions in relation to nullifying acts of Congress by a single state of the union.
A resolution in relation to burning a portion of the notes of the Bank of the Commonwealth.
An act for the benefit of the children of John Mizner, deceased.
An act to amend the penal laws.
An act to regulate the terms of the Jefferson circuit and Oldham courts.
An act for the benefit of Samuel T. Fife, constable of Grayson county.
An act to appropriate a part of the vacant lands in Laurel county to make a road from London to the mouth of Big Laurel, and for other purposes.
An act to fix the terms of the Trigg circuit and county courts and the county courts of Morgan.
An act for the improvement of the navigation of Big Caney, a branch of Rough creek.
An act for the benefit of the heirs of the late Charles Humphreys, deceased.
An act for the benefit of Arch Lewis, a free man of color.
A resolution in relation to an arsenal for the security of the public arms and accoutrements.
An act to appropriate some of the vacant lands in Butler county, for the purpose of internal improvement in said county.
An act for the benefit of Achilles Jasper, of Pulaski county.
An act to alter the time of holding the Spencer county court.
An act for the appropriation of money.
An act to regulate the circuit and county courts in the fifteenth judicial district, and for other purposes.
An act to authorise the sale of a public alley in the town of New-Castle.
An act to establish a Medical Institute in the city of Louisville.
Whereupon the Speaker affixed his signature thereto.
Ordered, That Mr. Prince inform the Senate thereof.
A message from the Governor, by Mr. Sanders, Secretary of State.

Mr. Speaker:—The Governor did, on the 28th day of January past, approve and sign enrolled bills, which originated in this house, of the following titles:

An act to establish an election precinct in the county of Henry.
An act to change the places of voting in Everett's and Forman's bottom precincts, in Lewis county.
An act for the benefit of Fanny Richardson and her children.

Resolutions in relation to the road leading from Lexington through Winchester, Mount Sterling, and Owingsville, to the mouth of Big Sandy.

And on the 30th of January, of the following titles:
An act for the benefit of Flora N. C. Harding.
An act to appoint additional justices of the peace in certain counties, and for other purposes.
An act allowing an additional justice of the peace to the county of Bath, and for other purposes.
An act to authorise the county court of Hardin county to appoint an inspector for West Point and Elizabethtown in said county.
An act to allow an additional justice of the peace and constable to the county of Washington, and an additional justice of the peace for the county of Shelby.
An act to provide for the improvement of the roads in certain counties.
An act to amend an act entitled, an act for the benefit of revolutionary soldiers.
An act to amend the act to improve the navigation of Salt river, approved Dec. 22, 1831.
An act to amend the law giving compensation to witnesses and to increase their mileage.
An act for the benefit of Stephen Langford.
An act for the benefit of the infant heirs of Thomas Frazer, deceased.
An act for the benefit of Stephen Marcum.
An act for the benefit of the infant heirs of Casper Hinton.

On the 31st January, bills of the following titles:
An act to incorporate the City of Maysville.
An act providing for opening a road from Taylorsville, in Spencer county, to Jeffersontown, in Jefferson county, and for other purposes.
An act concerning the town of Adairsville.
An act authorising the sale of slaves in certain cases.
An act to amend an act entitled, an act to authorise the establishing of private passways, approved Dec. 13, 1820.

On the 1st instant, bills of the following titles:
An act to incorporate a Rail Road Company from Bardstown to Louisville.
An act to incorporate the Crittenden School, in the county of Franklin, and the New Providence School, in the county of Mercer.
An act supplementary to an act entitled, an act to establish the town of Taylorsville and to legalize the proceedings of the trustees of said town, approved, Jan. 22, 1833.
An act to amend an act entitled, an act to amend the law in relation to opening and repairing the public roads in certain counties, approved Jan. 29, 1830.
An act to establish an election precinct in Bourbon county.
An act for the benefit of Eliza Badger.
An act for the benefit of Joseph Norris, surveyor of Scott county.
An act for the benefit of Jacob Miller, of Simpson county.
An act to legalize the proceedings of the Court of Assessment for the 34th Regiment of Kentucky Militia.
An act to authorize the insertion of advertisements in the Commonwealth.
An act to amend the law imposing tax on merchandise.
An act to authorize the qualified voters of Hickman county to select either Clinton or Moscow for the permanent seat of justice for said county.
An act to provide for balancing the accounts of the Treasury with the Bank of the Commonwealth.
An act to amend the penal laws.
And on this day, he approved and signed enrolled bills and resolutions, which originated in the same, of the following titles:
An act to establish the Louisville Bank of Kentucky.
An act to incorporate a company, to establish a turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in the direction to Nashville.
A resolution in relation to burning the notes of the Bank of the Commonwealth.
Preamble and resolutions relative to nullifying acts of Congress by a single state of the union.
An act to fix the terms of the Trigg circuit and county courts and the county courts of Morgan.
An act for the improvement of the navigation of Big Caney, a branch of Rough creek.
A resolution in relation to an arsenal for the security of the public arms and accoutrements.
An act for the benefit of Arch Lewis, a man of colour.
An act for the benefit of the heirs of the late Charles Humphreys deceased.
An act for the appropriation of money.
An act to regulate the circuit and county courts in the fifteenth judicial district, and for other purposes.

An act to authorise the sale of a public alley in the town of New-Castle.

An act to alter the time of holding the Spencer county court.

Ordered, That the Clerk inform the Senate thereof.

The Speaker having retired, Mr. Kennedy was called to the chair, when the following resolution, offered by Mr. Shepherd, was read and unanimously adopted, viz:

Resolved, That the members of this house tender to John J. Crittenden, Esq. their unfeigned approbation, for the courtesy, impartiality and ability with which he has discharged the duties of Speaker of the House of Representatives, during the present session.

The Speaker having returned to the house and resumed the chair:

A message was received from the Senate announcing that the Senate, having finished their legislative business, were now ready to close the present session of the General Assembly, on their part, by an adjournment without day; but were nevertheless disposed to remain in session until it should suit the views and convenience of this house to adjourn also; and that the Senate had appointed a committee, on their part, to act in conjunction with a committee to be appointed on the part of this house, to wait on his Excellency, the Governor, and inform him of the intended adjournment of the General Assembly, and to know whether he had any further communication to make.

Ordered, That a message be sent to the Senate informing them that this house, having finished their legislative business, are now ready to adjourn without day; that Messrs. D. White, Cook and Prince be a committee, on the part of this house, to act in conjunction with 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 if he has any further communication to make; and that Mr. White carry the said message.

The said committee then retired, and after a short time returned, when Mr. White reported that the joint committee had discharged the duty assigned them, and were informed by the Governor that he had no further communication to make; but had instructed them to tender to each member of the General Assembly his wishes for their individual health, happiness and prosperity, and safe return to their families.

Whereupon, the Speaker, having delivered a valedictory and congratulatory address, adjourned the house without day.