JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY THE SECOND DAY OF DECEMBER, IN THE YEAR OF OUR LORD 1839, AND OF THE COMMONWEALTH, THE FORTY EIGHTH.

FRANKFORT, KY.
A. G. HODGES.....STATE PRINTER.
1839.
At a General Assembly begun and held for the Commonwealth of Kentucky, at the Capitol, in the town of Frankfort, on Monday, the 2d day of December, in the year of our Lord, 1839, and in the 48th year of the Commonwealth—on which day (being that designated by law,) the following members of the House of Representatives appeared, viz:

From the county of Adair—George A. Caldwell.
From the county of Allen—Thomas Sutton.
From the county of Anderson—John Draffin.
From the county of Bourbon—Brutus J. Clay, and Reuben Lyter.
From the county of Bracken—David Brooks.
From the counties of Butler and Edmonson—William Chauvin.
From the county of Bullitt—Joseph R. Murray.
From the county of Bath—John C. Mason.
From the county of Barren—James G. Hardy and Asa Young.
From the counties of Breckenridge and Hancock—Nicholas V. Board.
From the county of Boone—John Cave.
From the county of Campbell—John A. Goodson and Ezra K. Fish.
From the counties of Clay and Perry—John C. Wilson.
From the counties of Cumberland and Clinton—James Haggard.
From the county of Caldwell—Linah Mims.
From the county of Christian—Robert L. Waddill and Jas. F. Buckner.
From the county of Clarke—John B. Houston and Hubbard Taylor, jr.
From the county of Calloway—James Brien.
From the county of Casey—George Drye.
From the county of Daviess—Warner Crow.
From the county of Estill—Isaac Mize.
From the county of Fleming—John H. Botts and Henry D. Burgess.
From the county of Franklin—Charles S. Morehead.
From the county of Fayette—Jacob Hughes, Richard Pindell and James G. McKinney.
From the counties of Floyd and Pike—Thomas Cecil.
From the county of Garrard—Abner G. Daniel and Jesse Yantis.
From the county of Green—William N. Marshall and Robert Colvin.
From the counties of Carroll, Gallatin and Trimble—Sam'l S. English.
From the counties of Graves and McCracken—Charles C. Russell.
From the county of Grant—Napoleon B. Stephens.
From the county of Grayson—William Cunningham.
From the county of Harrison—Alexander H. Innis and Hugh Newell.
From the county of Hardin—Bryan R. Young and John L. Helm.
From the county of Hart—Lewis Barrett.
From the county of Hopkins—David H. Thomason.
From the county of Hickman—Samuel P. McFall.
From the county of Henry—Joseph Lecompte and John G. Taylor.
From the county of Jefferson—David Meriwether and Alexander P. Churchill.
From the city of Louisville—Percival Butler and William Read.
From the county of Jessamine—Alexander Wake.
From the counties of Knox and Harlan—Green Adams.
From the county of Livingston—Jesse Padon.
From the county of Lincoln—Haydon J. McRoberts.
From the county of Logan—James W. Irwin.
From the county of Lewis—Thomas Marshall.
From the counties of Lawrence and Morgan—William Henry.
From the county of Mason—Thomas M. Forman and Henry R. Reeder.
From the county of Monroe—George W. S. Randolph.
From the county of Mercer—Ludwell C. Cornish and Wm. Daviess.
From the county of Marion—Clement S. Hill.
From the county of Meade—James D. Perciful.
From the county of Madison—John Speed Smith and Squire Turner.
From the county of Montgomery—Charles Glover.
From the county of Nelson—Wm. Elliott and John Rowan, jr.
From the county of Nicholas—Moses F. Glenn.
From the county of Ohio—William H. Runsey.
From the county of Owen—Joseph W. Rowlett.
From the county of Pendleton—Samuel F. Swope.
From the county of Pulaski—Micajah Sutton.
From the counties of Rockcastle and Laurel—Uriah Gresham.
From the county of Russell—Nathan McClure.
From the county of Shelby—James C. Sprigg and John A. Logan.
From the county of Scott—Geo. W. Johnson and Fabricius C. McCalla.
From the county of Simpson—Davis S. Hammond.
From the county of Spencer—James W. Stone.
From the county of Trigg—Benjamin H. Reeves.
From the county of Trigg—Thomas B. Redd.
From the county of Union—John Imboden.
From the county of Warren—James Hines.
From the county of Washington—Richard H. Coke.
From the county of Wayne—Shelby Coffey.
From the county of Whitley—Dempsey White.
From the county of Woodford—Thomas F. Marshall.

Who, constituting a quorum, and having severally taken the oaths prescribed by the Constitution of the United States, and the Constitution and Laws of this State, repaired to their seats.

Mr. Butler nominated Mr. John L. Helm as a suitable person to fill the office of Speaker, during the present session; Mr. Irwin nominated Mr. Charles S. Morehead, and Mr. Mims nominated Mr. David Meriwether; and upon taking the vote, it stood thus:

Those who voted for Mr. Helm, are as follows:

Messrs. Barrett, Board, Botts, Brooks, Butler, Cave, Chauvin, Coke, Crow,
Cunningham, Elliott, Haggard, Hammond, Hill, Hines, Huston, Lyter, McClure,
McRoberts, Perciful, Reeves, Rowan, Runsey, Sprigg, Wake, Young, B. R.—26

Those who voted for Mr. Morehead, are as follows:

Messrs. Adams, Buckner, Clay, Daniel, Drye, Forman, Gresham, Hughes, Innes, Irwin,
Logan, Marshall, T. F., McFall, McKinney, Padon, Pindell, Read, Redd, Reeder,

Those who voted for Mr. Meriwether, are as follows:

Messrs. Brien, Burgess, Caldwell, Glover, Goodson, Hardy,
Mize, Murray, Newell,

No one in nomination having received a majority of all the votes given, the House proceeded to a second vote, which stood thus:

Those who voted for Mr. Helm, are as follows:


Those who voted for Mr. Morehead, are as follows:


Those who voted for Mr. Meriwether, are as follows:

No one in nomination having received a majority of all the votes given, the House proceeded to a third vote, which stood thus:

Those who voted for Mr. Helm, are as follows:

Messrs. Barrett, Board, Botts, Brooks, Butler, Cave, Chauvin, Coke, Crow,

Cunningham, Elliott, Haggard, Hammond, Hill, Hines, Huston, McClure, McRoberts,

Perciful, Reeves, Rowan, Rumsey, Sprigg, Wake, Young, A. Young, B. R.—26

Those who voted for Mr. Morehead, are as follows:

Messrs. Adams, Buckner, Clay, Daniel, Drye, Forman, Gresham, Hughes, Innes, Irwin,

Logan, Lyter, Marshall, T. F. McFall, McKinney, Padon, Pindell, Read, Redd,


Those who voted for Mr. Meriwether, are as follows:

Messrs. Brien, Burgess, Caldwell, Cecil, Churchill, Coffey, Colvin, Cornwall, Daviess, Drifflin, English, Fish, Glenn,

Glover, Goodson, Hardy, Henry, Imboden, Johnson, Lecompte, Marshall, T. Marshall, W. N. Mason, McCalla, Mims,


No one in nomination having received a majority of all the votes given, the House proceeded to a fourth vote, which stood thus:

Those who voted for Mr. Helm, are as follows:

Messrs. Barrett, Board, Botts,

Cunningham, Elliott, Haggard,

McRoberts, Perciful, Reeves,
Those who voted for Mr. Morehead, are as follows:


Those who voted for Mr. Meriwether, are as follows:


No one in nomination having received a majority of all the votes given, the House proceeded to a fifth vote, which stood thus:

Those who voted for Mr. Helm, are as follows:

Those who voted for Mr. Morehead, are as follows:


Those who voted for Mr. Meriwether, are as follows:


No one in nomination having yet received a majority of the votes given, Mr. Mims then withdrew the nomination of Mr. Meriwether; and the vote being taken between those remaining on nomination, it stood thus:

Those who voted for Mr. Helm, are as follows:

Those who voted for Mr. Morehead, are as follows:


A majority of all the votes given, appearing in favor of Mr. John L. Helm, he was therefore declared duly elected Speaker, and conducted to the chair; from whence he returned thanks for the honor conferred, and recommended the observance and preservation of good order and decorum.

Mr. Thomas J. Helm was unanimously elected Clerk; and Mr. Jos. Gray Sergeant-at-Arms.

Mr. Meriwether nominated Mr. Ambrose Wickersham, as a proper person to fill the office of Door Keeper; Mr. Butler nominated Mr. William N. Pettit, and Mr. Turner nominated Mr. William B. Holeman; and the vote being taken, stood thus:

Those who voted for Mr. Wickersham, are as follows:


Those who voted for Mr. Pettit, are as follows:

Those who voted for Mr. Holeman, are as follows:


No one in nomination having received a majority of all the votes given, Mr. Butler then withdrew the nomination of Mr. Pettit; and the vote being taken between those in nomination, it stood thus:

Those who voted for Mr. Wickersham, are as follows:


Those who voted for Mr. Holeman, are as follows:

Messrs. Speaker, Botts, Brooks, Buckner, Cave, Chauvin, Clay, Coffey, Coke, Goodson, Gresham, Haggard, Hammond, Hughes, Innes, Lyter, Marshall, T. F., Marshall, T., Padon, Percifull, Pindell, Read, Reeder, Reeves, Rowlett, Smith, J. S., Sprigg,
A majority of all the votes given, appearing in favor of Mr. William B. Holeman, he was declared duly elected Doorkeeper.

And then the House adjourned.

TUESDAY, DECEMBER 3, 1839.

Edmund H. Hopkins, the member returned to serve in this House, from the county of Henderson; Benjamin E. Gray, a member returned to serve in this House, from the county of Logan, and Newton Lane, the member returned to serve in this House, from the county of Oldham—severally appeared, and having produced certificates of their elections, and of their having taken the oaths prescribed by the constitution and laws of this State, took their seats.

On motion of Mr. Butler,

Ordered, That the rules of the last session be adopted for the government of the present session of the General Assembly, with the exception of the 23d and 24th rules.

Ordered, That the 23d and 24th rules of the last session be referred to Messrs. Meriwether, Sprigg, and Reeves.

Mr. Irwin proposed an amendment to the rules of the House.

Ordered, That said amendment be referred to Messrs. Irwin, T. F. Marshall, and Meriwether.

The Clerk, in pursuance of the rule of the House, appointed Mr. John C. Herndon as an assistant in the discharge of the duties of his office, during the present session.

A message was received from the Senate, by Mr. Wingate:

Mr. Speaker: I am directed by the Senate, to inform this House, that the Senate having met, formed a quorum and elected their officers, are now ready to proceed to legislative business; they have also appointed a committee of three on their part, to act in conjunction with a committee on the part of this House, to wait on the Governor, to inform him that they are
now ready to receive such communication (by way of message) as he may think proper to make.

And then he withdrew.

Whereupon, Messrs. Meriwether, J. Speed Smith, Butler and Morehead, were appointed a committee on the part of this House.

Ordered, That Mr. Meriwether inform the Senate thereof.

The said committee then retired, and after a short time returned: when Mr. Meriwether, from the committee, reported that the joint committee had performed the duty assigned them, and were informed by the Governor that he would forthwith make a communication (by way of message) to both Houses of the General Assembly, in their respective chambers.

A message was received from the Governor, by Mr. Bullock, Secretary of State:

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

And then he withdrew.

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

Gentlemen of the Senate, and of the House of Representatives:

It has become my duty to meet you on the present occasion, as Chief Magistrate of Kentucky, in consequence of one of those afflictive visitations of Providence from which none, however exalted or however virtuous, are exempted. The decease of Governor Clark since the close of the last session of the General Assembly, is an event alike deplored by his family and the State. The one has been deprived of its honored head, the other of an able and an accomplished statesman. The death of such a man at any time, may well be counted a loss to the Commonwealth; but when we reflect, that he had been selected by his fellow citizens to discharge the high and responsible duties of Governor of the Commonwealth at an interesting period of her history, I am sure all will unite with me in the expression of an unfeigned regret for his death.

I am unable, on the present occasion, fellow-citizens, to greet your meeting with the accustomed congratulations for the prosperous and happy condition of our Commonwealth. While we have abundant cause of thanks to God for His care and His blessings of health to us, we are called to witness with deep regret an embarrassment of the fiscal concerns of our State, threatened with an abandonment of our public works, to experience a derangement of the commercial and monetary concerns of the whole community, which is calculated to prostrate the enterprise and paralyze the industry of our fellow-citizens. Evils of such a magnitude cannot arise from inconsiderable and accidental causes. In part they may be traced to that adventurous spirit of speculation and trade which characterizes our population, always in danger of running into excesses when stimulated and encouraged by a facility of acquiring, temporarily, the means to give it action.

May we not certainly find abundant cause for the present deplorable condition of the currency of the Union, in the failure on the part of the Gen-
eral Government to perform its high duty of furnishing to commerce and trade a sound circulating medium. In the Congress of the United States, for wise purposes, has been vested the power to regulate the currency. The experience of the commercial world has demonstrated that the use of a mixed currency of uniform value, properly regulated by law, is the most convenient and profitable to trade. During those periods of our own history, when we had such a currency furnished and protected by the only power in our Government competent to furnish and at the same time to protect it, this assumption was verified by an experience of forty years of National and State prosperity. During the times referred to, when the General Government exercised, without passion, that power over the subject which appropriately belongs to the Congress of the United States, we had a currency that challenged the admiration of the civilized world. The commerce of the country was not so frequently or so destructively visited by those revisions to which trade is ever more or less subjected. The prices of labour and the productions of industry were steady and liberal. The Banking institutions of the States moved within their appropriate spheres, furnishing a safe and convenient domestic circulating medium. If tempted by avarice at any time to exceed the legitimate rules of sound and fair banking, they were instantly checked by the fiscal operations of the General Government through an efficient and legitimate agent, acting constantly, equally and uniformly, upon the whole community.

In the midst of our greatest prosperity, it pleased the administrators of the Federal Power, for various motives, to wage a war upon the existing state of things not then avowing their purpose (if such entered into the motives of their action,) to bring the commerce and enterprise of the country to a specie standard, and to declare all other circulation as contraband. The public were told, and a majority confided, that the States, through the agency of State Banks, could furnish a currency as good, if not better, certainly safer, and perform all the exchanges upon as reasonable terms as they had been furnished by the National Bank. That war has been successful. The States have essayed, by the agency of local Banks, to perform the duties of fiscal agents to the General Government; to furnish a circulating medium to trade, and do the exchanges of commerce. All unite now in the same opinion, that the experiment has been fairly made and has totally failed. And those who were the first to originate the scheme were the first to abandon it, and are now loudest in its condemnation. Shall we again be tempted to try another new and untried experiment, or shall we return to the safe precedents set us by Washington and pursued by his compatriots, Madison and Monroe?

Kentucky, as a State, was found defending the principles of the administrations of those men upon the subject of currency; she was overcome and has been seduced to follow the example of other States in the establishment of State Banks, in which she not only vested her capital, but upon the sound administration of their concerns she has staked her character as a State and the prosperity of her people.

In common with the other States of the Union, her Banks have again suspended the payment of specie for their notes. Her citizens are laboring under a severe pecuniary pressure. So far as it relates to the management of the concerns of our own Banks, a careful examination of the general condition of their affairs, a strict scrutiny into their liabilities and their
means, enable me to say that wisdom and prudence and an ardent desire to continue the payment of specie have marked the whole course of the Directory. Indeed, their efforts to discharge their liabilities have been the cause of much individual embarrassment, and a general complaint throughout the State of the scarcity of money.

No better evidence upon the subject need be required, than a statement of the amount of specie paid at the counter of the banks within the last twelve months, and the reduced amount of the liabilities of the Banks to the country since the first suspension. Such has been the universal derangement of the monetary concerns of the United States, arising from a variety of causes, no inconsiderable one of which is the utter inability of the State Banks to perform the business of foreign or domestic exchange, that specie found no resting or abiding place. It became an article of barter and trade, and was shipped and transported from point to point, to furnish a fund upon which the brokerage of the country feasted and fattened, at the expense of fair commerce and industrious labor.

In order to satisfy my own mind upon the subject, and to furnish the representatives of the people with evidence upon which they could rely in any effort which may be made to account for the evils which surround us, and apply any remedy which their wisdom might suggest, within their constitutional powers, I addressed an official communication to the Presidents of each of the Banks, upon being informed of the suspension of specie payments, requesting to be furnished with a statement of their condition—copies of which reports are herewith sent. I have also ascertained that not less than two millions of dollars of specie have been withdrawn from the banks, and at least one million six hundred thousand dollars have been exported from the State within the last twelve or fifteen months. The demand for specie for exportation continued to increase; the Eastern Banks, and the Banks of the States upon our borders, with whom the commercial relations of Kentucky were most intimately connected, having suspended, there was left to the Kentucky Banks (though abundantly able to have weathered the storm, by continuing their heavy demands upon their creditors,) no choice but to suspend. It is a matter of congratulation to be able to say to you, that my confidence in the ability of our Banks to meet all their liabilities is firm, and remains unshaken by any developments made since their suspension; and I am persuaded an anxious desire is felt by the managers of these institutions to resume the payment of specie, so soon as the condition of the country shall authorize it.

This suspension, which it is hoped is only temporary, will enable the Banks, in some degree, to relieve the country from that heavy pressure everywhere felt and acknowledged, and by a prudent management of their means, and a devotion of them to the supply of eastern exchange, will afford such a demand for their notes as will prevent a sudden and ruinous depreciation in the only circulating medium of the State. It then becomes your duty, gentlemen, as the representatives of the people of Kentucky, to determine what legislation is necessary at this time to relieve the Banks from the penalties and liabilities which they voluntarily assumed—not so much for their own advantage as the protection of the interests and commerce of our State. In whatever may be decided by you as best to be done, (consistent, I know it must be, with a sound public policy and promotion of the interest of the Commonwealth,) I shall, with pleasure, render you a cheerful co-operation.
I am unable, gentlemen, to present you with a flattering account of the financial condition of the Commonwealth. By reference to the books of the Auditor and Treasurer for ten years past, it will be seen that the ordinary expenses of the State have greatly exceeded the amount of the revenue collected. To make up this deficit, the Treasurer has been compelled to overdraw upon the Bank from year to year. The amount paid at the Treasury during the fiscal year ending on the 10th of October last, over and above the amount of revenue paid, is forty-two thousand two hundred and twenty-four dollars sixty-one cents. The ordinary charges upon the Treasury for the ensuing year, without including any demands which may be created by legislative appropriations during the present session, are estimated by the Second Auditor at two hundred and sixty-nine thousand six hundred and eighty-one dollars and seventy-three cents. The receipts for the same period, upon the present basis of taxation, will be unequal to pay this amount and liquidate the balance now due by the Treasury to the Bank of Kentucky.

A statement of the facts is all that can be necessary to induce the representatives of the people to assume the responsibility of providing a revenue adequate to the reasonable demands upon the Treasury. It is a humiliating condition for a proud Commonwealth to witness her fiscal officer appealing to the indulgence of a cashier of a Bank for permission to overdraw in order to pay the demands made upon the Treasury by authority of law. A people as patriotic as the people of Kentucky—possessing the abundant resources which they do, and which are within the reach of industry and enterprise, paying infinitely less amount of taxation upon the aggregate wealth of the State than is paid in any other State in the Union—so far from censuring their representatives, demand of them to exert the powers which they have been invested to make their Government independent in all its functions, but especially to establish a State revenue that shall be equal to the annual wants of the Commonwealth.

Your system of revenue, to be just, should be equal. It never should exact from the community more than is wanted for public uses. A superabundance should be avoided for the same motives that a statesman would guard against a deficit for the necessary purposes of free Government.

Will it be contended by any that our taxes of ten cents upon one hundred dollars are high, when we know that our fellow citizens of Ohio are paying, without a murmur, fifty cents for every one hundred dollars of taxable property, and that those of Indiana are paying thirty cents? There are various sources of wealth, and many objects of luxury, to say nothing of vice, which invite the Legislature to impose upon them a portion of the burden of the Commonwealth. Our fellow citizens desire a stable, safe and equal Government, honestly administered in all of its departments, and they are willing to incur the expenses necessary to maintain such an one. I will not, therefore, permit myself to doubt the course which you will pursue upon this subject.

Your revenue system, as it now exists, if no increase, in the opinion of the Legislature, should at this time be made, requires amendment and revision, in order to insure its equality and prompt payment into the Treasury. A radical defect exists in the mode of the appointment of the assessors of tax, and their compensation. Complaints of unequal, if not unfair, valuations of property for taxation everywhere exist. Persons wholly incompetent are often selected by the county courts, for reasons other than their
fitness for the station. The power vested in the county courts of increasing the compensation, when their judgment or discretion is the sole guide, is often exercised more in reference to favoritism for the commissioner than the extra public service rendered. This may be illustrated by a comparison of the size, population, and amount of taxation in the counties of Scott and Shelby. The amount paid for taking in the list of taxable property in the county of Scott, for 1839, is four hundred and fifty dollars—the amount of revenue to be collected is six thousand seven hundred and twenty dollars and forty nine cents; amount paid for same, in Shelby, is three hundred and seventy five dollars—amount of revenue in same is ten thousand three hundred and twenty dollars and fifty cents. There must be something wrong in the system. The County Court of Scott most assuredly allowed too much, or that of Shelby has not allowed enough.

It has occurred to me that if the office of assessor for each county was created by law, to be filled as other offices, with power to appoint his own assistants—more uniformity in the valuation of estates and less expense would be the result. Besides, it would relieve the County Courts of some of the duties and responsibilities imposed upon them by the Legislature, not altogether compatible with the original design in the establishment of that branch of the Judicial Department of the Government.

There exists in the form of the Commissioners' Books, as now prescribed, and in the law regulating the duties of the Commissioners and of the Clerks of the County Courts, a defect which can only be remedied by legislation. The recent discovery of a fraud practiced upon the Commonwealth, for a series of years, by an alteration of the copy of the Commissioners' book, after it had been copied by the Clerk for the Auditor's office, and the numerous mistakes which have been committed in adjusting the amount due from Sheriffs, which are daily developing themselves, have convinced me that a strict investigation into this subject should be made by the Representatives of the people, and the proper corrective applied. The annual reports of the Auditor and Treasurer, which will be submitted to you in a few days, will furnish you a more detailed and satisfactory statement of the receipts and expenditures of the past year.

The condition of the public offices, not only as to the manner in which the duties have been discharged, which I am sure will meet your approbation, but particularly the buildings in which they are kept, invites your examination. The daily and hourly exposure of the public archives of the State, including the records of titles to land granted by the Commonwealth of Virginia and Kentucky, to imminent danger of destruction by fire, should elicit from the Legislature some provision by law for their greater security.

There is one item of expenditure during the past year which requires an explanation. Upon the 11th day of March, 1839, Governor Clark received a communication from the President of the Lexington and Ohio Rail Road Company, informing him that the company would be unable to pay the interest then falling due upon their loan for which the State stood pledged, and expressing an opinion that it was highly probable the company would be unable to pay any thing in future. Governor Clark directed the amount to be paid out of the State Treasury, being of opinion that it was not a charge upon the Sinking Fund. Upon the seventh of September I addressed the President of the company, and requested that he would take steps to reimburse the Treasury the amount advanced, and relieve the State,
by the prompt payment of the future instalments of interest, from any further liability. His answer was, that the company were unable to pay. Influenced by the motive which actuated my predecessor—that of saving the credit and preserving inviolate the faith of the State—I directed the payment of the full instalment of interest. The whole amount paid by the State is about eight thousand dollars. Copies of the correspondence between the Executive and the President of the company are sent you with this communication, together with the report of the President of the company, recently made, of the condition of the affairs of the company, that you may determine not only upon the propriety of the course which necessity forced the Governor to adopt, but also upon the expediency of at once proceeding, under the provisions of the act authorizing the endorsement of this debt by the State, to sell the road and the effects of the company, for so much thereof, as will pay the debt and interest, and release the Commonwealth from all further trouble and liability upon the subject. A sale has not been directed, because I thought it was due to all concerned, and to the Legislature particularly, to await any action which they might take in the premises.

His Excellency, Governor Clark, appointed James M. Bullock, Esq., as agent of the State to make sale of the State bonds authorized and directed by the law of the last session. This gentleman visited New York early in the season to execute the trust confided to him. He prolonged his stay until the month of October—using all the means consistent with a proper respect for the character of the State, and a due regard to the interest of the Commonwealth, to effect a sale upon the terms prescribed in the law under which he was appointed. No sale could be made upon terms which the State ought to have accepted. It was thought wholly useless for him to have visited Europe upon this business. There has been no demand for State stocks the past season, either in the market of the United States or of Europe. The course pursued by the agent of the State in declining a sale upon the terms offered by some of the capitalists and moneyed institutions of New York, and particularly his timely expose in the New York Journals of the real condition and amount of public debt owing by Kentucky, has met my entire approbation. Though he has been unable to serve the Commonwealth by sale of the bonds, it must be highly gratifying to him, and to you also, to know that he has been instrumental in some degree in placing the credit of the State in a position well understood and duly to be appreciated. A confidence, not only in her ability but in her integrity and disposition as a Commonwealth to fulfill all her engagements, has been created abroad, which I hope none will be found paralyzing enough to destroy at home.

The failure to realize the amount contemplated by the act of last year to provide for the Internal Improvement of the State has been the cause of much embarrassment to the Board of Public Works. They have consequently been unable to execute fully the duties enjoined upon them by the acts of the last Legislature. The public works under contract have not been advanced with that rapidity which was desired and anticipated by the General Assembly. With the aid afforded by the Banks of the State, under the provisions of the law authorizing the Board of Internal Improvement to borrow money, by and with the approbation of the Governor, they have been enabled to continue steadily, though not rapidly, their operations upon the public works under contract at the close of the last session. It was just and wise in the Board, in letting to contractors the new works, required by law pos-
tively to be put under contract this year, to stipulate with the contractors that they were not to commence the work until notified by the Board that they were in the possession of funds to meet their estimates.

The State is still in arrear to contractors upon turnpike roads and upon the rivers. To enable the Board to complete some of the most important public works upon the Kentucky river by the meeting of the Legislature, and to fulfil their engagements to public contractors for work done, an effort was made to sell a portion of the State bonds to the citizens of Kentucky, which has proved partially successful. The amount thus to be received and the amount borrowed of the Banks will, in some degree, relieve the contractors and enable the State in part to comply with her positive engagements with them.

It is with much satisfaction I am authorized to state to you that three locks and dams upon the Kentucky river, between Frankfort and the Ohio, are in such a state of forwardness that the navigation will be opened in a very few days. A practical illustration of the utility and importance of the improvement of our rivers, by locks and dams, will then be presented to the representatives of the people, which will do more towards removing the objections urged against it, than all the arguments of its most ardent and sanguine friends—an exhibition which, by its own influence, will overcome much of that honest prejudice which exists in the community. It must be matter of deep regret to every true friend of his country, if at this crisis in the affairs of the Commonwealth, any one, preferring the success of a political party to the improvement of the physical and moral condition of his own State, should be found exerting his influence to increase and excite unjust prejudices in the public mind against a system which is fraught with such rich blessings to our State. The Legislation of Kentucky, having for its object the improvement of our roads and rivers, owes its origin to a spirit of patriotism, and has been sustained by a just pride to keep pace with our sister republics in the march of improvement, and in the race of State prosperity. All parties have yielded to it an honorable and disinterested support, guided and influenced by a laudable ambition to place Kentucky where she deserves to stand, pre-eminent as a member of the confederacy. Neither of the great political parties which have unfortunately divided the Commonwealth upon questions of national policy, has a right to claim the system as its own, or to visit its evil consequences, if any, upon its antagonist. It should be the pride, as it is the duty, of all good citizens at this time to unite their exertions in the application of all the means and the resources of the Commonwealth to the completion of the works which are under contract. The system, though obnoxious to the charge of defects, promises good to the whole community, and if not abandoned by its friends, will, in the end, shed its advantages and diffuse its blessings throughout our whole Commonwealth—one which will develop the hidden resources of the State, compel the mountain and the valley to yield up their treasures to the industry and enterprise of man, that he may make them minister to his comfort and happiness, and increase the aggregate wealth and power of his State. Who among us will sifter in such an enterprise? Though checked for a time in its onward march by embarrassment and difficulties, brought upon the country by overtrading or caused by bad legislation, its friends have but to look steadily at the great objects they have in view to cheer them on to the final
consummation of measures, which, in the end, will commend themselves to a grateful country. It should be the policy of the friends of this system not now to engage in new objects or involve the State by new contracts for public works. When matters shall right themselves—when confidence shall again be restored, and the means can be attained, Kentucky owes it to herself to carry out the system until each portion of the State shall be made to feel its advantages and with pleasure acknowledge the wisdom and revere the patriotism which spoke it into existence. Alarmists upon this subject, I am fully aware, exist in the community. They have existed in every State during the progress of any great public work. The projector of the New York canal was pronounced mad by his countrymen for a season, and not until the completion of that great undertaking was the wisdom and forecast of her Clinton acknowledged by a grateful country. Now, as then, the effective means employed to deter is the immense debt created. Then, as now, the amount of the debt was magnified.

A statement of the public debt of Kentucky at this time, with the means of payment, may not be deemed inappropriate. The first debt created was two millions of dollars, which was vested in Bank stock. The stock is worth the debt, and will ultimately pay it. The amount of debt created for purposes of Internal Improvement, and for which the bonds of the State are at this time held by individuals, is one million seven hundred and sixty five thousand dollars. Kentucky received of the United States one million four hundred and thirty three thousand seven hundred and fifty seven dollars and thirty nine cents. Eight hundred and fifty thousand dollars of this sum was vested in Internal improvement Bonds, and constitutes now the Common School Fund; the remainder was vested in Bank stock for the use of the State. If this be a debt, Kentucky owes it to herself, and it should not therefore be charged against her. It may then be stated as above, that the whole amount of debt which she owes to individuals for bonds sold, is one million seven hundred and sixty five thousand dollars. The Commonwealth now owns in Bank stock, exclusive of the two millions originally subscribed, one million seventy thousand and nine hundred dollars, which leaves a balance due by the State to be liquidated by the Sinking Fund, when it becomes due, of only six hundred and ninety four thousand one hundred dollars. This amount is exclusive of the sum borrowed of the State Banks, which on the 10th October did not exceed two hundred and fifty thousand dollars. Is this a debt of sufficient magnitude to alarm the statesman and deter him from any further effort to improve the face of his country, to render the natural canals which God and Nature have created for us subservient to agriculture, manufactures and commerce?

There has been expended by the State upon all works of Internal Improvement, including appropriations made by the State of funds derived from the Bank of the Commonwealth, three millions one hundred and eighty two thousand and forty three dollars. There are now completed and in use four hundred and sixty four miles of turnpike roads; under contract, and in a state of forwardness, three hundred and forty nine miles more; making in all eight hundred and thirteen miles of road.

Upon Green River two Locks and Dams have been finished, and the third will be completed by the first of January, 1840, affording one hundred and twenty six miles of constant and safe navigation to the trade of that interesting portion of the State.
Upon the Kentucky River three Locks and Dams are nearly completed, and will, in a few days, give upon that river near eighty miles of safe navigation from its mouth. Other Locks and Dams upon the three rivers are in a state of construction. Can it be said by any one that the funds of the State have been wasted and squandered? If any shall doubt the practicability of the improvements, let him pause but a few days, when he shall witness the operation of the works on the Kentucky, and all his doubts and difficulties will be removed. If he doubts the utility, I invite him to consult the inhabitants of Green River, who have witnessed the safe navigation of that stream at a season when that of the Ohio was obstructed by shoals.

Shall we, fellow-citizens, take counsel of our fears—abandon these noble enterprises—sacrifice all that has been done and expended and degrade ourselves in the estimation of our sister States? Better counsels I hope will guide your deliberations upon this interesting subject. If all the Turnpike roads under contract, and the whole improvements contemplated upon the three rivers were completed, the additional sum required to be paid by the State, is only five millions four hundred and seventy thousand two hundred and seventy nine dollars; add to this additional sum the balance of six hundred and ninety four thousand one hundred dollars, which the State now owes over her means of present payment, the whole debt would be six millions one hundred and seventy thousand three hundred and seventy nine dollars. What is this sum to the resources and wealth of the State of Kentucky, whose taxable property is now valued to two hundred and seventy five millions? This amount expended, and what are the results? We shall then have completed and under travel, eight hundred and thirteen miles of road, and eight hundred and fifty three miles of slack water navigation suited to Steam Boats of two hundred ton, penetrating our State from its Ohio border to its eastern mountains in the three grand divisions of her territory.

I forbear to speak of the whole advantages which we have a right to anticipate from the completion and use of these works. When the improvements upon the Kentucky river shall reach the mineral regions, and the salt, the iron and the coal, which there every where abound, shall be disembowelled from the earth and enter into the consumption of Kentucky, and take the place of those minerals now imported from Virginia, Ohio and Pennsylvania, we shall feel and duly appreciate some of the advantages to be derived from this expenditure of public money. At the head of this contemplated navigation, is found the means of manufacturing salt sufficient for the consumption of five such States as Kentucky, now locked up and adding but little, if any thing, to the wealth of the State.

Does it comport with the principles of a sound political economy, that our citizens shall continue to pay tribute to other States, to whom we sell nothing, for this essential article of consumption, when there is found within her own territory the means of supplying her own wants, and of rendering tributary to her, other portions of the Union? You, gentlemen, as the representatives of the people, and as guardians of the public interest, must assume the responsibility of now determining the future action of your State upon this vitally interesting subject. In that decision I invoke, for our common country, the exercise of your best judgments, divested of all extraneous feeling or political passion.
To enable the Legislature to determine upon the measures best to be pursued at the present crisis, I have thought that a statement of the condition and resources of the Sinking Fund, in anticipation of the annual report of the Commissioners, might not be unacceptable. The amount on hand on 13th December, 1838, was fifty five thousand and seventy five dollars and forty nine cents; amount received from December 13th, 1838, to November 13th, 1839, two hundred and forty nine thousand seven hundred and eight dollars and sixteen cents—total amount, three hundred and four thousand seven hundred and eighty three dollars and sixty five cents; deduct amount expended during same time, two hundred and fifty thousand five hundred and eighty eight dollars and eighty five cents, which will leave, now on hand, forty nine thousand one hundred and ninety four dollars and eighty cents; to which add the probable amount to be received in the year 1840, two hundred one thousand five hundred and nine dollars, and deduct amount to be expended in the same time, one hundred and forty seven thousand dollars, will leave on hand, at the end of the ensuing year, one hundred and twenty three thousand seven hundred and three dollars and eighty cents. The importance of the further increasing and strengthening this fund was forcibly brought to the consideration of the Legislature by my predecessor, to whose message upon this, as well as upon other subjects requiring your attention, you are respectfully referred.

In the pursuit of the means to meet the exigencies of the public service at this time, permit me to direct your attention to the just claim which the States have upon the Federal Government to the distribution of the net annual proceeds arising from the sale of the public lands. The right of the States to this fund is recorded upon the statute books of the nation, and is one which they should never surrender, as long as the right of petition and remonstrance is recognized by the Constitution, or the voice of freemen is heard to speak through their representatives in the National Legislature.

The interesting subject of Education will engage your attention during the present session. I will not in this communication fatigue you with any arguments in favor of general education. At this enlightened day it is matter of astonishment if any man be found opposed to popular instruction. A government like ours, founded upon public opinion, depending upon the virtue and intelligence of the people for its duration and just administration, is bound by every consideration of duty and the principles of self-preservation to provide the means and prescribe the manner of public instruction so as to render it convenient and accessible to the whole community. Kentucky has resolved to make an effort in the cause of Common Schools. The outlines of the system, proposing to combine the means of the Government with those of individual and voluntary taxation, are delineated in the law of 1838. A fund, which now produces an annual income of fifty thousand four hundred and fifteen dollars, has been set apart for this laudable purpose. It would be sound policy in the Legislature to increase this fund and make it efficient in the cause of education. There is no provision by the existing law for ascertaining the whole number of children within the State of the age designated in the law for the establishment of Common Schools. The superintendent, whose official labors have been incessant the past year, is of opinion that if the number of children had been reported to the Board of Education, several Common Schools, in various parts of the State, would now have been organized and in successful operation. His annual report to you will, more in detail, point out the legislation necessary.
There is one desideratum in the system, which, while it continues, must render it difficult of general diffusion. There is no provision for the education and instruction of teachers for Common Schools. A capacity for teaching, though not wholly created by education, is certainly increased and made useful by instruction in the art of successfully communicating knowledge to children. Would it not be well to appropriate a portion of the annual income of the School Fund to the establishment of a Professorship in the State University for the purposes of educating Common School teachers? This would enable the State, through her University, to educate, annually, a sufficient number of young men to supply the demand for teachers, as the system shall progress in its organization and adoption by the people.

I will not allow myself to entertain the opinion that the Legislature of Kentucky intends to abandon the University of the State. If there was nothing of character and State pride involved in the consideration of this subject—if it were a mere matter of dollars and cents to be calculated, the interest of the Commonwealth and the principles of a just economy would be consulted and promoted by providing the means for educating, within her own territory, under her own supervision, the youth of the State. If the same amount expended in a single year by citizens of Kentucky in the education of their sons in the Colleges and Universities of other States, were profitably invested by the Legislature, it would place the University of the State in a condition to meet the demands of the community, and to command the attention and patronage of the States and Territories in the whole valley of the Mississippi.

Shall Kentucky be the only State in the Union who cannot boast of her State University? Will you continue longer the practice of sending our young men to be educated in the schools and colleges of other States, and have instilled into their minds principles at war with the domestic institutions of their own State—principles opposed to those of the constitution and laws of the Commonwealth? If there are objections to the organic laws of the University, amend them—if objections exist as to its present location, change it; but I ask you, in the name of our common country, in behalf of the cause of science and letters, that you make it, in reality, an institution worthy of the State which professes to claim it, and enable it to minister to the wants of the community in promotion of the cause of education.

Connected with this subject of general education is another which I commend to your favorable consideration—the efforts now being made by the many societies in the State to improve the science and art of agriculture. Kentucky is, and must ever be, an agricultural State. Her wealth and prosperity mainly depend upon the productions of her soil and labor. A State Society has been formed for the purpose of combining and concentrating effort and talent in this great cause. These efforts I hope will meet your favorable consideration. When we reflect that much the largest portion of the State revenue is derived from the farming class of the community—is it not due to them that a portion of it should be expended in founding a system of agricultural instruction, that will, while it elevates the intellectual and moral characters, teach the practical farmer how to extract from the earth, with the least possible labor to himself and injury to the soil, the greatest amount of product—how to develop the latent energies of his farm—"to cause two blades of grass to grow where one had grown before," and by the
combination of knowledge and skill with industry and labor, increase the wealth and resources of his State?

The difficulties and practices which threatened to disturb the peaceful relations of the citizens of Kentucky and Ohio, residing upon the Ohio border of the two States, (differences having their origin in that reckless spirit of fanaticism upon the subject of slavery which has well prepared those under its influence to light the torch of servile war) have, in a great measure, been abated and suppressed by the timely and well conducted mission of Messrs. Morehead and Smith, under the resolution of the last Legislature. The satisfactory expose made by these gentlemen to the Ohio Legislature, of the grievances of which our citizens justly complained, resulted in the passage of a law which promises greater security to the citizens of Kentucky in the enjoyment of their right of property in their slaves. The penal sanctions of this law, if enforced by the authorities of Ohio, (and we have recent proof, by the conviction and punishment of the notorious Mahan, that her Judicial tribunals will enforce the execution of it,) are sufficient to deter those unprincipled agitators from all attempts to violate the acknowledged rights of the citizens of Kentucky, and thereby endanger that peace between the two States which it is the interest and duty of both to cultivate. The report of the Commissioners to the Executive, and a copy of the Law of Ohio referred to, are herewith sent.

A medium of fixed value, by which the price of labour is to be ascertained and the exchanges of property are effected, has been regarded as essential in every commercial community. In my opinion, a sound political economy requires that a circulating medium should never be treated as a commodity, and become the subject of barter and sale; be made to vary in the value of its use, as the cupidity of the capitalist and money dealer shall dictate to the necessities of the industrious and enterprising citizen. It forbids that what is designed to be a uniform test of property, should, like property, be regulated in its value by the laws of demand and supply. Hence we find that, in every country where commerce and trade are regarded as worthy the protection of law, where credit enters into the business transactions of the community, laws have been made to fix the rate of interest upon money, and prescribe the penalties against their violation. It is when revulsions in trade take place, when misfortune overtakes the honest and enterprising man in times like the present, the usurer, who adds but little by his labour to the wealth or happiness of society, glutts his appetite and fills his coffers at the expense, and not unfrequently upon the ruin, of the laborious and industrious portion of the community. I, therefore, respectfully recommend to the General Assembly the propriety of revising the laws against usury. If the interest upon money, as now regulated by law, be too low, increase it; but at whatever rate the Legislature has declared it shall be, let that be the standard, and prohibit, by adequate penalties, its evasion. The unfortunate victim of the usurer, seldom has the moral courage to avail himself of the present provisions of the law made for his protection; but if the excessive interest exacted was forfeited to the Commonwealth, and an appropriate remedy prescribed by law, public sentiment would sustain and enforce its execution. We might then hope to see much of that public and individual suffering, arising from the heavy exactions of the money-lender, disappear from the transactions of commerce.

The Penitentiary is managed by the present Keeper, under the existing
laws, in a manner highly creditable to him and to the State. His treatment
of the convicts is as humane as is consistent with the objects designed
by their confinement. They are as well fed and clothed as the law
which prescribes his duty upon this subject requires. The cells used at the
present time are insecure, and wholly unfitted as places either of punish-
ment by solitary confinement, with a view to reformation, or as places of
rest from daily labor.

Under the provisions of the act of the last session, the Commissioners of
the Sinking Fund directed the building of two hundred and fifty new cells
which are now in progress. In connection with the new cells, under a
law of a previous date, it is contemplated to erect a building for an office
and store room. The superintendent has been directed so to construct the
office, that the second story thereof may be converted into an arsenal, for
the safe keeping and preservation of the public arms. This additional room
will cause but little, if any, increased expenditure.

Some knowledge, derived from personal observation in various parts of
the State, induced me to believe that a great portion of the public arms,
which have been distributed to militia companies under former and existing
laws, has been lost or destroyed. A letter was addressed to the Quarter
Master General, desiring information upon this and other subjects pertain-
ing to the duties of his office. His report, in answer to this communication,
will give you the information necessary to enable the Legislature to adopt
such measures as may, in their judgment, remedy the evil which is found
to exist. All necessary steps will be taken to obtain the amount due for
the arms of the State, represented by the Quarter Master General to have
been delivered to the United States during the late war, and which have
never been returned.

The Report of the Adjutant General gives all the information in the pos-
session of the Executive, connected with the business assigned him by law.
The suggestions which he makes are worthy of legislative consideration.
The transfer of the duties now performed by the Secretary of State, con-
ected with the militia service, to the Adjutant General's office, would be
appropriate, and at the same time relieve that officer of a portion of his
labors, which have of late become onerous and are constantly increasing.

The laws prescribing the mode of summoning petit jurors have proved
highly beneficial to the administration of justice, and have commended
themselves to public approbation. The y need amendment in some of their
details. The Clerks should be required to report to the Auditor, at the ex-
piration of each term of his Court, an account of the settlement made with
the Trustee of the Jury Fund; and the Trustee should be required to pay
over, under adequate penalties, any balance which remains in his hands at
the end of the term. This would enable the Auditor to keep his accounts
regular, and to act as a check upon the Clerks and Trustee.

The demand for labor upon the public works—the inducements presented
by our climate and soil, and the nature of our government, have invited
within our borders many aliens and strangers who have died within the
State. Their kindred, who would have a just claim upon their estates, are
unknown—persons have administered upon them, and hold them without the
shadow of claim founded in justice or right, other than that of being adminis-
trator or executor. I would respectfully suggest the propriety of the pas-
sage of a law requiring, in these and all similar cases, that the administrator
pay the money into the State Treasury, to be kept for the distributees, upon proper application being made.

There is one other subject to which I invite the attention of the Legislature before I close this communication. It is to the laws now in force authorizing the appropriation, by grant, of what is called the vacant lands within the Commonwealth. It was the intention of the Legislature, and they so declared it in the law when they authorized the appropriation of land by Kentucky warrants, that land which had been patented heretofore under the laws of Virginia and Kentucky should not be subject to new appropriation. It has now become a trade in some sections of the State to appropriate all the lands which are found unoccupied by the owner as vacant land. The titles thus acquired are sold to the uninformed citizen, who, ignorant of the fraud, settles upon the land of another, believing it his own. Numerous instances exist where the land of the widow, or the descendants of him who purchased and paid for it with his blood, freely shed in the defence of his country, have been appropriated, under the existing laws, at ten cents per acre. This system, if continued, will again involve our population and land titles in legal contestation, and renew the evils which were entailed upon us by the unwise and improvident land laws of Virginia. Does it comport with the high character for justice, which Kentucky proudly asserts, that she, knowingly, permits her citizens to appropriate, as vacant, the land which has been patented for half a century, and which, in many instances perhaps, constitutes the only heritage of a descendant of some ancestor of revolutionary memory?

With an ardent desire that your legislative labors may, under the blessings of Providence, tend to promote the happiness and advance the interest of our beloved country, I tender to you, gentlemen, my cheerful co-operation in the performance of your public duties.

Respectfully, yours,

CHARLES A. WICKLIFE.

[For Documents accompanying the Message, see Appendix.]

Ordered, That the Public Printer forthwith print 5000 copies of said message, for the use of the members of this House.

Mr. Butler presented the petition of Lucy McMachin, praying to be divorced from her husband, William McMachin.

Which was received, the reading thereof dispensed with, and referred to the committee on Religion.

And then the House adjourned.

WEDNESDAY, DECEMBER 4, 1839.

1. Mr. English presented the petition of Leroy Minor, praying for the passage of a law allowing a change of venue in the case of the Commonwealth against him, in the Hickman Circuit Court.
2. Mr. Brooks presented the petition of Catharine Pepper (with other documents,) praying to be divorced from her husband, Abner Pepper.

3. Mr. Mims presented the petitions of sundry citizens of Livingston, Caldwell, Hopkins and Union counties, praying the formation of a new county out of parts of said counties.

4. Mr. Gresham presented the petition of sundry citizens of Rockcastle county, praying the passage of a law allowing compensation to Jas. C. Jones and others, for services rendered in recapturing certain slaves.

5. Mr. Coke presented the petition of Thomas B. Hughes, praying the repeal of any law declaring Beach Fork, in Washington county, a navigable stream.

6. Mr. McFall presented the petition of Eliza Putnam, praying to be divorced from her husband, Moses Putnam.

7. Mr. Padon presented the petitions of sundry citizens of Livingston county, praying a division of said county; also, the remonstrance of sundry citizens of said county, against adding any part of Livingston county to any other county.

8. Mr. Murray presented the petition of Eleanor Jones, praying to be divorced from her husband, Henry C. Jones.

9. Mr. Huston presented the petition of the members of the Methodist Episcopal Church called Mount Zion, praying the passage of a law authorizing the sale of said church, and the lot of ground on which it stands.

10. Mr. Cunningham presented the petition of sundry citizens of Grayson county, praying that Margaret Stinson may be divorced from her husband, John Stinson.

11. Mr. Hammond presented the petition of sundry citizens of Simpson county, praying an extension of the constable's district in which Nathan R. Harris is constable, in said county.

12. Mr. Crow presented the petition of Elizabeth Smith, praying the passage of a law allowing her compensation for the support of her son, who has been found to be a lunatic.

13. Mr. McClure presented the petition of William Wilborn, praying the passage of a law authorizing him to erect two gates across the road from Columbia to Albany, in Clinton county.

14. Mr. Fish presented the petition of America Pearson, praying to be divorced from her husband, Henry Pearson.

15. Also, the petition of sundry citizens of Campbell county, in behalf of Matthew Cook, praying that the County Court of said county be authorized to allow said Cook a sum of money for his support.

Which petitions and remonstrances were severally received, the reading thereof dispensed with, and referred—the 1st and 9th to the committee for Courts of Justice; the 2d, 6th, 8th, 10th and 14th to the committee on Re-
ligion; the 3d and 7th to the committee on Propositions and Grievances; the 4th and 12th to the committee on Claims; the 5th to the committee on Internal Improvement; the 11th to a select committee of Messrs. Hammond, Irwin and Gray; the 13th to Messrs. McClure, Coffey and Rowlett; and the 15th to Messrs. Fish, Newell and Cave.

Mr. Irwin moved the following resolution, viz:

Resolved, That Mr. Julius Clarke be permitted to take a seat within the bar of the House, for the purpose of reporting the proceedings for “The Commonwealth” newspaper.

Which being twice read, was adopted.

Mr. Lane moved the following resolution, viz:

Resolved, That the rules of this House be so amended as to dispense with the committee on the Expenditures of the Board of Internal Improvement.

On motion of Mr. J. Speed Smith,

Ordered, That said resolution be referred to Messrs. Meriwether, Sprigg, Reeves and Lane.

The Speaker laid before the House the annual report of the Auditor of Public Accounts; which is in the following words and figures, viz:

State of Kentucky,
Auditor’s Office, December 4, 1839.

Hon. John L. Helm,
Speaker of the House of Representatives:

Sir: Please lay before the House over which you have the honor to preside, the enclosed annual report of the Auditor of Public Accounts, and oblige yours, &c.

BEN. SELBY, Auditor Public Accounts.

[For this report, see Appendix.]

On motion of Mr. Lane,

Ordered, That the Public Printer forthwith print 150 copies of said report, for the use of the members of the General Assembly.

The Speaker laid before the House the annual report of the Second Auditor of Public Accounts, which is in the words and figures following, viz:

Revenue Department,
Auditor’s Office, Kentucky,
Frankfort, 4th December, 1839.

John L. Helm, Esq.
Speaker of the House of Representatives:

Sir: I enclose the annual report from this Department.

Very respectfully, your obedient servant,
THO. S. PAGE, Second Auditor.

[For this report, see Appendix.]
On motion of Mr. Lane,

Ordered, That the Public Printer forthwith print 150 copies of said report, for the use of the members of the General Assembly.

The Speaker laid before the House the annual report of the Treasurer, which is in the following words and figures, viz:

Frankfort, Kentucky,

Treasury Office, 4th December, 1839.

Hon. John L. Helm:

Sir: You will please lay before the honorable House over which you preside, the accompanying report. Yours, respectfully,

James Davidson, Treasurer.

[For this report, see Appendix.]

On motion of Mr. Lane,

Ordered, That the Public Printer forthwith print 150 copies of said report, for the use of the members of the General Assembly.

The Speaker laid before the House the annual report of the Agent and Keeper of the Penitentiary, which is in the words and figures following, viz:

[For this report, see Appendix.]

On motion of Mr. Lane,

Ordered, That the Public Printer forthwith print 150 copies of said report, for the use of the members of the General Assembly.

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

On motion of Mr. Hardy—1. A bill to change the form of the books, and to regulate the duties of commissioners appointed to take lists of taxable property, and other officers, in relation to the same.

On motion of Mr. Butler—2. A bill to create a Criminal Court for the county of Jefferson and city of Louisville.

On motion of Mr. Stephens—3. A bill for the benefit of the Clerk of the Grant Circuit and County Courts.

On motion of Mr. Haggard—4. A bill to extend the Constable district in the town of Burksville.

On motion of Mr. Perciful—5. A bill for the benefit of James M. George.

On motion of Mr. Drye—6. A bill for the benefit of Abner Belton.

On motion of Mr. Rumsey—7. A bill to reduce the number of Magistrates in the county of Ohio.

On motion of Mr. Huston—8. A bill to provide for running and marking the county line between the counties of Clarke and Montgomery.

On motion of Mr. Coke—9. A bill incorporating the Sisterhood of the Nunnery of St. Magdalen, under the name and style of the Literary Society of St. Magdalen.
On motion of Mr. Hammond—10. A bill for the benefit of E. D. Tolom PHONE.

On motion of Mr. Gresham—11. A bill to revive an act establishing Libraries in Rockcastle and Laurel counties.

On motion of Mr. Hardy—12. A bill to amend an act, providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of Jurors, approved February 15, 1838, and for other purposes.

On motion of Mr. Innes—13. A bill for the benefit of William Smith, of Harrison county.


On motion of Mr. Haggard—15. A bill for the benefit of Joseph R. Ryon, Deputy Sheriff of Clinton county.

On motion of Mr. Irwin—16. A bill for the benefit of the Sheriff of Logan county.

On motion of Mr. Fish—17. A bill to form the 17th Judicial District of this Commonwealth.

On motion of Mr. Huston—18. A bill to amend the law of limitation, so far as it concerns merchants' accounts.

On motion of Mr. Crow—19. A bill for the benefit of William T. Sharp.

On motion of Mr. Haggard—20. A bill to amend the jury law.

On motion of Mr. Barrett—21. A bill to amend the law allowing compensation to jurors.

Messrs. Hardy, J. S. Smith and Meriwether were appointed a committee to prepare and bring in the 1st; the committee for Courts of Justice the 2d, 17th, 18th and 20th; Messrs. Stephens, Goodson and Swope the 3d; Messrs. Haggard, McClure and Coffey the 4th; Messrs. Percifull, English and Board the 5th; Messrs. Drye, Forman and Haggard the 6th; Messrs. Rumsey, Crow and Board the 7th; Messrs. Huston, H. Taylor and Glover the 8th; Messrs. Coke, Hill and Rowan the 9th; Messrs. Hammond, A. Young, and Imboden the 10th; Messrs. Gresham, Adams and White the 11th; the committee on Ways and Means the 12th; Messrs. Innes, Newell and Brooks the 13th; Messrs. Crow, Elliott and Thomason the 14th; Messrs. Haggard, Drye and McRoberts the 15th; Messrs. Irwin, Gray and Hammond the 16th; Messrs. Crow, Hopkins and Rumsey the 19th; and Messrs. Barrett, B. R. Young, and Cave the 21st.

And then the House adjourned.
HOUSE OF REPRESENTATIVES.

THURSDAY, DECEMBER 5, 1839.

1. Mr. Mims presented the petition of the widow and heirs of Daniel W. Crider, deceased, praying for the sale of the real estate of said decedent, in pursuance of the nuncupative will.

2. Mr. Hopkins presented the petition of sundry citizens of Henderson county, praying a repeal of all laws authorizing a grant of license to retail spirituous liquors.

3. Also, the petition of Paulina Walker (with other documents,) praying a divorce from her husband, Albert G. Walker.

4. Mr. Newell presented the petition of Isabel Penn, praying to be divorced from her husband, Warner Penn.

5. Also, the petition of Elizabeth Ward, praying to be divorced from her husband, Andrew Ward.

6. Mr. White presented the petition of Hiram F. Cravins, praying to be divorced from his wife, Ann Eliza Cravins.

7. Mr. Jones presented the petition of sundry citizens of the town of Cynthiana, praying a repeal of the act incorporating a fire company in said town.

8. Mr. Percifull presented the petition of Jesse Hines, praying to be divorced from his wife, Latty Hines.

9. Also, the petition of James M. George, and others in his behalf, praying the passage of a law authorizing a loan on the part of the State, to him, to aid in re-building his house, which was destroyed by fire.

10. Mr. Wilson presented the petition of sundry citizens of Clay county, praying a change in the place of voting in Chapel's election precinct in said county.

11. Mr. Caldwell presented the petition of Dicey Powell, praying to be divorced from her husband, Elias Powell.

12. Mr. Colvin presented the petition of Lewis W. Kirtley, praying to be divorced from his wife, Virginia Kirtley.

13. Mr. M. Sutton presented the petition of Elizabeth Barnes, praying the passage of a law allowing her compensation for keeping and maintaining her husband, who is a lunatic.

14. Mr. Colvin presented the petition of John O. Walden, praying to be divorced from his wife, Dinah Walden.

15. Mr. Mize presented the petition of Catharine Fry, praying the passage of a law authorizing a sale of a tract of land devised to her for life by her husband.

16. Mr. Goodson presented the petition of Martha French, praying to be divorced from her husband, Thomas French.
17. Glover presented the petition of Jesse Yeates, praying the passage of a law allowing him to make a culvert across the road from Mountsterling to the Olympian Springs.

18. Mr. Coffey presented the petition of sundry citizens of Wayne county, praying the passage of a law extending the Spring and Fall Terms of the Circuit Court of said county.

19. Mr. Glover presented the petition of William Bowen, praying to be divorced from his wife, Ellen Bowen.

20. Mr. B. R. Young presented the petition of Nancy Buckles, praying to be divorced from her husband, James Buckles.

21. Also, the petition of Susan Goodwin, praying the passage of a law, authorizing a sale of a tract of land, which descended to her children from their deceased father.

22. Mr. Barrett presented the petition of sundry citizens of Hart county, praying a change of the place of voting in an election precinct in said county.

23. Mr. English presented the petition of B. H. Logan and Daniel Caplinger, committee for John and Elizabeth Caplinger, idiots, praying the passage of a law authorizing a sale of the real estate of said idiots.

24. Also, the petition of the Justices of the Carroll County Court, praying the passage of a law authorizing them to lay an additional levy, for the purpose of re-building their court house.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st, 7th, 15th, 18th, 21st, 23d and 24th to the committee for Courts of Justice; the 2d and 9th to the committee on Ways and Means; the 3d, 4th, 5th, 6th, 8th, 11th, 12th, 14th, 16th, 19th and 20th to the committee on Religion; the 10th to Messrs. Wilson, Adams, White and Yantis; the 13th to the committee on Claims; the 17th to the committee on Propositions and Grievances; and the 22d to the committee on Privileges and Elections.

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

On motion of Mr. Turner—1. A bill to provide for the appointment of Attorneys for the Commonwealth.

On motion of Mr. Johnson—2. A bill to amend an act, entitled, an act to regulate the administration and settlement of estates.

On motion of Mr. Butler—3. A bill for the benefit of Ambrose Wickersham.

On motion of Mr. Reeves—4. A bill for the benefit of the Sheriff of Todd county.

On motion of Mr. Turner—5. A bill to amend the law in relation to the Court of Appeals.

On motion of Mr. Cave—6. A bill to change the line between the com-
ties of Boone and Campbell, so as to include the residence of John L. Graves in the county of Boone.

On motion of Mr. Hill—7. A bill to legalize the proceedings of the Marion County Court, had at the Feb'y Term, 1839, and for other purposes.

On motion of Mr. Draffin—8. A bill to establish a new Judicial District in this Commonwealth.

On motion of Mr. Forman—9. A bill for the benefit of Leroy Dobyns.

On motion of Mr. Rumsey—10. A bill to amend the law requiring Constables, Sheriffs and Justices of the Peace of the several counties to report, concerning fines and forfeitures, to the Circuit Courts.

On motion of Mr. Rowan—11. A bill to amend the charter of the Oakland Turnpike Company.


On motion of Mr. Henry—13. A bill to change a part of the county line between Mogan and Floyd.

On motion of Mr. Lyter—14. A bill for the benefit of Thomas Brand.

On motion of Mr. Barrett—15. A bill to amend an act, entitled, an act to incorporate the Munfordville Bridge Company.

On motion of Mr. Haggard—16. A bill authorizing the erection of a Bridge across Rennick's creek, in the county of Cumberland.

On motion of Mr. J. Speed Smith—17. A bill to amend the election laws, and the better to guard and protect the elective franchise.

On motion of Mr. B. R. Young—18. A bill for the benefit of Richard W. McQuown, of Hardin county.

On motion of Mr. Crow—19. A bill to establish an election precinct in the county of Daviess, and to change that of another.

Messrs. Turner, Waddill, Butler and Coke were appointed a committee to prepare and bring in the 1st; the committee for Courts of Justice the 2d and 10th; Messrs. Butler, T. F. Marshall and Meriwether the 3d; the committee of Ways and Means the 4th; Messrs. Turner, Morehead, Pendell and Huston the 5th; Messrs. Cave, Fish and A. Young the 6th; Messrs. Hill, Coke and Drye the 7th; Messrs. Draffin, Morehead, T. F. Marshall, Sprigg and Taylor the 8th; Messrs. Forman, Drye and Haggard the 9th; Messrs. Rowan, Meriwether and Churchill the 11th; Messrs. B. R. Young, Barrett and Cave the 12th; Messrs. Henry, Cecil and Johnson the 13th; the committee on Claims the 14th and 18th; Messrs. Barrett, B. R. Young and Peraulf the 15th; Messrs. Haggard, Irwin and McRoberts the 16th; Messrs. J. Speed Smith, Hopkins, T. F. Marshall and Lecompte the 17th; and Messrs. Crow, Elliott and Thomasson the 19th.

Mr. Lane moved the following resolution, viz:

Resolved, That the Board of Internal Improvement report to this House,
as soon as practicable, the number of Engineers now in the employment of the Board; the salary of each; the nature of their employment, and when the term of service of any (or all) of them will expire.

Which being twice read, was adopted.

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

By Mr. Crow—1. A bill for the benefit of Richard C. Jett, late Sheriff of Daviess county.

By Mr. Butler—2. A bill for the benefit of Ambrose Wickersham.

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

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the first was referred to the committee on Ways and Means, and the second to the committee on Internal Improvement.

Mr. Irwin, from the committee to whom was referred a proposed amendment to the rules of this House, reported the following, viz:

All original bills presented to this House, shall, after their second reading, be referred to one of the standing committees of the House, unless two thirds of the members shall agree to dispense with such reference.

And the question being taken on the adoption thereof, it was decided in the negative. And so the said amendment was rejected.

On motion, Ordered, That leave of absence be granted to Thos F. Marshall, a member of this House, until Saturday next.

On motion of Mr. Meriwether, leave is given to bring in a bill to fix the ratio and apportion the representation for the ensuing four years; and that the same be referred to a select committee composed of one member from each Senatorial district.

Ordered, That a Committee of Propositions and Grievances be appointed; and a committee was appointed, consisting of Messrs. Swope, Brooks, Daniel, M. Sutton, Padon, Board and Logan; who are to meet and adjourn from day to day, and to take into 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 to this 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. Cunningham, Mize, T. Sutton, Drye, Cecil, Brien and Colvin; who are to meet and adjourn from day to day, and take into 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 thereon, to the House; and said
committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on Claims be appointed: and a committee was appointed, consisting of Messrs. Sprigg, Mims, Stone, Draffin, Haggard, Mason and Hammond; who are to meet and adjourn from day to day, and take into consideration all public claims, and all other matters that may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and 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. Butler, T. F. Marshall, Turner, English, Huston, Coke and Pindell; who are to meet and adjourn from day to day, and take into consideration all matters relating to courts of justice, and such other as may be, from time to time, referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee are to inspect the Journal of the last session, and draw up a statement of the matters there pending 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 now expiring, and report the same to the House, with their opinion thereon, which of them ought to be renewed and continued; and the said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on Religion be appointed: and a committee was appointed, consisting of Messrs. Hines, Gresham, Thomasson, Yantis, Imboden, Hughes and Comish; who are to meet and adjourn from day to day, and take into consideration all matters and things relating to religion and morality, and such others as may be, from time to time, referred to them, and report their proceedings, with their opinion thereon, to this 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. Meriwether, Lecompte, Clay, McKinney, Redd, Reeder and Read; who are to meet and adjourn from day to day, and take into consideration the revenue laws of this Commonwealth, and all other matters relative to, or connected with the fiscal concerns thereof, and such others as may be, from time to time, referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on Internal Improvement be appointed: and a committee was appointed, consisting of Messrs. Morehead, J. Speed Smith, Hopkins, Gray, Goodson, Newell, White, Coffey, Buckner, R. R. Young,
Elliott and Botts; who are to meet and adjourn from day to day, and take into consideration all such matters and things, relating to the improvement of the condition of the country by roads and canals, and such other as may legally come before them, or be referred to them, reporting their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on Education be appointed: and a committee was appointed, consisting of Messrs. Davies, Rumsey, Pindell, Hill, Wilson, Innes and McCalla; who are to meet and adjourn from day to day, and take into consideration all matters and things relating to education, and the subjects immediately connected therewith, and such other as may, from time to time, be referred to them, reporting their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on Military Affairs be appointed: and a committee was appointed, consisting of Messrs. W. N. Marshall, A. Young, Rowlett, McFall, T. Sutton, Cornish and Stephens; who are to meet and adjourn from day to day, and take into consideration all matters in relation to the militia laws of this Commonwealth, and all matters in relation to the militia, and such other as may, from time to time, be referred to them, reporting their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on the Expenditures of the Board of Internal Improvement be appointed: and a committee was appointed, consisting of Messrs. Hopkins, Sprigg, Rowan, Rumsey, Barrett, Forman and Johnson; who are to meet and adjourn from time to time, and take into consideration all matters in relation to the expenditure of money by the Board of Internal Improvement, and such other matters as may be, from time to time, referred to them, and report their proceedings thereon, with their opinion, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on the Penitentiary be appointed: and a committee was appointed, consisting of Messrs. Caldwell, Yantis, McRoberts, Crow, Glenn, Murray and Russell; who are to meet and adjourn from time to time, and take into consideration all matters and things in relation to the Penitentiary, and such other as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on Agriculture and Manufactures be appointed: and a committee was appointed, consisting of Messrs. H. Taylor, T. Marshall, Churchill, J. G. Taylor, Fish, Hughes and Cave; who are to
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Ordered, That a committee on Banks be appointed: and a committee was appointed, consisting of Messrs. Turner, T. F. Marshall, Reeves and Gray; who are to meet and adjourn from day to day, and examine, within the first thirty days of the session, the condition of all the Banks in the State, the amount of loans on the aggregate, and the proportion to the county, cities, and towns, and the amount loaned to the Directors, and their liabilities on bills of exchange, and the several amounts the fifty highest debtors owe in the cities; and inquire into and report all facts necessary to a complete understanding of their management, and such other matters in relation thereto, as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on the Sinking Fund be appointed: and a committee was appointed, consisting of Messrs. J. Speed Smith, Morehead, Irwin, Waddill, Adams and Wake; who are to meet and adjourn from day to day, and take under consideration all matters in relation to the Sinking Fund, and such other as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on the Library be appointed: and a committee was appointed, consisting of Messrs. Hill, Coke, Waddill, Cave, Chouvin and Lane; who are to meet and adjourn from day to day, and take into consideration all matters and things relating to the public library, and such other as may, from time to time, be referred to them, and report their proceedings, together with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a Committee on the Public Offices be appointed: and a committee was appointed, consisting of Messrs. Hardy, Crow, Perciful, McClure, Cornish, Drye and Burgess; who are to meet and adjourn from day to day, and examine into the public offices, and report their situation and their proceedings, together with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.
Ordered, That Messrs. Glover, Lyter, Stephens, Randolph, Colvin and McRoberts, be appointed a Committee of Enrollments on the part of this House; and that Mr. Glover inform the Senate thereof.

And then the House adjourned.

FRIDAY, DECEMBER 6, 1839.

1. Mr. Sprigg presented the petition of Anderson Wade, praying to be divorced from his wife, America Wade.
2. Mr. Morehead presented the petition of Joel Thomason, praying compensation for injury sustained to his mill by slack water.
3. Mr. Irwin presented the petition of Maria McCaleb, praying to be divorced from her husband, James McCaleb.
4. Mr. McCalla presented the petition of Warner Penn, praying to be divorced from his wife, Isabella Penn.
5. Mr. Swope presented the petition of Fanny Herod, and sundry other citizens, praying that she may be divorced from her husband, Richard P. Herod.
6. Mr. Randolph presented the petition of Nancy Head, praying to be divorced from her husband, Robert Head.
7. Mr. Glover presented the petition of Philip McDaniel, praying that a sale made by him, of a small tract of land, may be legalized.
8. Mr. Caldwell presented the petition of William W. Waggoner, praying that a sale of a tract of land belonging to his children, made by him, may be confirmed.
9. Mr. Meriwether presented the petition of the citizens of Jefferson, in the county of Jefferson, praying an alteration of the law now regulating said town.
10. Mr. Waddill presented the petition of Pierre Theodore Cuvillier, praying to be divorced from his wife, Margaret Cuvillier.
11. Also, the petition of Nancy Thompson, praying to be divorced from her husband, William W. Thompson.
12. Mr. Barrett presented the petition of Charles Murray, praying that the money expended by him in contesting the election of Benjamin Copeland, in 1836, may be returned to him.
13. Mr. Rowlett presented the petition of Harriet Wilkerson, praying to be divorced from her husband, Wyatt Wilkerson.
14. Also, the petition of Sarah Bibb, widow of David Bibb, dec'd, pray-
ing the passage of a law authorizing her to sell a tract of land, to pay the debts against the estate.

15. Mr. Coffey presented the petition of Hiram Philips, and sundry other citizens of Wayne county, praying that said Philips may be released from the penalties for bringing into the State some slaves.

16. Mr. Padon presented the remonstrance of sundry citizens of Livingston county, against the division of said county.

17. Mr. Chouvin presented the petition of Samuel Cooper, and sundry other citizens, praying that he may be divorced from his wife, Elizabeth Cooper.

18. Mr. T. Sutton presented the petition of Thomas Sears, and sundry citizens of Allen county, praying an appropriation for the support of Nancy Sears, a lunatic.

19. Mr. Stephens presented the petition of Wm. Withers, and Hannah his wife, praying the passage of a law authorizing them to convey a tract of land.

20. Mr. Henry presented the petition of Agness Roberts, praying the passage of a law authorizing her to sell a small tract of land belonging to her infant daughter.

Which were severally received, the reading thereof dispensed with, and referred—the 1st, 3d, 4th, 5th, 6th, 10th, 11th, 13th and 17th, to the committee on Religion; the 2d to the committee on Internal Improvement; the 7th, 8th, 14th, 15th, 19th and 20th, to the committee for Courts of Justice; the 9th to Messrs. Meriwether, Churchill and Butler; the 12th to Messrs. Barrett, B. R. Young and Perciful; the 16th to the committee on Propositions and Grievances; and the 18th to the committee on Ways and Means.

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

By Mr. Fish—1. A bill for the benefit of Matthew Cook.

By Mr. Rumsey—2. A bill to reduce the number of the Justices of the Peace in Ohio county.

By Mr. Drye—3. A bill for the benefit of Abner Belton.

By Mr. Draffin—4. A bill to establish a new Judicial District, and for other purposes.

By Mr. Huston—5. A bill to have the line run and marked between the counties of Clarke and Montgomery.

By Mr. Stephens—6. A bill for the benefit of H. B. Smith, Clerk of the Grant Circuit and County Courts.

By Mr. Innes—7. A bill for the benefit of William Smith, of Harrison county.

By Mr. Hammond—8. A bill for the benefit of N. K. Harris and E. D. Solomon.
By Mr. Crow—9. A bill to establish an election precinct in Daviess county, and to change the place of voting in another.

By Mr. Haggard—10. A bill to allow the Sheriff of Clinton county further time to return his delinquent list of militia fines.

By Mr. B. R. Young—11. A bill for the benefit of Denton Geoghegan and Barton Roby, late Sheriffs of Hardin county.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, 10th and 11th, were severally ordered to be engrossed and read a third time, and the 4th was referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, 10th and 11th bills having been dispensed with, and the same being engrossed,

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

Mr. Colvin moved the following resolution, viz:

Resolved, That it is expedient that the committee on Religion be instructed to report unfavorably in all cases of divorce which are already provided for by the existing laws of this Commonwealth.

Which being twice read, was rejected.

Mr. Gray moved the following resolution, viz:

Resolved, That the Auditor be, and he is hereby requested to report to this House, as early as practicable, what amount of money has been received into the State Treasury, from the sales of public lands lying west of Tennesse river, in this State; and also what amount is yet due the Treasury, from the same source.

Which being twice read, was adopted.

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

On motion of Mr. Cunningham—1. A bill to amend an act, entitled, an act to establish a State road from Litchfield, in Grayson county, to Munfordville, in Hart county.

On motion of Mr. J. G. Taylor—2. A bill to reduce the number of Justices in Henry county.

On motion of Mr. T. Sutton—3. A bill to change the time of holding the Circuit Courts in Allen, Warren and Simpson counties, and for other purposes.

On motion of Mr. Hopkins—4. A bill to repeal the law respecting the importation of slaves into this State, approved February 2, 1833; and for other purposes.

On motion of Mr. Coffey—5. A bill for the benefit of Archibald C. McBeath, late Deputy Sheriff of Wayne county.
On motion of Mr. Morehead—6. A bill for the benefit of the Sheriff of Franklin county.
On motion of Mr. Yantis—7. A bill allowing three additional County Courts to Garrard county.
On motion of Mr. McKinney—8. A bill to amend that part of the charter of the city of Lexington, as relates to the city poor and work house.
On motion of Mr. Chouvian—9. A bill for the benefit of Wm. E. Dixon.

Ordered, That Messrs. Cunningham, Barrett and B. R. Young be appointed a committee to prepare and bring in the 1st; Messrs. J. G. Taylor, Locompte and Rowlett the 2d; Messrs. T. Sutton, Hines and Hammond the 3d; Messrs. Hopkins, Reeves, Gray and J. Speed Smith the 4th; the committee on Ways and Means the 5th and 6th; Messrs. Yantis, Daniel and McRoberts the 7th; Messrs. McKinney, Pindell, J. Speed Smith and Hughes the 8th; and the committee on Internal Improvement the 9th.

And then the House adjourned.

SATURDAY, DECEMBER 7, 1839.

Mr. James Taggart, the member returned to serve in this House, from the county of Muhlenburg, appeared, and having produced a certificate of his election, and of his having taken the oath prescribed by the constitution and laws of this State, took his seat.

The Speaker appointed the following select committee to prepare and bring in the bill to fix the ratio, and apportion the representation of this State, for the ensuing four years, viz: Messrs. Meriwether, Reeves, Irwin, McFall, Imbedon, Crow, Hines, A. Young, Barrett, Randolph, McClure, M. Sutton, Rumsey, Cunningham, Percifield, Lane, Sprigg, Rowan, Coke, Davies, Read, Daniel, J. Speed Smith, Wilson, English, Fish, Clay, Draffin, Johnson, Murray, McKinney, T. F. Marshall, Mason, T. Marshall, Burgess, Brooks, Henry, H. Taylor.

1. Mr. Brooks presented the petition of William Orr, guardian of John James E. Taliaferro, praying the passage of a law authorizing a sale of the real estate of said infant.

2. Mr. English presented the petition of Cornelius Snider, praying a divorce from his wife, Lydia Snider.

3. Mr. Glover presented the petition of Joanna Stewart, praying to be divorced from her husband, Hargus Stewart.
4. Mr. Mason presented the petition of Artemesia Newland, widow of William Newland, deceased, praying the passage of a law authorizing her to sell a negro woman belonging to said decedent, to educate her children.

5. Mr. Coffey presented the petition of Squire Griffin, and sundry other citizens of Wayne county, praying that said Griffin may be permitted to retail spirituous liquors without license.

6. Mr. Gresham presented the petition of James Terrell, commissioner to sell the estate of Mason Miller, dec'd, praying that the sale (of a negro woman and child) made by him, be legalized.

7. Mr. McClure presented the petition of William E. Grider, praying to be divorced from his wife, Eliza Jane Grider.

Which were severally received, the reading thereof dispensed with, and referred—the 1st, 4th and 6th to the committee for Courts of Justice; the 2d, 3d and 7th to the committee on Religion; and the 5th to the committee on Ways and Means.

A message was received from the Senate, announcing that they had passed bills of the following titles, viz:

An act for the benefit of the infant children of John H. Bell, dec'd.
An act for the benefit of the Jailor of Nicholas county.
An act to change the time of holding the December County Court Lawrence, for the year 1839, and for other purposes.
An act to amend an act, entitled, an act to incorporate the Shelbyville Fire, Marine, and Insurance Company.
An act to change the name of David Benson Davis, to that of David Benson Rice.

Mr. Butler, from the committee for Courts of Justice, to whom was referred the petition of the widow and heirs of Daniel W. Crider, deceased; Catharine Frye; B. H. Logan and Daniel Coplinger; and Susan Goodwin—reported the same with the following resolution, viz:

Resolved, That it is inexpedient to legislate on those subjects.
Which being twice read, was concurred in.

Mr. English, from the same committee, to whom was referred the petition of the Justices of Carroll county, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.
Which being twice read, was concurred in.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred the petition of James M. George, reported the same, with the following resolution, viz:

Resolved, That said petition is unreasonable.
Which being twice read, was concurred in.

Mr. Meriwether, from the same committee, to whom was referred a bill
for the benefit of Richard C. Jett, late Sheriff of Daviess county, reported
the same without amendment.
And the question being taken on ordering said bill to be engrossed and
read a third time, it was decided in the negative.
And so the said bill was rejected.
Mr. Meriwether, from the same committee, to whom was referred leave
to bring in a bill for the benefit of the Sheriff of Todd county—reported the
same; which was read the first time.
And the question being taken on reading said bill a second time, it was
decided in the negative.
And so the said bill was rejected.
The following bills were reported by the several committees appointed to
prepare and bring in the same, viz:
By the committee on Propositions and Grievances—1. A bill for the
benefit of Jesse Yeates.
By the committee on Religion—2. A bill for the benefit of Lucy Mc-
Machin.
By same—3. A bill for the benefit of Catharine Pepper.
By same—4. A bill for the benefit of Eleanor Jones.
By Mr. Forman—5. A bill for the benefit of Leroy Dobyns.
By Mr. Haggard—6. A bill to extend the Constable's district in the town
of Burksville.
By Mr. Coke—7. A bill to provide for the appointment of Common-
wealth's Attorneys.
By Mr. Hill—8. A bill to legalize the proceedings of the Marion County
Court, had at the February Term, 1839, and for other purposes.
By Mr. Adams—9. A bill to change the place of voting in the Chapel
Precinct, in Clay county.
By Mr. Barrett—10. A bill to amend an act, entitled, an act to change
the present mode of summoning Jurors in this Commonwealth, and to pro-
vide for their compensation.
By same—11. A bill to amend an act, entitled, an act to incorporate the
Mamfordville Bridge Company.
By Mr. Henry—12. A bill to establish the county line between Floyd
and Morgan.
By Mr. McClure—13. A bill for the benefit of Wm. Willbourn.
By Mr. Irwin—14. A bill for the benefit of the Sheriff of Logan county.
Which were read the first time, and ordered to be read a second time.
The rule of the House, constitutional provision and second reading of
said bills having been dispensed with, the 1st, 2d, 3d 4th, 5th, 6th, 9th,
12th and 13th, were severally ordered to be engrossed and read a third
time; the 7th and 8th were referred to the committee for Courts of Justice;
the 10th and 14th to the committee on Ways and Means; and the 11th to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 5th, 6th, 9th, 12th and 13th bills having been dispensed with, and the same being engrossed,

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

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

On motion of Mr. Reeves—1. A bill to amend an act to establish the Southern Bank of Kentucky, approved February 20, 1839.

On motion of Mr. Hines—2. A bill to amend an act, entitled, an act declaring Drake's creek, in Warren county, a navigable stream.

On motion of Mr. Cave—3. A bill to change the mode of taking the depositions of non-resident witnesses.

On motion of Mr. Fish—4. A bill to amend an act, entitled, an act to establish a system of Common Schools in this Commonwealth.

On motion of Mr. Wilson—5. A bill to make a road from Goose Creek Salt Works to Prestonsburg, in Floyd county, by the way of Hazzard, in Perry county.

On motion of Mr. Hammond—6. A bill for the benefit of Ebun Shaw.

Messrs. Reeves, Hopkins, Irwin, Gray, Waddill, Buckner, Turner, Hines, Redd and Mims were appointed a committee to prepare and bring in the 1st; Messrs. Hines, Hammond and T. Sutton the 2d; the committee for Courts of Justice the 3d; the committee on Education the 4th; Messrs. Wilson, J. Speed Smith, Hopkins, Goodson and Henry the 5th; and Messrs. Hammond, Irwin and Gray the 6th.

On motion of Mr. Caldwell,

Leave was given to bring in a bill to regulate the Circuit Courts of the Commonwealth.

Ordered, That the same be referred to a select committee, to be composed of one member from each judicial circuit.

Mr. T. Marshall moved the following resolution, viz:

Resolved, That the committee upon the Expenditures of the Board of Internal Improvement report to this House, as early as practicable, the number of officers and agents employed in the Engineer service, together with the particular duties assigned to, and performed by each; as also the salary of each; and also enquire how far the salaries of each officer and agent can be reduced, consistently with the public interest; and how many, and which of those officers and agents may be dispensed with, without injury to the proper service of the public.

Resolved, That said committee inquire as to the performance of the duties required by law of these officers and agents; and whether those duties
have been faithfully discharged; and that said committee further inquire and report to this House, what contingent expenses, if any, have been allowed to any of the officers of the system of internal improvement, and upon what law or principle such allowance has been made.

Which being twice read, was adopted.

On motion,

Orderd, That Mr. Hopkins be added to the committee for Courts of Justice.

Bills from the Senate of the following titles, viz:

An act to change the time of holding the December County Court for Lawrence, for the year 1839, and for other purposes.

An act to amend an act, entitled, an act to incorporate the Shelbyville Fire, Marine and Life Insurance Company.

An act for the benefit of the infant children of John H. Bell, deceased.

Were severally read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bills having been dispensed with,

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

And then the House adjourned.

MONDAY, DECEMBER 9, 1839.

David Trimble, the member elected to serve in this House from the counties of Greenup and Carter, appeared, and having taken the several oaths required by the constitution and laws of this State, took his seat.

1. Mr. Lane presented the petition of Joshua Holtzclaw, praying to be divorced from his wife, Margaret Holtzclaw.

2. Mr. Mims presented the remonstrance of sundry citizens of Livingston county, against a proposed division of said county.

3. Mr. T. Marshall presented the petition of sundry citizens of Lewis county, praying the passage of a law allowing to Walker Reid, Judge of the First Judicial District, the same salary as is received by other Circuit Judges.

4. Mr. Henry presented the petition of Abraham Ellington, praying to be divorced from his wife, Delila Ellington.

5. Mr. Meriwether presented the petition of Rachel Blumenthal, praying to be divorced from her husband, Charles E. Blumenthal.
6. Mr. Forman presented the petition of sundry citizens of Mason county, praying the passage of a law allowing Walker Reid, Judge of the First Judicial District, the same salary as is received by other Circuit Judges.

7. Mr. Taggart presented the petition of Robert Boggess, praying to be divorced from his wife, Rosannah Boggess.

8. Also, the petition of Dalison W. Beard, praying that he be permitted to redeem from forfeiture a tract of land, on the payment of taxes due thereon.

9. Mr. Botts presented the petition of sundry citizens of Fleming county, praying the passage of a law allowing Walker Reid, Judge of the First Judicial District, the same salary as is received by other Circuit Judges.

10. Mr. Padon presented the remonstrance of sundry citizens of Livingston county, against the establishment of a new county, which proposes to take a part of said county.

11. Mr. English presented the petition of Mary Jackson, praying to be divorced from her husband, Rezin Jackson.

Which petitions and remonstrances were severally received, the reading thereof dispensed with, and referred—the 1st, 4th, 5th, 7th and 11th to the committee on Religion; the 2d and 10th to the committee on Propositions and Grievances; the 3d, 6th and 9th to the committee for Courts of Justice; and the 8th to the committee on Ways and Means.

The Speaker laid before the House the report of the Second Auditor, in response to a resolution of this House, in relation to the lands sold west of the Tennessee river, which is as follows, viz:

REVENUE DEPARTMENT,

Auditor's Office, Kentucky,
Frankfort, 7th December, 1839.

Hon. John L. Helm,
Speaker of the House of Representatives:

Dear sir:—In obedience to a resolution passed by the House of Representatives on the 6th inst., I report that $284,204 23 has been received into the State Treasury for the sale of lands west of Tennessee river, to wit:

Under the act of 1821, paid by Register of the
Land Office, $ 2,592 00

Ditto—under acts of 1825, and subsequent acts, paid by Receiver of Public Moneys during the year ending 10th day of October, 1825, $11,100 00

Ditto under acts of 1826, 33,519 80
Ditto under acts of 1827, 19,228 25
Ditto under acts of 1828, 33,383 75
Ditto under acts of 1829, 23,196 15
Ditto under acts of 1830, 16,479 50
Ditto under acts of 1831, 32,116 10
Ditto under acts of 1832, 32,428 09

$201,751 64

Amount carried forward, $204,343 64
HOUSE OF REPRESENTATIVES.

Amount brought forward, $204,343 64

[By reference to Journal House Representatives 1832, page 36, this same amount will be found reported under special act of Assembly; also a report of settlement with the Receiver to the 20th April, 1832.]

Ditto under acts of 1833, 29,551 54

Also, amount received of D. Rowlett, under special act of Assembly, 50

Ditto under acts of 1834, 38,705 80

Ditto to 6th January, 1835, 11,602 75

Total received as above stated, 79,860 59

$284,204 23

This statement exhibits the amount received up to the 6th of January, 1835. No report has been made to this office since that time. The law appropriating the lands west of Tennessee river to the counties of Calloway, Graves, Hickman and McCracken, approved 28th February, 1835, took effect the 15th of January, 1835. There has been no report to this office to show what is still due from the Receiver.

By an act of Assembly, approved 23d February, 1839, the Receiver of Public Moneys is required to close his office in the town of Wadesboro' on the 1st day of December, 1839, and that he shall deposit his books in the Land Office within thirty days thereafter, but this act does not require any final settlement to be made with the Auditor.

Very respectfully, your ob't serv't,

THO. S. PAGE, 2d Auditor.

The Speaker laid before the House a message from the Governor, which is as follows, viz:

EXECUTIVE OFFICE,

Hon. John L. Helm,

Speaker of the House of Representatives:

By the enclosed copy of the letter of Mr. W. C. Allan, you will discover that I have been made the medium of presenting to the State, "a full length portrait painting of Daniel Boon, provided I should think it worthy a place in the Legislative Hall."

Without pretending to be a judge of specimens of the art of painting, I take great pleasure in expressing my opinion, that the portrait is one which does great credit to the talent of a young and uneducated son of Kentucky, furnishing high evidence of native genius, which it should be the pride of our State to encourage. The painting is deposited in the office of the Secretary of State, subject to the disposition of the House of Representatives.

With great respect, yours,

C. A. WICKLIEFE.
To His Excellency, the Governor:

Dear Sir: I beg to leave to present to the State, through your hands, a full length picture of D. Boon, painted by myself, provided you shall think worthy of a place in the Hall. The bearer of this (with your permission) will attend to putting it up.

With much respect, &c. yours,

C. A. Wickliffe.

Ordered, That said message be referred to the committee on the Library.

W. C. Allan

To the Hon. John L. Hall,

Speaker of the House of Representatives:

In conformity with a resolution of the House of Representatives of the 5th instant, the Board of Internal Improvement have the honor to report—

That there are now in the service of the Commonwealth, under appointment of the Board, six Engineers, whose names and salaries are as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>M. R. Stealey</td>
<td>$3,000</td>
</tr>
<tr>
<td>A. Livermore</td>
<td>$3,000</td>
</tr>
<tr>
<td>N. B. Buford</td>
<td>$2,500</td>
</tr>
<tr>
<td>H. J. Eastin</td>
<td>$2,000</td>
</tr>
<tr>
<td>W. R. McKee</td>
<td>$1,200</td>
</tr>
<tr>
<td>C. F. Taylor</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$13,700</strong></td>
</tr>
</tbody>
</table>

The Chief Engineer, Mr. Welch, holds his office by the appointment of the Governor, with the advice and consent of the Senate, and his salary is fixed, by law, at $4,000.

The term of service of the Resident and Assistant Engineers depends on the discretion of the Board; that of the Chief Engineer was limited, by law, to three years from the time of his appointment, and his term of service expires with the present session of the General Assembly.

The Chief Engineer has a general superintendence over the affairs of the Board.

M. Stealey has charge of the works on the Kentucky river, as Resident Engineer. His general duty is to overlook their progress; to examine the materials used for their construction; to see that the contractors do their duty, and conform to the specifications of the contracts, and to make out and certify estimates of the work done. His duties, in detail, are regulated by the orders of the Board.

M. Livermore is the Resident Engineer of the Green and Barren rivers, and Mr. Buford, of the Licking river. Their duties correspond with those of Mr. Stealey.

M. Eastin has the general care and superintendence of the turnpikes...
roads. It is his duty, and that of Mr. McKee, to make surveys, reconnaissances, and to render such other services, connected with the roads, as may be directed by law, or as the Chief Engineer, under the orders of the Board, may require.

Mr. Taylor is employed in the superintendence of particular works in any part of the State, which are not embraced within the sphere of the duties of the resident and assistant Engineers; in the execution of plans and maps, and in making such surveys and reconnaissances, as, from the multiplied duties of Mr. Eastin and Mr. McKee, it is impossible for them to perform during the year.

During the last Spring, the Board dispensed with the services of four of the Engineers then in their employment, whose aggregate salaries amounted to the sum of $7,500.

Very respectfully, your obedient servant,

J. T. MOREHEAD,
President of the Board of Internal Improvement.

Ordered, That said report be referred to the committee on the Expenditures of the Board of Internal Improvement.

Mr. Sprigg, from the committee on Claims, to whom was referred the petition of Robert Langford, and others, reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.

Mr. Sprigg, from the same committee, to whom was referred leave to bring in a bill for the benefit of Thomas Brand, asked leave to be discharged from the further consideration thereof; which was granted.

Mr. Butler, from the committee for Courts of Justice, to whom was referred the petition of Agness Roberts; of Sarah Bibb; of Philip McDaniel; of William Withers and wife; and of Wm. W. Waggoner—reported the same with the following resolution, viz:

Resolved, That it is inexpedient to legislate on those subjects.

Which being twice read, was concurred in.

Mr. Butler, from the same committee, to whom was referred leave to bring in a bill to repeal the law compelling Justices, Constables, &c. to report to the Circuit Court—reported the same with the following resolution, viz:

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

Which was concurred in.

Mr. Hines, from the committee on Religion, to whom was referred the petition of John O. Walden, for a divorce, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Meriwether, from the committee on Ways and Means, to whom was
referred the petition of Thomas Sears, and others, reported the same with
the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

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

By the committee on Privileges and Elections—1. A bill to change the
place of voting in the Robertson precinct, in Hart county.

By the committee on Claims—2. A bill for the benefit of John Barnes, of
Pulaski county.

By the committee for Courts of Justice—3. A bill to amend the laws in
relation to taking depositions of non-resident witnesses.

By same—4. A bill to authorize the sale of Mount Zion Meeting House,
in Clarke county, for the benefit of the Methodist Episcopal Church.

By the committee on Religion—5. A bill for the benefit of Dicey Powell.

By same—6. A bill for the benefit of Jesse Hines.

By same—7. A bill for the benefit of Martha French.

By same—8. A bill for the benefit of Pierre Theodore Cuvillier.

By the committee on Ways and Means—9. A bill for the benefit of John
J. Garth, Deputy Sheriff of Wayne county.

By Mr. Cunningham—10. A bill to amend an act, entitled, an act to es­

establish a State road from Litchfield, in Grayson county, to Munfordville,
in Hart county.

By Mr. Meriwether—11. A bill for the benefit of Jeffersontown, in Je­

ferson county.

By Mr. Gresham—12. A bill to revive an act establishing Libraries in
Rockcastle and Laurel counties.

By Mr. Coke—13. A bill to incorporate the Literary Institution of St.
Magdalen, in Washington county.

Which were read the first time, and ordered to be read a second time.
The rule of the House, constitutional provision and second reading of said
bills having been dispensed with, the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th,
10th, 11th and 12th, were severally ordered to be engrossed and read a third
time, and the 13th was referred to the committee for Courts of Justice.
The rule of the House, constitutional provision and third reading of the
1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th and 12th bills having been
dispensed with, and the same being engrossed,

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

Mr. Hines, from the committee appointed to prepare and bring in the
same, reported a bill to amend an act, entitled, an act declaring Drake's
creek, in Warren county, a navigable stream.
HOUSE OF REPRESENTATIVES.

Which was read the first time; and the question being taken on ordering said bill to be read a second time, it was decided in the negative.

And so the said bill was rejected.

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

On motion of Mr. Caldwell—1. A bill to direct the collection of a tax on every cause docketed in the Circuit Courts of this Commonwealth.

On motion of Mr. T. Sutton—2. A bill giving Justices of the Peace jurisdiction of trespass and trespass on the case where the damages claimed do not exceed five pounds.

On motion of Mr. Cave—3. A bill to amend and renew a charter for a turnpike road from Burlington to Florence, in Boone county.

On motion of Mr. Goodson—4. A bill to amend the road law for the county of Campbell.

On motion of Mr. Crow—5. A bill to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a railroad between said road and city.

On motion of Mr. Morehead—6. A bill for the benefit of Jos. Lecompte.

On motion of Mr. Russell—7. A bill to change the place of voting in an election precinct in the county of McCracken.

On motion of Mr. B. R. Young—8. A bill to amend the charter of the Louisville and Elizabethtown Turnpike Road Company, and for other purposes.

On motion of Mr. Mertwether—9. A bill to amend the several acts regulating the sale of the Seminary lands belonging to the Jefferson Seminary.

On motion of Mr. Irwin—10. A bill for the benefit of John B. Cloud.

On motion of Mr. Forman—11. A bill to provide for working the roads in the county of Mason.

On motion of Mr. Randolph—12. A bill to incorporate the Bethlehem Methodist Episcopal Church, in the county of Monroe, and for other purposes.

On motion of Mr. Daviess—13. A bill for the benefit of Thomas Grimes, of Mercer county.

On motion of Mr. Glover—14. A bill to regulate the terms of the Montgomery County Courts.

On motion of Mr. Rumsey—15. A bill for the benefit of Quintus C. Shanks.


On motion of Mr. White—17. A bill to allow an additional Justice of the Peace to the county of Whitley.

Ordered, That the Committee for Courts of Justice prepare and bring in the 1st and 18th; Messrs. T. Sutton, Morehead and Coffey the 2d; the committee on Internal Improvement the 3d and 5th; Messrs. Goodson, Swope, and Stephens the 4th; the committee on Military Affairs the 6th; the committee on Privileges and Elections the 7th; Messrs. B. R. Young, Barrett and Churchill the 8th; Messrs. Meriwether, Churchill and Butler the 9th; Messrs. Irwin, Gray and Hammond the 10th; Messrs. Forman, Brooks and Reeder the 11th; the committee on Religion the 12th; Messrs. Daviess, Cornish and Draffin the 13th; Messrs. Glover, Houston and Mason the 14th; Messrs. Rumsey, Buckner and Waddill the 15th; Messrs. McCalla, Henry, Glover and Mason the 16th; and Messrs. White, Adams and Cave the 17th.

Mr. Hopkins moved the following resolutions, viz:

WHEREAS, in the existing state of the money market, both in this country and in Europe, it has been found impracticable, without such a sacrifice as would materially impair the credit and character of Kentucky, to sell an amount of State Internal Improvement bonds which would be at all adequate to the continuance of the Internal Improvement system upon its present scale; and, whereas, any attempt to continue the whole system, by taxing the people directly for that purpose, would imply the necessity of so great an increase in the rate of tax, as, under existing circumstances, would be too onerous to be thought of seriously; and from the impossibility of procuring the funds, at present, to complete the works already commenced, or under contract, it follows, as a measure not merely of policy, but of absolute necessity, that many of them be abandoned, or, at least, suspended, until there is a change in the times; with the view, therefore, that this Legislature may know from the highest official source, and in a condensed form, all the facts necessary to regulate their action upon this subject—

Be it resolved by the House of Representatives of Kentucky, That the Board of Internal Improvement report to this House the number and names of the rivers upon which improvements are under contracts with the State, either complete, commenced, or under contract, but not commenced; specifying the actual cost of each work, which is now finished, and the amount of tolls, if any, which it has yielded; and also the estimated entire cost of each improvement, by lock and dam or otherwise, now commenced; the amount heretofore expended by the State upon it, and an estimate of the sum of money required to complete it; also the number and names of the streams, improvements on which are under contract, but not commenced, and the contract price for each of such works; also the number of miles of navigation on each stream which would be afforded by all the State works contemplated thereon, when completed, and the number of miles of navigation on each stream, which would be afforded by the completion of such as have been commenced and have progressed so far as to affect navigation.

2. Resolved, That the Board of Internal Improvement report to the House the number of Turnpike and graded roads in which the State holds stock; the amount of stock held by the State in each road, specifying the roads, if any, made, commenced, or to be made, by the State alone; those in which the State has subscribed two dollars of stock for one subscribed by
Which being twice read, were adopted.

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

Resolved, by the General Assembly of the Commonwealth of Kentucky, That they will, by joint vote of both Houses, on Friday, the 13th inst. proceed to the election of a Treasurer, Public Printer, Librarian, President and Directors of the Bank of the Commonwealth, and of the old Bank of Kentucky.

Mr. T. Marshall moved the following resolution, viz:

Resolved, That the Committee on Internal Improvement be instructed to enquire into and report to this House, as soon as practicable, the propriety of discontinuing for the present, all expenditures of public money, not absolutely necessary for the preservation of the works now done or due, upon one of the two roads leading from Louisville to the Tennessee line, one, by or through Bardstown, the other, by or through Elizabethtown, and running nearly parallel from point to point; and that said committee be instructed to direct the funds, if any, to be applied to the finishing of said roads that, from its state of forwardness and locality, will be most conducive to the interest of the Commonwealth to finish.

Which being twice read was adopted.

Mr. Lane moved the following resolution, viz:

Resolved, That the Committee on Ways and Means enquire into the expediency of having the Public Printing of the State done by contract, or let to the lowest bidder, and report by bill or otherwise.

Which being twice read, was adopted.

Mr. Swope moved the following resolution, viz:

Resolved, That the Committee on the Penitentiary be instructed to enquire into the propriety and expediency of providing, by law, for the support and maintenance of the destitute wives and children of convicts in the Penitentiary of this State, out of the State's portion of the proceeds of their labor, and that they report by bill or otherwise.

Which being twice read, was adopted.
Mr. Sprigg moved the following resolution, viz:

Resolved, That so much of the Governor's message as refers to, and recommends an increase of taxes, be referred to the committee on Ways and Means; and that they report as to the necessity of increasing the taxes, to provide the means of paying the ordinary expenses of the government, and to carry on the system of Internal Improvement.

Mr. Meriwether moved to amend said resolution, by striking out all after the word "Resolved," and insert in lieu thereof, the following:

That so much of the Governor's message as relates to an increase of taxation for the ordinary expenses of the government, be referred to the committee on Ways and Means; and that so much as relates to an increase of taxation for extraordinary expenses of the government, be referred to the committee on the Sinking Fund.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker,

Those who voted in the negative, were—

Messrs. Adams, Board, Logan, Mason, Sprigg, Sutton, T.
Mr. Sprigg moved the following resolution, viz:
Resolved, That so much of the Governor's Message as refers to the state of the public debt, and the means of payment, be referred to a select committee of five.
Which being twice read, was adopted.
Whereupon Messrs. Sprigg, Hughes, Johnson, Mason and T. Marshall, were appointed a committee in pursuance of said resolution.

Mr. Coffey moved the following resolution, viz:
Resolved, That so much of the Governor's message as relates to the Lexington and Ohio Railroad Company, be referred to the committee on Internal Improvement, and that they be required to report by bill or otherwise.
Which being twice read, was adopted.

Mr. Coffey moved the following resolution, viz:
Resolved, That the committee for Courts of Justice be instructed to enquire into the propriety of passing a law preventing individuals from going alone into the woods to kill wild hogs; and that they report by bill or otherwise.
Which being twice read, was adopted.
And then the House adjourned.

TUESDAY, DECEMBER 10, 1839.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:
An act for the benefit of Matthew Cook.
An act to reduce the number of Justices of the Peace of Ohio county.
An act for the benefit of H. B. Smith, Clerk of the Grant Circuit and County Courts.
An act for the benefit of William Smith, of Harrison county.
An act to establish an election precinct in the county of Daviess, and to change the place of voting in another.
An act to allow the Sheriff of Clinton county further time to return his delinquent list of militia fines.
An act for the benefit of Denton Geoghegan and Barton Roby, late Sheriffs of Hardin county.

And the passage of bills from that House of the following titles, viz:

An act to legalize the proceedings of the Court of Assessment of the 110th Regiment of Kentucky Militia.

An act providing for the appointment of Commonwealth's Attorneys.

An act to establish an election precinct in the county of Monroe; and

An act for the benefit of the late Sheriff of Washington county.

1. Mr. Daviess presented the petition of Margaret M. Pulliam, praying to be divorced from her husband, Thomas Pulliam.

2. Mr. Haggard presented the petition of Samuel Hardison, praying to be divorced from his wife, Amy Hardison.

3. Mr. Brien presented the petition of Obediah Johnston, praying to be divorced from his wife, Sarah Johnston.

4. Mr. B. R. Young presented the petition of Polly Skillman, praying to be divorced from her husband, John Skillman.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st, 2d and 3d to the committee on Religion; and the 4th to Messrs. B. R. Young, Perciful and Board.

Mr. Glover, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, the following titles, viz:

An act for the benefit of the infant children of John H. Bell, deceased.

An act to change the time of holding the December County Court of Lawrence, for the year 1839, and for other purposes; and

An act to amend an act, entitled, an act to incorporate the Shelbyville Fire, Marine and Life Insurance Company,

And had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.

Mr. Butler, from the committee for Courts of Justice, to whom was referred the petitions of James Terrell; of William Orr, and of Artemesia Newland—reported the same with the following resolution:

Resolved, That it is inexpedient to legislate on those subjects.

Which was concurred in.

Mr. Butler, from the same committee, to whom was referred leave to bring in a bill to amend an act regulating the settlements of administrators, executors, &c. asked leave to be discharged from the further consideration thereof; which was granted.

The Speaker laid before the House a communication of the Secretary State, which is as follows, viz:
Sir: 

Allow me, through you, to lay before the House over which you preside, such Reports as have been made to the Secretary of State, of the monthly settlements of the Auditor and Treasurer; and of the monthly statements of the Bank of Kentucky, Northern Bank of Kentucky, and Louisville Saving's Institution.

J. M. BULLOCK, Secretary of State.

To the Hon. JOHN L. HELM, 
Speaker of the House of Representatives.

Ordered, That the settlements of the Auditor and Treasurer be referred to the committee on Ways and Means, and the monthly statements of the Banks to the committee on Banks.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred the petition of Squire Griffin, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Meriwether, from the same committee, to whom was referred a bill to amend an act, entitled, an act to change the present mode of summoning Jurors in this Commonwealth, and to provide for their compensation—reported the same with an amendment as a substitute in lieu of the original bill; which was concurred in.

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

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

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

By the committee on Internal Improvement—1. A bill repealing the law declaring the Beach Fork navigable above Ray's mill.

By Mr. T. Sutton—2. A bill to change the time of holding the Circuit Courts for the counties of Simpson, Allen and Warren.

By Mr. Huston—3. A bill to amend the law in relation to the Court of Appeals.

By Mr. Irwin—4. A bill for the benefit of John B. Cloud.

By Mr. Henry—5. A bill for the benefit of George W. Carter.

By Mr. Rumsey—6. A bill for the benefit of Quintus C. Shanks.

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

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 4th, 5th and 6th were ordered to
be engrossed and read a third time, and the 2d and 3d were referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 4th, 5th and 6th bills having been dispensed with, and the same being engrossed,

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

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

On motion of Mr. T. Sutton—1. A bill to amend the law appointing Trustees for the town of Port Oliver, in Allen county.

On motion of Mr. A. Young—2. A bill to amend the law in relation to settlement of the accounts of executors, guardians, &c.

On motion of Mr. Fish—3. A bill to encourage the growth and manufacture of silk in this Commonwealth.

On motion of Mr. Wilson—4. A bill for the purpose of preventing the destruction of property by the burning of the woods in Clay county.

On motion of Mr. Haggard—5. A bill for the benefit of Rich'd E. Daniel, and Peggy Easters, of Cumberland county, and for other purposes.

On motion of Mr. Huston—6. A bill to amend the penal laws of this Commonwealth.

On motion of Mr. Crow—7. A bill for the benefit of the late Sheriff of Daviess county.

On motion of Mr. Mize—8. A bill to change the name of Thomas Farrow to that of Thomas E. Daniel.

On motion of Mr. Pindell—9. A bill to change the time of the sitting of the Court of Appeals.

On motion of same—10. A bill to incorporate a Saving's Institution in the city of Lexington.


On motion of Mr. Adams—12. A bill more effectually to protect the rights of married women in this Commonwealth.

On motion of Mr. Rowlett—13. A bill for the erection of a bridge across main Eagle creek, on the main road leading from Lexington, Kentucky, to Indianapolis, in Indiana.

On motion of same—14. A bill to reduce the salaries of certain public officers of this Commonwealth, and for other purposes.

Ordered, That Messrs. T. Sutton, Coffey and Rowlett be appointed a committee to prepare and bring in the 1st; the committee on Agriculture and Manufactures the 3d; the committee for Courts of Justice the 2d, 6th, 9th, 10th and 12th; Messrs. Wilson, Mize and Cave the 4th; Messrs. Haggard, Caldwell and Coke the 5th; Messrs. Crow, Elliott and Thomason the
Resolved, That so much of the Governor's Message, as relates to the currency and the banks, and to the suspension and resumption of specie payments be referred to the committee on Banks.

Resolved, That so much of the Message as relates to the finances, and the financial condition of the Commonwealth, be referred to the committee of Ways and Means.

Resolved, That so much of the Message as relates to the condition of the public offices, the manner in which they are kept, and the sufficiency of the public buildings to preserve the archives of the State, be referred to the committee on public offices.

Resolved, That so much of the Message as relates to Internal Improvements and public works, be referred to the committee on Internal Improvements.

Resolved, That so much of the Message as relates to the expenditures upon public works, and to arrears due to contractors upon Turnpike Roads, and upon rivers, be referred to the committee on the expenditures of the board of Internal Improvements.

Resolved, That so much of the Message as refers to the Sinking Fund, and to its condition, resources, and liabilities, be referred to the committee on the Sinking Fund.

Resolved, That so much of the Message as relates to education and common schools, be referred to the committee on education.

Resolved, That so much of the Message as relates to the Transylvania University, be referred to the committee on Education.

Resolved, That so much of the Message as relates to Agriculture, Manufactures and Commerce, and to the creation of a "School of Agriculture" be referred to the committee on Agriculture and Manufactures.

Resolved, That so much of the Message as relates to usury, and to the laws of usury, be committed to the committee on Courts of Justice.

Resolved, That so much of the Message as relates to the Penitentiary, and to the manner in which it is kept and managed, be referred to the committee on the Penitentiary.

Resolved, That so much of the Message as relates to the Militia, and the Public Arms, be referred to the committee on Military Affairs.

Resolved, That so much of the Message as relates to the Jury Fund, and to the mode of summoning jurors, be referred to the committee on Courts of Justice.

Resolved, That so much of the Message as relates to the rights of aliens, and to the estates of aliens and strangers who have died within the State, be referred to the committee on Courts of Justice.

Resolved, That so much of the Message as relates to the vacant lands of the Commonwealth, and to the fraudulent appropriation of lands heretofore patented, be referred to the committee on Courts of Justice.
Resolved, That so much of the Message as relates to the system of Taxation, and the inequality of assessments, be referred to the committee on Ways and Means.

Resolved, That so much of the Message as relates to the penalties, forfeitures and liabilities assumed by the Banks, or imposed upon them by the suspension of specie payments, be referred to the committee on banks.

Resolved, That so much of the Message as relates to the Lexington and Ohio Railroad and Railroad Company, be referred to the committee on Internal Improvements.

Which being twice read, were adopted.

Mr. Newell asked leave to withdraw the petition of Elizabeth Ward, and also of Isabella Penn; which was granted, and the said petitions withdrawn.

Mr. Meriwether moved a reconsideration of the vote adopting the resolution rejecting the petition of Thomas Sears, and others.

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

Ordered, That said petition be recommitted to the committee on Ways and Means.

Mr. Hill moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the propriety of so amending the law against gaming, and keeping gaming houses and tables, as to leave the amount of fines for such offences, to some extent, with the jury; and report to this House by bill or otherwise.

Which being twice read, was adopted.

Mr. J. Speed Smith moved to reconsider the vote referring the latter clause of the resolution, adopted on yesterday, to the committee on the Sinking Fund; and the question being taken thereon, it was decided in the affirmative.

Ordered, That the same be referred to the committee on Internal Improvement.

Bills from the Senate of the following titles, viz:

1. An act for the benefit of the Jailer of Nicholas county.
2. An act to change the name of David Benson Davis, to that of David Benson Rice.
3. An act to legalize the proceedings of the Court of assessment of the 110th Regiment Kentucky militia.
4. An act providing for the appointment of Commonwealth's attorneys.
5. An act to establish an election precinct in the county of Monroe.
6. An act for the benefit of the late sheriff of Washington county.

Were severally read the first time and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bills having been dispensed with, the 1st was referred to the committee on Propositions and Grievances; the 2d, 3d, 4th and 5th, were severally ordered to be read a third time; and the 6th was referred to the committee on Ways and Means.
The rule of the House, constitutional provision and third reading of the 2d, 3d, 4th and 5th, bills having been dispensed with, 
Resolved, That the same do pass, and that the titles thereof be as aforesaid.

And then the House adjourned.

WEDNESDAY, DECEMBER 11, 1839.

The Speaker announced the following committee to prepare and bring in a bill to regulate the Judicial Circuits in this Commonwealth, viz: Messrs. Caldwell, Trimble, Swope, Pindell, Sprigg, Butler, Reeves, Hopkins, Stone, Turner, Mason, Coffey, Rowan, Rumsey, Adams and Mims.

Mr. Glover, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills from this House of the following titles, and had found the same truly enrolled, viz:

- An act to reduce the number of Justices of the Peace of Ohio county.
- An act for the benefit of William Smith, of Harrison county.
- An act for the benefit of H. B. Smith, Clerk of the Grant Circuit and County Courts.
- An act to allow the Sheriff of Clinton county further time to return his delinquent list of militia fines.
- An act for the benefit of Denton Geoghegan and Barton Roby, late Sheriffs of Hardin county.
- An act for the benefit of Matthew Cook.
- An act to establish an election precinct in Daviess county, and to change the place of voting in another.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.

Mr. Rowlett presented the petition of Obadiah E. Wilhite, praying the passage of a law allowing him compensation for keeping a lunatic a short time before carrying him to the Asylum.

Which was received, the reading thereof dispensed with, and referred to the committee on Claims.

Mr. Butler, from the committee for Courts of Justice, to whom was referred the resolution directing them to enquire into the propriety of passing a law to prevent persons from going alone into the woods to kill wild hogs, asked leave to be discharged from the further consideration thereof; which was granted.
Mr. Butler, from the same committee, to whom was referred a bill to incorporate the Literary Institution of St. Magdalen, in Washington county—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Received, That said bill do pass, and that the title thereof be as afore said.

A message was received from the Senate, announcing that they had passed bills from this House of the following titles, viz:

An act for the benefit of N. R. Harris and E. D. Solomon.

An act to establish the county line between Floyd and Morgan.

With amendments to each.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill for the benefit of the Sheriff of Logan county—reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

Mr. Meriwether, from the same committee, to whom was referred the petition of Dolson W. Beard—reported the same with the following resolution, viz;

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

Mr. Caldwell, from the committee on the Penitentiary, to whom was referred the resolution directing them to inquire into the propriety of supporting the destitute wives and children of convicts, out of the State's proceeds of the labor of the convicts—asked leave to be discharged from further consideration thereof; which was granted.

On motion of Mr. Swope,

Ordered, That said resolution be referred to Messrs. Swope, Newell and Reeves.

Mr. T. F. Marshall read and laid on the table the following resolution, viz:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the committee on Banks to visit the cities of Louisville and Lexington, and examine the officers of the Banks, personally touching the subjects entrusted to their examination.

The rule of the House requiring joint resolutions to lie on the table one day, having been dispensed with,

Mr. Turner moved to lay said resolution on the table for the present.

And the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon, by Messrs. Turner and Irwin, were as follows, viz:

<table>
<thead>
<tr>
<th>Those who voted in the affirmative were:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Messrs. Adams, Gresham, Randolph,</td>
</tr>
<tr>
<td>Barrett, Haggard, Reeder,</td>
</tr>
<tr>
<td>Buckner, Hardy, Reeves,</td>
</tr>
<tr>
<td>Butler, Henry, Stone,</td>
</tr>
<tr>
<td>Caldwell, Hughes, Sutton, T.</td>
</tr>
<tr>
<td>Cave, Irwin, Swope, T.</td>
</tr>
<tr>
<td>Cecil, Johnson, Taggart,</td>
</tr>
<tr>
<td>Clay, Lecompte, Taylor, J.G.</td>
</tr>
<tr>
<td>Cornish, McClure, Taylor, H.</td>
</tr>
<tr>
<td>Cunningham, McKinney, Waddill,</td>
</tr>
<tr>
<td>Draffin, McRoberts, White,</td>
</tr>
<tr>
<td>Elliott, Mize, Wilson,</td>
</tr>
<tr>
<td>English, Yantis, Young, A.</td>
</tr>
<tr>
<td>Fish, Morahed, Young, B. R.</td>
</tr>
<tr>
<td>Glover, Pinell,</td>
</tr>
</tbody>
</table>
Those who voted in the negative were—


The Speaker laid before the House the report of the Agent of the Old Bank of Kentucky, which is as follows, viz:—

(Old) Bank of Kentucky,
December, 9th, 1839.

Hon. John L. Helm,
Speaker of the House of Representatives:

Sir—The annual statement of the situation of this institution on the 5th inst, is herewith enclosed.

Six dollars of the notes in circulation have been presented and paid during the present year, making only twelve dollars in the two last years, and which have been burnt in the presence of the Auditor and Treasurer.

I have paid over to the Treasurer of the State since the last session of the Legislature, the sum of $5,967, and to the individual stockholders the sum of $9,105, making $15,072, being a dividend of one per cent. on the capital stock.

Since the commencement of my agency, in 1836, I have paid into the public Treasury, the sum of $26,851, and have paid and am paying to the individual stockholders, the sum of $41,239, making $68,090.
These several payments to the State exceed the amount by $6,786.50, which the late President and Cashier at the session of 1834-'5 supposed would be realised by the State.

My collections during the next year, I expect, will enable me to pay into the public Treasury, the further sum of $4,000 to $6,000.

Debts have been collected this present year which had been considered entirely insolvent, and others secured which will be paid during the next year.

It is not probable that the State will realize, for her remaining interest in the institution, more than $6,000.

Very respectfully,

H. BLANTON, Agent.

Statement of the situation of the Old Bank of Kentucky, Dec. 5th, 1839.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes issued</td>
<td>$30,466.64</td>
</tr>
<tr>
<td>Surplus profits</td>
<td>$252,265.88</td>
</tr>
<tr>
<td>Current profits</td>
<td>$4,799.90</td>
</tr>
<tr>
<td>Stock</td>
<td>$193,181.00</td>
</tr>
<tr>
<td>Due to Individuals</td>
<td>$52,342.99</td>
</tr>
<tr>
<td>Due to other Banks</td>
<td>$1,285.78</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$537,252.19</strong></td>
</tr>
</tbody>
</table>

Current expenses: $1,146.91
Real Estate: $130,158.81
Loss on Real Estate: $56,515.40
Defalcation at Branches: $20,158.57
Due from Individuals: $307,408.61
Cash on hand and in Banks: $21,863.89

**Total** $537,252.19

And then the House adjourned.

THURSDAY, DECEMBER 12, 1839.

A message was received from the Senate, announcing their disagreement to bills from this House of the following titles, viz:

An act for the benefit of Jesse Hines.
An act for the benefit of Pierre Theodore Cuvillier.

And had passed bills from this House of the following titles, viz:

An act for the benefit of Eleanor Jones.
An act to change the place of voting in the Chapel precinct, in Clay county.

An act to change the place of voting in the Robertson precinct, in Hart county.

An act for the benefit of John Barnes, of Pulaski county.

An act to authorize the sale of Mount Zion Meeting House, in Clarke county, for the benefit of the Methodist Episcopal Church.

An act for the benefit of John J. Garth, Deputy Sheriff of Wayne county.

An act for the benefit of Jefferson town, in Jefferson county.

And a resolution from the Senate, fixing a day for the election of Public Officers.

1. Mr. Wilson presented the petition of sundry citizens of Clay county, praying to be added to the county of Perry.

2. Mr. Hopkins presented the petition of sundry citizens of Henderson county, praying the passage of a law changing the place of voting in an election precinct in said county.

3. Also, the petition of Isaac Sheffer, praying the passage of a law confirming a sale (of a slave) made by him, as guardian for his infant children.

4. Mr. Morehead presented the petition of Ezra Richmond, praying to be released from the penalty of a bond executed by him and others, as security for John C. Buckner, for public arms.

5. Mr. Cornish presented the petition of Thomas P. Moore, praying the passage of a law releasing him from all liability on a bond executed to the Commonwealth for certain public arms.

6. Mr. Draffin presented the petition of William B. Wallace, praying to be divorced from his wife, Eliza Wallace.

7. Mr. Russell presented the petition of Fanny Humphreys, praying to be divorced from her husband, Solomon Humphreys.

8. Mr. Haggard presented the petition of William Hinkle, and others in his behalf, praying the passage of a law permitting him to erect two gates across the road passing through his farm.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st and 8th to the committee on Propositions and Grievances; the 2d to the committee on Privileges and Elections; the 3d to the committee on Courts of Justice; the 4th and 5th to the committee on Military Affairs; and the 6th and 7th to the committee on Religion.

Mr. Randolph asked leave to withdraw from the committee on Religion, the petition of Nancy Head; which was granted, and the petition withdrawn.

Mr. Swope, from the committee on Propositions and Grievances, to whom was referred a bill from the Senate, entitled, an act for the benefit of the Jailor of Nicholas county, reported the same without amendment.

Ordered, That said bill be read a third time.
The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

Mr. Butler, from the committee for Courts of Justice, to whom was referred a resolution in relation to the laws on gaming, asked leave to be discharged from the further consideration thereof; which was granted.

Mr. Butler, from the same committee, to whom was referred a bill to amend the law in relation to the Court of Appeals, reported the same without amendment.

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

Ordered, That the Public Printer forthwith print 150 copies of said bill for the use of the General Assembly.

Mr. Hines, from the committee on Religion, to whom was referred the petition of Fanny Herrod; of Warner Penn; of Anderson Wade; of Eliza Putnam; of Margaret Stinson, and of Nancy Thompson—each praying for a divorce, reported the same with the following resolution, viz:

Resolved, That the said petitions be rejected.

Which being twice read, was concurred in.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred the petition of Thomas Sears and others, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

A message was received from the Senate, by Mr. Payne, asking leave to withdraw their report, announcing their disagreement to a bill from this House, entitled, an act for the benefit of Pierre Theodore Cuvillier; which was granted, and the bill withdrawn.

Mr. Isaac Smith, a member returned to serve in this House from the county of Warren, appeared, and having produced a certificate of his election, and of his having taken the oath prescribed by the constitution and laws of this State, took his seat.

Mr. Hines, from the committee on Religion, reported a bill for the benefit of Lewis W. Kirtley; which was read the first time.

And the question being taken on ordering said bill to be read a second time, it was decided in the negative.

And so the said bill was rejected.

Mr. Morehead, from the committee on Internal Improvement, to whom was referred a bill for the benefit of Ambrose Wickersham—reported the same without amendment.

The said bills reads as follows:

WHEREAS, it is represented to the General Assembly of the Common-
wealth of Kentucky, that the Board of Internal Improvement have so construed an act of the General Assembly of the Commonwealth of Kentucky, entitled, "an act for the benefit of Ambrose Wickersham," approved February 23, 1839, as in a great measure to deprive said Wickersham of the advantages thereof—for remedy whereof

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That according to the true intent and meaning of said act, the said Wickersham is entitled to the compensation therein allowed, not only for the losses by him sustained in excavating, but likewise in dressing the rock so excavated, as far as said losses resulted from the unexpected character and description of the rock, in said act referred to; and said Board of Internal Improvement are hereby directed and required, in their settlement with said Wickersham, to conform to the construction hereby given to said act.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

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

Those who voted in the affirmative were—

| Mr. Speaker, | English, | McFall, |
| Messrs. Adams, | Forman, | McKinney, |
| Barrett, | Glover, | Meriwether, |
| Brien, | Gray, | Pindell, |
| Brooks, | Gresham, | Reeder, |
| Burgess, | Henry, | Reeves, |
| Butler, | Hill, | Rowan, |
| Cave, | Innes, | Ramsey, |
| Cecil, | Johnson, | Russell, |
| Churchill, | Lecompte, | Stone, |
| Cornish, | Marshall, T. F. | Waddill, |
| Daviess, | Mason, | Wilson—38. |
| Draffin, | McCalla, |  |

Those who voted in the negative were—

| Messrs. Board, | Hines, | Read, |
| Botts, | Hopkins, | Redd, |
| Buckner, | Hughes, | Rowlett, |
| Caldwell, | Histon, | Smith, J. S. |
| Chouvin, | Imboden, | Sprigg, |
| Clay, | Irwin, | Stephens, |
| Coffey, | Logan, | Sutton, M. |
| Coke, | Lyter, | Sutton, T. |
| Colvin, | Marshall, T. | Swope, |
| Crow, | Marshall, W. N. | Taggart, |
| Cunningham, | McClure, | Taylor, H. |
| Daniel, | McRoberts, | Taylor, J. G. |
The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Religion—1. A bill for the benefit of America Pearson.
   By same—2. A bill for the benefit of Joshua Holtclaw.
   By same—3. A bill for the benefit of Cornelius Snider.
   By same—4. A bill for the benefit of Johanna Stewart.
   By same—5. A bill for the benefit of Harriet Wilkerson.
   By the committee on Military Affairs—6. A bill for the benefit of John Shaw, David L. Gregg and Joseph Lecompte.
   By the committee on Claims—7. A bill for the benefit of Richard W. McQuown.
   By the committee for Courts of Justice—8. A bill to amend the law in relation to the authentication of deeds, and for other purposes.
   By Mr. Rowlett—9. A bill to reduce the salaries of certain public officers of this Commonwealth.
   By Mr. White—10. A bill to allow an additional Justice of the Peace to the county of Whitley.

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

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 4th, 5th, 6th and 7th were severally ordered to be engrossed and read a third time; the 8th was referred to the committee for Courts of Justice; the 9th to the committee on Ways and Means, and the 10th to Messrs. White, Adams and Turner.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 5th, 6th and 7th bills having been dispensed with, and the same being engrossed,

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

Mr. Sprigg, from the committee on Claims, reported a bill for the benefit of Elizabeth and William Smith.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,
Mr. Turner moved to lay said bill on the table until the first day of July next.

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

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

Those who voted in the affirmative were—


Those who voted in the negative were—

**Mr. Speaker, Mr. Barrett, Board, Botts, Brooks, Burgess, Cecil, Cornish, Crow, Daviess, Draffin, Fish, Forman, Goodson, Gray, Gresham, Haggard, Henry, Hill, Lecompte, Logan, Marshall, T. F., Marshall, T., Mason, McFall, Mims, Murray, Newell, Randolph, Reeves, Rowan, Rowlett, Rumsey, Russell, Sprigg, Sutton, M., Swope, Wilson—38.**

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act for the benefit of N. R. Harris and E. D. Solomon,
An act to establish the county line between Floyd and Morgan,

Were twice read and concurred in.
The Speaker laid before the House the report of the Librarian, which is as follows, viz:

Library Room,
Frankfort, December 12th, 1839.

Sir:

You will please lay before the Honorable House over which you preside, the accompanying report, which contains all the books received and purchased for the Public Library, for 1839.

Yours, respectfully,

G. A. ROBERTSON, P. L.

Hon. JOHN L. HELM,
Speaker of the House of Representatives:

A Catalogue of Books received in the Public Library, from the Secretary of State, in 1839.

House Journals of Kentucky, No. 6,000 to 6,024 25 vols.
Senate do. do. 6,025 to 6,049 25
Reports of Kentucky, 5,200 to 5,219 20
Acts of Congress, 6,050 to 6,061 12
Dana's Reports, 6,062 to 6,091 30
Credit by 10 copies 6th vol. 1838, balance, 10
Public Lands, No. 5,894½ 1
Laws of Ohio, 4,430 1
Laws of Maine, 4,392 1
Laws of New York, 4,263 1
Laws of Maryland, 4,376 1
Laws of Connecticut, 4,401 1
Laws of Massachusetts, 4,345 1
Agricultural Report of Massachusetts, 4,346 1
Public instruction and Governor's report of Michigan, 4,491 1
Laws of Missouri, 4,478 1
Laws of New Jersey, 4,375 1
Laws of Rhode Island, 4,411 1
Laws of Louisiana, 4,571 1

Books purchased for the State Library, in 1839.

1 copy Bradford's Comprehensive Atlas, No. 6,109 1 vol. $12 00
4 copies National Portraits, 6,014 1 15 00
5 copies Say's Political Economy, 6,092 to 6,096. 11 25
1 copy Spark's Life & Writings of Washington, 6,097 to 6,106 12 30 00

$68 25

The Judges of the Court of Appeals have purchased, I suppose, $1,000 worth of books. I have not received the bill and cannot report the amount expended, and do not know whether I have received all the books they purchased or not.

All of which is respectfully submitted to your consideration.

G. A. ROBERTSON, P. L.
On motion Ordered, That Mr. Pindell be added to the committee on Agriculture and Manufactures; Mr. Reeder to the committee on the Public Offices, and Mr. Isaac Smith to the committee on Religion.

The resolution from the Senate, fixing upon a day for the election of Public Officers, was taken up for consideration.

It was moved to amend said resolution, by striking out the words "Friday, the 13th day of December, 1839," and inserting the following: "To the 24th day of January, 1840."

A division of the question being called for, the question was taken on striking out, and decided in the affirmative.

The question was then taken on inserting, in lieu thereof, the words "24th day of January, 1840," and decided in the affirmative.

The said resolution, as amended, was then twice read and concurred in.

Mr. Barrett, from the select committee appointed to prepare and bring in the same, reported a bill for the benefit of Charles Murray.

Which was read the first time.

And the question being taken on ordering said bill to be read a second time, it was decided in the negative.

And so the said bill was rejected.

Mr. Caldwell moved the following resolution, viz:

Resolved, That each member of this House be, and he is hereby requested to furnish to the chairman of the select committee, to whom the bill granted to bring in a bill to regulate the Circuit Courts, was referred, a statement, in writing, shewing the average number of days that the Circuit Court of his county does actually sit at each term; and whether the number of judicial days now allowed to said court, has heretofore been sufficient to transact the business thereof.

Which being twice read, was adopted.

On motion of Mr. Logan,

Ordered, That leave of absence until Monday next, be granted him.

And then, the House adjourned.

FRIDAY, DECEMBER 13, 1839.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled,

An act for the benefit of Quintus C. Shanks.

The passage of a bill from this House, entitled,

An act to revive an act establishing Libraries in Rockcastle and Laurel counties.
These several payments to the State exceed the amount by $6,786 50, which the late President and Cashier at the session of 1834-5 supposed would be realised by the State.

My collections during the next year, I expect, will enable me to pay into the public Treasury, the further sum of $4,000 to $6,000.

Debts have been collected the present year which had been considered entirely insolvent, and others secured which will be paid during the next year.

It is not probable that the State will realize, for her remaining interest in the institution, more than $6,000.

Very respectfully,

H. BLANTON, Agent.

**Statement of the situation of the Old Bank of Kentucky, Dec. 5th, 1839.**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes issued,</td>
<td>$30,466 64</td>
</tr>
<tr>
<td>Surplus profits,</td>
<td>252,265 88</td>
</tr>
<tr>
<td>Current profits,</td>
<td>4,799 90</td>
</tr>
<tr>
<td>Stock,</td>
<td>195,181 00</td>
</tr>
<tr>
<td>Due to Individuals,</td>
<td>52,342 99</td>
</tr>
<tr>
<td>Due to other Banks,</td>
<td>1,295 78</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$537,252 19</strong></td>
</tr>
</tbody>
</table>

Current expenses,                  | $1,146 91    |
Real Estate,                        | 130,158 81   |
Loss on Real Estate,                | 56,515 40    |
Defalcation at Branches,            | 20,158 57    |
Due from Individuals,               | 307,408 61   |
Cash on hand and in Banks,          | 21,863 89    |
**Total**                           | **$537,252 19** |

And then the House adjourned.

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**THURSDAY, DECEMBER 12, 1839.**

A message was received from the Senate, announcing their disagreement to bills from this House of the following titles, viz:

An act for the benefit of Jesse Hines.
An act for the benefit of Pierre Theodore Cuvillier.
And had passed bills from this House of the following titles, viz:
An act for the benefit of Eleanor Jones.
An act to change the place of voting in the Chapel precinct, in Clay county.

An act to change the place of voting in the Robertson precinct, in Hart county.

An act for the benefit of John Barnes, of Pulaski county.

An act to authorize the sale of Mount Zion Meeting House, in Clark county, for the benefit of the Methodist Episcopal Church.

An act for the benefit of John J. Garth, Deputy Sheriff of Wayne county.

An act for the benefit of Jeffersontown, in Jefferson county.

And a resolution from the Senate, fixing a day for the election of Public Officers.

1. Mr. Wilson presented the petition of sundry citizens of Clay county, praying to be added to the county of Perry.

2. Mr. Hopkins presented the petition of sundry citizens of Henderson county, praying the passage of a law changing the place of voting in an election precinct in said county.

3. Also, the petition of Isaac Sheffer, praying the passage of a law confirming a sale (of a slave) made by him, as guardian for his infant children.

4. Mr. Morehead presented the petition of Ezra Richmond, praying to be released from the penalty of a bond executed by him and others, as security for John C. Buckner, for public arms.

5. Mr. Cornish presented the petition of Thomas P. Moore, praying the passage of a law releasing him from all liability on a bond executed to the Commonwealth for certain public arms.

6. Mr. Draffin presented the petition of William B. Wallace, praying to be divorced from his wife, Eliza Wallace.

7. Mr. Russell presented the petition of Fanny Humphreys, praying to be divorced from her husband, Solomon Humphreys.

8. Mr. Haggard presented the petition of William Hinkle, and others in his behalf, praying the passage of a law permitting him to erect two gates across the road passing through his farm.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st and 8th to the committee on Propositions and Grievances; the 2d to the committee on Privileges and Elections; the 3d to the committee on Courts of Justice; the 4th and 5th to the committee on Military Affairs; and the 6th and 7th to the committee on Religion.

Mr. Randolph asked leave to withdraw from the committee on Religion the petition of Nancy Head; which was granted, and the petition withdrawn.

Mr. Swope, from the committee on Propositions and Grievances, to whom was referred a bill from the Senate, entitled, an act for the benefit of the Jailor of Nicholas county, reported the same without amendment.

Ordered, That said bill be read a third time.
The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

Mr. Butler, from the committee for Courts of Justice, to whom was referred a resolution in relation to the laws on gaming, asked leave to be discharged from the further consideration thereof; which was granted.

Mr. Butler, from the same committee, to whom was referred a bill to amend the law in relation to the Court of Appeals, reported the same without amendment.

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

Ordered, That the Public Printer forthwith print 150 copies of said bill for the use of the General Assembly.

Mr. Hines, from the committee on Religion, to whom was referred the petition of Fanny Herrod; of Warner Penn; of Anderson Wade; of Eliza Putnam; of Margaret Stinson, and of Nancy Thompson—each praying for a divorce, reported the same with the following resolution, viz:

Resolved, That the said petitions be rejected.

Which being twice read, was concurred in.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred the petition of Thomas Sears and others, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

A message was received from the Senate, by Mr. Payne, asking leave to withdraw their report, announcing their disagreement to a bill from this House, entitled, an act for the benefit of Pierre Theodore Cuvillier; which was granted, and the bill withdrawn.

Mr. Isaac Smith, a member returned to serve in this House from the county of Warren, appeared, and having produced a certificate of his election, and of his having taken the oath prescribed by the constitution and laws of this State, took his seat.

Mr. Hines, from the committee on Religion, reported a bill for the benefit of Lewis W. Kirtley; which was read the first time.

And the question being taken on ordering said bill to be read a second time, it was decided in the negative.

And so the said bill was rejected.

Mr. Morehead, from the committee on Internal Improvement, to whom was referred a bill for the benefit of Ambrose Wickersham—reported the same without amendment.

The said bills read as follows:

WHEREAS, it is represented to the General Assembly of the Common-
wealth of Kentucky, that the Board of Internal Improvement have so construed an act of the General Assembly of the Commonwealth of Kentucky, entitled, "an act for the benefit of Ambrose Wickersham," approved February 23, 1839, as in a great measure to deprive said Wickersham of the advantages thereof—for remedy whereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That according to the true intent and meaning of said act, the said Wickersham is entitled to the compensation therein allowed, not only for the losses by him sustained in excavating, but likewise in dressing the rock so excavated, as far as said losses resulted from the unexpected character and description of the rock, in said act referred to; and said Board of Internal Improvement are hereby directed and required, in their settlement with said Wickersham, to conform to the construction hereby given to said act.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

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

Those who voted in the affirmative were—

Mr. Speaker, Messrs. Adams, Barrett, Brien, Brooks, Burgess, Butler, Cave, Cecil, Churchill, Cornish, Daviess, Drafﬁn,

English, Forman, Glover, Gray, Gresham, Henry, Hill, Innes, Johnson, Lecompte, Marshall, T. F., Mason, McCalla,


Those who voted in the negative were—

Messrs. Board, Botts, Buckner, Caldwell, Chouvin, Clay, Coffey, Coke, Colvin, Crow, Cunningham, Daniel,


Read, Redd, Rowlett, Smith, J. S., Sprigg, Stephens, Sutton, M., Sutton, T., Swope, Taggart, Taylor, H., Taylor, J. G.
The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Religion—1. A bill for the benefit of America Pearson.
   By same—2. A bill for the benefit of Joshua Holtzclaw.
   By same—3. A bill for the benefit of Cornelius Snider.
   By same—4. A bill for the benefit of Johanna Stewart.
   By same—5. A bill for the benefit of Harriet Wilkerson.

By the committee on Military Affairs—6. A bill for the benefit of John Shaw, David L. Gregg and Joseph Lecompte.

By the committee on Claims—7. A bill for the benefit of Richard W. McQuown.

   By the committee for Courts of Justice—8. A bill to amend the law in relation to the authentication of deeds, and for other purposes.
   By Mr. Rowlett—9. A bill to reduce the salaries of certain public officers of this Commonwealth.
   By Mr. White—10, A bill to allow an additional Justice of the Peace to the county of Whitley.

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

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 4th, 5th, 6th and 7th were severally ordered to be engrossed and read a third time; the 8th was referred to the committee for Courts of Justice; the 9th to the committee on Ways and Means, and the 10th to Messrs. White, Adams and Turner.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 5th, 6th and 7th bills having been dispensed with, and the same being engrossed,

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

Mr. Sprigg, from the committee on Claims, reported a bill for the benefit of Elizabeth and William Smith.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,
Mr. Turner moved to lay 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. Sprigg and Haggard, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams, Hammond, Redd,
Brian, Hardy, Reeder,
Buckner, Hines, Smith, I.
Butler, Hughes, Smith, J. S.
Caldwell, Huston, Stephens,
Cave, Imboden, Stone,
Chauvin, Johnson, Sutton, T.
Churchill, Lyter, Taggart,
Clay, McCalla, Taylor, H.
Coffey, McClure, Taylor, J. G.
Coke, McKinney, Thomasson,
Colvin, McRoberts, Trimble,
Daniel, Mewether, Turner,
Drye, Mize, Wake,
Elliott, Morehead, White,
English, Perciful, Yantis,
Glenn, Pindell, Young, A.
Glover, Read, Young, B. R. —

Those who voted in the negative were—

Mr. Speaker, Goodson, Murray,
Messrs. Barrett, Gray, Newell,
Board, Gresham, Randolph,
Botts, Haggard, Reeves,
Brooks, Henry, Rowan,
Burgess, Hill, Rowlett,
Cecil, Lecompte, Rumsey,
Cornish, Logan, Russell,
Crow, Marshall, T. F., Sprigg,
Daviess, Marshall, T. Sutton, M.
Draffin, Mason, Swope,
Fish, McFall, Wilson—38.
Forman, Mims,
The Speaker laid before the House the report of the Librarian, which is as follows, viz:

Library Room,
FRANKFORT, December 12th, 1839.

Sir:

You will please lay before the Honorable House over which you preside, the accompanying report, which contains all the books received and purchased for the Public Library, for 1839.

Yours, respectfully,

G. A. ROBERTSON, P. L.

Hon. JOHN L. HELM,
Speaker of the House of Representatives:

A Catalogue of Books received in the Public Library, from the Secretary of State, in 1839.

House Journals of Kentucky, No. 6,000 to 6,024 25 vols.
Senate do. 6,025 to 6,049 25
Reports of Kentucky, 5,200 to 5,219 20
Acts of Congress, 6,050 to 6,061 12
Dana's Reports, 6,062 to 6,091 30
Credit by 10 copies 6th vol. 1838, balance, 10—20
Public Lands, No. 5,894 1
Laws of Ohio, 4,430 1
Laws of Maine, 4,392 1
Laws of New York, 4,263 1
Laws of Maryland, 4,376 1
Laws of Connecticut, 4,401 1
Laws of Massachusetts, 4,345 1
Agricultural Report of Massachusetts, 4,346 1
Public instruction and Governor's report of Michigan, 4,491 1
Laws of Missouri, 4,478 1
Laws of New Jersey, 4,375 1
Laws of Rhode Island, 4,411 1
Laws of Louisiana, 4,571 1

Books purchased for the State Library, in 1839.

1 copy Bradford's Comprehensive Atlas, No. 6,109 1 vol. $12 00
4 copies National Portraits, 6,014 1 15 00
5 copies Say's Political Economy, 6,092 to 6,096 5 11 25
1 copy Spark's Life & Writings of Washington, 6,097 to 6,108 12 30 00

$68 25

The Judges of the Court of Appeals have purchased, I suppose, $1,000 worth of books. I have not received the bill and cannot report the amount expended, and do not know whether I have received all the books they purchased or not.

All of which is respectfully submitted to your consideration.

G. A. ROBERTSON, P. L.
On motion Ordered, That Mr. Pindell be added to the committee on Agriculture and Manufactures; Mr. Reader to the committee on the Public Offices, and Mr. Isaac Smith to the committee on Religion.

The resolution from the Senate, fixing upon a day for the election of Public Officers, was taken up for consideration.

It was moved to amend said resolution, by striking out the words "Friday, the 13th day of December, 1839," and inserting the following: "The 24th day of January, 1840."

A division of the question being called for, the question was taken on striking out, and decided in the affirmative.

The question was then taken on inserting, in lieu thereof, the words "24th day of January, 1840," and decided in the affirmative.

The said resolution, as amended, was then twice read and concurred in.

Mr. Barrett, from the select committee appointed to prepare and bring the same, reported a bill for the benefit of Charles Murray.

Which was read the first time.

And the question being taken on ordering said bill to be read a second time, it was decided in the negative.

And so the said bill was rejected.

Mr. Caldwell moved the following resolution, viz:

Resolved, That each member of this House be, and he is hereby required to furnish to the chairman of the select committee, to whom the bill granted to bring in a bill to regulate the Circuit Courts, was referred, a statement, in writing, shewing the average number of days that the Circuit Court of his county does actually sit at each term; and whether the number of juridical days now allowed to said court, has heretofore been sufficient to transact the business thereof.

Which being twice read, was adopted.

On motion of Mr. Logan,

Ordered, That leave of absence until Monday next, be granted him.

And then the House adjourned.

FRIDAY, DECEMBER 13, 1839.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled,

An act for the benefit of Quintus C. Shanks.

The passage of a bill from this House, entitled,

An act to revive an act establishing Libraries in Rockcastle and Linn counties.
Their concurrence in the adoption of a resolution from this House, requiring the committee on Banks to visit the Banks, and examine the officers personally.

And the passage of bills from the Senate of the following titles, viz:

An act to amend an act, entitled, an act regulating injunctions and other restraining orders in chancery suits, and for other purposes—approved January 24th, 1827.

An act for the benefit of the infant children of Morgan Hopson; and
An act for the benefit of James V. Fortune and George M. Fortune.

Mr. Glover, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to change the place of voting in the Chapel precinct in Olay county.
An act to change the place of voting in the Robertson precinct, in Hart county.
An act for the benefit of Eleanor Jones.
An act for the benefit of John J. Garth, Deputy Sheriff of Wayne county.
An act to authorize the sale of Mount Zion Meeting House, in Clarke county, for the benefit of the Methodist Episcopal Church.
An act for the benefit of John Barnes, of Pulaski county.

Also, bills which originated in the Senate, viz:

An act to establish an election precinct in the county of Monroe.
An act to legalize the proceedings of the Court of Assessment of the 110th Regiment of Kentucky Militia.
An act to change the name of David Benson Davis, to that of David Benson Rice.

An act providing for the appointment of Commonwealth's Attorneys.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.

1. Mr. Swope presented the petition of Thomas Rush, adm'r of John B. Miles, dec'd, praying the passage of a law authorizing the Board of Internal Improvement to settle with him, in regard to the work done by his intestate on Lock and Dam No. 5, on Licking river, as a contractor.

2. Mr. I. Smith presented the petition of sundry citizens of Bowlinggreen, praying an amendment to the law incorporating said town.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st to the committee on Internal Improvement, and the 2d to the committee on Propositions and Grievances.

And then the House adjourned.
SUNDAY, DECEMBER 14, 1839.

1. Mr. W. N. Marshall presented the petition of sundry citizens of Green county, praying the passage of a law establishing a new county, by a division of said county.

2. Mr. Brooks presented the petition of the citizens of the town of Augusta, in Bracken county, praying the passage of a law establishing an election precinct in said town.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st to the committee on Propositions and Grievances, and the 2d to the committee on Privileges and Elections.

Mr. Taggart asked leave to withdraw from the committee on Religion, the petition of Robert Bogges, praying for a divorce; which was granted and the petition withdrawn.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled,

An act for the benefit of Lucy McMachin.

And the passage of bills from this House of the following titles, viz:

An act for the benefit of George W. Carter.

An act for the benefit of John B. Cloud.

An act to amend an act, entitled, an act to establish a State road from Litchfield, in Grayson county, to Munfordville, in Hart county.

An act to amend an act, entitled, an act to change the present mode of summoning jurors in this Commonwealth, and to provide for their compensation.

Mr. Swope, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Clay county, praying to be added to the county of Perry, reported the same with the following resolutions, viz:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.

Mr. Swope, from the same committee, to whom was referred the petition of sundry citizens of Livingston county, praying for a division of said county, reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Mr. Padon moved to amend said resolution by striking out the word "unreasonable," and inserting the word "reasonable."

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

Ordered, That the committee prepare and bring in a bill in pursuance of the prayer of said petition.
Mr. Brooks, from the same committee, to whom was referred the petition of sundry citizens of Caldwell, Livingston, Hopkins and Union counties, praying for the formation of a new county out of parts of said counties, reported the same with the following resolution:

Resolved, That said petitions are unreasonable.

Which being twice read, was concurred in.

Mr. Hines, from the committee on Religion, to whom was referred the petitions of Samuel Cooper; of Polly Skillman; of Fanny Humphreys, and of Samuel Hardison, each praying for a divorce—reported the same with the following resolution, viz:

Resolved, That said petitions be rejected.

Which being twice read, was concurred in.

Mr. Hines, from the same committee, to whom was referred the petition of Maria McCaleb, praying for a divorce—reported the same with the following resolution:

Resolved, That said petition be rejected.

Mr. Irwin moved to amend said resolution by striking out the words "be rejected," and inserting in lieu thereof the following: "is reasonable."

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Ordered, That said committee prepare and bring in a bill in pursuance to the prayer of said petition.

Mr. Hines, from the same committee, to whom was referred the petition of Obadiah Johnson, praying for a divorce—reported the same with the following resolution:

Resolved, That said petition be rejected.

Mr. Brien moved to amend said resolution by striking out the words "be rejected," and inserting the words "is reasonable."

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

Ordered, That said committee prepare and bring in a bill in accordance with the prayer of said petition.

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

By the committee for Courts of Justice—1. A bill to amend the law concerning sealed instruments.

By the committee on Religion—2. A bill to incorporate the Bethlehem Episcopal Church in the county of Monroe, and for other purposes.

By same—3. A bill for the benefit of Abraham Ellington.

By same—4. A bill for the benefit of Rachel Blumenthal.

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

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was referred to the committee for
Courts of Justice, and the 2d, 3d and 4th were ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 2d, 3d and 4th bills having been dispensed with, and the same being engrossed,

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

Mr. Coke, from the committee on the Library, moved the following resolution, viz:

Resolved, That this House does most cheerfully accept the portrait of Daniel Boone, tendered to it by W. C. Allan, of Kentucky; and that the same be set in a suitable frame, and suspended in the Representative Hall.

Resolved, That the position of the said portrait in the Representative Hall of Kentucky, is in grateful accordance with the feelings of this House, and a just tribute to the memory of that great pioneer.

Resolved, That the thanks of this House be given to Mr. Allan, for his acceptable and handsome donation.

Which being twice read, was unanimously adopted.

And then the House adjourned.

MONDAY, DECEMBER 16, 1839.

A message was received from the Senate, announcing their concurrence in the amendment proposed by this House to a resolution from the Senate, fixing a day for the election of Public Officers.

The passage of bills from this House, of the following titles, viz:

An act for the benefit of Pierre Theodore Caviller.

An act to incorporate the Literary Institution of St. Magdalen, of Washington county.

An act for the benefit of Jesse Yeates.

And an act to amend the laws in relation to taking depositions of non-resident witnesses.

With amendments to the two last named bills.

1. Mr. Goodson presented the petition of sundry citizens of Campbell county, praying the passage of a law establishing an election precinct in said county.

2. Mr. Gresham presented the petition of sundry citizens of Pulaski county, praying to be added to the county of Rockcastle.
3. Mr. Lane presented the petition of sundry citizens of Shelby county, praying to be added to the county of Oldham.

4. Mr. T. Marshall presented the petition of sundry citizens of Lewis county, praying that two precincts in said county may be added together, and the place of voting in each changed.

5. Mr. T. F. Marshall presented the petition of John W. Coleman's securities, praying to be released from a bond for public arms.

6. Mr. Percival presented the petition of sundry citizens of Meade, Breckinridge and Hardin counties, praying the repeal (in part) of the law establishing a road from the mouth of Salt river to Bowlinggreen.

7. Mr. Cunningham presented the remonstrance of sundry citizens of Grayson county, against the repeal (in part) of the law establishing a road from the mouth of Salt river to Bowlinggreen.

8. Mr. McRoberts presented the petition of the widow and heirs of Samuel Craig, deceased, praying for the sale of a tract of land, of one hundred acres, and the proceeds to be invested in lands in some of the new States or Territories.

9. Mr. Buckner presented the petition of sundry citizens of Caldwell county, praying for an extension of the turnpike road from Princeton to some point on the Ohio river.

10. Mr. Pindell presented the petition of the Independent Fire Company of Lexington, No. I, praying to be exempted from military duty.

11. Also, the petition of Thomas Van Swearingen and wife, praying that the sale (of a house and lot in Lexington) made by them, may be confirmed.

Which were severally received, the reading thereof dispensed with, and referred: the 1st to the committee on Privileges and Elections; the 2d and 3d to the committee on Propositions and Grievances; the 4th to Messrs. T. Marshall, Mize and Sprigg; the 5th to the committee on Military Affairs; the 6th, 7th and 9th to the committee on Internal Improvement; and the 8th, 10th and 11th to the committee for Courts of Justice.

Mr. J. G. Taylor moved to reconsider the vote adopting the resolution rejecting the petition of Anderson Wade.

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

Ordered, That the committee on Religion waive the necessity of notice of the application for a divorce, and also of notice in taking the deposition; and that they bring in a bill in accordance with the prayer of said petition.

Mr. Glover, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills from this House, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of George W. Carter.

An act for the benefit of N. R. Harris and E. D. Solomon.

An act to revive an act establishing Libraries in Rockcastle and Laurel counties.
An act to amend an act, entitled, an act to change the present mode of summoning jurors in this Commonwealth, and to provide for their compensation.

An act for the benefit of John B. Cloud.

An act to establish the county line between Floyd and Morgan.

An act to amend an act, entitled, an act to establish a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.

Mr. Meriwether moved the following resolution, viz:

Resolved, That the Treasurer of this Commonwealth be directed to before this House the gross amount of money received into the Treasury during each fiscal year, since his appointment to office, and the amounts warrants paid by the Treasurer in each year, as aforesaid, striking a balance at the end of each year, so as to show whether there be a surplus or deficit in each year, and how much. And that he be directed to report what amount of credits he has received in the Commonwealth's Bank by virtue of the acts of the Legislature, and when; and that he distinguish between the receipts and disbursements, for ordinary purposes of government, Internal Improvement, Sinking Fund, and School Fund; and that he be requested to give such explanation as to the apparent deficit in the Treasury as he may deem proper; and that he report whether there was a surplus deficit when he came into office, and how much.

Which being twice read, was adopted.

Mr. Swope, from the committee for Courts of Justice, to whom was referred the petition of Wm. Hemkle, reported the same with the following resolution:

Resolved, That the said petition be rejected.

Which being twice read, was concurred in.

Mr. Butler, from the committee for Courts of Justice, to whom was referred the petition of Isaac Shepherd, reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.

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

By the committee on Propositions and Grievances—1. A bill to establish the county of Fulton, and for other purposes.

By the committee for Courts of Justice—2. A bill to amend the law in relation to the collection of tax on law process.

By the committee on Religion—3. A bill for the benefit of Maria McColl.

By same—4. A bill for the benefit of Obadiah Johnson.

By the committee on Military Affairs—5. A bill for the benefit of Enoch Richmond.
By Mr. Wilson—6. A bill to open a State road from John Hibbard's, in Clay county, to Prestonsburg, in Floyd county.

By Mr. Haggard—7. A bill for the benefit of Louisiana Esters.

By Mr. Crow—8. A bill for the benefit of the late Sheriff of Daviess county.

By Mr. Mize—9. A bill to change the name of Thomas Farrar to that of Thomas F. Daniel.

By Mr. Yantis—10. A bill allowing three additional County Courts to the county of Garrard.

By Mr. J. G. Taylor—11. A bill to reduce the number of Justices in Henry county.

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

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 3d, 4th, 5th, 7th, 9th, 10th and 11th were severally ordered to be engrossed and read a third time; the 6th was referred to the committee on Internal Improvement, and the 2d and 8th to the committee on Ways and Means.

The rule of the House, constitutional provision and third reading of the 3d, 4th, 5th, 7th, 9th, 10th and 11th bills having been dispensed with, and the same being engrossed,

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

The committee on Internal Improvement who were appointed to prepare and bring in the same, reported a bill for the benefit of the Winchester and Lexington Turnpike Road Company, which was read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed,

Ordered, That said bill be referred to the committee for Courts of Justice.

Mr. White, from the committee to whom was referred a bill to allow an additional Justice of the Peace to Whitley county, reported the same with an amendment, which was concurred in.

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass and that the title be amended to read as follows:

An act to allow an additional Justice of the Peace to Whitley county, and for other purposes.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of four members of the House of Representatives and two
of the Senate be appointed to examine the Transylvania University, and the Lunatic Asylum; and that said committee report to the Legislature the prospects and resources of the former, and the condition of the latter.

The rule of the House requiring joint resolutions to lie on the table one day, having been dispensed with, said resolution was twice read and adopted.

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

On motion of Mr. Fish—1. A bill to amend the charter of the Covington Insurance Company.


On motion of Mr. Hazzard—3. A bill for the improvement of Gridley Hill in Clinton county, and for other purposes.

On motion of Mr. Burgess—4. A bill to amend the act entitled, an act to regulate equitable proceedings, under five pounds, before Justices of the Peace, approved February 9, 1838.


On motion of Mr. Daniels—6. A bill for the benefit of Reuben Stanton.

On motion of Mr. Stephens—7. A bill for the benefit of John F. Good.

On motion of Mr. Newell—8. A bill authorizing the appointment of county Treasurer in Harrison county.

On motion of Mr. Barrett—9. A bill for the benefit of N. S. Robertson and for other purposes.

On motion of same—10. A bill to amend the law of this Commonwealth in relation to the action of replevin.

On motion of Mr. McFall—11. A bill to add one additional Justice of the Peace to the county of Hickman.

On motion of Mr. Hopkins—12. A bill to amend and reduce into one the several acts regulating the town of Henderson.

On motion of Mr. Adams—13. A bill to amend the law relating to the Wilderness Turnpike Road, and adjacent roads leading from the Goose Creek Salt Works.

On motion of Mr. Churchill—14. A bill to regulate the fees of the Marshal of the Chancery Court of the city of Louisville.

On motion of same—15. A bill to amend and explain the 20th section of an act, approved the 1st February, 1833, entitled, an act to amend and continue in force an act to incorporate the city of Louisville, and for other purposes.


On motion of Mr. Gray—17. A bill to legalize certain proceedings of the
President and Directors of the Logan, Todd and Christian Turnpike Road Company, and for other purposes.

On motion of Mr. Randolph—18. A bill to revise and amend the law establishing a permanent revenue of this Common wealth.

On motion of Mr. Hill—19. A bill to amend the laws now in force against keeping gaming tables, and for other purposes.

On motion of Mr. Perciful—20. A bill for the benefit of the Jailer of Meade county.

On motion of Mr. Taggart—21. A bill to amend the present law in relation to Sheriffs delinquent lists, and for other purposes.

On motion of Mr. Rowan—22. A bill to amend the laws requiring ped lars of clocks to obtain license, and for other purposes.

On motion of Mr. Lane—23. A bill to reduce into one, the several acts in relation to the town of Brownsboro.

On motion of Mr. Sprigg—24. A bill to exonerate the Bank of Kentucky, the Northern Bank of Kentucky, and the Bank of Louisville, from the impending forfeitures of their charters, and to restore to them their privileges upon certain conditions.

On motion of Mr. Reeves—25. A bill to incorporate the town of Trenton, in the county of Todd.


On motion of same—27. A bill to amend the law in relation to the appointment of Constables.

On motion of Mr. Mason—28. A bill for the benefit of Harvey G. Hazlerigg.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st, 9th, 10th, 12th, 14th, and 27th; Messrs. Wilson, Adams and White the 2d; Messrs. Haggard, Coffey and Irwin the 3d; Messrs. Burgess Meriwether and Sprigg the 4th; the committee on Military Affairs the 5th and 28th; Messrs. Daniel, Turner and Yantis the 6th; Messrs. Stephens, Goodson and Fish the 7th; Messrs. Newell, Innes and Swope the 8th; Messrs. McFall, Russell and Lecompte the 11th; Messrs. Adams, Draffin, Cave and Wilson the 13th; Messrs. Churchill, Meriwether and Read the 15th; Messrs. McRoberts, Yantis and White the 16th; Messrs. Irwin, Gray, Waddill, Buckner and Reeves the 17th; Messrs. Randolph, Hardy and Haggard the 18th; Messrs. Hill, Waddill and Buckner the 19th; the committee on Ways and Means the 20th and 21st; Messrs. Rowan, Sprigg, Coke and Churchill the 22d; Messrs. Lane, Hill and Coke the 23d; Messrs. Sprigg, Draffin, Daniel, Johnson and Churchill the 24th; Messrs. Reeves, Irwin, Waddill and Buckner the 25th; and the committee on Religion the 26th.
Mr. T. Marshall moved the following resolution, viz:

Resolved, That the Second Auditor report, forthwith, to this House, the several sums which have been annually paid, for the last ten consecutive years, to the Public Printer or Printers, and that, so far as practicable, he discriminate the services for which said sums have been paid.

Which being twice read was adopted.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on Friday the 20th day of December, 1839, they will adjourn to meet on the 30th day of December, 1839.

The rule of the House requiring joint resolutions to lie on the table one day having been dispensed with,

Mr. Coffey moved to amend the said resolution by adding thereto the following, viz:

Be it further resolved, That the members and officers of the Legislature shall draw no pay from the Treasury for the time of said recess.

And the question being taken on said amendment, it was decided in the negative.

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

Those who voted in the affirmative were—

Messrs. Brien, Buckner, Chouvin, Coffey, Cunningham, Hammond, Hardy, Hughes, Huston, Imboden, Innes, Irwin, Johnson, Logan, Mason, McClure, McRoberts, Randolph, Reeves, Rowlett, Sutton, M., Taggart, Thomasson, Wake—24

Those who voted in the negative were—

Mr. Butler moved to amend said resolution by striking out the words “30th day of December, 1839,” and insert the following: “First day of January thereafter.”

And the question being taken thereon, it was decided in the affirmative. The question was then taken on the adoption of said resolution, as amended, and decided in the affirmative.

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

Those who voted in the affirmative were:

Mr. Speaker,
Messrs. Adams, Barrett, Board, Botts, Brooks, Butler, Cave, Churchill, Clay, Cornish, Daniel, Daviess, Drye, Elliott, English,

Fish, Forman, Glenn, Glover, Gresham, Hopkins, Hughes, Lane, Lecompte, Marshall, Mason, McFall, McRoberts, Meriwether, Mize, Murray,


Those who voted in the negative were:

Messrs. Brien, Buckner, Burgess, Caldwell, Cecil, Chouvin, Coffey, Coke, Colvin,

Hardy, Hill, Hines, Huston, Imboden, Innes, Irwin, Johnson, Logan,

Randolph, Redd, Reeves, Rowlett, Rumsey, Russell, Smith, L., Sprigg, Sutton, M.
Mr. Randolph moved the following resolution, viz:

Resolved, That the Board of Internal Improvement be requested to inform this House, as soon as practicable, how much money has been applied to the improvement of the Cumberland river, and whether the amount disbursed has been equal to the amount appropriated by the Legislature at the session of 1836-'7, so as to secure a safe descending navigation thereof; and if not, the reasons why they have not.

Which being twice read, was adopted.

Mr. M. Sutton asked leave to bring in a bill to take the sense of the good people of this Commonwealth, as to the propriety of calling a Convention.

And the question being taken on granting said leave, it was decided in the negative.

Mr. White asked leave to bring in a bill to reduce the price of vacant and unappropriated lands in this Commonwealth.

And the question being taken on granting said leave, it was decided in the negative.

On motion of Mr. Sprigg,

Ordered, That Mr. Lyter be added to the committee on the Expenditures of the Board of Internal Improvement.

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

Resolved, That the Committee on Banks enquire into, and report to the House, the amount of each debt which the Bank of Kentucky, and the Northern Bank of Kentucky, assumed to pay to the Bank of the United States; and what amount of money is now due to said Banks of Kentucky by the several persons whose debts they so assumed to pay; and to state the times when payments were made by them to the Bank of the United States, and how much of the debt, they so assumed to pay to the Bank of the United States, was paid by the use of the proceeds of the sale of State Bonds made by James M. Bullock, Esq., Secretary of State, to the American Life Insurance and Trust Company; and how much of the debts due by said Kentucky Banks to the Government of the United States was discharged by the use of the proceeds of the sale of said bonds.

Resolved, That the Committee ascertain the amount of interest paid by said Banks of Kentucky to the Bank of the United States, and the time when paid, and where paid; and that they cause to be made out a transcript of the agreement made between said Kentucky Banks and the Bank of the United States.

Resolved, That the Committee examine the books and journals of all the proceedings of said Banks of Kentucky, including the Bank of Louisville, and report all the resolutions and proceedings of the directors and officers.
of said Banks, and make appropriate enquiries of them, calculated to elicit the views and purposes of the officers and directors of each of said Banks, in refusing to accept and take charge of the moneys deposited with them denominated the "Surplus Revenue," as part of their capital stocks; and they shall enquire of the directors and officers of said Banks, severally, to say if said fund, or a part thereof, was not placed at the disposal of the Board of Internal Improvement, under and by virtue of some order or resolution of the directors of the several Banks, either verbal or written.

Resolved, That it shall be the duty of the Committee to ascertain the amount of State Bonds, now held by each of said Banks, which were executed by the State in payment of stocks subscribed for in said Banks; and if either of them have sold or transferred any of such bonds, the Committee shall enquire and ascertain to whom they have transferred, and the consideration of such transfer, and when transferred.

Resolved, That the Presidents and Directors of each of the Kentucky Banks shall say if they do not keep a book wherein is noted every transfer of stock made by the holder thereof to any and every purchaser thereof; and if there is not kept at their several agencies in New York, Philadelphia, and elsewhere, similar transfer books; and if, when stock is sold and transferred at their several agencies, it is not noted, in writing, in the transfer books of their respective agencies; and if they do not require of their several agencies to notify them of the transfers made of stock, whenever made, and from whom purchased, and to transmit from their several agencies powers of attorney, together with such notifications, authorizing the transfer of stock from the vendor thereof to the purchaser; and if their stock books, or transfer books, or other books, do not show from whom stock has been transferred to John Tilford, J. S. Snead, W. H. Pope, and James Clark, the Commissioners of the Sinking Fund; and if there is no such evidence on their books, then they shall say why it is that the rules governing transfers of stock in all other cases have been, in this particular, departed from; and to state who was or were the previous holder or holders of the stock which the Commissioners of the Sinking Fund now hold, and to whom they paid dividends thereon previous to the purchase of them by the Commissioners of the Sinking Fund; and they shall send by the Committee copies of all powers of attorney which have been granted, authorizing the transfer of stock to said Commissioners; and they shall say if they ever pay dividends to any person or persons who do not appear on their respective books to be the holders of stock.

Resolved, That the number and amount of Internal Improvement Bonds which have been sold or transferred to said Banks, and the price which they paid for them, and when purchased, be ascertained by the Committee.

Resolved, That the Committee shall cause the officers of the Bank of Kentucky and the Northern Bank of Kentucky, to make out complete memoranda, in alphabetical order, of all debts due said Banks, above two thousand dollars, either upon bills discounted, bills of exchange, or otherwise, with the names of the principals, endorsers, and other security, liable for such debts; stating how much of each of such description of debts was created by direct loan, and how much resulted from bills of exchange that returned protested, and their proceeds put under accommodation; and they shall require the officers of said Banks to make a note against the names of those of their debtors who now are, or at any time have been, directors of either of said Banks.
Ordered, That said resolutions be postponed to, and made the special order for, Wednesday next.

Ordered, That the Public Printer forthwith print 150 copies of said resolutions for the use of the General Assembly.

Mr. Coffey moved the following resolution, viz:

Resolved, That the President of the Lexington and Ohio Railroad Company be required to report to this house, whether the company has succeeded in obtaining the loan of $900,000, or any part of said loan, contemplated by an act of the Legislature, approved February 15, 1838. If any was obtained, by whom, it was applied? who obtained from? what amount, and when obtained? What is the prospect of the completion of said road? Whether the company has given any lien on said road? If any, to whom such lien was given? Whether such lien was in accordance to the provisions of the above act, authorizing the loan of $900,000 for completing said road.

Which being twice read was adopted.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the committee on Banks be instructed to enquire into the condition of the Commonwealth's Bank; also, the number of its officers, the salary each, and how far the salaries of each can be reduced consistently with public interest; and how many of those officers or agents may be dispensed with; and that the committee further enquire and report to this House whether any legislation (if any) is necessary in relation to said Bank; and, also, whether or not the whole of the business of said institution cannot be managed without any salaried officer or officers.

The rule of the House requiring joint resolutions to lie on the table the day having been dispensed with, the said resolution was twice read and adopted.

And then the House adjourned.

TUESDAY, DECEMBER 17, 1839.

1. Mr. Daviess presented the petition of Paralee Smith, Jarette and Arthusa Smith, devisees of Thomas Wilson, deceased, by their friends, praying the passage of a law authorizing their guardians to receive and appropriate the interest on a sum devised to them, to their education.

2. Mr. Innes presented the petition of the heirs and devisees of John Hutcherson, deceased, praying the passage of a law authorizing a sale of certain lands and slaves devised to them.

3. Mr. T. Marshall presented the petition of sundry citizens of Lexi-
Mr. Coffey presented the petition of William J. Kindrick, praying the passage of a law allowing him to purchase and bring into this State certain slaves.

5. Mr. Board presented the petition of James E. Stone, Clerk of the Hancock County Court, praying the passage of a law releasing him from the payment of $30—being for a pedlar's license, improperly granted for the sum of $20, instead of $50, as required by law.

6. Mr. Imboden presented the petition of Bluford M. Kirkendall, praying the passage of a law granting him a change of venue from the Union Circuit Court, in a prosecution for felony, therein pending against him.

7. Mr. Lyter presented the petition of Joseph Shropshire, praying to be divorced from his wife, Dorcas Shropshire.

8. Mr. Waddill presented the petition of George O. Thompson, praying the passage of a law refunding to him a sum of money paid for the apprehension of a fugitive slave.

9. Mr. Coke presented the petition of sundry citizens of Washington county, praying a change in the place of voting in an election precinct in said county.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st, 2d and 6th to the committee for Courts of Justice; the 3d to Messrs. T. Marshall, Mize and Sprigg; the 4th and 5th to the committee on Ways and Means; the 7th to the committee on Religion; the 8th to the committee on Claims, and the 9th to the committee on Privileges and Elections.

Mr. McCalla asked leave to withdraw the petition of Warner Penn from the committee on Religion, which was granted, and the petition withdrawn.

Mr. Swope, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Bowlinggreen, praying an amendment to the law incorporating said town, asked that the committee be discharged from the further consideration thereof, which was granted.

Ordered, That said petition be referred to the committee for Courts of Justice.

Mr. W. N. Marshall asked leave to withdraw from the committee on Propositions and Grievances, the petitions of sundry citizens of Green county, praying a division thereof, and the establishment of a new county by such division, which was granted, and the petitions withdrawn.

A message was received from the Senate, announcing their disagreement to bills from this House of the following titles, viz:

An act for the benefit of Leroy Dobyns.

An act for the benefit of Catharine Pepper.
Leave was given to bring in the following bills, viz:

On motion of Mr. Draffin—1. A bill for the benefit of Benjamin F. Major, and others.

On motion of Mr. Haggard—2. A bill for the benefit of Granville Brown, a Justice of the Peace for the county of Cumberland.

On motion of Mr. Crow—3. A bill for the benefit of the Clerk of Daviess county.

On motion of Mr. Mize—4. A bill to establish three election precincts in Breathitt county.

On motion of Mr. Morehead—5. A bill to establish an election precinct in Franklin county.

On motion of Mr. Pindell—6. A bill for the benefit of insolvent debtors.

On motion of Mr. English—7. A bill to establish the line between counties of Carroll and Trimble.

On motion of Mr. Lane—8. A bill to change the time of holding the primary term of Oldham Circuit Court.

On motion of Mr. Redd—9. A bill to allow an additional Constable in the county of Trigg.

Ordered, That the committee on Military Affairs prepare and bring the 1st; Messrs. Haggard, T. F. Marshall and Randolph the 2d; the committee on Ways and Means the 3d; Messrs. Mize, Wilson and Daniel the 4th; the committee on Propositions and Grievances the 5th; the committee on Courts of Justice the 6th; Messrs. English, Lecompte, J. G. Taylor and Lane the 7th; Messrs. Lane, J. G. Taylor and English the 8th; and Messrs. Redd, Reeves and Hopkins the 9th.

Mr. A. Young moved the following resolution, viz:

Whereas, it is represented to the present General Assembly, that the Board of Internal Improvement, during the year 1832, have located an additional lock and dam on Barren River, at a point which it is feared will be of little advantage to the great body of citizens interested therein; whereas it is further represented, that the lock contemplated to be established at said site, is much under the dimensions of the one on said river below said lock and dam, and what is the terms of the contract.

Be it resolved, That the President of the Board aforesaid, be required to report to this House, the report made by the Auditor of Public Accounts, this House, the reports made by such Turnpike, Railroad and Bridge.

Which being twice read, was adopted.

Mr. Mason moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of dispensing with flood gates to the lock on the Kentucky river.

Which being twice read, was adopted.

Mr. Johnson moved the following resolution, viz:

Resolved, That the Auditor of Public Accounts be directed to lay before this House, the reports made by such Turnpike, Railroad and Bridge.

Ordered, That the committee on Military Affairs prepare and bring the 1st; Messrs. Haggard, T. F. Marshall and Randolph the 2d; the committee on Ways and Means the 3d; Messrs. Mize, Wilson and Daniel the 4th; the committee on Propositions and Grievances the 5th; the committee on Courts of Justice the 6th; Messrs. English, Lecompte, J. G. Taylor and Lane the 7th; Messrs. Lane, J. G. Taylor and English the 8th; and Messrs. Redd, Reeves and Hopkins the 9th.

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Be it resolved, That the President of the Board aforesaid, be required to report to this House, the report made by the Auditor of Public Accounts, this House, the reports made by such Turnpike, Railroad and Bridge.

Which being twice read, was adopted.

Mr. Mason moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be instructed to inquire into the expediency of dispensing with flood gates to the lock on the Kentucky river.

Which being twice read, was adopted.

Mr. Johnson moved the following resolution, viz:

Resolved, That the Auditor of Public Accounts be directed to lay before this House, the reports made by such Turnpike, Railroad and Bridge.

Ordered, That the committee on Military Affairs prepare and bring the 1st; Messrs. Haggard, T. F. Marshall and Randolph the 2d; the committee on Ways and Means the 3d; Messrs. Mize, Wilson and Daniel the 4th; the committee on Propositions and Grievances the 5th; the committee on Courts of Justice the 6th; Messrs. English, Lecompte, J. G. Taylor and Lane the 7th; Messrs. Lane, J. G. Taylor and English the 8th; and Messrs. Redd, Reeves and Hopkins the 9th.

Mr. A. Young moved the following resolution, viz:

Whereas, it is represented to the present General Assembly, that the Board of Internal Improvement, during the year 1832, have located an additional lock and dam on Barren River, at a point which it is feared will be of little advantage to the great body of citizens interested therein; whereas it is further represented, that the lock contemplated to be established at said site, is much under the dimensions of the one on said river below said lock and dam, and what is the terms of the contract.

Be it resolved, That the President of the Board aforesaid, be required to report to this House, the report made by the Auditor of Public Accounts, this House, the reports made by such Turnpike, Railroad and Bridge.

Which being twice read, was adopted.
panies as have complied with the provisions of an act, entitled, an act further to enforce the payment of State dividends, declared by certain incorporated companies, and for other purposes, approved February 1st, 1839. Also, to report such Railroad, Turnpike or Bridge Companies, as have failed to make reports to said Auditor, as required by said act, the names of the Presidents of said roads, and what measures, if any, have been taken, to enforce a compliance on the part of said companies, with said act.

Which being twice read, was adopted.

Mr. Coffey moved the following resolution, viz:

Resolved, That the Public Printer be required to report to this House what sum of money he has received, annually, for his services as Public Printer, since his first appointment, with an exhibit of the several charges and accounts, for the different services made out by him.

Which being twice read, was adopted.

Mr. Hines, from the committee on Religion, to whom was referred the petition of Mary Jackson—reported the same with the following resolution:

Resolved, That said petition be rejected.

Mr. English moved to amend said resolution by striking out the words “be rejected,” and inserting “is reasonable.”

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

Ordered, That said committee prepare and bring in a bill in pursuance of the prayer of said petition.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill from the Senate, entitled, an act for the benefit of the late Sheriff of Washington county, reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

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

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

By the committee for Courts of Justice—1. A bill to create a Criminal Court for the county of Jefferson and city of Louisville.

By Mr. T. Sutton—2. A bill to amend an act, entitled, an act to regulate the election of Trustees for the town of Port Oliver, in Allen county.

By Mr. Burgess—3. A bill to amend the act, entitled, an act to regulate equitable proceedings, under five pounds, before Justices of the Peace, approved February 9, 1838.

By Mr. J. Speed Smith—4. A bill for the benefit of indigent children received into the City Hospital of Lexington.

By Mr. Wilson—5. A bill to establish an election precinct in Clay county.

By Mr. Stephens—6. A bill for the benefit of John F. Gooch.

Which were read the first time, and ordered to be read a second time.
The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 2d, 4th, 5th and 6th were ordered to be engrossed and read a third time, and the 1st and 3d were referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 2d, 4th, 5th and 6th bills having been dispensed with, and the same being engrossed,

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

The amendments proposed by the Senate to a bill from this House, entitled, an act for the benefit of Jesse Yeates—were twice read and concurred in.

The amendments proposed by the Senate to a bill from this House, entitled, an act to amend the laws in relation to taking depositions of non-resident witnesses—were taken up, and referred to the committee for Courts of Justice.

Bills from the Senate of the following titles, viz:

1. An act for the benefit of the infant children of Morgan Hopson.
2. An act for the benefit of James V. Fortune and George M. Fortune.
3. An act to amend an act, entitled, an act regulating injunctions and other restraining orders in chancery suits, and for other purposes, approved January 24, 1827,

Were severally read the first time and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bills having been dispensed with, the 1st and 2d were ordered to be read a second time, and the 3d was referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st and 2d bills having been dispensed with,

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

An engrossed bill, entitled, an act to establish the county of Fulton, and for other purposes—was read a third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

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

Those who voted in the affirmative were—

Messrs. Adams, Haggard, Newell,
Board, Hill, Padon,
Botts, Innes, Pindell,
Brien, Irwin, Randolph,
Dec. 18.]  

HOUSE OF REPRESENTATIVES. 

Buckner,  
Burgess,  
Cave,  
Chouvin,  
Churchill,  
Colvin,  
Crow,  
Draffin,  
Drye,  
English,  
Goodson,  
Gray,  
Johnson,  
Lane,  
Lecompte,  
Marshall, T. F.  
Marshall, T.  
Marshall, W. N.  
McCalla,  
McClure,  
McFall,  
McKinney,  
Morehead,  
Murray,  
Read,  
Reeves,  
Rumsey,  
Sprigg,  
Sutton, M.  
Turner,  
Waddill,  
Wake,  
White,  
Wilson,  
Yantis—47.  

Those who voted in the negative were—  

Messrs. Barrett,  
Brooks,  
Butler,  
Caldwell,  
Cecil,  
Clay,  
Coffey,  
Cornish,  
Cunningham,  
Daniel,  
Daviess,  
Elliott,  
Fish,  
Forman,  
Glenn,  
Glover,  
Gresham,  
Hammond,  
Hardy,  
Henry,  
Hines,  
Hopkins,  
Hughes,  
Huston,  
Imboden,  
Logan,  
Lyter,  
Mason,  
McRoberts,  
Meriwether,  
Mims,  
Mize,  
Perciful,  
Reed,  
Reeder,  
Rowlett,  
Smith, L.  
Stephens,  
Sutton, T.  
Swope,  
Taylor, H.  
Taylor, J. G.  
Thomasson,  
Young, A.—44  

Resolved, That the title thereof be as aforesaid.  
And then the House adjourned.  

WEDNESDAY, DECEMBER 18, 1839.  

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act for the benefit of Richard W. McQuown.  

Their concurrence in the adoption of a resolution from this House for a recess of the General Assembly.  

The passage of bills from the Senate of the following titles, viz:  

An act allowing the Trustees of the town of Taylorsville to close an alley, and for other purposes; and
An act for the benefit of George Smedley and D. R. Enders.

Mr. Johnson presented the petition of Robert McCalla, praying to be released from a bond executed by him, as a security for captain T. P. Finnell, for certain public arms.

Which was received, the reading thereof dispensed with, and referred to the committee on Military Affairs.

Mr. Hughes moved the following resolution, viz:

Resolved, That the Board of Internal Improvement shall report to this House, on the first day of January, 1840, the amount of moneys they have received, and from what source they received them, from the tenth day of October, 1838, inclusive of that day, up to the 20th day of December, 1839, inclusive; and they shall report the specific objects of public works upon which the moneys have been expended, and how much has been expended upon each work, and for materials furnished for the same, and for pay of salaries to Engineers, and all other persons employed on the public works, including turnpikes, railroads, and all other roads, and the several locks and dams on the rivers; naming, in all cases, the persons to whom money was paid, and when paid; and they shall report the amount of money due from the Board to contractors, and other persons, on the day last named.

Resolved, further, That the Board of Internal Improvement, in their report, state the amount of money they have each received as pay for their services, and upon all other accounts; and in all cases where money has been paid to any of the Engineers upon any account other than such advanced or paid as salaries, the Board shall specify for what service it was paid.

Which being twice read, was adopted.

The Speaker laid before the House the annual report of the committee of the Deaf and Dumb Asylum, at Danville.

[For this report, see Appendix.]

The Speaker laid before the House a communication from the State Treasurer, which is as follows, viz:

Frankfort, Ky.
Treasury Office, 18th December, 1839.

Sir:
I discovered yesterday, in the printed report of the Treasury, a typographical error: On page No. 2, item "for Deaf and Dumb Asylum," it is printed $829.33; in the manuscript it is $329.33; but the aggregate amount of the additions is correct. On examination and comparison, I find no other mistake in the printed copy.

Yours, respectfully,
JAMES DAVIDSON, Treasurer.

To the Hon. JOHN L. HELM,
Speaker of the House of Representatives.

On motion of Mr. Reeves,
Ordered, That he be released from the committee on Banks.
Ordered, That Mr. Waddill be appointed a member of said committee.

The Speaker laid before the House a communication from the Public Printer, which is as follows:

FRANKFORT, December 15, 1839.

SIR:

A Resolution passed, on yesterday, the House over which you preside, requiring the Public Printer to report "what sum of money he has received, annually, for his services as Public Printer, since his first appointment, with an exhibit of the several charges and accounts, for the different services, as made by him."

In answer to the above resolution, the undersigned would beg leave to state to the House, that it gives him great pleasure to submit to their inspection the Books of his office, in which all the information desired can be readily seen. He would further remark that, in pursuance of law, he has, every year, made out his accounts for Public Printing, giving every item thereof, and that those vouchers are now in the possession of the Clerks, and can be at any time referred to. The accounts which do not regularly come before the committees of the two Houses, but are paid by the Treasurer upon the Auditor's warrant, are also duly made out, sworn to, and deposited with the Public Officers charged with their custody. These facts are mentioned with a view that: the House of Representatives may, if it is deemed necessary, refer to their archives and those of the State, and compare them with the regular Books of the Public Printer.

The undersigned does not suppose that it was the intention of the House, at a time when the Public Work requires his undivided attention, to throw upon him the great labor of copying every item which his books contain. This would be a very laborious burden to him, and could not, he believes, be as satisfactory as the books themselves.

He would, therefore, be pleased to know whether he should present his books to the inspection of one of the standing committees, or to a select committee, or in what other manner they must be submitted to the House. He is ready to attend them in person, if it is desired, and give such explanations as may be deemed necessary.

Very respectfully,

Your obedient servant,

A. G. HODGES, Public Printer.

Hon. JOHN L. HELM,
Speaker of the House of Representatives.

Ordered, That said communication be referred to the committee on Public Offices.

The Speaker laid before the House the report of the President of the Bank of the Commonwealth, which is as follows, viz:

COMMONWEALTH BANK OFFICE, December 16th, 1839.

SIR:

I have the honor of communicating, through you, to the House, the annexed statement of the condition of the Bank of the Commonwealth of Kentucky, on the 16th day of December, 1839. Since the 1st day of January, 1839, there has been paid into the Treasury, for the use of the Com-
missioners of the Sinking Fund,) the sum of $23,000; and during the same
time, the sum of $461 68 of the notes of the institution, have been cancel-
led by burning.

There remains in circulation of the notes of the Bank, the sum of
$3,220 28. There stands upon the books of the institution, the sum of
$262,923 16, as still due from individuals debtors, a part of which last sum
has been paid in Bank, but not entered to the proper credit, and most of
which is included in the item of individual depositors, as per statement her-
with annexed. This has been caused by neglect and carelessness of agents
and attorneys heretofore, in their collections.

All the debts due the institution, are in a speedy train of collection, by
suit or otherwise, and I presume before the end of the next year, will be
adjusted, unless the unexpected suspension of the Banks, and general pres-
sure in our monetary affairs should operate delay.

From the best information I have been able to collect of the good, bad
and doubtful debts due the Bank of the Commonwealth, I presume the State
will yet realize from the institution, the sum of $40,000.

Every trick and artifice known in litigation, has been heretofore resort
ed to by many of the debtors of the Bank, to defeat collections on her
part, and it is to be expected that the same feeling will still prevail on the part
of some of its debtors; at the same time it must be a source of congratulat-
ion to the original projectors of the institution, that it has done much public
good, and but little individual injury; and from having originated without
one cent of cash capital, has been able to meet all her liabilities, and live
amidst two great Bank suspensions, rendering an efficient aid to the finan-
cial affairs of the State.

With great respect, yours, &c.
O. G. CATES,
President Bank of Commonwealth, pro tem.

Hon. JOHN L. HERN,
Speaker of the House of Representatives.

Situation of the Bank of the Commonwealth of Kentucky, on the 16th day
of December, 1839.

**LIABILITIES.**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stock</td>
<td>$450,759</td>
</tr>
<tr>
<td>Notes payable</td>
<td>3,220</td>
</tr>
<tr>
<td>Interest</td>
<td>8,369</td>
</tr>
<tr>
<td>Individual Depositors</td>
<td>7,988</td>
</tr>
<tr>
<td>Due to other Banks</td>
<td>200</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td>$470,538</td>
</tr>
</tbody>
</table>

**RESOURCES.**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bills receivable</td>
<td>$262,923</td>
</tr>
<tr>
<td>Expenses for the years 1838-'9</td>
<td>4,050</td>
</tr>
<tr>
<td><strong>Amount carried forward</strong></td>
<td>$266,974</td>
</tr>
</tbody>
</table>
Amount brought forward, $266,974 13

Treasurer, for Commissioners of the Sinking Fund, viz:

For the year 1837, 33,750 00
For the year 1838, 31,280 00
For the year 1839, 23,000 00

$88,030 00

Profit and loss, 47,111 63
A. Waggoner's administrator, 162 10
Delinquent Cashiers, 29,989 32
Attorneys, 4,502 67
Late sheriff of Jefferson county, 1,671 94
Farmers' Bank of Harrodsburg, 507 00
Kentucky Exporting Company, 795 63
Individual tickets, 308 00
Turnpike stock, 29,847 23
Real estate, 75 79
Cash on hand, $470,538 44

Mr. Churchill moved a reconsideration of the vote passing the bill, entitled, an act to establish the county of Fulton, and for other purposes.

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

Ordered, That said bill be recommitted to the committee on Propositions and Grievances, with instructions to report the bill with the following proviso, viz:

Provided, That at the ensuing August election there shall be a majority of all the qualified voters in the county in favor of the division; and it shall be the duty of the Sheriffs of said county to cause to be opened, one for, and the other against the division; and if there shall be a majority of fifty qualified voters, then this bill shall be in full force; but if there is a less majority than fifty votes, the bill to be void.

Mr. Butler, from the committee for Courts of Justice, to whom was referred the petition of Thomas Van Swearingen—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.

Mr. Cunningham, from the committee on Privileges and Elections, who were appointed to prepare and bring in the same, reported the following bills, viz:

A bill to establish an additional election precinct in Campbell county.

A bill to change the place of voting in an election precinct in McCracken county.

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

The rule of the House, constitutional provision and second and third reading of said bills having been dispensed with, and the same being engrossed,
Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Butler, from the committee for Courts of Justice, to whom was referred a bill to amend the law concerning sealed instruments—reported the same, with amendments, which were concurred in.

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

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

Mr. Butler, from the same committee, to whom was referred the bill to establish a new Judicial District, and for other purposes—reported the same with an amendment in lieu of the original bill.

Ordered, That said bill and amendment be referred to the select committee appointed to prepare and bring in a bill to regulate the judicial districts of this Commonwealth.

The hour of 12 o'clock having arrived, the House took up for consideration the resolutions offered on Monday last, by Mr. Sprigg.

The 1st, 2d, 3d, 4th, 5th and 6th resolutions were twice read and adopted.

The question was then taken on the adoption of the 7th resolution, and decided in the negative.

The yeas and nays being required thereon, by Messrs. T. Marshall and Randolph, were as follows, viz:

Those who voted in the affirmative were—


Those who voted in the negative were—

Mr. Speaker, Messrs. Adams, Barrett, Botts, Brooks, Goodson, Gray, Gresham, Hammond, Hill, Morehead, Murray, Pindell, Read, Reeder,
A message was received from the Senate announcing the passage of bills from this House of the following titles:

- An act to extend the Constable's district in the town of Burksville.
- An act for the benefit of Dicey Powell.
- An act for the benefit of indigent children received into the City Hospital of Lexington.
  With an amendment to the latter bill.
- And the passage of bills from the Senate of the following titles, viz: An act declaring little Goose creek and the east fork of main Goose creek navigable streams.
- An act to change the forms of the commissioners' books of taxable property, and to regulate the duties of the commissioners of tax and other officers in relation to the same.
- An act for the benefit of the widow and children of Samuel Pryor, dec'd.
- An act for the benefit of the Winchester and Lexington Turnpike Road Company.
- An act allowing Edward C. Haydon to build a mill dam across Salt river.
- An act for the benefit of the Sheriff of Jessamine county.
- An act authorizing a loan in aid of the public credit, and for other purposes; and
- Resolutions requiring information from the officers of the Banks.

On motion of Mr. Imboden, leave was given to withdraw the petitions of
sundry citizens of Hopkins, Union, Livingston and Caldwell counties, praying for a new county; which was granted, and the petitions withdrawn.

The resolutions from the Senate, requiring information from the officers of the Banks—were taken up, twice read, and concurred in.

1. Mr. Swope presented the petition of the Trustees of the Pendleton Academy, praying the passage of a law authorizing them to loan the funds of the institution, upon notes and obligations.

2. Mr. Logan presented the remonstrance of sundry citizens of Shelby county, against the addition of a part of that county to the county of Oldham.

3. Mr. Burgess presented the petition of John Henry, who stands charged with felony in the county of Fleming, praying for a change of venue to some other county.

4. Mr. Glover presented the petition of Benjamin Blackburn, praying compensation for keeping (three nights and two days) a negro woman, charged with arson.

5. Also, the petition of Montgomery Lodge No. 23, praying permission to sell and convey a house and lot in Mountsterling.

6. Also, the petition of David Longnecker, praying compensation for defending Isaac Freeman, who was indicted in the Montgomery Circuit Court for horse stealing.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st, 3d and 5th to the committee for Courts of Justice; the 2d to the committee of Propositions and Grievances; the 4th and 6th to the committee on Ways and Means.

Mr. Gresham asked leave to withdraw the petition of sundry citizens of Pulaski county, praying to be added to Rockcastle county; which was granted, and the petition withdrawn.

The amendments proposed by the Senate to a bill from this House, entitled, an act for the benefit of indigent children received into the city hospital of Lexington—were twice read and concurred in.

Mr. Swope, from the committee on Propositions and Grievances, to whom was referred a bill to establish the county of Fulton, and for other purposes—reported the same with amendments, which were concurred in.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being re-engrossed,

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

Mr. Huston, from the committee for Courts of Justice, to whom was referred a bill for the benefit of the Winchester and Lexington Turnpike Road Company—reported the same without amendment.
Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed, 

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

Bills from the Senate of the following titles, viz:

An act to change the form of the commissioners' books of taxable property, and to regulate the duties of the commissioners of tax and other officers in relation to the same.

An act for the benefit of the Winchester and Lexington Turnpike Road Company.

An act for the benefit of the Sheriff of Jessamine county.

An act declaring little Goose creek and the east fork of main Goose creek navigable streams.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bills having been dispensed with,

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

Mr. Meriwether, from the committee on Ways and Means, to whom was referred bills of the following titles, viz:

A bill for the benefit of the late Sheriff of Daviess county,

A bill to amend the law in relation to the collection of tax on law process—reported the same with amendments to each; which were twice read and concurred in.

Ordered, That said bills, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with, and the same being engrossed,

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

Mr. Meriwether, from the same committee, to whom was referred leave to bring in a bill for the benefit of the Sheriff of Franklin county—asked leave to be discharged from the further consideration thereof; which was granted.

The Speaker laid before the House the response of the Board of Internal Improvement, in relation to the expenditures on Cumberland river, which is as follows, viz:

Office of the Board of Internal Improvement,

Frankfort, December 18, 1838.

Sir:

To the resolution of the House of Representatives of the 16th inst., the Board of Internal Improvement very respectfully reply,

That the sum of $3,199.69 has been expended in the improvement of the navigation of the Cumberland river, in conformity with the provisions of
the 16th section of the act of the General Assembly of Kentucky, entitled, "an act further to provide for the internal improvement of the State," approved 23d February, 1837.

At a meeting of the Board on the 27th July, 1838, the following order was made:

"Ordered, That they, (President and Chief Engineer,) be authorized to have the works required for the descending navigation of Cumberland river, on Smith's Shoals, executed under the direction of a Superintendent, or one of the assistant Engineers now in the service of the State; and that such Superintendent, or assistant Engineer, be authorized to purchase the necessary materials, as the agent of the State, and to employ as many foremen and laborers as the Chief Engineer may deem necessary to execute so much of the work as can be done with advantage during the present season."

The last annual report of this Board, informed the General Assembly of the work done on the Cumberland river, up to the date of that report, and the determination of the Board to prosecute the improvements on that river with all practicable despatch. About the period, during the present year, when the stage of the water in that river justified the prosecution of them, the Board were advised that there would, in all probability, be a failure to sell the State bonds altogether; and, on the 9th of August, the Board made the following order:

"Whereas, means have not been obtained to enable the Chief Engineer to execute the orders of the Board, as to Sandy river, Cumberland river, Rough creek, the Sounding Gap road, Estill and mouth of Troublesome road, and Goose creek and South Fork of Kentucky river; and, whereas, the same cannot be done unless the means are provided—therefore,

Ordered, That the Chief Engineer be directed not to proceed with the works on said rivers and roads until the further order of the Board or the President."

The reasons of the Board for suspending the order of the 27th of July, 1838, are embodied in the order last referred to. If, as was believed would be the case, the effort to sell the State scrip had proved successful, the Board would have had no difficulty in proceeding, and would, with great pleasure, have proceeded in 1839 with the works on the Cumberland, commenced in 1838. The so much required facilities which an improvement of the navigation of that river would furnish to the commerce of that interesting and respectable portion of the Commonwealth, rendered the subject an interesting one to the Board, and it was their purpose to have made a personal visit to the site of the improvement, and to avail themselves of that occasion to make an examination of the main river, and the Great South Fork, together with the peculiar resources of the country dependant on them for navigation; and they would have done so, had it not been for the pecuniary difficulties to which their operations were subjected, for the want of the necessary means to carry them on.

The works then under contract on the Kentucky, the Licking, and the Green and Barren rivers, being, in their opinion, in a condition of great exposure, if not in imminent danger, if left unfinished or insecure during the winter, the Board deemed it their indispensable duty to apply their utmost energies, and their available resources to the completion of as many of these works as was practicable, and to the placing those that would be left unfinished, in a condition to suffer no material injury from the freshest of the
rivers. In the accomplishment of those objects, and in furnishing the road companies with occasional supplies, greatly disportioned to the sums due them, and only adequate, in many instances, to the saving of their contractors from ruin, the Board will have exhausted the whole of the funds which have been at their disposal, derived either from the sale of the State Bonds during the last year, or from the liberal accommodations of the Banks.

The amount disbursed by the Board, is not equal to the sum required to be expended on the Cumberland river, by the act referred to in the resolution of the House, and the reasons of the Board for not having disbursed more, they have very respectfully submitted.

J. T. MOREHEAD,
President Board Int. Imp.

To the Hon. JOHN L. HELM,
Speaker of the House of Representatives.

Ordered, That the same be referred to the committee on the Expenditures of the Board of Internal Improvement.

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

By the committee for Courts of Justice—1. A bill for the benefit of N. S. Robertson, and for other purposes.

By same—2. A bill to amend an act to organize two Fire Companies in the town of Lexington.

By same—3. A bill to explain and enforce an act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24, 1834; and an act to amend said act, approved February 8, 1839.

By the committee on Religion—4. A bill for the benefit of Mary Jackson.

By same—5. A bill for the benefit of Anderson Wade.

By same—6. A bill for the benefit of William B. Wallace.

By same—7. A bill to incorporate Pleasant Hill Meeting and School House, in Warren county.

By the committee on Internal Improvement—8. A bill to establish a State road from the mouth of Salt river, by way of Grahampton and Big Spring, to intersect the Bowling green road.

By same—9. A bill to amend an act, entitled, an act to construct a turnpike road from Burlington to Florence, and for other purposes.

By same—10. A bill to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a railroad between the said city and Louisville.

By the committee on Military Affairs—11. A bill for the benefit of Harvey Hazlarrig.

By same—12. A bill for the benefit of Thomas F. Thornton and Herman Bowmar.

By same—13. A bill for the benefit of George W. Anderson.

By Mr. Mize—15. A bill to establish election precincts in the county of Breathitt.

By Mr. English—16. A bill to amend an act, entitled, an act to establish the county of Carroll, approved February 9, 1838.

By Mr. Newell—17. A bill authorizing the appointment of a County Treasurer in Harrison county.

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

The rule of the House, constitutional provision and second reading of bills having been dispensed with, the 1st, 2d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th and 17th bills were severally ordered to be engrossed and read a third time, and the 3d was referred to a committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th and 17th bills having been dispensed with, and the same being engrossed, Resolved, That the said bills do pass, and that the titles thereof be aforesaid.

Mr. Glover, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills of the following titles, and found the same truly enrolled, viz:

An act to incorporate the Literary Institute of St. Magdalen, in Washington county.

An act for the benefit of Pierre Theodore Cuvillier.

An act for the benefit of Jesse Yeates.

An act for the benefit of the late Sheriff of Washington county.

An act for the benefit of the infant children of Morgan Hopson.

An act for the benefit of James V. Fortune and George M. Fortune.

An act for the benefit of the Jailer of Nicholas county.

An act declaring little Goose creek and the east fork of main Goose navigable streams.

An act for the benefit of the Winchester and Lexington Turnpike Company.

An act for the benefit of the Sheriff of Jessamine county; and A resolution fixing a day for the election of Public Officers. Whereupon the Speaker affixed his signature thereto. Ordered, That Mr. Glover inform the Senate thereof.

A bill from the Senate, entitled, an act authorizing a loan in aid of public credit, and for other purposes, Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of bill having been dispensed with,
Ordered, That the said bill be referred to the committee on Internal Improvement.

Ordered, That the Public Printer forthwith print 150 copies of said bill for the use of the members of the General Assembly.

A message was received from the Senate, announcing their concurrence in a resolution from this House to appoint a committee to examine Transylvania University and the Lunatic Asylum—with an amendment. The said amendment was then twice read and concurred in.

And then the House adjourned.

FRIDAY, DECEMBER 20, 1839.

The Speaker, in pursuance of the joint resolutions, appointed Messrs. Hines, Rumsey, Hill and Coke, a committee to examine Transylvania University and Lunatic Asylum; and Messrs. Irwin, Sprigg, Wilson and Russell, to examine the Deaf and Dumb Asylum.

A quorum of the members not appearing,

The House then adjourned.

WEDNESDAY, JANUARY 1, 1840.

The House met, and a quorum of the members not appearing,

The House adjourned.

THURSDAY, JANUARY 2, 1840.

The Speaker laid before the House a communication from the Second Auditor of Public Accounts, enclosing his response to a resolution of this House, in relation to the accounts of the Public Printer.

On motion,

Ordered, That the same be referred to the committee on Public Offices.
The Speaker laid before the House the report of Edmund Curd, Receiver of Public Moneys West of the Tennessee river, which is as follows:

FRANKFORT, 28th December, 1839.

Sir: In accordance with an act of Assembly, approved 23d day of February 1839, I this day deposited in the Land Office, the Receiver's books for the entry of Lands west of Tennessee river.

Very respectfully,

Your obedient servant,

EDMUND CURD, Receiver Public Moneys W. T. R.

Hon. John L. Helm, Speaker of the House of Representatives.

A message was received from the Senate, announcing their concurrence in the adoption of a resolution from this House, directing the committee on Banks to enquire into the condition of the Commonwealth's Bank.

Their disagreement to a bill from this House, entitled, an act for the benefit of Rachel Blumenthal.

The passage of bills from this House of the following titles, viz: An act for the benefit of John Shaw, David L. Gregg and Jos. Lecompte. An act for the benefit of Cornelius Snider. An act for the benefit of Joshua Holschaw. An act for the benefit of Harriet Wilkinson. An act for the benefit of America Pearson. An act for the benefit of Abner Belton. An act to have the line run and marked between the counties of Clark and Montgomery.

With amendments to the two last named bills.

And the passage of bills by the Senate of the following titles, viz: An act providing for the apprehension and detention of fugitives from justice from other States. An act providing that the estates of persons dying without heirs or distributees, shall vest in the Commonwealth, and for other purposes. An act for the benefit of the Banks of Kentucky. An act to regulate Clerks' fees in certain cases. An act reducing the number of Justices of the Peace in Russell county. An act for the divorce of Nelson Dyer. An act allowing Willis Blanton, Surveyor of Franklin county, further time to give bond. An act for the benefit of the Surveyor of Bullitt county. An act authorizing the sale of a seminary lot, and the building thereon in the county of Henry.
A message was received from the Governor, with other documents accompanying the same, which is as follows, viz:

Executive Office,
January 1, 1840.

Gentlemen of the Senate and of the House of Representatives:

Since your adjournment on the 20th ultimo, intelligence of a most extensive fraud committed upon the Bank of Kentucky by the transfer stock agent of the Bank at Philadelphia has been communicated to me, the particulars of which, so far as I have been enabled to collect them, I feel it a duty to lay before the Legislature at this time.

By the 26th section of the charter of the Bank of Kentucky, the stock was declared personal property and made "assignable and transferable only in such manner and at such place or places as the President and Directors of the principal Bank shall, by their by-laws, prescribe." Under this power it seems that the Schuylkill Bank, at Philadelphia, or the Cashier thereof, was, by the parent Board, constituted the stock agent of the Bank of Kentucky. What were the extent of the powers of this agent, or in what manner his duties in keeping the stock book of the Bank in Philadelphia were defined, I am uninformed by the Bank of Kentucky.

It appears now that this agent has issued, since the whole amount of stock was subscribed, certificates of shares in the stock of the Bank, to the amount of one million three hundred thousand dollars beyond the amount of three millions which individuals were allowed to subscribe for and hold, and converted the proceeds to his own use or to the use of the Schuylkill Bank.

This fraud it is said had its commencement as early as 1837 or 1838, and continued up to the latter end of 1839, without the knowledge or suspicion of the President and Directors of the Bank of Kentucky.

A desire to place before the Legislature correct information upon this subject, induced me to address to the Cashier of the Bank of Kentucky, in the absence of the President, the letter, a copy of which, together with his answer to the same, are herewith sent.

The effect of this fraud upon the value of the stock was manifested by an instantaneous and ruinous decline in the Eastern market. Whether the loss will ultimately fall upon the stockholders of the Bank is a question upon which I am unable, at this time, from a want of a full knowledge of all the facts, to express an opinion.

I feel myself justified in assuring you, and through you my fellow citizens, that whether the loss shall fall upon the stockholders of the Bank, or upon the purchasers or holders of these spurious shares, that the holders of the notes of the Bank in circulation are in no danger of sustaining a loss from this over issue of stock. Should the loss fall upon the stock, the ability of the Bank to meet her debts and liabilities to the community is unimpaired. The notes and debts of the Bank must be first paid before the stockholders can claim to be refunded their stock.

It is important, at the present crisis, to quiet, as far as may be practicable, any public apprehension which may exist upon this subject.

The President of the Bank, upon being informed of the conduct of the agent, immediately started for Philadelphia to investigate the subject, and to adopt the measures which the interest of the Bank seemed to require.
The important question, whether the loss occasioned by this fraud is to be sustained by the holders of the spurious shares, or by the Bank, is one of vital interest to Kentucky. She now is directly, and indirectly, the owner of twenty thousand one hundred and thirty four shares of the capital stock, equal to $2,013,400, at the original cost. It has occurred to me, that this interest is of sufficient magnitude to induce the representatives of the people to authorize the employment of some eminent jurist of the State, as her agent, to proceed forthwith to Philadelphia, to aid the President of the Bank in his investigations of this subject, but more particularly to superintend the interest of the Commonwealth involved in this transaction. Should you concur with me upon this subject, as speedy an action upon it, by the Legislature, as its importance will allow, would be desirable.

I feel anxious that the privileges of the Banks of Kentucky shall be restored to them (if their conduct in the management of their affairs shall, in your opinion, as I hope it will, justify it,) with as few innovations upon their original chartered rights, as may be consistent with a sound public policy. Nevertheless, I should prove recreant to the public interest if, with the experience before me, I failed to urge upon the Legislature a modification of their charters, so far as they vest a power in the President and Directors, under their by-laws, to establish agencies for the transfer of stock—the shares should be made transferable upon the books of the Bank, and nowhere else. With sentiments of respect,

Your fellow citizen,

C. A. WICKLIFFE.

January 2, 1840.

[Letter from Governor Wickliffe to Mr. Gwathmey, Cashier of the Bank of Kentucky.]

EXECUTIVE DEPARTMENT,
37th December, 1839.

Dear Sir:

I have been anxiously expecting a communication from your Bank in the last two days, giving some information upon the subject that has created so much excitement in the public mind—the issuing of spurious stock of the Bank of Kentucky, by the Agent at Philadelphia.

The deep interest which the State has in the Bank, and the amount of funds vested in the stocks of this Bank during the years 1838-9, by the Sinking Fund Commissioners, impel me to request from you, all the facts which you are possessed upon this subject, as early as possible. It is a subject of such public importance, it may become my duty to make it the subject of special message at the meeting of the two Houses on the 1st January. I therefore desire to be as fully informed as is possible for you to do so—particularly what were the powers of this agent, and in what manner he perpetrated the fraud so long, without its being detected by the Bank the amount of the over issue, and whether it is possible to distinguish between these spurious and the genuine shares, and how? &c. Your early answer is desired.

Very respectfully, yours,

C. A. WICKLIFFE,
Lieutenant Governor,

GEORGE C. GWATHMEY, Esq.
Cashier Bank Kentucky, Louisville.
EAR Sm: I have the honor to acknowledge the receipt of your letter of the 7th in (inst requesting information in relation to the false issues of stock certificates of this Bank, at its Agency, the Schuylkill Bank, Philadelphia, by H. J. Levis, the late Cashier. A communication to your Excellency on the subject has been deferred, in the hope and hourly expectation of receiving further and more circumstantial accounts of the fraud, than what have been communicated in letters from Philadelphia, which were written just at the moment when the development was made, or shortly after it. Those letters afford but little information in addition to the statements published in the papers of the day; I consequently have to regret, that in complying with your request, I have, (owing to the continued failures in the arrival of the Eastern mails) so little satisfactory information to communicate on this momentous subject. Having received anonymous and confidential letters prejudicial to the Schuylkill Bank, the necessary steps had been taken by this Bank for the removal of the agency; and on this day week, near the time when we had reason to expect its consummation, letters were received from a number of Philadelphia friends, giving the overwhelming intelligence that Levis had owned to the issue of 10,800 false certificates. In subsequent communications the number is increased to 13,000—Levis, we are informed, avers to the former number. The transfer clerk states, that this work of fraud commenced in 1838, and continued to May last, when he left the Bank of Schuylkill. To what extent the spurious and genuine stock have become mixed, or how the transfer books have been kept, we are as yet uninformed. The returns or reports of stock from the Schuylkill Bank to this Bank, have been satisfactory; and but for the anonymous and confidential communications alluded to, no circumstance had occurred to induce suspicion of impropriety, on the part of the Schuylkill agency. The statements made by the agencies in New York and Philadelphia, of the number of shares on the books of their respective agencies, preparatory to the July dividend, when compared with the number of shares on the books of this Bank, showed the united number to correspond with the whole number of shares held by individuals, companies, &c. in the Bank of Kentucky. These statements, with such as had been previously furnished, all producing the same result, is evidence sufficient that Levis knew, by the manner of keeping his books, or by some other means, how many genuine shares ought to be on his books, because this Bank and the New York agency were checks upon him, and he was apprised of the fact that a difference of one share would have led to an investigation. The agent, in accordance with the custom in reference to the duties assigned, issued certificates to the stockholders on his books, after full payment of their stock was made, and issued other certificates in cases of transfer, taking in the original certificate. Our friends in Philadelphia, immediately on the discovery of the fraud, employed eminent counsel for the Bank—an injunction for the Bank of Kentucky was granted, and served on the Schuylkill Bank. Levis has made a transfer of his property—securing first his
bondmen, $20,000 of borrowed money, and the balance of his estate to his
creditors; and I notice in a paper of the 21st, from Philadelphia, that he has
gone to Europe in the Liverpool. The agency books are still in the Schuy-
kill Bank; they were refused on the 17th, on the application for their removal, as advised by the President of the Bank of the United States. Mr. Pope, the President, is in or near Philadelphia at this time, if no accident has happened to him—he left the day after receiving intelligence. I close this communication with an assurance to your Excellency, that information will be promptly given, of the farther developments that may be made, of the most mysterious, stupendous and infamous fraud on record.

I am, most respectfully,
Your obedient servant,
GEO. C. GWATHMEY.

His Excellency, C. A. WICKLIFFE,
Frankfort, Kentucky.

On motion,
Ordered, That the same be referred to the committee on Banks; and that the Public Printer forthwith print five thousand copies of said message and accompanying documents, for the use of the members of this House.

Mr. Turner presented the petition of sundry citizens of Madison county, praying a change in the law in relation to granting license to retail spirituous liquors; and moved that the same be received and referred to the committee on Religion.

Mr. Lane moved that said petition be laid 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. Lane and Turnner, were as follows, viz:

Those who voted in the affirmative were—
Messrs. Burgess, Lane, Thomasson—3.

Those who voted in the negative were—

Mr. Speaker, Messrs. Botts, Broad, Brooks, Buckner, Butler, Caldwell, Cave, Cecil, Coffey, Coke, Calvin, Daniel,

Mr. Glover, Goodson, Gresham, Henry, Hill, Hines, Hopkins, Innes, Irwin, Johnson, Lecompte, Logan, Lyter,

The said petition was then referred to the committee on Religion.

1. Mr. Goodson presented the petition of Pamela Hawley, praying to be divorced from her husband, Asa Hawley.

2. Mr. W. N. Marshall presented the petition of Isaac Jones, praying compensation for keeping and maintaining his daughter, who is an idiot.

3. Mr. Lane presented the petition of sundry citizens of Oldham county, praying to be added to the county of Trimble.

4. Also, the petition of sundry citizens of Oldham county, praying the establishment of an additional election precinct in said county.

5. Also, the petition of sundry citizens of Oldham county, praying the passage of a law allowing an additional Constable to said county.

6. Mr. Lyter presented the petition of Joseph S. Elgin, praying to be divorced from his wife.

7. Mr. W. N. Marshall presented the petition of sundry citizens of the counties of Green, Adair and Clinton, praying the establishment of a new Judicial district.

8. Mr. English presented the petition of the heirs of Joseph Brashears, deceased, praying the passage of a law authorizing a sale of a certain lot of ground, descended to them from said deceased.

9. Mr. Buckner presented the petition of sundry stockholders in the Logan, Todd and Christian Turnpike Road Company, praying a repeal (in part) of the act incorporating said company.

10. Mr. Buckner presented the petition of sundry citizens of Christian county, praying the establishment of an additional election precinct in said county.

11. Mr. Stephens presented the petition of Richard Lucas, praying to be divorced from his wife, Elizabeth Lucas.

12. Mr. Wake presented the petition of Thomas J. Brown, praying the passage of a law allowing him compensation for time spent and expenses incurred in apprehending certain persons charged with theft.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st, 6th and 11th to the committee on Religion; the 2d and 12th to the committee on Claims; the 3d to the committee on Propositions and Grievances; the 4th and 10th to the committee on Privileges and Elections; the 5th to Messrs. Lane, English and Coffey; the 7th and 8th to the committee for Courts of Justice; and the 9th to the committee on Internal Improvement.
Mr. Turner read and laid on the table the following joint resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when it adjourns on the 25th instant, it will adjourn without day.

Mr. Innes moved the following resolution, viz:

Resolved, That so much of the Governor’s message as relates to the recent fraud practised upon this Commonwealth, be referred to a select committee of seven; and that said committee be authorized to send for persons and papers.

Which being twice read, was adopted.

Whereupon Messrs. Hopkins, J. S. Smith, Meriwether, Swope, Irwin, Johnson and Coffey, were appointed a committee in pursuance of said resolution.

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

Resolved, by the General Assembly of the Commonwealth of Kentucky, That His Excellency the present and acting Governor of the Commonwealth of Kentucky be, and he is hereby requested to order a national salute to be fired on the 8th instant, in commemoration of the glorious victory achieved by the brave American officers and soldiers at New Orleans, on the 8th day of January, 1815.

The rule of the House requiring joint resolutions to lie on the table one day having been dispensed with, the said resolution was twice read and adopted.

Mr. Coffey moved the following resolution, viz:

Resolved, That the Board of Internal Improvement report to this House the expenses of the year 1839, attendant and relative to Internal Improvements of every character, giving every item and charge for every article or service paid for by them, or any person authorized to pay the same.

Which being twice read, was adopted.

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

On motion of Mr. Morehead—1. A bill authorizing the Commissioners of the Sinking Fund and the Board of Education to sue and be sued.

On motion of Mr. Draffin—2. A bill for the benefit of the Anderson County Seminary.

On motion of Mr. Buckner—3. A bill for the benefit of Adam Titington, John Buckner, and the other securities of Alfred L. Hargis, late Sheriff of Christian county.

On motion of Mr. Innes—4. A bill to amend an act, entitled, an act for the benefit of William Smith, of Harrison county.

On motion of Mr. Henry—5. A bill allowing one additional Constable to Lawrence county.

On motion of Mr. Lane—6. A bill requiring Justices of the Peace to give security for fines and forfeitures, and other moneys which may come to their hands by virtue of their office.

On motion of same—8. A bill for the benefit of Mary Ann Winebrinner.

On motion of Mr. Rowlett—9. A bill to change the mode of taking in the list of taxable property in this Commonwealth.

On motion of Mr. Sprigg—10. A bill for the benefit of the widow and heirs of Henry Smith, deceased, of Shelby county.

On motion of Mr. McCalla—11. A bill to authorize the Scott County Court to increase the county levy laid at the October term of said court.


On motion of Mr. Hines—15. A bill regulating the appointment of Commissioners in Chancery.

Ordered, That Messrs. Morehead, Johnson, Turner and Hopkins be appointed a committee to prepare and bring in the 1st; the committee on Education the 2d; Messrs. Buckner, Hopkins and Reeves the 3d; Messrs. Innis, Newell and Swope the 4th; Messrs. Henry, Burgess and Johnson the 5th; the committee for Courts of Justice the 6th and 10th; Messrs. Lane, J. G. Taylor and Lecompte the 7th; Messrs. Lane, Morehead, Caldwell and T. Marshall the 8th; Messrs. Rowlett, Coffey and W. N. Marshall the 9th; Messrs. McCalla, Pindell and Johnson the 11th; Messrs. McCalla, Daviess and Johnson the 12th; and Messrs. Hines, Irwin and Hardy the 13th.

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

By Mr. Morehead—1. A bill authorizing the Commissioners of the Sinking Fund and the Board of Education to sue and be sued.

By the committee for Courts of Justice—2. A bill to amend the law governing the action of replevin.

By same—3. A bill to amend the penal laws of this Commonwealth.

By same—4. A bill to amend the law in relation to the emancipation of slaves.

By Mr. T. Marshall—5. A bill to establish an election precinct in the county of Lewis, and for other purposes.

By Mr. Redd—6. A bill to allow an additional Constable to the county of Trigg.

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

The rule of the House, constitutional provision, and second reading of said bills having been dispensed with, the 1st, 5th and 6th were severally ordered to be engrossed and read a third time, and the 2d, 3d and 4th were referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 5th and 6th bills having been dispensed with, and the same being engrossed,
Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the second bill for the use of the members of the General Assembly.

And then the House adjourned.

FRIDAY, JANUARY 3, 1840.

1. Mr. English presented the petition of sundry citizens of Carroll county, praying the re-establishment of an election precinct at the forks of Mill creek, in said county.

2. Mr. I. Smith presented the petition of William Marshall, praying the passage of a law authorizing him and his wife to distribute certain property among the children of his said wife by her former husband.

3. Mr. Brooks presented the petition of William Summers, praying to be divorced from his wife, Susan Summers.

4. Mr. Meriwether presented the petition of sundry citizens of the 7th Ward in the city of Louisville, praying the passage of a law authorizing the establishment of a Constable's district in said Ward, and to appoint a Constable to reside therein.

5. Mr. Glover presented the petition of James McKee and Melvin McKee, (committee for James L. Todd, a lunatic,) praying the passage of a law allowing compensation to them for keeping and maintaining said lunatic.

6. Mr. J. G. Taylor presented the petition of the adult and infant heirs of William Taylor, deceased, praying the passage of a law authorizing a sale of certain real estate.

7. Also, the petition of sundry citizens of Campbellsville, in Henry county, praying the passage of a law incorporating said town.

8. Mr. Backner presented the petition of Mary T. A. Venable and Edward Worthington, praying the passage of a law authorizing a sale of certain real estate of Margaret Elizabeth Worthington, an infant.

9. Mr. Butler presented the petition of Caroline Foster, praying to be divorced from her husband, George Foster.

10. Also, the petition of Elizabeth Fryer, praying to be divorced from her husband, Richard Fryer.

11. Also, the petition of Jesse Christian, a free man of colour, praying the passage of a law releasing him from the penalties imposed on free per
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persons of color removing to, and settling in this State, and permitting him to reside in the same.

12. Mr. Mason presented the remonstrance of Eleanor Bowen, against the divorce of her husband, Wm. Bowen.

13. Mr. Murray presented the petition of Henry Younger, praying a change of venue, in a prosecution pending against him in the Bullitt Circuit Court.

14. Mr. Daveiss presented the petition of I. A. Jacobs, praying an extension of the time allowed for the tuition of pupils in the Deaf and Dumb Asylum, so far as regards one of the pupils now in said institution.

15. Mr. Brien presented the petition of Thomas P. Carson, and sundry citizens of Calloway county, praying that said Carson may be released from the penalties incurred for importing slaves into this State.

16. Also, the petition of sundry citizens of Calloway county, praying that the Internal Improvement Fund of said county may be loaned out at interest, and a modification of the law now in force in relation to the improvement of the roads in said county.

17. Mr. Rumsey presented the petition of John A. Taylor and Walter B. Lawton, praying additional compensation for carrying a lunatic to the Asylum.

18. Mr. Reeder presented the petition of David Jameson, praying to be divorced from his wife, Nancy Jameson.

19. Mr. Huston presented the petition of Elisha Dickerson, praying for the sale of some lots (in the town of Winchester) which descended to his children.

20. Mr. Redd presented the petition of Anthony N. Gatewood, praying to be released from the penalties incurred for importing into this State a negro woman and child.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st to Messrs. English, Lecompte, Johnson and McCalla; the 2d, 6th, 8th, 13th, 15th, 19th and 20th to the committee for Courts of Justice; the 3d, 9th, 10th, 12th and 18th to the committee on Religion; the 4th, 7th and 11th to the committee on Propositions and Grievances; the 5th and 17th to the committee on Claims; the 14th to the committee on Education, and the 16th to the committee on Internal Improvement.

The Speaker laid before the House the report of the Superintendent of the Board of Education.

[For this report, see Appendix.]

Ordered, That said report be referred to the committee on Education.

Mr. Butler, from the committee for Courts of Justice, to whom was referred the petition of the heirs and devisees of John Hutchison, deceased,
and of the citizens of Cynthiana—reported the same with the following resolution, viz:

Resolved, That said petitions are unreasonable.

Which being twice read, was concurred in.

Mr. Butler, from the same committee, to whom was referred a bill to legalize the proceedings of the Marion County Court, had at the February term, 1839, and for other purposes—reported the same with an amendment, which was concurred in.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

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

A message was received from the Governor, by Mr. Bullock, Secretary of State, upon the subject of the silk culture.

[For Message and Documents, see Appendix.]

Ordered, That said message and documents be referred to the committee on Agriculture and Manufactures.

A message was received from the Governor, announcing that he had approved and signed sundry enrolled bills which originated in this House, of the following titles, viz:

An act to reduce the number of Justices of the Peace of Ohio county.
An act for the benefit of Matthew Cook.
An act to establish an election precinct in the county of Daviess, and to change the place of voting in another.
An act to allow the Sheriff of Clinton county further time to return his delinquent list of militia fines.
An act for the benefit of William Smith, of Harrison county.
An act for the benefit of H. B. Smith, Clerk of the Grant Circuit and County Courts.
An act for the benefit of Denton Geoghegan and Barton Roby, late Sheriffs of Hardin county. Approved 11th December, 1839.
An act for the benefit of John Barnes, of Pulaski county.
An act to authorize the sale of Mount Zion Meeting House, in Clark county, for the benefit of the Methodist Episcopal Church.
An act to change the place of voting in the Chapel precinct in Clay county.
An act to change the place of voting in the Robertson precinct, in Hart county.
An act for the benefit of John J. Garth, Deputy Sheriff of Wayne county.
An act for the benefit of Jeffersontown, in Jefferson county. Approved 13th December, 1839.
An act to amend an act, entitled, an act to establish a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.

An act to establish the county line between Floyd and Morgan.

An act for the benefit of John B. Cloud.

An act to amend an act, entitled, an act to change the present mode of summoning jurors in this Commonwealth, and to provide for their compensation.

An act for the benefit of N. R. Harris and E. D. Solomon.

An act to revive an act establishing Libraries in Rockcastle and Laurel counties.

An act for the benefit of George W. Carter. Approved 16th December, 1839.

An act to incorporate the Literary Institute of St. Magdalen, in Washington county.

An act for the benefit of Jesse Yeates. Approved 19th December, 1839.

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

By Mr. Innes—1. A bill to amend an act, entitled, an act for the benefit of William Smith, of Harrison county.

By Mr. Henry—2. A bill to allow an additional Constable in Harrison county.

By Mr. Rowlett—3. A bill appropriating money to build a bridge across Eagle creek.

By Mr. McCalla—4. A bill authorizing the Scott County Court to increase the levy for Scott county.

By Mr. Reeves—5. A bill to incorporate the town of Trenton, in Todd county.

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

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 4th and 5th were severally ordered to be engrossed and read a third time, and the 5th was referred to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 4th and 5th bills having been dispensed with, and the same being engrossed,

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

Mr. Hines, from the joint committee appointed to examine Transylvania University and the Lunatic Asylum, made the following report:

[For this report, see Appendix.]
Mr. Goodson moved the following resolution, viz:

Resolved, That the Door Keeper of the House of Representatives be directed to procure a Press, for the purpose of keeping the extra Journals, Bills, &c.

Which being twice read, was adopted.

On motion of Mr. Mims,

Ordered, That Mr. Hardy be added to the committee on Claims.

Mr. Newell moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be instructed to enquire into the cause of the unequal distribution of the funds set apart for the improvement of the rivers by slack water, and why more of the funds have been expended on one river than on another; and that they report the result of their enquiry to this House.

Which being twice read, was adopted.

Mr. Hughes moved the following resolution, viz:

Resolved, That it shall be the duty of the committee on the Expenditure of the Board of Internal Improvement to ascertain the amount of tolls collected by each Turnpike Road Company in this State; and the amount of disbursements and all expenditures made by each of such companies, in the construction and repairing of the several roads under their superintendence; and that the committee shall have power to send for persons and papers, necessary to ascertain all the matters aforesaid submitted to their investigation; and that the committee ascertain if tolls due the State have been withheld by any of said companies, and make report thereon by bill or otherwise.

Which being twice read, was adopted.

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

On motion of Mr. Hardy—1. A bill to change the time of the meeting of the Legislature of Kentucky.

On motion of Mr. Lyter—2. A bill to authorize the County Court of Bourbon to levy a tax upon the citizens of said county, and for other purposes.

On motion of Mr. Goodson—3. A bill for the benefit of Harriet Howison.

On motion of Mr. Wilson—4. A bill to change an election precinct in Clay county.

On motion of Mr. Buckner—5. A bill to establish the Southern College of Kentucky.

On motion of Mr. Brien—6. A bill to amend the militia law.

On motion of Mr. W. N. Marshall—7. A bill to amend an act, entitled an act incorporating the town of Saloma, in Green county.

On motion of Mr. Barrett—8. A bill for the benefit of James Sego.

On motion of Mr. McRoberts—9. A bill to incorporate a Seminary in the town of Crab Orchard, Lincoln county.

On motion of Mr. Henry—10. A bill to incorporate the town of West Liberty, in Morgan county.
On motion of Mr. Reeder—11. A bill for the benefit of Francis Payne, infant heir of Joseph M. Payne, deceased.

On motion of Mr. Lane—12. A bill to incorporate the town of La Grange, in Oldham county.

On motion of same—13. A bill amending the several acts now in force, establishing the Board of Internal Improvement, and for other purposes.

On motion of Mr. Rowlett—14. A bill to give an additional Justice of the Peace to the county of Owen.

On motion of Mr. Isaac Smith—15. A bill to amend the law in relation to water grist mills.

Ordered, That Messrs. Hardy, Reeves, Morehead and J. S. Smith be appointed a committee to prepare and bring in the 1st; Messrs. Lyter, Clay and J. S. Smith the 2d; the committee for Courts of Justice the 3d, 5th and 11th; the committee on Privileges and Elections the 4th; the committee on Military Affairs the 6th; Messrs. W. N. Marshall, Coffey and Rowlett the 7th; the committee on Claims the 8th; Messrs. McRoberts, Yantis and Turner the 9th; Messrs. Henry, Glover and Mason the 10th; Messrs. Lane, Meriwether and J. G. Taylor the 12th; Messrs. Lane, T. Marshall, Sprigg, Lecompte, Perciful, Coffey, Caldwell, J. G. Taylor and Logan the 13th; Messrs. Rowlett, Coffey and W. N. Marshall the 14th; and Messrs. J. Smith, Hines, Hammond and A. Young the 15th.

The amendments proposed by the Senate to a bill from this House, entitled, an act to have the line run and marked between the counties of Clarke and Montgomery, were twice read, and concurred in.

The amendments proposed by the Senate to a bill from this House entitled, an act for the benefit of Abner Bolton, were referred to the committee for Courts of Justice.

Bills from the Senate of the following titles, viz:

1. An act allowing Edward C. Haydon to build a mill dam across Salt river.
2. An act for the benefit of the widow and children of Sam'l Pryor, dec'd.
3. An act allowing the Trustees of the town of Taylorsville to close an alley, and for other purposes.
4. An act for the benefit of George Smedley and D. R. Enders.
5. An act providing for the apprehension and detention of fugitives from justice from other States.
6. An act providing that the estates of persons dying without heirs or distributees shall vest in this Commonwealth, and for other purposes.
7. An act for the benefit of the Banks of Kentucky.
8. An act for the benefit of the Surveyor of Bullitt county.
10. An act to regulate Clerks' fees in certain cases.
11. An act reducing the number of Justices of the Peace in Russell county.
13. An act allowing Willis Blanton, Surveyor of Franklin county, further time to give bond.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was referred to the committee on Internal Improvement; the 2d, 5th, 6th, 10th and 11th to the committee on Courts of Justice; the 3d, 8th, 9th and 13th were severally ordered to be read a third time; the 4th was referred to the committee on Claims; the 7th to the committee on Banks; and the 12th to the committee on Religion.

The rule of the House, constitutional provision and third reading of said 3d, 8th, 9th and 13th bills having been dispensed with,

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

And then the House adjourned.

SATURDAY, JANUARY 4, 1840.

A message was received from the Senate, announcing their concurrence in the adoption of a resolution from this House, to fire a national salute on the 8th instant—with an amendment.

The passage of bills from this House of the following titles, viz:
An act to change the name of Thomas Farrer to that of Thos. F. Daniel.
An act to reduce the number of Justices in Henry county.
An act for the benefit of Louisiana Esters.
An act to amend an act, entitled, an act to regulate the election of Trustees for the town of Port Oliver, in Allen county.
An act authorizing the Commissioners of the Sinking Fund and the Board of Education to sue and be sued.

That they had passed bills of the following titles, viz:
An act to amend an act providing that the fines and forfeitures in the Commonwealth shall be a fund for the payment of jurors, approved February 15, 1838, and for other purposes; and
An act to amend the militia law of this State.

And that they had received official information from his Excellency the
Governor, that he had approved and signed enrolled bills and resolutions which originated in the Senate, of the following titles, viz:

An act to amend an act, entitled, an act to incorporate the Shelbyville Fire, Marine and Life Insurance Company.
An act for the benefit of the infant children of John H. Bell, deceased.
An act to change the time of holding the December County Court of Lawrence, for the year 1839, and for other purposes.

Approved 10th December, 1839.

An act to change the name of David Benson Davis, to that of David Benson Rice.
An act providing for the appointment of Commonwealth's Attorneys.
An act to establish an election precinct in the county of Monroe.
An act to legalize the proceedings of the Court of Assessment for the 110th Regiment of Kentucky Militia.

Approved 13th December, 1839.

An act for the benefit of James V. Fortune and George M. Fortune.
An act for the benefit of the Jailer of Nicholas county.
An act for the benefit of the infant children of Morgan Hopson.
An act for the benefit of the late Sheriff of Washington county.
An act declaring little Goose creek and the east fork of main Goose creek navigable streams.
An act for the benefit of the Winchester and Lexington Turnpike Road Company.
An act for the benefit of the Sheriff of Jessamine county.

A resolution fixing a day for the election of Public Officers.

Approved 19th December, 1839.

1. Mr. English presented the petition of David Owen, Jailer of Carroll county, praying the passage of a law allowing him compensation for keeping certain runaway slaves in jail.

2. Mr. Murray presented the petition of John Anderson, praying a change of venue in a prosecution pending against him in the Bullitt Circuit Court.

3. Mr. Barrett presented the petition of the infant heirs of Jno. J. Thompson, deceased, praying the passage of a law authorizing said heirs to convey certain lands which descended to them.

4. Mr. Perciful presented the petition of John Cain, and others in his behalf, praying the passage of a law authorizing a change in that part of the State road from Brandenburg to Bowling Green which passes through his farm.

5. Mr. Stephens presented the petition of Eliza C. Anderson, praying to be divorced from her husband, James Anderson.

6. Mr. M. Sutton presented the petition of Joseph Jackson, and others
on his behalf, praying the passage of a law allowing him compensation for
the maintenance of said Jackson's mother, who is old and helpless.

7. Mr. Glover presented the petition of James Howard, Clerk of the
Montgomery County Court, praying the passage of a law requiring execu-
tors, administrators and guardians (in all cases where there is assets) to pay
the Clerk's fee bills prior to final settlement.

8. Mr. Gresham presented the petition of sundry citizens of Rockcastle
county, praying the passage of a law allowing an additional Justice of the
Peace to said county.

9. Mr. McRoberts presented the petition of the Rev. John S. Higgins and
others, praying the passage of a law repealing the law authorizing the grant-
ing of license to retail spirituous liquors.

10. Also, the petition of sundry citizens of Crab Orchard, in Lincoln
county, praying for the same object.

11. Mr. Glover presented the petition of George Case, and others in his
behalf, praying a change in the law in relation to water grist mills.

12. Mr. Haggard presented the petition of James Smith, praying the pas-
sage of a law allowing him to retail spirituous liquors.

13. Mr. Mason presented the petition of sundry citizens of Bath county,
praying the passage of a law allowing an additional Justice of the Peace in
said county.

14. Mr. Mize presented the petition of Henry Beaty, praying the passage
of a law authorizing a conveyance to be made to him (for a certain tract of
land) by Mary Gilman and the heirs of Michael Ficelli, deceased.

15. Mr. Huston presented the petition of Larkin B. Yates, captain of the
Winchester Light Infantry Company, praying the passage of a law making
him compensation for expenses incurred in the burial of the late Governor
Clarke.

Which petitions were severally received, the reading thereof dispensed
with, and referred: the 1st, 6th and 15th to the committee on Claims; the
2d, 3d, 7th and 14th to the committee for Courts of Justice; the 4th to the
committee on Internal Improvement; the 5th, 9th and 10th to the commit-
tee on Religion; the 8th to Messrs. Gresham, McRoberts and M. Suttles.
the 11th, 12th and 13th to the committee on Propositions and Grievances.

Mr. Brooks, from the committee on Propositions and Grievances, to whom
was referred the petition of sundry citizens of Oldham county, praying to
be added to the county of Trimble—reported the same with the following
resolution, viz:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

The Speaker laid before the House the response of the Board of Internal
Improvement to the resolutions on the 9th December last, which is as fol-
lows, viz:
SIR:—I have the honor to lay before the House of Representatives the report of the Chief Engineer to the Board of Internal Improvement, with the accompanying documents and tables, in answer to the resolution of the House of the 9th of December last.

Very respectfully,

I am, &c. &c.

J. T. MOREHEAD.

President of the Board of Int. Imp.

Hon. John L. Helm,
Speaker of the House of Representatives.

Engineer’s Office,
December 31, 1839.

SIR:
The following report is made in pursuance of your directions, relative to turnpike roads, in answer to a resolution of the 9th December, 1839: and is respectfully submitted.

There are thirty turnpike roads in the State, in some of which the State is equally interested with individuals as a stockholder. In some she holds two dollars for one of individual stock, and in others a larger amount, and in a few instances there are some roads made by the State alone.

Schedule A will give in detail a more concise view of the whole of the roads than can be conveniently made the subject of a written communication. The following roads are finished, in use, and the toll gates erected, and the gate keepers taking toll. There is no fixed rate of tolls, nor is there any information, in this office, by which the rates of toll on the different roads can be given. Each charter fixes, or generally does, the rates of toll on its road; in but few instances have the Board of Internal Improvement been called on to fix a rate of tolls on any of the turnpike roads. The remarks on each road will give the particular towns through which the roads generally pass.

Maysville, Washington, Paris and Lexington Turnpike Road—this road is finished.

Frankfort, Hardinsville, Shelbyville, and to the Jefferson county line, and Louisville, 32 miles, 20 miles next to Louisville are owned by an incorporated company, in which the State owns no stock, finished.

Hardinsville, via Lawrenceburg, Salvisa, Harrodsburg, Danville, and Stanford, to the Crab Orchard—this road is finished, except 1 1/2 miles of a mile in Lincoln, and half a mile in Mercer counties, and is all used except 2 1/2 miles. The State is an equal stockholder with individuals in this road generally; in part of Franklin, Anderson, and Mercer, it is something more—two to one for small amounts.

Road from Bardstown to Springfield—this road is finished. State and individuals are equal stockholders.

Frankfort, Versailles, and Lexington road is completed—the individual subscription is equal to the State’s.

Danville, Lancaster, and Nicholasville, terminating in the city of Lexington—the State holds $159,850, and individuals $158,850, or a fraction over one dollar to one of individuals.
Lexington and Winchester road is finished—the State and Individuals are equal stockholders.

Lexington to Georgetown—this road is finished, and the State and individuals are equal stockholders.

Frankfort to Georgetown—this road is completed, and the State and individuals are equal stockholders, except the appropriation made to Ambrose Wickersham of $625.00.

Versailles and Anderson, completed to the Kentucky river—the residue of the Frankfort and Crab Orchard road, not under contract. The State and individuals hold stock equally in this road.

Richmond and Lexington Turnpike Road—the first 20 miles are complete as far as Foxtown, the residue 5.25 are under contract and in progress. The State and individuals are equally interested in this road.

Lexington, Harrodsburg, and Perryville Turnpike Road—there are six miles of this road completed next Lexington, and one mile adjoining nearly complete; the next space of 7 or 8 miles are not under contract until you approach the Kentucky river cliffs, where there are three miles under contract, on the north side. The south cliff and a distance of two miles are not under contract until you arrive within a mile of Pleasant Hill, (Shakertown) and thence to Perryville, through Harrodsburg; this work is nearly completed and in use; three gates have lately been erected and are taking toll. State and individuals equally interested.

Georgetown, Williamstown, and Covington Turnpike Road—there are ten and twelve hundredths miles of this road next to Covington finished, and two gates taking tolls. The State and individuals are equally interested in this 10.12 miles. There are ten miles adjacent to this, under contract, in which the State is a stockholder to the amount of three dollars to two of individuals. There is then a space passing through Williamstown of 36 miles not under contract; the residue of the distance is under contract; and the State pays three fifths of the cost. The whole distance now under contract is 25.98 miles. The portion next Florence is progressing rapidly in the grading and draining; that next Georgetown is also in progress; the contractors are engaged in grading, grubbing, clearing and delivering stone for the culverts. The State has paid no money to the works now under contract.

Mount Sterling, Flemingsburg, and Maysville Turnpike Road—there are 15.42 miles of this road completed, and 11.89 miles under contract. Five miles are completed near Sharpsburg; and ten and forty two hundredths near Maysville and Flemingsburg; the space from Mount Sterling to Sharpsburg is not under contract; five miles of it were first put under contract and the contracts having progressed to some extent were abandoned. The distance between Sherburne Mills and Flemingsburg is not under contract. So far as this road is finished and under contract the State and individuals are equally interested, but the road cannot be made the residue of the distance unless the State shall take two thirds of the stock.

Maysville and Germantown Turnpike Road—the State and individuals hold stock equally in this road. A continuous line of road is under contract from Maysville towards Germantown of 9.78 miles, and the residue of the distance, in the county of Bracken, is not under contract.

Owingsville to the mouth of Big Sandy—this is a graded road only. Individuals hold $15,000 of stock, the State $150,000. There are fifty miles completed for travel. I am unable to state the continuous portions completed. One mile is under contract and not finished, and 27½ miles are in
The finished part of this road, with bridges under 20 feet span, cost $2,225 per mile. There are four bridges; complete cost, $18,036.

The unfinished road, under contract, will cost about $2,000 per mile, as will also that portion not under contract. There are three bridges under contract, and not finished, estimated to cost $25,312. There are five toll gates up, and now taking tolls. The unfinished road, not under contract, including one bridge, will cost $53,000.

The road by way of Elizabethtown, Munfordville, Bowling Green, and Franklin, to the Tennessee State line, starting at Louisville—in this road the State holds two thirds of the stock. It is managed by four different Turnpike Companies; and one of the companies divide the stock in their respective counties, viz: Jefferson and Hardin. The funds in each are expended on the work in its own county.

Twelve miles of this road are completed; five miles in Jefferson next Louisville, two miles next Salt river, in Hardin, and five miles next Elizabethtown. The length under contract in Jefferson, is 13.7 miles, in the county of Hardin, 16.7 miles, making 30.4 miles. The work under contract in the county of Jefferson, will cost $111,688 17 cents, of which $12,064 00 have been paid to contractors, and work executed to the amount of $28,201 25. In the county of Hardin, there has been executed work to the amount of $31,322 10, on the 16.7 miles under contract. This work, at contract prices, amounts to $45,969 50, requiring to complete the work under contract in Hardin county, the sum of $64,647 50. The road in both these counties, is generally graded, and the drains and culverts built. There is about one mile in the two counties, including the Salt River bridge, not under contract, estimated to cost $63,160 50.

The road from Elizabethtown to Bell’s, a distance of 48.64 miles, is under contract, with the exception of the Green River bridge, and the bank to the bridge, and the hill side—four miles of graded road are finished, 43 miles and 44 poles, are under contract, and not finished—of this, 17 miles are to receive a stone cover. Twenty five miles of the graded road, can be put in use with an expenditure of about one hundred dollars per mile, and the residue, except a few sections, are in a considerable state of progress. Only one mile of this road, is paved, and about three fourths of a mile covered with broken stone, but there are stone delivered for the whole of the paving on the 17 miles.

The small bridge masonry is done, and the abutments of the bridge at Nolin, are in, and the work so far raised as to be above low water mark.

The whole value of work done, upon this portion of this road, is $33,154 04, and there has been paid to contractors, $78,600 34, the remainder being retained per centage.

The bridge over Green river is to be built under a separate charter—the amount required to complete the work under contract, is $96,000. The amount of stock, subscribed by individuals, is $56,950.

From Bell’s to Bowling Green, 22.44 miles are under contract—of this, 21.85 miles are graded, 14.51 miles are paved, 7.52 miles of broken stone, and 2.82 miles are finished. Amount of work done, $65,817 63—amount paid, $25,364 77—amount due, $30,452 86—amount required to complete the work under contract, $58,956 05. There are one and a half miles not under contract, embracing Barren river bridge.
The fourth division of this road, extends from Bowlinggreen to the State line, a distance of 27.65 miles. It is all under contract, and nearly graded. Twenty one miles are to be covered with stone, the remaining 6½ are only to be graded, and is the division between Franklin and the Tennessee State line. None of this division is finished. The stoning is in progress, and much of it nearly completed. The estimated amount of work done on the 1st of September, was $54,882. The July and September estimates, are unpaid, and large amounts of work have been executed since. The amount expended to that time, was $32,047. The cost of this work, at contract prices, is $116,550 77 cents. Amount of funds required to complete it, is $61,668 77. The amount required to complete that portion of the work not under contract, is for stoning the 6½ miles south of Franklin, about $20,000. The length of this road is 144.53 miles. Sixteen miles are finished, and 125.53 miles are under contract. The amount required to complete the part under contract, is $433,324 94. The amount required to complete the part not under contract, is $273,516. The total amount paid by the State, is 173,989. By individuals, $107,153. Total amount paid, $274,142.

Road from Louisville, by way of Bardstown, New Haven, Glenbrook, Glasgow, and Scottsville, to the Tennessee State line.—This road is completed from Louisville to Bardstown, a distance of 39 miles. Twenty nine miles of this distance were made by the State and individuals, jointly and equally. The first ten miles are owned by an incorporated company. This twenty nine miles cost $200,000, as appears from former reports. The President, Levi Tyler, reports the cost this year, at $203,578 82. The distance from Bardstown to Glasgow, is 68.80 miles—the grade, drains, culverts, grubbing and clearing, are nearly completed. About half a mile, a part of section Nos. 8 & 9, at the Landing Run hill, is not graded; also, a part of section No. 24, on Muldrow's hill, say a quarter of a mile. Thirty and forty on hundredths miles are paved and covered with broken stone, and stone delivered to complete twelve miles more. 9.09 miles of this distance are paved, and stone broken to cover a part of it. 10.18 miles are not under contract for stoning, and is estimated to cost $3,360 per mile.

There are 14 bridges on this line of work; 10 of them are small, varying in their span, from 15 to 40 feet, and their cost is included in the estimate and contract prices of the road per lineal pole.

There are four large bridges on the road from Bardstown to Glasgow.—One over the Beech fork, span 200 feet—Rolling fork, span 176 feet—Green river, span 200 feet, and Beaver creek, 69 feet, all completed, and cost the aggregate sum of $73,645 49 cents. The total cost of the road from Bardstown to Glasgow, including bridges, will be $447,781 67 cents. The total amount of work done, including bridges, is $308,340 64, which taken from the total cost, leaves $139,441 03, necessary to complete the work under contract. There will be required for toll houses, engineering, contingencies, and pay of officers, an amount equal to about five per cent., or $92,380 03. This is my estimate, and is not reported to this office by the President.

The supposed amount necessary to complete the work not under contract, is $36,556 80. The amount expended, so far as the reports show, is $251,804 between Glasgow and Bardstown. The amount of stock subscribed by individuals, is $127,950—the amount paid by individuals, is $85,712.

The road from Glasgow to the Tennessee State line, is all under contract for grading, draining and bridging. Thirty one miles are graded, and the
The estimated cost of stoning, not under contract, is $3,200 per mile.—
There has been paid to contractors, $64,382. The amount required to complete the work under contract, is 55,000 dollars.

The amount of stock subscribed by individuals, is $23,465. There is $82,000 worth of work done on the line. The State has paid $40,937. The total amount paid, is 64,402 dollars—leaving a balance due to complete the work under contract, of $17,598 dollars, which is executed. These amounts are exclusive of contingencies, which will be about 6,000 dollars, to cover the cost of toll houses, damages, and superintendence.

Muldrow's Hill Road, and Rolling fork of Salt river bridge—a work constructed entirely by the State, is 5.35 miles long, and finished. The bridge is so far completed as to be used. Some of the weatherboarding, sheathing, and shingling, yet remain to be done. This toll gate, during the last ten months, yielded $772.07; and the keeping the gate, and repairs, the same time, amounts to $926.82. The balance of net tolls, $485.25, I have paid over to the treasurer of the State. The Board of Internal Improvement have raised the tolls nearly 100 per cent, at this gate since the first of December.

Logan, Todd, and Christian Turnpike Road, was surveyed and located this year, by William R. McKee, an Engineer in the service of the State. The distance from Russellville to Eddyville, is 76.44 miles, and is estimated to cost complete $441,103.43, or, $5,770.58 cents per mile. The State takes two thirds the stock in this work. There have been put under contract, for grabbing, clearing, draining, the culvert and bridge masonry on 45.5 miles, at an average cost of $5,130.69 cents per mile; making an aggregate sum of $233,446.56. The length not under contract, is 31 miles, and the bridges on the whole line. The stock subscribed by individuals amounts to 2589 shares, of $100 each; and the State has paid $1,000 to the company.

I have, during this year, located and placed under contract, the grading, draining, and bridging, of 25.55 miles of the Crab Orchard and Cumberland Gap Turnpike road; also, the building of a bridge of 150 feet span, over the Cumberland river, and a bridge over the Rockcastle river, of 130 feet span. The President and Directors, under the advice of the Chief Engineer, selected the worst points on the whole line of road, and they have so made the contracts, as to apply the $40,000 taken from Rockcastle river, to that portion of the road common to the Richmond and Crab Orchard and Cumberland Gap road, or to that portion between Mrs. Pitman's and the Cumberland Gap. The works under contract, amounts to $104,332.67. Individuals have taken a sufficiency of stock to complete this work, after making an appropriation of the $40,000; and the State to pay two for one, on the residue.—

When this road shall be improved, as now under contract, I know of no road better adapted to the wants of the country; nor do I know of any work of the kind, that deserves the patronage of the State to a greater extent. The present activities of the hills are so steep that 2500 lbs. are more than an
average load for a wagon and five horses. The distance from the Crab Orchard to the Cumberland Gap, as located for a road, is 100 miles, and the towns passed through are Mt. Vernon, London, and Barboursville.

Pikeville to the Sounding Gap—the distance is 37 miles, and the work, as far as made, is by an appropriation from the State. Only portions of the road are improved. From Pikeville to the top of Island hill, a distance of 41 miles, was made in 1838—the other side was made in 1836. The amount of money paid for this work, up to this time, is $6,224.09.

State road from Mt. Sterling through Prestonsburgh, and Pikeville to the Virginia line, 138 miles long, is improved by grading and draining the worst hills, and by bridging some of the worst water courses—entirely at the expense of the State. The total amount paid for work done, is $22,643.66. This road is of great use to the citizens of this section, and for the construction, they are enabled to haul moderate sized loads over the whole distance, and in driving stock to the eastern markets. A consumption of all their surplus produce is required at a fine market price.

Road from the mouth of Salt river, through Breckenridge, Hancock, Daviess, Henderson and Union. An appropriation has been made, and paid, $9,250.00 to make sundry improvements on this road. It is all done at the expense of the State, as far as I know.

Bridge over Richland Creek, in Hopkins county. There has been paid by the Board of Internal Improvements, $100 towards the construction of the bridge.

Road from Salt River, through Edmondson county, to Bowling Green. The Board of Internal Improvements have paid $460.00 towards the construction of this road.

Lexington and Ohio Rail Road. The State has paid $207,500 towards the construction of this work. Individuals, about $600,000. I am unable to give the total estimated cost of this work. The particular details of the work are no part of the records of this office.

Green River Rail Road. An appropriation of $200,000 was made for this work; and in locating and surveying the road, the Board of Internal Improvements have paid the sum of $1,903.00. This work has been abandoned, and the residue of the $200,000 have been subscribed to the Logan, Todd and Christian Turnpike Road.

Schedule A, accompanying this report, gives, in detail, the residue of the information sought in the resolution.

Which is most respectfully submitted.

HENRY J. EASTIN, R. Engineer.

TO SYLVESTER WELCH, Esq.,
Chief Engineer of Kentucky.

ENGINEER'S OFFICE,
Frankfort, Dec. 31, 1839.

I have the honor to submit the following statements relative to the internal improvements of the State, in answer to two resolutions of the House of Representatives of the 9th inst. The first, calling upon the Board for
<table>
<thead>
<tr>
<th>Bridges.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated amount required from the rate to finish each improvement under contract.</td>
</tr>
<tr>
<td>Dollars.</td>
</tr>
<tr>
<td>9,200.00</td>
</tr>
<tr>
<td>250.00</td>
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<tr>
<td>700.00</td>
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<tr>
<td>4,500.00</td>
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<tr>
<td>15,332.00</td>
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<tr>
<td>80,303.00</td>
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<tr>
<td>107,339.00</td>
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<tr>
<td>14,400.00</td>
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<tr>
<td>23,500.00</td>
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<tr>
<td>47,000.00</td>
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<tr>
<td>288,889.00</td>
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<tr>
<td>4,655.88</td>
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<tr>
<td>111,990.00</td>
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<tr>
<td>153,531.04</td>
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<tr>
<td>82,888.17</td>
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<tr>
<td>946,441.00</td>
</tr>
</tbody>
</table>
### Schedule A.

**Turnpike Roads, Railroads, and Bridges.**

<table>
<thead>
<tr>
<th>Time of Improvement</th>
<th>Length of Improvement (Miles)</th>
<th>Length Reclaimed (Miles)</th>
<th>Length under Contract (Miles)</th>
<th>Amount paid in Cash</th>
<th>Amount under Contract (Dollars)</th>
<th>Total amount paid (Dollars)</th>
<th>Amount in Stock (Dollars)</th>
<th>Amount in Bonds (Dollars)</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

**Estimated quantity of material purchased for the roads and bridges, and amount paid.**

<table>
<thead>
<tr>
<th>Material Type</th>
<th>Quantity</th>
<th>Amount Paid (Dollars)</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

**Estimated cost of Amount of Tolls Expected Amount of stock Amoun t stock paid for.**

<table>
<thead>
<tr>
<th>Estimated cost</th>
<th>Amount of Tolls</th>
<th>Expected Amount</th>
<th>Amount of stock</th>
<th>Amount paid for</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dollars</td>
<td>Dollars</td>
<td>Dollars</td>
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</tbody>
</table>

**Estimated expense of repairs.**

<table>
<thead>
<tr>
<th>Estimated Expense Type</th>
<th>Amount in Stock (Dollars)</th>
<th>Amount in Bonds (Dollars)</th>
</tr>
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<tbody>
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</table>

**Estimated expense of in repairs.**

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<thead>
<tr>
<th>Estimated Expense Type</th>
<th>Amount in Stock (Dollars)</th>
<th>Amount in Bonds (Dollars)</th>
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<td></td>
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</tbody>
</table>

### To face page 120, H. R. Journal.

- Estimated cost of improvements.
- Amount of stock held for the roads and bridges.
- Amount paid for repairs.
- Amount paid for repairs by individuals.
average hard town.

Pike far as road; miles, the cents.

of the State.

Virginia, bills, the cents.

the case of the whole of all.

Rogers, I: $9,250 expended.

Bridge, the Board.

Road, The Bridge.

The Bridge.

Levy, the court.

work. Due and proved, as and Old.

Said information.

To
information relating to improvements upon rivers, and the second for information relating to roads.

Contracts have been made for improvements, upon the following rivers, viz:

Green river,  
Barren river,  
Muddy river,  
Kentucky river,  
South Fork of Kentucky river,  
Licking river,  
Panther creek,  
Pond river,  
Rough creek,  
Barren river, above Bowling green,  
Drake's creek,  
East Fork of Goose creek,  
Collins' Fork of Goose creek,  
Kentucky river, North and Middle Forks,

Improved by Locks and Dams.

South Fork of Goose creek,
Cumberland river,  
Muddy river,  
Improved for descending navigation.

Work done under contracts except a part of Barren river & Drake's creek.

Rough creek,  
Barren river, above Bowling green,  
Drake's creek,  
East Fork of Goose creek,  
Collins' Fork of Goose creek,  
Kentucky river, North and Middle Forks,

Improved for descending navigation.

Work done under contracts except a part of Barren river & Drake's creek.

Cumberland river,  
Muddy river,  
South Fork of Goose creek,  
Green river between Locks No. 4 & 5,

Work executed under superintendents acting as agents of the State.

Green and Barren River Navigation.—There are six locks and dams under contract upon Green river. Two of the locks upon Green river are finished, and one more will probably be in a condition for boats to pass by the first of January next. The lock and dam near the mouth of the river, and the one in Barren river can be finished next season. The two remaining locks and dams in Green river, No. 5 and 6, were put under contract, within the present year. The work upon these are not yet commenced, and the agreements provide that it shall not be, or that no money shall be demanded for work done, until funds shall be provided by the State to pay the expenses.

The estimated cost of the locks and dams now in progress and the works connected with or belonging to the navigation, which will be formed by them, is as follows: Lock and dam, No. 1, in Green river, exclusive of hydraulic lime, superintendence and contingencies, $136,000 00

Lock and dam No. 2, $86,950 00
Lock and dam No. 3, 95,695 67
Lock and dam No. 4, 96,753 37
Lock and dam No. 1, in Barren river, 100,381 00

Lock Houses.

At No. 1 in Green river, $1,800 00
At No. 2 in Green river, 1,800 00
At No. 3 in Green river, 400 00
At No. 4 in Green river, 1,650 00
At No. 1 in Barren river, 1,800 00

Amount carried forward, 7,450 00

$523,230 04
JOURNAL OF THE

Amount brought forward,- $523,230
Clearing the banks and channel of Green and Barren rivers, from the mouth of Green river to Bowling green, $23,000
Estimated expense for hydraulic lime, surveys, superintendence, and pay of Engineers and office expenses, for five locks and dams,- $90,000

Whole estimated cost of the five locks and dams, exclusive of works for the application of water power, but including contingencies,- $636,230
Estimated cost of locks and dams No. 5 and 6, including land and contingencies, $230,000

Estimated cost of the six locks and dams on Green river, and one lock and dam in Barren river, including all expenses, except the cost of works for the application of water power, $866,230

Estimated cost of the works necessary for the application of water power, at the five locks and dams now in progress, $12,000 for each lock, or the five, $60,000.

There had been paid up to the 25th of November for work done under contracts for lock and dam No. 1, in Green river,- $85,499 19
Lock and dam No. 2 in Green river,- $151,561 59
Lock and dam No. 3 in Green river,- $95,695 57
Lock and dam No. 4 in Green river,- $78,729 00
Lock and dam No. 1 in Barren river,- $77,011 62

Amount paid for castings for locks, $3,921
Amount paid towards the construction of works necessary for the application of water power at lock No. 2,- 7,539
Amount paid for lock houses at No. 1 in Green river, Nothing.
At No. 2 in Green river,- $1,361 00
At No. 3 in Green river,- $400 00
At No. 4 in Green river,- $575 00
At No. 1 in Barren river, Nothing.

Amount paid for land for lock sites for the use of water power—
At No. 1 in Green river, Nothing.
At No. 2 in Green river,- $733 00
At No. 3 in Green river,- $125 00
At No. 4 in Green river,- 100 00

Amount paid by the Commissioners of the Green and Barren river navigation for hydraulic lime, engineers, and superintendents pay, &c. $38,005 33

Amounts carried forward,- $35,005 33 $471,328
Amounts brought forward, $35,005 33
Amount paid by the Board of Internal Improvement for the manufacture and transportation of hydraulic lime and Engineers' salaries, 43,667 90
Amount paid for clearing the timber from the river banks, and snags from the river, 16,657 15
Paid for powder, 644 80
Discount on $20,000 Commonwealth paper, 2,139 99
Deduct $46.62 received for boat stores, 46.62
Whole amount expended up to November 25, 1839, $534,391 33

The amount of work done upon the Green and Barren rivers, as reported by the Resident Engineer on 25th November, 1839, is as follows:

<table>
<thead>
<tr>
<th>Lock and dam</th>
<th>Amount ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 1</td>
<td>93,000</td>
</tr>
<tr>
<td>No. 2</td>
<td>86,950</td>
</tr>
<tr>
<td>No. 3</td>
<td>95,695.67</td>
</tr>
<tr>
<td>No. 4</td>
<td>85,753.37</td>
</tr>
<tr>
<td>No. 1 in Barren</td>
<td>76,881</td>
</tr>
</tbody>
</table>

Total amount of work done upon lock houses, 3,015 00

Amount of work at clearing the banks and channel of the rivers, 17,000 00

Whole amount of work done upon locks and dams, lock houses, and the clearing of the river and banks, not including hydraulic lime and superintendence, $458,295 04

Amount of work done towards the construction of works for the application of water for hydraulic purposes, $8,000.

Amount due for work done, on the 25th of November:

<table>
<thead>
<tr>
<th>Work done</th>
<th>Amount ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>On lock and dam No. 1 in Green river</td>
<td>7,500 81</td>
</tr>
<tr>
<td>On lock and dam No. 2 in Green river</td>
<td>5,388 41</td>
</tr>
<tr>
<td>On lock and dam No. 3 in Green river</td>
<td>7,024 37</td>
</tr>
<tr>
<td>On lock and dam No. 4 in Green river</td>
<td>679 00</td>
</tr>
<tr>
<td>On lock houses</td>
<td>342 85</td>
</tr>
<tr>
<td>Clearing river banks</td>
<td>460 50</td>
</tr>
<tr>
<td>On works for water power at No. 2</td>
<td>26,396 24</td>
</tr>
</tbody>
</table>

*This item is common to all the locks and dams.
Amount of work remaining to be done on the 25th of November, 1839, upon the works in progress—

At lock and dam No. 1, $43,000.00
At lock and dam No. 2, finished.
At lock and dam No. 3, finished.
At lock and dam No. 4, $11,000.00
At lock and dam No. 1 in Barren river, $23,000.00

Amount of work required to finish lock houses—
At lock and dam No. 1, $1,800.00
At lock and dam No. 2, $200.00
At lock and dam No. 3, $635.00
At lock and dam No. 4, $1,800.00
At lock and dam No. 1 in Barren river, $4,435.00

Amount of work required to be done at clearing the river banks and channel, $6,000.00
Add for furnishing the balance of the hydraulic lime for locks No. 1 in Green and No. 1 in Barren rivers, and for superintendence, Engineers’ pay, and contingent expenses, $8,326.77

Whole estimated amount of work required to complete the five locks and dams and works connected with them, exclusive of the works necessary for the application of the surplus water for hydraulic purposes, but including contingencies, $96,261.77

Estimated amount required to complete locks and dams Nos. 5 and 6 upon Green river, (work not yet commenced) including all contingencies, $230,000.00

Whole amount of work to be done on 25th of November to complete six locks and dams upon Green river and one upon Barren river, including all expenses except the works necessary for the application of water power, $326,261.77

Amount of labor required to be done to finish the works necessary for the application of the surplus water for hydraulic purposes—
At lock and dam No. 1, $12,000.00
At lock and dam No. 2, $4,000.00
At lock and dam No. 3, $12,000.00
At lock and dam No. 4, $12,000.00
At lock and dam No. 1 in Barren, $12,000.00

$52,000.00

The distance from the mouth of Green river to lock No. 1, is about 8½ miles.
From lock No. 1 to lock No. 2, 51¾ miles.
From lock No. 2 to lock No. 3, 43½ miles.
From lock No. 3 to lock No. 4, 41½ miles.
From lock No. 4 to lock No. 1, in Barren river, 15 miles.
From lock No. 1, in Barren, to Bowlinggreen, 15 miles.
From lock No. 4, in Green river, to lock No. 5, about 21 miles.
From lock No. 5 to lock No. 6, 17 miles.
From lock No. 6 to head of pool, about 16 miles.

The whole length of the Green river improvement, from the Ohio to Greensburg, is 269 miles.

Length of Barren river improvement, to Bowling green, 30 miles.

From the mouth of Green river to lock No. 2, 60 miles—boats can pass only when the Green river is considerably swollen, or when there is a rise of some 10 or 12 feet in the Ohio. From lock No. 2 to lock No. 4, 85 miles, boats can pass at all times when the river is not covered with ice. When dam No. 4 is finished, boats can pass 21 miles up Green river, and 15 miles up Barren to dam No. 1. This dam, (No. 1) in its present condition, obstructs the navigation, and the boats cannot pass over it except during the continuance of high water. The whole estimated cost of the Green and Barren River Navigation, including Green river from its mouth to Greensburg, and Baren river from its mouth to Bowlinggreen, is $1,292,000. See Schedule No. 1.

*Muddy River.*—One lock and dam has been put under contract, within the present year, upon this river. It will be smaller than the Green river locks, being only 22 feet wide, and 120 feet long in the chamber. The work is not yet commenced, and by the terms of the agreement with the contractors, no payments are to be made until funds shall be provided, and they are notified by the Chief Engineer to commence the work.

The estimated cost of the lock and dam and works connected with them, is $50,000.

The whole length of slackwater upon this stream, including the distance which dam No. 3, in Green river, backs the water, is 28 miles.

*Kentucky River Navigation.*—There are eight locks and dams under contract, upon this river. Five of these locks were put under contract in 1836, and the other three in June of this year. Of the five locks first put under contract, three of them, viz: Nos. 2, 3, and 4, will be so far completed by the middle of January next, that boats can pass through them, and they will all be finished, if funds are provided, during the next season. The three locks, Nos. 6, 7, and 8, which were put under contract in June last, will not be commenced, or no payments can be claimed by the contractors, until they shall be notified, by the Chief Engineer, to commence their work, and not until funds shall be provided to pay the expenses of construction.

The estimated cost of the five locks and dams, now in progress:

<table>
<thead>
<tr>
<th>Lock</th>
<th>Work done, and to be done, under the contract</th>
<th>Amount carried forward</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 1</td>
<td>$179,075.00</td>
<td>$674,258.00</td>
</tr>
<tr>
<td>No. 2</td>
<td>$135,306.00</td>
<td></td>
</tr>
<tr>
<td>No. 3</td>
<td>$118,721.00</td>
<td></td>
</tr>
<tr>
<td>No. 4</td>
<td>$114,556.00</td>
<td></td>
</tr>
<tr>
<td>No. 5</td>
<td>$126,600.00</td>
<td></td>
</tr>
<tr>
<td>26,000 barrels of hydraulic lime,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 lock houses,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clearing river banks, 92½ miles,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amount carried forward,</td>
<td>$772,758.00</td>
<td></td>
</tr>
</tbody>
</table>
Amount brought forward, 772,758 00
Superintendence and contingencies, 38,638 00

Estimated cost of the five locks and dams, and works connected therewith, and including the clearing of the river banks, superintendence, and all contingencies, $81,396 00

Estimated cost of locks No. 6, 7, and 8, (not yet commenced,) including hydraulic lime and superintendence, and all contingencies, and including the clearing of the river banks 53% miles, 494,961 00

Whole estimated cost of the eight locks and dams, under contract, clearing of the river banks, and including all expenses, $1,306,357 00

There has been paid towards the construction of the five locks and dams, now in progress:
For work done under contract for building the locks and dams,
No. 1, $93,240 00
No. 2, 83,003 00
No. 3, 74,532 00
No. 4, 94,053 00
No. 5, 71,010 00
Total, $415,838 00

For hydraulic lime, 62,357 00
Superintendent's pay, 7,451 00
Clearing river banks, 19,285 00
Engineers' salaries, 19,127 00
Total, $510,041 00

Value of work supposed to be done up to this date, including lime, and superintendents' pay:
Lock and dam No. 1, $131,705 00
Lock and dam No. 2, 118,216 00
Lock and dam No. 3, 109,052 00
Lock and dam No. 4, 120,053 00
Lock and dam No. 5, 90,901 00
Total, $569,927 00

Clearing river banks, 16,268 00
Engineers' salaries, 13,127 00
Total, $599,322 00

Value of work supposed to be done, $599,322 00

The distance from the mouth of the river, to lock No. 1, is 4 miles.
From lock No. 1, to lock No. 2, 27 miles.
From lock No. 2, to lock No. 3, 11 miles.
From lock No. 3, to lock No. 4, 23 miles.

There is no other work for the State to do.
From lock No. 4, to lock No. 5, 17\frac{1}{2} miles
From lock No. 5, to lock No. 6, 13 miles
From lock No. 6, to lock No. 7, 22\frac{1}{4} miles
From lock No. 7, to lock No. 8, 17 miles
From lock No. 8, to lock No. 9, 14 miles
Whole distance from the Ohio to the head of the pool of dam No. 8, 148\frac{1}{2} miles

The whole length of the improvement, from the mouth of the river, to the Three Forks, will be 257\frac{1}{2} miles.

From the mouth of the river to dam No. 2, the distance is 31 miles. Steamboats can navigate this part of the river whenever the water is from 5 to 6 feet above low water mark, or whenever the Ohio backs up so as to give sufficient depth to enter the lock. In ordinary seasons boats could run one half the year. From lock No. 2 to lock No. 5, the distance is 51\frac{1}{4} miles. This will be in order for navigation at all times except when covered by ice, or when the water may be drawn off to make repairs. The completing of dam No. 5, would extend the navigation up to the mouth of Clear creek, 13 miles further.

At No. 1, the building of the dam is not yet commenced, but materials, to a considerable extent, are furnished. The lock walls are nearly built up. The work which is done, does not materially obstruct the navigation. The dams at locks No. 2, 3 and 4, are nearly finished. All boats, or other craft, which may pass them, must go through the locks, except when the water is very high. Dam No. 5, is built partly across the river, and will obstruct the navigation at certain stages of the water.

There will be in all 17 locks and dams, and the whole estimated cost of the improvement, including the part under contract, is $2,406,000.

For further details, see schedule marked No. 2.

South Fork of the Kentucky river.—There is one lock and dam under contract upon this river. It is located at the foot of a rapid called the Narrows. The lock will be 22 feet wide and 120 feet long in the chamber. The contractor, by the terms of his agreement, has no legal claim upon the State for money, until funds shall be furnished, and not until the Engineer shall direct the work to be commenced.

The estimated cost of the lock and dam, and works connected with them, $53,000.

Licking river Navigation.—Locks and dams Nos. 1, 2, 3, 4, 5, 7, and 8, upon the Licking river, are under contract, and proposals have been received for building lock and dam No. 6, but the Board have not yet entered into contract. As this lock is situated between Nos. 5 and 7, and is necessary for a continuous line of navigation, it is estimated with the work under contract.

The work has been commenced at locks Nos. 1, 2, 3, 4, and 5. The Contractor for the latter abandoned his contract, and the work has been given to another, with a provision that it shall not be commenced again until funds are provided. At Nos. 1, 2, 3, and 4, the work is now in progress. The contracts for locks and dams Nos. 7 and 8, provide, like that for No. 5, that no payments shall be claimed until funds can be provided, and not until the Engineer shall direct the work to be commenced.
The Contractors for lock No. 8, have opened quarries and excavated a large quantity of building stone for the lock; but they commenced without the authority of the Engineer, and they can have no legal claim upon the State for money until funds are provided. The locks upon this river are 31 feet wide and 155 feet long in the chamber.

Estimated cost of the four locks and dams now in progress:

Work done and to be done under the contract for No. 1, $104,955 00
Work done and to be done under the contract for No. 2, 96,655 00
Work done and to be done under the contract for No. 3, 91,330 00
Work done and to be done under the contract for No. 4, 96,955 00

$359,885 00

20,000 00

15,000 00

4,000 00

6,000 00

4,000 00

25,000 00

Estimate cost of the four locks and dams now in progress, including hydraulic lime, clearing the river banks, improving the channel of the river, and including pay of Engineers, Superintendents, and contingent expenses, $463,885 00.

Estimated cost of locks and dams No. 5, 6, 7 and 8, including all expenses:

For work to be done under contracts:

Lock and dam No. 5, $97,210 00
Lock and dam No. 6, 93,190 00
Lock and dam No. 7, 84,830 00
Lock and dam No. 8, 80,515 00

$355,775 00

10,000 00

20,000 00

5,600 00

7,200 00

9,000 00

$407,575 00

Estimated cost of the locks and dams under contract, including all expenses, $871,460 00.
Estimated value of work done, upon the first five locks and dams, on the 28th of Nov. 1839, exclusive of hydraulic lime, superintendence, and Engineers' pay.

<table>
<thead>
<tr>
<th>Lock and dam No. 1</th>
<th>$24,449 74</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lock and dam No. 2</td>
<td>18,660 76</td>
</tr>
<tr>
<td>Lock and dam No. 3</td>
<td>15,005 00</td>
</tr>
<tr>
<td>Lock and dam No. 4</td>
<td>15,334 50</td>
</tr>
<tr>
<td>Lock and dam No. 5</td>
<td>3,250 90</td>
</tr>
</tbody>
</table>

$76,700 90

Hydraulic lime, including transportation.

8,894 00

Clearing of river banks—removing obstructions in channel, and expense of surveys.

11,943 84

Paid for land, superintendence, and Engineers' salaries.

10,500 00

$109,786 07

Amount paid towards the construction of the Licking river Navigation, up to the 20th of December, 1839.

To the contractors for lock and dam No. 1, $25,684 26

To the contractors for lock and dam No. 2, 20,240 32

To the contractors for lock and dam No. 3, 17,432 24

To the contractors for lock and dam No. 4, 14,463 05

To the contractors for lock and dam No. 5, 3,075 60

$80,895 47

For hydraulic lime, including transportation.

8,894 00

Clearing the banks and channel of the river, and expense of surveys.

11,943 84

For the purchase of land for lock sites.

10,500 00

1,747 33

$113,980 64

Note.—The estimates, for work done, were made on the 28th of November. Since which time the payments have been made to the contractors. Hence the payments appear to exceed the amount of work done.

Amount required to complete the locks and dams now under contract, including No. 6, which is not under contract.

Lock and dam No. 1, $79,270 74

Lock and dam No. 2, 76,414 68

Lock and dam No. 3, 73,887 76

Lock and dam No. 4, 82,491 95

Lime, superintendence, and engineering, 40,914 83

$352,979 96

Amount carried forward, 352,979 96
Amount brought forward, $352,979.96

<table>
<thead>
<tr>
<th>Lock and Dam No. 5</th>
<th>94,134.40</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lock and Dam No. 6</td>
<td>93,190.00</td>
</tr>
<tr>
<td>Lock and Dam No. 7</td>
<td>84,830.00</td>
</tr>
<tr>
<td>Lock and Dam No. 8</td>
<td>80,545.00</td>
</tr>
<tr>
<td>Lime, and contingencies</td>
<td>51,500.00</td>
</tr>
<tr>
<td>Total</td>
<td>404,499.40</td>
</tr>
</tbody>
</table>

$757,479.30

The distance from the mouth of Licking river to lock No. 1, is 3 miles, from lock No. 1 to lock No. 2, 3 miles, from lock No. 2 to lock No. 3, 16¾ miles, from lock No. 3 to lock No. 4, 9¾ miles, from lock No. 4 to lock No. 5, 7¾ miles, from lock No. 5 to lock No. 6, 16 miles, from lock No. 6 to lock No. 7, 10½ miles, from lock No. 7 to lock No. 8, 13½ miles, from lock No. 8 to lock No. 9, 91¼ miles.

The law contemplates the improvement of this river as far up as West Liberty. The distance from the mouth to this point, measured along the river, is 231 miles. There will be twenty one locks and dams. The whole estimated cost of the improvement, including the works under contract, is $2,036,000.00.

Estimated cost of Slackwater Navigation.

| Green and Barren river navigation (one lock and dam on Barren river) | $1,292,000.00 |
| Muddy river | 50,000.00 |
| Kentucky river Navigation | 2,406,000.00 |
| South Fork of Kentucky river (one lock and dam) | 53,000.00 |
| Licking river Navigation | 2,036,000.00 |
| Total | $5,837,000.00 |

Length of Slackwater Improvement, upon each river.

| Green river | 269 miles |
| Barren river, to Bowling green | 30 miles |
| Muddy river | 28 miles |
| Kentucky river | 257½ miles |
| Licking river | 231 miles |
| Total | 815½ miles |

The dams in Green river backs the water up the tributaries. Upon Rough creek, and some of the other streams, the back water extends from...
10 to 20 miles. Upon Barren and Muddy rivers, the distance is included above.

Amount expended upon Slackwater Improvements.

Green and Barren river Navigation, to Nov. 25th, $534,391 33
Kentucky river Navigation, to Dec. 20th, 510,041 00
Licking river Navigation, 113,980 64

$1,158,412 97

There have been no tolls collected upon the Kentucky and Licking rivers. There have been collected upon Green river, at lock and dam No. 2, $307 08. Some tolls have also been collected at lock No. 3. Amount not reported.

There will be no tolls collected upon the Licking river next season. The tolls upon the Kentucky, and Green and Barren rivers, will be small in amount, until the lock, in each river, near the mouth, shall be completed. The completing of the lock in Barren river, will add materially to the Green river tolls. The amount, for the year 1840, may be estimated at—

For the Green river, $3,000 00
For the Kentucky river, 5,000 00

IMPROVEMENTS FOR DESCENDING NAVIGATION.

Panther Creek.—Amount of money expended for removing snags, cutting timber, &c. $2,827 00

Pond River.—A contract was made, on the 8th Oct. 1838, with John Eaves and W. S. Eaves, for removing the obstructions to descending navigation, upon this stream, from the point where the Hopkinsville and Green ville road crosses it, to the Island Ford, a distance of 58 miles. The estimated cost of the work, at contract prices, is $2,798 00.

There has been paid for the improvement to Messrs. Eaves’, under present contract, $700 00
Paid for other work, 276 30

$976 30

Amount required to complete existing contracts, $2,098 00

Rough Creek.—Contracts were made in September, 1838, for removing the obstructions to descending navigation in this stream. The contractor, for the section extending from Green’s mill to Nall’s upper mill, is John Wilson; and H. D. Taylor is the contractor for the section extending from Nall’s upper mill to Hartford. The estimated cost of the improvements, on both sections, at the contract prices, is $3,857 00. The work is not yet finished. There has been paid for work done under these contracts, to Taylor, $768, and to Wilson, $50. The amount of work done, since these payments were made, has not been reported.
Whole amount paid for improvements upon Rough Creek, including the amount paid prior to the making of the contracts with Wilson and Taylor, is $3,109.00. The amount required to complete the present contract, is $3,039.00.

**Muddy River.**—The improvements upon this river, have been executed, partly under the direction of a Superintendent, who employed and paid the laborers, and procured supplies, as the agent of the State, and partly under the direction of Commissioners. The amount expended, is $961.15. There is no work under contract upon this river, except the lock and dam.

**Barren River, above Bowling-Green, and Drake's Creek.**—The removal of obstructions to descending navigation in these streams, so far as contemplated for the present, was finished last year. This work was partly done under contracts, and partly under the direction of superintendents. The amount of money expended upon these streams, for improvements for descending navigation, is, for Barren River, $3,833.71—upon Drake's Creek, $734.50—making together, $4,568.21.

**Green River, above Barren.**—There has been expended, for cutting timber, removing rocks, &c., along that part of the river between locks No. 4 & 5, $3,252.26. This work will belong to the slackwater navigation.

**South Fork of Kentucky River, Goose creek, Collins' Fork of Goose creek, and East Fork of Goose Creek.**—The improvements for descending navigation upon the South Fork, and Goose Creek, have been made under the direction of superintendents. The work upon Collins' and East Fork of Goose Creek, was executed under contracts. The amount paid for work done upon all these streams, by the Board of Internal Improvement, is $2,966.34. About $2,500 will be required to remove the remaining obstructions from Goose Creek and the South Fork.

**Kentucky River, and North and Middle Forks.**—Obstructions to descending navigation, have been removed upon the North and Middle Forks, and at several points upon the main river. The work was done under several contracts. The amount paid for work done under these contracts, including the sum of $100 paid under an act of assembly, to Robert Arberry, is $4,835.

**Cumberland River.**—The improvements for descending navigation, directed to be made by the Board of Internal Improvement, have been executed, so far as they have been made, under the direction of an Assistant Engineer. They consist of removing rocks from the bed of the river, or boat channel, along Smith's Shoals, and of building wing dams to contract the width of the stream. The whole amount paid for work done under the direction of the Board of Internal Improvement, is $3,199.69.

It will require, to finish the projected works, upon the shoals, and between the shoals and the mouth of Laurel River, about $20,000. There has been no work done by the State upon this river during the present year. Work to a considerable extent has been done along the river, below the shoals, by an agent, acting under the authority of the U. S. Engineer Department.
In addition to the above, the Board of Internal Improvement have ordered the obstructions to be removed, so far as to afford a safe descending navigation upon the Big Sandy river, and West Fork—upon the upper part of Green river—upon Tradewater river—upon Little river, and upon Bayou Du Chien. The works upon these rivers, have not been commenced, as the Board have had no funds to defray the expenses.

Amounts paid by the Board for improvements for descending navigation:

<table>
<thead>
<tr>
<th>River / Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Panther creek</td>
<td>$2,827.00</td>
</tr>
<tr>
<td>Pond river</td>
<td>976.30</td>
</tr>
<tr>
<td>Rough creek</td>
<td>3,109.00</td>
</tr>
<tr>
<td>Muddy river</td>
<td>961.15</td>
</tr>
<tr>
<td>Barren river, above Bowlinggreen</td>
<td>3,833.71</td>
</tr>
<tr>
<td>Drake's creek</td>
<td>734.50</td>
</tr>
<tr>
<td>Green river, above Barren, between lock No. 4 &amp; 5, to be changed to slackwater Navigation</td>
<td>3,252.26</td>
</tr>
<tr>
<td>South Fork of Ky. river, and Goose creek, and Forks</td>
<td>2,966.34</td>
</tr>
<tr>
<td>Kentucky river, and North and Middle Forks</td>
<td>4,833.00</td>
</tr>
<tr>
<td>Cumberland river, (Smith's Shoals)</td>
<td>3,199.69</td>
</tr>
<tr>
<td>Trade water river</td>
<td>100.00</td>
</tr>
</tbody>
</table>

Whole amount paid, $26,794.95

This amount, expended for descending navigation, does not include the expenses of surveys or of superintendence.

The accompanying Schedules, marked Nos. 1, 2, 3, and 4, exhibit, in detail, the cost of the locks and dams now in progress,—the amount of work done upon each, and the amount paid,—also, the length of navigation formed by each dam, &c.,—also, the amounts paid for the improvements for descending Navigation; the expense of surveys, and the salaries of Engineers, exclusive of those employed upon slack water improvements,—also, the amount paid for the manufacture of hydraulic lime, exclusive of that which has been included in the cost of the Locks.

Mr. Eastin, by my direction, has prepared a statement relating to the Roads, which is herewith communicated, accompanied by a Schedule, marked A, which shows the length, cost, &c., of each road.

I have the honor to be, Sir, very respectfully,

Your ob't. Serv't.,

SYLVESTER WELCH,
Chief Engineer of Kentucky.

Hon. J. T. Morehead,
President B. Int. Imp.
### Table 1: Estimated Cost of Works

<table>
<thead>
<tr>
<th>Description</th>
<th>Value in Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggregate cost, Locks and Dams</td>
<td>$1,760,000.00</td>
</tr>
<tr>
<td>Aggregate cost, Live Locks</td>
<td>$890,000.00</td>
</tr>
<tr>
<td>Aggregate cost, Miscellaneous</td>
<td>$1,000.00</td>
</tr>
<tr>
<td><strong>Total cost of work</strong></td>
<td><strong>$2,650,000.00</strong></td>
</tr>
</tbody>
</table>

### Table 2: Probable Amounts

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount in Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probable amount, Locks and Dams</td>
<td>$1,760,000.00</td>
</tr>
<tr>
<td>Probable amount, Live Locks</td>
<td>$890,000.00</td>
</tr>
<tr>
<td>Probable amount, Miscellaneous</td>
<td>$1,000.00</td>
</tr>
<tr>
<td><strong>Total probable amount</strong></td>
<td><strong>$2,650,000.00</strong></td>
</tr>
</tbody>
</table>

### Table 3: Total Cost of Work

<table>
<thead>
<tr>
<th>Description</th>
<th>Value in Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total cost of work</td>
<td>$2,650,000.00</td>
</tr>
<tr>
<td>Paid to contractors</td>
<td>$2,000,000.00</td>
</tr>
<tr>
<td>Remaining balance due</td>
<td>$650,000.00</td>
</tr>
</tbody>
</table>

### Table 4: Contract Amounts

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount in Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggregate amount</td>
<td>$337,466.32</td>
</tr>
<tr>
<td>Contract amount</td>
<td>$337,466.32</td>
</tr>
<tr>
<td>Paid to contractors</td>
<td>$337,466.32</td>
</tr>
<tr>
<td>Remaining balance due</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

### Table 5: Description

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description</td>
<td>Value</td>
</tr>
<tr>
<td>Description</td>
<td>Value</td>
</tr>
<tr>
<td>Description</td>
<td>Value</td>
</tr>
<tr>
<td>Description</td>
<td>Value</td>
</tr>
<tr>
<td>Description</td>
<td>Value</td>
</tr>
</tbody>
</table>

### Table 6: Description

<table>
<thead>
<tr>
<th>Description</th>
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### Table 7: Description

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
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### Table 8: Description

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</tbody>
</table>
[Schedule No. 4.]

Improvements for Descending Navigation—executed partly under contracts and partly by Superintendents; Hydraulic lime, for locks; Engineers' Salaries; Surveys, &c.

Amounts paid up to 10th Oct. 1839.

Panther creek, ...................................................... $ 2,827 00
Pond river, .......................................................... 976 30
Rough creek, ......................................................... 3,109 00
Muddy river, for clearing out timber, ...................... 961 15
Barren river above Bowlinggreen, ............................ 3,533 71
Drake's creek, ...................................................... 734 50
Green river above Barren, between Locks No. 4 and 5, .... 3,252 26
South fork of Kentucky river; Goose creek and its forks, .... 2,966 24
Kentucky river, North and Middle Forks, ..................... 4,835 00
Cumberland river, .................................................. 3,199 69
Tradewater river, .................................................. 100 00
Engineers' salaries—Pay of Engineers upon Kentucky, Green and Barren and Licking rivers not included, (a) .................................................. 27,105 49
Hydraulic lime and materials now on hand, (b) ............... 3,043 27
Paid for expenses of surveys, (c) ............................... 12,600 00

(a). Of the $58,780 87, shewn as paid for Engineers' salaries in the schedule prepared by the Secretary of the Board, $12,127 47 is included in the amount paid towards the construction of the Kentucky river navigation.

Do. do. do. 9,548 00 do. Green and Barren do.
Do. do. do. 10,000 00 do. Licking do.

Making $31,675 47 which leaves to be charged to other surveys, $27,105 40—the amount stated in this schedule.

(b). Of the item of $81,962 27 paid for Hydraulic lime, as shewn in the schedule of the Secretary of the Board, the sum of $44,849 is included in the amount paid towards the construction of the Kentucky river navigation.

Do. do. do. 27,779 do. Green and Barren do.
Do. do. do. 6,291 do. Licking do.

Making $78,919—which leaves to be charged against the lime &c. on hand at Louisville, $3,043 27, the sum shewn in the above schedule.

(c). The amount paid for surveys includes the expenses of surveying roads, when paid for by the State.
Ordered, That the same be referred to the committee on the Expenditures of the Board of Internal Improvement.

Mr. Glover, from the committee on Enrollments, reported that the committee had examined an enrolled bill from the Senate, entitled,

An act to change the form of the Commissioners' books of taxable property, and to regulate the duties of the commissioners of tax, and other officers in relation to the same,

And had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.

Mr. Hopkins moved the following resolution, viz:

Resolved, That the use of the Representative Hall be tendered to the Rev. Mr. Stiles, for Divine worship, on the second Sunday in January. Which being twice read, was adopted.

Mr. Wilson moved the following resolution, viz:

Resolved, That the House of Representatives tender to the ladies constituting the Benevolent Society of Frankfort, the use of the Representative chamber on the evening of the 7th instant, for the purpose of holding a Concert and Fair, in aid of the objects of the Society. Which being twice read, was adopted.

Mr. Reeder moved the following resolution, viz:

Resolved, That the committee on Ways and Means enquire into the expediency of so altering and arranging the publication of the Acts of the Legislature, that two copies of the acts (as they are now published) shall be sent to each county, and deposited in the clerks' offices thereof, for public use; and that the requisite number of acts for distribution among Justices of the Peace and other officers, shall be published, containing the general only.

Which being twice read, was adopted.

The amendment proposed by the Senate to a resolution from this House, to fire a national salute on the 8th instant—was twice read, and concurred in.

Bills from the Senate of the following titles, viz:

1. An act to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of jurors, approved February 15, 1838, and for other purposes.

2. An act to amend the militia law of this State,

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was referred to the committee on Ways and Means, and the 2d to the committee on Military Affairs.

An engrossed bill, entitled, an act to amend the law in relation to the Court of Appeals, was read a third time.

Resolved, That the same do pass, and that the title thereof be as aforesaid.
Mr. Butler, from the committee for Courts of Justice, to whom was referred the petition of Paralee Smith and others, and of the heirs of Joseph Brashears, deceased—reported said petitions with the following resolution:

Resolved, That said petitions be rejected.

Which being twice read, was concurred in.

Mr. Butler, from the same committee, to whom was referred a bill to amend the act, entitled, an act to regulate equitable proceedings under five pounds before Justices of the Peace, approved February 9, 1838—reported the same without amendment.

Ordered, That said bill be re-committed to the committee for Courts of Justice.

Mr. Butler, from the same committee, to whom was referred the amendments proposed by the Senate to a bill from this House, entitled, an act to amend the laws in relation to taking depositions of non-resident witnesses, reported the same—which amendments were twice read, and disagreed to.

Mr. Butler, from the same committee, to whom was referred a bill from the Senate, entitled, an act to amend an act, entitled, an act regulating injunctions and other restraining orders in chancery suits, and for other purposes, approved January 24th, 1827—reported the same without amendment. The said bill was then amended.

Ordered, That said bill, as amended, be laid on the table for the present.

And then the House adjourned.

MONDAY; JANUARY 6, 1840.

A message was received from the Senate, announcing their disagreement to bills from this House of the following titles, viz:

An act for the benefit of Anderson Wade.
An act for the benefit of Obediah Johnston.
An act to amend the law concerning sealed instruments.

The passage of bills from this House of the following titles, viz:

An act to amend the law in relation to collecting tax on law process.
An act for the benefit of the late Sheriff of Daviess county.
An act for the benefit of Maria McCaleb.
An act to amend an act to organize two fire companies in the town of Lexington.

And that they had passed bills of the following titles, viz:
An act for the benefit of Sarah Harrington and her infant children.
An act for the benefit of Thomas Glasscock.
The Speaker laid before the House the annual report of the Commissioners of the Lunatic Asylum, at Lexington.

[For this report, see Appendix.]

The Speaker laid before the House the response of the Treasurer to a resolution adopted by this House on the 16th December last, which is as follows, viz:

STATE OF KENTUCKY,
Treasury Office, January 6th, 1840.

Sir:

On the 16th day of December, 1839, the House of Representatives passed a resolution directing the Treasurer of this State to lay before the House the gross amount of money received into the Treasury during each fiscal year since his appointment to office, and the amount of warrants paid by the said Treasurer in each year as aforesaid—striking a balance at the end of each year, so as to show whether there be a surplus or deficit in each year, and how much; and that he be directed to report what amount of credits he has received in the Commonwealth's Bank by virtue of the act of the Legislature, and when; and that he distinguish between the receipts and disbursements for ordinary purposes of government, Internal Improvement, Sinking Fund, and School Fund; and that he be requested to give such explanation as to the apparent deficit in the Treasury as he may deem proper, and that he report whether there was a surplus or deficit when he came into office, and how much.

In obedience to that resolution, I herewith have the honor (through you) of communicating to that honorable body the accompanying statement, which contains, in a concise form, the information called for. It has been a cause of sincere regret on my part, that the great press of business in my office at this particular time, has tended greatly to delay, and to some extent prevent a more specific and detailed history of the true condition of the Treasury Department, since I have had the honor to discharge its delicate and important trusts, and highly responsible duties; yet I confidently hope that the accompanying statements will exhibit clearly the causes of the deficit in the Treasury.

There may be found, and doubtless are, some slight errors in the heads of accounts, and some few items improperly carried forward; yet in all, and in every account, the aggregate amount of receipts and disbursements in each fiscal year balance correctly, and are clearly exhibited.

In justification to myself, I would here remark that, in making out some of my annual reports, heretofore, I had not the usual balance sheet of the
Auditor, to test the correctness of mine; and the consequence of which was, that sometimes I was compelled to make out my reports without a comparison with that of the Auditor.

Sometime last summer I was informed by the Second Auditor, that he had examined and tested the accounts in his office from the 11th of October, 1834, to the 10th of October, 1838, and had corrected some errors; and on comparison of the balance sheet of each office, it was ascertained we did not agree. He requested me to commence and re-examine all my accounts, and bring forward the balances in each fiscal year, and test every item, with the vouchers on which they were founded. And with great care and labor I commenced a re-examination of the books, &c., from 11th October, 1834, to the 10th October, 1838; and with the exception of one or two instances, where the balances of the preceding years were not brought forward, and one small item of $792 twice charged to myself, I was pleased to find that all my receipts and disbursements within the above period agreed and balanced precisely with the books of the Second Auditor.

The short explanations given under the appropriate heads in the enclosed statements will, I trust, supersede the necessity of an enlargement, or further recapitulation on my part.

In conclusion, suffer me most respectfully to say to that honorable body over which you preside, that nearly fourteen years have passed away since their kind confidence called me to the discharge of the extremely delicate and highly responsible duties of Treasurer of this Commonwealth: during all of which time, day after day, and year after year, have I anxiously and faithfully endeavored, unaided by clerks or assistants, to perform the arduous and multiplied duties of my office. Beside the receipts and disbursements of moneys for the ordinary purposes of government, millions of dollars have been received and disbursed for the Board of Internal Improvement, the Board of Education, and the Sinking Fund; and added to all this, I have had to keep accounts with the various State Banks and the contractors on the various public works of Internal Improvement. These various and complicated labors have I performed, without murmur or complaint: buoyed up as I have always been, with the confident hope that, whatever defect there may be found in my capacity to perform these many duties and delicate trusts, yet that my character and reputation would live in the estimation of my countrymen, pure and unstained by even the whispered breath of suspicion—I did fondly hope that amidst extreme poverty, in the decline of life, I should have the proud gratification of bequeathing to my children and friends a name unsullied by the withering breath of slanderous suspicion. But in this last fond hope, it seems, I have been mistaken. Many whispers, insinuations and suspicions, touching the discharge of my official duties, have found their way in the conversations of many of my high minded and honorable fellow citizens; and I have been informed that some of the public prints have seized upon it, with the savage and cruel purpose of pouring out their phials of political wrath on my head, and thereby prejudice the honorable body who conferred on me the office, and secretly inflict on me, their unfortunate victim, a permanent and lasting wound. I therefore respectfully appeal to that high minded and honorable body—I beseech them, in behalf of my country, my family and myself, to adopt such measures as may best comport with their sound judgment and discretion, in order that a rigid,
scrutinizing and impartial investigation be made of my official conduct during the long time I have had the superintendence of the Treasury Department.

I am, respectfully,

Your humble servant,

JAMES DAVIDSON, Treasurer.

To the Hon. JOHN L. HELM,
Speaker of the House of Representatives.

No. 1.

Disbursements and Receipts from the 16th day of December, 1825, (the day on which the present Treasurer was appointed) to the 10th day of October, 1826, inclusive, viz:

Amount of warrants, 100,915 65
Amount subscribed in the Bank of the Commonwealth, 88,850 00
Total expenditures, 189,765 65
From which deduct the receipts, 168,945 07
Balance due from Government 10th October, 1826, 20,820 58
There was no balance in favor or against the Treasury 16th December, 1825, except in specie, 500 00
Received this year, 500 00
On hand the 10th day of October, 1826, in specie, 1,000 00
Also, on hand the same time, in Illinois money, 20 00

No. 2.

Disbursements and Receipts from the 11th October, 1826, to the 10th day of October, 1827, inclusive, viz:

Amount of warrants paid, 155,440 41
Balance due 10th October, 1826, 20,820 58
Amount subscribed in the Bank of the Commonwealth, 59,670 00
Error in charging receipts to the Treasurer, 42 00
Total expenditures, 235,972 99
Ordinary receipts, 134,757 89
Amounts carried forward, 134,757 89 235,972 99
**No. 3.**

**Disbursements and Receipts from the 11th day of Oct., 1827, to the 10th day of October, 1828, inclusive, viz:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of warrants paid on ordinary revenue,</td>
<td>153,167.88</td>
</tr>
<tr>
<td>Ditto for Internal Improvement,</td>
<td>1,341.39</td>
</tr>
<tr>
<td>A balance due 10th October, 1827,</td>
<td>5,429.93</td>
</tr>
<tr>
<td>Stock subscribed in Commonwealth Bank,</td>
<td>28,835.00</td>
</tr>
<tr>
<td>Amount of ordinary receipts,</td>
<td>113,494.84</td>
</tr>
<tr>
<td>Ditto Bank of Kentucky for Stock,</td>
<td>29,835.00</td>
</tr>
<tr>
<td>Ditto Bank of Commonwealth,</td>
<td>10,486.27</td>
</tr>
</tbody>
</table>

**Deduct receipts,**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>158,816.11</td>
</tr>
</tbody>
</table>

**Leaving a balance due from Government the 10th October, 1828,**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>as above, the sum of</td>
<td>30,958.09</td>
</tr>
</tbody>
</table>

**There is still in the Treasury in specie,**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td></td>
<td>790.60</td>
</tr>
</tbody>
</table>

**There is still an Illinois note of $20 in the Treasury.**

**No. 4.**

**Disbursements and Receipts from the 11th day of October, 1828, to the 10th day of October, 1829, inclusive, viz:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of warrants on ordinary revenue,</td>
<td>146,643.62</td>
</tr>
<tr>
<td>Ditto Internal Improvement,</td>
<td>1,094.70</td>
</tr>
<tr>
<td>Stock subscribed in Commonwealth Bank,</td>
<td>29,835.00</td>
</tr>
<tr>
<td>Balance due 10th of October, 1828,</td>
<td>30,958.09</td>
</tr>
</tbody>
</table>

**Amount carried forward,**

<table>
<thead>
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<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$308,531.41</td>
</tr>
</tbody>
</table>
Amount brought forward, 
Deduct ordinary receipts, 
Bank of Kentucky for Stock, 
Commonwealth Bank, net profits, 
Deduct the total receipts, 
Leaves a balance due from Government 10th October, 1829, 
Still specie in Treasury, 
Also, Illinois money, 

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount brought forward,</td>
<td>$208,531.41</td>
</tr>
<tr>
<td>Deduct ordinary receipts,</td>
<td>101,114.05</td>
</tr>
<tr>
<td>Bank of Kentucky for Stock,</td>
<td>29,835.00</td>
</tr>
<tr>
<td>Commonwealth Bank, net profits,</td>
<td>23,116.75</td>
</tr>
<tr>
<td>Deduct the total receipts,</td>
<td>154,065.80</td>
</tr>
<tr>
<td>Leaves a balance due from Government 10th October, 1829,</td>
<td>54,645.61</td>
</tr>
<tr>
<td>Still specie in Treasury,</td>
<td>790.60</td>
</tr>
<tr>
<td>Also, Illinois money,</td>
<td>20.00</td>
</tr>
</tbody>
</table>

No. 5.

Disbursements and Receipts from the 11th day of October, 1829, to the 10th day of October, 1830, inclusive, viz:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of warrants of ordinary revenue,</td>
<td>144,608.40</td>
</tr>
<tr>
<td>Ditto for Internal Improvement,</td>
<td>563.91</td>
</tr>
<tr>
<td>Stock subscribed in Commonwealth Bank,</td>
<td>14,917.50</td>
</tr>
<tr>
<td>Balance due 10th October, 1829,</td>
<td>54,465.61</td>
</tr>
<tr>
<td>Making the sum of</td>
<td>214,555.42</td>
</tr>
<tr>
<td>Receipts from ordinary revenue,</td>
<td>101,002.42</td>
</tr>
<tr>
<td>Ditto Commonwealth Bank (net profits)</td>
<td>15,213.44</td>
</tr>
<tr>
<td>Distribution of Stock in the Bank of Kentucky,</td>
<td>14,917.50</td>
</tr>
<tr>
<td>Making,</td>
<td>131,133.36</td>
</tr>
<tr>
<td>Stock subscribed in the Commonwealth Bank,</td>
<td>14,917.50</td>
</tr>
<tr>
<td>Appropriated to Rockcastle Bridge,</td>
<td>790.60</td>
</tr>
<tr>
<td>Making,</td>
<td>15,708.10</td>
</tr>
</tbody>
</table>

Leaves a balance due 10th October, 1830, the sum of $83,422.06

Balance of specie 10th October, 1829, 790.60
Received from Bank Kentucky distribution of Stock, 14,917.50
Making, 15,708.10

Stock subscribed in the Commonwealth Bank, 14,917.50
Appropriated to Rockcastle Bridge, 790.60
Making, 15,708.10

No. 6.

Disbursements and Receipts from the 11th day of October, 1830, to the 10th day of October, 1831, inclusive, viz:

Warrants drawn on ordinary revenue, - 134,883 86
Ditto on Turnpike roads (Commonwealth's paper), - 29,482 33
Ditto, for Internal Improvement (Commonwealth's paper), - 900 00
Ditto Taylorsville Bridge, - 571 42
Turnpike roads, in specie, - 12,500 00
Bridges, in specie, - 5,260 40
Public communications, in specie, - 275 01
Stock subscribed in Commonwealth's Bank, in specie, - 29,835 00
Stock subscribed in ditto, in Commonwealth's paper, - 29,835 00
To which add the balance due 10th October, 1830, - 243,543 02

Receipts the same time:

Amount received in Commonwealth's paper, 185,600 50
Do. distribution of stock in Bank of Ky. specie, 29,835 00

Overpaid the 10th October, 1831, the sum of 111,529 58

Of which, in Commonwealth's paper, 93,494 17
Ditto, in specie, 18,035 41

111,529 58

Note.—Distribution of stock from Bank Kentucky, in Commonwealth's paper, is included in the above item of receipts, of $185,600 50.

No. 7.

Disbursements and Receipts from the 11th day of October, 1831, to the 10th day of October, 1832, inclusive, viz:

Amount of warrants of ordinary revenue, - 139,714 32
Turnpike roads, in Commonwealth's paper, - 8,515 63

Amount carried forward, - 148,229 95
Amount brought forward, - - 148,929 95
Stock subscribed in Commonwealth paper, - - 14,917 50
in the Bank of the Commonwealth, - - 93,494 17
Balance due from Government 10th Oct. 1831, - - 256,641 62
Amount of warrants in specie, turnpike roads, 31,650 00
Do. bridges, in specie, - - 1,006 00
Appropriation December session, 1831, in - - 60 00
specie, - - - -
Public communications, in specie, - - 423 65
Stock subscribed from Bank of Kentucky, - - 33,139 65
specie, in the Commonwealth's Bank, - - 13,859 34
Balance in specie, 10th October, 1831, - - 31,894 75

Receipts the same time:
Receipts from ordinary revenue, - - 121,212 37
Ditto from the Commonwealth's Bank, net - - 24,151 85
profits, - - - -
Distribution from Bank of Kentucky, (Commonwealth's paper,) - - 14,917 50
Distribution of stock from the Bank of Kentucky, in specie, - - 13,859 34

Leaving a balance due from Government, the sum of - - 147,534 96

In Commonwealth paper, - - 51,175 06
In specie, - - - -

No. 8.

Disbursements and Receipts from the 11th day of October, 1832, to the 10th day of October, 1833, inclusive, viz:
Amount of warrants for ordinary revenue, - - 141,574 77
Commonwealth paper, - - - -
Ditto for turnpike roads, in Commonwealth - - 24,714 27
paper, - - - -
Ditto for Taylorsville Bridge, Commonwealth - - 857 14
paper, - - - -
Do. a cancelled warrant for Taylorsville bridge - - 1,000 00
paid in Commonwealth paper, - - - -
Also, five per cent. on $4,045, received from - - 202 25
E. Curd, - - - -

Amount carried forward, - - 167,848 43
JAN. 6.] HOUSE OF REPRESENTATIVES.

Amount brought forward, \( \text{\$167,848.43} \)
A balance due from Government, 10th October, 1832, in Commonwealth paper, \( \text{\$96,359.90} \)

Making the whole debt, in Commonwealth paper, the sum of \( \text{\$264,208.33} \)
Disbursements in the same time, \( \text{\$26,592.71} \)
Add balance due to Oct. 1832, specie, \( \text{\$51,175.06} \)

Making the whole debt, in specie, amount to \( \text{\$77,767.77} \)

\( \text{\$341,976.10} \)

Receipts the same time:

Receipts in Commonwealth paper, \( \text{\$134,389.20} \)
Ditto, in specie, \( \text{\$19,957.00} \)
Ditto, a cancelled warrant for specie, \( \text{\$900.00} \)

Balance due, \( \text{\$155,346.20} \)

\( \text{\$186,729.90} \)

Settled by the Commonwealth's Bank:

In Commonwealth's paper, \( \text{\$129,819.13} \)
In specie, \( \text{\$56,910.77} \)

\( \text{\$186,729.90} \)

It will be perceived, the accounts in the Treasury were settled in the Commonwealth's Bank, the 10th day of October, 1833.

JAMES DAVIDSON, Treasurer.

No. 9.

Disbursements and Receipts from the 11th day of October, 1833, to the 10th day of October, 1834, inclusive, viz:

Amount of warrants paid in Commonwealth's paper, \( \text{\$190,259.07} \)
Ditto in specie, \( \text{\$29,662.03} \)

Making the sum of \( \text{\$219,921.10} \)
Deduct receipts in Commonwealth's paper, \( \text{\$131,230.66} \)
Ditto in specie, \( \text{\$30,778.02} \)

\( \text{\$162,008.68} \)

Amount over paid 10th October, 1834, the sum of \( \text{\$57,912.42} \)
### Disbursements and Receipts from the 11th day of October, 1834, to the 10th day of October, 1835, inclusive, viz:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warrants paid on ordinary revenue</td>
<td>$172,033 55</td>
</tr>
<tr>
<td>Warrants on Internal Improvement</td>
<td>44,066 90</td>
</tr>
<tr>
<td>A balance due 10th of October, 1834</td>
<td>57,912 42</td>
</tr>
<tr>
<td>Making,</td>
<td>$274,012 87</td>
</tr>
<tr>
<td>From which deduct ordinary receipts,</td>
<td>169,733 77</td>
</tr>
<tr>
<td>From distribution of stock from Old Bank Kentucky</td>
<td>14,917 50</td>
</tr>
<tr>
<td>From Bank of Kentucky, Louisville, (bonus)</td>
<td>6,428 50</td>
</tr>
</tbody>
</table>

Making, From which deduct ordinary receipts, From distribution of stock from Old Bank Kentucky, From Bank of Kentucky, Louisville, (bonus), and the total balance are summarized as:

<table>
<thead>
<tr>
<th>Total Balance Overpaid at the Treasury</th>
<th>$191,079 77</th>
</tr>
</thead>
<tbody>
<tr>
<td>Add to the above balance a miscellaneous receipt charged before the 10th of October, 1835, (being twice charged.)</td>
<td>$82,933 74</td>
</tr>
</tbody>
</table>

| Total Balance Overpaid at the Treasury                                  | $82,941 11      |

### Disbursements and Receipts from the 11th day of October, 1835, to the 10th day of October, 1836, inclusive, viz:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of ordinary revenue</td>
<td>$167,210 53</td>
</tr>
<tr>
<td>Amount due Treasury, 10th October, 1835,</td>
<td>82,941 02</td>
</tr>
<tr>
<td>From which deduct ordinary receipts,</td>
<td>$250,151 35</td>
</tr>
<tr>
<td>Also, amount of Railroad deposits,</td>
<td>167,603 50</td>
</tr>
</tbody>
</table>

Treasury overpaid on the 10th October, 1836, the sum of $82,547 50.
HOUSE OF REPRESENTATIVES.

Scrip Fund:

Amount of warrants paid of this fund, is $284,349 68
Amount of Internal Improvement, in the Commonwealth's Bank, $72,718 68
Amount of warrants paid, (Sinking Fund,) $31,014 38

Amount of receipts Scrip Funds, $200,500 00
Amount in Treasury, 10th October, 1835, $110,933 00
Sinking Fund, 10th October, 1835, $59,236 32
Interest on Treasury deposits, $1,886 48

Overpaid the 10th October, 1836, $15,226 94

No. 12.

Disbursements and Receipts of ordinary Revenue from the 11th day of October, 1836, to the 10th day of October, 1837, viz:

Amount of warrants paid of this fund, - $210,501 63
Amount overpaid the 10th October, 1836, - $82,547 96

Deduct receipts of ordinary revenue amounting to - $201,587 13

Leaving a balance overpaid the sum of - $91,242 46

Scrip, &c.

Warrants paid on this fund the same time, - $735,220 43
Sinking Fund, - $1,023,346 51
Bank of Kentucky for stock, - $583,598 36
Interest on State bonds, - $25,000 00

Amount overpaid the 10th October, 1836, - $15,226 94

Receipts the same time, viz:

Sinking Fund, - - $172,387 93
Scrip Fund, - - $1,246,707 10
Ditto, from Commonwealth's Bank, - - $58,024 55
Surplus Revenue, - - $1,433,757 39

Deduct warrants, as stated above, - - $2,910,847 97

Deduct amount overpaid at the Treasury, as above stated, - - $528,484 73

Leaving a balance in the Treasury from all sources the sum of - $437,242 27
The actual expenses of the Revenue Fund, as before stated, $210,501 63
Balance overpaid the 10th October, 1836, this fund is 82,547 96

Making the sum of 293,049 59

The disbursements of the Scrip Fund, the same time, is $2,367,165 30
Balance overpaid 10th October, 1836, is 15,226 94

Making the sum of 2,382,392 24

Making the total debits of this year amount to $2,675,441 83

Revenue receipts this year, as above stated, $201,807 13
Receipts of Scrip Fund, 2,910,876 97

Making the total receipts of this year, 3,112,684 10
From which deduct disbursements, as above, 2,675,441 83

Leaving a balance in the Treasury, 10th October, 1837, as stated, the sum of $437,242 27

It will be perceived that this will agree with the statements made by the Auditor, and the causes of the difference between my report, made to the Legislature for the year ending the 10th October, 1837, and this report, is that a portion of the Internal Improvement expenses for this year was reported in revenue expenses. Thereby increasing the revenue expense and decreasing the Internal Improvement expense. The final result however, is correct. As to the apparent balance reported in the Treasury amounting to $535,017 17
The balance is erroneously reported. It will be seen that I did not bring forward the balance overpaid at the Treasury the 10th October, 1836, of revenue fund, amounting to $82,547 96
Ditto, the scrip fund the same time, amounting to 10,226 94 97,774 90

 Which, when deducted from the above balance shows the actual balance in the Treasury, from all sources, $437,242 27

The cause of my stating the above $535,017 17, as an “apparent balance” was this: Prior to the 10th day of October, 1837, I had paid on requisitions from the Board of Internal Improvement near $300,000, and did not receive the warrants till after the 10th, hence the use of the word “apparent balance.”
No. 13.

Disbursements and Receipts of ordinary revenue, from the 11th October, 1837, to the 10th October, 1838, inclusive, viz:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of warrants of this fund, is</td>
<td>231,412 17</td>
</tr>
<tr>
<td>Add to this, balance due 10th Oct. 1837,</td>
<td>91,242 46</td>
</tr>
<tr>
<td>Together, amounts to the sum of</td>
<td>322,654 63</td>
</tr>
<tr>
<td>From which deduct receipts of this fund,</td>
<td>269,462 91</td>
</tr>
<tr>
<td>Leaves amount overpaid at the Treasury 10th Oct. 1838,</td>
<td>53,191 72</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Scripture, &amp;c.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of warrants of this fund paid,</td>
<td>1,145,392 37</td>
</tr>
<tr>
<td>Amount warrants paid on Sinking fund,</td>
<td>151,342 03</td>
</tr>
<tr>
<td>Deduct the amount of receipts internal improvement, (Scrip fund,)</td>
<td>467,894 88</td>
</tr>
<tr>
<td>Do. Sinking fund,</td>
<td>145,707 55</td>
</tr>
<tr>
<td>Leaves amount overpaid revenue,</td>
<td>1,142,087 16</td>
</tr>
<tr>
<td>Add to this the amount overpaid revenue,</td>
<td>154,647 24</td>
</tr>
<tr>
<td>Amount overpaid from all sources, 10th Oct. 1838, the sum of,</td>
<td>207,838 96</td>
</tr>
</tbody>
</table>

The foregoing balances are correctly given, to-wit:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance overpaid revenue fund 10th Oct. 1838,</td>
<td>53,191 72</td>
</tr>
<tr>
<td>Do. scrip fund,</td>
<td>154,647 24</td>
</tr>
<tr>
<td>True balance, from all sources,</td>
<td>207,838 96</td>
</tr>
</tbody>
</table>

From the printed report of said year it will be seen that the warrants paid for revenue, is 231,412 17

Do internal improvement fund,                                       | 1,145,392 37    |

Do sinking fund,                                                      | 151,342 03      |

Making in all, reached 1,528,146 57

Receipts for the same time, for revenue,                             | 245,532 82      |

Receipts from the Commonwealth's Bank,                                | 23,990 09       |

Internal improvement fund,                                           | 467,894 88      |

Sinking fund—(this sum of $150,707 55, should be only 145,707 55, as $5,000 of this sum was received and accounted for in the year ending 10th Oct. 1837,) | 145,707 55      |

Add the amount in the Treasury, from all sources, the 10th Oct. 1837, as stated, | 437,242 27      |

Leaves a balance, as before stated:                                   | 1,320,307 61    |

| Amount overpaid from all sources, 10th Oct. 1838, the sum of,        | 207,838 96      |

During this year there was cancelled at the Commonwealth’s Bank, $22,430 09; and this sum, together with $1500 internal improvement expenses, making $23,930 09, is included in the revenue receipts, above named for the year ending the 10th day of October, 1838.
By the printed report, ending the 10th October, 1838, there appears to be a balance remaining in the Treasury, the sum of $2,523 94. This error occurred by blending the amounts cancelled in the Commonwealth's Bank—58,024 55 having been cancelled in the year ending the 10th October, 1837, and carried to the account of internal improvement in that year—see Statement—and in the year 1838 I included the whole amount cancelled, 58,024 55 in the year 1837, and 23,930 09 in the year 1838—the whole amount $1,954 61, and carried to the account of the revenue fund, producing the aforesaid result erroneously—when the true balance should have been overpaid at the Treasury, 53,191 72, as follows, viz:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warrants paid 10th October, 1838</td>
<td>231,412 17</td>
</tr>
<tr>
<td>Balance overpaid, 10th October, 1837</td>
<td>91,242 46</td>
</tr>
<tr>
<td>Receipts same time</td>
<td>245,532 82</td>
</tr>
<tr>
<td>Cancelled in Commonwealth's Bank</td>
<td>23,930 09</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Leaves the balance before stated</td>
<td>322,654 63</td>
</tr>
</tbody>
</table>

The whole of the foregoing items erroneously stated, were made in my deductions (founded upon the general results) from the books; and the confusion has accrued from my misunderstanding some portion of the accounts and confounding others, and charging myself with the same sums twice; but my books, in the main, were correct, before the examination was made by the Second Auditor and myself, last summer; and now, I have no doubt, every thing will be found correct. Of all the errors that occurred, not one was found against the Commonwealth; which at least shows no design, upon my part, to commit the errors.

No. 14.

Disbursements and Receipts of ordinary revenue, from the 11th day of October, 1838, to the 10th day of October, 1839, inclusive, viz:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of warrants of ordinary revenue</td>
<td>256,866 13</td>
</tr>
<tr>
<td>Overpaid 10th October</td>
<td>53,191 72</td>
</tr>
<tr>
<td>Deduct receipts of this fund from 10th October, 1838, to 10th October, 1839</td>
<td>310,057 85</td>
</tr>
<tr>
<td>From which amount deduct warrants charged under the head of Turnpike Roads</td>
<td>262,716 87</td>
</tr>
<tr>
<td>Which leaves the net balance overpaid, the sum of</td>
<td>47,340 98</td>
</tr>
<tr>
<td></td>
<td>5,116 37</td>
</tr>
<tr>
<td></td>
<td>42,224 61</td>
</tr>
</tbody>
</table>
Scrip Funds.

Amount of warrants paid of this fund the same time, is 1,245,162 27
Add the balance in the Treasury 10th Oct. 1838, 146,647 24
Making the sum of, 1,391,809 51
Deduct receipts in report No. 3, 1,138,710 00
Leaves the balance overpaid 10th Oct. 1839, the sum of 261,099 51

Sinking Fund.

Receipts from this fund, (see report No. 5,) amounts to the sum of 141,776 99
Disbursements, (see report No. 6,) amounts to the sum of 136,040 96
Leaving a balance in the Treasury, 10th day of October, 1839, the sum of 5,736 03

School Fund.

Amount received of this fund up to the 10th Oct. 1839, is 21,568 75
Disbursed the same time, the sum of 21,500 00
Leaving a balance in the Treasury, 10th day of Oct. 1839, the sum of 68 75

JAMES DAVIDSON, Treasurer.

Mr. Hardy moved that the same be referred to a select committee, consisting of five members.

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

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

Those who voted in the affirmative were:

Fish, Forman, Gray, Haggard, McRoberts, Morehead, Padon, Perciful, Wilson, Yantis, Young, A., Young, B. R.—51

Those who voted in the negative were—


Whereupon Messrs. Meriwether, Hardy, Sprigg, Trimble and B. R. Young, were appointed said committee.

On motion of Mr. Meriwether, Ordered, That the Public Printer forthwith print 150 copies of said response, for the use of the members of the General Assembly.

1. Mr. Brooks presented the petition of sundry citizens of Germantown, praying the passage of a law incorporating the Germantown Academy.

2. Mr. Hardy presented the petitions of sundry citizens of Barren, Green, Hart and Adair counties, praying the establishment of a new county out of part of said counties.

3. Also, the petition of sundry citizens of the town of Glasgow, praying the passage of a law authorizing the Trustees of said town to license coffee houses.

4. Mr. J. Speed Smith presented the petition of sundry citizens of the town of Richmond, praying the passage of a law authorizing an appropriation of the county levy (paid by the citizens of said town) in aid of procuring water in said town.

5. Mr. Cave presented the petition of sundry citizens of the town of Walton, in Boone county, praying the passage of a law incorporating said town.

6. Mr. Botts presented the petition of Mary White, praying to be divorced from her husband, John White.

7. Mr. Perciful presented the petition of sundry citizens of Meade county, praying the passage of a law for the encouragement of the manufacture of silk in this State.
8. Mr. Botts presented the petition of Charles Douglass and Rebecca Douglass, praying the passage of a law authorizing them to sell and convey certain lands devised to them.

9. Mr. Forman presented the petition of the heirs of John Laytham, deceased, praying the passage of a law authorizing a sale of certain real estate descended to them.

10. Mr. T. Sutton presented the petition of Thomas S. Burton, praying the passage of a law authorizing his guardian to deliver over to him the property and effects in his hands.

11. Mr. McClure presented the petition of James Rogers, and Keziah, his wife, praying the passage of a law divorcing them from each other.

12. Mr. Haggard presented the petition of Rice Maxey, praying the passage of a law releasing him from the payment of thirty dollars, being part of a pedlar's license omitted to be received by him.

13. Mr. Pindell presented the petition of Patrick Doyle, praying to be divorced from his wife, Catharine Doyle.

14. Also, the petition of Bryson B. Trousdale, praying the passage of a law authorizing him to import slaves into this State for a term of years.

15. Mr. Barrett presented the petition of William Hammon and Mary T. Hammon (who is an infant,) praying the passage of a law authorizing them to convey certain lands heretofore sold by them.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st, 8th, 9th, 10th, 14th and 15th to the committee for Courts of Justice; the 2d, 3d, 4th and 5th to the committee on Propositions and Grievances; the 6th, 11th and 13th to the committee on Religion; the 7th to the committee on Agriculture and Manufactures; and the 12th to the committee on Ways and Means.

Mr. Hopkins, from the committee for Courts of Justice, to whom was referred a bill to explain and enforce an act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24, 1834; and an act to amend said act, approved Feb. 8, 1839, reported the same with amendments, which were concurred in.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

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

The Speaker laid before the House a response of the Board of Internal Improvement, to certain resolutions adopted by this House, which is as follows, viz:
Sir:

The accompanying statement of the expenditures of the Board of Internal Improvement from the 10th of October, 1838, to the 20th of December, 1839, contains all the information called for by the resolutions of the House of Representatives of the 18th ultimo and 2d inst.

The board would remark that there is no money at any time deposited to their credit, and of course they are unable to furnish the information sought by the first named resolution of the “amount of moneys received and from what sources they receive them.” In conformity with an act of Assembly that case made and provided, the board have borrowed from the several Banks of this Commonwealth, during the past year, with the sanction of the Executive Department, various sums of money to enable them to prosecute the most important works under contract on the rivers and roads; a statement of which is annexed.

The debts created by the board with the Banks, for internal improvement purposes, during the year 1838, were all paid off in the latter part of that year, and in the early part of the year 1839; a statement of which, together with the dates of their respective payments, is also herewith submitted.

The amount paid to Engineers in the service of the State, for the year 1839, was communicated to the House of Representatives on the 7th of last month, in answer to a resolution of the 5th of that month, to which reference is respectfully made, as containing all the information now desired.

The board have no persons employed in their service on the turnpike roads, railroads, or other roads of the State. The Turnpike Companies employ their own Engineers and Agents, and pay them out of their own funds. The board possess no information, nor means of obtaining it, officially, as to the number thus employed, or as to the amount paid for their services.

In the report submitted to the House of Representatives on the 3d inst., the board furnished a statement of the sums due the contractors on the public works on the rivers, to which they now respectfully refer. They are unable to furnish satisfactory information as to the amount due the contractors of the several road companies. Letters have been addressed to the Presidents of those companies, with the view of procuring the necessary information on that subject, which the board will communicate as soon as received.

The law fixes the compensation of the President and members of the Board. The former receives, as a salary, the sum of one thousand dollars per annum, out of the public Treasury, and the members of the board are paid three dollars per day when in service. The Board are allowed their expenses when engaged in the discharge of their official duties.

During the past year, the board attended at several points where bids were to be received, for the lettings of the works directed by the law of the last session of the Legislature, and have examined, in person, the public works under their charge. The statement annexed contains the amounts of the salaries and expenses of the members of the board, which have been settled and closed up to the 20th December, 1839, and also includes compensation...
for services rendered in the year 1838, and which were not settled for during that year. It will show also for what service the sums advanced to Engineers have been expended, up to the same date, as far as settlements have been made.

I have the honor to be,

Very respectfully, &c. &c.

JAMES T. MORHEAD,
President of the Board of Internal Improvement.

Hon. John L. Helm,
Speaker of the House of Representatives.

Expenditures of the Board of Internal Improvement, from the 11th of October, 1838, to 20th December, 1839, inclusive.

1838

October 12, To Richmond and Lexington road, $2,059 00
October 12, To Mountsterling and Maysville road, 4,319 00
October 12, To Board Internal Improvement of Lincoln county, 2,560 00
October 15, To G. R. Eichbaum, Assistant Engineer, 3d quarter salary, 325 00
October 15, To Licking river navigation, lock No. 5, 506 10
October 16, To Kentucky river navigation, lock No. 1, 750 00
October 16, To Kentucky river navigation, lock No. 1, (July estimate,) 750 00
October 17, To Muldrow hill, (Sarders and Singleton,) 150 00
October 17, To Muldrow hill, (Sarders and Singleton,) 350 00
October 17, To Mountsterling and Maysville road, 9,302 00
October 20, To Elizabethtown and Bell's tavern road, 2,250 00
October 25, To Board Internal Improvement Mercer county, 292 00
October 25, To survey of Big Sandy river, by N. B. Buford, 898 93
October 25, To survey of Pikeville and Sounding Gap road, by N. B. Buford, 110 00
October 25, To survey of Mountsterling and Virginia line road, by N. B. Buford, 63 00
October 25, To Licking river navigation, 259 53
October 25, To Danville, Lancaster and Nicholasville road, 681 00
October 25, To Maysville and Bracken road, 3,000 00
October 26, To T. McLaughlin, Superintendent lock No. 3, four month's salary, to 31st instant, 210 00
October 26, To Kentucky river navigation, lock No. 2, 633 00
October 26, To Bardstown and Green river road, 10,692 00
November 1, To Kentucky river navigation, locks Nos. 2 & 3, 7,550 00
November 2, To Kentucky river navigation, locks Nos. 1 & 5, 6,300 00
November 3, To Louisville and Elizabethtown road, (Hardin county,) 13,800 00
November 5, To Bowlinggreen and Tennessee line road, 1,750 00
November 5, To Geo. Stealey, Superintendent lock No. 1, three months' salary, to 31st ult., 150 00
November 5, To Kentucky river navigation, lock No. 4, 3,050 00
1838

November 13, To Lexington, Harrodsburg and Perryville road, $5,500.00
November 14, To W. B. Foster, jr., Resident Engineer, 3d quarter salary, $625.00
November 14, To C. F. Taylor, Assistant Engineer, 3d quarter salary, $200.00
November 14, To Smith’s Shoals, on Cumberland river, $3,199.69
November 17, To Licking river navigation, (to remove obstructions from mouth,) $5,383.47
November 17, To Danville, Lancaster and Nicholasville road, $838.00
November 17, To Licking river navigation, lock No. 1, $1,655.28
November 17, To Licking river navigation, lock No. 2, $987.65
November 17, To Licking river navigation, lock No. 4, $650.77
November 17, To Licking river navigation, lock No. 3, $1,061.33
November 20, To Kentucky river navigation, lock No. 1, $1,900.00
November 20, To Board Internal Improvement Franklin county, (Lawrenceburg and Hardinsville,) $850.00
November 20, To Pikeville and Sounding Gap road, $2,000.00
November 20, To Mountsterling and Virginia line road, $5,164.00
November 21, To Board of Internal Improvement for Scott county, $1,161.00
November 21, To J. S. Evans, superintendent lock No. 2, Kentucky river navigation, salary, 2 m'ths to 30th inst, $120.00
November 22, To Green River Commissioners, $12,000.00
November 23, To Licking river navigation, land at No. 1, $400.00
November 29, To Louisville and mouth of Salt river road, (Jefferson county,) $1,480.00
November 30, To Th. McLaughlin, Superintendent lock No. 3, salary to date, $60.00
November 30, To Kentucky river navigation, lock No. 1, $1,800.00
November 30, To Glasgow and Scottsville road, $890.00
December 1, To Kentucky river navigation, lock No. 3, $3,050.00
December 3, To Kentucky river navigation, lock No. 2, $2,160.00
December 3, To Danville, Lancaster and Nicholasville road, $1,360.00
December 4, To Elizabethtown and Bell's tavern road, $3,956.93
December 4, To Bardstown and Green river road, $5,938.00
December 5, To Kentucky river navigation, lock No. 4, $3,320.00
December 5, To Kentucky river navigation, lock No. 5, $2,000.00
December 5, To Licking river navigation, lock No. 1, $1,027.11
December 5, To Licking river navigation, lock No. 2, $790.37
December 5, To Licking river navigation, lock No. 3, $405.82
December 5, To Licking river navigation, lock No. 4, $734.84
December 5, To Kentucky river navigation, lock No. 4, part of retained percentage, $1,292.00
December 5, To Kentucky river navigation, lock No. 5, part of retained per centage, $650.00
December 8, To Glasgow and Scottsville road, $10,432.00
December 8, To Muldrow hill, (Sanders and Singleton,) $1,000.00
December 8, To Rolling Fork bridge, (Moorhead, &c.) $500.00
### 1838

<table>
<thead>
<tr>
<th>Date</th>
<th>Details</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 13</td>
<td>To Board of Internal Improvement Mercer county</td>
<td>1,000 00</td>
</tr>
<tr>
<td>December 15</td>
<td>To Board Internal Improvement Scott county</td>
<td>1,600 00</td>
</tr>
<tr>
<td>December 18</td>
<td>To Owingsville and Big Sandy road</td>
<td>8,000 00</td>
</tr>
<tr>
<td>December 18</td>
<td>To Kentucky river navigation, lock No. 1, part of retained per centage</td>
<td>1,450 00</td>
</tr>
<tr>
<td>December 19</td>
<td>To A. Snyder, Resident Engineer, 4th quarter salary</td>
<td>231 00</td>
</tr>
<tr>
<td>December 19</td>
<td>To Green River Commissioners</td>
<td>325 00</td>
</tr>
<tr>
<td>December 20</td>
<td>To Covington and Georgetown road</td>
<td>12,000 00</td>
</tr>
<tr>
<td>December 20</td>
<td>To Licking river navigation, land at lock No. 3</td>
<td>500 00</td>
</tr>
<tr>
<td>December 20</td>
<td>To Lexington, Harrodsburg and Perryville road</td>
<td>333 33</td>
</tr>
<tr>
<td>December 20</td>
<td>To Licking river navigation, lock No. 1, portion of retained per centage</td>
<td>5,500 00</td>
</tr>
<tr>
<td>December 20</td>
<td>To Licking river navigation, lock No. 2, portion of retained per centage</td>
<td>549 32</td>
</tr>
<tr>
<td>December 20</td>
<td>To Licking river navigation, lock No. 4, portion of retained per centage</td>
<td>357 45</td>
</tr>
<tr>
<td>December 25</td>
<td>To J. S. Evans, Superintendent, salary to 31st instant</td>
<td>244 79</td>
</tr>
<tr>
<td>December 25</td>
<td>To S. H. Moon, Superintendent, salary to 31st instant</td>
<td>60 00</td>
</tr>
<tr>
<td>December 27</td>
<td>To Kentucky river navigation, lock No. 2, portion of retained per centage</td>
<td>120 00</td>
</tr>
<tr>
<td>December 27</td>
<td>To Kentucky river navigation, lock No. 2, portion of retained per centage</td>
<td>2,200 00</td>
</tr>
<tr>
<td>December 28</td>
<td>To D. Mitchell, jr. 4th quarter salary</td>
<td>300 00</td>
</tr>
<tr>
<td>December 28</td>
<td>To W. B. Foster, jr., Resident Engineer, cash, reconnaissance of Rough, Nolin, Caney and Bear creek, and Pond and Muddy rivers, &amp;c. &amp;c.</td>
<td>249 60</td>
</tr>
<tr>
<td>December 31</td>
<td>To S. Welch, chief Engineer, 4th qtr. salary</td>
<td>1,000 00</td>
</tr>
<tr>
<td>December 31</td>
<td>To C. F. Taylor, Assistant Engineer, 4th quarter salary</td>
<td>200 00</td>
</tr>
<tr>
<td>December 31</td>
<td>To Austin P. Cox, 4th quarter salary</td>
<td>250 00</td>
</tr>
<tr>
<td>December 31</td>
<td>To Kentucky river navigation, lock No. 3, portion retained per centage</td>
<td>1,050 00</td>
</tr>
<tr>
<td>December 31</td>
<td>To Kentucky river navigation, lock No. 3, portion retained per centage</td>
<td>1,208 00</td>
</tr>
</tbody>
</table>

### 1839

<table>
<thead>
<tr>
<th>Date</th>
<th>Details</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1</td>
<td>To Louisville and Elizabethtown, (Hardin c'ty,)</td>
<td>450 00</td>
</tr>
<tr>
<td>January 1</td>
<td>To Elizabethtown and Bell's tavern</td>
<td>588 00</td>
</tr>
<tr>
<td>January 1</td>
<td>To N. B. Buford, Resident Engineer, 4th quarter salary</td>
<td>625 00</td>
</tr>
<tr>
<td>January 1</td>
<td>To Bowling Green and Tennessee line road</td>
<td>3,334 00</td>
</tr>
<tr>
<td>January 1</td>
<td>To M. R. Stealey, Resident Engineer, 4th quarter salary</td>
<td>750 00</td>
</tr>
<tr>
<td>January 2</td>
<td>To hydraulic lime, (at Tarascon's mill,)</td>
<td>1,782 30</td>
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<tr>
<td>January 2</td>
<td>To Versailles and Anderson county road</td>
<td>950 00</td>
</tr>
<tr>
<td>January 2</td>
<td>To Geo. R. Eichbaum, Assistant Engineer, 4th quarter salary</td>
<td>325 00</td>
</tr>
</tbody>
</table>
1839

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 5</td>
<td>To Muldrow hill, (Sanders and Singleton,)</td>
<td>1,626.75</td>
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<tr>
<td>January 5</td>
<td>To H. J. Eastin, Resident Engineer, 4th quarter salary</td>
<td>400.00</td>
</tr>
<tr>
<td>January 5</td>
<td>To Kentucky river navigation, lock No. 4</td>
<td>1,700.00</td>
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<tr>
<td>January 5</td>
<td>To Kentucky river navigation, lock No. 5</td>
<td>800.00</td>
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<tr>
<td>January 7</td>
<td>To Licking river navigation, lock No. 1</td>
<td>824.69</td>
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<tr>
<td>January 7</td>
<td>To Elizabethtown and Bell's tavern road</td>
<td>13,589.00</td>
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<tr>
<td>January 7</td>
<td>To Kentucky river navigation, lock No. 1</td>
<td>550.00</td>
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<tr>
<td>January 7</td>
<td>To Rolling Fork bridge, (Moorhead, &amp;c.)</td>
<td>250.00</td>
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<tr>
<td>January 9</td>
<td>To Bardstown and Green river road</td>
<td>8,856.00</td>
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<tr>
<td>January 9</td>
<td>To Board Internal Improvement Franklin county</td>
<td>200.00</td>
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<tr>
<td>January 10</td>
<td>To Kentucky river navigation, M. Skelton, salary from 30th June to 31st Dec.</td>
<td>360.00</td>
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<tr>
<td>January 10</td>
<td>To Licking river navigation, lock No. 4</td>
<td>350.00</td>
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<tr>
<td>January 10</td>
<td>To Licking river navigation, lock No. 3</td>
<td>778.20</td>
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<tr>
<td>January 10</td>
<td>To Bowlinggreen and Tennessee line road</td>
<td>5,615.00</td>
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<td>January 11</td>
<td>To Board Internal Improvement Lincoln county</td>
<td>4,719.00</td>
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<tr>
<td>January 17</td>
<td>To Kentucky river navigation, S. H. Moon, Superintendent, salary to 31st ult.</td>
<td>60.00</td>
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<tr>
<td>January 17</td>
<td>To M. V. Thompson, services to Dec. 13, (member of Board,)</td>
<td>235.12</td>
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<tr>
<td>January 17</td>
<td>To J. R. Skiles, services to Dec. 24, (member of Board,)</td>
<td>334.00</td>
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<td>January 18</td>
<td>To Kentucky river navigation, lock No. 1</td>
<td>510.00</td>
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<tr>
<td>January 24</td>
<td>To Danville, Lancaster, and Nicholasville road,</td>
<td>12,473.00</td>
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<tr>
<td>January 25</td>
<td>To Board Internal Improvement Mercer county</td>
<td>1,000.00</td>
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<tr>
<td>January 28</td>
<td>To Kentucky river navigation, J. S. Evans, Superintendent, salary to 31st inst.</td>
<td>60.00</td>
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<tr>
<td>January 29</td>
<td>To D. R. Murray and others, Commissioners of Breckinridge county</td>
<td>3,600.06</td>
</tr>
<tr>
<td>January 31</td>
<td>To hydraulic lime establishment</td>
<td>2,000.00</td>
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<tr>
<td>January 31</td>
<td>To Mountsterling and Maysville road</td>
<td>7,000.00</td>
</tr>
<tr>
<td>February 1</td>
<td>To Kentucky river navigation, S. H. Moon, Superintendent, salary to 31st ult.</td>
<td>60.00</td>
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<tr>
<td>February 1</td>
<td>To Kentucky river navigation, Th. McLaughlin, Superintendent, salary to 31st ult.</td>
<td>130.00</td>
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<tr>
<td>February 1</td>
<td>To Kentucky river navigation, lock No. 1</td>
<td>960.00</td>
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<tr>
<td>February 1</td>
<td>To Kentucky river navigation, lock No. 2</td>
<td>1,250.00</td>
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<td>February 1</td>
<td>To general expenses, Brown &amp; Hodges, for printing</td>
<td>402.79</td>
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<tr>
<td>February 1</td>
<td>To general expenses, A. C. Keaton, binding, pressing, stitching, &amp;c. &amp;c.</td>
<td>77.75</td>
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<td>February 1</td>
<td>To general expenses, W. M. Todd, for stationery</td>
<td>243.73</td>
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<tr>
<td>February 1</td>
<td>To South Fork Kentucky river, and Goose Creek</td>
<td>2,176.63</td>
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<tr>
<td>February 1</td>
<td>To Winchester and Lexington road</td>
<td>455.00</td>
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<tr>
<td>February 4</td>
<td>To Tradewater, expense of reconnaissance by Eichbaum</td>
<td>100.00</td>
</tr>
<tr>
<td>February 4</td>
<td>To Rolling Fork bridge, (Moorhead, &amp;c.)</td>
<td>191.32</td>
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</table>
1839

February 4, To Kentucky river navigation, lock No. 3, - 730 00
February 4, To Kentucky river navigation, lock No. 4, - 760 00
February 4, To Kentucky river navigation, lock No. 5, - 1,230 00
February 6, To Licking river navigation, lock No. 1, - 778 96
February 6, To Licking river navigation, lock No. 2, - 621 57
February 6, To Licking river navigation, lock No. 3, - 621 46
February 7, To Board Internal Improvement Mercer county, - 2,000 00
February 8, To Bardstown and Springfield road, - 3,100 00
February 8, To Bardstown and Louisville road, - 2,000 00
February 8, To Owingsville and Big Sandy road, - 7,800 00
February 8, To Versailles and Anderson county line road, - 1,460 00
February 8, To Richmond and Lexington road, - 2,507 00
February 9, To Muldrow hill, (Sanders and Singleton,) - 2,000 00
February 9, To M. V. Thomson, (member, services to date,) - 73 25
February 9, To W. R. Griffith, Commissioner of Daviess county, - 1,350 00
February 13, To Green river Commissioners, - 8,000 00
February 13, To Danville, Lancaster and Nicholasville road, - 3,630 00
February 15, To G. Blackwell, (Commissioner of Union county,) - 1,000 00
February 15, To Kentucky river navigation, lock No. 1, - 450 00
February 15, To Board Internal Improvement Scott county, - 600 00
February 15, To general expenses, grate, &c. from G. W. Gwin & Co., - 31 43
February 18, To Rolling Fork bridge, (Moorhead, &c,) - 948 68
February 18, To Elizabethtown and Bell's tavern road, - 10,264 00
February 18, To Glasgow and Scottsville road, - 2,130 00
February 18, To general expenses, engineering instruments, stationery, surveys, &c. &c. - 1,001 42
February 23, To W. B. Foster, jr., Resident Engineer, 4th quarter salary, - 625 00
February 23, To general expenses, survey of Little river and Green river, (upper,) - 121 58
February 23, To general expenses, Samuel Daviess, (member, services to date,) - 430 47
February 23, To general expenses, J. R. Skiles, (member, services in part,) - 274 00
February 23, To Kentucky river, fish dams, &c.— (see act of 1839), - 100 00
February 23, To Green river Commissioners, - 12,000 00
February 23, To Kentucky river navigation, J. S. Evans, salary to 28th inst. - 60 00
March 1, To Maysville and Bracken road, - 3,875 00
March 1, To Kentucky river navigation, lock No. 1, - 1,230 00
March 1, To S. H. Moon, Superintendent, salary to 28th ult. - 60 00
March 1, To Kentucky river navigation, lock No. 1, portion retained per centage, - 500 00
March 5, To Kentucky river navigation, lock No. 5, - 1,440 00
March 5, To Kentucky river navigation, lock No. 4, - 540 00
March 5, To Kentucky river navigation, lock No. 3, - 900 00
1839
March 5, To Kentucky river navigation, lock No. 2, 1,000 00
March 14, To Licking river navigation, lock No. 1, 827 00
March 14, To Licking river navigation, lock No. 2, 466 00
March 14, To Louisville and mouth Salt river road, (Jefferson county,) 1,363 00
March 15, To general expenses, table, double writing desk, &c. &c., C. Hutchison, 258 50
March 15, To Kentucky river navigation, lock No. 2, part of retained per centage, 1,500 00
March 15, To Kentucky river navigation, lock No. 5, part of retained per centage, 1,500 00
March 15, To Muldrow hill, (Sanders and Singleton,) 1,000 00
March 15, To Green river Commissioners, freight on 1,200 barrels of lime, 600 00
March 15, To hydraulic lime establishment, 5,000 00
March 15, To Kentucky river navigation, T. McLaughlin, Superintendent, salary to 31st inst., 120 00
March 15, To Kentucky river navigation, J. S. Evans, Superintendent, salary to 31st inst., 60 00
March 15, To general expenses, J. M. Bullock, agent to sell bonds, 1,000 00
March 15, To Kentucky river navigation, lock No. 1, 750 00
March 15, To Kentucky river navigation, Geo. Stealey, Superintendent, salary from 31st Oct. to 31st inst., 300 00
March 20, To general expenses, J. R. Skiles, (member, services to date,) 125 00
March 20, To Green River Commissioners, 10,006 00
March 20, To Board Internal Improvement of Mercer c'ty, 2,500 00
March 25, To J. T. Morehead, agent to sell bonds in 1837, (by order of Gov. Clark,) 700 00
March 25, To C. F. Taylor, Assistant Engineer, 1st quarter salary, 200 00
March 25, To Bardstown and Green river road, 10,334 00
March 35, To Glasgow and Scottsville road, 1,700 00
April 1, To Licking river navigation, lock No. 3, 2,000 00
April 1, To Kentucky river navigation, freight on 2,598 barrels lime, 1,633 75
April 1, To N. B. Buford, Resident Engineer, 1st quarter salary, 625 00
April 1, W. B. Foster, jr., Resident Engineer, 1st quarter salary, 625 00
April 1, To Antes Snyder, Resident Engineer, 1st quarter salary, 625 00
April 1, To G. R. Eichbaum, Assistant Engineer, 1st quarter salary, 325 00
April 1, To Austin P. Cox, Secretary, 1st quarter salary, 250 00
April 1, To S. Welch, Chief Engineer, 1st quarter salary, 1,000 00
April 3, To Kentucky river navigation, lock No. 2, 1,300 00
April 3, To Kentucky river navigation, lock No. 1, 1,000 00
1839

April 3, To Kentucky river navigation, S. H. Moon, Superintendent, salary to 31st ult. 60 00
April 3, To Kentucky river navigation, M. Skelton, Superintendent, salary to 31st ult. 180 00
April 3, To Kentucky river navigation, lock No. 4, 2,010 00
April 3, To Kentucky river navigation, lock No. 5, 1,690 00
April 3, To Kentucky river navigation, lock No. 3, 1,500 00
April 3, To D. Meriwether for A. Wickersham, (see act of 1839) 625 00
April 10, To Rolling Fork bridge, (Moorhead &c.) 3,030 00
April 11, To H. J. Eastin, Resident Engineer, salary 1st quarter, 400 00
April 11, To general expenses, theodolite and chain, 266 00
April 11, To general expenses, reconnaissance of road from Greensburg to Tennessee line, 70 75
April 12, To Maysville and Mountsterling road, 1,880 00
April 15, Kentucky navigation, lock No. 1, 1,680 00
April 15, To Licking river navigation, lock No. 3, 2,000 00
April 18, To M. R. Stealey, Resident Engineer one quarter's salary, 750 00
April 18, To Kentucky river navigation, H. Iseminger for bacon and lard, for hands clearing banks, 292 70
April 18, To Kentucky river navigation, H. Moffett, coffee, sugar, &c. for hands clearing banks, 211 89
April 18, To Licking river navigation, lock No. 1, 765 00
April 18, To Licking river navigation, lock No. 2, 470 00
April 18, To freight on 2,043 barrels lime, 687 90
April 18, To hydraulic lime establishment, 6,000 00
April 20, To Kentucky river navigation, J. S. Evans, superintendent, salary to 30th instant, 60 00
April 20, To Glasgow and Scottsville road, 6,285 00
April 26, To Lexington, Harrodsburg and Perryville road, 2,500 00
April 26, To Louisville and Elizabethtown road, (Hardin county,) 17,000 00
April 26, To Louisville and Elizabethtown road, (Jefferson county,) 1,000 00
April 29, To Green River Commissioners, 10,000 00
April 29, To Bowling green and Tennessee line road, 8,300 00
April 29, To Danville, Lancaster and Nicholasville road, 946 00
May 2, To Kentucky river navigation, lock No. 1, 2,776 14
May 4, To Kentucky river navigation, T. McLaughlin, superintendent, salary to 30th ultimo, 60 00
May 7, To Kentucky river navigation, lock No. 4, 3,350 00
May 7, To Kentucky river navigation, lock No. 5, 1,625 00
May 7, To Kentucky river navigation, lock No. 3, 1,795 00
May 9, To Kentucky river navigation, lock No. 2, 2,830 00
May 10, To Kentucky river navigation, S. H. Moon, superintendent, salary to 30th ultimo, 60 00
May 10, To Kentucky river navigation, groceries, boats, &c. outfit for corps clearing banks, 1,101 32
1839

May 15, To Kentucky river navigation, lock No. 1, 712 86
May 15, To general expenses, Stealey and Taylor's expense to Georgetown to estimate Wickersham's work, (see act, 1839), 6 00
May 15, To Licking river navigation, Lock No. 2, 1,100 00
May 15, To Louisville and Elizabethtown road, Jefferson county, 300 00
May 15, To Maysville and Bracken road, 2,683 00
May 15, To Rolling Fork bridge, (Moorhead & Co.), 1,600 00
May 18, To Bell's Tavern and Bowling green road, 4,000 00
May 23, To Lexington, Harrodsburg and Perryville road, 3,474 00
May 23, To general expenses, 910 bushels coal, in 1838-'9, 172 28
May 24, To Kentucky river navigation, Lock No. 3, 2,330 00
May 24, To Kentucky river navigation, Th. McLaughlin, superintendent—salary to 31st instant, 60 00
May 25, To Elizabethtown and Bell's Tavern road, 3,000 00
May 25, To Kentucky river navigation, Lock No. 2, 2,640 00
May 25, To Kentucky river navigation, J. S. Evans, superintendent—salary to 31st instant, 60 00
May 27, To Licking river navigation, Lock No. 5, 1,782 50
May 27, To M. R. Stealey, Resident Engineer, salary to 15th instant, 375 00
May 28, To Licking river navigation, Lock No. 1, 929 00
May 28, To Licking river navigation, Lock No. 2, 448 00
May 28, To Licking river navigation, Lock No. 4, 330 00
May 28, To general expenses—T. S. Page, going to Louisville to settle with Banks, 30 00
May 28, To general expenses—J. M. Bullock, agent to sell Bonds, balance, 25 00
June 6, To Green river Commissioners, 6,000 00
June 6, To Kentucky river navigation freight on 300 barrels lime to No. 4, 450 00
June 6, To Bardstown and Green river road, 5,000 00
June 7, To Versailles and Anderson county line road, 1,740 00
June 8, To Austin F. Cox, 2d quarter salary, 250 00
June 10, To A. M. Barrett, Commissioner of Edmonston county, 460 00
June 11, To Kentucky river navigation, lock No. 1, portion retained per centage, 3,000 00
June 11, To Kentucky river navigation, expense of line of levels, by George Stealey, 680 28
June 11, To General expenses, by W. M. Todd, for Stationary, 131 50
June 11, To Kentucky river navigation, lock No. 1, 2,345 00
June 11, To Kentucky river navigation, lock No. 4, 2,765 00
June 11, To Kentucky river navigation, lock No. 5, 2,510 00
June 11, To Freight on 800 barrels of lime, to No. 2, 500 00
June 11, To Freight on 398 barrels of lime, to No. 4, 454 00
June 17, To Licking river navigation, lock No. 1, 231 00
June 22, To Maysville and Mountsterling road, 126 00
### 1839

**June 24,** To Kentucky river navigation, freight on 247 barrels of lime, to No. 4, 346 00

**June 24,** To Kentucky river navigation, lock No. 1, 1,730 00

**June 25,** To Licking river navigation, lock No. 2, 500 00

**June 25,** To Licking river navigation, clearing banks, 1,000 00

**June 25,** To Rolling Fork bridge, (Moorhead &c.), 1,000 00

**June 25,** To Board of Internal Improvements Mercer county, 2,500 00

**June 25,** To Board of Internal Improvements Scott county, 1,118 00

**June 26,** To Green river Commissioners, 10,000 00

**June 26,** To Kentucky river navigation, J. S. Evans, Superintendent, salary to 30th instant, 60 00

**June 27,** To Owingsville and Big Sandy road, 5,000 00

**June 27,** To Kentucky river navigation, freight on 750 barrels of lime from 1 to 2, and from 5 to 4, 229 75

**July 1,** To Kentucky river navigation, lock No. 1, 2,130 00

**July 1,** To Kentucky river navigation, lock No. 2, 5,570 00

**July 1,** To Kentucky river navigation, lock No. 3, 6,080 00

**July 1,** To Kentucky river navigation, freight on 120 barrels of lime to No. 4, 160 00

**July 1,** To Licking river navigation, lock No. 4, 1,760 00

**July 1,** To Licking river navigation, lock No. 1, 470 00

**July 1,** To Licking river navigation, J. S. Bush, Superintendent, 250 00

**July 2,** To Geo. R. Eichbaum, assistant Engineer, fractional quarter salary, 64 27

**July 2,** To C. F. Taylor, assistant Engineer, second quarter's salary, 300 00

**July 2,** To N. B. Buford, Res't Engr, 2d quarter's salary, 625 00

**July 2,** To S. Welch, Chief Engineer, 2d quarter's salary, 1,000 00

**July 2,** To H. J. Eastin, Res't Engr, 2d quarter's salary, 500 00

**July 2,** To M. R. Stealey, Resident Engineer, salary to date, 375 00

**July 2,** To survey of Crab Orchard and Cumberland Gap road, 652 67

**July 3,** To Kentucky river navigation, M. Skelton, Superintendent, salary to the 30th instant, 180 00

**July 5,** To Kentucky river navigation, lock No. 4, 6,830 00

**July 5,** To Kentucky river navigation, lock No. 5, 4,820 00

**July 5,** To Kentucky river navigation, A. Mathews, Superintendent, salary to the 30th ultimo, 146 00

**July 6,** To Kentucky river navigation, lock No. 4, 1,565 00

**July 6,** To Lexington and Ohio Railroad, 2,500 00

**July 6,** To Licking river navigation, lock No. 2, 91 00

**July 6,** To Kentucky river navigation, freight on 143 barrels of lime to No. 4, 216 12

**July 11,** To Hydraulic lime establishment, 2,000 00

**July 11,** To survey of a portion of Mountsterling and Virginia road, 24 37

**July 11,** To General expense of advertising, &c., per N. B. Buford, 15 00

**July 11,** To Licking river navigation, 759 61
1839
July 11, To Bardstown and Green river road, 10,000 00
July 11, To Licking river navigation, lock No. 1, 1,600 00
July 11, To Licking river navigation, lock No. 2, 2,000 00
July 16, To Licking river navigation, freight on 1891, barrels of lime, 875 35
July 16, To Licking river navigation, lock No. 3, 1,700 00
July 16, To Louisville and Lexington road, (Jefferson county) 2,500 00
July 18, To Lexington, Harrodsburg and Perryville road, 3,000 00
July 18, To Kentucky river navigation, lock No. 1, 2,100 00
July 18, To Kentucky river navigation, freight on 1600 barrels of lime to No. 2, 1,000 00
July 18, To Kentucky river navigation, Thomas McLaughlin, Superintendent, salary to 31st instant, 120 00
July 18, To Kentucky river navigation, J. S. Evans, Superintendent, salary to 31st instant, 60 00
July 22, To Licking river navigation, lock No. 1, 3,000 00
July 22, To Licking river navigation, lock No. 2, 3,000 00
August 1, To Kentucky river navigation, lock No. 1, 4,640 00
August 1, To Kentucky river navigation, lock No. 3, 1,200 00
August 1, To Green river Commissioners, 6,000 00
August 1, To Kentucky river navigation, lock No. 2, 6,140 00
August 1, To Kentucky river navigation, lock No. 3, 5,065 00
August 3, To Board Internal Improvement Mercer county, 1,500 00
August 6, To Kentucky river navigation, lock No. 4, 5,550 00
August 6, To Kentucky river navigation, lock No. 5, 4,200 00
August 10, To survey of road from Irvine to mouth of Troublesome, 448 50
August 10, To C. F. Taylor, general expenses, for stationary, going to Manchester at letting lock, &c. &c., 52 00
August 16, To Rolling Fork bridge, (Moorhead, &c.) 3,000 00
August 16, To Green river Commissioners, 10,000 00
August 16, To Licking river navigation, lock No. 2, 1,116 00
August 16, To Licking river navigation, lock No. 1, 300 00
August 16, To Licking river navigation, lock No. 4, 1,000 00
August 16, To Kentucky river navigation, lock No. 1, 4,030 00
August 19, To Lexington and Ohio Railroad, 2,500 00
August 19, To Lexington, Harrodsburg and Perryville road, 2,400 00
August 20, To Versailles and Anderson county line road, 250 00
August 24, To General expenses, C. H. Julian, for stationary, 180 33
August 24, To General expenses, A. C. Keenon, for binding, &c. &c., 36 65
August 27, To Kentucky river navigation, J. S. Evans, Superintendent, salary to 31st instant, 60 00
August 27, To Licking river navigation, lock No. 4, 850 00
August 27, To Owingsville and Big Sandy road, 1,000 00
August 30, To Glasgow and Scottsville road, 2,500 00
August 30, To Elizabethtown and Bell's Tavern road, 2,500 00
August 30, To Louisville and Elizabethtown road, (Jefferson county,) 1,000 00
August 30, To Licking river navigation, lock No. 1, 1,400 00
1839

August 30, To Licking river navigation, lock No. 2, 800 00
August 30, To Licking river navigation, clearing banks, 1,000 00
August 30, To Kentucky river navigation, freight on lime from No. 2 to No. 3, 45 85
August 30, To General expenses, Kentucky Penitentiary, for sundries, per bill: Skiff, slide irons for levelling rods, &c., 74 93
September 6, To Kentucky river navigation, lock No. 1, 4,930 00
September 6, To Hydraulic lime, manufactured at Tarascon's mills, 991 77
September 6, To Bell's Tavern and Bowlinggreen road, 5,000 00
September 7, To Kentucky river navigation, lock No. 3, 6,670 00
September 7, To Kentucky river navigation, lock No. 5, 3,085 00
September 7, To Kentucky river navigation, lock No. 4, 6,000 00
September 7, To Kentucky river navigation, A. Matthews, Superintendent, salary to 31st ultimo, 120 00
September 7, To Kentucky river navigation, M. Skelton, Superintendent, salary to 31st ultimo, 120 00
September 7, To Kentucky river navigation, lock No. 2, 10,050 00
September 12, To Green river Commissioners, 10,000 00
September 21, To Lexington and Ohio Railroad, 2,500 00
September 21, To Licking river navigation, lock No. 4, 950 00
September 21, To Licking river navigation, lock No. 1, 1,200 00
September 21, To Licking river navigation, lock No. 2, 400 00
September 21, To Licking river navigation, for land at lock No. 6, 1,014 00
September 21, To Logan, Todd and Christian road, 1,000 00
September 21, To N. B. Buford, Resident Engineer, third quarter salary, 600 00
September 21, To Kentucky river navigation, freight on 448 barrels lime, 224 00
September 21, To Kentucky river navigation, lock No. 1, 4,900 00
September 21, To H. J. Eastin, Resident Engineer, third quarter salary, 500 00
September 21, To W. R. McKee, Resident Engineer, salary from 18th September to 12th November, 1,200 00
September 21, To Kentucky river navigation, J. S. Evans, Superintendent, salary to 30th instant, 60 00
September 25, To Austin P. Cox, Secretary, third quarter salary, 250 00
September 25, To Rolling Fork bridge, (Moorhead, &c,) 3,000 00
September 25, To Newmarket and Rolling Fork road, 2,000 00
September 25, To Louisville and Elizabethtown road, (Jefferson county,) 180 00
September 26, To Licking river navigation lock No. 3, 1,600 00
September 26, To Board Internal Improvement, Mercer county, 2,000 00
September 26, To General expenses, Prentice & Weissinger and Macey, to advertising locks to let, 70 00
October 2, To Licking river navigation, lock No. 1, 1,200 00
October 2, To Licking river navigation, lock No. 2, 2,200 00
October 2, To Licking river navigation, lock No. 4, 1,000 00
October 2, To Green river Commissioners, 5,000 00
October 2, To Kentucky river navigation, Thos. McLaughlin, Superintendent, salary to 30th ultimo, 120 00
October 3, To Kentucky river navigation, lock No. 1, 6,650 00
October 3, To S. Welch, Chief Engineer, third quarter salary, 1,000 00
October 15, To Lexington and Ohio Railroad, 2,500 00
October 15, To C. F. Taylor, Assistant Engineer, third quarter salary, 300 00
October 17, To Kentucky river navigation, lock No. 5, 4,600 00
October 17, To Kentucky river navigation, freight on 495 barrels lime, 247 50
October 18, To Kentucky river navigation, clearing banks, 2,619 90
October 18, To Licking river navigation, J. S. Bush, Superintendent, 250 00
October 18, To Board Internal Improvement, Mercer city, 500 00
October 18, To Green River Commissioners, 8,000 00
October 22, To Kentucky river navigation, lock No. 2, irons furnished by D. A. Powell, 623 01
October 22, To Kentucky river navigation, lock No. 3, irons furnished by D. A. Powell, 623 01
October 22, To Kentucky river navigation, lock No. 4, irons furnished by D. A. Powell, 623 01
October 22, To Kentucky river navigation, lock No. 5, irons furnished by D. A. Powell, 623 01
October 22, To Kentucky river navigation, N. A. Spears, superintendent, salary from 11th September to date, 84 00
October 22, To Licking river navigation, freight on lime, 1,639 75
October 24, To Licking river navigation, lock No. 1, 2,000 00
October 24, To Licking river navigation, lock No. 2, 1,000 00
October 24, To Licking river navigation, lock No. 3, 2,000 00
October 24, To Licking river navigation, lock No. 4, 2,300 00
October 24, To Licking river navigation, clearing banks, 1,000 00
October 24, To Kentucky river navigation, J. S. Evans, salary to 31st instant, 60 00
October 24, To general expenses, postage from 30th September, 1836, to 30th September, 1839, 209 13
October 24, To general expenses, Brown and Hodges, printing blanks, 346 62
October 26, To Kentucky Penitentiary, rake, scraper and chairs, 72 97
November 2, To Green River Commissioners, 8,000 00
November 2, To Glasgow and Scottsville road, 1,000 00
November 6, To Kentucky river navigation, lock No. 3, 12,176 99
November 6, To Kentucky river navigation, lock No. 1, 5,100 00
November 9, To Kentucky river navigation, lock No. 2, 17,376 99
November 8, To general expenses, Davy, George and James, attendance on Engineer Office from 30th September, 1836, to 30th September, 1839, 264 00
November 11, To M. R. Stealey, Resident Engineer, third quarter’s salary, 750 00
1839

November 20, To Kentucky river navigation, lock No. 5, - 2,221.99
November 20, To Kentucky river navigation, clearing banks, section No. 2, by A. G. Cammack, - 4,654.04
November 28, To Kentucky river navigation, lock No. 4, - 5,326.99
November 28, To Kentucky river navigation, lock No. 4, - 2,550.00
November 28, To Kentucky river navigation, freight on 118 barrels lime, - 147.50
November 28, To Covington and Lexington road, - 1,200.00
November 28, To Licking river navigation, lock No. 4, - 2,200.00
November 28, To Licking river navigation, lock No. 3, - 300.00
November 28, To Licking river navigation, lock No. 2, - 1,500.00
November 28, To Kentucky river navigation, freight on 1,008 barrels lime, - 504.00
November 28, To Kentucky river navigation, J. S. Evans, superintendent, salary to 30th instant, - 60.00
November 28, To Bardstown and Green river road, - 1,500.00
November 28, To Owingsville and Big Sandy road, - 1,500.00
November 28, To Board of Internal Improvement, Lincoln county, - 800.00
November 28, To M. V. Thomson, (member) services to date, general expenses, - 109.50
November 28, To Rolling Fork and New Market road, - 1,500.00
November 28, To Rolling Fork bridge, (Moorhead, &c.) - 400.00
November 28, To Glasgow and Scottsville road, - 1,500.00
November 28, To Kentucky river navigation, lock No. 1, - 1,500.00
November 28, To Kentucky river navigation, N. A. Spears, superintendent, salary to date, - 78.00
November 30, To Lexington and Ohio Railroad, - 2,500.00
November 30, To Licking river navigation, lock No. 1, - 3,200.00
December 3, To Green River Commissioners, - 8,000.00
December 3, To Rolling Fork bridge, (Moorhead, &c.) - 400.00
December 5, To Board of Internal Improvement, Mercer county, - 2,000.00
December 5, To Kentucky river navigation, lock No. 4, - 4,213.01
December 5, To Kentucky river navigation, lock No. 5, - 1,500.00
December 6, To Licking river navigation, lock No. 3, - 1,100.00
December 9, To Licking river navigation, clearing banks, - 67.07
December 9, To Goose creek and South Fork Kentucky, - 794.65
December 9, To Kentucky river navigation, Th. McLaughlin, superintendent, salary, - 60.00
December 9, To Green River Commissioners, - 10,000.00
December 13, To general expenses, S. Pene, Jr. and Macey, advertising locks to let, - 63.50
December 13, To Mountsterling and Maysville road, - 6,000.00
December 13, To Elizabethtown and Bell's tavern road, - 1,000.00
December 18, To general expenses, J. R. Skiles, member, to date, - 160.00
December 18, To general expenses, Mrs. Moore, administrator, stationary, &c. by her late husband, - 100.78
December 18, To Green River Commissioners, - 5,000.00
1839

December 18, To Grayson county, (J. Thomas, Commissioner) 500 00
December 18, To general expenses, S. Daviess, member, services to date, 452 99

$951,422 54

RECAPITULATION.

Expenditures of Board of Internal Improvement, from 11th October, 1838, to 20th December, 1839, inclusive.

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Muldrow Hill turnpike road, (Sanders &amp; Singleton,)</td>
<td>$6,126 71</td>
</tr>
<tr>
<td>Board Internal Improvement, Franklin county, (Lawrenceburg and Hardinsville,)</td>
<td>1,050 00</td>
</tr>
<tr>
<td>Board Internal Improvement, Mercer county, (Crab Orchard road)</td>
<td>15,292 00</td>
</tr>
<tr>
<td>Board Internal Improvement, Lincoln county, (Crab Orchard road)</td>
<td>8,079 00</td>
</tr>
<tr>
<td>Danville, Lancaster and Nicholasville road</td>
<td>19,928 00</td>
</tr>
<tr>
<td>Board Internal Improvement of Scott county</td>
<td>5,104 00</td>
</tr>
<tr>
<td>Winchester and Lexington road</td>
<td>435 00</td>
</tr>
<tr>
<td>Covington and Georgetown road</td>
<td>1,700 00</td>
</tr>
<tr>
<td>Louisville to mouth of Salt river road</td>
<td>7,824 00</td>
</tr>
<tr>
<td>Mouth of Salt river to Elizabethtown road</td>
<td>31,230 00</td>
</tr>
<tr>
<td>Elizabethtown and Bell's Tavern road</td>
<td>37,138 00</td>
</tr>
<tr>
<td>Bell's Tavern to Bowlinggreen road</td>
<td>12,334 00</td>
</tr>
<tr>
<td>Bowlinggreen to Tennessee line road</td>
<td>15,665 00</td>
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<tr>
<td>Mountsterling and Virginia line road</td>
<td>5,235 00</td>
</tr>
<tr>
<td>Pikeville and Sounding Gap road</td>
<td>2,110 00</td>
</tr>
<tr>
<td>Bardstown and Springfield road</td>
<td>3,100 00</td>
</tr>
<tr>
<td>Richmond and Lexington road</td>
<td>4,566 00</td>
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<tr>
<td>Crab Orchard and Cumberland Gap road</td>
<td>692 00</td>
</tr>
<tr>
<td>Owingsville and Big Sandy road</td>
<td>23,300 00</td>
</tr>
<tr>
<td>Lexington, Harrodsburg and Perryville road</td>
<td>22,434 00</td>
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<tr>
<td>Bardstown and Louisville road</td>
<td>2,000 00</td>
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<tr>
<td>Bardstown and Green river road</td>
<td>52,550 00</td>
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<tr>
<td>Glasgow and Scottsville road</td>
<td>26,437 00</td>
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<tr>
<td>Mountsterling and Maysville road</td>
<td>28,627 00</td>
</tr>
<tr>
<td>Versailles and Anderson county</td>
<td>4,400 00</td>
</tr>
<tr>
<td>Maysville and Bracken county</td>
<td>9,558 00</td>
</tr>
<tr>
<td>Berekvidge county, (D. R. Murray &amp; Co. commissioners,)</td>
<td>3,000 00</td>
</tr>
<tr>
<td>Daviess county, (W. R. Griffith, commissioner,)</td>
<td>1,250 00</td>
</tr>
<tr>
<td>Union county, (G. Blackwell, commissioner,)</td>
<td>1,000 00</td>
</tr>
<tr>
<td>Lexington and Ohio Railroad</td>
<td>12,500 00</td>
</tr>
<tr>
<td>Kentucky river fish dams—see act of 1839</td>
<td>150,600 00</td>
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<tr>
<td>Green and Barren river navigation</td>
<td>278,992 61</td>
</tr>
<tr>
<td>Kentucky river</td>
<td>84,132 34</td>
</tr>
<tr>
<td>Licking river</td>
<td>1,000 00</td>
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<tr>
<td>Logan, Todd and Christian road</td>
<td>8,419 06</td>
</tr>
<tr>
<td>General expenses</td>
<td>19,164 27</td>
</tr>
<tr>
<td>Salaries of Engineers and Secretary</td>
<td>17,774 07</td>
</tr>
<tr>
<td>Hydraulic lime establishment</td>
<td></td>
</tr>
</tbody>
</table>
Jan. 6.] HOUSE OF REPRESENTATIVES. 175

1839

Edmonson county, A. M. Barrett, commissioner, \See act of\ 1839. 460 00
Grayson county, J. Thomas, commissioner, 500 00
Rolling Fork bridge, near Newmarket, 14,320 00
Cumberland river, Smith's Shoals, 3,199 69
South Fork of Kentucky river and Goose creek, 2,971 28
Irvine and Mouth of Troublesome road, 448 50
Surveys, 898 33
Tradewater river—reconnaissance, 100 00
Newmarket road, near Muldrow Hill, 3,600 00

$951,422 54

The Board have borrowed from the Banks as follows:

From Bank of Kentucky, 180,000 00
From Northern Bank Kentucky, $215,000, less the discount, 209,783 33
From Bank of Louisville, $30,000, less the discount, 28,895 00

Now due, 418,678 33

1838.

December 19, The Board have paid Bank of Louisville, 25,325 00
December 10, Also, Northern Bank of Kentucky, 50,000 00

1839.

April 18, Also, Bank of Kentucky, 229,125 00
December 13, Also, Northern Bank of Kentucky, interest, 3,373 33
There has been advanced to Byrnes & Crumbaugh, Superintendents for clearing banks of Kentucky river, on sections Nos. 1 and 4; (their accounts are not settled,) 7,913 50
There has been advanced to the Contractors on the Ky. river, and to procure hands, and not yet estimated, 14,400 00
There are unexpended balances in hands of Engineers, 4,234 08

334,370 91

There has been paid to members of the Board, as follows:

1839.

January 17, To M. V. Thomson, services and expenses from 28th June, 1838, to 13th December, 1838, 235 13
February 9, To do. from last payment to date, 73 25
October 28, To do. do. do. to 25th Sept'r. 109 50

417 88
Ordered, That said response be referred to the committee on the Expenditures of the Board of Internal Improvement.

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

WHEREAS, the General Assembly has been officially informed of a fraud, committed by the transfer agent of the Bank of Kentucky, in Philadelphia, in issuing false stock of said Bank to a large amount, in which the interest of this Commonwealth is deeply involved: Therefore,

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the Lieutenant and Acting Governor be authorized and required to send immediately to the city of Philadelphia, some able and discreet man of legal attainments, with such instructions and powers to act in the premises, as will best promote the interest of the State.

Mr. Hines, from the committee on Religion, to whom was referred the petition of Pamela Hawley, for a divorce—reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Goodson moved to amend said resolution, by striking out the words "be rejected," and inserting "is reasonable."

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

Ordered, That said committee prepare and bring in a bill in pursuance of the prayer of said petition.

Mr. Hines, from the same committee, to whom was referred the petition of Joseph S. Elgin, for a divorce—reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Lyter moved to amend said resolution, by striking out the words "be rejected," and inserting "is reasonable."

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

Ordered, That the committee prepare and bring in a bill in accordance with the prayer of said petition.
Mr. Meriwether, from the committee on Ways and Means, to whom was referred the petition of David Longnecker, and also the petition of Benjamin Blackburn—reported the said petitions with the following resolution:

Resolved, That said petitions are unreasonable.

Which being twice read, was concurred in.

Mr. Turner, from the committee on Banks, reported a bill for the benefit of the Banks of Kentucky; which was read the first time.

Ordered, That said bill be laid on the table for the present.

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

By the committee for Courts of Justice. A bill to amend and reduce into one the several acts regulating the town of Henderson.

By the committee on Religion. A bill for the benefit of Jos. Shropshire.

By the committee on Ways and Means. A bill for the benefit of the Jailer of Meade county.

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

The rule of the House, constitutional provision and second and third reading of said bills having been dispensed with, and the same being engrossed, Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Moriwether, from the committee on Ways and Means, reported a bill for the benefit of Thomas J. Kendricks; which was read the first time.

Mr. Clay moved to lay 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. Clay and Lane, were as follows, viz:

Those who voted in the affirmative were—


Those who voted in the negative were—

Mr. Speaker, Messrs. Barnett, Botts, Gresham, Haggard, Hammond, Perciful, Redd, Rowan.
The said bill was then ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed, Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the House adjourned.

TUESDAY, JANUARY 7, 1840.

1. Mr. Hines presented the petition of sundry citizens of Georgetown, upon the subject of temperance.
2. Mr. Cunningham presented the petition of William Liken, praying to be divorced from his wife, Ann Liken.
3. Also, the petition of John Weedman, and others in his behalf, praying the passage of a law authorizing said Weedman to build a mill dam across Rough creek.
4. Mr. Hill presented the petition of George Drye and Sally Gartin, widow of Stephen H. Gartin, deceased, praying the passage of a law authorizing a sale of certain lands devised to said Sally by noncupative will.
5. Mr. Butler presented the petition of Sarah L. Garrison, praying to be divorced from her husband, Andrew J. Garrison.
6. Mr. Pindell presented the petition of Henry Rogers, praying to be divorced from his wife, Elizabeth Rogers.
7. Mr. Board presented the petition of Absalom Wilson, Jailer of Hancock county, praying the passage of a law allowing him to reside at any place within the limits of the town in which he resides.

8. Mr. Russell presented the petition of Hannah W. Craig, praying to be divorced from her husband, Andrew Craig.

9. Mr. Board presented the petition of the administrator and heirs of John Simpson, deceased, praying the passage of a law authorizing a sale of the real estate of said deceased.

10. Also, the petition of Rebecca B. Sloan, praying to be divorced from her husband, Joseph Sloan.

11. Mr. Hopkins presented the petition of Albert G. Walker, praying to be divorced from Paulina Walker.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st, 2d, 5th, 6th, 8th, 10th and 11th to the committee on Religion; the 3d to the committee on Internal Improvement; the 4th and 9th to the committee for Courts of Justice; and the 7th to the committee on Propositions and Grievances.

The Speaker laid before the House the response of the Board of Internal Improvement to a resolution adopted by this House on the 17th ult. which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
Frankfort, 6th January, 1840.

Sir:
The accompanying report of the Chief Engineer is communicated to the House of Representatives in conformity with their resolution of the 17th of December, 1839.

In addition to the matters therein contained, the Board have the honor to state, that they directed biddings to be opened on the 1st of October last for the lock and dam on Barren river, at Bowlinggreen, with the intention of closing the contract, subject to the same conditions that were incorporated in the contracts for the locks and dams on the Licking, Kentucky and Green rivers, under the law of the last session of the Legislature: that is to say, that the works should not be commenced until the means were furnished for their prosecution. The plans and specifications of the lock on Barren, were, for the reasons assigned by the Chief Engineer, made to embrace bids for a lock of the same dimensions with those on Green and Barren rivers, and also of a smaller size. Since the bids have been returned to the office, in consequence of a vacancy having occurred in the board, no meeting had been held until the commencement of the session of the Legislature: and the engagements of the board since that time, have prevented them from acting finally on the subject; consequently, the contracts for the letting of the lock and dam have not yet been closed. The board, however, will embrace the earliest opportunity to dispose of the bids, and will report the result to the General Assembly.

J. T. MOREHEAD,
President of the Board of Internal Improvement.

To the Hon. JOHN L. HELM,
Speaker of the House of Representatives.
Sir:

I have the honor to submit the following report, in answer to a resolution of the House of Representatives of the 7th ult., relative to the additional Lock and Dam located upon Barren river.

The third section of the act of Assembly, entitled an act further to provide for the Internal Improvement of the State, approved February 22d, 1839, authorizes the Board of Internal Improvement to put under contract two locks and dams upon Green river, one lock and dam upon Barren river, and one lock and dam upon Muddy river, within the year 1839. At a meeting of the Board, on the 16th March, 1839, an order was made, directing the Chief Engineer to give public notice, by advertisement in the newspapers, that proposals would be received, at Bowlinggreen, until the 20th of June following, for the building of these locks and dams, and on the same day an order was made, directing him to examine the Barren river, from the mouth of Peters' Creek to Bowlinggreen, as soon as the state of the water would permit. It was understood that, if this examination could not be made before the 20th of June, the putting under contract of the lock upon this river, should be postponed until it could be made.

Early in May, the undersigned repaired to the Green river country, for the purpose of locating the locks to be put under contract on the 20th of June. The locks upon Green and Muddy rivers were located; but with the understanding that the sites of those upon Green river, might be changed to any place between certain points, provided further examinations, during a low stage of the water, should make it appear desirable, and the Contractors were to make their proposals, with the understanding, that this privilege of so arranging the sites was reserved. The water, at this time, in Barren river, was high enough for steamboats to run up to Bowlinggreen, and so high, that such an examination as was deemed necessary to determine the character of the navigation to be adopted by the Board, could not be made. The location of the lock was, therefore, not made, and the time of putting it under contract was postponed.

The examination was made between the first and tenth of September, and the "additional lock" was located above, and near a point called the Double Spring.

There are two sites where a lock and dam may be built, in Barren river, near Bowlinggreen. One is at a point called the Cow Ford. The river here, is wide, with a gravel bottom, and the banks on both sides are rather low. The Cow Ford, is below all the landing places used for the shipment of produce, &c., going to and from Bowlinggreen. If a lock and dam were built at this point, all the boats, which would arrive at, or depart from the common landings, must pass through the lock; and the trade would be taxed with the delay and trouble of passing, and it is presumed, with an increase in the charge for tolls. The cost of a lock and dam at this point, would be considerably greater, than the cost of one above the Double Spring.

The other site, where the dam is located, is upon a ripple, at the head of a small island, about one thousand feet above the Double Spring. Dam No. 1, will raise the water so as to give a depth of six feet, or more, at the foot of this ripple. The lock will be placed in the upper end of the channel which passes down the right side of the island, and it is designed that boats
&c., going to and from the lock, shall pass through this channel, which will be cleared out for the purpose. The bottom of the river at this point, like that at the Cow Ford, is gravel. The lock and dam will both be built upon this, as a foundation. But as the lock will be in the narrow channel, on the right of the island, through which the current during floods will not be permitted to flow. The expense of securing it against injury, will be small, when compared with the cost of securing a lock at the Cow Ford.

The lock as now located, is above the common landing places, and the trouble and expense of passing through it, with produce, &c., shipped to or from Bowlinggreen, will be avoided.

In ascending the river from the Double Spring, (which is about one and one half miles from the centre of the town,) we proceed northwardly, or in a direction opposite to Bowlinggreen, nearly two miles; then eastwardly about four miles; then southwesterly about two and a half miles, when the river bends to the left, near to the bridge at the crossing of the Louisville road. The distance from the bridge to the centre of the town, is about 8.100 of a mile, and the distance from the bridge, across the neck of the bend, to the Double Spring, is about one and a half miles.

A little below the bridge, there are three or four places, where the water of the river enters the rock bank, and is supposed to pass by a subterraneous channel, across the bend, where it is discharged again into the river, and constitutes what is called the Double Spring. As the place where the water enters the rock, is above the lock, and the place where it is discharged, below, the passage must be cut off, either by an embankment, or other means, at the place where the water enters, or by stopping up the channel at some convenient point, near the place of discharge; either of which could be done at a small expense, and without material difficulty.

From Bowlinggreen to the mouth of Peter's Creek, the river is too small and crooked for convenient navigation by steamboats of the size intended to be used between the former point and the mouth of Green river. As far as Martinsville, or nearly to Port Oliver, slackwater navigation could be formed, by making the lifts not more than from eight to twelve feet. Above Port Oliver, the river bottoms are too low for slackwater navigation, and any improvement for water communication, should be by canal. The trade which could be created, under any circumstances, along the upper part of Barren river, would not authorize the construction of a navigation so large as that which is now being built below. Under these circumstances, it was evident, that any improvement in the navigation of the upper part of Barren river, which might be authorized hereafter, would be adapted to the use of small boats only.

In compliance with an order of the Board, proposals were received at Bowlinggreen, on the first of October, for building the lock and dam, at the site above the Double Spring. The following are the conditions under which the proposals were received:

"Notice to Bidders."

"Proposals will be received for building the lock and dam No. 2, on Barren river, upon the following conditions:

"The proposals will state a price per perch, of twenty five cubic feet, for the masonry in the abutments of the dam, and for the masonry in the lock walls."
There are two plans for the locks; one has the same dimensions as the lock recently put under contract upon Green river, viz: Width in the chamber, thirty six feet; length between the quoin s, one hundred and sixty eight feet. The lock represented by the other plan, would be twenty two wide in the chamber, and one hundred and twenty two feet long between the gates. The walls of the small lock will be of cut stone masonry, and the same as described in the specifications of the larger lock. The Board of Internal Improvement will decide which plan of lock shall be adopted, the large or the small one, and the contractor will be required, when such decision shall be made, to build either the large or the small lock, at the prices stated in his proposal.

The dam will be built according to the plan laid down in connection with the large lock. The average height, measured from the bottom of the river, will be eighteen feet. The proposals will state the price per foot in length of weir, measured from abutment to abutment. Any addition to the height, or other dimension of the dam, will be paid for, as provided in the contract and specifications; and for any diminution, in the height or other dimensions, a deduction will be made, as therein provided.

The abutments will not be embraced in the admeasurement of the dam. The iron will be paid for by the pound, except the iron in the dams which will be included in the price per foot in length.

For the division of the other items of work, see forms of contracts.

The proposals will be laid before the Board of Internal Improvement, at Frankfort, and the lock and dam will be allotted to a contractor, by the Board.

It is understood that the works at the lock and dam, are not to be commenced until funds shall be provided to pay the expenses, and not until the Board of Internal Improvement shall, by an order, direct such commencement.

SILVESTER WELCH.
Chief Engineer of Ky.

There was also a paper exhibited, showing an approximate quantity of materials in the large lock, and in the small lock, and the quantity of materials for one hundred feet in length of the dam, a copy of which will be communicated, if the House should desire it.

These papers, together with plans and specifications of the locks, and forms of contracts, were exhibited at the Engineer's office in Bowling green, and open for inspection by persons desirous of making proposals, and all other persons who had any interest in the location or building of the lock and dam.

The proposals were delivered to the President of the Board of Internal Improvement, and opened by him, and returned to the Engineer's office, to be retained until the Board should dispose of them. Copies of the proposals will, also, be communicated, if desired.

The difference between the cost of the large and small locks, will be about $35,000.

I have the honor to be, sir,
Very respectfully, your obedient servant,
SYLVESTER WELCH,
Chief Engineer of Ky.

Hon. James T. Morehead, Esq.,
Pres't. Board Int. Imp.
Ordered, That said response be referred to the committee on Internal Improvement.

Mr. Glover, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and resolutions from this House, of the following titles, and had found the same truly enrolled, viz:

- An act for the benefit of Louisiana Esters.
- An act authorizing the Commissioners of the Sinking Fund and the Board of Education to sue and be sued.
- An act to reduce the number of Justices in Henry county.
- An act to amend an act, entitled, an act to regulate the election of Trustees in the town of Port Oliver, in Allen county.
- An act for the benefit of America Pearson.
- An act for the benefit of Joshua Holtsclaw.
- An act for the benefit of Cornelius Snider.
- An act for the benefit of Harriet Wilkerson.
- An act for the benefit of John Shaw, David L. Gregg and Jos. Lecompte.
- An act for the benefit of indigent children received into the City Hospital of Lexington.
- An act to have the line run and marked between the counties of Clarke and Montgomery.
- An act to change the name of Thomas Farrer to that of Thos. F. Daniel.
- A resolution to appoint a committee to examine Transylvania University and Lunatic Asylum; and
- A resolution to fire a national salute on the 8th instant.

And bills and a resolution from the Senate of the following titles, viz:

- An act allowing Willis Blanton, Surveyor of Franklin county, further time to give bond.
- An act allowing the Trustees of the town of Taylorsville to close an alley, and for other purposes.
- An act for the benefit of the Surveyor of Bullitt county.
- An act authorizing the sale of a seminary lot and the building thereon, in the county of Henry; and
- A resolution requiring information from the officers of the Banks.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred the petition of sundry citizens of Henderson county, praying a modification of the law in relation to the retailing of spirituous liquors—asked leave to be discharged from the further consideration thereof; which was granted.

Ordered, That said petition be referred to the committee on Religion.

Mr. Morehead, from the committee on Internal Improvement, to whom
was referred the petitions of sundry citizens of Logan, Todd and Christian, praying a modification of the charter of the Turnpike Company; and also the petition of sundry citizens of Caldwell county, for an extension of said road—reported the same with the following resolution, viz:

Resolved, That said petitions are unreasonable.

Which being twice read, was concurred in.

Mr. Morehead, from the same committee, to whom was referred a bill to open a State road from John Hibbard's, in Clay county, to Prestonsburg, in Floyd county—reported the same with an amendment, which was concurred in.

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

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

Mr. Butler, from the committee for Courts of Justice, to whom was referred the petition of William Marshall and wife; and also of Edward Worthington—reported the same with the following resolution, viz:

Resolved, That said petitions are unreasonable.

Which being twice read, was adopted.

Mr. Butler, from the same committee, to whom was referred the petition of Thos. P. Carson, reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Mr. Brien moved to amend said resolution, by striking out the word "unreasonable," and inserting "reasonable."

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

Ordered, That the committee prepare and bring in a bill in accordance with the prayer of said petition.

Mr. Butler, from the same committee, to whom was referred bills of the following titles, viz:

1. A bill to amend the penal laws of this Commonwealth.
2. A bill to amend the law governing the action of replevin,

Reported the same without amendment.

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

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.

Mr. Butler, from the same committee, to whom was referred bills from the Senate of the following titles, viz:

1. An act providing for the apprehension and detention of fugitives from justice from other States.
2. An act providing that the estates of persons dying without heirs or distributees, shall vest in this Commonwealth, and for other purposes,
Reported the first with, and the second without amendment; which was concurred in.

Ordered, That the said bills be read a third time.

Mr. Butler, from the same committee, to whom was referred a bill from the Senate, entitled, an act reducing the number of Justices of the Peace in Russell county—reported the same without amendment.

On motion of Mr. McClure,

Ordered, That said bill be laid on the table until the first day of June next. And the question being taken thereon, it was decided in the affirmative.

Mr. Butler, from the same committee, to whom was referred the petition of A. N. Gatewood—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Mr. Redd moved to amend said resolution by striking out "unreasonable," and inserting "reasonable."

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

Ordered, That said committee prepare and bring in a bill in pursuance to the prayer of said petition.

Mr. Butler, from the same committee, to whom was referred a bill to amend the law in relation to the authentication of deeds, and for other purposes—reported the same with an amendment, which was concurred in.

Ordered, That said bill be postponed to, and made the order of the day for Monday next; and that the Public Printer forthwith print 150 copies of said bill for the use of the members of the General Assembly.

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

By the committee on Military Affairs—1. A bill for the benefit of Robert McCulla.

By the committee on Claims—2. A bill for the benefit of Larkin B. Yates.

By same—3. A bill for the benefit of David Owen.

By the committee for Courts of Justice—4. A bill for the benefit of married women, whose husbands shall have abandoned them.

By same—5. A bill to amend the execution laws of this Commonwealth.

By same—6. A bill providing for a change of venue in the case of the Commonwealth against Henry Younger.

By same—7. A bill for the benefit of the Master, Wardens and Brothers of Montgomery Lodge No. 23, of Free and Accepted Masons.

By same—8. A bill for the benefit of Harriet and Alex'r Howison.

By same—9. A bill to amend the charter of the Covington Insurance Company.

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

The rule of the House, constitutional provision, and second reading of the 1st, 2d, 3d, 5th, 6th, 7th and 8th having been dispensed with, the 1st, 24
2d, 3d, 6th, 7th and 8th were severally ordered to be engrossed and read a third time, and the 5th was referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 6th, 7th and 8th 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 Public Printer forthwith print 150 copies of the 4th bill for the use of the members of the General Assembly.

Mr. Huston, from the committee for Courts of Justice, to whom was referred the amendments proposed by the Senate to a bill from this House, entitled, an act for the benefit of Abner Belton—reported the same with amendments, which were concurred in.

The question was then taken on concurring in the amendments of the Senate, as amended, and decided in the negative.

And so the said amendments were disagreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 8, 1840.

A message was received from the Senate, by Mr. Johnston, asking leave to withdraw their report announcing their disagreement to a bill from this House, entitled, an act for the benefit of Anderson Wade; which was granted, and the bill withdrawn.

1. Mr. Goodson presented the petition of sundry citizens of Campbell county, praying for a division of said county.

2. Also, the petition of sundry citizens of Pendleton and Campbell counties, praying an amendment to the law for opening a State road from Colmansville, in Harrison county, to Covington, in Campbell county.

3. Mr. White presented the petition of the executors of Charles Gatliif, deceased, and Charles H. Gatliif, one of the administrators of Cornelius Gatliif, deceased, praying the passage of a law authorizing a change of venue from the Pulaski Circuit Court to the court of some other county, in a case wherein Rose, a woman of color, is suing them for her freedom.

4. Mr. Imboden presented the petition of John Sprague, and sundry other citizens of Union county, praying the establishment of a ferry across the Ohio river, on the lands of the said Sprague.
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5. Mr. McCalla presented the petition of sundry citizens of Georgetown, praying for the passage of a law incorporating a fire company in said town.
6. Mr. Stephens presented the petition of sundry citizens of Grant and Boone counties, praying for the repeal of the law establishing a road from Landing, in Boone county, to Crittenden, in Grant county.
7. Mr. Draffin presented the petition of sundry citizens of Anderson county, praying an additional Constable to said county.
8. Mr. Turner presented the petition of sundry citizens of Madison county, praying the formation of a new militia company in said county, under certain rules and regulations.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st, 4th, 6th and 7th to the committee on Propositions and Grievances; the 2d to the committee on Internal Improvement; the 3d to the committee for Courts of Justice; the 5th to Messrs. McCalla, Johnson and Glover; and the 8th to the committee on Military Affairs.

On motion of Mr. Hill, leave was given to bring in a bill to authorize the Secretary of State to purchase the books (not in his office) due to the Marion County and Circuit Courts; and for other purposes.

Ordered, That the committee on Ways and Means prepare and bring in the same.

The Speaker laid before the House a communication from the Secretary of State, enclosing the monthly statements of the Northern Bank of Kentucky, from 1st of July, 1839, to 1st day of January, 1840.

And then the House adjourned.

THURSDAY, JANUARY 9, 1840.

1. Mr. White presented the petition of Andrew Craig, praying to be divorced from his wife, Hannah W. Craig.
2. Mr. Brooks presented the petition of sundry citizens of Bracken county, praying for a repeal of the law authorizing the grant of license to retail spirituous liquors.
3. Mr. Lyter presented the petition of sundry citizens of Bourbon county, praying for the same object.
4. Mr. Perciful presented the petition of John Kendall, praying to be divorced from his wife, Serepta Kendall.
5. Mr. Hopkins presented the petition of the Kentucky Silk Manufactur-
ing Company, praying the passage of a law allowing bounties on the growth and manufacture of silk.

6. Mr. Percifull presented the petition of J. B. Woolfolk, D. S. Richardson and H. G. Davis, praying the repeal of the law giving the Trustees of the town of Brandenburg power to tax steamboats and other vessels landing at the wharf in said town.

7. Also, the remonstrance of the Trustees and sundry citizens of said town, against the repeal of said law.

8. Mr. Hammond presented the petition of the securities of John L. L. Moore, late Clerk of the Simpson Circuit Court, praying to be released from the payment of certain taxes due from said Clerk at the time of his death.

9. Mr. Waddill presented the petition of sundry citizens of Trigg county, in behalf of Jarvis Cranny, a free man of color, praying that said Jarvis be permitted to come into, and reside in this State.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st, 2d, 3d and 4th to the committee on Religion; the 5th to the committee on Agriculture and Manufactures; the 6th, 7th, 8th and 9th to the committee on Courts of Justice.

On motion of Mr. Turner,

Ordered, That the monthly statements of the Northern Bank of Kentucky, from the first July, 1839, to the first January, 1840, reported to this House by the Secretary of State on yesterday, be referred to the committee on Banks, without being spread on the Journal.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Bank of Kentucky report to, and lay before them, a copy of the power of attorney or other authority to transfer her stock, given to the Schuylkill Bank of Pennsylvania, or any of its officers, or to any other person; also, copies of all letters and correspondence of said Bank of Kentucky and the Schuylkill Bank, or its officers, or any other person, touching the subject aforesaid; and all letters, no matter from what source, giving information or intimation that the power thus given had been, or was, improperly used, or was abused:

That the Bank of Kentucky inform them when she received the first intimation that the power thus given was abused, and all the information she has, from time to time, received; and what steps were taken by her to enquire into, or to correct, check, or stop such abuse:

That she also inform them whether any, and if any, what other or further information than that communicated to the Governor, she has on the subject of the fraud practiced on her, by her agent aforesaid, in the sale or transfer of her stock; the amount of spurious transfers; what means (if any) the Bank has to ascertain and designate the spurious stock or transfers from the genuine, or legal, or proper transfers; and in every other respect lay before them copies of every document, and all and every other information bearing on or touching the matters aforesaid, that she has in her possession or reach, or that may be in the possession of any of her officers.
Resolved further, That copies of these resolutions be communicated to the Bank of Kentucky by the joint committee on Banks, with a request that she answer the same at the earliest convenient moment.

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

On motion of Mr. Johnson—1. A bill to amend the laws of descent.
On motion of Mr. Daniel—2. A bill to establish an election precinct in the county of Garrard, and to do away another.
On motion of Mr. Clay—3. A bill to amend an act incorporating the Paris Fire, Life and Marine Insurance Company.
On motion of Mr. McKinney—4. A bill to establish the Lexington and Fayette Legion.
On motion of Mr. Innes—5. A bill for the benefit of William B. Glaves, of the town of Cynthiana.
On motion of Mr. Irwin—6. A bill to confer certain powers on the Attorney General and Quarter Master General.
On motion of Mr. Chouvin—7. A bill to give powers to County Courts to grant divorces.
On motion of Mr. McClure—8. A bill for the benefit of Franklin Webb, and for other purposes.
On motion of Mr. B. R. Young—9. A bill to increase the number of judicial days in the Circuit Court of Hardin county.
On motion of Mr. Wilson—10. A bill to build a mill dam across Collins' fork of Goose creek.
On motion of Mr. Newell—11. A bill to legalize the proceedings of the 20th and 86th Regiments of the Fourth Brigade of Kentucky Militia, and for other purposes.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st and 7th; Messrs. Daniel, McRoberts and Yantis the 2d; Messrs. Clay, Lyter and J. Speed Smith the 3d; the committee on Military Affairs the 4th, 6th and 11th; Messrs. Innes, Newell and Swope the 5th; Messrs. McClure, Coffey and Caldwell the 8th; Messrs. B. R. Young, Perciful and Cunningham the 9th; and the committee on Internal Improvement the 10th.

And then the House adjourned.
FRIDAY, JANUARY 10, 1840.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act to legalize the proceedings of the Marion County Court, had at the February term, 1839, and for other purposes.

An act to establish additional election precinct in Campbell county.

An act to change the place of voting in an election precinct in McCracken county.

An act to establish a State road from the mouth of Salt river, by way of Grahampton and Big Spring, to intersect the Bowlinggreen road.

An act for the benefit of Thomas F. Thornton and Herman Bowmar.

An act for the benefit of George W. Anderson.

An act for the benefit of William T. Sharp.

An act to establish election precincts in the county of Breathitt.

An act to amend an act, entitled, an act to establish the county of Carroll, approved February 9th, 1838.

An act authorizing the appointment of County Treasurer in Harrison county.

An act to establish an election precinct in the county of Lewis, and for other purposes.

An act to amend an act, entitled, an act for the benefit of William Smith of Harrison county.

An act authorizing the Scott County Court to increase the levy for Scott county.

An act to incorporate the town of Trenton, in Todd county.

An act for the benefit of Harvey Hazlerigg.

With an amendment to the last named bill.

And that they had passed bills of the following titles, viz:

An act to change the time of holding the Laurel Circuit Courts and the Knox County Courts.

An act for the benefit of the Sheriff of Nicholas county.

An act to authorize the Trustees of the town of Princeton to sell and convey a part of an alley in said town.

An act for the benefit of Pleasant Sandridge, late Sheriff of Green county.

1. Mr. Swope presented the petition of sundry citizens of Pendleton county, praying for a modification of the law in relation to the retailing of spirituous liquors.
2. Mr. Johnson presented the petition of Ann Cable, praying to be divorced from her husband, Frederick Cable.

3. Mr. Forman presented the petition of William M. Poyntz, praying the passage of a law regulating the classification of florists.

4. Mr. Read presented the petition of sundry citizens of the city of Louisville, praying for the re-establishment of the Criminal Court in said city.

5. Mr. Lane presented the petition of sundry citizens of Oldham county, upon the subject of temperance.

6. Mr. McClure presented the petition of William S. Patterson, Clerk of the Russell County Court, praying to be released from the payment of thirty dollars, which he omitted to receive on issuing a pedlar's license.

7. Mr. Mason presented the petition of sundry citizens of Bath and Fleming counties, praying a modification of the laws in force in relation to the retailing of spirituous liquors.

Which petitions were received, the reading thereof dispensed with, and referred: the 1st, 2d, 5th and 7th to the committee on Religion; the 3d to the committee on Agriculture and Manufactures; the 4th to the committee for Courts of Justice; and the 6th to the committee on Ways and Means.

Mr. Board, from the committee on Propositions and Grievances, to whom was referred the petition of George Case, reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.

Mr. Butler, from the committee for Courts of Justice, to whom was referred the petition of Charles and Rebecca Douglass; of Henry Beatty; of the heirs of John J. Thompson; of William Hammond and wife; of Thomas S. Burton; and of Elisha Dickerson and others—reported each of said petitions with the following resolution, viz:

Resolved, That said petitions are unreasonable.

Which being twice read, was concurred in.

Mr. Butler, from the same committee, to whom was referred the petition of the heirs of John Latham, deceased—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Mr. Forman moved to amend said resolution by striking out the word "unreasonable," and inserting "reasonable."

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

Ordered, That said committee prepare and bring in a bill in accordance with the prayer of said petition.

Mr. Butler, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of the widow and children of Samuel Pryor, deceased—reported the same without amendment.
Ordered, That the said bill be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

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

Mr. Hines, from the committee on Religion, to whom was referred a bill from the Senate, entitled, an act for the divorce of Nelson Dyer—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

Mr. Hines, from the same committee, to whom was referred the petition of Wm. Bowen—reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

Mr. Hines, from the same committee, to whom was referred the petition of Elizabeth Fryers—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Mr. Butler moved to amend said resolution by striking out the word "unreasonable," and inserting "reasonable."

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

Ordered, That said committee prepare and bring in a bill in pursuance of the prayer of said petition.

On the motion of Mr. Swope—Leave was given to bring in a bill to explain the second section of the act, entitled, an act to amend the revenue law, approved January 14, 1838, and for other purposes.

Ordered, That the committee on Ways and Means prepare and bring in the same.

Mr. Turner, from the committee for Courts of Justice, to whom was referred a bill to amend the act, entitled, an act to regulate equitable proceedings under five pounds before Justices of the Peace, approved February 9, 1838—reported the same with an amendment as a substitute.

Ordered, That said bill and amendment be re-committed to the committee for Courts of Justice.

Mr. Turner, from the same committee, to whom was referred a bill to amend the law regulating the emancipation of slaves—reported the same with an amendment, which was concurred in.

Ordered That said bill, as amended, be re-committed to the committee for Courts of Justice.

Mr. Goodson presented the remonstrance of sundry citizens of Campbell county, against the division of said county.
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Which was received, the reading thereof dispensed with, and referred to the committee on Propositions and Grievances.

Mr. W. N. Marshall, from the committee on Military Affairs, to whom was referred a bill from the Senate, entitled, an act to amend the militia law of this State—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

A bill from the Senate, entitled, an act for the benefit of Pleasant Sand-ridge, late Sheriff of Green county,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, it was referred to the committee on Ways and means.

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

By the committee for Courts of Justice—1. A bill to incorporate the Germantown Academy.


By the committee on Religion—3. A bill for the benefit of Joseph S. Elgin.

By same—4. A bill for the benefit of Pamela Hawley.

By the committee on Military Affairs—5. A bill for the benefit of Thos. P. Moore.

By Mr. T. Sutton—6. A bill giving Justices of the Peace jurisdiction on actions of trespass, and trespass on the case, where the damages laid are five pounds or under.

By Mr. Cave—7. A bill for the benefit of John L. Graves.

By Mr. Haggard—8. A bill to authorize the erection of a bridge across Rennick's creek, in Cumberland county.

By Mr. Buckner—9. A bill for the benefit of the securities of Alfred L. Hargis, late Sheriff of Christian county.

By Mr. W. N. Marshall—10. A bill to amend an act, entitled, an act incorporating the town of Saloma, in Green county.

By Mr. English—11. A bill to establish an election precinct in Carroll county.

By Mr. Innes—12. A bill for the benefit of Wm. B. Glaaves, of Cynthiana.

By Mr. Churchill—13. A bill to amend and explain the 26th section of an act approved February 1, 1833, entitled, an act to amend and enforce an act to incorporate the City of Louisville.

By Mr. Adams—14. A bill to amend the law relating to the Wilderness
Turnpike Road, and adjacent roads leading from the same to Goose creek Salt Works.

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

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 4th, 5th, 7th, 10th, 11th, 12th and 14th were severally ordered to be engrossed and read a third time; the 6th was referred to the committee for Courts of Justice; the 8th to the committee on Internal Improvement; the 9th to the committee on Ways and Means; and the 13th to the committee on Propositions and Grievances.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 5th, 7th, 10th, 11th, 12th and 14th bills having been dispensed with, and the same being engrossed,

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

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

By Mr. Hardy—1. A bill to change the time of holding the meeting of the Legislature.

By Mr. Hopkins—2. A bill to repeal an act to amend the law prohibiting the importation of slaves into this State, approved February 2, 1833, and for other purposes.

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

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with, the first was postponed to, and made the special order of the day for Wednesday next; and the 2d was postponed to, and made the special order of the day for Friday, the 17th inst.

And then the House adjourned.

SATURDAY, JANUARY 11, 1840.

1. Mr. English presented the petition of Robert Poindexter, praying the passage of a law allowing him compensation for services rendered in the years 1788 and 1813, as a soldier in the revolutionary and late war.

2. Mr. Colvin presented the petition of sundry citizens of Green county, praying for a division of said county.

3. Also, the remonstrance of sundry citizens of said county, against said division.
4. Mr. Redd presented the petition of Charles Faltner, praying to be released from the penalty of the law against the importation of slaves into this State.

5. Mr. Morehead presented the petition of Mary Ann Winebrinner, praying the passage of a law authorizing the Franklin Circuit Court to decree a sale of certain real estate belonging to her infant daughter.

6. Mr. McClure presented the petition of John Blankenship, praying the passage of a law releasing his land from a levy made thereon under an execution, in the name of the Commonwealth against Claudius Baster, and others.

7. Mr. T. Marshall presented the petition of Wm. B. Parker, late Sheriff of Lewis county, praying the passage of a law authorizing him to place the taxes, &c. due him, in the hands of the present Sheriff for collection.

8. Mr. Coke presented the petition of sundry citizens of Washington county, praying that the road from Frankfort to Springfield be established a State road.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, and referred: the 1st to the committee on Claims; the 2d and 3d to the committee on Propositions and Grievances; the 4th to Messrs. Redd, Irwin and Reeves; the 5th to the committee for Courts of Justice; the 6th and 7th to the committee on Ways and Means; and the 8th to the committee on Internal Improvement.

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act for the benefit of Ezra Richmond.

That they had passed bills of the following titles, viz:

An act for the benefit of the Sheriff of Marion county.

An act for the benefit of John Gooding.

Mr. J. G. Taylor presented the petition of sundry citizens of Newcastle, in Henry county, praying the passage of a law directing a portion of the public ground in said town to be added to an alley therein.

Which was received, the reading thereof dispensed with, and referred to the committee for Courts of Justice.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill from the Senate, entitled, an act for the benefit of Pleasant Sandridge, late Sheriff of Green county—reported the same without amendment.

Ordered, That said bill be read a third time.

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.

Mr. Turner moved the following resolution, viz:
Resolved, That the committee on Ways and Means inquire into the propriety of reporting a bill to amend the revenue laws of this Commonwealth, so that the amount of indebtedness of each person paying taxes shall not only be deducted from the amount of money he has on hand, and has owing to him, but shall be deducted from the value of his taxable property, when his or her indebtedness exceeds the amount of money he or she has on hand, and has owing to him or her.

Which being twice read, was adopted.

On motion of Mr. McClure,

Ordered, That Mr. Taggart be added to the committee on Public Offices.

The Speaker laid before the House the annual report of the President and Directors of the Louisville and Portland Canal Company.

[For this report, see Appendix.]

Mr. Huston asked leave to withdraw the petition of Elisha Dickerson, and others; which was granted, and the petition withdrawn.

Mr. Glover, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to amend the law in relation to the collection of tax on law process.

An act for the benefit of the late Sheriff of Daviess county.

An act to legalize the proceedings of the Marion County Court, had at the February term, 1839, and for other purposes.

An act to establish an additional election precinct in Campbell county.

An act to amend an act to organize two fire companies in the town of Lexington.

An act for the benefit of Maria McCaleb.

An act for the benefit of Dicey Powell.

An act to extend the Constable's district in the town of Burksville.

An act authorizing the appointment of County Treasurer in Harrison county.

An act to establish a State road from the mouth of Salt river, by way of Grahampton and Big Spring, to intersect the Bowling Green road.

An act to incorporate the town of Trenton, in Todd county.

An act for the benefit of Pleasant Sandridge, late Sheriff of Green county.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.

Mr. Sprigg offered the following resolutions, viz:

Resolved, That the committee on the Sinking Fund make their report to this House, setting forth therein, the several sums which have been carried by the Treasurer of the State to the credit of the Commissioners of that fund; from what sources of revenue such sums were derived, and the times when received into the Treasury; and the committee shall state the times
when moneys belonging to that fund have been paid out to the said Commissioners, or upon their requisition, or upon the requisition of the Governor of this Commonwealth; and the several sums so paid out by the Treasurer, from the 20th of October, 1836, up to this time; and after every such payment, the committee shall set forth the aggregate sum remaining in the Treasury, belonging to that fund.

Resolved, further, That the committee shall, in their report, set forth the times when, by the charters of the Bank of Louisville, the Bank of Kentucky and the Northern Bank of Kentucky, semi-annual dividends on their stocks are declared; and shall state the amount of stock owned by the State or held by said Commissioners, at the several successive times when said Banks have declared dividends; and to state the rate per centum of dividends declared by said Banks periodically, according to their charters, and to state the amount of money to which the State was entitled, upon the stocks so owned by her or held by said Commissioners, at the several times of declaring dividends by said Banks respectively, according to the rates per centum upon which dividends were so declared; and to state the amount which said Banks severally paid into the Treasury of the State, as her portion of the dividends so declared, and the times when such payments into the Treasury were made by said Banks respectively, since the 29th of February, 1836, when certain revenues of the State were set apart by law as a Sinking Fund.

Resolved, further, That said committee shall state the aggregate amount of moneys which, by law, were under the control and management of said Commissioners from their first organization, and on every day thereafter, when, by the duties of their commission, they were bound to pay the interest due upon the bonds of the State, sold for works of internal improvement; and to exhibit the aggregate surplus of money to which they were entitled, as Commissioners of said fund, after discharging the interest periodically due upon said bonds, and to exhibit the amount and description of investments made by them of the funds under their control, and the price at which all stocks were purchased by them, and the surplus of said fund remaining under their control and subject to their demand after every such investment; and to show to what other purposes the said fund, so subject to their control and demand, has been applied, besides paying the interest on said bonds and the buying of the stocks; and if any of said fund has been applied to other purposes than as before stated, the committee shall specifically set forth for what other purpose said fund has been applied, to whom applied, and the amount so applied.

Resolved, That the committee inquire especially into the amount of tax, and of dividends on stock, which the Commissioners of the Sinking Fund have received from the Bank of Louisville since their organization; and if they have not received the full amount due the State from those sources of revenue, the committee shall ascertain the reasons therefor, and make their report thereon.

Which being twice read, were adopted.

Mr. Johnson moved the following resolution, viz:

Resolved, That the committee on Education be directed to enquire into the expediency of dispensing, in future, with the services of a Superintendent of Public Instruction.

Which being twice read, was adopted.
Mr. Hardy moved the following resolutions, viz:

Resolved, That it is inexpedient to legislate upon the subject of internal improvement, so as in any wise to extend the system beyond the present engagements of the State.

Resolved, That a law ought to be passed, providing:
1st. That such works as have been put under contract, under conditions that they were not to be commenced until funds could be provided to carry them on, shall be suspended, until otherwise directed by law.
2nd. That no works shall be put under contract until directed by law.
3rd. That no survey of any road or river shall hereafter be made, unless specially provided for by law.
4th. That no money shall be drawn from the Public Treasury for purposes of internal improvements, or for any requisition for contingencies or otherwise, unless provided for by law—setting forth the amount so to be drawn, and the purpose for which it is intended.

Resolved, That the committee on the Expenditures of the Board of Internal Improvement be instructed to report a bill in conformity with the foregoing; and repealing all laws giving to the Board of Internal Improvement discretionary power.

On motion of Mr. Turner,

Ordered, That said resolutions be laid on the table for the present.

Mr. Huston moved the following resolution, viz:

Resolved, That the committee on Ways and Means be instructed to inquire into the expediency of increasing the price of license now required by law to be paid by pedlars and itinerant retailers of goods, wares and merchandise.

Which being twice read, was adopted.

Mr. Daniel moved the following resolution, viz:

Whereas, Edward Donoho was some years ago convicted and confined in the Penitentiary, for receiving and selling a slave, knowing the same to be stolen property; and whereas, it is represented to the present General Assembly that, under all the circumstances, the punishment of Donoho was harsh and improper; that his deportment has been correct and praiseworthy since his conviction; and that he is a useful and good citizen: Therefore,

Resolved, That the committee for Courts of Justice inquire into the propriety of passing a law restoring said Donoho to all the rights and immunities of other freemen of this Commonwealth; and that said committee report by bill or otherwise.

Which being twice read, was adopted.

Mr. Trimble moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be instructed to inquire into the propriety of allowing persons residing near toll gates in this Commonwealth to pay tolls quarterly, and at such rates (having regard to distance of residence) as may be considered equitable and just; and to inquire whether any, and if any, what provision ought to be made by law to exempt persons from paying tolls who pass through toll gates on local errands, such as going to mill, to muster, to meeting, to smith shops, to visit the sick, and such other neighborhood business as may make the payment of full tolls unequal and oppressive.

Which being twice read, was adopted.
Mr. English moved the following resolution, viz:

Resolved, That the committee on the Expenditures of the Board of Internal Improvement be instructed to bring in a bill repealing so much of an act, entitled, "an act for the internal improvement of the State of Kentucky," as provides for creating a Board of Internal Improvement, and substituting therefor one Superintendent of Public Works, with a fixed salary, to be elected annually by the Legislature; also, to reduce the number and salaries of the Engineers now in the employment of the State, and to make said Engineers elective by the Legislature, annually.

Which being twice read, was adopted.

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

On motion of Mr. J. S. Smith—1. A bill for the benefit of the Madison Troop of Cavalry.

On motion of Mr. Glenn—2. A bill to allow an additional Constable in the county of Nicholas.

On motion of Mr. Swope—3. A bill for the benefit of the Sheriff of Pendleton county.

On motion of Mr. White—4. A bill allowing further time to the several County Courts to procure a stand of weights and measures.


On motion of Mr. Board—6. A bill to protect the rights of persons owning or keeping wood yards on the Ohio river and other navigable streams in this Commonwealth, and for other purposes.

On motion of Mr. Cave—7. A bill to amend an act, entitled, an act for condemning land and materials for turnpike roads and other works of internal improvement.

On motion of Mr. Haggard—8. A bill for the benefit of Mastin Glidewell and Susannah Holebrook, of the county of Cumberland, and for other purposes.

On motion of same—9. A bill for the benefit of the Surveyors of this Commonwealth.

On motion of Mr. Buckner—10. A bill to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

On motion of Mr. Huston—11. A bill to amend the civil laws of this Commonwealth.

On motion of Mr. Crow—12. A bill for the benefit of the Jailer of Daviess county.

On motion of Mr. Morehead—13. A bill amending the duelling law.

On motion of Mr. Pindell—14. A bill to amend the charter of the Lexington and Georgetown Turnpike Road Company, and for other purposes.

On motion of same—15. A bill to provide for the collection of criminal statistics, and for other purposes.

On motion of Mr. Cecil—16. A bill to authorize and empower commis-
On motion of Mr. Yantis—17. A bill for the benefit of the Sheriff of Garrard county.

On motion of same—18. A bill to amend the militia laws of this Commonwealth.

On motion of Mr. Hughes—19. A bill disposing of the fines and forfeitures collected in Fayette county.

On motion of Mr. English—20. A bill to change the time of holding the Trimble County Courts.

On motion of Mr. Russell—21. A bill to allow an additional Justice of the Peace to the county of Graves.

On motion of Mr. Stephens—22. A bill for the benefit of Thomas Cunningham.

On motion of same—23. A bill for the benefit of Asa Vanlandingham, Sheriff of Grant county.

On motion of Mr. Innes—24. A bill to amend an act, entitled, an act to extend the powers of the Trustees of the town of Cynthiana, approved February 12, 1838.

On motion of Mr. B. R. Young—25. A bill to open a road from Waggener's factory, in Hart county, to Elizabethtown, in Hardin county.

On motion of same—26. A bill for the benefit of the widow and infant daughter of John Martin, deceased.

On motion of Mr. Barrett—27. A bill to amend the several acts of this Commonwealth in relation to the establishment of a system of Common Schools.

On motion of Mr. Hopkins—28. A bill to authorize the County Court of Daviess to change that part of the State road leading from the mouth of Salt river to Shawneetown, which lies within the limits of the town of Owensboro.

On motion of Mr. Wake—29. A bill to provide for paying the expense of keeping prisoners previous to, and pending their examination before Justices of the Peace, and for other purposes.

On motion of Mr. Gray—30. A bill to amend the law in relation to ferries on that part of Cumberland river which runs through the county of Trigg, and for other purposes.

On motion of same—31. A bill to authorize the opening a State road from Russellville to the Elk Lick Springs.

On motion of same—32. A bill to authorize the sale of free negroes, in certain cases.

On motion of Mr. Daviess—33. A bill to incorporate the Franklin Institute of Bacon College.
On motion of Mr. Taggart—34. A bill to amend the present law exempting all free white male citizens from working roads, over 50 years of age.

On motion of Mr. T. Marshall—35. A bill for the benefit of James H. Cooper, late Deputy Sheriff of Lewis county, and the present Sheriff of Oldham county.

On motion of Mr. Perciful—36. A bill for the benefit of Joseph Atwell, committee of William Simmons, an idiot.

On motion of Mr. Caldwell—37. A bill to levy a tax on all bachelors in this Commonwealth, for the purpose of creating a fund to educate poor children and orphans, and for other purposes.

Ordered, That Messrs. J. S. Smith, Turner and English prepare and bring in the 1st; Messrs. Glenn, Mims and Redd the 2d; the committee on Ways and Means the 3d, 17th and 35th; the committee for Courts of Justice the 4th, 6th, 15th, 21st, 26th and 33d; Messrs. White, Adams and Draffin the 5th; the committee on Internal Improvement the 7th, 10th and 14th; Messrs. Haggard, Cave and Gresham the 8th; Messrs. Haggard, Randolph and Coffey the 9th; Messrs. Huston, Butler, Hill, Caldwell and Coke the 11th; the committee on Claims the 12th; Messrs. Morehead, Hopkins, T. F. Marshall and J. G. Taylor the 13th; Messrs. Cecil, Henry and J. S. Smith the 16th; the committee on Military Affairs the 18th; Messrs. Hughes, McKinney and Sprigg the 19th; Messrs. English, Lane and Goodson the 20th; Messrs. Stephens, Cave and Fish the 22d; Messrs. Stephens, Goodson and Glenn the 23d; Messrs. Innes, Newell and Brooks the 24th; Messrs. B. R. Young, Barrett and W. N. Marshall the 25th; the committee on Education the 27th and 33d; Messrs. Hopkins, Crow and Elliott the 28th; Messrs. Wake, English and Wilson the 29th; Messrs. Gray, Redd, Reeves and Irwin the 30th; Messrs. Gray, Irwin and Reeves the 31st; Messrs. Taggart, Coffey and Rowlett the 34th; Messrs. Perciful, B. R. Young and England the 36th; and Messrs. Caldwell, Rumsey, Gray and Sprigg the 37th.

Bills from the Senate of the following titles, viz:

An act providing that the estates of persons dying without heirs or distributaries shall vest in the Commonwealth, and for other purposes.

An act providing for the apprehension and detention of fugitives from justice from other States,

Were read the third time.

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

Mr. Hopkins moved the following resolutions, viz:

Resolved, That His Excellency the Lieutenant and Acting Governor, be respectfully requested to communicate to this House the amount of State bonds issued and sold for internal improvement purposes in each year since the commencement of the system; stating, also, the persons, corporations or companies to whom the whole or any part of the bonds issued in each
year as aforesaid were sold, and when the payments were to be made under the several contracts of sale; also, the amount received under each contract of sale, and when the said last mentioned amounts were respectively paid; also, whether the purchase money for said bonds, or any part thereof, remains unpaid, and if so, when the same was or is payable or due, and who is the debtor?

Also, what amount of State bonds, if any, have been issued, but remain unpaid, and the year in which said unsold bonds were issued; and the amount of money now due from the State to the Banks and individuals for money borrowed by the State, for which no bonds have been issued.

On motion,

Ordered, That said resolutions be laid on the table for the present.

Mr. Meriwether moved the following resolution, viz:

Resolved, That the committee on Agriculture and Manufactures be instructed to enquire into the propriety of appropriating a portion of the proceeds of the School Fund of this Commonwealth to the establishment of three Agricultural Schools in the State of Kentucky—one in the Northern, one in the Middle, and one in the Southern sections of the State; and that they have leave to report by bill or otherwise.

Which being twice read, was adopted.

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

By Mr. Henry—1. A bill to incorporate the town of West Liberty.

By Mr. J. S. Smith—2. A bill for the benefit of the Madison Troop of Cavalry.

By Mr. Lane—3. A bill for the benefit of William Woolfolk, of Oldham county.

By same—4. A bill giving Oldham county an additional Constable.

By Mr. Rowlett—5. A bill allowing one additional Justice of the Peace to the county of Owen.

By Mr. Gresham—6. A bill allowing one Justice of the Peace to Rockcastle county.

By Mr. McClure—7. A bill for the benefit of Franklin Webb.

By Mr. Sprigg—8. A bill to require pedlars of clocks to obtain license.

By Mr. McCalla—9. A bill for the benefit of the Kentucky Baptist Education Society.

By same—10. A bill to incorporate the Georgetown Fire Company.

By Mr. Hines—11. A bill regulating the appointment of Commissioners in Chancery.

By Mr. I. Smith—12. A bill to amend the law in relation to water grist mills.

By Mr. Daniel—13. A bill to change the place of voting in the Kennedy precinct, in Garrard county.

By Mr. McFall—14. A bill to allow an additional Justice of the Peace to the county of Hickman.
By the committee on Military Affairs—15. A bill for the relief of certain citizens of Madison county.

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

The rule of the House, constitutional provision, and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 9th, 13th, 14th and 15th were severally ordered to be engrossed and read a third time; the 8th was referred to the committee on Ways and Means; the 10th and 11th to the committee for Courts of Justice; and the 12th to Messrs. I. Smith, Turner and Glover.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 9th, 13th, 14th and 15th 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.

Bills from the Senate of the following titles, viz:

1. An act for the benefit of Sarah Harrington and her infant children.
2. An act for the benefit of Thomas Glascock.
3. An act to change the time of holding the Laurel Circuit Court and the Knox County Courts.
4. An act for the benefit of the Sheriff of Nicholas county.
5. An act to authorize the Trustees of the town of Princeton to sell and convey a part of an alley in said town.
6. An act for the benefit of the Sheriff of Marion county.
7. An act for the benefit of John Gooding.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 3d and 5th were referred to the committee for Courts of Justice; the 2d and 7th to the committee on Claims; the 4th to the committee on Ways and Means; and the 6th was ordered to be read a third time.

The rule of the House, constitutional provision and third reading of the 6th bill having been dispensed with,

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

The amendments proposed by the Senate to a bill from this House, entitled, an act for the benefit of Harvey Hazlerigg,

Were twice read, and concurred in.

An engrossed bill entitled, an act to amend the law governing the action of replevin—was read a third time.

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

Ordered, That the bill for the benefit of married women whose husbands shall have abandoned them, be engrossed and read a third time.
The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

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

A bill to amend the charter of the Covington Insurance Company—was read a second time.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

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

The House took up for consideration the resolution to send an agent to Philadelphia; and after some discussion had thereon,

The House adjourned.

MONDAY, JANUARY 13, 1840.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act to establish the county of Fulton, and for other purposes.

That they insist on their amendments proposed to bills from this House of the following titles, viz:

An act for the benefit of Abner Belton.
An act to amend the laws in relation to taking depositions of non-resident witnesses.

And that they had passed bills of the following titles, viz:

An act to regulate charitable uses, and prohibit grants in mortmain, and for other purposes.
An act to amend an act, entitled, an act to amend the law as to proceedings against non-resident and absent defendants, and unknown heirs.
An act for the benefit of William Mathews.
An act to amend the law in relation to garnishee, by increasing the jurisdiction of magistrates in such cases.
An act for the benefit of the heirs of George Pence, deceased.
An act for the benefit of the adopted child of Samuel L. and Tritha Boicourt.
An act for the benefit of Wm. Osburn and Thomas May.
3. Mr. Brien presented the petition of the Board of Internal Improvement for the county of Calloway, praying the appointment of a committee to examine their proceedings.

2. Mr. Newell presented the petition of sundry citizens of the town of Cynthiana, praying the passage of a law authorizing the Trustees of said town to grant licenses to coffee houses.

3. Also, the remonstrance of sundry citizens of said town, against the same.

4. Mr. Rumsey presented the petition of Charles Knight, and others, praying permission to erect a mill dam across Caney creek.

5. Mr. Irwin presented the petition of Joseph McGlathlin, praying to be divorced from his wife, Milly C. McGlathlin.

6. Mr. Cunningham presented the remonstrance of sundry citizens of Grayson, Ohio and Butler counties, against the granting permission for the erection of a mill dam across Caney creek.

7. Mr. Hill presented the petition of Uriah Garton, guardian of Green Reed Hays, an infant, praying the passage of a law authorizing a sale of certain real estate belonging to his ward.

8. Mr. Cecil presented the petition of the heirs at law (by their guardian) and widow of James Honaker, deceased, praying the passage of a law authorizing a sale of the real estate of said deceased.

9. Mr. Barrett presented the petition of John Young, praying the passage of a law authorizing him to sell and convey a certain tract of land belonging to his infant children.

10. Mr. McRoberts presented the petition of sundry citizens of Lincoln county, praying the passage of a law increasing the jurisdiction of Justices of the Peace.

11. Mr. Reeder presented the petition of sundry citizens of Mason county, praying the repeal of the law authorizing the grant of license to retail spirituous liquors.

Which petitions and remonstrances were severally received, the reading thereof dispensed with, and referred: the 1st, 4th and 6th to the committee on Internal Improvement; the 2d, 3d, 7th, 8th, 9th and 10th to the committee for Courts of Justice; the 5th and 11th to the committee on Religion.

Mr. Swope, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Barren, Green, Hart and
Adair counties, praying for the formation of a new county—reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

Mr. Daniel, from the same committee, to whom was referred the petition of James Smith—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.

Mr. Sprigg, from the committee on Claims, to whom was referred the petition of James and Melvin McKee; of George O. Thompson; of Joseph Jackson, and of Thomas J. Brown—reported the same with the following resolution, viz:

Resolved, That said petitions are unreasonable.

Which being twice read, was concurred in.

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

By the committee on Propositions and Grievances—A bill to establish the town of Walton, and for other purposes.

By the committee on Privileges and Elections—A bill to change the place of voting in an election precinct in Henderson county.

By the same—A bill to change the place of voting in an election precinct in Floyd county.

By the same—A bill to establish the Westport precinct, in Oldham county.

By the same—A bill to establish an election precinct in Christian county.

By the same—A bill to establish an election precinct in Bracken county, and for other purposes.

By the same—A bill to change the place of voting in the Bowman precinct in Clay county.

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

The rule of the House, constitutional provision and second and third reading of said bills having been dispensed with, and the same being engrossed,

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

Mr. Morehead moved the following resolution, viz:

Resolved, That the use of the Representative chamber be tendered to the State Agricultural Society, for the purpose of hearing an address, to be delivered by the Rev. John C. Young, at 3 o'clock on to-morrow evening.

And then the House adjourned.
TUESDAY, JANUARY 14, 1840.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act to amend an act, entitled, an act incorporating the town of Saloma, in Green county.

An act for the benefit of the Masters, Wardens and Brothers of Montgomery Lodge No. 23, of Free and Accepted Masons.

An act for the benefit of William J. Kendrick.

An act for the benefit of the Jailer of Meade county.

An act to incorporate the Bethlehem Methodist Episcopal Church, in the county of Monroe, and for other purposes.

With an amendment to the last named bill.

Mr. Brien presented the remonstrance of sundry citizens of Calloway county, against loaning out the Internal Improvement Fund of said county.

Which was received, the reading thereof dispensed with, and referred to the committee on Internal Improvement.

On motion of Mr. J. S. Smith—Leave was given to bring in a bill to secure and increase the resources of the Sinking Fund.

Ordered, That the committee on the Sinking Fund prepare and bring in the same.

Mr. Butler, from the committee for Courts of Justice, to whom was referred the petition of sundry citizens of Trigg county; and the petition of the administrators of John Simpson—reported the same with the following resolution, viz:

Resolved, That said petitions are unreasonable.

Which being twice read, was concurred in.

Mr. Turner, from the same committee, to whom was referred a bill to amend the law regulating the emancipation of slaves—reported the same with an amendment, which was concurred in.

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

Mr. Butler, from the same committee, to whom was referred the petition of Hiram Philips—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Mr. Coffey moved to amend said resolution by striking out the word "unreasonable," and inserting the word "reasonable."

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

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

[Followed by a list of names with corresponding yeas and nays]
Those who voted in the affirmative were—


Those who voted in the negative were—


Mr. Butler, from the same committee, to whom was referred leave to bring in a bill to give the County Courts power to grant divorces—reported the same with the following resolution, viz:

Resolved, That it is inexpedient to legislate on that subject.

Which being twice read, was concurred in.

Mr. Butler, from the same committee, to whom was referred the petition of sundry citizens of the city of Louisville, made the following report, accompanied with a resolution, which is as follows, viz:

The committee of Courts of Justice having, according to order, had under consideration the petition of a portion of the citizens of Louisville, (about 220 in number,) beg leave to report specially thereon.

The object contemplated by the petitioners is to procure the passage of a law continuing the Police Court, which will expire on the first of March, and conferring upon it the criminal jurisdiction of the county of Jefferson and city of Louisville.
The Police Court was established for four years, and had jurisdiction of cases arising out of violations of city ordinances. The Judge was nominated by the Executive, with reference to this very limited and comparatively trivial jurisdiction. Provided the criminal jurisdiction of the county of Jefferson and city of Louisville were devolved upon it, it would be thereby virtually creating a new tribunal; and a tribunal altogether different from the one to which the present incumbent was originally appointed—different in its territorial limits; different in the design of its framers, and widely different in its jurisdiction and duration. In reality, it would be creating a court, and by legislative action, without the nomination of the Executive, and advice and consent of the Senate, appointing the Judge.

Such an enactment, if it did not violate the letter, would most obviously conflict with the spirit of the constitution.

By the first section of the first Article of the Constitution, it is declared that "The powers of the government of the State of Kentucky shall be divided into three distinct departments; and each of them confided to a separate body of magistracy." By the second section of the same Article, it is declared that "No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others." By the fifteenth section of the third Article, it is declared in relation to the Governor, that "he shall take care that the laws be faithfully executed." And with a view to the faithful administration and execution of the laws, it is provided in the ninth section of the same article, that "be shall nominate, and, by and with the advice and consent of the Senate, appoint all officers whose offices are established by this constitution, or shall be established by law."

It is clear that the Legislature have the power to create offices; and equally clear that it is the province and duty of the Executive, with a view to the faithful execution of the laws, to fill them with such incumbents as in his judgment, will be capable of performing the duties of the offices thus created. So to fill them, is not only his privilege, but his sacred duty; and he is responsible to the people for its faithful and discreet performance. How can that duty be discharged if, after the Executive has appointed an officer with reference to his capabilities for the performance of particular functions, the Legislature devolved upon the officer thus appointed, altogether different and more arduous duties? To illustrate this argument by example: Suppose a bill were pending before this General Assembly to establish a Chancery Court for the entire State, and a majority of the Legislature, opposed to the Executive in politics, in order to reduce his patronage, or from other motives, were to amend the bill, by devolving that momentous jurisdiction upon a particular Justice of the Peace, would not all intelligent men at once pronounce it an unconstitutional encroachment by the Legislature upon the prerogatives of the Executive? Would it then be a less palpable encroachment upon Executive prerogative, for the Legislature to devolve one half of the criminal jurisdiction of this Commonwealth upon a judicial officer appointed by the Executive, not to adjudicate (as the magistrate does) upon the general laws of the Commonwealth, but merely to try offenders against the ordinances of a single town.

To place this subject on a clearer point of view, suppose the contemplated enactment were to pass, casting these stupendous powers over liberty and life upon the Police Court, without a re-appointment of the Judge; and
thereafter the Legislature were to amend the law, by transferring the police jurisdiction to Justices of the Peace, thereby removing the very stock upon which they had first engrafted the criminal jurisdiction of the court, would they not then most unequivocally have both created the court, and appointed the judge?

Your committee are aware that it is not at all uncommon for the Legislature to enlarge or diminish the powers of established tribunals, and assume in their authority so to do—especially where there exists an affinity between the original and increased jurisdiction, and the amendments are germane to the subject matter amended. But where the change is radical and total, in the functions of an officer, they respectfully suggest, that if thereby becomes a new office, and requires a new appointment to be made, in the mode prescribed by the constitution. And were it otherwise, the appointing power confided to the Executive might be gradually and insidiously entrenched upon, until it would be totally lost, and a consolidation of the departments established upon the ruins of the constitution.

If, however, there were no constitutional barrier to the proposed legislative action, it would be equally obnoxious to objection on the score of expediency. The Police Court was, as before stated, established to adjudicate upon violations of the ordinances adopted by the Mayor and Council; the Judge thereof appointed by the Governor, as a suitable officer to preside in such a court. If, therefore, it were practicable to continue the court, and extend its jurisdiction over all pleas of the Commonwealth arising within the county of Jefferson and city of Louisville, it would, in the opinion of your committee, be decidedly unwise and impolitic so to do, without affording to the Executive an opportunity of selecting the Judge, with direct reference to the new and enlarged powers of the court; and it would be equally unjust to the people interested in the administration of that tribunal, to cut them off from the privilege of recommending their best talents to the favor of the Executive. Therefore,

Resolved, That said petitions are unreasonable.

On motion of Mr. Meriwether,

Ordered, That the said petition be laid on the table for the present.

Mr. Butler, from the same committee, to whom was referred a bill to amend the execution laws of this Commonwealth—reported the same with amendments, which were concurred in.

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

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

By Mr. Reeves—1. A bill to amend an act, entitled, an act to establish the Southern Bank of Kentucky, approved February 20, 1839.

By the committee on Claims—2. A bill for the benefit of James Segu.

By the committee for Courts of Justice—3. A bill to amend the jury law.
14. [Image 1x-0 to 515x733]

By same—4. A bill for the benefit of the heirs of Samuel Craig, dec'd.

By same—5. A bill providing for a change of venue in a prosecution for perjury, against John Henry.

By same—6. A bill authorizing a change of venue in an action at law depending in the Pulaski Circuit Court, wherein Rose, a woman of color, is plaintiff; and James T. Curd is defendant.

By same—7. A bill further to regulate the duties of the Trustees of the town of Bowlinggreen.

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

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with, the 1st was referred to the committee on Banks; the 2d, 4th, 5th, 6th and 7th were severally ordered to be engrossed and read a third time; and the 3d was referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 2d, 4th, 5th, 6th and 7th bills having been dispensed with, and the same being engrossed,

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

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

Ordered, That the committee of the whole be discharged from the consideration of the bill limiting actions for the recovery of land by females and their heirs.

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

The amendments proposed by the Senate to a bill from this House entitled, an act to incorporate the Bethlehem Methodist Episcopal Church, in the county of Monroe, and for other purposes—were twice read, and concurred in.

Resolved, That this House adhere to their disagreement to the amendment proposed by the Senate to a bill from this House entitled, an act to amend the laws in relation to taking depositions of non-resident witnesses.

Resolved, That this House adhere to their disagreement to the amendment proposed by the Senate to a bill from this House entitled, an act for the benefit of Abner Belton; and that a committee of conference be appointed on the part of this House, to act in conjunction with a committee on the part of the Senate, in relation to said disagreement between the two Houses.

Whereupon Messrs. Hopkins, Drye and Fish, were appointed the committee on the part of this House.

Ordered, That Mr. Hopkins inform the Senate thereof.

Bills from the Senate of the following titles, viz:

1. An act for the benefit of Joseph H. Chrisman, and his securities.
2. An act for the benefit of the Louisville College.
3. An act for the benefit of William Osborn and Thomas May.
5. An act for the benefit of the heirs of George Pence, deceased.
6. An act for the benefit of William Mathews.
7. An act to amend an act, entitled, an act to amend the law as to proceedings against non-resident and absent defendants and unknown heirs.
8. An act to regulate charitable uses, and prohibit grants in mortmain, and for other purposes.
9. An act to amend the law in relation to garnishee, by increasing the jurisdiction of magistrates in such cases.
10. An act for the benefit of the Trustees of the town of Frankfort.
11. An act to change the time of holding the Lawrence, Morgan, Pike and Floyd Circuit Courts.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was referred to the committee on Military Affairs; the 2d and 4th were ordered to be read a third time; the 3d was referred to the committee on Internal Improvement; the 5th, 7th, 8th, 9th and 10th to the committee for Courts of Justice; the 6th and 11th to the committee on Religion; the 11th to the select committee composed of one member from each judicial court to prepare and bring in a bill to equalize the labors of the Circuit Judges.

The rule of the House, constitutional provision and third reading of the 2d and 4th bills having been dispensed with,

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

Mr. Hughes moved the following resolution, viz:

Resolved, That the use of the Representative chamber be granted to Professor McDowell, to deliver a Lecture this evening, at 7 o'clock, on the objections to Phrenology; and another to-morrow evening at the same hour on the Natural History of the human family.

Which being twice read, was adopted.

On motion,

Ordered, That Mr. Trimble be added to the committee on the Sinking Fund.

Mr. Butler, from the committee for Courts of Justice, to whom was referred the petition of George Drye and Sally Girton—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.
Mr. Drye moved to amend said resolution by striking out the word "unreasonable," and inserting the word "reasonable."

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

Ordered, That the committee prepare and bring in a bill in pursuance of said petition.

Mr. Butler, from the same committee, to whom was referred the petition of the Meade County Court—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.

Mr. Butler, from the same committee, to whom was referred a bill giving Justices of the Peace jurisdiction in actions of trespass and trespass on the case, where the damages laid are five pounds or under—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

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

And then the House adjourned.

WEDNESDAY, JANUARY 15, 1840.

A message was received from the Senate, announcing their disagreement to a bill from this House for the benefit of Joanna Stuart.

And the passage of bills from this House of the following titles:

An act for the benefit of Abraham Ellington.
An act for the benefit of Mary Jackson.
An act to amend and reduce into one the several acts regulating the town of Henderson.

With an amendment to the last named bill.

And the passage of bills from the Senate of the following titles:

An act providing for a change of venue in the case of a prosecution against Joseph McMillan.
An act to change the time of holding the Circuit Courts in the 16th Judicial district.

1. Mr. Taggart presented the petition of sundry citizens of Muhlenburg,
Daviess and Ohio counties, praying for the formation of a new county out of parts of said counties.

2. Mr. Irwin presented the petition of sundry citizens of Russellville, praying that additional powers be granted to the Trustees of said town.

3. Mr. Pindell presented the petition of Sarah Delph, praying to be divorced from her husband, Jeremiah Delph.

4. Mr. Glover presented the petition of sundry citizens of Montgomery county, praying to be permitted to muster in an adjacent regiment.

5. Mr. Gresham presented the petition of Isaac Snodgrass, praying that a deed of trust made by him may be cancelled.

6. Mr. Hopkins presented the petition of sundry citizens of Marion county, praying for a repeal of all laws permitting the retailing of spirituous liquors.

7. Mr. Morehead presented the petition of John H. Slaughter, praying to be released from all liability for the loss of some public arms.

8. Mr. Lyter presented the petition of sundry citizens of Bourbon county, praying that a precinct in said county may be abolished.

9. Mr. Clay presented the petition of sundry citizens of Bourbon county, praying that all laws be repealed granting permission to retail spirituous liquors.

10. Mr. Haggard presented the petition of William Word, praying that Wolf river be declared a navigable stream, and improved.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st to the committee on Propositions and Grievances; the 2d to Messrs. Irwin, Gray, Hines and Reeves; the 3d, 6th and 9th to the committee on Religion; the 4th and 7th to the committee on Military Affairs; the 5th to the committee for Courts of Justice; the 8th to the committee on Privileges and Elections; and the 10th to the committee on Internal Improvement.

Mr. Mims moved a re-consideration of the vote of yesterday, refusing to reverse the resolution of the committee for Courts of Justice, on the petition of Hiram Philips.

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

The question was then taken on concurring in the resolution of the committee, and decided in the affirmative.

Mr. Butler, from the committee for Courts of Justice, to whom was referred a bill to change the time of holding the Circuit Courts for the counties of Simpson, Allen and Warren—reported the same without amendment.

Ordered, That said bill be re-committed to the committee for Courts of Justice.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill from the Senate entitled, an act for the benefit of the Sheriff of Nicholas county—reported the same without amendment.
Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

Mr. Meriwether, from the same committee, to whom was referred the petition of James E. Stone—reported the same with the following resolution, viz.:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.

Mr. Meriwether, from the same committee, to whom was referred leave to bring in a bill for the benefit of the Clerk of the Daviess County Court—asked leave to be discharged from the further consideration thereof; which was granted.

Mr. Morehead, from the committee on Internal Improvement, to whom was referred a bill from the Senate entitled, an act allowing Edward C. Haydon to build a mill dam across Salt river—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

Mr. Hardy, from the committee on Public Offices, made the following report, viz:

The committee on Public Offices have, according to the order of the House, taken into consideration the Report of the Second Auditor, as well as the communication of the Public Printer, upon the subject of public printing.

Your committee find, as will appear in the report of the Second Auditor, that the amount paid the Public Printer in the last few years, greatly exceeds the amount paid for the same length of time in previous years. Hence they conceived it to be their duty to enquire into the causes of the great disparity.

In comparing the Second Auditor's Report with the books of the Public Printer, the committee find an agreement in similar items charged; yet the committee were not able to make a comparison of the aggregate amount of each year—because the fiscal year, as reported by the Auditor, commences the 10th of October in one year, and ends on the 10th of the same month in the next year; and the yearly accounts of the Public Printer commences with his office at the close of one session, and ends with the close of the next.

They find that the Printer's charge for setting up type now, is the same it formerly was, to wit: 50 cents per thousand ems; the press work is reckoned by the token—which is five whole quires printed on both sides; or ten quires printed on one side. The rate per token is greater now than former...
ly; but it should be borne in mind that the sheets are now much larger than they were when the charge per token was less. Then, each page of the Journal, printed on a medium sheet, contained about 1,323 printers' ems; whereas, a page of the Journal at this time, and for some years past, on a royal sheet, contains about 1,728 ems. Formerly, the charge per token was 50 cents—now, 75 cents, in consequence of the increased size of the paper, and increased quantity of matter on a page.

For reports made to either House, and for Bills ordered to be printed, the charge is greater than for the Journals, both for composition and for press work. It appears to have been the uniform custom of all Public Printers to charge the State for all work other than the Journals and Acts, at the same rate of job work which they charge private individuals; or, a gross sum for each job.

The committee find, on examination, that the State is not charged more for paper than is paid to the manufacturer, as is shown by his credits, and the charges against the State.

The committee have no data by which they can make a comparison of charges for printing Bills and Reports which are ordered by the two Houses. These items are always laid before the committee of Claims, and passed on by that committee, and taken into the appropriation bill every year; so that it is only necessary to turn to the Journals and Acts of the Legislature in the several years, to account for a very large increase of public printing. For instance, the amount paid at the Treasury to the Public Printer for the year commencing the 10th of October, 1833, and ending the 10th of October, 1834, is $5,420 18; of which amount there is included in the appropriation bill, $4,046 46—while the amount paid for the year commencing the 10th of October, 1838, and ending the 10th of October, 1839, is $9,436 83—showing clearly that the increase is mainly to be attributed to the peculiar description of legislation in late years, and the large amount of printing attending it, and required by the two Houses.

All of which is respectfully submitted.

Ordered, That said report be referred to the committee on Claims.

Mr. Hines, from the committee on Religion, reported a bill for the benefit of Patrick Doyle.

Which was read the first time, and ordered to be read a second time. The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed, the question was then taken on the passage of said bill, and decided in the affirmative.

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

Those who voted in the affirmative were:

- Messrs. Board, Goodson, Mize,
- Brien, Gray, Newell,
- Butler, Gresham, Padon,
- Caldwell, Haggard, Perciful,
Resolved, That the title thereof be as aforesaid.

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

By the committee for Courts of Justice—A bill to authorize a change of venue in the trial of Buford M. Kuykendall.

By same—A bill for the relief of the securities of John L. L. Moore, late Clerk of Simpson county.

By same—A bill for the benefit of the widow and children of Stephen H. Garton, deceased.

By the committee on Religion—A bill for the benefit of Elizabeth B. Fryer.

By the committee on Ways and Means—A bill to authorize the Secretary of State to furnish certain books to the Marion County and Circuit Courts.

By same—A bill giving the several Sheriffs of this Commonwealth further time to return their delinquent lists.
By Mr. Perciful—A bill for the benefit of William Simmons, and his committee.

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

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.

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

The House resumed the consideration of the resolution to send an agent to Philadelphia.

On motion of Mr. Morehead,

Ordered, That said resolution be laid on the table for the present.

The amendments proposed by the Senate to a bill from this House entitled, an act to amend and reduce in one the several acts regulating the town of Henderson—were twice read and concurred in.

Bills from the Senate of the following titles, viz:

1. An act to change the time of holding the Circuit Courts in the 16th Judicial district.

2. An act providing for a change of venue in the case of the prosecution against Joseph McMillan.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bills having been dispensed with, the 1st was ordered to be read a third time, and the 2d was referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st bill having been dispensed with,

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

An engrossed bill, entitled, an act to amend the law limiting actions for the recovery of lands by females and their heirs—was read the third time.

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. T. Marshall and Turner, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Adams,
Barrett,
Botts,
Brien,
Buckner,

English, Fish, Glenn, Glover, Goodson, Gresham,

McRoberts, Mize, Morehead, Padon, Pindell, Randolph,
THURSDAY, JANUARY 16, 1840.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act for the benefit of Robert McCalla.
An act for the benefit of Thomas P. Moore.

And that they had passed a bill, entitled,

An act for the benefit of the Sheriff of Hickman county.
1. Mr. Buckner presented the petition of Thomas D. Harris, praying to be divorced from his wife, Elizabeth Harris.

2. Mr. Meriwether presented the petition of Catharine J. Lloyd, praying that she may be divorced from her husband, Thomas G. Lloyd.

3. Also, the petition of Stephen Ormsby, praying to be released from the penalty of a bond for the safe keeping and return of certain public arms.

4. Mr. Henry presented the petition of sundry citizens of Morgan county, praying a change of the place of voting in an election precinct in said county.

5. Mr. Waddill presented the petition of Rachel C. Masters, praying to be divorced from her husband, William N. Masters.

6. Also, the petition of William H. McGinnis, praying to be divorced from his wife, Martha McGinnis.

7. Mr. Churchill presented the petition of sundry citizens of Jefferson county, praying the establishment of an election precinct in said county.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st, 2d, 5th and 6th to the committee on Religion; the 3d to the committee on Military Affairs; the 4th to Messrs. Henry, Elliott and Cecil; and the 7th to the committee on Privileges and Elections.

Mr. Glover, from the joint committee on Enrollments, reported that the committee had examined enrolled bills from this House, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of William T. Sharp.
An act to establish election precincts in the county of Breathitt.
An act for the benefit of George W. Anderson.
An act to change the place of voting in an election precinct in McCracken county.
An act for the benefit of Thomas F. Thornton and Herman Bowmar.
An act to amend an act, entitled, an act to establish the county of Carroll, approved February 9th, 1838.
An act for the benefit of Abraham Ellington.
An act for the benefit of Harvey Hazlerigg.
An act for the benefit of Mary Jackson.
An act to incorporate the Bethlehem Methodist Episcopal Church, in the county of Monroe, and for other purposes.
An act to establish an election precinct in the county of Lewis, and for other purposes.
An act to amend an act, entitled, an act for the benefit of William Smith, of Harrison county.
An act for the benefit of Ezra Richmond.
An act authorizing the Scott County Court to increase the levy for said county.
An act for the benefit of the Master, Wardens and Brothers of Montgomery Lodge No. 23, of Free and Accepted Masons.

An act to amend an act, entitled, an act incorporating the town of Salmo, in Green county.

An act for the benefit of William J. Kendrick.

An act for the benefit of the Jailer of Meade county.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.

Mr. W. N. Marshall, from the committee on Military Affairs, to whom was referred a bill from the Senate, entitled, an act for the benefit of Joseph H. Chrisman and his securities—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

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

Mr. Turner, from the committee on Banks, to whom was referred a bill to amend an act, entitled, an act to establish the Southern Bank of Kentucky, approved Feb. 20, 1839—reported the same without amendment.

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

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.

Mr. Swope, from the committee on Propositions and Grievances, to whom was referred the petition of certain citizens of Shelby county, praying to be added to Oldham county—reported the same with the following resolution:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

A bill from the Senate, entitled, an act for the benefit of the Sheriff of Hickman county—was read the first time.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, it was referred to the committee on Ways and Means.

An engrossed bill, entitled, an act to amend the law in relation to the emancipation of slaves—was read the third time.

Mr. Butler moved to amend said bill, by adding thereto an additional section, by way of engrossed reader; which was adopted.

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

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:
By the committee on Military Affairs—1. A bill to confer certain powers on the Quarter Master General and Attorney General.

By same—2. A bill for the benefit of John H. Slaughter.

By same—3. A bill to legalize the proceedings of the Court of Assessment in the 16th Regiment Kentucky Militia, and for other purposes.

By same—4. A bill to establish the Lexington and Fayette Legion.

By the committee on Propositions and Grievances—5. A bill to establish the county of Kenton, and for other purposes.

By Mr. B. R. Young—6. A bill to amend the charter of the Louisville and Elizabethtown Turnpike Road Company.

By Mr. J. S. Smith—7. A bill to amend an act incorporating the Paris Fire, Life and Marine Insurance Company.

By the committee on Claims—8. A bill for the benefit of the Lunatic Asylum, at Lexington.

By the committee for Courts of Justice—9. A bill for the benefit of Edward Donoho.

By Mr. Crow—10. A bill to authorize the County Court of Daviess county to change that part of the State road leading from the mouth of Salt river to Shawneetown, which lies within the limits of the town of Owensboro.

By Mr. Redd—11. A bill for the benefit of Charles Faulkner.

By Mr. White—12. A bill for the benefit of Betty Ann Meadows.

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

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 7th and 11th were referred to the committee for Courts of Justice; the 2d, 3d, 4th, 5th, 9th, 10th and 12th were severally ordered to be engrossed and read a third time; the 6th was referred to the committee on Internal Improvement; and the 8th to the committee on Claims.

The rule of the House, constitutional provision and third reading of the 2d, 3d, 4th, 5th, 9th, 10th and 12th 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.

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


On motion of Mr. Glover—2. A bill for the benefit of the Mountsterling Female Academy.

On motion of Mr. Fish—3. A bill allowing two additional Justices of the Peace to the county of Campbell.
On motion of Mr. Colvin—4. A bill for the benefit of Jonathan Cow-herd, of Green county.

On motion of Mr. Hines—5. A bill for the benefit of mechanics in the towns of Bowlinggreen and Russellville.

Ordered, That Messrs. White, Adams and Draffin be appointed a committee to prepare and bring in the 1st; Messrs. Glover, Logan and Johnson the 2d; Messrs. Fish, Goodson and Stephens the 3d; Messrs. Colvin, Coffey and W. N. Marshall the 4th; and Messrs. Hines, I. Smith, Irwin and Gray the 5th.

Mr. Turner moved the following resolution, viz:

Resolved, That the use of the Hall of the House of Representatives be tendered to the Rev. Bishop Smith, on to-night, for the purpose of delivering a Lecture on the subject of Common Schools.

Which being twice read, was adopted.

The Speaker laid before the House the annual report of the Board of Internal Improvement.

[For this report, see Appendix.]

Ordered, That said report be referred to the committee on Internal Improvement; and that the Public Printer forthwith print 150 copies of said report for the use of the General Assembly.

Mr. Butler moved the following resolution, viz:

Resolved, That so much of the report of the Board of Internal Improvement as relates to disbursements and expenditures by said Board, be referred to the committee on the Expenditures of the Board of Internal Improvement.

Which being twice read, was adopted.

Mr. Huston, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act for the benefit of the Trustees of the town of Frankfort—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of said bill was then dispensed with,

And then the House adjourned.
FRIDAY, JANUARY 17, 1840.

Mr. Glover, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills from the Senate of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the Sheriff of Nicholas county.
An act allowing Edward C. Haydon to build a mill dam across Salt river.
An act to change the time of holding the Circuit Courts in the 16th Judicial district.
An act for the benefit of the adopted child of Samuel L. and Tabitha Boicourt.
An act for the benefit of the Louisville College.
An act for the benefit of the widow and children of Samuel Pryor, deceased.
An act to amend the militia law of this State.
An act for the divorce of Nelson Dyer.
An act for the benefit of the Sheriff of Marion county.
An act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.

1. Mr. Lyter presented the petition of sundry citizens of Bourbon county, praying a repeal of the laws authorizing a license to retail spirituous liquors.

2. Mr. Draffin presented the petition of Robert Elliott, &c. Trustees of Rachel Watts, praying the passage of a law confirming an exchange of land made by them.

3. Mr. Gresham presented the petition of sundry citizens of Rockcastle county, praying the passage of a law allowing an additional Constable to said county.

4. Mr. McFall presented the petition of sundry citizens of Hickman county, praying a repeal of the law declaring Little Obion river a navigable stream.

5. Mr. Wilson presented the petition of Wm. Y. C. White, praying the passage of a law authorizing him and others to bring into this State certain slaves.

6. Mr. Reeder presented the petition of sundry citizens of Mason county, praying a repeal of all laws authorizing the grant of license to retail spirituous liquors.
7. Mr. Brien presented the remonstrance of sundry citizens of Calloway county, against the passage of a law authorizing the Treasurer of the Board of Internal Improvement for said county to loan out the funds in his hands.

8. Mr. Russell presented the petition of sundry citizens of Graves county, praying a change in the place of voting in an election precinct in said county.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, and referred: the 1st and 6th to the committee on Religion; the 2d to the committee for Courts of Justice; the 3d to Messrs. Gresham, Haggard and Mims; the 4th to Messrs. McFall, Russell, Padon and Brien; the 5th to the committee on Propositions and Grievances; the 7th to the committee on Internal Improvement; and the 8th to the committee on Privileges and Elections.

Mr. Stephens asked leave to withdraw the petition of Wm. Withers and wife; which was granted, and the petition withdrawn.

Mr. Hardy asked leave to withdraw the petition of sundry citizens of Barren, Green, Adair and Hart counties; which was granted, and the petition withdrawn.

Mr. Board asked leave to withdraw the petition of the heirs of Jno. Simpson, deceased; which was granted, and the petition withdrawn.

Mr. T. Sutton asked leave to withdraw the petition of Thomas S. Burton; which was granted, and the petition withdrawn.

A message was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State, announcing that he had signed and approved sundry enrolled bills and resolutions which originated in this House, of the following titles, viz:

An act for the benefit of Eleanor Jones.
An act for the benefit of Pierre Theodore Cuvillier.

Approved 22d December, 1839.

An act to change the form of the Commissioners' books of taxable property, and to regulate the duties of the commissioners of tax, and other officers in relation to the same.

Approved 4th January, 1840.

An act to reduce the number of Justices in Henry county.
An act to amend an act, entitled, an act to regulate the election of Trustees in the town of Port Oliver, in Allen county.

An act for the benefit of Louisiana Esters.
An act authorizing the Commissioners of the Sinking Fund and the Board of Education to sue and be sued.
An act for the benefit of Cornelius Snider.
An act for the benefit of Harriet Wilkerson.

An act for the benefit of America Pearson.
An act for the benefit of Joshua Holtsclaw
An act for the benefit of indigent children received into the City Hospital of Lexington.

An act for the benefit of John Shaw, David L. Gregg and Jos. Lecompte.

An act to have the line run and marked between the counties of Clarke and Montgomery.

An act to change the name of Thomas Farrer to that of Thos. F. Daniel. Approved January 7, 1840.

An act for the benefit of the late Sheriff of Daviess county.

An act to amend the law in relation to the collection of tax on law process.

An act authorizing the appointment of County Treasurer in Harrison county.

An act to establish a State road from the mouth of Salt river, by way of Grahampton and Big Spring, to intersect the Bowling green road.

An act to incorporate the town of Trenton, in Todd county.

An act to establish an additional election precinct in Campbell county.

An act to legalize the proceedings of the Marion County Court, had at the February term, 1839, and for other purposes.

An act for the benefit of Maria McCaleb.

An act to amend an act to organize two fire companies in the town of Lexington.

An act to extend the Constable's district in the town of Burksville. Approved 13th January, 1840.

An act for the benefit of Harvey Hazlerigg.

An act for the benefit of Abraham Ellington.

An act to amend an act, entitled, an act to establish the county of Carroll, approved February 9th, 1838.

An act for the benefit of Thomas F. Thornton and Herman Bowman.

An act to change the place of voting in an election precinct in McCracken county.

An act for the benefit of George W. Anderson.

An act for the benefit of William T. Sharp.

An act to establish election precincts in the county of Breathitt.

An act for the benefit of the Jailer of Meade county.

An act for the benefit of William J. Kendrick.

An act to amend an act, entitled, an act incorporating the town of Salem, in Green county.

An act for the benefit of the Master, Wardens and Brothers of Montgomery Lodge No. 23, of Free and Accepted Masons.

An act for the benefit of Ezra Richmond.

An act authorizing the Scott County Court to increase the levy for sal county.
An act to establish an election precinct in the county of Lewis, and for other purposes.
An act to amend an act, entitled, an act for the benefit of William Smith, of Harrison county.
An act to incorporate the Bethlehem Methodist Episcopal Church, in the county of Monroe, and for other purposes.
An act for the benefit of Mary Jackson.

Approved 16th January, 1840.

A resolution to appoint a committee to examine Transylvania University and Lunatic Asylum; and
A resolution to fire a national salute on the 8th instant.

Approved 7th January, 1840.

The Speaker laid before the House a communication from the Secretary of State, enclosing a report from the Bank of Kentucky, which is as follows, viz:

EXECUTIVE DEPARTMENT,

January 16, 1840.

Sir:
Please lay before the House over which you preside, the inclosed report of the Bank of Kentucky.
Respectfully,
J. M. BULLOCK,
To the Hon. JOHN L. HELM,
Speaker of the House of Representatives.

BANK OF KENTUCKY,
Louisville, Jan. 14, 1840.

Dear Sir:
I herewith enclose, for the use of the Legislature, under the provisions of the charter, a statement of the condition of the Bank of Kentucky, closing with the year 1839.

Very respectfully,
J. M. BULLOCK Esq.,
Secretary of State.
Statement of the Resources and Liabilities of the Bank of Kentucky, on the 31st December, 1839.

### RESOURCES

<table>
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<tr>
<th>City</th>
<th>Bills discounted</th>
<th>Bills of Exchange</th>
<th>Suspended Debt</th>
<th>Real Estate</th>
<th>Amount due by other Banks</th>
<th>State and City Bonds</th>
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**Total Resources:**

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### RESOURCES

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**Total Resources:**

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<tbody>
<tr>
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<td>Frankfort</td>
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<tr>
<td>Mayville</td>
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<tr>
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</tr>
<tr>
<td>Hopkinsville</td>
<td>$73558.28</td>
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**Total:** $274890.45
### LIABILITIES

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<tbody>
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### LIABILITIES

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Recapitulation of the foregoing statement.

<table>
<thead>
<tr>
<th>RESOURCES</th>
<th>Dollars</th>
<th>LIABILITIES</th>
<th>Dollars</th>
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<tr>
<td>Bills discounted,</td>
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<td>Capital stock,</td>
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<td>Bills of exchange,</td>
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<td>Notes in circulation,</td>
<td>1,915,461.00</td>
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<td>Suspended debt,</td>
<td>198,808.80</td>
<td>Individual deposits,</td>
<td>994,544.62</td>
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<td>Real estate,</td>
<td>62,808.43</td>
<td>Due to other Banks,</td>
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<td>Amount due by other Banks,</td>
<td>592,149.29</td>
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<tr>
<td>State and City Bonds,</td>
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<td>Commissioners of Sinking Fund, (Frankfort,)</td>
<td>10,577.56</td>
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<td>Treasurer of the State, (Louisville,)</td>
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<td>Board of Education,</td>
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<td>Real Estate Fund,</td>
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<td>8,131,339.00</td>
<td>D. Kurs, distributing agent,</td>
<td>167,940.87</td>
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Profit and Loss account from June 30th, to December 31st, 1839.

Balance of Profit and Loss June 30th, 1839, | $ 844.03 |
Discounts and Premiums at Principal Bank, | 59,037.52 |
Interest on State and City Bonds, | 41,449.83 |
Net profits of Branches, | 91,047.44 |
Deduct expense account, interest account, and real estate fund, | $191,378.81 |
Balance of profits December 31st, 1839, | $167,940.87
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<th>Notes of $4</th>
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<td>2,572</td>
<td>4,429</td>
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| Total       | 5,349         | 5,910        | 18,296       | 34,570       | 67,109       | 1,313        | 3,153        | 5,160        | 15,865       |

5,349 notes of $100
5,910 notes of $50
18,296 notes of $20
34,570 notes of $10
67,109 notes of $5
1,313 notes of $4
3,153 notes of $3
5,160 notes of $2
15,865 notes of $1

$1,918,461

BANK OF KENTUCKY, LOUISVILLE, December 31st, 1839.

GEORGE C. GWATHMEY, Cashier.
Ordered, That said report be referred to the committee on Banks.

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

By Mr. Goodson—1. A bill to amend an act, entitled, an act to amend the road law in Campbell and Bracken counties.

By Mr. Haggard—2. A bill for the benefit of Maston Glidewell and Susannah Holebrook.

By same—3. A bill for the benefit of the Surveyors of this Commonwealth.

By Mr. English—4. A bill to change the time of holding the Trimble County Court.

By Mr. Stephens—5. A bill for the benefit of Thomas Cunningham.

By same—6. A bill for the benefit of Asa Vanlandingham, late Sheriff of Grant county.

By Mr. Innes—7. A bill to amend an act, entitled, an act to extend the powers of the Trustees of the town of Cynthiana, in Harrison county, approved February 12, 1838.

By Mr. Colvin—8. A bill for the benefit of Jonathan Cowherd, Sr.

By Mr. Meriwether—9. A bill to amend an act, entitled, an act for the benefit of the county of Jefferson.

By Mr. McRoberts—10. A bill to incorporate the Crab Orchard Seminary, in Lincoln county.

By same—11. A bill for the benefit of William Demaway.

By Mr. Henry—12. A bill to change the place of voting in the North Fork precinct, in Morgan county.

By Mr. Glover—13. A bill to regulate the County Court of Montgomery.

By Mr. Glenn—14. A bill to allow an additional Constable to the county of Nicholas.

By Mr. Lane—15. A bill to incorporate the town of La Grange.

By Mr. Hines—16. A bill for the benefit of mechanics in the towns of Bowlinggreen, Russellville and Owensboro.

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

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with, the 1st, 2d, 4th, 5th, 6th, 7th, 9th, 11th, 12th, 13th, 14th, 15th and 16th bills were severally ordered to be engrossed and read a third time; the 3d was referred to the committee on Ways and Means; and the 8th and 10th to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 4th, 5th, 6th, 7th, 9th, 11th, 12th, 13th, 14th, 15th and 16th bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.
Mr. Mason read and laid on the table the following resolutions, viz:—

Resolved by the General Assembly of the Commonwealth of Kentucky,
That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to effect a repeal of all laws laying a duty on the importation of Salt.

Resolved, That the Lieutenant and Acting Governor be requested to forward a copy of the foregoing resolution to each Senator and Representative in this State.

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

On motion of Mr. Draffin—1. A bill to amend the law of descents in relation to bastards in this Commonwealth.

On motion of same—2. A bill to amend the law regulating the town of Lawrenceburg.

On motion of Mr. Hardy—3. A bill for the benefit of the Frankfort Light Infantry.

On motion of Mr. Haggard—4. A bill to improve the road leading from Glasgow, in Barren county, from said county line through Burksville to Col. A. S. Branchett's, in Clinton county, and for other purposes.

On motion of Mr. Crow—5. A bill to establish the town of New Boston, in Daviess county.

On motion of Mr. Mize—6. A bill for the benefit of the Estill Seminary.

On motion of Mr. Morehead—7. A bill for the benefit of Jas. G. Hardy.

On motion of Mr. Pindell—8. A bill to amend the law regulating the time for the Sheriff of Fayette county to settle the county levy, and for other purposes.

On motion of same—9. A bill to tax the agencies of Foreign Insurance Companies in this Commonwealth.

On motion of Mr. Cecil—10. A bill to authorize the County Court of Breathitt to raise funds to erect their public buildings, by imposing a tax on the tythes of said county.


On motion of Mr. Trimble—12. A bill to allow an additional Justice of the Peace in and for the western portion of Carter county.

On motion of Mr. Stephens—13. A bill to amend the several acts incorporating the town of Williamstown.

On motion of Mr. B. R. Young—14. A bill to change the place of voting in the town of Hodgenville, in Hardin county.

On motion of Mr. Padon—15. A bill to change the place of voting in an election precinct in Livingston county.


On motion of Mr. Irwin—17. A bill for the benefit of Coleman May.
On motion of Mr. Henry—18. A bill to allow further time to return plats and certificates of surveys made on Kentucky land office warrants.

On motion of same—19. A bill further to regulate the fees of Clerks of County Courts in this Commonwealth.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st and 19th; Messrs. Draffin, Wilson and Daviess the 2d; the committee on Military Affairs the 3d, 7th and 16th; Messrs. Hardy, A. Young and Caldwell the 4th; Messrs. Crow, Hopkins and Elliott the 5th; Messrs. Mize, J. S. Smith and Turner the 6th; Messrs. Pindell, McKinney and Mason the 8th; the committee on Ways and Means the 9th; Messrs. Cecil, J. S. Smith and Wilson the 10th; Messrs. W. N. Marshall, Coffey and Rowlett the 11th; Messrs. Trimble, Daviess and Gray the 12th; Messrs. Stephens, Brooks and Board the 13th; Messrs. B. R. Young, Barrett and Perciful the 14th; Messrs. Padon, Brien and Russell the 15th; Messrs. Irwin, Reeves and Gray the 17th; and Messrs. Henry, Hopkins and Elliott the 18th.

Mr. Hardy moved to take up from the table the resolutions proposed by him on Saturday last.

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

Ordered, That said resolutions be postponed to, and made the special order of the day for Thursday week; and that the Public Printer forthwith print 150 copies of said resolutions for the use of the members of the General Assembly.

Mr. Caldwell moved a reconsideration of the vote refusing to print the response of the Board of Internal Improvement to the resolutions of Mr. Hopkins, adopted on the 9th December last.

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

Mr. Caldwell then moved to print 5,000 copies of said report 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. Lane and Haggard, were as follows, viz:

Those who voted in the affirmative were—

<table>
<thead>
<tr>
<th>Mr. Speaker,</th>
<th>Glenn,</th>
<th>Padon,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Messrs. Adams,</td>
<td>Glover,</td>
<td>Perciful,</td>
</tr>
<tr>
<td>Barrett,</td>
<td>Goodson,</td>
<td>Pindell,</td>
</tr>
<tr>
<td>Board,</td>
<td>Gray,</td>
<td>Randolph,</td>
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<td>Reeder,</td>
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<td>Rowan,</td>
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<tr>
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<td>Hill,</td>
<td>Rowlett,</td>
</tr>
<tr>
<td>Caldwell,</td>
<td>Hines,</td>
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Jan. 18.]  

HOUSE OF REPRESENTATIVES.


Those who voted in the negative were—


The House then resolved itself into a committee of the whole on the bill to repeal an act to amend the law prohibiting the importation of slaves into this State, approved February 2, 1833, and for other purposes—Mr. Irwin in the chair—and after some time spent thereon, the Speaker resumed the chair; when Mr. Irwin reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

SATURDAY, JANUARY 18, 1840.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act to incorporate the town of West Liberty.
An act to establish the town of Walton, and for other purposes.
An act further to regulate the duties of the Trustees of the town of Bowlinggreen.
An act for the benefit of N. S. Robertson, and for other purposes. 
With an amendment to the last named bill.
That they had passed bills of the following titles, viz: 
An act for the benefit of the infant children of Wm. Hopkins, deceased. 
An act authorizing the present Clerk of the Hickman County Court to record certain deeds. 
And that they had received official information from the Governor, that he had approved and signed enrolled bills and resolutions which originated in the Senate, of the following titles, viz: 
An act for the benefit of the Surveyor of Bullitt county. 
An act authorizing the sale of a seminary lot and the building thereon, in the county of Henry. 
An act allowing the Trustees of the town of Taylorsville to close an alley, and for other purposes. 
An act allowing to Willis Blanton, Surveyor of Franklin county, further time to give bond. 
Resolutions requiring information from the officers of the Banks. 
Approved 7th January, 1840.

1. Mr. Drye presented the petition of George W. Bowman, Deputy Sheriff of Casey county, praying compensation for expenses incurred in conveying a lunatic to the Asylum.
2. Mr. Perciful presented the petition of Mary Dauds, praying to be divorced from her husband John Dauds.
3. Mr. Newell presented the petition of Elizabeth Ward, praying to be divorced from her husband, Andrew Ward.
4. Mr. Turner presented the petition of sundry citizens of Maysville, praying a change in the law authorizing the sale of spirituous liquors.
5. Mr. Adams presented the petition of sundry citizens of Butler county, praying for the same object.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st to the committee on Claims; the 2d, 3d, 4th and 5th to the committee on Religion.

On motion of Mr. Turner,

Ordered, That the bill from the Senate, entitled, an act to amend an act, entitled, an act regulating injunctions and other restraining orders in chancery suits, and for other purposes, approved January 24, 1827—be taken up from the table, and placed in the orders of the day.

Mr. Coffey asked leave to withdraw the petition of Hiram Philips; which was granted, and the petition withdrawn.

Mr. Cunningham, from the committee on Privileges and Elections, to
whom was referred the petition of sundry citizens of Jefferson county, for the establishment of an election precinct—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.

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

On motion of Mr. Swope—1. A bill to change the time of holding the Circuit Courts in the Second Judicial District.


On motion of Mr. McClure—3. A bill to change the law in relation to trying the right of property.

On motion of same—4. A bill licensing grocery keepers, and authorizing distillers of spirituous liquors to sell and dispose of their liquors free of fine, and for other purposes.

On motion of Mr. Reeves—5. A bill giving the Sheriff of Todd county further time to collect and account for the militia fines of the —— regiment, for the year 1838.

On motion of same—6. A bill to provide for paying veniremen and standing jurors in certain cases.

On motion of Mr. Hines—7. A bill to amend an act, entitled, an act to incorporate the Bowlinggreen Life, Fire and Marine Insurance Company, approved February 23, 1839.

On motion of Mr. Coffey—8. A bill giving Wayne county an additional Justice of the Peace.

On motion of Mr. Hughes—9. A bill to authorize any citizen of this Commonwealth to entail his real property.

On motion of Mr. J. S. Smith—10. A bill to amend the act further to regulate the Wilderness turnpike road, approved January 27, 1838.

Ordered, That Messrs. Swope, Newell, Innes, Brooks, Goodson, Fish, Cave, English and Stephens prepare and bring in the 1st; the committee on Propositions and Grievances the 2d; the committee for Courts of Justice the 3d; Messrs. McClure, Coffey, T. Sutton and Rowlett the 4th; Messrs. Reeves, Irwin and Gray the 5th; Messrs. Reeves, Hardy and White the 6th; Messrs. Hines, Hardy and I. Smith the 7th; Messrs. Coffey, Rowlett and W. N. Marshall the 8th; Messrs. Hughes, Clay, Pindell and Turner the 9th; and the committee on Internal Improvement the 10th.

Mr. McClure moved the following resolution, viz:

Resolved, That the committee on Internal Improvement are hereby directed to enquire into the expediency and propriety of opening and improving the road from Liberty, in Casey county, through Jamestown, to Albany, in Clinton county; and report by bill or otherwise.

Which being twice read, was adopted.
Mr. Sprigg moved the following resolution, viz:

Resolved, That the Auditor of Public Accounts lay before this House the written communications which occurred between himself, the Attorney General of the State, the Governor of the State, and the Second Auditor of the State, in relation to the demand made by the Lexington and Ohio Railroad Company, requiring that certain revenues of the State should be applied towards paying the interest on one hundred and fifty thousand dollars, owing by said company, upon bonds of the company; and that the Auditor of Public Accounts inform this House if he drew his warrant on the Treasury for the amount of interest so demanded.

Which being twice read, was adopted.

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

By the committee for Courts of Justice—1. A bill allowing additional Justices of the Peace to the counties of Graves and Wayne.

By same—2. A bill to amend the vagrant law.

By same—3. A bill allowing further time to the several County Courts in this Commonwealth to furnish a standard of weights and measures.

By same—4. A bill allowing the Trustees of Newport to open an alley.

By same—5. A bill for the benefit of the heirs of Wm. Taylor, dec'd.

By the committee on Religion—6. A bill for the benefit of Margaret M. Pulliam.

By same—7. A bill for the benefit of William E. Grider.

By same—8. A bill for the benefit of Catharine J. Lloyd.


By same—10. A bill for the benefit of Hiram F. Cravens.

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

The rule of the House, constitutional provision and second and third reading of said bills (except the second) having been dispensed with, and the same being engrossed,

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

Mr. English, from the committee for Courts of Justice, to whom was referred a bill to amend the jury law—reported the same with an amendment.

Ordered, That said bill be recommitted to the committee for Courts of Justice.

Mr. Huston, from the same committee, to whom was referred bills of the following titles, viz:

A bill to amend an act incorporating the Paris Fire, Life and Marine Insurance Company.

A bill regulating the appointment of Commissioners in Chancery.

Reported said bills with amendments to each, which were concurred in.

Ordered, That said bills be engrossed and read a third time.
The rule of the House, constitutional provision and third reading of said bills having been dispensed with, and the same being engrossed,

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

Mr. Huston, from the same committee, to whom was referred a bill from the Senate, entitled, an act to amend the law in relation to garnishee, by increasing the jurisdiction of magistrates in such cases—reported the same with an amendment, which was concurred in.

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

Mr. Turner, from the same committee, to whom was referred leave to bring in a bill to amend the law of descents—asked to be discharged from the further consideration thereof, which was granted.

Ordered, That the same be referred to Messrs. Johnson, J. S. Smith, Hopkins, Meriwether and Mason.

Mr. Turner, from the same committee, to whom was referred a bill from the Senate, entitled, an act to amend the law in relation to garnishee, by increasing the jurisdiction of magistrates in such cases—reported the same with an amendment, which was concurred in.

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

Mr. Turner, from the same committee, to whom was referred a bill from the Senate, entitled, an act to amend the law of descents—asked to be discharged from the further consideration thereof, which was granted.

Ordered, That the same be referred to Messrs. Johnson, J. S. Smith, Hopkins, Meriwether and Mason.

Ordered, That the said bill, as amended, be read a third time.

Ordered, That the Public Printer forthwith print 150 copies of said bill for the use of the members of the General Assembly.

Mr. Coke, from the same committee, to whom was referred bills from the Senate, of the following titles, viz:

1. An act for the benefit of the heirs of George Pence, deceased.
2. An act to authorize the Trustees of the town of Princeton to sell and convey a part of an alley in said town.

Reported each of said bills without amendment.

Ordered, That the said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

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

Mr. Butler, from the same committee, to whom was referred bills from the Senate of the following titles, viz:

1. An act to regulate Clerks' fees in certain cases.
2. An act to amend an act, entitled, an act to amend the law as to proceedings against non-resident and absent defendants and unknown heirs.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The rule of the House, constitutional provision and third reading of the second bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.
Mr. Butler, from the same committee, to whom was referred bills of the following titles, viz:

1. A bill to incorporate the Georgetown Fire Company.
2. A bill to confer certain powers on the Quarter Master General and the Attorney General,

Reported the same with amendments to each, which were concurred in.

Ordered, That said bills, as amended, be engrossed and read a third time.

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

Mr. Butler, from the same committee, to whom was referred the petition of Mary Ann Winebrinner—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Mr. Morehead moved to amend said resolution by striking out "unreasonable," and inserting "reasonable."

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

Ordered, That the committee prepare and bring in a bill in pursuance of the prayer of said petition.

Mr. Butler, from the same committee, to whom was referred the petition of Uriah Girton; of John Young; of sundry citizens of Lincoln county; of Isaac Snodgrass, and of the citizens of Cynthiana—reported the same with the following resolution, viz:

Resolved, That said petitions are unreasonable.

Which being twice read, was concurred in.

Mr. Butler, from the same committee, to whom was referred a bill from the Senate, entitled, an act providing for a change of venue in the case of the prosecution against Joseph McMillan—reported the same without amendment.

And the question being taken on reading said bill a third time, it was decided in the negative.

And so the said bill was disagreed to.

Mr. Butler, from the same committee, to whom was referred bills of the following titles, viz:

A bill for the benefit of Charles Faulkner.

A bill to change the time of holding the Circuit Courts for the counties of Simpson, Allen and Warren—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.
Mr. Hines, from the committee on Religion, to whom was referred bills from the Senate of the following titles, viz:

1. An act for the benefit of William Mathews.
2. An act for the benefit of Eliza L. Bryan—reported the first with, and the second without amendment, which was concurred in.

Ordered, That the said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That the same do pass, and that the title of the first bill be amended to read, “an act for the benefit of William Mathews and John N. Richardson,” and that the title of the 2d bill be as aforesaid.

Mr. Hines, from the same committee, to whom was referred the petition of Ann Cable—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Mr. Johnson moved to amend said resolution by striking out “unreasonable,” and inserting “reasonable.”

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

Ordered, That the committee prepare and bring in a bill in accordance with the prayer of said petition.

Mr. Hines, from the same committee, to whom was referred the petition of Wm. Lykins; of Thos. D. Harris; of Rachel Masters; of Wm. H. McGinnis; of Wm. Summers, and of Sarah L. Garrison, each praying for a divorce—reported the same with the following resolution, viz:

Resolved, That said petitions are unreasonable.

Which being twice read, was concurred in.

Mr. Hines, from the same committee, to whom was referred the petition of David Jameson—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Mr. Reeder moved to amend said resolution by striking out the word “unreasonable,” and inserting the word “reasonable.”

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

Ordered, That said committee prepare and bring in a bill in pursuance of the prayer of said petition.

Mr. Hines moved the following resolution, viz:

Resolved, That the committee for Courts of Justice prepare and bring in a bill to amend the law concerning bail, so as to make the law more effectual and efficient than at present.

Which being twice read, was adopted.

A bill from the Senate, entitled, an act for the benefit of the infant children of William Hopkins, deceased,

Was read the first time, and ordered to be read a second time.
The rule of the House, constitutional provision, and second reading of said bill having been dispensed with, it was referred to the committee for Courts of Justice.

And then the House adjourned.

MONDAY, JANUARY 20, 1840.

A message was received from the Senate, announcing that they adhere to the amendment proposed by them to a bill from this House, entitled, an act to amend the laws in relation to taking depositions of non-resident witnesses.

And the passage of bills from this House of the following titles:
An act for the benefit of Martha French.
An act for the benefit of Larkin D. Yates.
An act for the benefit of David Owen.
An act for the benefit of the Madison Troop of Cavalry.
An act for the benefit of the Kentucky Baptist Education Society.
An act for the relief of certain citizens of Madison county.
An act to authorize the Secretary of State to furnish certain books to the Marion County and Circuit Courts.
An act giving the several Sheriffs of this Commonwealth further time to return their delinquent lists.
An act allowing three additional County Courts to Garrard county.
An act to establish an election precinct in Clay county.
An act to incorporate Pleasant Hill Meeting and School House, in Warren county.
An act to establish Marshall College; and
An act to establish the county of Kenton, and for other purposes.

With amendments to the five last named bills.

And the passage of bills from the Senate of the following titles:
An act to fix the ratio, and apportion the representation for the next four years.
An act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky.
An act for the divorce of Samuel Rohrer.
An act to authorize and require the Register of the Land Office to register certain plats and certificates of survey.
An act to amend the several acts to suppress the practice of duelling.
An act to incorporate the Mills Point House Company.
An act for the benefit of William H. Martin and his securities.
An act extending the limits of the town of Germantown.
An act to regulate the militia of the counties of Marion and Washington.
And that they had adopted a resolution providing for a settlement of the accounts of the Commissioners for Green and Barren rivers.

1. Mr. Glover presented the petition of Robert O'Rear, praying the passage of a law directing certain moneys for which his runaway slave was hired, to be paid over to him.

2. Mr. Forman presented the petition of sundry citizens of Mason county, praying that an additional Constable be allowed said county.

3. Mr. Wilson presented the petition of sundry citizens of Perry, Harlan, Floyd and Pike counties, praying the establishment of a new county out of parts of said counties.

4. Mr. Cornish presented the petition of Nancy Turner, praying to be divorced from her husband, Harrison Turner.

5. Mr. Reeder presented the petition of John Hill, Jailer of Mason county, praying the passage of a law increasing the fees of Jailers.

6. Mr. Rumsey presented the petition of sundry citizens of Ohio county, praying a change in the place of voting in an election precinct in said county.

7. Also, the remonstrance of sundry citizens of Ohio county, against being added to any of the adjoining counties.

8. Mr. Daviess presented the petition of sundry citizens of the town of Perryville, in Mercer county, praying a modification of the laws authorizing the grant of license to retail spirituous liquors.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, and referred: the 1st to the committee for Courts of Justice; the 2d to Messrs. Forman, Brooks and Reeder; the 3d, 5th and 7th to the committee on Propositions and Grievances; the 4th and 8th to the committee on Religion; and the 6th to the committee on Privileges and Elections.

Mr. Isaac Smith moved the following resolution, viz:

WHEREAS, many of the citizens of Warren, Allen, Monroe and Barren counties, who are interested in the navigation of Barren river above Bowlinggreen, are of the opinion that the location of Lock and Dam No. 2, on said river, is an injudicious location: Therefore,

Resolved, That the committee on Internal Improvement be instructed to hear all the testimony that can be procured on the subject, either verbal or written; and that they report to this House their opinion as to the propriety or imprioperty of said location.

Which being twice read, was adopted.

Mr. Morehead, from the committee on Internal Improvement, to whom
was referred the petition of Charles Knight and others—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.

Mr. Morehead, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of Wm. Osborn and Thos. May—reported the same with amendments, which were concurred in.

Resolved, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

Mr. Huston, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act for the benefit of the infant children of Wm. Hopkins, dec'd—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

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

By the committee on Internal Improvement—1. A bill declaring Wolf river a navigable stream.

By the committee on Education—2. A bill for the benefit of Maston Gore.
By the committee on Military Affairs—3. A bill for the benefit of James Hopwood, and others.

By same—4. A bill for the benefit of the Frankfort Light Infantry.

By same—5. A bill for the benefit of the volunteer company styled the Lancaster Guard, in Garrard county.

By the committee on Propositions and Grievances—6. A bill to allow an additional Justice of the Peace and Constable in Pendleton county.

By same—7. A bill allowing one additional Constable to the county of Jefferson, and for other purposes.

By Mr. Draffin—8. A bill to amend the laws in relation to the town of Lawrenceburg, in Anderson county.


By Mr. Trimble—10. A bill allowing an additional Justice of the Peace to Carter county, and for other purposes.

By Mr. B. R. Young—11. A bill to increase the number of the juridical days allowed the Hardin Circuit Court, and for other purposes.

By same—12. A bill to open a road from Waggner’s Factory, in Hardin county, to Elizabethtown, in Hardin county.

By Mr. Padon—13. A bill to change the place of voting in an election precinct in Livingston county.

By Mr. Glover—14. A bill for the benefit of the Mountsterling Female Academy.

By Mr. Taggart—15. A bill exempting certain persons from working on roads.

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

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 10th, 12th and 13th were severally ordered to be engrossed and read a third time; the 9th was referred to Messrs. W. N. Marshall, Coffey and Rowlett; the 11th to Messrs. B. R. Young, Perciful and Barrett; the 14th to the committee on Ways and Means; and the 15th to the committee on Propositions and Grievances.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 10th, 12th and 13th bills having been dispensed with, and the same being engrossed,

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

Mr. Morehead, from the committee on Internal Improvement, reported a bill providing for compensating the owners of mills injured by slack water navigation.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill was then dispensed with.
Ordered, That the Public Printer forthwith print 150 copies of said bill for the use of the members of the General Assembly.

A message was received from the Senate, by Mr. Anderson, asking leave to withdraw their report announcing the passage of a bill from this House, with an amendment, entitled, an act for the benefit of N. S. Robertson, and for other purposes; which was granted, and the bill withdrawn.

The hour of 12 o'clock having arrived, the House resolved itself into a committee of the whole, Mr. Irwin in the chair, on the bill to repeal the act to amend the law prohibiting the importation of slaves into this State, approved February 2, 1833, and for other purposes; and after some time, the Speaker resumed the chair; when Mr. Irwin reported that the committee had, according to order, had under consideration the bill aforesaid; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

- An act to establish Marshall College.
- An act to establish the county of Kenton, and for other purposes.
- An act to incorporate the Pleasant Hill Meeting and School House, in Warren county.
- An act to establish an election precinct in Clay county.

An act allowing three additional County Courts to the county of Garrard.

Were twice read, and concurred in.

Resolved, That a bill from the Senate, entitled, an act for the benefit of the Trustees of the town of Frankfort, do pass, and that the title thereof be as aforesaid.

A bill from the Senate, entitled, an act to amend the law in relation to garnishee, by increasing the jurisdiction of magistrates in such cases,

Was read the third time.

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

Bills from the Senate of the following titles, viz:

1. An act to authorize the present Clerk of the Hickman County Court to record certain deeds.

2. An act to fix the ratio and apportion the representation for the next four years.

3. An act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky.

4. An act to amend the several acts to suppress the practice of duelling.

5. An act to authorize and require the Register of the Land Office to register certain plats and certificates of survey.

6. An act to incorporate the Mills Point House Company.

7. An act for the benefit of William H. Martin, and his securities.
8. An act extending the limits of the town of Germantown.
9. An act to regulate the militia of the counties of Marion and Washington.
10. An act for the divorce of Samuel Rohrer.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills (except the second) having been dispensed with, the 1st and 9th were ordered to be read a third time; the 3d was referred to the committee on Education; the 4th, 5th, 6th and 8th to the committee for Courts of Justice; the 7th to the committee on Military Affairs; and the 10th to the committee on Religion.

The rule of the House, constitutional provision and third reading of the 1st and 9th bills having been dispensed with,

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

A resolution from the Senate, providing for a settlement of the accounts of the Commissioners for Green and Barren river navigation, was taken up.

Ordered, That said resolution be referred to the committee on Internal Improvement.

Ordered, That a bill from the Senate, entitled, an act to amend an act, entitled, an act regulating injunctions and other restraining orders in chancery suits, and for other purposes, approved January 24, 1827—be referred to the committee for Courts of Justice.

Ordered, That an engrossed bill, entitled, an act to confer certain powers on the Quarter Master General and the Attorney General—be referred to the committee on Military Affairs.

The bill to amend the vagrant laws—was read the second time.

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

The Speaker laid before the House the response of the Auditor to a resolution from this House of the 18th instant, which is as follows, viz:

AUDITOR'S OFFICE, KY.,
Frankfort, 20th January, 1840.

Sir:

In obedience to a resolution of the House of Representatives of the 18th instant, you will find enclosed the papers in relation to the interest upon the bonds of the Lexington and Ohio Railroad Company, upon which the faith and credit of the Commonwealth of Kentucky is pledged; and numbered 1, 2, 3, 4, 5, and 6.

No warrants have issued for the interest paid, from this office.

Very respectfully, your obedient servant,

BEN. SELBY, Auditor Public Accounts.

To the Hon. John L. Helm,
Speaker of the House of Representatives.
JOURNAL OF THE
LOUISVILLE, March 6th, 1839.

No. 1.

DEAR SIR:

The Lexington and Ohio Railroad Company borrowed of I. & N. Robbins, $50,000; S. Bolton, $8,000; P. Lorillard, $50,000; and the Bank of the United States, $42,000; making in all, the sum of $150,000; for which the Commonwealth of Kentucky is guarantee. The interest, at the rate of six per cent. per annum, is payable half yearly, as follows, to-wit: On the two first named sums, on the first days of May and November, in each year; on the third, the 20th days of June and December, in each year; and all payable at the Mechanics' Bank, in New York; the fourth and last sum payable on the 30th days of April and October, in each year, in Philadelphia, at said Bank—all of which has been regularly paid, up to the last date of interest falling due; and I regret that I am under the necessity of informing you that the company will not have the means of paying the next instalments of the interests when due on said debts, and may not be able to pay any more thereof. But should it be in the power of the company to do so, I will advise you without delay; and as the credit of the State is involved, and no doubt would be affected to some extent, if the interest should not be punctually paid, I have thought it best to advise you thereof, so that provision may be made for the payment of said interest as it falls due, by you or the Commissioners of the Sinking Fund of the Commonwealth of Kentucky.

I am, very respectfully,

Your most obedient servant,

LEVI TYLER,
President of the Lex. and Ohio Railroad Co.

His Excellency, JAMES CLARK,
Governor of Kentucky.

No. 2.

EXECUTIVE DEPARTMENT,
Frankfort, March 15, 1839.

Sirs:

I have received from the President of the Lexington and Ohio Railroad Company, information that the said company would be unable to pay the interest on the $150,000 of bonds sold by said company, and which were guarantied by the State. You will therefore issue your warrant upon the Treasury for the semi-annual interest due on said bonds on the days of April, May and June next, as set forth in the accompanying letter from the President of said company, together with an amount sufficient to pay the exchange on said semi-annual interest between this place and the place of the payment of said interest.

To the Auditor of Public Accounts, and Second Auditor.

JAS. CLARK.
STATE OF KENTUCKY, AUDITOR'S OFFICE, 
Frankfort, 15th March, 1839.

DEAR SIR:

By an act of the General Assembly, approved 2d Feb. 1833—see Ses. Acts 1832-3, pp. 263-4-5—the faith and credit of the Commonwealth of Kentucky was pledged for the payment of $150,000, in bonds of the Lexington and Ohio Railroad Company, and the interest accruing thereon; and by a letter herewith enclosed, from Levi Tyler, President of said company, addressed to “His Excellency, James Clark, Governor of Kentucky,” informing him of the inability of said company to pay the accruing interest; and the Governor having called on me to provide the means of the interest aforesaid; and as I have great doubts as to my having authority, under the existing laws, to issue a warrant on the Treasury for the same, I should be pleased to have your opinion, in writing, touching my duties on this subject.

I should like also to refer you to the 4th and 5th sections of the act establishing the Sinking Fund—see acts 1835-'6, pp. 417—appropriating the excess of the revenue each year to the Sinking Fund; and to 2 Litt. p. 350, sec. 2d, of an act to regulate certain officers' fees, &c.; and also to the constitution, p. 65, 6th art. 5th section.

"The Auditor of Public Accounts is of opinion that, from examining all the laws bearing on this subject which has come to his view, no warrant is authorized to be issued on the common Treasury for the aforesaid interest; therefore, legislative action is needed, before the interest can come from the common Treasury. But he would feel himself legally authorized to issue his warrant upon a requisition made by the Commissioners of the Sinking Fund, at the proper time, to meet the aforesaid interest."

Very respectfully, your obedient servant,

THOMAS S. PAGE, Second Auditor.


Frankfort, March 18th, 1839.

DEAR SIR:

Your note of the 16th instant, enclosing one from the President of the Lexington and Ohio Railroad Company, has been received, and from which I learn the following facts, &c.

1st. That the accruing interest on the bonds of the Railroad Company, executed to divers persons for the sum of $150,000, and for the punctual payment of which the credit of this Commonwealth has been pledged, are about to fall due, &c.

2d. That the Governor of this State has been notified by the President of the Railroad Company that the financial condition of said company is such, that the punctual payment of said interest cannot be met by the said company, &c., and calls on him for the purpose of providing the means for the punctual payment thereof, &c.

3d. That the Governor has called on you, as Second Auditor, to provide
the means out of the Treasury of this State, to meet the payment of said interest, &c.; and that you have great doubts as to your powers and duties in the matter, and therefore ask my opinion and advice on the subject.

The foregoing facts present to my mind a question of much difficulty, great importance, and high responsibilities; and therefore your great doubts as to the most legal and prudent course for you to pursue, has not surprised me. If it were not for the clause in the State Constitution which says that "No money shall be drawn from the Treasury but in pursuance of appropriations made by law," &c., and also the act of 1800, passed in pursuance thereof, which says that "No moneys shall hereafter be drawn from the public Treasury under any pretext whatever, unless the law, or laws, under which the same may be claimed or demanded shall expressly direct and order that the same shall be paid out of the public Treasury," &c., there would be to my mind no doubt or difficulty as to your duties. (See 5th sec. 6th article of Con.; and 2 Lit. laws, p. 390.) There has been no act or law passed by the Legislature, which either expressly or by implication directs and orders that the accruing interest on the bonds of said company shall be paid out of the public Treasury, unless the various acts and laws passed in relation to the Board of Internal Improvement and the Sinking Fund contain such order and direction. It therefore becomes important that those acts should be examined; for if there can be found nothing in the creation and regulation of those institutions that either expressly or impliedly makes provision for the punctual payment of the interest on said bonds, and the final redemption of the principal of the loan, then am I of the opinion that it is casus omisus in the Legislature, and that consequently no provision has been made by law for the happening of this unexpected contingency in our financial system. It is true that the plighted faith of the State has been given, and her credit solemnly staked on the faithful and punctual payment of the interest, and the final redemption of the loan by the company; and it is equally true that every dollar in the Treasury, and all species of property owned by the State, stands pledged for the payment of the interest and principal of the loan; yet the State is not either legally or morally bound for the payment thereof, until formally notified of the failure to pay by the company. But this failure has not happened, and it is to be wished, never will happen. However, we will suppose it had happened, still there is no law expressly directing or ordering moneys from the public Treasury for the payment of the accruing interest on the loan of the Railroad Company, unless such direction and order is to be found in the laws concerning the Board of Internal Improvement or the Sinking Fund. Let us for a moment examine those laws: we find that, up to the year 1835, there was no fixed and established system of internal improvement exclusively under the control and management of the State; and that the whole management of the various works of internal improvement were given up to the control of private companies; subject, however, to their respective chartered powers. This undefined system of internal improvement consisted almost entirely of turnpike roads, and the Lexington and Ohio Railroad, and some others not carried into operation. In the year 1835-36, the whole system of internal improvement was organized, and the Board of Internal Improvement created; and all works of Internal Improvement, so far as the State had an interest therein, were subject to the said Board, so far as that interest extended; and all funds appropriated for purposes of internal im-
provision and the payment of stock in turnpike roads, interest on State loans, &c., were placed under the immediate and entire control of the said board. In the year 1835, for the purpose of more effectually carrying on a general system of internal improvement, the Legislature did, in that year, create a Sinking Fund, which act, among other things, recites "that for the "purpose of carrying on a system of internal improvement in this State, and "providing for the punctual payment of the interest on money borrowed for "that object, and the final redemption of the loans, a Sinking Fund shall be, "and is hereby created, &c.; that whenever there shall be in the Treasury "a sum of money over $10,000, exceeding the current annual expenditures "of the government, &c., the same is subject to the order of the Governor, "for the use of the Sinking Fund," &c. And the subsequent acts up to the year 1838, in relation to the Sinking Fund, use, if any thing, much stronger language, if possible, that it was the object and intention of the Legislature that the Sinking Fund should pay interest on all loans made for internal improvement, when the State became bound, either directly or indirectly, for the payment thereof. The Lexington and Ohio Railroad Company was chartered in 1830. The loan of the $150,000 was made in 1833, and the faith and credit of the State pledged for the payment of the interest and principal. Therefore, the only three questions involved are, 1st. Is the Lexington and Ohio Railroad a part of the system of internal improvement, or not? 2d. Was the loan made for the object of internal improvement? 3d. Are the bonds executed for the loan bonds of the State, or not?

I am led to the conclusion that the railroad is a part of the system of internal improvement, not only from the charter granted, but almost every year after its creation, we find some act of the Legislature having for its object the interest, promotion and final completion of the road. And not only this, we find the sum of $200,000 appropriated to the railroad upon the like conditions of turnpike roads: and not only this, but when the railroad company failed to effect a loan for the completion of the road, we find the strange anomalous act (for the first time in the history of Kentucky legislation) of a tender on the part of the State, to "pledge her faith and credit" for the loan of $150,000 to complete said road. That the loan was made to said company on the credit of the State, and that the money was intended for the improvement and completion of the road, is evident, from the act by which the loan was consumated. But the question, whether bonds executed for the loan are bonds of the State, within the meaning of the acts which create and control the Sinking Fund, is one, to my mind, of much greater difficulty than the other two. The relation that exists between the holders of those bonds and the State, according to technical and legal parlance, is different from that which exists between the holders and the railroad company; but according to all commercial usage and banking transactions, the relation, so far as moral obligation and honor is concerned, is the same. And although neither party thereto could have anticipated the present crisis, yet I am clearly of the opinion that the Legislature never, for an instant, contemplated or intended that the faith and credit of the Commonwealth should be forfeited, or its faith or honor implicated, even by "whispered suspicion," and am of the opinion they are bonds of the State, and payable out of the Sinking Fund. The Sinking Fund is placed under the control and management of Commissioners, and without their permission and order, you have no power to issue an order on the Treasury for the purpose of drawing funds from that department of the public Treasury.
Under the foregoing view of this whole matter, I would advise an application to the Board of Commissioners of the Sinking Fund for their permission to draw a warrant on the Treasury for the purpose of providing funds to meet the unexpected payment of the interest on the bonds of the said railroad company. If, however, they should be of a different opinion on this whole matter from myself, and refuse their consent and order for that purpose, then apply to the Board of Internal Improvement for permission to draw on the funds of that department in the Treasury, to meet the payment of the interest on said bonds. And if you should fail in obtaining permission from either board, then issue a request (in the nature of a warrant) on the Treasurer of this State, stating all the facts of the case, requesting him to provide the funds to meet the contingency of failure to pay the interest on the loan, or any part thereof, by the company.

With great respect,

O. G. CATES, Attorney General.

THOS. S. PAGE, Esq.,
Second Auditor of Kentucky.

No. 5.

STATE OF KENTUCKY, AUDITOR'S OFFICE, /  
Frankfort, 29th March, 1839. 

The Attorney General has reviewed his opinion in relation to the accruing interest on the bonds of the Lexington and Ohio Railroad Company, upon which the faith and credit of the Commonwealth of Kentucky is pledged for the payment of principal and interest. He is still of opinion that this interest shall be paid by the Commissioners of the Sinking Fund, and recommends that an application shall be made to you for a requisition on the Treasury for the amount, out of that fund; and as the time is near at hand that the checks should be forwarded to Mr. Bullock to pay the semi-annual interest due in a short time, and fearing your visit to Clarke county will be prolonging too long to make the necessary arrangements, I write this letter for the requisition, and desire as speedy an answer as your convenience will permit.

Very respectfully, yours,

THOS. S. PAGE, Second Auditor.

To His Excellency, JAMES CLARK,
Governor of Kentucky, Winchester, Clarke co. Ky.

No. 6.

EXECUTIVE DEPARTMENT,  
Frankfort, April 3d, 1839.  

DEAR SIR:  

Your letter of the 29th of March is before me, and has caused me to re-examine the opinion I had formed in relation to the obligation of the State respecting the interest on the bonds of the Lexington and Ohio Railroad Company. This second investigation of the subject has confirmed me more absolutely in the accuracy of my first opinion. The Treasury must pay the interest upon these bonds. The Sinking Fund, so far as my opin-
ion can have influence, shall not pay one cent of it. Indeed, I will not even convene the Board to take the subject into consideration. If human intention can be made plain by our language, there is nothing to doubt about; and if the Auditor will not issue his warrant on the Treasury, the interest must go unpaid. The opinion of the Attorney General, which differs from the opinion of all the experienced lawyers that I have conversed with, will not have the slightest influence upon my course.

I have the honor to be,

With much respect, your ob't servant,

JAS. CLARK.

THOMAS S. PAGE, Second Auditor.

Ordered, That said report be referred to the committee on the Expenditures of the Board of Internal Improvement.

The House then took up for consideration the resolution in relation to the duty on Salt.

Mr. Turner moved to lay said resolution on the table until the first day of June next; and after some discussion thereon,

The House then adjourned.

TUESDAY, JANUARY 21, 1840.

A message was received from the Senate, announcing their disagreement to bills from this House of the following titles, viz:

An act allowing an additional Justice of the Peace to the county of Owen.
An act giving Oldham county an additional Justice of the Peace.
An act to allow one additional Justice of the Peace to Whitley county, and for other purposes.
An act allowing an additional Justice of the Peace to Rockcastle county.

That they had passed bills from this House of the following titles, viz:

An act to incorporate the town of La Grange.

An act to authorize a change of venue in the trial of Buford M. Kuykendall.

An act to change the time of holding the Trimble County Court.
An act for the benefit of Maister Glidewell and Susannah Holebrook.
An act for the benefit of Betty Ann Meadows.

An act to amend an act, entitled, an act to extend the powers of the Trustees of the town of Cynthiana, in Harrison county, approved February 12, 1838.
An act to change the place of voting in the North Fork precinct in Morgan county.

An act to change the place of voting at an election precinct in Henderson county.

An act to establish an election precinct in Bracken county, and for other purposes.

An act to establish an election precinct in Carroll county.

An act to establish an election precinct in Christian county.

An act to change the place of voting in the Bowman precinct, in Clay county.

An act establishing the Westport precinct, in Oldham county.

An act to change the place of voting from Greenville C. Alfred's, in Washington county, to William Sutherland's, and the place of voting in an election precinct in Floyd county.

An act to change the place of voting in the Kennedy precinct, in Garrard county.

An act for the benefit of John H. Slaughter.

An act providing for a change of venue in the prosecution for perjury against John Henry.

An act legalizing the proceedings of the Court of Assessment of the 14th Regiment of Kentucky Militia, and for other purposes.

An act for the benefit of N. S. Robertson, and for other purposes.

With amendments to the three last named bills.

And that they had passed bills of the following titles, viz:

An act to amend the act, entitled, an act to authorize Jailers to serve process in certain cases, approved February 9, 1836.

An act allowing an additional Justice of the Peace to Barren county.

An act to change the place of voting at an election precinct in Perry county, and to establish a new precinct in said county; and

An act to establish an election precinct in Owen county.

Mr. Glover, from the joint committee on Enrollments, reported that the committee had examined enrolled bills from this House, of the following titles, and had found the same truly enrolled, viz:

An act to amend and reduce into one the several acts regulating the town of Henderson.

An act further to regulate the duties of the Trustees of the town of Bowling-green.

An act to incorporate the town of West Liberty.

An act to establish the town of Walton, and for other purposes.

An act for the benefit of Thomas P. Moore.

An act for the benefit of Robert McCalla.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.
1. Mr. Coffey presented the petition of Gabrella Mathews, praying to be released from the restriction imposed by the statute prohibiting persons from contracting matrimony for two years after obtaining a divorce by decree of a Court of Chancery.

2. Mr. Hammond presented the petition of Wm. McGuire, and others in his behalf, praying the passage of a law authorizing the County Court of Simpson county to open a certain road proposed by him.

3. Mr. Pindell presented the petition of Emily Henry, praying to be divorced from her husband, William Henry.

4. Mr. Randolph presented the petition of Polly Ann Moore, for a divorce from her husband, William Moore.

5. Mr. Coke presented the petition of sundry citizens of Washington county, praying for an additional Justice of the Peace in said county.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st, 3d and 4th to the committee on Religion; and the 2d and 5th to the committee on Courts of Justice.

Mr. Meriwether, from the select committee to whom was referred the 23d and 24th rules of the last session, made the following report, viz:

"Retain the 23d rule, and insert the following, in lieu of the 24th rule: "On the previous question, no debate on the merits of the question shall be admitted; but short explanations, tending to show why the main question should or should not now be put, may be allowed."

And the question being taken on the adoption of said report, it was decided in the affirmative.

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

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Adams, Board, Botts, Brien, Brooks, Buckner, Butler, Caldwell, Cave, Cecil, Chouvin, Churchill, Clay, Coffey, Coke,
Fish, Forman, Glenn, Glover, Goodson, Gray, Gresham, Haggard, Hammond, Hardy, Henry, Hines, Hopkins, Hughes, Huston, Imboden,
Meriwether, Mims, Mize, Morehead, Murray, Newell, Padon, Pindell, Read, Reeves, Russell, Smith, J. S. Stephens, Stone, Taggart, Taylor, H.
Those who voted in the negative were—


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

By the committee for Courts of Justice—1. A bill for the benefit of the infant heirs of John Latham, deceased.

By the committee on the Sinking Fund—2. A bill to secure and increase the resources of the Sinking Fund, and for other purposes.

By Mr. J. S. Smith—3. A bill to regulate elections, and the better secure and protect the elective franchise.

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

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st and 3d were referred to the committee for Courts of Justice; and the 2d was made the special order for the day for Monday next.

Ordered, That the Public Printer forthwith print 150 copies of the bill for the use of the members of the General Assembly.

Mr. Butler, from the committee for Courts of Justice, to whom was referred a bill to create a Criminal Court for the county of Jefferson and city of Louisville—reported the same with an amendment and report; which report is as follows, viz:

Your committee have, according to order, had under consideration the bill to create a Criminal Court for the county of Jefferson and city of Louisville, and submit the following report thereon:

As a preliminary question, they have first proceeded to enquire into the necessity of establishing such a court. As this question will be best settled by a reference to the amount of business brought before the Judge of the inferior district, your committee will proceed to state the result of their investigation.
on that subject. The Judge of said district presides in the Jefferson Circuit Court, the Oldham Circuit Court, and the General Court. The appearances in the Jefferson Circuit Court will average sixteen hundred per annum; those of Oldham two hundred; those of the General Court one hundred—making the total annual amount of civil suits in said district, nineteen hundred; which will exceed, by about three hundred, the average annual number of appearances in the most burdensome judicial districts in this Commonwealth.

Besides the before recited business, the Judge of said district has cognizance of about one half of the criminal business of the entire State, and has yet upon his docket the remains of the chancery business brought prior to the institution of the Louisville Chancery Court, consisting of near four hundred cases.

From the foregoing facts, and other evidence before your committee, they are satisfied that it is impracticable for the Judge of the fifth judicial district to discharge the duties incumbent on him; and that as a necessary consequence, justice, both as it relates to private litigants and the Commonwealth of Kentucky, must unavoidably be injuriously delayed, often totally defeated, and the expenses attendant upon its administration oppressively increased.

Passing over without notice, the effect of the present judicial organization upon private rights, we will turn your attention to a few of its consequences upon the rights and interests of the Commonwealth.

Your committee have before stated that about one half of the pleas of the Commonwealth for the entire State arise within the county of Jefferson. By reference to extracts from the criminal records of that court, your committee are satisfied that at least one fourth of the persons accused of crime escape punishment by the absence of witnesses. This deplorable evasion of justice they believe to be the effect, mainly, of two combined causes—the present organization of the criminal tribunal, and the commercial character of the city of Louisville. That city is probably visited in the course of each year, by two or three times the amount of its resident population; a large proportion of these transient visitors are boatmen. In the instances of crime committed there, these transient persons are probably, in a majority of cases, either the perpetrators or witnesses, or both; the accused is confined in the jail, at public cost; the case is called, either for indictment or hearing, and after numerous continuances, the accused discharged without trial, or tried and acquitted for want of the witnesses. Hence the fact above stated, of the numerous instances of the evasion of justice.

Your committee have alluded to the expenses consequent upon the present organization of the criminal tribunal in the county of Jefferson. Omitting any remark upon other direct and incidental charges, they beg leave to turn your attention to the amount of money drawn from the Treasury by the Jailer of that county, for keeping persons accused of crimes.

By reference to the books of the Auditor, it will be seen that from December, 1833, to September, 1839, a period of five years and eight months, there has been drawn from the Treasury for the purpose before mentioned, the sum of $22,323 14—being at the rate of $328 30 per month, or $3,939 60 per annum.

This charge upon the Treasury, unless some change be made in your criminal tribunal at that point, must annually increase in the ratio of the increase of population and business in the city of Louisville.
Your committee are of the opinion, that by the establishment of a Criminal Court, probably one half of the amount now drawn, as before stated, might be saved, as it would lead to a speedy administration of justice, and a frequent jail delivery; and that the further desirable end would be attained, of ensuring the punishment of a large number who now escape justice: thereby augmenting the number of convicts in the Penitentiary, and increasing the profits of the State from that institution.

Your committee beg leave to suggest another cause, in addition to those already referred to, as probably tending, in some degree, to weaken the energies of criminal administration. The cause alluded to, is the insufficiency of the salary of the Commonwealth’s Attorney in that district. Whilst that officer is required to perform duties almost equal to the duties of the remaining fifteen in the State, he is only paid $300 per annum; and they, for about the same amount of labor, draw from the Treasury, $4,500. The duties of the prosecutor in the fifth district might occupy the undivided attention of an industrious and able lawyer; but it is not reasonable to expect such assiduity, for a salary that will barely board the incumbent. The bill provides that the city of Louisville shall pay one half of the salary of the Judge. If this salary should be fixed at $1,500, the State will have to pay $750. If the salary of the Prosecuting Attorney should be fixed at $750, being an increase to the amount of $450, then the establishment of the proposed Criminal Court will lead to a draft upon the Treasury for the sum of $1,200.

Your committee reasonably calculate that, by the establishment of the proposed court, there will be saved to the Treasury, in the single particular of jail fees and guards, an amount considerably exceeding that sum, besides the increased profits resulting to the State from the augmented number of convicts. They would barely, in conclusion, mention, as higher and more noble incentives to action, that humanity would triumph in the speedy acquittal of the innocent, and justice prevail in the prompt punishment of the guilty.

They therefore recommend the adoption of the amendment proposed, and the passage of the bill.

P. BUTLER, Chairman.

The said amendment was then twice read and concurred in.

The second section of said bill was read, as follows, viz:

That a single Judge shall preside in said court, who shall be appointed in the same manner that other judicial officers of this Commonwealth are, and hold his office by a like tenure; and who shall, before he enters upon the duties of his office, go before some Justice of the Peace, and take the following oath or affirmation: “I do solemnly swear (or affirm, as the case may be,) that I will administer justice equally and impartially, without respect to persons; and that I will faithfully and diligently perform the duties of Judge of the Louisville Criminal Court, according to the best of my understanding, agreeably to the Constitution of the United States and State of Kentucky, and the laws of this Commonwealth, so help me God.” And said Judge shall take from the Justice of the Peace, a certificate of his having qualified as aforesaid, and cause the same to be recorded by the Clerk of the Court.

Mr. Meriwether moved to amend the bill by striking out said section, and inserting in lieu thereof, the following:

That the City Court of Louisville, as now organized by law, shall consti
HOUUS OF REPRESENTATIVES.

JAN. 21. 259

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

Those who voted in the affirmative were—


Those who voted in the negative were—


Mr. Meriwether then moved an amendment to said bill, as a substitute therefor; which was concurred in.

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

Mr. Glover, from the committee on Enrollments, reported that the com-
mittee had examined sundry enrolled bills from this House of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of David Owen.

An act giving the several Sheriffs of this Commonwealth further time to return their delinquent lists.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.

A message was received from the Senate, by Mr. Ballinger, asking leave to withdraw their report, announcing their disagreement to a bill from this House, entitled, an act allowing one Justice of the Peace to Rockcastle county; which was granted, and the bill withdrawn.

The Speaker laid before the House the annual report of the Commissioners of the Sinking Fund, which is as follows, viz:

EXECUTIVE OFFICE,
January 21, 1840.

Gentlemen of the Senate,

and of the House of Representatives:

I herewith transmit the annual report of the Commissioners of the Sinking Fund.

C. A. WICHLIFFE, Chairman.

Gentlemen of the Senate, and of the House of Representatives:

The law organizing the Board of Commissioners for the management of the Sinking Fund, and prescribing their duties, require that they shall "make an annual report to the Legislature, of the condition of the fund, and of the transactions of the Commissioners, for the preceding year, with such suggestions for the improvement and management of the said fund, as they may deem advisable."

In discharge of that duty, the commissioners beg leave to submit the following report:

The resources provided by law, for the supply and increase of the Sinking Fund, are as follows:

The annual bonus on the capital stock of the Bank of Kentucky, Northern Bank of Kentucky, and the Bank of Louisville.

Dividends on 7,000 Shares of Bank Stock, owned by the State in the fifth million of the Capital Stock of the Bank of Kentucky.

Excess of dividends on State Stock in the Bank of Kentucky, and the Northern Bank of Kentucky, after paying the interest on State Bonds, held by said banks.

Premiums on sale of State Scrip.

Dividends on State Stock, in Turnpike roads and bridges.

Tolls upon Slackwater navigation, and rents of water power.

Profits of the Commonwealth's Bank.

Proceeds of State Stock in Old Bank of Kentucky.

Profits of the State, from the Penitentiary.

Excess in the Treasury over $10,000 of the current year.
The paper No. 1, will exhibit the amount received from each of those sources, since the last annual report, up to 13th December, 1839, the aggregate of which is $256,608.16.

The other resources of the Sinking Fund, consist in Bank Stock, purchased by the commissioners, since the organization of the Board, in the several banks of Kentucky, to wit:

In the Northern Bank of Kentucky, 400 shares,
In the Bank of Louisville, 175 shares,
In the Bank of Kentucky, 2,658 shares.

Two hundred and fifty nine shares and a fraction, are held in the name of the State, and subscribed as part of the 5th million in the Bank of Kentucky, were subscribed and paid for by the Sinking Fund.

The paper No. 2, contains a list of the Bank stock purchased, of whom purchased, and the average price per share, paid.

It will be perceived that, from two of the sources from which it was contemplated to supply the wants of the Sinking Fund, nothing has as yet been received, nor is it reasonable to suppose that any thing will be derived from them, during the present year.

These are the surplus which may be in the Treasury, over 10,000 dollars at the end of the fiscal year; and the net proceeds of the Penitentiary. There was no surplus, and will be none in the Treasury, until the income of the State shall be increased, or the expenditures reduced.

By the law of the last session of the Legislature, the Keeper of the Penitentiary was directed to build 250 new cells, under the supervision of the Commissioners of the Sinking Fund, which are now in a state of progress, and the net proceeds of the State, arising from the institution, were diverted from the Sinking Fund to the erection of those cells—consequently, we cannot hope to derive any thing from this source, for some time to come.

Although the resources of the Sinking Fund have not been as great as a sound public policy would dictate, it will be gratifying to know, that whilst the fund under the management of the Board has paid punctually the interest of the State debt at home and abroad, it has accumulated a fund in bank stock, valued at par, equal to $323,356.40, besides $20,000 of Internal Improvement bonds; total assets, $343,356.40, provided no loss shall be sustained upon that portion of its assets constituted of stock in the Bank of Kentucky, in consequence of the recent fraud committed by the stock agent of the Bank, in Philadelphia.

It is probable that in the purchases made by the Treasurer and Secretary of the Board, Mr. Bullock, during the years 1837, 1838 and 1839, that a portion may have been of the spurious stock issued by the agent.

In order to have this subject investigated, and the interest of the Sinking Fund protected, the Commissioners, at a called meeting on the 1st of January, passed an order, a copy of which, No. 3, is herewith sent.

The agent has not yet left for Philadelphia, because of the fact that the Legislature has not determined upon the propriety of sending such agent on their part, as was contemplated by the Board, in their resolution. The moment it is ascertained that such agent is not deemed necessary, one on behalf of the Board will be sent to Philadelphia.
The amount of money received by the Board, during the fiscal year, commencing December 1838, and ending the 13th December 1839, is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash on hand at the date of the last report</td>
<td>$55,075.49</td>
</tr>
<tr>
<td>Cash received for premium, interest and exchange</td>
<td>15,049.15</td>
</tr>
<tr>
<td>From the Bank of the Commonwealth</td>
<td>27,080.00</td>
</tr>
<tr>
<td>From the tolls on the Maysville, Washington, Paris and Lexington Turnpike road</td>
<td>2,798.83</td>
</tr>
<tr>
<td>From Muldrow's Hill Turnpike</td>
<td>800.57</td>
</tr>
<tr>
<td>From Springfield and Bardstown Turnpike road</td>
<td>550.00</td>
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<tr>
<td>From Franklin county Turnpike road</td>
<td>1,600.00</td>
</tr>
<tr>
<td>From Frankfort and Georgetown Turnpike road</td>
<td>462.00</td>
</tr>
<tr>
<td>From Lincoln county Turnpike road</td>
<td>779.55</td>
</tr>
<tr>
<td>From Franklin and Crab Orchard Turnpike road</td>
<td>286.00</td>
</tr>
<tr>
<td>From Louisville and Elizabethtown Turnpike road</td>
<td>300.00</td>
</tr>
<tr>
<td>Amount received from Old Bank of Kentucky</td>
<td>5,987.89</td>
</tr>
<tr>
<td>Amount received, tax, or bonus, on stock of the Bank of Kentucky</td>
<td>23,491.51</td>
</tr>
<tr>
<td>Amount received from the Northern Bank of Kentucky</td>
<td>14,903.40</td>
</tr>
<tr>
<td>Amount received from the Bank of Louisville</td>
<td>5,750.00</td>
</tr>
<tr>
<td>Amount received from the Bank of Kentucky, being excess of dividends on the stock owned by the State, after paying interest on the bonds of the State, held by said Bank, do do of the Northern Bank of Kentucky, do, do do Dividend on 7,000 shares, in the name of the State, do do on 2,236 shares, in the name of the Commissioners of the Sinking Fund, do do on 400 shares, do Northern Bank, do do on 175 shares, do Bank of Louisville</td>
<td>35,000.00 42,500.00 59,500.00 14,690.50 3,700.00 1,400.00</td>
</tr>
<tr>
<td>Amount received of the Board of Education, for so much advanced</td>
<td>301.41</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$311,985.26</strong></td>
</tr>
</tbody>
</table>

During the same time, the Board has expended the following sums, for the objects stated:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid to Prime, Ward &amp; King, and their assignees, New York, for the interest due in January and July 1839, on $100,000, for which they hold the Bonds of the State, bearing 5 per cent. interest</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Paid to War Department, for interest on $165,000, at 5 per cent.</td>
<td>8,250.00</td>
</tr>
<tr>
<td>Paid to American Life Insurance and Trust Company, for interest on $1,250,000, 6 per cent. Bonds</td>
<td>56,250.00</td>
</tr>
<tr>
<td>Paid to Bank of Kentucky, for interest on $150,000, at 5 per cent.</td>
<td>7,500.00</td>
</tr>
<tr>
<td>Paid to Northern Bank, for interest on $100,000 at 5 per cent.</td>
<td>5,000.00</td>
</tr>
<tr>
<td><strong>Amount carried forward</strong></td>
<td><strong>$82,000.00</strong></td>
</tr>
</tbody>
</table>
Amount brought forward, $82,000 00
Paid to Board of Education, as interest upon $850,000, being the Bonds held by them, as the School Fund, created by the act of 1836-7, bearing 5 per cent. interest, 63,750 00
Paid Bank of Kentucky, on loan made to Board of Internal Improvement by the said Bank, prior to 30th Dec. 1838, 6,750 00
Paid for interest to Bank of Kentucky on advance made to the Commissioners of the Sinking Fund of $43,625, from 15th June to 1st July, 1839, 87 25
Paid, as premium of exchange at 1½ per cent. on $201,853 43 on New York, 3,027 79
Paid as premium on $10,000, at 1 per cent, 100 00
Paid for contingent expenses of the Board, 1,373 18
Paid for 959 shares of bank stock Bank of Kentucky, at an average cost per share of $88 71 43
Paid for 163 shares, at $79 49 12 per share, 12,957 64
Exchange paid Board of Education on $297 16, at 1½ per cent—advanced by Board of Education, as before stated, 4 45

Total expenditures, $255,129 26

Which, when deducted from amount of receipts prior to 13th December, 1839, leave a balance of $56,856 00

This sum of $56,856, together with the other amounts received by the Board, which will more appropriately constitute the items of the next annual report, has been devoted to the payment of the January instalment, 1840, for interest due on bonds sold for internal improvements.

The amount of charge upon the Sinking Fund, for the year 1840, may be estimated as follows:

Interest on $1,365,000 of 5 per cent, and $1,315,500 of 6 per cent, internal improvement bonds, 145,537 50
Exchanges on amount of interest payable in New York, contingent expenses, &c., say, 8,071 50

Amounting to the sum of $153,609 00

Whilst the receipts of the Sinking Fund, for the same time, may be estimated as follows:

Bonus on bank stock, 44,145 14
Excess of dividends in the Northern Bank of Kentucky, 30,000 00
Dividends on 400 shares of stock in the Northern Bank of Kentucky, 3,200 00

Amount carried forward, $77,345 14
This amount of income, it will be perceived, does not include the dividends due from the Bank of Kentucky in January and July, 1840, on the shares held by the State and the Commissioners of the Sinking Fund, nor the excess of dividends on one million of stock originally subscribed by the State, which, according to the value of former dividends, will amount in the aggregate to $105,192.

It is, however, worthy of remark that, owing to the present difficulties growing out of the fraudulent conduct of the stock agent at Philadelphia of that Bank, no portion of this sum will be received the present year; hence, the great necessity of providing by legislation in time to meet this contingency.

The Commissioners would respectfully suggest to the Legislature, the propriety of providing by law a permanent annual increase of the Sinking Fund, so that they may be enabled to devote a portion of it annually to the reduction of the principal debt.

Your predecessors, by the organization of the Board, and the creation of the Sinking Fund, looked beyond the mere liquidation of the annual interest upon money borrowed. They contemplated that this Board, with adequate funds placed under their control, by a judicious application and investment of them, would liquidate the principal of the debt, without inflicting upon the community sudden and severe pressure by taxation, or otherwise. Carry out the intentions of former Legislatures upon the subject, and the redemption of the public debt will be effected by the agency of the Sinking Fund, certainly, and almost imperceptibly. Should, however, the Legislature postpone this duty much longer, obstacles may be presented, which it would be difficult to overcome, without sudden and heavy exactions upon the community.

In any future loans which may be authorized by the State, we would respectfully suggest, that such portion of the principal, when invested every six months, as will be sufficient to create a fund equal to the liquidation of the amount borrowed when due, shall be paid over to the Commissioners of the Sinking Fund.

The laws creating this Board need revision and amendment. A power to deal in exchange, properly restricted and guarded, seems to be called for at this time, in consequence of the difficulties experienced in transmitting the funds received in Kentucky to New York, where the interest upon our public debt is payable every six months.

The duty of settling the accounts of Joel Scott, former Keeper of the
Penitentiary, and also the accounts of Thomas S. Theobald, the present Keeper, was devolved upon the Commissioners of the Sinking Fund by legislative enactment. We have been unable to close, satisfactorily to both parties, the books of Mr. Scott, and have directed a suit to be instituted against him, which is pending in the circuit court of Franklin. The Commissioners have had difficulty in procuring competent accountants to adjust and balance the books of Mr. Theobald. A short time before the commencement of the session of the Legislature, they employed a Mr. Anderson, who, in conjunction with Mr. James Coleman, have been engaged in an examination of the books and accounts, but as yet has been unable to report to the Commissioners the result of his labours.

As it is probable the duties of the present Secretary and Treasurer of the Board of Commissioners will cease, and be transferred to other hands before the next annual session of the Legislature, we would suggest the propriety, and do it in accordance with his wishes, that a Committee of your body be specially charged with an examination of his books and vouchers now on file, and report upon the same.

Respectfully.

C. A. WICKLIFFE, Chairman.

W. H. POPE,
President Bank of Kentucky.

JNO. S. SNEED,
President Louisville Bank.

JNO. TILFORD,
President Northern Bank Ky.

January 21, 1840.

No. 1.

The following amounts have been received from the following sources during the fiscal year of the Sinking Fund, commencing, 13th December, 1838, and ending 13th December, 1839, to wit:

<table>
<thead>
<tr>
<th>Source of Receipt</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>From turnpike roads, tolls</td>
<td>$7,576 37</td>
</tr>
<tr>
<td>From banks, dividends and bonus</td>
<td>$223,982 64</td>
</tr>
<tr>
<td>From premium, interest and exchange</td>
<td>$15,049 15</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$256,608 16</strong></td>
</tr>
</tbody>
</table>

No. 2.

Statement of the Bank Stock purchased by the Commissioners of the Sinking Fund since their organization.

<table>
<thead>
<tr>
<th>Date</th>
<th>Number of Shares</th>
<th>Price per Share</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 27, 1837</td>
<td>250 shares of the Bank of Kentucky</td>
<td>$93 50</td>
<td>23,375 00</td>
</tr>
<tr>
<td>January 27, 1837</td>
<td>200 shares of Northern Bank</td>
<td>$68 50 for $70</td>
<td>13,700 00</td>
</tr>
<tr>
<td><strong>Amount carried forward</strong></td>
<td><strong>34</strong></td>
<td><strong>$37,075 00</strong></td>
<td></td>
</tr>
</tbody>
</table>
Amount brought forward, .............................. $37,075 00
January 27, Paid up in full on each share, .............. 6,000 00
April 11, 125 shares of the Bank of Louisville, at par, in Kentucky, .................. 12,500 00
April 13, 50 shares of the Bank of Louisville, at par, in Kentucky, .................. 5,000 00
Brokerage ¼ of 1 per cent. on $37,075, .................. 92 69
Exchange of 1 per cent. on $43,167 69, .......................... 431 67

$61,099 36

1838
April 19, 100 shares of Bank Kentucky, at $81 per share, bought in Philadelphia, .............. 8,100 00
May 25, 120 shares of Bank Kentucky, at $93 per share, bought in Philadelphia, .................. 11,160 00
May 26, 44 shares of Bank Kentucky, at $93 per share, bought in Philadelphia, .................. 4,092 00
May 26, 60 shares of Bank Kentucky, at $93 50 per share, bought in Philadelphia, .................. 5,610 00
May 29, 50 shares of Bank Kentucky, at $93 50 per share, bought in Philadelphia, .................. 4,675 00
May 29, 137 shares of Bank Kentucky, at $93 50 per share, bought in Philadelphia, .................. 12,809 50
Interest on $4,675, for 3 days, .......................... 2 31
Brokerage of ¼ of 1 per cent. on $46,446, .................. 116 12
Exchange of 2 per cent. on $13,900, .......................... 278 00
Exchange of 3 per cent. on $2,263 35, .................. 67 90
Exchange of 3 per cent. on $15,000, .................. 450 00
Exchange of 3 per cent. on $7,212 62, .................. 216 38
Exchange of 5 per cent. on $8,056 15, .................. 404 30
Deficit in transfer, .................. 20 00
.................. 1,436 55

48,001 51

July 13, 75 shares of Bank Kentucky, at $90 per share, bought in New York, .................. 6,750 00
September 17, 50 shares of Northern Bank Kentucky, at $84 for $85 paid, in Kentucky, .............. 4,200 00
Paid up in full, on each share, 15 dollars, .................. 750 00
Interest on 750 dollars, back to 1st July, .................. 9 37
Brokerage on 6,750 dollars, ¼ of 1 per cent. .................. 16 87

11,726 24

October 6, 259 shares vested in 5th million, (under act of the Legislature,) of the Bank of Kentucky, at par, .................. 25,056 40
October 22, 150 shares of Northern Bank Kentucky, at $80 50 for $85 paid in, bought in Philadelphia, - - $12,075 00
Paid up in full on each share, 15 dollars, - - 2,250 00
Interest on $2,250, from 1st July to 8th November, - - 48 00
October 24, 150 shares Bank Kentucky, at $87 per share, bought in Philadelphia, - - 13,050 00
October 30, 50 shares Bank Kentucky, at $88 per share, bought in Philadelphia, - - 4,400 00
October 30, 200 shares Bank Kentucky, at $88 50 per share, bought in Philadelphia, - - 17,700 00
November 10, 33 shares Bank Kentucky, at $88 75 per share, bought in Philadelphia, - - 2,928 75
November 26, 8 shares Bank Kentucky, at $87 dollars per share, bought in Philadelphia, - - 696 00
Brokerage on $50,849 75, ¼ of 1 per cent. - - 127 13
Exchange of 1½ per cent. on 45,298 dollars, - - 679 47

$53,954 35

1839

April, May, June, July and August—959 shares Bank Kentucky, at $8 71¾ per share, and 163 shares Bank Kentucky, at 79 49½ per share, including interest and brokerage, - - $98,041 04

The Commissioners, also, subscribed for 259 shares in the fifth million of the capital stock of the Bank of Kentucky, at par. They have, also, invested 20,000 dollars in five per cent. Internal Improvement bonds of Kentucky, at par, on the 10th day of December, 1837. They therefore now hold in the Bank of Kentucky 2,658 shares, exclusive of the stock in the fifth million paid for by the excess of dividends and surplus revenue; in the Northern Bank of Kentucky, 400 shares; and in the Bank of Louisville, 175 shares; and Internal Improvement 5 per cent bonds, 20,000 dollars. The total investments of the Board, since their organization, calculating the stocks at par value, amounts to $343,556 40.

A list of the names of those persons from whom the Commissioners of the Sinking Fund have bought stock in the Bank of Louisville, Northern Bank of Kentucky, and Bank of Kentucky, so far as is known at this time to the Board:

1837

Stock in the Bank of Louisville.

Purchased of Robert J. Ward, of Louisville - - - 125 shares
Do of John S. Snead, of do, - - - 50 do

Stock in the Northern Bank of Kentucky.

Purchased of Thomas Fleming, of Philadelphia, - - - 100 do
Do of John A. Brown, & Co., of do, - - - 100 do
Purchased of N. B. Buford of Kentucky, - - 50 shares
Do of Thomas Fleming, Executor of Geo. Ralston, - 150 do

Stock in the Bank of Kentucky.

Purchased of Nevius and Robinson, of Philadelphia, - - 183 do
Do of H. R. Davis, of do, - - 258 do

1839

Purchased of H. R. Davis, of do, - - 255 do
Do of J. C. Harris, of do, - - 3 do
Do of G. H. Thomson, & Co., do, - - 3 do
Do of C. Macalister, of do, - - 49 do
Do of James F. Howe, of do, - - 49 do
Do of Nevius and Robinson, of do, - - 100 do
Do of C. Hckling, of do, - - 41 do
Do of Nevius, Townsend, & Co., of New York, - 208 do
Do of Cainmann and Whitehouse, of do, - - 50 do
Do of W. Borrowe, of do, - - 100 do
Do of J. Warren, of do, - - 25 do
Do of A. & H. Dorr, & Co., of do, - - 50 do
Do of J. McJimsey, of do, - - 25 do
Do of Dykers and Alstyne, of do, - - 138 do
Do of Jos. Knapp, of do, - - 75 do
Do of D. Clarkson, of do, - - 100 do
Do of Prime, Ward and King, of do, - - 50 do
Do of T. D. Robinson, of do, - - 65 do
Do of Brown & Co., of do, - - 25 do
Do of R. & H. Stebbins, of do, - - 175 do
Do of Christmas Livingston & Co., of do, - - 60 do
Do of W. Cairnes, Jr., of do, - - 66 do
Do of J. Little, & Co., of do, - - 25 do
Do of Ovington and Robinson, of do, - - 25 do
Do of Cochran and Hamilton, of do, - - 25 do
Do of Weeks & Co., of do, - - 30 do
Do of Synde and Parker, of do, - - 40 do

The names of all the persons from whom stock were purchased in the Bank of Louisville, and Northern Bank of Kentucky, are given above. The names of a portion of those from whom Kentucky Bank stock was purchased, are not given, but letters have been addressed to the agencies of the Banks in New York and Philadelphia, desiring the names to be furnished, the list of the stock purchased in 1839, including that purchased from the Board of Education.
Extract from the Minutes of the Commissioners of the Sinking Fund, of the called meeting, held on the 1st January, 1840.

On motion, the following Preamble and Resolution were unanimously adopted:

The recent developments of the fraud committed by the Agent of the Bank of Kentucky, at Philadelphia, by the issue of spurious shares of Bank Stock, has in the opinion of the Board, made it necessary for this Board to take steps to investigate the purchases of the stock of said bank, heretofore made by the Board for the Sinking Fund and Board of Education—Therefore,

Resolved, That it is expedient to send on a special messenger, as the Agent of this Board, to Philadelphia, under the instructions of the Chairman, or if the State shall appoint a special Agent, the Chairman may constitute him the Agent of this Board to superintend its interest, as to him shall be thought most advisable. But should the State determine not to send an Agent, then the Board instruct the Chairman to send one, forthwith, and to pay the expenses out of the funds on hand.

Ordered, That said report be referred to the committee on the Sinking Fund.

The Speaker also laid before the House an additional report from the Bank of Kentucky, which is as follows, viz:

EXECUTIVE OFFICE, January 21, 1840.

Sir:

I have received the inclosed additional statement from the Bank of Kentucky, since I communicated the consolidated statement of said Bank. Please lay it before the House over which you preside.

Respectfully,

J. M. BULLOCK, Secretary of State.

To the Hon. JOHN L. HELM, Speaker of the House of Representatives.

BANK OF KENTUCKY, Louisville, Jan. 18, 1840.

Dear Sir:

I discover that in my consolidated statement, closing with the year, which I forwarded to you for the use of the Legislature, I omitted to furnish a classification of bills of exchange and notes discounted; also the rates and places upon which we purchase exchange. Be pleased to append to the statement the enclosed half sheet, which will complete the report.

Very respectfully,

GEO. C. GWATHMEY, Cashier.

J. M. BULLOCK Esq., Secretary of State.
Table of the classification of bills of exchange at the Bank of Kentucky, at Louisville, on the 31st December, 1839.

<table>
<thead>
<tr>
<th>Amount Range</th>
<th>Number of Discountees</th>
</tr>
</thead>
<tbody>
<tr>
<td>From 100 to 500</td>
<td>35 discountees.</td>
</tr>
<tr>
<td>From 500 to 1,000</td>
<td>32 do.</td>
</tr>
<tr>
<td>From 1,000 to 5,000</td>
<td>51 do.</td>
</tr>
<tr>
<td>From 5,000 to 10,000</td>
<td>15 do.</td>
</tr>
<tr>
<td>From 10,000 to 15,000</td>
<td>7 do.</td>
</tr>
<tr>
<td>From 15,000 to 20,000</td>
<td>2 do.</td>
</tr>
<tr>
<td>From 20,000 to 25,000</td>
<td>4 do.</td>
</tr>
<tr>
<td>From 25,000 to 30,000</td>
<td>1 do.</td>
</tr>
<tr>
<td>From 30,000 to 35,000</td>
<td>1 do.</td>
</tr>
<tr>
<td>From 35,000 to 40,000</td>
<td>1 do.</td>
</tr>
<tr>
<td>From 40,000 to 45,000</td>
<td>2—151 discountees of bills of exchange.</td>
</tr>
</tbody>
</table>

Table of the classification of bills discounted at the Bank of Kentucky, at Louisville, on the 31st December 1839.

<table>
<thead>
<tr>
<th>Amount Range</th>
<th>Number of Discountees</th>
</tr>
</thead>
<tbody>
<tr>
<td>From 100 to 500</td>
<td>196</td>
</tr>
<tr>
<td>From 500 to 1,000</td>
<td>107</td>
</tr>
<tr>
<td>From 1,000 to 5,000</td>
<td>156</td>
</tr>
<tr>
<td>From 5,000 to 10,000</td>
<td>38</td>
</tr>
<tr>
<td>From 10,000 to 15,000</td>
<td>18</td>
</tr>
<tr>
<td>From 15,000 to 20,000</td>
<td>2</td>
</tr>
<tr>
<td>From 20,000 to 25,000</td>
<td>1</td>
</tr>
<tr>
<td>From 25,000 to 30,000</td>
<td>0</td>
</tr>
<tr>
<td>From 30,000 to 35,000</td>
<td>2</td>
</tr>
<tr>
<td>From 35,000 to 40,000</td>
<td>2</td>
</tr>
<tr>
<td>From 40,000 to 45,000</td>
<td>0</td>
</tr>
<tr>
<td>From 45,000 to 50,000</td>
<td>0—552 discountees of notes.</td>
</tr>
<tr>
<td>From 50,000 and upwards.</td>
<td>0</td>
</tr>
</tbody>
</table>

Table showing the places on which bills of exchange have been purchased by the Bank of Kentucky, at Louisville, during the month of December, 1839, with the rate of exchange.

Within the State to the 5th December, at ½ per cent. do. after the 5th December, at 1 per cent. Shawneetown, Illinois, 1 per cent. New Orleans, 2 per cent. Evansville, Indiana, ½ per cent.—after 5th December, 1 per cent. Madison, Indiana, ½ per cent.—after 5th December, 1 per cent. Cincinnati, ½ per cent.—after 5th December, 1 per cent. Baltimore, New York and Philadelphia, par. New Albany, to 5th December, ½ per cent.—after the 5th Dec., 1 per cent. Pittsburg and Wheeling, 1 per cent. Terre Haute and Vincennes, 1 per cent.

On the 5th December the rate of exchange on New Orleans, was fixed as follows:

Bills at 30 days and under, ¼ per cent.
30 days and not exceeding 60 days, 1 per cent.
60 days and not exceeding 90 days, 1½ per cent.
90 to 120 days 2 per cent.

GEO. C. GWATHMEY, Cashier.
Ordered, That the same be referred to the committee on Banks.

And then the House adjourned.

WEDNESDAY, JANUARY 22, 1840.

A message was received from the Senate, announcing their disagreement to bills from this House of the following titles, viz:
An act for the benefit of Thomas Cunningham.
An act for the benefit of John F. Gooch.
An act for the benefit of William Demaway.
And the passage of bills from this House of the following titles:
An act for the benefit of Patrick Doyle.
An act to allow an additional Constable in Lawrence county.
An act to allow an additional Justice of the Peace to the county of Hickman.
An act to allow an additional Constable to the county of Nicholas.
An act for the relief of the securities of John L. L. Moore, late Clerk of Simpson county.
An act for the benefit of the heirs of Samuel Craig, deceased.
With an amendment to the last named bill.
And the passage of bills from the Senate of the following titles:
An act to amend the charter of the city of Louisville, and for other purposes.
An act to continue in force an act, entitled, an act to establish the Police Court of Louisville, and to amend the charter of said city.
1. Mr. Lyter presented the petition of Wallace Estill, Jr., and Cordelia, his wife, praying permission to sell a tract of land descended to said wife from her father.
2. Mr. Mason presented the petition of Andrew Trumbo, praying compensation for services rendered while acting as Commonwealth Attorney, pro temp.
Which were received, the reading thereof dispensed with, and referred: the 1st to the committee for Courts of Justice, and the 2d to the committee on Claims.

On motion of Mr. Hardy,

Ordered, That the Public Printer forthwith print 1,000 copies of the annual report of the Commissioners of the Sinking Fund, laid before the House on yesterday, for the use of the members of this House.
Mr. Daniel, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Green county, praying for a division of said county—reported the same with the following resolution:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.

The following bills were reported by the committee on Propositions and Grievances, who were appointed to prepare and bring in the same, viz:

A bill allowing an additional Constable in Anderson county.

A bill for the benefit of the Jailer of Hancock county.

A bill to incorporate the town of Chiltonsville, in Henry county.

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

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 aforesaid.

The House then resolved itself into a committee of the whole, Mr. Irwin in the chair, on the bill to repeal the act to amend the law prohibiting the importation of slaves into this State, approved February 2, 1833, and for other purposes; and after some time spent therein, the Speaker resumed the chair; when Mr. Irwin reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

THURSDAY, JANUARY 23, 1840.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this House to bills from that, of the following titles, viz:

An act for the benefit of William Mathews.

An act for the benefit of William Osborn and Thomas May.

An act providing for the apprehension and detention of fugitives from justice from other States.

With an amendment to the amendment to the last named bill.

Their disagreement to bills from this House of the following titles, viz:

An act for the benefit of William Willborn.
An act providing for a change of venue in the case of the Commonwealth against John Younger.

An act for the benefit of William Woolfolk, of Oldham county.
An act for the benefit of William Simmons, and his committee.
That they had passed bills from this House of the following titles, viz:
An act for the benefit of Joseph Shropshire.
An act for the benefit of John L. Graves,
An act allowing an additional Justice of the Peace to Rockcastle county.
An act for the benefit of Asa Vanlandingham, late Sheriff of Grant county.
An act to amend an act, entitled, an act for the benefit of the county of Jefferson.
An act for the benefit of James Sego.
An act to amend the law relating to the Wilderness turnpike road, and the adjacent roads leading from same to the Goose creek Salt works.
An act to incorporate the Germantown Academy.
An act to explain and enforce an act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24, 1834, and an act to amend said act, approved February 8, 1839; and
An act giving Justices of the Peace jurisdiction in actions of trespass, and trespass on the case, where the damages laid are five pounds or under.

With amendments to the five last named bills.

And that they had passed bills and resolutions of the following titles:
An act to amend an act, entitled, an act to establish a State road from Shelbyville, by Floydsburg and Brownsboro', to Harmony Landing, on the Ohio river.
An act authorizing the County Court of Bullitt county to sell the old jail and jail lot, and to build a new jail.
An act to amend the 7th section of an act, entitled, an act for the better securing the payment of rents, and preventing the fraudulent practices of tenants.
An act to incorporate the Trustees of the Buck Creek Seminary.
An act for the benefit of the Sheriff of Fleming county.
A resolution for the adjournment of the General Assembly.
A resolution directing a tomb stone to be placed over the grave of James Clark, late Governor of Kentucky.

1. Mr. Butler presented the petition of the Kentucky Historical Society, praying the passage of a law allowing to said Society, certain books and documents of the State.

2. Mr. Colvin presented the petition of Samuel Simpson, praying the passage of a law allowing him compensation for conveying a convict to the Penitentiary.
3. Mr. Mason presented the petition of Wm. A. Wharton, and others, praying the passage of a law allowing them a change of venue in a prosecution pending against them in the Bath Circuit Court, for assault and battery.

4. Mr. Russell presented the petition of sundry citizens in behalf of Jacob Whitworth, praying the passage of a law allowing him to enter a quarter section of land, without paying the State price therefor.

5. Mr. Mason presented the remonstrance of sundry citizens of Bath county, against the passage of a law allowing an additional Justice of the Peace to said county.

6. Mr. Padon presented the petition of John L. Alcorn, Deputy Sheriff of Livingston county, praying the passage of a law allowing further time to account for the revenue due from said county.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st to the committee on Education; the 2d to the committee on Claims; the 3d to the committee for Courts of Justice; the 4th to Messrs. Russell, Brien and Crow; the 5th to the committee on Propositions and Grievances; and the 6th to Messrs. Padon, Brien and Russell.

Mr. Fish moved the following resolution, viz:

Resolved, That the use of the Representative Hall be tendered to the Rev. Philip S. Fall, for Divine Service, on next Sunday.

Which being twice read, was adopted.

Mr. Meriwether, from the select committee appointed on the response of the Treasurer to a resolution from this House, made the following report, and read and laid on the table the following joint resolutions, viz:

That they have been engaged in a laborious investigation of the accounts of the Treasurer, which have accrued since the former settlement, made in 1833. But owing to causes over which the Committee have no control, they have been unable to make a satisfactory investigation, or such as was expected by the House, or desired by the Treasurer. On examination, the Committee discovered several errors in the annual reports heretofore made to the Legislature, by both the Treasurer and Auditor, as taken from the printed Journals of the House, and many of them of considerable magnitude, and such as to demand correction. They believe, however, that the most important have been corrected by the Treasurer, in his response to the resolutions which have been the subject of this investigation. By reference to the reports of the Treasurer, for the few last years, it will be at once discovered that they are inconsistent with each other, and do not agree with the response now under consideration; nor do they agree in many particulars with the reports of the Auditor, as printed in the journals of the previous sessions. But it is due to the Treasurer, here to state, that in the only instance in which the Committee were enabled to make a comparison of the printed annual reports of the Treasurer and Auditor, (where a discrepancy existed,) with the original books, they found the Treasurer correct; and so far as the Committee are enabled to determine, they believe that the
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response to the resolutions of the 16th of December, corrects the errors
heretofore existing in the annual reports of the Treasurer, and that the
appendix to the Second Auditor's report, will be found to be a correct exposition
of the books in the Auditor's office; and that it will agree with the re-
response of the Treasurer.

But it must be borne in mind, that neither the annual reports, nor yet the books in the Auditor's office, can be relied
on as giving the House a correct statement of our financial condition as
a State; and for the obvious reason that large sums have been
paid into the Treasury for Internal Improvement purposes, as stated by the
Treasurer himself, without first being entered on the books of the Auditor,
or without any accounts being kept by the Treasurer, or the persons paying
it in, so far as the Committee were enabled to ascertain. The laws of the
State intended that the Auditor should be a check upon the Treasurer; but
it is obvious to every one, that if the Treasurer is permitted to receive
money without being charged by the Auditor, this check is at once destroyed,
and the State has no security, save in the honesty of the individual who may
happen to be appointed to take charge of the public funds, since it must be
evident to every person, that the securities of the Treasurer are not liable
for money thus illegally paid into the Treasury.

But if the House should think the Treasurer censurable for having receiv-
red public money without its first being certified and charged by the Auditor,
what will they think of the public functionary who has thus paid over the
public money without retaining any evidence of such payment, whatever?
The amount which has been thus received into the Treasury, your Com-
mittee were unable to ascertain; for they, after deliberate enquiry, were una-
bale to find any person who had kept any account, or even memorandum of
it; but from the best information, it is believed to be about $300,000—and
they are only enabled to arrive at this supposed amount, from the voluntary
admissions of the Treasurer, who, much to his own credit, stated (after it
was ascertained that he had credits for about that amount over and above
his debits,) that all the money which he had paid out was public money, and
if he had paid out this sum over and above his receipts, (which was evident,)
he then came to the conclusion that the excess of his payments over his re-
cipts, was about the amount which had been thus illegally received, and
it will be at once perceived that this is but an apparent balance against the
State, growing out of the fact that the Treasurer has not been charged with
as much as he should have been, by about $303,000, if not more.

But there is still another practice which has grown up, since the establish-
ment of our Treasury, more dangerous, if possible, than that above alluded
to; which, although it may be convenient to the public creditors, and the
officers of the government, your Committee think should be at once stopped—and
that is the practice of paying off requisitions at the Treasury, without
a warrant being first drawn by the Auditor, to authorize payment; and your
Committee were sorry to learn that this practice had been followed to a con-
siderable extent, though they were unable to ascertain that any loss, as yet,
had been sustained in consequence of it although many of the requisitions
had been thus paid off without any warrant being drawn until after the pay-
ment was made, and many indeed of these requisitions, thus paid off, had
not the signature of the President of the Board of Internal Improvement
affixed to them until long after the payment was made by the Treasurer.
Or in other words, payments to a large amount have been made on requisitions not having the signature of the President of the Board of Internal Improvement, but merely attested by the Secretary of the Board, in express violation of law. Hence it will be perceived that, although the Committee were unable to detect the slightest evidence of fraud, yet, if these practices are permitted to continue, frauds may be practiced to an alarming amount, without the possibility of detection; and it is due to the Treasurer to state that he afforded every facility to the Committees in their investigation, which was in his power to give, or they could require.

So far as Internal Improvement expenditures are made, the Committees understand the practice to be this: The Secretary of the Board of Internal Improvement, makes out a requisition, and if the President of the Board be present, he signs it; if not, it is presented at the Treasury and paid without his signature, and after this description of requisitions have accumulated to a large amount, the President is requested to sign them, by the Treasurer, which is done without hesitation or examination; the Treasurer then presents them to the Auditor, who issues his warrant for the gross amount, many days after the money has been paid, to cover payments already made, and not to authorize payments to be made. Indeed, in one instance, after the Auditor had refused to issue his warrant on the Treasury for a given sum, on the ground that there was no law authorizing the payment, the Treasurer proceeded to pay the sum, without a warrant; and although this payment was made to save the credit of the Lexington and Ohio Railroad Company, for whom the State was endorser, yet the Committees think that payment should not thus have been made under any circumstances.

The Committee have thought it their duty thus briefly to state what has grown out of their investigation; and believing the laws to be sufficiently rigid, if attended to, to secure a due accountability, they have thought it unnecessary to recommend any additional legislative enactment, but would respectfully submit the following joint resolution for the consideration of the Legislature, as indicative of its opinion, as to the manner of distributing the public money.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That it is illegal and improper, in every respect, for the Treasurer to receive any sum or sums of money into the Treasury, from any source whatever, without the certificate of the first or second Auditor, stating that the same has been audited, and from whom, and for what purpose the same is paid.

Resolved, That it is in express violation of law, and improper, for the Treasurer to pay out money on the requisitions of the Board of Internal Improvement, without, or before, a warrant therefor being drawn by the Auditor.

Mr. Caldwell, from the select committee, to whom was referred leave to bring in a bill to regulate the Judicial Districts of this Commonwealth—asked to be discharged therefrom, which was granted.

Ordered, That Messrs. Caldwell, Gray and Daviess prepare and bring in the same.

Mr. Caldwell, from the select committee to whom was referred a bill to establish a new Judicial District, and for other purposes—reported the same without amendment.
Ordered, That said bill be referred to the committee for Courts of Justice.

Mr. Caldwell, from the same committee, to whom was referred a bill from the Senate, entitled, an act to change the time of holding the Lawrence, Morgan, Pike and Floyd Circuit Courts—reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

Mr. Cunningham, from the committee on Privileges and Elections, made the following report, viz:

The committee on Privileges and Elections have, according to order, had under consideration the returns of the Sheriffs of this Commonwealth; and report, that the following gentlemen are returned as duly elected members of the House of Representatives for the present General Assembly, viz:

From the county of Adair—George A. Caldwell.
From the county of Allen—Thomas Sutton.
From the county of Anderson—John Draffin.
From the county of Bourbon—Brutus J. Clay, and Reuben Lyter.
From the county of Bracken—David Brooks.
From the counties of Butler and Edmonson—William Chouvin.
From the county of Bullitt—Joseph R. Murray.
From the county of Bath—John C. Mason.
From the county of Barren—James G. Hardy and Asa Young.
From the counties of Breckenridge and Hancock—Nicholas V. Board.
From the county of Boone—John Cave.
From the county of Campbell—John A. Goodson and Ezra K. Fish.
From the counties of Clay and Perry—John C. Wilson.
From the counties of Cumberland and Clinton—James Haggard.
From the county of Caldwell—Linah Mims.
From the county of Christian—Robert L. Waddill and Jas. F. Buckner.
From the county of Clarke—John B. Houston and Hubbard Taylor, jr.
From the county of Calloway—James Brien.
From the county of Casey—George Drye.
From the county of Daviess—Warner Crow.
From the county of Estill—Isaac Mize.
From the county of Fleming—John Botts and Henry D. Burgess.
From the county of Franklin—Charles S. Morehead.
From the county of Fayette—Jacob Hughes, Richard Pindell and James G. McKinney.
From the counties of Floyd and Pike—Thomas Cecil.
From the county of Garrard—Abner G. Daniel and Jesse Yantis.
From the county of Green—William N. Marshall and Robert Colvin.
From the counties of Greenup and Carter—David Trimble.
From the counties of Carroll, Gallatin and Trimble—Sam'l S. English.
From the counties of Graves and McCracken—Charles C. Russell.
From the county of Grant—Napoleon B. Stephens.
From the county of Grayson—William Cunningham.
From the county of Harrison—Alexander H. Innis and Hugh Newell.
From the county of Hardin—Bryan R. Young and John L. Helm.
From the county of Hart—Lewis Barrett.
From the county of Hopkins—David H. Thomasson.
From the county of Hickman—Samuel P. McFall.
From the county of Henry—Joseph Lecompte and John G. Taylor.
From the county of Henderson—Edmund H. Hopkins.
From the county of Jefferson—David Meriwether and Alexander P. Churchill.
From the counties of Knox and Harlan—Green Adams.
From the city of Louisville—Percival Butler and William Read.
From the county of Jessamine—Alexander Wake.
From the county of Livingston—Jesse Padon.
From the county of Lincoln—Haydon J. McRoberts.
From the county of Logan—James W. Irwin and Benjamin E. Gray.
From the county of Lewis—Thomas Marshall.
From the counties of Lawrence and Morgan—William Henry.
From the county of Mason—Thomas M. Forman and Henry R. Read.
From the county of Monroe—George W. S. Randolph.
From the county of Mercer—Ludwell C. Cornish and Wm. Davies.
From the county of Marion—Clement S. Hill.
From the county of Meade—James D. Perciful.
From the county of Madison—John Speed Smith and Squire Turner.
From the county of Montgomery—Charles Glover.
From the county of Muhlenburg—James Taggart.
From the county of Nelson—Wm. Elliott and John Rowan, jr.
From the county of Nicholas—Moses F. Glenn.
From the county of Oldham—Newton Lane.
From the county of Ohio—William H. Runsey.
From the county of Owen—Joseph W. Rowlett.
From the county of Pendleton—Samuel F. Swope.
From the county of Putaski—Micajah Sutton.
From the counties of Rockcastle and Laurel—Uriah Gresham.
From the county of Russell—Nathan McClure.
From the county of Shelby—James C. Sprigg and John A. Logan.
From the county of Scott—Geo. W. Johnson and Fabricius C. McColl.
From the county of Simpson—Davis S. Hammond.
From the county of Spencer—James W. Stone.
From the county of Todd—Benjamin H. Reeves.
From the county of Trigg—Thomas B. Redd.
From the county of Union—John Imboden.
From the county of Warren—James Hines and Isaac Smith.
From the county of Washington—Richard H. Coke.
From the county of Wayne—Shelby Coffey.
From the county of Whitley—Dempsey White.
From the county of Woodford—Thomas F. Marshall.

All of which is respectfully submitted.

Mr. Sprigg, from the committee on Claims, to whom was referred a bill from the Senate, entitled, an act for the benefit of George Smedley and D. R. Enders—reported the same without amendment.
Ordered, That the said bill be read a third time.
The rule of the House, constitutional provision and third reading of said bill having been dispensed with,
The question was then taken on the passage of the bill, and decided in the negative.

And so the said bill was disagreed to.

Mr. Sprigg, from the same committee, to whom was referred bills from the Senate of the following titles, viz:
An act for the benefit of Thomas Glascock.
An act for the benefit of John Gooding.

Reported the same without amendment.

Ordered, That the said bills be read a third time.
The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

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

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

By Mr. Rowan—1. A bill to amend the charter of the Oakland Turnpike Road Company.

By Mr. Reeves—2. A bill for the benefit of the Sheriff of Todd county.

By Mr. Johnson—3. A bill to amend the law of descents.

By the committee on Privileges and Elections—4. A bill to repeal the act establishing the Jacksonville election precinct, in Bourbon county.

By same—5. A bill to change the place of voting in an election precinct in Ohio county.

By the committee on Claims—6. A bill for the benefit of the Jailer of Daviess county.

By same—7. A bill requiring certain claims, payable out of the Treasury of the State, to be reported to the Circuit Courts.

Which were read the first time, and ordered to be read a second time.
The rule of the House, constitutional provision and second reading of the said bills having been dispensed with, the 1st, 2d, 4th, 5th and 6th were severally ordered to be engrossed and read a third time; and the 7th was referred to the committee on Claims.
The rule of the House, constitutional provision and third reading of the 1st, 2d, 4th, 5th and 6th bills having been dispensed with, and the same being engrossed,

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

Mr. Glover, from the joint committee on Enrollments, reported that the committee had examined enrolled bills from this House, of the following titles, and had found the same truly enrolled, viz:
An act for the relief of the securities of John L. L. Moore, late Clerk of Simpson county.

An act to establish Marshall College.

An act for the benefit of the Kentucky Baptist Education Society.

An act to authorize the Secretary of State to furnish certain books to the Marion County and Circuit Courts.

An act for the relief of certain citizens of Madison county.

An act for the benefit of Martha French.

An act for the benefit of the Madison Troop of Cavalry.

An act to establish an election precinct in Bracken county, and for other purposes.

An act to establish an election precinct in Carroll county.

An act for the benefit of Larkin B. Yates.

An act to establish an election precinct in Christian county.

An act to change the place of voting in the Bowman precinct, in Clay county.

An act to change the place of voting from Greenville C. Alfred, in Washington county, to William Sutherland's, and the place of voting in a new election precinct in Floyd county.

An act to amend an act, entitled, an act to extend the powers of the Trustees of the town of Cynthiana, in Harrison county, approved February 12, 1838.

An act to establish an election precinct in Clay county.

An act to incorporate Pleasant Hill Meeting and School House, in Warren county.

An act to authorize a change of venue in the trial of Buford M. Kaycald.

An act to establish the county of Kenton, and for other purposes.

An act to allow one additional Constable in Lawrence county.

An act to allow an additional Justice of the Peace to the county of Hardman.

An act for the benefit of Patrick Doyle.

An act to allow an additional Constable to the county of Nicholas.

An act to incorporate the town of La Grange.

An act allowing three additional County Courts to Garrard county.

An act to change the time of holding the Trimble County Court.

An act to change the place of voting in the North Fork precinct in Morgan county.

An act to change the place of voting at an election precinct in Henderson county.

An act for the benefit of Betty Ann Meadows.

An act for the benefit of Maston Glidewell and Susannah Holebrook.
An act to change the place of voting in the Kennedy precinct, in Garrard county.

An act for the benefit of John H. Slaughter.

An act establishing the Westport precinct, in Oldham county.

Also, bills which originated in the Senate of the following titles, viz:

An act for the benefit of the Trustees of the town of Frankfort.

An act for the benefit of Wm. Osborn and Thomas May, and others.

An act for the benefit of William Mathews and John N. Richardson.

An act to regulate the militia of the counties of Marion and Washington.

An act to amend the law in relation to garnishee, by increasing the jurisdiction of magistrates in such cases.

An act for the benefit of the infant children of Wm. Hopkins, deceased.

An act authorizing the present Clerk of the Hickman County Court to record certain deeds.

An act for the benefit of John H. Chrisman, and his securities.

An act to authorize the Trustees of the town of Princeton to sell and convey a part of an alley in said town.

An act for the benefit of the heirs of George Pence, deceased.

An act to amend an act, entitled, an act to amend the law as to proceedings against non-resident and absent defendants, and unknown heirs.

An act for the benefit of Eliza L. Bryan.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.

The hour of 12 o'clock having arrived,

The House then resolved itself into a committee of the whole, Mr. Irwin in the chair, on the bill to repeal the act to amend the law prohibiting the importation of slaves into this State, approved February 2, 1833, and for other purposes; and after some time spent therein, the Speaker resumed the chair; when Mr. Irwin reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

Mr. W. N. Marshall asked leave to withdraw the petition of sundry citizens of Green county, praying for a division of said county; and also, the remonstrance against the same—which was granted, and the petition and remonstrance withdrawn.

On motion of Mr. Crow,

Ordered, That the Public Printer forthwith print 150 copies of the report and resolutions made by the select committee (on this day) on the response of the Treasurer, for the use of the members of this House.

The House then resumed the consideration of the resolution in relation to the duty on salt.
Mr. Meriwether moved the previous question.
Mr. Turner then moved an adjournment, at half past 5 o'clock, P. M.
And the question being taken thereon, it was decided in the affirmative.
The yeas and nays being required thereon, by Messrs. Meriwether and Lane, were as follows, viz:

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<th>Those who voted in the affirmative were—</th>
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<th>Those who voted in the negative were—</th>
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And then the House adjourned.
FRIDAY, JANUARY 24, 1840.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:
An act to establish the Lexington and Fayette Legion.
An act for the benefit of the Lunatic Asylum, at Lexington.
An act for the benefit of James Hopwood, and others.
An act for the benefit of the volunteer company styled the Lancaster Guard, in Garrard county; and
An act for the benefit of the Frankfort Light Infantry.

With an amendment to the last named bill.

1. Mr. Lane presented the petition of Julius Bohannon, and wife, praying the passage of a law authorizing them to sell their interest in the estate of John M. Burton, deceased.

2. Mr. Forman presented the petition of sundry citizens of the counties of Mason and Fleming, praying a repeal of all laws authorizing the grant of license to retail spirituous liquors.

3. Mr. Wake presented the petition of George M. Cravens, and Lucy Ann Cravens, praying the passage of a law authorizing them to convey their interest in certain lands sold by their ancestor.

4. Mr. Daviess presented the petition of the members of the bar, of the Mercer Circuit Court, praying a change in the time of holding said court.

5. Mr. Irwin presented the petition of Armstead Crain, praying the passage of a law permitting him to act as a pedlar, without paying the tax imposed for a license therefor.

6. Mr. H. Taylor presented the petition of Rufus K. Combs, praying the passage of a law allowing him compensation for pursuing and apprehending a fugitive from justice.

7. Mr. Clay presented the petition of sundry citizens of Bourbon county, praying the passage of a law repealing all laws authorizing a license to retail spirituous liquors.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st, 3d and 4th to the committee for Courts of Justice; the 2d and 7th to the committee on Religion; the 5th to Messrs. Irwin, Gray and Haggard; and the 6th to the committee on Claims.

Mr. Drafflin moved a reconsideration of the vote of yesterday, disagreeing to a bill from the Senate, entitled, an act for the benefit of George Smedley and D. R. Enders.

And the question being taken thereon, it was decided in the affirmative.
The question was then taken on the passage of said bill, and decided in the affirmative.

Resolved, That the title thereof be as aforesaid.

Mr. Padon asked leave to withdraw the petition of the Sheriff of Livingston county; which was granted, and the petition was withdrawn.

Mr. Turner, from the committee for Courts of Justice, to whom was referred a bill to establish a new Judicial District, and for other purposes—reported the same with sundry amendments, which were concurred in.

Mr. Caldwell then moved an amendment to said bill; and after some discussion had thereon, the hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

Ordered, That Messrs. Irwin, Meriwether and Coffey inform the Senate that this House is now ready to proceed to the election of Public Officers.

A message was received from the Senate, that they are now ready to proceed to said election.

Mr. Haggard nominated James Davidson as a proper person to fill the office of Treasurer; and Mr. Sprigg nominated Thomas A. Berryman.

And after interchanging nominations between the two Houses, this House proceeded to the election, and the vote stood thus:

Those who voted for Mr. Davidson, were—

Those who voted for Mr. Berryman, were—

Messrs. Brien, Hughes, Mims,  
Burgess, Imboden, Rowlett,  
Caldwell, Johnson, Sprigg,  
Churchill, Lane, Sutton, M.,  
Coffey, Logan, Sutton, T.,  
Colvin, Lyter, Taggart,  
English, Marshall, W. N., Taylor, J. G.,  
Henry, McClure,  

Messrs. Irwin, Meriwether and Coffey were appointed a committee on the part of this House, to meet the committee on the part of the Senate, to compare the joint vote, and report the result.

After a short time, Mr. Irwin reported that the joint vote stood thus:

For Mr. James Davidson,  
For Mr. Thomas A. Berryman,  

Mr. James Davidson having received a majority of all the votes given, was declared duly elected Treasurer of this Commonwealth for the ensuing year.

The House then proceeded to the election of Public Printer.

Mr. White nominated Mr. A. G. Hodges, and Mr. T. F. Marshall nominated Mr. J. H. Holeman; and the vote being taken, it stood thus:

Those who voted for Mr. Hodges, were—

Mr. Speaker, Gray, Padon,  
Messrs. Adams, Gresham, Perciful,  
Barrett, Haggard, Randolph,  
Board, Hammond, Redd,  
Brooks, Hardy, Reeder,  
Buckner, Henry, Reeves,  
Butler, Hill, Rumsey,  
Cave, Hines, Russell,  
Chouvin, Hopkins, Smith, I.,  
Clay, Hughes, Smith, J. S.,  
Coke, Huston, Swope,  
Crow, Imboden, Taggart,  
Cunningham, Innes, Taylor, H.,  
Daniel, Irwin, Trimble,  
Davies, Lecompte, Turner,  
Draffin, Lyter, Waddill,  
Drye, McClure, White,  
Elliott, McFall, Wilson,  
Fish, McRoberts, Yantis,  
Forman, Morehead, Young, A.  
Goodson, Newell, Young, B. R.—63
Those who voted for Mr. Holeman, were—

Messrs. Brien, Logan, Rowan,
Burgess, Marshall, T. F. Rowlett,
Caldwell, Marshall, T. Spigg,
Churchill, Marshall, W. N. Stephens,
Coffey, Mason, Stone,
Colvin, McKinney, Sutton, M.
English, Mariwether, Sutton, T.
Glen, Mims, Taylor, J. G.
Glover, Mize, Thomasson,
Johnson, Read, Wake—31.
Lane,

The same committee were appointed on the part of this House, to meet the committee on the part of the Senate, compare the vote, and report the result.

After a short time, Mr. Irwin reported that the joint vote stood thus:

For Albert G. Hodges, 87
For Jacob H. Holeman, 43

Mr. Albert G. Hodges having received a majority of all the votes given, was declared duly elected Public Printer for the ensuing year.

The House then proceeded to the election of Librarian, when Mr. George A. Robertson received a unanimous vote.

The same committee were appointed to meet the committee on the part of the Senate, compare the joint vote, and report the result.

In a short time, Mr. Irwin reported that Mr. Robertson had received the unanimous vote of both Houses; whereupon he was declared duly elected Librarian for the ensuing year.

Mr. J. S. Smith read and laid on the table the following joint resolution:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the election of President and Directors of the Bank of the Commonwealth of Kentucky, be postponed until the 6th day of February next.

The rule of the House requiring joint resolutions to lie on the table one day, having been dispensed with, the said resolution was twice read and adopted.

Ordered, That Mr. J. S. Smith inform the Senate thereof.

The bill from the Senate, entitled, an act to fix the ratio and apportion the representation for the next four years—was read the second time.

Mr. T. F. Marshall moved to refer said bill to a committee of the whole. And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Perciful and Daniel, were as follows, viz:
Those who voted in the affirmative, were—


Those who voted in the negative, were—


Ordered, That the said bill be postponed to and made the special order of the day for Friday next.

The amendments proposed by the Senate to a bill from this House, entitled, an act for the benefit of the Frankfort Light Infantry—were twice read and concurred in.

A message was received from the Senate, announcing the passage of a resolution from this House, postponing the election of the President and Directors of the Bank of the Commonwealth.

Mr. Wilson, from the select committee who were appointed to prepare and bring in the same—reported a bill to prevent the burning of the woods in the county of Clay, and for other purposes.

Which was read the first time, and ordered to be read a second time.
The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered, That said bill be referred to the committee for Courts of Justice.

And then the House adjourned.

SATURDAY, JANUARY 25, 1840.

A message was received from the Senate, announcing their disagreement to bills from this House of the following titles, viz:

An act for the benefit of Joseph S. Elgin.
An act for the benefit of Margaret M. Pulliam.
An act for the benefit of Anderson Wade.
An act for the benefit of Pamela Hawley.

And the passage of bills from this House of the following titles:

An act to change the time of holding the Circuit Courts for the counties of Simpson, Allen and Warren.
An act for the benefit of William B. Wallace.
An act to allow an additional Constable to the county of Trigg.
An act for the benefit of Richard Lucas, Sr.
An act to incorporate the Georgetown Fire Company.
An act to amend an act incorporating the Paris Fire, Life and Marine Insurance Company.
An act allowing further time to the several County Courts of this Commonwealth to furnish a standard of weights and measures.
An act for the benefit of William E. Grider.
An act for the benefit of Catharine J. Lloyd.
An act for the benefit of Joseph McGlothlin.
An act for the benefit of Mastin Gore.
An act allowing one additional Constable to the county of Jefferson, and for other purposes.
An act to amend the laws in relation to the town of Lawrenceburg in Anderson county.
An act to change the place of voting in an election precinct in Livingston county.

And the passage of bills from the Senate of the following titles:

An act to amend the charter of Shelby College.
An act to amend an act, entitled, an act for the benefit of the widow and heirs of Francis Hogan, deceased.

1. Mr. Coffey presented the petition of one of the Common School Commissioners in Wayne county, praying a change in the law.

2. Mr. Brooks presented the petition of the town of Augusta, in Bracken county, praying the passage of a law exempting the fire company in said town from military duty.

3. Mr. Meriwether presented the memorial of the State Agricultural Society, praying for the establishment of Agricultural schools.

4. Mr. Clay presented the petition of Jane C. Steel and John C. Steel, guardian of the infant heirs of John Steel, deceased, praying for the sale of some real estate belonging to said heirs.

5. Mr. Russell presented the petition of sundry citizens of Paducah, praying that additional powers and fees be granted to the Police Judge of said town.

6. Mr. Butler presented the petition of Eleanor Maria Hicks, praying to be divorced from her husband, John R. Hicks.

7. Also, the petition of Hermadry Cutler, praying to be released from the disability imposed by law on a decree for a divorce.

8. Mr. B. R. Young presented the petition of sundry citizens of Hardin county, praying a repeal of the law authorizing the retailing of spirituous liquors.

9. Mr. T. Sutton presented the petition of sundry citizens of Allen county, for a change in the time of holding the County Court of said county.

10. Mr. B. R. Young presented the petition of sundry citizens of Hardin county, praying that the place of voting in an election precinct in said county may be changed.

11. Mr. Pindell presented the petition of sundry citizens of the city of Lexington, praying the passage of a law taxing ready made clothing.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st to the committee on Education; the 2d to the committee on Military Affairs; the 3d to the committee on Agriculture and Manufactures; the 4th to Messrs. Clay, Sprigg and Draffin; the 5th and 9th to the committee for Courts of Justice; the 6th, 7th and 8th to the committee on Religion; the 10th to the committee on Privileges and Elections, and the 11th to the committee on Ways and Means.

Mr. Meriwether, from the committee on Ways and Means, reported a bill for the benefit of the Sheriff of Pendleton county.

Which was read the first time, and ordered to be read a second time.

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

The House again resumed the consideration of the bill to establish a new Judicial District, and for other purposes.

The amendment proposed by Mr. Caldwell was then concurred in.

Mr. Daniel then moved to amend said bill, by adding thereto the following:

That so much of an act, approved February 13, 1837, as fixes the salary of Circuit Judges at fifteen hundred dollars per annum, shall be, and the same is hereby repealed; and that hereafter, each Circuit Judge in this State shall receive an annual salary of one thousand two hundred and fifty dollars, payable as heretofore.

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

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

Those who voted in the affirmative were—


Those who voted in the negative were—

Mr. Speaker, Messrs. Adams, Barrett, Board, Botts, Brooks, Buckner, Butler, Caldwell, Cave, Cecil, Clay, Coke, Forman, Gresham, Haggard, Hill, Hopkins, Huston, Innes, Johnson, Lecompte, Logan, Lyter, Marshall, T. F., McFall, Perciful, Pindell, Read, Reeder, Reeves, Rowan, Russell, Stone, Swope, Taylor, H., Taylor, J. G., Trimble, Turner,
Ordered, That the said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill was then dispensed with.

The said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be established an additional Judicial District in this Commonwealth, which shall be styled the 17th Judicial District, to be composed of the counties of Woodford, Shelby, Anderson, Franklin and Owen; and that a Circuit Judge and Commonwealth's Attorney shall be appointed for said district, who shall possess the same powers and receive the same emoluments that are allowed by law to the other Circuit Judges and Commonwealth's Attorneys of this State.

Sec. 2. Be it further enacted, That the terms of the Woodford Circuit Court shall commence on the first Mondays of March, June and September; and shall continue twelve juridical days at each term, if the business of the court shall require it.

The terms of the Shelby Circuit Court shall commence on the third Mondays of March, June and September; and shall continue twelve juridical days at each term, if the business of the court shall require it.

The terms of the Anderson Circuit Court shall commence on the first Mondays in April, July and October; and shall continue twelve juridical days at each term, if the business of the court shall require it.

The terms of the Franklin Circuit Court shall commence on the second Mondays of February and May, and on the third Monday of August; and shall continue eighteen juridical days at the February and May terms, and twelve juridical days at the August term, if the business of the court shall require it.

The terms of the Owen Circuit Court shall commence on the third Mondays in April, July and October; and continue twelve juridical days at each term, if the business of the court shall require it.

Sec. 3. Be it further enacted, That the Judge of the 17th Judicial District shall constantly make one of the Judges of the General Court; and that the Judge of the 4th Judicial District shall be relieved from the duty of constant attendance on the General Court; and the terms of the General Court shall, after the ensuing February term thereof, be held on the last Monday in January and the first Monday in August; and shall continue twelve juridical days at each term, if the business of the court shall require it.

Sec. 4. Be it further enacted, That the 4th Judicial District shall hereafter be composed of the counties of Henry, Gallatin, Oldham, Trimble, Grant and Carroll.

The terms of the Oldham Circuit Court shall commence on the third Mondays in February and May; and on the first Monday in September; and shall continue twelve juridical days at each term, if the business of the court shall require it.
The terms of the Trimble Circuit Court shall commence on the first Monday in March, and the third Mondays in July and October; and shall continue six juridical days at each term, if the business of the court shall require it.

The terms of the Gallatin Circuit Court shall commence on the fourth Mondays in March, June and September; and continue six juridical days at each term, if the business of the court shall require it.

The terms of the Grant Circuit Court shall commence on the fourth Monday in April, second Monday in August, and fourth Monday in October; and shall continue twelve juridical days at each term, if the business of the court shall require it.

The terms of the Henry Circuit Court shall commence on the second Mondays in April, July and October; and shall continue twelve juridical days at the April, and six juridical days at the July and October terms, if the business of the court shall require it.

The terms of the Carroll Circuit Court shall commence on the first Mondays in April, July and October; and shall continue six juridical days at each term, if the business of the court shall require it.

SEC. 5. Be it further enacted, That all recognizances taken, and process issued, returnable to the terms of the foregoing courts as they heretofore stood, shall be returned to the terms of said courts respectively, as now fixed by this act, and shall be as obligatory and binding as they would have been had this act not passed, and they been returned to the terms of said courts as they stood before the passage of this act.

SEC. 6. Be it further enacted, That the county of Nicholas shall no longer compose a part of the 10th Judicial District; but shall be added to, and compose a part of the third Judicial District.

SEC. 7. Be it further enacted, That there shall be another additional Judicial District established in this Commonwealth, which shall be styled the 18th Judicial District; to be composed of the counties of Cumberland, Clinton, Russell, Wayne and Monroe; and that a Circuit Judge and Commonwealth's Attorney shall be appointed for said district, who shall possess the same powers, and receive the same emoluments that are allowed by law to the other Circuit Judges and Commonwealth's Attorneys of this State.

The terms of the Wayne Circuit Court shall commence on the third Mondays of March, June and September; and shall continue twelve juridical days at each term, if the business of the court shall require it.

The terms of the Clinton Circuit Court shall commence on the first Mondays in April, July and October; and shall continue six juridical days at each term, if the business thereof shall require it.

The terms of the Russell Circuit Court shall commence on the first Mondays in May and November, and on the second Monday in August; and shall continue twelve juridical days at the May and November terms thereof, and six juridical days at the August term, if the business of the court shall require it.

The terms of the Cumberland Circuit Court shall commence on the fourth Mondays in May, August and November; and shall continue six juridical days at each term, if the business thereof shall require it.

SEC. 8. Be it further enacted, That the eighth Judicial District shall hereafter be composed of the counties of Adair, Barren, Green and Hart.

The terms of the Adair Circuit Court shall commence and sit as now allowed by law.
The terms of the Barren Circuit Court shall commence as now allowed by law; and shall continue eighteen juridical days at each term, if the business of the court shall require it.

The terms of the Green Circuit Court shall commence on the second Mondays in April, July and October; and shall continue eighteen juridical days at each term, if the business thereof shall require it.

The terms of the Hart Circuit Court shall commence on the first Mondays in May and November, and on the second Monday in August; and shall continue, at the May and November terms, twelve juridical days, and at the August term six juridical days, if the business of the court shall require it.

The terms of the Monroe Circuit Court shall commence on the third Mondays in May, August and November; and continue six juridical days, if the business of the court shall require it.

Sec. 9. That all recognizances taken, and process issued, returnable to the terms of the foregoing courts as they heretofore stood, shall be returned to the terms of said courts respectively, as now fixed by this act, and shall be as obligatory and binding as they would have been had this act not passed, and they been returned to the terms of said courts, as they stood before the passage of this act.

The question was then taken on the passage of said bill, and decided in the negative.

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

Those who voted in the affirmative were—

Mr. Speaker, Goodson, Read,
Messrs. Adams, Hopkins, Reeder,
Barrett, Huston, Russell,
Botts, Logan, Smith, J. S.
Brooks, Lyler, Stephens,
Butler, Marshall, T. F. Sutton, T.
Caldwell, Marshall, W. N. Swope,
Cave McFall, Taylor, J. G.
Crow, Morehead, Turner,
Draffin, Padon, Waddill,
Elliott, Perciful, Wilson,
Fish, Pindell, Young, A.
Forman, Randolph, Young, B. R.—39.

Those who voted in the negative were—

Messrs. Board, Gray, Mims,
Brien, Gresham, Mize,
Buckner, Haggard, Newell,
Burgess, Hammond, Reed,
Cecil, Hardy, Reeves,
Chouvin, Henry, Rowlett,
Clay, Hines, Smith, I.
The House then took up the amendments proposed by the Senate to a bill from this House, entitled, an act giving Justices of the Peace jurisdiction in actions of trespass, and trespass on the case, where the damages laid are five pounds or under.

The first amendment of the Senate proposed to increase the jurisdiction from five pounds to fifty dollars.

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. T. Marshall and Logan, were as follows, viz:

Those who voted in the affirmative were:


Those who voted in the negative were:

Mr. Speaker, Messrs. Adams, Barrett, Board, Botts, Brooks, Buckner, Burgess, Butler, Caldwell, Glover, Goodson, Gresham, Haggard, Hammond, Hardy, Hines, Hopkinst, Huston, Logan, Meriwether, Mims, Mize, Pindell, Reeder, Reeves, Rowan, Sprigg, Taggert, Taylor, H.
The other amendments to said bill were then twice read and disagreed to.

Ordered, That the amendments proposed by the Senate to a bill from this House, entitled, an act to explain and enforce an act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24, 1834; and an act to amend said act, approved Feb. 8, 1839—be referred to the committee for Courts of Justice.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

- An act to incorporate the Germantown Academy.
- An act for the benefit of the heirs of Samuel Craig, deceased.
- An act for the benefit of James Sego.
- An act to amend the law relating to the Wilderness turnpike road, and the adjacent roads leading from same to the Goose creek Salt works.
- An act for the benefit of N. S. Robertson, and for other purposes.
- An act legalizing the proceedings of the Court of Assessment of the 16th Regiment of Kentucky Militia, and for other purposes.
- An act providing for a change of venue in the prosecution for perjury, against John Henry.

Were taken up, twice read, and concurred in.

The amendments proposed by the Senate to the amendments proposed by this House to a bill from the Senate, entitled, an act providing for the apprehension and detention of fugitives from justice from other States—were twice read, and concurred in.

A bill from the Senate, entitled, an act to regulate Clerks' fees in certain cases—was read the third time.

Ordered, That said bill be referred to the committee for Courts of Justice.

A bill from the Senate, entitled, an act to regulate charitable uses, and prohibit grants in mort main, and for other purposes—was read the third time.

On motion of Mr. Sprigg,

Ordered, That said bill be laid on the table.

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

- On motion of Mr. Trimble—1. A bill prescribing the mode of keeping the Internal Improvement Fund, and for other purposes.
- On motion of Mr. Sprigg—2. A bill to equalize the salaries of the Circuit Court Judges of this Commonwealth.
On motion of Mr. Innes—

A bill for the benefit of the Sheriff of Har
ton county.

Ordered, That Messrs. Trimble, Huston and H. Taylor prepare and bring in the 1st; Messrs. Sprigg, Goodson, Care, Swope, Newell, English, Fish, Stephens, Innes and Rowan the 2d; and the committee on Ways and Means the 3d.

And then the House adjourned.

MONDAY, JANUARY 27, 1840.

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act for the benefit of the Sheriff of Todd county—with amendments.

And that they had passed a bill, entitled,

An act to amend the militia law.

1. Mr. Daniel presented the petition of the members of the bar of the Garrard Circuit Court, praying that a law may pass, authorizing the Police Judge of the town of Lancaster to grant injunctions, &c.

2. Mr. Sprigg presented the petition of sundry citizens (who were appointed a committee for the purpose) of Shelby county, praying a repeal of the laws authorizing the grant of license to retail spirituous liquors.

3. Mr. Gresham presented the petition of Fanny, Polly, Jane, Sally, Betsey, Cynthia, Mary, Lucinda, Scourha and Jefferson, (persons of color who have sued for their freedom,) praying the passage of a law preventing them from being hired out during the pendency of said suit.

4. Mr. Perciful presented the petition of sundry citizens of Hardin, Breckinridge and Meade counties, praying a repeal of all laws authorizing the grant of license to retail spirituous liquors.

5. Mr. Caldwell presented the petition of Buford Wood, administrator (with the will annexed) of Thomas Shirley, deceased, praying the passage of a law authorizing him to sell certain slaves belonging to the estate of said deceased.

6. Mr. Brien presented the petition of sundry citizens of Calloway county, praying the appointment of a committee to investigate the condition of the Receiver's Office West of the Tennessee river.

7. Mr. Coffey presented the petition of Stephen Scott, of Wayne county, praying the passage of a law authorizing young men who have no parents living to bind themselves out as apprentices.
8. Also, the petition of William Simpson, Clerk of the Wayne County Court, praying the passage of a law releasing him from the payment of sixty dollars, omitted to be demanded and received by him on two pedlars' license.

9. Mr. Reeder presented the petition of sundry citizens of Mason county, praying a repeal of all laws authorizing the grant of license to retail spirituous liquors.

10. Mr. Gresham presented the petition of Nancy Bibey, an idiot, praying the passage of a law authorizing a sale of the interest of said idiot in certain lands.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st, 3d, 5th, 7th and 10th to the committee for Courts of Justice; the 2d, 4th and 9th to the committee on Religion; the 6th to the committee on Internal Improvement; and the 8th to the committee on Ways and Means.

Mr. Randolph moved a reconsideration of the vote disagreeing to a bill from the Senate, entitled, an act providing for a change of venue in the prosecution against Joseph McMillan.

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

Ordered, That Mr. Caldwell ask leave of the Senate to withdraw the report of this House announcing their disagreement to said bill.

In a short time the messenger returned with said bill.

Mr. Huston, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to amend an act, entitled, an act regulating injunctions and other restraining orders in chancery suits, and for other purposes, approved January 24, 1827—reported the same with an amendment, which was concurred in.

The said bill was further amended.

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

The rule of the House, constitutional provision and third reading of the said bill was dispensed with.

Ordered, That said bill be recommitted to the committee for Courts of Justice, with the following instructions:

To strike out so much as gives discretionary power to the Clerk, and to draw the bill so as to release the Clerk from responsibility after the security and principal have taken the oath.

Mr. Huston, from the same committee, to whom was referred a bill from the Senate, entitled, an act to incorporate the Mills Point House Company—reported the same with an amendment, which was concurred in.

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.
Mr. English, from the same committee, to whom was referred a bill to incorporate the Crab Orchard Seminary, in Lincoln county—reported the same with an amendment, which was concurred in.

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

The rule of the House, constitutional provision and third reading of said bill being dispensed with, and the same being engrossed,

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

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

On motion of Mr. Hopkins—1. A bill for the benefit of the heirs of John Roney.

On motion of Mr. Murray—2. A bill to appoint Commissioners to close the concerns of the Shepherdville Bank.

On motion of Mr. Chouvin—3. A bill to establish a Seminary of Learning in Morgantown, and for other purposes.

On motion of Mr. Reeves—4. A bill to amend the act to incorporate the Trenton Female Academy, in Todd county.

Ordered, That Messrs. Hopkins, Cecil and Henry prepare and bring in the 1st; Messrs. Murray, Stone and Rowan the 2d; Messrs. Chouvin, Hopkins and Wake the 3d; and Messrs. Reeves, Irwin and Gray the 4th.

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

By Mr. White—1. A bill for the benefit of veniremen and jurors in certain cases.

By the committee for Courts of Justice—2. A bill for the benefit of Rachel Watts, and her children.

By same—3. A bill authorizing the Trustees of the Pendleton Academy to loan the funds of the institution, upon bonds and obligations.

By same—4. A bill to amend the law of descents and distribution.

By same—5. A bill to amend an act to reduce into one the several acts or parts of acts, concerning limitations of actions, approved Dec. 17, 1796.

By same—6. A bill to incorporate the Louisville First Ward Lyceum.

By the committee on Internal Improvement—7. A bill to tax corporations.

By same—8. A bill to license Auctioneers in this Commonwealth, and for other purposes.

By same—9. A bill to increase the resources of the Sinking Fund.

By same—10. A bill to regulate groceries, and restrain tippling houses.

By same—11. A bill to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

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

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with, the 1st, 2d, 3d, 4th, 6th and 11th were severally ordered to be engrossed and read a third time.
The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 6th and 11th bills having been dispensed with, and the same being engrossed,

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

Ordered, That the Public Printer forthwith print 150 copies of the 7th, 8th, 9th and 10th bills for the use of the members of the General Assembly.

The hour of 12 o'clock having arrived,

The House then resolved itself into a committee of the whole, Mr. Irwin in the chair, on the bill to repeal the act to amend the law prohibiting the importation of slaves into this State, approved February 2, 1833, and for other purposes; and after some time spent therein, the Speaker resumed the chair; when Mr. Irwin reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

TUESDAY, JANUARY 28, 1840.

A message was received from the Senate, announcing the passage of a bill from this House, entitled,

An act to incorporate the town of Chiltonsville.

And the passage of bills from the Senate of the following titles:

An act for the benefit of the widow and infant heir of John Gilbert, dec'd.

An act concerning the town of Glasgow.

1. Mr. Lyter presented the petition of Caroline H. Lyter, praying to be divorced from her husband, David Lyter.

2. Mr. English presented the petition of sundry citizens of the town of Carrollton, praying an amendment to the laws in relation to said town.

3. Mr. Hopkins presented the remonstrance of Paulina Walker, against the granting of a divorce to her husband, Albert G. Walker.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, and referred: the 1st and 3d to the committee on Religion; and the 2d to the committee for Courts of Justice.

A message was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State, announcing that he had signed and ap-
proved sundry enrolled bills and resolutions which originated in this House, of the following titles, viz:

An act to amend and reduce into one the several acts regulating the town of Henderson.

An act to incorporate the town of West Liberty.

An act to establish the town of Walton, and for other purposes.

An act further to regulate the duties of the Trustees of the town of Bowling Green.

An act for the benefit of Robert McCalla.

An act for the benefit of Thomas P. Moore.

An act giving the several Sheriffs of this Commonwealth further time to return their delinquent lists.


An act for the relief of the securities of John L. L. Moore, late Clerk of Simpson county.

An act to establish Marshall College.

An act for the benefit of the Kentucky Baptist Education Society.

An act for the benefit of certain citizens of Madison county.

An act for the benefit of Larkin B. Yates.

An act to authorize the Secretary of State to furnish certain books to the Marion County and Circuit Courts.

An act for the benefit of Martha French.

An act for the benefit of the Madison Troop of Cavalry.

An act to establish an election precinct in Bracken county, and for other purposes.

An act to establish an election precinct in Carroll county.

An act to establish an election precinct in Christian county.

An act to change the place of voting in the Bowman precinct, in Clay county.

An act establishing the West Point precinct, in Oldham county.

An act to change the place of voting from Greenville C. Alfred's, in Washington county, to William Sutherland's, and the place of voting in an election precinct in Floyd county.

An act to change the place of voting in the Kennedy precinct, in Garrard county.

An act for the benefit of John H. Slaughter.

An act for the benefit of Maston Glidewell and Susannah Holebrook.

An act for the benefit of Betty Ann Meadows.

An act to change the place of voting in the North Fork precinct in Morgan county.

An act to change the place of voting at an election precinct in Henderson county.
An act to change the time of holding the Trimble County Court.
An act allowing three additional County Courts to Garrard county.
An act to incorporate the town of La Grange.
An act for the benefit of Patrick Doyle.
An act to allow an additional Constable to the county of Nicholas.
An act to allow an additional Justice of the Peace to the county of Hickman.
An act to allow one additional Constable in Lawrence county.
An act to incorporate Pleasant Hill Meeting and School House, in Warren county.
An act to authorize a change of venue in the trial of Buford M. Kuykendall.
An act to amend an act, entitled, an act to extend the powers of the Trustees of the town of Cynthiana, in Harrison county, approved February 12, 1838.
An act to establish election precincts in the counties of Clay and Daviess. Approved 23d January, 1840.

A message was received from the Senate, by Mr. Ballinger, asking leave to withdraw their report announcing their disagreement to a bill from this House, entitled, an act to allow one additional Justice of the Peace to Whitley county, and for other purposes—which was granted, and the said bill withdrawn.

Mr. Johnson moved a reconsideration of the vote rejecting the bill, entitled, an act to establish a new Judicial District, and for other purposes.

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

The yeas and nays being required thereon, by Messrs. T. Marshall and Daniel, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker, Gray, Read,
Messrs. Adams, Hopkins, Reeder,
Barrett, Hughes, Rowlett,
Brooks, Huston, Rumsey,
Butler, Johnson, Russell,
Cave, Lane, Stephens,
Clay, Logan, Sutton, T.
Crow, Marshall, T. F. Swope,
Daviess, McCalla, Taylor, J. G.
Draffin, McFall, Trimble,
Elliott, McKinney, Turner,
English, McNeilwether, Wake,
Fish, Morehead, White,
Forman, Newell, Wilson—45,
Goodson, Padon,
Those who voted in the negative were—

Messrs. Board, Glenn, Marshall, W. N.
Botts, Glover, Mason,
Brien, Gresham, McClure,
Buckner, Haggard, McRoberts,
Burgess, Hammond, Mims,
Caldwell, Hardy, Mize,
Cecil, Henry, Perciful,
Chourin, Hill, Randolph,
Coffey, Hines, Receives,
Coke, Imboden, Sutton, M.
Colvin, Innes, Taggart,
Cornish, Irwin, Thomasson,
Cunningham, Lyter, Yantis,
Daniel, Marshall, T.
Drye

The votes dispensing with the third reading, and ordering the bill to be engrossed and read a third time, were then severally reconsidered.

The question was then taken on reconsidering the vote adopting the amendment proposed by Mr. Caldwell, and decided in the affirmative.

Mr. Irwin then proposed an amendment to said bill, as a substitute.

Ordered, That said bill and amendments be recommitted to the committee for Courts of Justice.

On motion of Mr. T. Marshall,

Ordered, That Mr. Caldwell be added to the committee for Courts of Justice.

A message was received from the Senate, by Mr. Johnston, asking leave to withdraw their report announcing their disagreement to a bill from this House, entitled, an act for the benefit of William Simmons, and his committee—which was granted, and the bill withdrawn.

Mr. Turner, from the committee on Banks, made the following report:

[For this report, see Appendix.]

Ordered, That the Public Printer forthwith print 5,000 copies of said report for the use of the members of this House.

Mr. Turner, from the same committee, reported a bill to restore the privileges of the Banks of this Commonwealth, on certain conditions.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered, That said bill be postponed to, and made the order of the day for Monday next; and that the Public Printer forthwith print 150 copies of said bill for the use of the members of the General Assembly.
The hour of 12 o'clock having arrived, the House resolved itself into a committee of the whole, Mr. Meriwether in the chair, on the bill to repeal an act to amend the law prohibiting the importation of slaves into this State, approved February 2, 1833, and for other purposes; and after some time spent therein, the Speaker resumed the chair; when Mr. Meriwether reported that the committee had, according to order, had under consideration the bill aforesaid, and had adopted an amendment to said bill, as a substitute; which he handed in at the Clerk's table.

The said amendment was then twice read, and concurred in.

The said bill, as amended, reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky,
That "an act to amend the law prohibiting the importation of slaves into this State, approved February 2, 1833," and all laws, and parts of laws, which at any time heretofore have been in force in this Commonwealth, regulating or prohibiting the introduction of slaves into this State, be, and they are hereby repealed.

Sec. 2. That each and every person, or persons, who shall hereafter directly or indirectly, bring, or cause to be brought or introduced into this State, any slave, or slaves, as an article of merchandise, with the view or intention, either directly or indirectly, to sell, or cause to be sold, all or any one or more of said slaves, within the limits of this Commonwealth, to any person or persons whomsoever, shall forfeit and pay the sum of six hundred dollars, for each and every slave so as aforesaid introduced or brought into this Commonwealth, and either absolutely or conditionally contracted for or sold "within its limits, to any person or persons whomsoever;" which said penalty may be recovered by indictment of the Grand Jury, or by action of debt, in the name of the Commonwealth of Kentucky, in the Circuit Court of any county where the offender shall be found; and when recovered, shall be paid, one half to the informer, and the other half in aid of the Sinking Fund.

Sec. 3. That any person or persons being a citizen or citizens of this State, or residing therein, who shall, within the limits thereof, either absolutely or conditionally, by himself or themselves, or by any other person or persons, as his or their agent or agents, buy, or contract for the purchase of, any slave or slaves, knowing said slave or slaves to have been brought or introduced into this State, contrary to the true intent and meaning of the second section of this act, shall be taken and considered as having violated the said second section, and shall be subject to the penalty therein mentioned; which penalty shall be recovered and disposed of, as therein specified.

Sec. 4. That any person or persons who, under color of being an emigrant to this from any other State, or under color of travelling with slaves through this State, or under color of any other excuse or device whatever, shall bring or introduce, and sell, in this State, any slave or slaves, contrary to the true intent and meaning of the second section of this act, or any person or persons, citizens or residents of this State, who shall buy any slave or slaves, knowing the same to have been introduced into this State in contravention of the true intent and meaning of this act, shall be taken and considered as having violated the second and third sections thereof, and shall
be subject to the penalty mentioned in the said second section; which shall be recovered and disposed of as is in the said second section of this act specified.

Sec. 5. That all or any emigrant or emigrants to this State, and all or any citizen or citizens thereof, and all or any resident or residents therein, and all or any other person or persons whomsoever, shall have full right and power to introduce or bring into this State any slave or slaves, for his, her, or their own use, or for any purpose or in any way not contrary to the true intent and meaning of this act, or of the constitution and laws of the United States, or of the State of Kentucky.

Sec. 6. That it shall be the duty of each Circuit Judge in this State to give this act in charge to the Grand Jury at every term of their several Circuit Courts.

Sec. 7. That any action or prosecution which may be brought for any violation of any of the provisions of this act, shall be commenced at any time within five years from the commission of the offence or the accrual of the cause of action, and not after.

The question was then taken on engrossing and reading said bill a third time, and decided in the negative.

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

Those who voted in the affirmative, were—

Mr. Speaker, Hammond, Randolph,
Messrs. Board, Henry, Redd,
Brien, Hill, Reeves,
Buckner, Hopkins, Russell,
Cecil, Huston, Smith, J. S.
Chouvin, Irwin, Stephens,
Coffey, Lane, Sutton,
Coke, Lecompte, Sutton, M.
Crow, Lyter, Sutton, T.
Cunningham, Marshall, T.
Drye, Marshall, W. N.
Fish, McClure,
Goodson, McFall,
Gray, Mims,
Haggard, Mize,

Those who voted in the negative, were—

Messrs. Adams, Glenn, Murray,
Barrett, Glover, Newell,
Botts, Gresham, Padon,
Brooks, Hardy, Perciful,
Burgess, Hines, Pindell,
Butler, Hughes, Read,
Caldwell, Imboden, Reeder,
Cave, Innes, Rowlett,
Mr. Sprigg moved a reconsideration of the vote ordering the Public Printer to print 5000 copies of the report of the committee on Banks.

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

On motion of Mr. Meriwether,

Ordered, That the motion to print said report be laid on the table.

And then the House adjourned.

WEDNESDAY, JANUARY 29, 1840.

A message was received from the Senate, announcing their disagreement to the amendment proposed by this House to a bill from that, entitled, an act to incorporate the Mills Point House Company.

Their disagreement to a bill from this House, entitled,

An act to amend an act, entitled, an act to construct a turnpike road from Burlington to Florence, and for other purposes.

And the passage of bills from this House of the following titles:

An act repealing the law declaring the Beech Fork navigable above Ray's mill.

An act declaring Wolf river a navigable stream.

An act to amend an act, entitled, an act to amend the road law in Campbell and Bracken counties.

An act to repeal the act establishing the Jacksonville Election Precinct, in Bourbon county.

An act to change the place of voting in an election precinct in Ohio county.

And that they had passed bills of the following titles, viz:

An act to establish the Lexington Cemetery.

An act to amend the laws regulating civil proceedings, and for other purposes.
An act authorizing the building of mills and dams upon Trammel's fork of Drake's creek.

An act to amend the 9th section of an act, entitled, an act for regulating the solemnization of marriages, approved February 3d, 1798.

An act to repeal the 6th section of an act to authorize permanent provision for resident females in Kentucky stocks, and guardians to invest the money of their wards in Bank stocks.

An act to extend and continue in force, an act, approved 29th February, 1836, entitled, an act extending for a certain period, and with certain limitations, the charter of the Old Bank of Kentucky.

An act to establish a State road from Hartford to Russellville.

An act to incorporate the Maysville Athenæum.

An act to establish the town of La Fayette, in the county of Henderson.

An act for the benefit of the Paducah Seminary.

An act to incorporate the La Grange Seminary in Oldham county, and for other purposes.

An act for the benefit of Edwin Land; and

An act requiring the removal of timber from flooded grounds, &c.

And that they had received official information from the Governor, that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act providing that the estates of persons dying without heirs or distributees shall vest in the Commonwealth, and for other purposes.

An act for the benefit of the Sheriff of Marion county.

An act for the benefit of the Sheriff of Nicholas county.

An act allowing Edward C. Haydon to build a mill dam across Salt river.

An act to change the time of holding the Circuit Courts in the 16th Judicial district.

An act for the benefit of the Louisville College.

An act for the benefit of the adopted child of Samuel L. and Tabitha Boicourt.

An act for the benefit of the widow and children of Samuel Pryor, deceased.

An act for the divorce of Nelson Dyer.

An act to amend the militia law of this State.

Approved 17th January, 1840.

An act for the benefit of Eliza L. Bryan.

An act to amend an act, entitled, an act to amend the law as to proceedings against non-resident and absent defendants, and unknown heirs.

An act to authorize the Trustees of the town of Princeton to sell and convey a part of an alley in said town.

An act for the benefit of the heirs of George Pence, deceased.
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An act for the benefit of Joseph H. Chrisman, and his securities.
An act for the benefit of the infant children of Wm. Hopkins, deceased.
An act authorizing the present Clerk of the Hickman County Court to
record certain deeds.
An act to amend the law in relation to garnishee, by increasing the jur-
isdiction of magistrates in such cases.
An act to regulate the militia of the counties of Marion and Washington.
An act for the benefit of the Trustees of the town of Frankfort.
An act for the benefit of Wm. Osborn and Thomas May, and others.
An act for the benefit of William Mathews and John N. Richardson.

Approved 23d January, 1840.

1. Mr. Lane presented the petition of George R. Rader, praying the pas-
sage of a law changing the name of Sarah Jane Dorman to that of Rander.
2. Mr. Russell presented the petition of J. F. Edwards, praying a change
of venue in a prosecution pending against him in the McCracken Circuit
Court.
3. Mr. Haggard presented the petition of Jacob Brake, in behalf of the
heirs of Pleasant Austin, deceased, praying the passage of a law authorizing
a sale of the real estate of said deceased, which descended to his heirs.
4. Mr. Pindell presented the petition of the Lexington Artillery, praying
that they may be formed into an independent company.
5. Mr. Forman presented the memorial of Edwin Hord, upon the subject
of the salaries of the State Engineers.
6. Mr. Brien presented the petition of sundry citizens of McCracken
county, on behalf of a free woman of color, praying the passage of a law
permitting her to reside in this State.
7. Mr. McClure presented the petition of Wm. George, praying the pas-
sage of a law extending the Constable's district in which he is acting.
8. Mr. McRoberts presented the petition of sundry citizens of Lincoln
county, praying a repeal of all laws authorizing the grant of license to retail
spiritsuous liquors.
9. Mr. Butler presented the petition of Thomas P. Hart, praying to be
released from a judgment of the General Court against him, for the value of
certain public arms.
10. Mr. Huston presented the petition of William B. Keas, praying com-
pen ination for services rendered and expenses incurred in conveying a luna-
tic to the Asylum.

Which petitions were severally received, the reading thereof dispensed
with, and referred: the 1st, 2d, 3d and 6th to the committee for Courts of
Justice; the 4th and 9th to the committee on Military Affairs; the 5th to
the committee on Internal Improvement; the 7th to the committee on Prop-
ositions and Grievances; the 8th to the committee on Religion; and the
10th to the committee on Claims.
On motion of Mr. Colvin—Leave is given him to withdraw the petition of Lewis W. Kirtley, praying for a divorce; which was accordingly withdrawn.

Mr. Glover, from the joint committee on Enrollments, reported that the committee had examined enrolled bills from the Senate, of the following titles, and had found the same truly enrolled, viz:

An act providing for the apprehension and detention of fugitives from justice from other States,
An act for the benefit of Thomas Glascock.
An act to change the time of holding the Lawrence, Morgan, Pike and Floyd Circuit Courts.
An act for the benefit of George Smedley and D. R. Enders.
An act for the benefit of John Gooding.
Also, bills which originated in this House, of the following titles, viz:
An act for the benefit of William E. Grider.
An act for the benefit of Catharine J. Lloyd.
An act for the benefit of Joseph McGlothlin.
An act for the benefit of Richard Lucas, Sr.
An act for the benefit of William B. Wallace.
An act to incorporate the Georgetown Fire Company.
An act to change the place of voting in an election precinct in Livingston county.
An act to establish the Lexington and Fayette Legion.
An act for the benefit of the volunteer company styled the Lancaster Guard, in Garrard county;
An act for the benefit of the Lunatic Asylum, at Lexington.
An act for the benefit of Joseph Shropshire.
An act for the benefit of James Hopwood, and others.
An act to amend an act, entitled, an act for the benefit of the county of Jefferson.
An act for the benefit of John L. Graves.
An act for the benefit of Asa Vanlandingham, late Sheriff of Grant county.
An act allowing an additional Justice of the Peace to Rockcastle county.
An act to incorporate the town of Chiltonsville, in Henry county.
An act to change the time of holding the Circuit Courts for the counties of Simpson, Allen and Warren.
An act allowing further time to the several County Courts of this Commonwealth to furnish a standard of weights and measures.
An act to allow an additional Constable to the county of Trigg.
An act to amend the laws in relation to the town of Lawrenceburg in Anderson county.
An act allowing one additional Constable to the county of Jefferson, and for other purposes.
An act to amend an act incorporating the Paris Fire, Life and Marine Insurance Company.

An act for the benefit of the Frankfort Light Infantry, and Franklin Troop of Cavalry.

An act for the benefit of Mastin Gore.

An act to incorporate the Germantown Academy.

An act to amend the law relating to the Wilderness turnpike road, and the adjacent roads leading from same to the Goose creek Salt works.

An act for the benefit of James Sego.

An act legalizing the proceedings of the Court of Assessment of the 16th Regiment of Kentucky Militia, and for other purposes.

An act for the benefit of Nancy Robertson.

And also, a resolution, which originated in this House, postponing the election of a President and Directors of the Bank of the Commonwealth.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.

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

On motion of Mr. Hill—1. A bill further to regulate the 9th Judicial District, and for other purposes.

On motion of Mr. Perciful—2. A bill to amend the law in relation to Commissioners appointed by the Chancellor to sell real estate.

Ordered, That Messrs. Hill, Yantis, Coke, Stone and Wake prepare and bring in the 1st; and the committee for Courts of Justice the 2d.

The House then took up for consideration the resolution from the Senate, fixing a final day for adjournment.

The resolution being amended, was twice read and concurred in.

Mr. Butler, from the committee for Courts of Justice, to whom was referred a bill for the benefit of Jonathan Cowherd, Sr.—reported the same without amendment.

On motion of Mr. W. N. Marshall,

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

The following bills were reported by the committee for Courts of Justice:
1. A bill prohibiting free persons of color from owning or carrying arms.
2. A bill for the benefit of Clerks, Sheriffs, and other officers.

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

The rule of the House, constitutional provision, and second reading of the 2d bill having been dispensed with,

Ordered, That the same be laid on the table.

Mr. Butler, from the same committee, to whom was referred the petition of Robert O'Rear—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.
Mr. Butler, from the same committee, to whom was referred a resolution to bring in a bill to amend the law concerning bail; and also a leave to bring in a bill to protect wood yards—reported the same with the following resolution, viz:

Resolved, That it is inexpedient to legislate on those subjects.

Which being twice read, was concurred in.

Mr. Butler, from the same committee, to whom was referred a bill to amend the jury law—reported the same with an amendment as a substitute for the original bill.

Which being twice read, was concurred in.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

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

Mr. Butler, from the same committee, to whom was referred a bill from the Senate, entitled, an act to amend the several acts to suppress the practice of duelling—reported the same without amendment.

And after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House then took up the bill to change the time of meeting of the Legislature of Kentucky.

Mr. Turner moved to lay said bill on the table for the present.

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

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

Those who voted in the affirmative were—

Those who voted in the negative were—

Mr. Speaker, Mr. Hines, Mr. Randolph, 
Messrs. Adams, Mr. Hughes, Mr. Redd, 
Mr. Caldwell, Mr. Innes, Mr. Reeves, 
Mr. Chouvin, Mr. Irwin, Mr. Rowlett, 
Mr. Churchill, Mr. Lane, Mr. Russell, 
Mr. Coffey, Mr. Marshall, T. F., Mr. Smith, I., 
Mr. Cornish, Mr. Marshall, T., Mr. Smith, J. S., 
Mr. Daviess, Mr. Marshall, W. N., Mr. Stephens, 
Mr. Draffin, Mr. Mason, Mr. Stone, 
Mr. Fish, Mr. McCalla, Mr. Sutton, M., 
Mr. Glover, Mr. McClure, Mr. Sutton, T., 
Mr. Goodson, Mr. McFall, Mr. Trimble, 
Mr. Gray, Mr. Mims, Mr. Waddill, 
Mr. Haggard, Mr. Mize, Mr. Wake, 
Mr. Hammond, Mr. Perciful, Mr. Young, A. — 47. 
Mr. Hardy, Mr. Pindell, 

The said bill being amended, reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, the stated annual meeting of the General Assembly of Kentucky shall commence on the last day of December, except when that day shall be Sunday; and then, on the day previous, instead of the first Monday in December, as now provided by law.

And the question being taken on engrossing and reading said bill a third time, it was decided in the negative.

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

Those who voted in the affirmative were—

Mr. Speaker, Mr. Haggard, Mr. Newell, 
Messrs. Board, Mr. Hammond, Mr. Randolph, 
Mr. Caldwell, Mr. Hardy, Mr. Read, 
Mr. Chouvin, Mr. Hines, Mr. Redd, 
Mr. Coffey, Mr. Hughes, Mr. Reeves, 
Mr. Cornish, Mr. Imboden, Mr. Rowlett, 
Mr. Crow, Mr. Irwin, Mr. Smith, I., 
Mr. Cunningham, Mr. Lane, Mr. Smith, J. S., 
Mr. Daniel, Mr. Marshall, T., Mr. Stephens, 
Mr. Elliott, Mr. Marshall, W. N., Mr. Sutton, M., 
Mr. Fish, Mr. McCalla, Mr. Sutton, T., 
Mr. Goodson, Mr. McClure, Mr. Thomasson, 
Mr. Gray, Mr. McFall, Mr. Wilson, 
Mr. Greesham, Mr. Mize, Mr. Young, A. — 42.
Those who voted in the negative were—


The House then took up for consideration the bill the better to secure and increase the resources of the Sinking Fund, and for other purposes. And after some discussion had thereon, The House adjourned.

THURSDAY, JANUARY 30, 1840.

A message was received from the Senate, announcing the passage of a bill from this House, entitled,

An act to open a State road from John Hibbard's, in Clay county, to Prestonburg, in Floyd county.

And that they insist on their amendment to a bill from this House, entitled, an act giving Justices of the Peace jurisdiction in actions of trespass, and trespass on the case, where the damages laid are five pounds or under; and that they had appointed a committee of conference on their part, to meet a similar committee on the part of this House, in relation to the disagreement between the two Houses.

1. Mr. English presented the petition of Wm. B. Chamberlain, &c. praying the passage of a law authorizing them to sell some real estate.
2. Mr. Imboden presented the petition of the citizens of Locust Port and Francesburg, in Union county, praying that said towns may be united. Which petitions were severally received, the reading thereof dispensed with, and referred to the committee for Courts of Justice.

Mr. Gresham moved the following resolution, viz:

Resolved, That when this House adjourns on this day, it will adjourn to meet hereafter at 9 o'clock, A. M.

Which being twice read, was adopted.

Mr. Meriwether moved the following resolution, viz:

Resolved, That the Clerk of this House be authorized to employ an additional Clerk, if he may deem it necessary to do so.

Which being twice read, was concurred in.

The House again resumed the consideration of the bill from the Senate, entitled, an act to amend the several acts to suppress the practice of duelling.

The said bill was then, on motion of Mr. Morehead, amended.
Mr. Hammond then moved the previous question.

The question was then put, Shall the main question be now taken? and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hammond and J. G. Taylor, were as follows, viz:

Those who voted in the affirmative were—

Those who voted in the negative were—

Messrs. Brien, Marshall, T. English, Marshall, W. N. Johnson, McCalla, Lane, Perciful,

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

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

Mr. Glover, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills from this House of the following titles, and had found the same truly enrolled, viz:

An act repealing the law declaring the Beech Fork navigable above Ray's mill.
An act to change the place of voting in an election precinct in Ohio county.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.

Mr. Butler, from the committee for Courts of Justice, to whom was referred bills from the Senate, of the following titles, viz:

An act to authorize and require the Register of the Land Office to register certain plats and certificates of survey.
An act extending the limits of the town of Germantown.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

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

Mr. Butler, from the same committee, to whom was referred the petition of Wm. McGurie; and of sundry citizens of Washington county—reported said petitions with the following resolution, viz:

Resolved, That said petitions are unreasonable.

Which being twice read, was concurred in.

Mr. Butler, from the same committee, to whom was referred a bill to prevent the burning of the woods in Clay county, and for other purposes—reported the same with amendments, which were concurred in.
Ordered, That said bill, as amended, be engrossed and read a third time.

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 same do pass, and that the title be amended to read as follows:

An act to prevent the burning of the woods in certain counties, and for other purposes.

The following bills were reported by the committee for Courts of Justice:

1. A bill to alter the time of the sitting of the Mercer Circuit Court.
2. A bill for the benefit of George M. Craven, and wife.
3. A bill to regulate fees of County Court Clerks.

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

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d and 3d were severally ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 1st, 2d and 3d bills having been dispensed with, and the same being engrossed,

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

The hour of 12 o'clock having arrived, the House resumed the consideration of the bill to secure and increase the resources of the Sinking Fund, and for other purposes.

After some further discussion had thereon,

Mr. Sprigg proposed an amendment to said bill.

And then the House adjourned.

FRIDAY, JANUARY 31, 1840.

1. Mr. Coffey presented the petition of one of the Trustees of the town of Monticello, in Wayne county, praying an amendment to the law incorporating said town.

2. Also, the petition of sundry citizens of Wayne county, praying the passage of a law prohibiting persons from going into the woods alone, for the purpose of killing wild hogs.

3. Mr. Pindell presented the petition of a committee of the State Agricultural and State Silk Societies, praying for a bounty on silk.

Which petitions were severally received, the reading thereof dispensed
with, and referred: the 1st and 2d to the committee for Courts of Justice; and the 3d to the committee on Agriculture and Manufactures.

Ordered, That a committee of conference be appointed on the part of this House, to meet a similar committee on the part of the Senate, on the disagreement between the two Houses on a bill from this House, entitled, an act giving Justices of the Peace jurisdiction in actions of trespass, and trespass on the case, where the damages laid are five pounds or under.

Whereupon Messrs. Turner, T. Sutton and Meriwether were appointed a committee on the part of this House.

On motion of Mr. Turner, 

Ordered, That the bill for the benefit of the Banks of Kentucky be taken up from the table.

Ordered, That the said bill be read a second time. The rule of the House, constitutional provision and second reading of said bill was then dispensed with.

Mr. Hines, from the committee on Religion, to whom was referred the petition of Sarah Delph; of Mary Doud; of Caroline Foster; of Jno. Kendall; of Eliza C. Anderson; of Polly Ann Moore; of Mary White; of Rebecca Sloan; of Nancy Buckles; of Caroline H. Lyter; of Hannah W. Craig; of Eleanor Maria Hicks; of Hermanday Cutter; of Andrew Craig; of Albert G. Walker, and of Henry Rogers, each praying for a divorce—reported the same with the following resolution, viz:

Resolved, That said petitions are unreasonable.

Which being twice read, was concurred in.

A message was received from the Senate; announcing the passage of bills and resolutions from that House of the following titles, viz:

An act for the benefit of David Jones, late Sheriff of Mercer county.
An act for the benefit of Thomas H. Ballard.
An act to incorporate the Spencer County Seminary.
An act to establish a town on the land of Adam Miller, of Adair county.
An act to divorce Elizabeth Penn from her husband, Warner Penn; and
A preamble and resolutions concerning the Public Lands.

Mr. Hines, from the committee on Religion, to whom was referred a bill from the Senate, entitled, an act for the divorce of Samuel Rohrer—reported the same without amendment.

Ordered, That the said bill be read a third time. The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

Mr. Meriwether, from the committee on Ways and Means, to whom was referred bills from the Senate of the following titles, viz:

An act for the benefit of the Sheriff of Hickman county.
An act to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of jurors, approved Feb. 15, 1838, and for other purposes—reported the same without amendment.

Ordered, That said bills be read a third time.

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.

Mr. Meriwether, from the same committee, to whom was referred bills of the following titles, viz:

A bill for the benefit of the securities of Alfred L. Hargis, late Sheriff of Christian county.

A bill for the benefit of the securities of Alfred L. Hargis, late Sheriff of Christian county.

A bill for the benefit of veniremen and jurors in certain cases,

Reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with, and the same being engrossed,

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

Mr. Meriwether, from the same committee, to whom was referred bills of the following titles, viz:

A bill to require pedlars of clocks to obtain license.

A bill for the benefit of the Surveyors of this Commonwealth.

A bill for the benefit of the Mountsterling Female Academy.

Reported the same without amendment.

The question was then taken on engrossing and reading said bills a third time, and decided in the negative.

And so the said bills were rejected.

Mr. Meriwether, from the same committee, to whom was referred the petition of Wm. Simpson; of Rice Maxey, and of sundry citizens of Lexington—reported the same with the following resolution, viz:

Resolved, That said petitions are unreasonable.

Which being twice read, was concurred in.

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

By Mr. Meriwether—1. A bill to regulate the payment of public money into the Treasury, and for other purposes.

By the committee on Religion—2. A bill for the benefit of Ann Cable.

By same—3. A bill for the benefit of David Jameson.

By same—4. A bill for the benefit of Nancy Turner.

By same—5. A bill for the benefit of Elizabeth Ward.

By same—6. A bill for the benefit of Emily Henry.
By same—7. A bill for the benefit of Gabriella Mathews.

By same—8. A bill for the benefit of James and Keziah Rogers.

By the committee on Ways and Means—9. A bill for the benefit of Wm. B. Parker, late Sheriff of Lewis county.

By same—10. A bill to amend an act concerning the laying and collecting the county levy of Fayette, approved Feb. 25, 1836.

By same—11. A bill for the benefit of the Sheriff of Harrison county.

By same—12. A bill for the benefit of the heirs of William Winslow, late Clerk of the Gallatin Circuit Court.

By same—13. A bill for the benefit of the Sheriff of Lewis county.

By same—14. A bill for the benefit of the Lexington and Georgetown Turnpike Road Company.

By same—15. A bill for the benefit of John Blankenship.

By same—16. A bill for the benefit of the Sheriff of Oldham county.

By same—17. A bill to repeal all laws authorizing the Sheriffs of this Commonwealth to return delinquent lists.

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

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with, they were ordered to be engrossed and read a third time, (except the 1st, which was referred to the select committee to examine into the situation of the Treasurer's office.)

The rule of the House, constitutional provision and third reading of said bills (except the first) being dispensed with, and the same being engrossed,

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

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill to reduce the salaries of certain public officers of this Commonwealth—reported the same with an amendment in lieu of the original bill, which was concurred in; and the said bill being further amended,

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Perciful and J. G. Taylor, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker, Messrs. Barrett, Board, Botts, Brien, Brooks, Forman, Glenn, Goodson, Gray, Gresham, Haggard, Morehead, Padon, Pindell, Randolph, Read, Redd,
Those who voted in the negative were—


Resolved, That the title of said bill be amended to read as follows:

An act to reduce the salaries of the Engineers of this State, and for other purposes.

The hour of 12 o'clock having arrived, the House again resumed the consideration of the bill the better to secure and increase the resources of the Sinking Fund, and for other purposes.

Mr. Sprigg withdrew his amendment.

The fourth section of said bill reads as follows, viz:

Sec. 4. Be it further enacted, That it shall be the duty of the Executive for the time being, to nominate, and by and with the advice of the Senate, to appoint five fit and discreet persons, Directors of the Sinking Fund, who shall hold their office for one year, and until their successors are appointed, and enter upon the duties of their office, and to whom the Governor shall issue commissions under the seal of the State: and it shall be the duty of the Directors so appointed to meet at some place in the town of Frankfort, and select one of their own body as president of the corporation; and the said president and directors shall have power and authority to appoint a cashier and a competent number of clerks, agents and servants to do the business of the corporation. The said President and Directors of the Sinking Fund, and all the officers thereof, shall, before entering upon their office, take an oath, before
some officer competent to administer oaths, truly and faithfully to discharge the duties thereof; a duly authenticated copy of which oath shall be filed and preserved in the office of State. It shall be the duty of said President and Directors to provide a suitable office of Discount and Deposit, in the town of Frankfort, for the doing and transacting the duties of their office, and for that purpose may erect buildings on the Capitol Square, under the supervision of the Executive for the time being, and on such part thereof as he shall assent and agree to, and the said President and Directors shall deem eligible; and if it shall not appear to the Executive and the said President and Directors eligible to erect such buildings on said square, the said President and Directors may, by purchase or lease, secure the necessary buildings elsewhere in the town of Frankfort. It shall and may be lawful for the said President and Directors to require any of their officers they may think proper, to execute bond, with sufficient security, for his or their good behaviour, and faithful discharge of his or their duty. The said President and Directors shall hold and possess all the money, stocks, credits and property belonging to the Sinking Fund, or pertaining thereto; and shall have and exercise all the power over said fund now exercised by the Commissioners of the Sinking Fund, their agents and servants; and to that end it shall be the duty of the Commissioners of the Sinking Fund, their agents and servants, to hand over to the President and Directors of the Sinking Fund, all books, papers, and credits whatever, and to deliver to them all money, or other thing belonging to the Sinking Fund; and to finally and fully settle and adjust their accounts, and to cause their clerks and other agents to do, with the President and Directors of the Sinking Fund; and on such final settlement with the Commissioners, their agents and servants, it shall be the duty of the President and Directors of the Sinking Fund to give said Commissioners a quietus, which shall be filed by said Commissioners, with the Secretary of State, to be by him recorded and preserved. It shall be the duty of the President and Directors of the Sinking Fund to keep a full, fair, and true journal of their proceedings, and at all times to exhibit them to the Executive for the time being, whenever required so to do; and they shall, within the first ten days of every session, report to each branch of the Legislature a true condition of the Fund, and a statement of the business transacted by, in each year, and expose to any committee appointed for the purpose, by either branch of the Legislature, their books, papers and records, if so required to do, and shall in all things transact their business subject to the supervision and inspection of the Legislature. Should a vacancy happen in the Board at any time during a recess of the Legislature, a temporary appointment to fill the vacancy shall be made by the Governor, as in like cases. No member of the Legislature, nor any director, agent, or servant of any other Bank, shall be eligible to the office of agent or servant in the corporation created by the act; and in making the appointments after the first year, not more than four of the members first appointed shall be eligible to re-appointment, and in the appointments made the succeeding years, the nominations shall be so arranged as to make an entire change of Directors once in five years. The cashier and other officers shall hold their offices during good behaviour, at the discretion of the Board of Directors, but in removing an officer, at least three of the Directors present shall concur in his removal. So soon as the President and Directors of the Sinking Fund shall erect or procure a proper office for the safe keeping of the books, papers and money belonging to the Fund, they
shall give notice to the Governor, and invite him to inspect said office, and if, in his opinion, the public money will be safe in said office, he shall notify the Treasurer of the Commonwealth that it is so; and thereafter it shall be the duty of the Treasurer to deposit the public money, and open accounts with the President and Directors of the Sinking Fund, close all accounts with the Bank of Kentucky or any of her branches, as places of deposit of the public money; but should the Treasurer or Governor at any time become doubtful that the President and Directors of the Sinking Fund are mismanaging the Fund, or that the office was not a place of safe deposit, the Treasurer having obtained the Governor's warrant to that end, until otherwise directed by law, shall deposit the public money in such other depository as shall be designated in said warrant. The said five Directors, or any three of them, shall be a quorum to do and transact business. The said President and Directors of the Sinking Fund of Kentucky shall have power to pass all by-laws necessary to the exercise of the powers by this act granted, to make and keep a common seal, and the same to alter, change, or break, at pleasure. The said President and Directors of the Sinking Fund of the State of Kentucky, shall have a right to borrow and loan money at any interest not exceeding six per centum, or such lower rates, and on such terms and conditions, as they may deem best for the interest of the institution. They shall have a right to deal in exchange, to discount notes, to buy and sell bills, to purchase stocks, to buy gold and silver bullion, to receive all appropriations to the Sinking Fund, and to pay all charges due thereon, and may purchase and hold all lands and personal estate necessary for the convenient transacting its business, and such lands and personal estate or securities as shall be bona fide pledged for the payment of any debt due to the Sinking Fund. So soon as the President and Directors of the Sinking Fund shall be organized to transact business, they shall give notice of their organization to the officer or officers, agent or agents, having charge of the affairs of the Bank of the Commonwealth of Kentucky, and the old Bank of Kentucky, aforesaid, and demand from the time of which demand, all salaries and compensation allowed to such officers or agents, or any of them, shall cease; and the said President and Directors shall, on receipt of the lands, moneys, goods, debts, and credits of said Banks, execute receipts therefor, duplicates of which shall be deposited in the Secretary of State's office, to be kept and recorded as is directed in the case of the Commissioners of the Sinking Fund.

Mr. Morehead moved to amend said section, by striking out the words printed in italics, and inserting in lieu thereof the following:

"A sufficient amount of money to meet the interest of the State debt chargeable to the Sinking Fund the next year after the borrowing, and to deposit with any of the Banks of this Commonwealth, any money for a specified time, at such an interest as may be agreed on, not exceeding six per cent per annum."

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

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

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Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Adams,
Barrett,
Brooks,
Buckner,
Butler,
Caldwell,
Cave,
Chouvin,
Churchill,
Clay,
Cunningham,
Davies,
Draffin,
Elliott,
Fish,
Forman,
Glenn,
Goodson,
Gray,
Gresham,
Henry,
Hines,
Hughes,
Huston,
Imboden,
Innes,
Johnson,
McCalla,
McKinney,
Morehead,
Padon,
Pindell,
Redd,
Reeder,
Reeves,
Russell,
Smith, J. S.
Swope,
Taggart,
Taylor, H.
Trimble,
Turner,
Waddill,
Wake,
White,
Wilson,
Yantis,
Young, A.—49.

Those who voted in the negative, were—

Messrs. Board,
Brien,
Burgess,
Coffey,
Coke,
Colvin,
Cornish,
Drye,
English,
Glover,
Haggard,
Hammond,
Hill,
Irwin,
Lane,
Logan,
Lyter,
Marshall, T.
Marshall, W. N.
Mason,
McClure,
Meriwether,
Mims,
Mize.
Perciful,
Randolph,
Read,
Rowlett,
Runsey,
Spigg,
Stephens,
Stone,
Sutton, M.
Sutton, T.
Taylor, J. G.
Thomasan—36.

The said bill being further amended,
The question was then taken on engrossing and reading said bill a third time, and decided in the affirmative.
The yeas and nays being required thereon, by Messrs. Huston and J. S. Smith, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Adams,
Barrett,
Buckner,
Burgess,
Caldwell,
Cave,
Cecil,
Forman,
Glenn,
Goodson,
Gray,
Gresham,
Hammond,
Henry,
Hill,
Morehead,
Padon,
Reeder,
Reeves,
Russell,
Smith, J. S.
Spigg,
Stone,
Those who voted in the negative were:

Messrs. Brien, 
    Brooks,  
    Butler,  
    Churchill,  
    Coffey,  
    Colvin,  
    Crow,  
    English,  
    Glover,  
    Haggard,  
    Hardy,  
    Hines,  
    Hughes,  
    Imboden,  
    Innes,  
    Irwin,  
    Johnson,  
    Logan,  
    McFall,  
    McKinney,  
    Mims,  
    Mize,  
    Sutton, M.  
    Swope,  
    Taggart,  
    Taylor, H.  
    Trimble,  
    Waddill,  
    White,  
    Wilson,  
    Yantis,  
    Young, A.—56.

And then the House adjourned.

SATURDAY, FEBRUARY 1, 1840.

Mr. Hines moved a reconsideration of the vote of yesterday, rejecting the petition of Hermunday Cutler.

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

Ordered, That the committee on Religion prepare and bring in a bill in pursuance of the prayer of said petition.

Mr. Stephens presented the petition of Henry Fugate, praying for the passage of a law adding him to Grant county.

Which was received, the reading thereof dispensed with, and referred to the committee on Propositions and Grievances.

A message was received from the Senate, announcing their concurrence in the amendment of this House to a resolution from the Senate, fixing a day for the final adjournment of the Legislature.
And that they concur in the amendment proposed by this House to a bill from the Senate, entitled, an act to amend the several acts to suppress the practice of duelling.

And that they had disagreed to bills from this House, of the following titles, viz:

- An act for the benefit of Hiram F. Cravens.
- An act for the benefit of Wm. M. Simmons, and his committee.

That they had passed bills from this House of the following titles, viz:

- An act allowing an additional Constable in Anderson county.
- An act to allow an additional Justice of the Peace to the county of Whitley, and for other purposes.
- An act allowing an additional Justice of the Peace to Carter county, and for other purposes.
- An act authorizing a change of venue in an action at law depending in the Pulaski Circuit Court, wherein Rose (a woman of color) is plaintiff, and James T. Curd is defendant.
- An act to amend the execution laws of this Commonwealth.
- An act to amend the penal laws of this Commonwealth.
- An act to amend the charter of the Covington Insurance Company.
- An act for the benefit of Wm. B. Glaves, of Cynthiana.
- An act for the benefit of mechanics in the towns of Bowling green, Russellville and Owensboro'.
- An act for the benefit of the widow and children of Stephen H. Garton, deceased.
- An act allowing the Trustees of Newcastle to open an alley.
- An act for the benefit of the heirs of Wm. Taylor, deceased.
- An act allowing additional Justices of the Peace to the counties of Graves and Wayne.

With amendments to the eight last named bills.

And that they had passed bills of the following titles, viz:

- An act to amend the charter of the city of Lexington, and for other purposes.
- An act to amend the law in relation to idiots and lunatics.
- An act to incorporate the Jefferson Literary Society of Augusta College.
- An act to amend an act, entitled, an act to amend the laws defining the powers of the Trustees of the town of Newport, approved January 12, 1830.
- An act for the benefit of the Anderson County Seminary.
- An act to establish the county of Howard.
- An act to authorize the County Court of Owen county to change the road from Marion to New Liberty.
- An act for the benefit of Elizabeth Higby.
- An act for the divorce of Granville C. Brown.
An act to amend the charter of the Cynthiana Fire Company.

An act to amend an act, entitled, an act further to regulate the Board of Internal Improvement for the counties West of the Tennessee river, approved March 1st, 1836.

An act for the benefit of the heirs of Wm. Milton, deceased.

An act for the benefit of the County Court of Russell.

An act for the benefit of the city of Maysville.

An act to amend an act to incorporate the town of Trenton, in Todd county, approved January 13, 1840.

An act for the relief of the securities of Westley M. Garnett and Henderson Murphy.

An act for the benefit of Joseph Ballinger; and

A resolution to erect a tomb stone over the grave of Gabriel Slaughter, late Governor of Kentucky.

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

By Mr. T. Sutton—1. A bill to tax the proprietors of shows.

By Mr. Brooks—2. A bill allowing additional Constables to Mason, Rockcastle, Oldham and Pulaski counties, and to change a Constable's district in Russell county.

By Mr. Chouvin—3. A bill to establish a Seminary of Learning in Butler county, and for other purposes.

By Mr. Meriwether—4. A bill to appoint Commissioners to close the concerns of the Shepherdsville Bank.

By Mr. Fish—5. A bill to regulate the number of the Justices of the Peace for Campbell county.

By Mr. Crow—6. A bill to establish the town of New Boston, in Daviess county, and to increase the powers of the Trustees of the town of Monticello.

By Mr. Morehead—7. A bill for the benefit of Mary Ann Winebrinner.

By Mr. Cecil—8. A bill to authorize the County Court of Breathitt to raise funds for the erection of their public buildings, and for other purposes.

By Mr. Daniel—9. A bill for the benefit of Reuben Stanton.

By Mr. Stephens—10. A bill to amend the several acts incorporating the town of Williamstown, and for other purposes.

By Mr. McFall—11. A bill to repeal all laws declaring Little Obion, in Hickman, a navigable stream above McCloud's Bluffs.

By Mr. Hopkins—12. A bill for the benefit of the heirs of John Roney, deceased.

By Mr. Wake—13. A bill to provide for paying the expense of keeping prisoners previous to, and pending their examination before Justices of the Peace.
By Mr. Irwin—14. A bill for the benefit of Armstead Crane.
By Mr. Gray—15. A bill to amend the laws in relation to ferries on Cumberland and Tennessee rivers, in Trigg county.
By Mr. Hill—16. A bill to regulate the 9th Judicial District, and for other purposes.
By Mr. J. S. Smith—17. A bill to amend an act, entitled, an act to amend the act further to regulate the Wilderness turnpike road, approved January 27, 1838.
By Mr. Lane—18. A bill to change the time of holding the Oldham County Court.
By same—19. A bill to repeal an act, entitled, an act incorporating the town of Brownsboro.
By Mr. Sprigg—20. A bill to equalize the salaries of the Circuit Court Judges of this Commonwealth.
By Mr. Reeves—21. A bill to amend an act to incorporate the Trenton Female Academy, in Todd county.
By Mr. Hines—22. A bill to amend an act, entitled, an act to incorporate the Bowlinggreen Life, Fire and Marine Insurance Company.
By Mr. White—23. A bill for the benefit of James C. Sprigg, and others.
By the committee on Religion—24. A bill for the benefit of Herman Cutler.
By Mr. Meriwether—25. A bill concerning the General Court.

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

The rule of the House, constitutional provision, and second reading of the said bills having been dispensed with, the 1st, 9th and 14th were referred to the committee on Ways and Means; the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 10th, 11th, 12th, 13th, 15th, 17th, 18th, 19th, 20th, 21st, 22d, 23d, 24th and 25th were severally ordered to be engrossed and read a third time; and the 16th to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 10th, 11th, 12th, 13th, 15th, 17th, 18th, 19th, 20th, 21st, 22d, 23d, 24th and 25th 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.

Mr. W. N. Marshall, from the select committee to whom was referred a bill for the benefit of Randolph Robertson—reported the same with amendments, which were concurred in.

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,
Resolved, That said bill do pass, and that the title thereof be amended to read,
An act for the benefit of Randolph Robertson, and others.
Mr. Glover, from the select committee to whom was referred a bill to amend the law in relation to water grist mills—reported the same without amendment.
Ordered, That said bill be laid on the table for the present.
Mr. Board asked leave to withdraw the petition of Rebecca Sloan, and the petition of James E. Stone; which was granted, and the petitions withdrawn.
Mr. Haggard moved the following resolution, viz:
Resolved, That the committee on Military Affairs be directed to inquire into the propriety of amending the militia laws of this Commonwealth, so as to dispense with all the musters as now directed by law, in each year, except one; and that to be in the month of October.
Which being twice read, was adopted.
Mr. Haggard moved the following resolution, viz:
Resolved, That the committee on Internal Improvement be directed to inquire into the propriety and expediency of improving the road leading from Columbia, in Adair county, to the Tennessee line, in the direction of Livingston, in said State, passing through the town of Burksville.
Which being twice read, was adopted.
Mr. Huston moved the following resolution, viz:
Resolved, That Mr. J. Clark be permitted to take his seat within the bar of the House of Representatives, for the purpose of reporting the proceedings for the Lexington Intelligencer.
Which being twice read, was adopted.
Mr. Huston read and laid on the table the following joint resolution:
Resolved by the General Assembly of the Commonwealth of Kentucky, That the Public Printer be required to print and bind the local and personal acts passed each year by said General Assembly, in volumes separate from the general acts; and that no more volumes of said local and personal acts shall be printed, than will be sufficient to supply each Clerk's office in this Commonwealth, and the public offices at the seat of government, with one copy of said local and personal acts.
Mr. Crow, from the select committee to whom was referred the petition of Wm. Whitworth—reported the same with the following resolution, viz:
Resolved, That said petition is unreasonable.
Which being twice read, was adopted.
Mr. Daviess asked leave to withdraw the petition of Margaret M. Pulliam; and also the petition of Paralee Smith; which was granted, and the petitions withdrawn.
Mr. Irwin moved the following resolution, viz:
Resolved, That the Lieutenant and Acting Governor of this Commonwealth be requested to lay before this House the amount of the proceeds of
sale of State Bonds; the amount of money borrowed otherwise than by the sale of bonds, on the credit of the State of Kentucky, and the amount of all other money raised on the credit of the State, or otherwise, for works of internal improvement; the amount of the surplus revenue heretofore received, and how the same has been expended, and whether paid into the Treasury or not, and how much; and how much has been audited at the Auditor's office. Also, all the indebtedness of the State.

Which being twice read, was adopted.

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

On motion of Mr. T. Sutton—1. A bill for the benefit of Daniel Hardaway's heirs.

On motion of Mr. Draffin—2. A bill to amend the execution laws of the Commonwealth.

On motion of Mr. Clay—3. A bill to extend the time limiting open accounts.

On motion of Mr. Mason—4. A bill to amend the charters of the Winchester, Mountsterling and Owingsville Turnpike Road Company; and the Paris, Sharpsburg and Owingsville Turnpike Road Company, and for other purposes.

On motion of Mr. Cave—5. A bill to amend an act, entitled, an act to establish the town of Landing, in Boone county.

On motion of same—6. A bill to secure pay to witnesses in this Commonwealth.

On motion of Mr. Buckner—7. A bill to extend the State road from Morgantown to Litchfield, and for other purposes.

On motion of Mr. Crow—8. A bill to amend the charter of the Louisville and Mississippi Railroad Company.

On motion of Mr. Morehead—9. A bill for the benefit of the Kentucky Seminary.

On motion of same—10. A bill for the benefit of Richard L. Fox, and Sarah Ann Fox, his wife, and their infant children.

On motion of same—11. A bill regulating the jurisdiction of the Police Judge of the town of Frankfort.

On motion of Mr. McKinney—12. A bill for the benefit of the City School of Lexington.

On motion of Mr. Cecil—13. A bill to authorize the County Courts of Floyd and Pike to appoint County Engineers to grade and lay out their county roads.

On motion of same—14. A bill to amend the charter of the Owingsville and Big Sandy Turnpike Road Company, and for other purposes.

On motion of Mr. Russell—15. A bill to amend the charter of the Paducah Lottery, and for other purposes.

On motion of Mr. Stephens—16. A bill to incorporate the Trustees of the Republican Meeting House, in Grant county.
On motion of Mr. Cunningham—17. A bill to authorize the Trustees of the Grayson Seminary to locate — acres of any waste and unappropriated land of this Commonwealth.

On motion of Mr. McFall—18. A bill for the benefit of Philip Board, of Hancock county, and for other purposes.

On motion of Mr. Wake—19. A bill for the benefit of Thomas D. Wilmore.

On motion of Mr. Irwin—20. A bill to clear and remove obstructions to the navigation of flat bottomed boats in that part of Muddy river and Wolf Lick, which lies between Gray’s mill and lock and dam No. 3, on Green river.


On motion of same—22. A bill to make it the duty of Magistrates, Constables and Sheriffs of this Commonwealth to demand of all itinerant peddlars, their license; and if not produced, to retain their wares until such license is procured and produced, as the laws of this Commonwealth require.

On motion of same—23. A bill to tax all officers of this Commonwealth having fixed salaries, and Clerks of Courts, as follows, viz: All Clerks whose fees amount over $500, shall pay two per cent. up to $1000; and over that sum, three per cent. until the salary amounts to $1500; that sum and upwards, four per cent.; and all other officers shall be taxed in the same manner—said tax to be paid into the Sinking Fund.


On motion of Mr. Daviess—25. A bill for the benefit of John White, and children, of Mercer county.

On motion of same—26. A bill to extend the Constable’s district of John Speed, of Mercer county.

On motion of Mr. Perciful—27. A bill for the benefit of Mrs. Overton, widow of James C. Overton, deceased.

On motion of Mr. Turner—28. A bill to alter the time of holding certain Circuit Courts in this Commonwealth.

On motion of Mr. Glover—29. A bill to amend the law allowing compensation for extra work on the public roads; and also for materials for the repair of the same.

On motion of Mr. Elliott—30. A bill to prohibit the County Court Clerks of this Commonwealth from practicing law in the Circuit Courts in the county where they hold such Clerk’s office.

On motion of Mr. Rumsey—31. A bill for the benefit of James Newton.

On motion of Mr. M. Sutton—32. A bill to repeal the act of 1809, imposing restrictions upon persons divorced by the Circuit Court.

On motion of Mr. Gresham—33. A bill for the benefit of James and T.
Garrard, of Clay county, to allow them to build a slope at their mill dam on Little Goose creek, so as to let boats pass the downward navigation.

On motion of same—34. A bill for the benefit of George and David Everharts' heirs.

On motion of Mr. Sprigg—35. A bill to amend the act establishing the Board of Internal Improvement for Shelby county, and for other purposes.

On motion of Mr. Redd—36. A bill for the benefit of the citizens of Trigg county, living West of the Tennessee river.

Ordered, That Messrs. T. Sutton, W. N. Marshall and Coffey prepare and bring in the 1st; Messrs. Draffin, Wilson and Davie the 2d; Messrs. Clay, Reeves and Russell the 3d; Messrs. Glover, Mason, Johnson, Trimble, Huston, Lyter and Henry the 4th; the committee on Propositions and Grievances the 5th and 25th; the committee for Courts of Justice the 6th, 16th, 28th, 29th, 30th and 34th; the committee on Internal Improvement the 7th, 8th, 13th and 33d; Messrs. Morehead, Draffin and Reeves the 9th; Messrs. Morehead, Trimble and T. F. Marshall the 10th; Messrs. Morehead, Draffin and J. S. Smith the 11th; Messrs. Mc Kinney, Pindell and Hughes the 12th; Messrs. Cecil, Mason, Glover, Johnson and Sprigg the 14th; Messrs. Russell, Crow, Elliott, Brien and Padon the 15th; Messrs. Cunningham, Rumsey, Inboden and Barrett the 17th; Messrs. McFall, Stephies, Crow and Elliott the 18th; Messrs. Wake, Hopkins and Randolph the 19th; Messrs. Irwin, Gray, Reeves and Chouvin the 20th; Messrs. T. Marshall, Reeves, Clay and Irwin the 21st; the committee on Ways and Means the 22d, 23d and 24th; Messrs. Davies, Draffin and Cornish the 26th; Messrs. Perciful, Daniel and English the 27th; Messrs. Ramsey, Waddell and Churchill the 31st; Messrs. M. Sutton, T. Sutton, Mims and Gresham the 32d; Messrs. Sprigg, Logan, J. G. Taylor and Stone the 35th; and Messrs. Redd, Reeves and Russell the 36th.

Mr. McClure moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be, and they are hereby directed to report a bill to this House, dispensing with the Board of Internal Improvement, and all the Engineers in the service of the State.

Mr. Coffey moved the following as a substitute for said resolution:

WHEREAS, it is believed by a great number of the good citizens of this Commonwealth, that the institution of the Board of Internal Improvement was inexpedient and impolitic, and that they have powers that they ought not to have, and powers that the people themselves or their representatives should only exercise: Therefore,

Be it Resolved, That the committee on Internal Improvement be instructed to report to this House, a bill dispensing with the Board of Improvement and all Engineers, and so regulating the future operation of the system of improvement in Kentucky, so as to have one Superintendent to conduct the system as shall or may be directed by law. Said Superintendent shall be appointed annually, by the joint vote of both branches of the Legislature
and report a provision in said bill, that all public moneys shall be paid into the Treasury by warrant or certificate of the First or Second Auditor; and that no moneys shall be paid out of the Treasury, except by warrant or certificate of the First or Second Auditor.

Mr. Turner moved to lay said resolution and substitute on the table for the present.

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

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

Those who voted in the affirmative were—

Mr. Speaker, Mr. Adams, Mr. Barrett, Mr. Brooks, Mr. Buckner, Mr. Butler, Mr. Cave, Mr. Clay, Mr. Crow, Mr. Cunningham, Mr. Daviss, Mr. Draffin, Mr. Drye, Mr. Elliott, Mr. Fish, Mr. Forman, Mr. Glenn, Mr. Goodson, Mr. Gresham, Mr. Hammond, Mr. Hardy, Mr. Henry, Mr. Hill, Mr. Hines, Mr. Huston, Mr. Imboden, Mr. Innes, Mr. Irwin, Mr. McCalla, Mr. McFall, Mr. Padon, Mr. Pindell, Mr. Reeder, Mr. Reeves, Mr. Rumsey, Mr. Russell, Mr. Smith, J.S., Mr. Sprigg, Mr. Swope, Mr. Taggart, Mr. Taylor, H., Mr. Taylor, J. G., Mr. Trimble, Mr. Turner, Mr. Waddill, Mr. Wake, Mr. White, Mr. Wilson, Mr. Yantis, Mr. Young, A.—50.

Those who voted in the negative were—

Mr. Board, Mr. Brien, Mr. Burgess, Mr. Caldwell, Mr. Cecil, Mr. Chouvin, Mr. Coffey, Mr. Colvin, Mr. Cornish, Mr. Daniel, Mr. Glover, Mr. Haggard, Mr. Hughes, Mr. Johnson, Mr. Lane, Mr. Marshall, T., Mr. Marshall, W. N., Mr. Mason, Mr. McClure, Mr. Meriwether, Mr. Mims, Mr. Mize, Mr. Perciful, Mr. Randolph, Mr. Read, Mr. Reid, Mr. Rowlett, Mr. Stephens, Mr. Sutton, M., Mr. Sutton, T., Mr. Thomasson—31.

Mr. Reeves, from the select committee, reported a bill for the benefit of Joseph Washington.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,
The question was then taken on engrossing and reading said bill a third time, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Butler and J. S. Smith, were as follows, viz:

Those who voted in the affirmative were—


Those who voted in the negative were—


The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and decided in the affirmative.

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

Those who voted in the affirmative were—


Resolved, That the title thereof be as aforesaid.

The amendments proposed by the Senate to bills from this House, of the following titles, viz:

An act to amend the penal laws of this Commonwealth.
An act to amend the charter of the Covington Insurance Company.
An act for the benefit of William B. Glaves, of Cynthiana.
An act for the benefit of mechanics in the towns of Bowlinggreen, Russellville and Owensboro.
An act for the benefit of the widow and children of Stephen H. Garton, deceased.
An act allowing the Trustees of Newcastle to close an alley.
An act for the benefit of the heirs of Wm. Taylor, deceased.
An act allowing additional Justices of the Peace to the counties of Graves and Wayne.
An act for the benefit of the Sheriff of Todd county.
Were twice read, and concurred in.

Bills from the Senate of the following titles, viz:

1. An act requiring the removal of timber from flooded grounds, &c.
2. An act for the benefit of David Jones, late Sheriff of Mercer county.
3. An act for the benefit of Thomas H. Ballard.
4. An act to incorporate the Spencer County Seminary.
5. An act to establish a town on the land of Adam Miller, of Adair county.
6. An act to divorce Elizabeth Penn from her husband, Warner Penn.
7. An act for the benefit of the widow and infant heir of John Gilbert, deceased.
8. An act concerning the town of Glasgow.
9. An act to establish the Lexington Cemetery.
10. An act to amend the laws regulating civil proceedings, and for other purposes.
11. An act authorizing the building of mills and dams upon Trammell's fork of Drake's creek.
12. An act to amend the 9th section of an act, entitled, an act for regulating the solemnization of marriages, approved Feb. 3, 1798.
13. An act to repeal the 6th section of an act to authorize permanent provision for resident females in Kentucky stocks, and guardians to invest the money of their wards in Bank stocks.
14. An act to extend and continue in force an act approved 29th February, 1836, entitled, an act extending for a certain period, and with certain limitations, the charter of the Old Bank of Kentucky.
15. An act to establish a State road from Hartford to Russellville.
16. An act to incorporate the Maysville Athenæum.
17. An act to establish the town of La Fayette, in the county of Henderson.
18. An act for the benefit of the Paducah Seminary.
19. An act to incorporate the La Grange Seminary, in Oldham county, and for other purposes.
20. An act for the benefit of Edwin Land.
21. An act to incorporate the Trustees of the Buck Creek Seminary.
22. An act to amend the charter of the city of Lexington, and for other purposes.
23. An act to amend the law in relation to idiots and lunatics.
25. An act to amend an act, entitled, an act to amend the laws defining the powers of the Trustees of the town of Newport, approved Jan. 12, 1830.
26. An act for the benefit of the Anderson County Seminary.
27. An act to establish the county of Howard.
28. An act to authorize the County Court of Owen county to change the road from Marion to New Liberty.
29. An act for the benefit of Elizabeth Highy.
31. An act to amend the charter of the Cynthiana Fire Company.
32. An act to amend an act, entitled, an act further to regulate the Board of Internal Improvements for the counties West of Tennessee river, approved March 1, 1836.
33. An act for the benefit of the heirs of Wm. Milton, deceased.
34. An act for the benefit of the County Court of Russell.
35. An act for the benefit of the city of Maysville.
36. An act to amend an act to incorporate the town of Trenton, in Todd county, approved January 13, 1840.
37. An act for the relief of the securities of Westley M. Garnett, dec'd, and Henderson Murphy.
38. An act for the benefit of Joseph Ballinger.
39. An act to amend an act, entitled, an act for the benefit of the widow and heirs of Francis Hogan, deceased.
40. An act to amend the charter of Shelby College.
41. An act to amend the act, entitled, an act to authorize Jailers to serve process in certain cases, approved February 9, 1836.
42. An act to change the place of voting at an election precinct in Perry county, and to establish a new precinct in said county.
43. An act allowing an additional Justice of the Peace to Barren county.
44. An act to establish an election precinct in Owen county.
45. An act to amend an act, entitled, an act to establish a State road from Shelbyville, by Floydsburg and Brownsboro', to Harmony Landing, on the Ohio river.
46. An act to continue in force an act, entitled, an act to establish the Police Court of Louisville, and to amend the charter of said city.
47. An act to amend the charter of the city of Louisville, and for other purposes.
48. An act authorizing the County Court of Bullitt county to sell the old jail and jail lot, and to build a new jail.
49. An act to amend the 7th section of an act, entitled, an act for the better securing the payment of rents, and preventing the fraudulent practices of tenants.
50. An act for the benefit of the Sheriff of Fleming county.
51. An act to amend the militia law.

Were read the first time, and ordered to be read a second time.
The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 11th, 15th, 20th, 32d and 45th were referred to the committee on Internal Improvement; the 2d, 34th and 50th to the committee on Ways and Means; the 3d and 38th to the committee on Claims; the 4th, 16th, 18th, 19th, 21st and 40th to the committee on Education; the 5th, 7th, 9th, 10th, 12th, 13th, 17th, 22d, 23d, 24th, 25th, 31st, 33d, 35th, 39th, 41st, 43d, 46th, 47th and 49th to the committee for Courts of Justice; the 6th, 29th and 30th to the committee on Religion; the 8th, 27th and 48th to the committee on Propositions and Grievances; the 26th, 28th, 36th, 42d and 44th were severally ordered to be read a third time; the 37th and 51st were referred to the committee on Military Affairs, and the 14th to the committee on the Sinking Fund.

The rule of the House, constitutional provision and third reading of the 26th, 28th, 36th, 42d and 44th bills having been dispensed with, and the same being engrossed,

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

Resolutions from the Senate of the following titles, viz:
A resolution to erect a tomb stone over the grave of Gabriel Slaughter, late Governor of Kentucky.
A resolution directing a tomb stone to be placed over the grave of James Clark, late Governor of Kentucky.

Were taken up, twice read, and concurred in.

And then the House adjourned.

MONDAY, FEBRUARY 3, 1840.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:
An act to alter the time of the sitting of the Mercer Circuit Court.
An act for the benefit of the Sheriff of Pendleton county.
An act to incorporate the Louisville First Ward Lyceum.

With amendments to the two last named bills.

And the passage of bills from the Senate of the following titles:
An act for the benefit of Levi Giles.
An act to establish the Mechanics' Institute and Savings Institution of the city of Lexington.
An act to amend the charter of the Springfield and Bardstown Turnpike Road Company.

An act to exempt the members of the fire companies of the city of Maysville from militia duty.

An act for the benefit of the infant heirs of Harrison Hearn.

An act to reduce into one the several acts concerning the running and marking the division lines between Washington and Marion counties.

An act for the divorce of Thomas Isbell.

An act for the benefit of the Sheriff of Livingston county.

An act for the benefit of the Jailers of Bullitt and Breckinridge counties.

1. Mr. Churchill presented the petition of sundry citizens of Hardin county, praying a change in the place of voting in an election precinct in said county.

2. Also, the petition of Lucy Robinson, executrix of Thomas Robinson, deceased, praying the passage of a law authorizing a sale of certain real estate of said deceased, for the payment of his debts.

3. Mr. Huston presented the petition of Thomas N. Burgess, praying the passage of a law authorizing the Clarke County Court to make him an additional allowance (if they think proper) for building a jail in said county.

4. Mr. A. Young presented the petition of sundry citizens of Barren county, praying the establishment of an election precinct in said county.

5. Mr. Mason presented the petition of Thomas J. Young and Rebecca Hamilton, praying the passage of a law discontinuing the old iron works road.

6. Mr. English presented the petition of Mary Jackson, praying the passage of a law authorizing her to bind out her two infant sons, Haydon Jackson and John Jackson.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st and 4th to the committee on Privileges and Elections; the 2d and 3d to the committee for Courts of Justice; the 5th to the committee on Internal Improvement, and the 6th to the committee on Propositions and Grievances.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a resolution directing them to inquire into the propriety of reporting a bill requiring that the amount of indebtedness of each person paying taxes shall not only be deducted from the amount of money he has on hand, and has owing to him, but shall be deducted from the value of his taxable property, when his or her indebtedness exceeds the amount of money he or she has on hand, and has owing to him or her—reported the same with the following resolution, viz:

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

Which being twice read, was concurred in.
Mr. Morehead, from the committee on Internal Improvement, to whom was referred the petition of Edwin Hord—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.

Mr. Morehead, from the same committee, to whom was referred a bill from the Senate, entitled, an act authorizing a loan in aid of the public credit; and for other purposes—reported the same with an amendment in lieu of the original bill.

Ordered, That said bill and amendment be postponed to, and made the special order of the day for Thursday next; and that the Public Printer forthwith print 150 copies of said amendment, for the use of the members of the General Assembly.

Mr. Daviess, from the committee on Education, to whom was referred a bill from the Senate, entitled, an act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

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

Mr. W. N. Marshall, from the committee on Military Affairs, to whom was referred a bill from the Senate, entitled, an act for the benefit of Wm. H. Martin, and his securities—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

Mr. Swope, from the committee on Propositions and Grievances, to whom was referred a bill from the Senate, entitled, an act authorizing the County Court of Bullitt county to sell the old jail and jail lot, and to build a new jail—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

Mr. W. N. Marshall, from the committee on Military Affairs, to whom was referred a bill to confer certain powers on the Quarter Master General—reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be re-engrossed and read a third time.
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 same do pass, and that the title thereof be as afore-said.

Mr. H. Taylor, jr. from the committee on Agriculture and Manufactures, to whom was referred the petition of William M. Poyntz—reported the same with the following resolution, viz:

Resolved, That said petition is unreasonable.

Which being twice read, was adopted.

Mr. Caldwell, from the committee on the Penitentiary, made the following report, viz:

The Committee on the Penitentiary would submit the following report: Very early in the session, they repaired to the prison, and made an examination into the condition of the establishment. There, we take pleasure in saying, we witnessed a scene of order, subordination, and active industry, rarely to be met with. The prisoners, too, seemed to be in the possession of as much personal comfort as is consistent with the objects of the institution, or as is easily attainable, considering the condition of the old cells, which are now used as sleeping apartments. They were not satisfied with the report of the fiscal condition of the establishment, made by the Clerk and Keeper to the Legislature at the commencement of the session, and therefore resolved to propound to the Clerk, certain interrogatories, which might lead to an explanation of that document. The reply to those interrogatories is herewith submitted as part of this report, (marked A.)

From this document, as well as from a personal inspection of the books, it appears that the Clerk's books do not fully exhibit the condition of the establishment; but the Agent must be relied on for the amount of stock, manufactured articles, &c. The committee are of opinion that the Clerk should keep an account of the entire fiscal condition of the institution, and should be able to exhibit the profits of the institution, at any time, from the face of his books, without resorting to the estimates of the Keeper. They are farther of opinion that he should keep separate accounts for each different shop, or department of labor. From the best information they can obtain, this mode they conceive to be practicable; and are of opinion that it would be of great service in making future settlements, and would tend to prevent those difficulties which now embarrass the settlement of the accounts of former Keepers. Much of the labor which would otherwise have devolved on the committee, has been removed by the law of the last session requiring the Commissioners of the Sinking Fund to make periodical settlements with the institution, which law your committee find has been punctually complied with. We have not, therefore, given that scrutinizing investigation to the books which we otherwise would have done, and which both the Keeper and Clerk manifested a willingness and anxiety to afford us every facility for doing.

From the best estimates that could be obtained, it appears that the profits of the institution for the nine months embraced in the report of the Agent and Keeper, are $16,039.92, and the State's portion of the profits $7,515.46; or one half the entire sum. The whole of this, however, it is supposed
will be absorbed by the estimates for the new cells which are now being built. The committee are of opinion that the salaries of both the Agent and Clerk are entirely too high; but at present they are fixed, and beyond our reach.

The Keeper has not strictly complied with that section of the law of last session, which prohibits the purchase of any article on credit, for the institution. His apology for this is, the necessity growing out of barter transactions for keeping open accounts with individuals having dealings with the institution. This could easily be obviated, as your committee believe, and the law complied with, by charging the Keeper with all the articles thus bartered, and crediting him by the articles received in exchange, at cash prices; thus making him personally, and not the institution, responsible to creditors.

GEO. A. CALDWELL, Chairman C. P.

A.

Office Kentucky Penitentiary,
Frankfort, January 4, 1840.

Sir:

Your letter of this date, propounding sundry interrogatories to me, in reference to the accounts, business, &c. of this institution, is acknowledged. For convenience and perspicuity, I copy your interrogatories, appending my answer to each.

Interrogatory 1. What are the items composing the charge of $28,185 21 to Thos. S. Theobald, in your annual report, dated December 3, 1839?

Answer. Of the balance, $28,185 21, reported to the credit of Thos. S. Theobald, the sum of $15,484 76 is for the inventory made by direction of the Commissioners of the Sinking Fund, under the "act prescribing the duties of Keeper and Clerk of the Penitentiary," approved February 14, 1839, of the raw materials, stock and manufactured articles belonging to the institution on the first of March, 1739. The provisions of the law of February 14, 1839, were in effect, a purchase, by the Commonwealth, of all the materials, stock and manufactures on hand in the institution at the expiration of the contract with the late Agent and Keeper, namely: on the 28th of February, 1839, and a sale of the same to the present Keeper, whose term commenced March 1, 1839. The present Keeper has executed to the Commonwealth, his bond, with security, for the payment of a sum covering the amount of this inventory; and the amount of the inventory, therefore, has been passed to his credit. The residue of the balance reported to the credit of Thos. S. Theobald, is made up of sundry credits for payments made by him, for the purposes of the institution, such as for hemp, iron, timber, fuel, provisions, clothing, pay of clerk, guards, &c. &c.

Interrogatory 2. What are the items composing the charge in said account, of $8,249 92?

Answer. They are credits to sundry individuals for hemp, iron, fuel, provisions, materials and tools for the use of the institution, salaries of clerk, guards, &c. &c.

Interrogatory 3. What are the items composing the credit in said account of $475 50?

Answer. Chairs for Land Office; utensils for the Governor's house; a double flight of marble steps with iron railing for the Governor's house; and painting and repairing furniture for same.
Interrogatory 4. What is meant by crediting the Penitentiary "By Penitentiary, $25,194 58," and what constitutes that credit?

Answer. The item in the report "By Penitentiary, $25,194 58," is the balance against the institution, as appears by my books, on the 30th November, 1839. "Penitentiary" is the title of the General Account, in my books, analogous to the general accounts of merchants' books, entitled "Merchandise," or "Stock in Trade." I make this account debtor for every expenditure in behalf of the prison, of whatever nature; and I pass to the credit of this account, the amounts of all sales and sums due in any wise to the institution; so that this balance of $25,194 58 is the excess of purchases by the institution over the sales. If, in making the report to the Legislature, I had headed the general statement of its finances "State Prison," or "Institution," the title of a general statement of all the accounts would not have been confounded with the title of a single account embraced in that general statement, as, I confess, in the shape in which, unluckily, I have presented it, it is liable to be.

Interrogatory 5. What is the State's portion of the profits arising from the institution during the period embraced in your report? and what is the entire profit?

Answer. My report shows the institution in debt in the sum of $25,194 58, and so it is, on the face of the books. But, against this balance which the books show, the Keeper exhibits his estimate for stock on hand belonging to the institution, worth $33,349 67, and an estimate against the Commonwealth for labor and expenditures on the new cells, now erecting, of $6,875 63. If these estimates be true, the entire profits for the period embraced in the report, are $15,030 92, and the State's share of profit one half of that sum, namely, $7,515 46.

Interrogatory 6. Is it not practicable and proper to keep a separate account for each department of labor in the institution?

Answer. It is not practicable; but if it were, it would be proper and satisfactory to do so. The branches of labor run into each other so intimately, that it would be utterly impracticable, in many instances, to discriminate to which accounts (if accounts against the various shops were kept,) materials and expenses should be debited, and to which the proceeds of sales should be credited. I was Clerk of this institution in 1834-'5, and desired much to adopt this system of keeping accounts, but found it out of my power. If another Clerk were employed, to attend solely to the operations of every department of labor, a set of accounts might be kept, which would afford some satisfaction on the relative productiveness of each branch; but I am sure they could not then be made entirely accurate. To illustrate the difficulty of so keeping the accounts, it will only be necessary to state an every day occurrence. A load of timber is received; it is parcelled out as the pieces in it may be suitable, to the wagon shop, the cooper's shop, the chair shop, the turner's shop, and, probably, to half a dozen other shops, each one of which should be debited for its own share, and credited for the manufactured product; and yet it may, and often does, so happen, that it is the joint labor of two or more shops which produces and confers value on one finished article for sale, the value of the labor in each of which shops it would be necessary, though difficult and almost impossible, to estimate. The facts, therefore, set forth in such accounts, would be, at best, but conjectural. This difficulty is inseparable from the present system of Penitentiary discip-
line, where associated labor, by day, is recognized. In those prisons where, day and night, solitary confinement is enforced, such accounts might be kept with some degree of accuracy, and certainly with more convenience. But my experience assures me, that the additional expense of keeping such accounts here, would hardly be justified by this expediency. The pecuniary interests of the Keeper, under the present system of disposing of the labor of the institution, will forever forbid him to employ the convicts in any but the most profitable branches of industry; and his judgment will always enable him, not only to decide what are the most profitable branches, but to make approximate estimates of their relative productiveness, as near the truth, as, in my opinion, it could be arrived at, under the present system, by keeping many fictitious accounts.

Interrogatory 7. What additional machinery, if any, has been erected under the 6th section of an act approved February 14, 1839?

Answer. None.

Interrogatory 8. Have any raw materials, stock, or provisions been purchased on credit, for the institution, since the passage of the law above referred to? If so, what amount?

Answer. Yes. In the period embraced in the report, to-wit, from March 1 to November 30, 1839, the whole amount of purchases on credit, was $8,810.87, generally at four and six months time, all of which has been paid, except the sum of $1,934.27.

The amount of balances, of $8,249.92, stated in my report as appearing to the credit of sundry individuals, on the 30th November last, embraces many credits to individuals on barter transactions, in which the productions of the institution are exchanged for the materials of its consumption; and it embraces, also, sundry credits to individuals, payable whenever demanded.

Interrogatory 9. What amount has been paid to guards during the above period? How many guards have been employed, and at what salary?

Answer. The number of guards employed is seven; one of whom is the Assistant Keeper, whose salary is $1,000 a year; another guard, who is a skillful workman, and superintends the stone cutting business and the building of the new cells, has a salary of $400 a year; and a third, who is charged with the superintendence of the hemp department, has a salary of $300 a year. Four others, who are termed night guards, being on duty at all hours, day and night, have each a salary of $180 a year. The whole sum earned by them, at these rates, has been paid, except balances too trifling to report, amounting to $17.15 in the period mentioned.

During the whole of last summer and fall, one, and a part of the time, two extra guards were employed, to watch the prisoners quarrying and laying stone for the new cells, whose pay was at the rate of $180 a year; but their pay was included in the estimate against the Commonwealth for building the cells.

It is proper to add here, that the institution also pays the boarding of all these guards, at the rate of $156 a year.

Interrogatory 10. What does your salary amount to, during the period embraced in your report, and what portion of your time is required in the service of the institution?

Answer. The law of February 14, 1839, fixes my salary at $1200 a year, and allows me, in addition, ten per cent. on the excess over $5,000 of the net annual profits accruing to the State. My regular salary, therefore, for
the period named, is $900; but I have made no estimate of the amount of the contingent salary. If the estimates of the Keeper, as to the profits of the institution, from March 1 to November 30, 1839, be correct, or shall be realized, then the amount of the contingent salary would be $376 54—making the whole salary, in the period named, $1,376 54; but I have drawn for no portion yet, of this contingent sum.

I am employed in the service of the institution, from sun up till sun down, daily, except on the Sabbath.

In framing my replies to your inquiries, I have not supposed that, when asking the "items" of various accounts, you desired me to specify the particular articles purchased, and their quantities, as the number of pounds of hemp, bacon, iron, &c. &c.; but, if such was your intention, I have to submit my books, (and which I propose to do in any view of your intention,) that you may not only examine more fully into the matters propounded in your interrogatories, but inform yourself, by personal inspection, of the mode and style of keeping them.

Very respectfully,

Your obedient servant,

THO. B. STEVENSON,

Clerk Penitentiary.

GEORGE A. CALDWELL, Esq., Chairman
Committee on Penitentiary, H. R.

1. Mr. Johnson presented the petition of sundry citizens of Scott county, praying a change of the location of a toll gate on the Paris, Georgetown and Frankfort turnpike road.

2. Mr. J. Speed Smith presented the petition of Robert A. Long, praying to be divorced from his wife, Catharine Long.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st to the committee on Internal Improvement, and the 2d to the committee on Religion.

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

By the committee on Ways and Means—1. A bill declaratory of the law of 1831, in relation to tippling houses, &c.

By the committee on Internal Improvement—2. A bill to amend an act, entitled, an act to establish a State road from Colemansville, in Harrison county, to Covington, in Campbell county.

By same—3. A bill to change a part of the State road from Brandenburg to Bowling-green.

By same—4. A bill to authorize John Weedman to build a mill dam across Rough creek.

By the committee on Education—5. A bill to incorporate the Franklin Institute, of Bacon College.

By same—6. A bill for the benefit of the Kentucky Historical Society.

By the committee on Military Affairs—7. A bill for the benefit of the fire company in the town of Augusta.
By same—8. A bill for the relief of Benjamin F. Major.
By same—9. A bill for the benefit of James G. Hardy.
By same—10. A bill for the benefit of James W. Irwin, and others.
By same—11. A bill for the benefit of Thomas P. Hart.
By the committee on Agriculture and Manufactures—12. A bill to encourage the growth and manufacture of silk.
By the committee on the Library—13. A bill to provide for framing the portrait of D. Boone, and for other purposes.
By Mr. Glover—14. A bill to amend the charter of the Owingsville, Mountsterling and Winchester Turnpike Road Company.

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

The rule of the House, constitutional provision, and second reading of the said bills having been dispensed with, the 1st, 2d, 4th, 5th, 6th, 7th, 8th, 9th, 10th and 11th were severally ordered to be engrossed and read a third time; the 3d and 14th were referred to the committee on Internal Improvement; the 12th and 13th to the committee on Ways and Means.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 4th, 5th, 6th, 7th, 8th, 9th, 10th and 11th bills having been dispensed with, and the same being engrossed,

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

The hour of 12 o’clock having arrived, the House took up the resolutions heretofore offered by Mr. Hardy.

The first resolution having been amended, was twice read and adopted.

Mr. Turner moved to lay the remainder of said resolutions on the table for the present.

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

The yeas and nays being required thereon, by Messrs. T. Marshall and Hardy, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Gray, Padon,
Messrs. Adams, Gresham, Pindell,
Barrett, Hammond, Reeder,
Board, Henry, Reeves,
Brooks, Hopkins, Rumsey,
Buckner, Huston, Russell,
Cave, Imboden, Smith, J. S.
Coke, Irwin, Taggart,
Crow, Lyter, Taylor, H.
Cunningham, McFall, Turner,
Daviess, McKinney, Wake,
Elliott, Meriwether, White,
Fish, Mims, Wilson—41.
Forman, Morehead,
Those who voted in the negative, were—


The House then took up the bill to tax corporations; and the same being amended,

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

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.

On motion of Mr. Wilson,

Ordered, That the committee for Propositions and Grievances be discharged from the further consideration of the petition of the heir of James White; and that the same be referred to Messrs. Wilson, Goodson and Reeves.

The House then took up for consideration the bill from the Senate, entitled, an act to fix the ratio and apportion the representation for the next four years.

The said bill was then amended.

Mr. Butler moved to amend said bill by striking out the word “two” after Jefferson, and the word “two” after Louisville, and inserting after Jefferson the word “one,” and after Louisville the word “three.”

A division of the question being called for, the question was taken upon striking out, and decided in the negative.

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

Those who voted in the affirmative were—

TUESDAY, FEBRUARY 4, 1840.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act for the benefit of Emily Henry.

That they had passed bills from this House of the following titles, viz:

An act to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a railroad between the said city and river.

An act for the benefit of Charles Faulkner.

An act to incorporate the Crab Orchard Seminary, in Lincoln county.

An act authorizing the Trustees of the Pendleton Academy to loan the funds of the institution upon bonds and obligations.
An act for the benefit of David Jamison.
An act for the benefit of Gabrella Mathews.
An act for the benefit of James and Keziah Rogers.
An act to amend the law limiting actions for the recovery of land by females and their heirs.
An act for the benefit of the Jailer of Hancock county.
An act to prevent the burning of the woods in certain counties, and for other purposes.
An act to amend the jury law.
An act for the benefit of Elizabeth Ward.
With amendments to the five last named bills.
And the passage of bills from the Senate of the following titles:
An act to extend the charter of the Bank of the Commonwealth of Kentucky, and to authorize the appointment of a Commissioner to close the affairs of said Bank.
An act to amend the law in civil proceedings.
An act for the benefit of Hiram Phillips.
An act providing for the establishment of an Agricultural College and School.

1. Mr. White presented the petition of Elisha Stephens, guardian of Uriah and Elisha Parks, praying the passage of a law authorizing a sale of certain real estate belonging to his wards.

2. Mr. Draffin presented the petition of Lucy Murphy, praying the passage of a law authorizing a sale of the real estate of her deceased husband, Matthew Galt.

3. Mr. Logan presented the petition of Betsey Ann Lambert, praying to be divorced from her husband, George Lambert.

4. Mr. T. Marshall presented the petition of Wm Watkins, praying an extension of the time allowed for returning plats and certificates of survey.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st, 2d and 4th to the committee on Courts of Justice; and the 3d to the committee on Religion.

Mr. Hammond asked leave to withdraw the petition of the securities of John L. L. Moore; which was granted, and the petition withdrawn.

The committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Perry, Harlan, Floyd and Pike counties; of John Sprague; of sundry citizens of Bath county; of sundry citizens of Glasgow; of the Jailer of Mason county, and the petition of sundry citizens of Muhlenburg, Daviess and Ohio counties—reported the same with the following resolution, viz:

Resolved, That said petitions be rejected.

Which being twice read, was concurred in.
Mr. Taggart asked leave to withdraw the petition of sundry citizens of Muhlenburg, Daviess and Ohio counties; which was granted, and the petition withdrawn.

A bill from the Senate, entitled, an act for the benefit of the Sheriff of Livingston county,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with,

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

Mr. Brooks, from the committee for Propositions and Grievances, to whom was referred a bill exempting certain persons from working on roads—reported the same without amendment.

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

Mr. Swope, from the same committee, to whom was referred a bill to amend and explain the 20th section of an act approved 1st February, 1833, entitled, an act to amend and enforce an act to incorporate the city of Louisville—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

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

Mr. Butler, from the committee for Courts of Justice, to whom was referred the petition of W. B. Chamberlain, &c.; of sundry citizens of Wayne county; of Jacob Braker; of Buford Wood, adm'r of T. Shirley; of the members of the bar of Garrard county; of Stephen Scott; of sundry citizens of Wadeboro', and of Nancy Beba—reported the same with the following resolution:

Resolved, That said petitions are unreasonable.

Which being twice read, was concurred in.

Mr. Glover, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills from this House of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the heirs of Samuel Craig, deceased.

An act providing for a change of venue in the prosecution for perjury, against John Henry.

An act authorizing a change of venue in an action at law depending in the Pulaski Circuit Court, wherein Rose (a woman of color) is plaintiff, and James T. Curd is defendant.

An act for the benefit of the widow and children of Stephen H. Garton, deceased.

An act to repeal the act establishing the Jacksonville Election Precinct, in Bourbon county.
Frr. 4.]

HOUSE OF REPRESENTATIVES.

3-19

An act for the benefit of the Sheriffs of Todd and Monroe counties.
An act to amend an act, entitled, an act to amend the road law in Campbell and Bracken counties.
An act to amend the execution laws of this Commonwealth.
An act to amend the charter of the Covington Insurance Company.
An act declaring Wolf river a navigable stream.
An act for the benefit of the heirs of Wm. Taylor, deceased.
An act allowing additional Justices of the Peace to the counties of Graves and Wayne, and for other purposes.
An act allowing the Trustees of Newcastle to open an alley.
An act allowing an additional Constable in Anderson county.
An act allowing an additional Justice of the Peace to Carter county, and for other purposes.
An act to amend the penal laws of this Commonwealth.
An act to allow an additional Justice of the Peace to the county of Whitley, and for other purposes.
An act for the benefit of mechanics in the towns of Bowlinggreen, Russellville and Owensboro.
An act to amend an act for the better regulation of towns, approved February 7, 1798.
An act to alter the time of the sitting of the Mercer Circuit Court.
Whereupon the Speaker affixed his signature thereto.
Ordered, That Mr. Glover inform the Senate thereof.
The amendments proposed by the Senate to bills from this House, of the following titles, viz:
An act to incorporate the Louisville First Ward Lyceum.
An act to amend the jury law.
An act for the benefit of Elizabeth Ward.
An act to prevent the burning of the woods in certain counties, and for other purposes.
An act for the benefit of the Jailer of Hancock county.
An act to amend the law limiting actions for the recovery of land by females and their heirs.
Were twice read, and concurred in.
Mr. T. F. Marshall, from the committee on Banks, made the following additional report:

[For this report, see Appendix.]

Ordered, That the Public Printer forthwith print 3,000 copies of said report, and 3,000 copies of the report made by Mr. Turner on the same subject, for the use of the members of this House.
A message was received from the Lieutenant and Acting Governor, by Mr. Coleman, Assistant Secretary of State, which is as follows, viz:

Gentlemen of the House of Representatives:

A bill entitled an act to establish the Lexington and Fayette Legion, which originated in the House of Representatives, was, on the 29th January, 1840, presented to me by the Joint Committee of the Legislature, for my approval, according to the requirements of the Constitution. Unable to yield my assent to this bill, because I believe it conflicts, in its provisions, with the Constitution of the State, I now return it to your House, with my objections and reasons why I cannot approve the same.

The 2d section of the bill provides, among other things, that the officers of each of the Militia Companies shall be elected by a majority of all the parading members thereof.

The bill also declares that the paymasters of the regiments in this Legion are to be elected by a majority of all the commissioned officers of the same.

The 3d section of the bill provides that the Brigadier General shall be elected by a majority of the commissioned officers of the Legion, when two Regiments shall be organized.

The 4th section of the bill provides, that the Mayor of the city of Lexington be authorised, whenever he may deem it necessary, in order to suppress or prevent insurrections, rebellions, or resistance to lawful authority, to call out said Legion, or a part thereof; and it shall be the duty of the commanding officer to see that such call be promptly complied with.

The 5th section of the bill provides, that said companies may enroll as many as may think proper to join them as honorary members, who shall be exempt from arming and equipping themselves, but in lieu thereof, shall be required to pay any sum not less than five dollars, nor more than ten dollars per annum. By another provision of the bill, these honorary members are exempted from the performance of militia duty.

These are the provisions of the bill to which I object.

Those provisions which relate to the appointment of the company officers by election of the parading members of each company, and the election of field officers, the regimental Paymasters, and the Brigadier General, are believed to be in direct conflict with the 9th, 29th and 30th sections of the 3d article of the Constitution.

The 30th section reads as follows: "A majority of the field officers in each regiment shall nominate the commissioned officers in each company, who shall be commissioned by the Governor, &c."

The 29th section of the Constitution declares that the commanding officers of the respective regiments shall appoint the regimental staff.

The 9th section of the same article, treating of the duties and powers of the Governor, provides that he shall nominate, and by and with the advice and consent of the Senate, appoint all officers whose offices are established by this Constitution, or which shall be established by law, and whose appointments are not herein otherwise provided for.

It is no part of my business to assign the reasons which may have influenced the members of the Convention in the enactment of these several provisions. The only enquiry permitted me to make in the discharge of my duty in this instance is, are these companies militia companies, and part of
the militia of the State? Are the Brigadier Generals, Colonels, Majors, who are to command this Legion, officers? and are these offices established by law?

The Constitution, when speaking of the commissioned officers of companies, makes no discrimination between a militia company and a volunteer company of militia—whether the company shall be Riflemen or Infantry, Grenadiers or Cavalry—they are nevertheless militia companies, and the constitution, is, if jealous of Executive power on the one hand, and anarchy on the other, has declared that, no man shall exercise the power of commanding a company of militia until he is commissioned by the Governor—and that the Governor shall not commission any so to command, unless a majority of the field officers and captains in each regiment shall nominate to him the company officers to be commissioned. Without such nomination, the Governor has no constitutional power to commission. It is not competent for the Legislature to substitute the election by a majority of the "parading members of a company" for such nomination required by the Constitution. In this case, however, the bill does not even provide that the company officers are in any mode to be commissioned by the Governor. They are to be elected, and by such election they acquire all the power to command, so far as the bill provides.

The Field Officers, Paymasters, and the Brigadier General, are also to be elected by the majority of this corps. The Major who commands his Battalion of Infantry, the Colonel who commands his Regiment, and the General who commands his Brigade of Infantry, have heretofore been regarded as officers whose appointments are provided for by the Constitution, or established by law, and who, before they can claim or exercise any authority or power as such, are to be nominated by the Governor and approved by the Senate.

This bill looks to the assumption of a power by the Legislature, by which the Executive and Senate are to be deprived of that portion of power concerning the appointment of militia officers, with which it was thought expedient by the framers of the Constitution to invest them. All that is necessary to effect this, will be to continue the system of creating independent corps of Legions, and give to them some name not known in the Constitution, or heretofore recognized in the general law of the land. Whatever may have been intended by the draftsmen of this bill, most certainly its provisions no where look to the action of the Governor and Senate in the appointment of its officers.

Again: the bill provides that the Regimental Paymasters are also to be elected. The Constitution declares that, commandants of regiments shall appoint the Regimental staff. It will not, I presume, be contended that a Regimental Paymaster is not of the staff of the regiment.

The 8th section of the 1st article of the Constitution declares that, the Governor shall be Commander-in-Chief of the Army and Navy of this Commonwealth, and of the Militia thereof, except when they shall be called into the service of the United States, &c.

It is, also, by the 15th section, made his duty to see "that the laws be faithfully executed." This bill attempts to delegate a portion of this Executive power to a mere police officer of a city, elected by the votes of the city. The Mayor of the City of Lexington is, by the bill, clothed with the power "whenever he may deem it necessary, in order to prevent or suppress insurrections, rebellions, or resistance to lawful authority, to call out said Legion, or a part of them."
It may not be unuseful, at this place to remark, that the bill does not limit this power of the Mayor to the limits of the city of Lexington, and he may as well exert the power to call out this Legion to prevent and suppress rebellions and invasions in the counties of Greenup and Hickman, as within the city of Lexington. It may become as important to prevent the resistance to lawful authority in the extremes of the State as in the centre; and if it is found inconvenient for the Mayor and this Legion to enforce the laws of the Commonwealth at the remote points in the State, other Legions and other Police officers may be created in the same way, until the whole effective body of the Militia, and the power of executing the laws of the land shall be placed under the command and vested in other hands than those designated in the Constitution.

If this corps shall be called into service to quell an insurrection, or put down a rebellion, at the instance of the Mayor whenever he deems it expedient to do so, provision ought to be made for defraying the expenses incidental to such a military service. If it be contended that the provision was only to furnish the Mayor with a guard for his city, or a posse to enforce obedience to the ordinances of the Mayor and Council of the Corporation, provision should have been made in the bill that the expenses to be incurred should be paid by the City Treasury, and not by the Commonwealth.

If the provisions of this bill be in conformity to the Constitution, we may soon have as many Commanders-in-Chief of the Militia of the State as we have towns in the Commonwealth. True, your Governor for the time being, is recognized by your Constitution as the Commander-in-Chief; and is required to execute the laws of the Commonwealth; but you will have left him no Militia to command, and supplanted him in an important part of his chief Executive power by a host of Police Officers of Cities and Towns, over whom he has no control or power.

The bill authorizes the enrollment of honorary members, and exempts them from the performance of militia duty upon the annual payment of a pecuniary stipend of not less than five, or more than ten dollars. It does not provide to whom this money is to be paid, whether to the officers of the Legion or to the State. If to the State, no provision is made for its collection. If it is intended to be paid to the Legion, as may be fairly inferred by the bill, then the policy and propriety of the measure may be fairly questioned.

The general laws regulating the Militia, require all free, white males between 18 and 45 years of age to perform Militia duty, and imposes a penalty for a failure which, in the aggregate, may be greater than the maximum which may be required of their honorary members. Is it politic to permit a Militia association, not for the purpose of discipline, but to pay to themselves a sum to be expended by themselves, to exempt themselves from muster? If all in Fayette county, who are able to pay the stipend of five dollars, would do so, and many no doubt will avail themselves of this provision, the other military officers of the county might be left without their command, and the whole organization of the militia, so far as Fayette county is concerned, defeated and broken up. Other defects in the details of the bill are manifest to my mind, but they are not of such importance as would prevent me from approving the law. Those which have been enumerated, are of a character obvious, and imperiously call upon me to reject the act.
The fact that a single precedent for this measure is to be found in the act of the last session of the Legislature, authorizing the establishment of the Louisville Legion, is not, of itself, sufficient to control my judgment and compel me to approve this bill. Whatever were the individual opinions of the Legislature or Executive of the State, who sanctioned that measure, or whether the objections now taken, then occurred in the moment of hurried legislation, are unknown to me—I only regret that I am unable to sanction the present bill, and if in this opinion I am wrong, the power of correcting it is most fortunately vested in a majority of both Houses of the Legislature.

Very respectfully,

Your obedient servant,

CHARLES A. WICKLIFFE.

AN ACT to establish the Lexington and Fayette Legion.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the citizens of Lexington, and Fayette county, to raise and organize eight companies of Volunteers, one of which shall be Dragoons, and one Artillery, the others Grenadiers, Light Infantry or Riflemen, to be organized, equipped, officered, and drilled, as similar companies are in the Regular Army of the United States.

Sec. 2. That so soon as four of said companies shall have been thus organized, they shall constitute a regiment, to be styled "The Lexington and Fayette Legion," which shall have all the officers that properly belong to a regiment in the Army of the United States: The officers in each company to be elected by a majority of all the parading members thereof, and the field officers and Paymaster to be elected by a majority of all the commissioned officers of the Legion; the Adjutant, Quarter Master, and non-commissioned staff, to be appointed by the Colonel.

Sec. 3. Be it further enacted, That whenever the said Legion shall contain eight companies, as aforesaid, they shall be divided into two regiments, officered as above, and constitute a brigade, and be entitled to all the officers properly belonging to a brigade in the regular army; the Brigadier General and Paymaster to be elected by a majority of the commissioned officers thereof; the General to appoint the remaining staff officers.

Sec. 4. Be it further enacted, That the companies which may compose said Legion shall be designated by the members, one, two, three, &c. according to the age of said companies, the Lexington Light Infantry, which is the oldest volunteer company in the State, to form a part thereof as number one, and such other companies as may, under the provisions of this act, unite with them, to be numbered according to their respective ages: provided that the commanding officer shall, without regard to number, station said companies, when parading as a Legion, according to the regulations of the United States' Army.

Sec. 5. Be it further enacted, That in order to facilitate the organization of the companies of said Legion, it shall be lawful for any person living within the limits of Fayette county to join either of them, and he shall be thereupon exempted from military duty in any other company: The said
companies are hereby authorized to enroll as many as may think proper to join them as honorary members, who shall be exempted from arming and equipping themselves; but in lieu thereof shall be required to pay any sum not less than five, nor more than nine, dollars per annum.

Sec. 6. That the said companies, respectively, shall have power to enact such by-laws, rules, and regulations, as they may deem proper for their own government (not incompatible with the laws of this State or of the United States,) and to levy such fines and contributions upon their members (other than those who pay annual sum in lieu of doing duty,) as in their discretion may seem proper.

Sec. 7. That the commissioned officers, of each regiment, in said Legion, shall be authorized to elect a Collector therefor; who, before entering upon the duties of his office, shall enter into bond, with good security, payable to the Colonel of his regiment, conditioned for the faithful performance of the duties required of said Collector; for breach of which bond the Colonel, for the time being, may prosecute a suit, or suits, until the full penalty thereof be exhausted.

Sec. 8. That the Collector aforesaid shall have the same power to enforce the collection of the fines assessed, that Sheriffs now possess for the collection of militia fines, and it shall be his duty to pay over all the sums thus collected to the Regimental, or Legionary, Paymaster, deducting — per cent. for his compensation, taking the receipt of said Paymaster thereof, in said payments to said Paymaster distinguishing the sums collected from each company, and from the field or staff officers.

Sec. 9. That the Paymaster of said Legion shall keep a separate record of all the receipts and disbursements of each company, and of the said Legion, which shall be at all times subject to the inspection of the field officers of said regiment.

Sec. 10. That out of the moneys in the hands of said Regimental Paymasters the proper expenses of the Legion shall be defrayed, to be ratably from the funds of the several companies; whatever remains shall be subject to the order of the officers of each company.

Sec. 11. That the said companies jointly, or separately, shall have power to purchase and hold such real estate as may be necessary for the erection of arsenals for the preservation of their arms, munitions, and equipments; and the conveyances of said real estate may be taken and held in any manner calculated to secure the possession, enjoyment, and title, thereof, to the use of said companies and their successors forever.

Sec. 12. That there shall be at least six musters of each company, and two of each regiment, and one of the brigade, when formed, in each year, and all notices of musters shall be given in the manner prescribed by the general Militia Law of this State.

Sec. 13. That said Legion, when organized, shall constitute an independent corps, and make returns to the Adjutant General, and receive orders from him, direct.

Sec. 14. That the Mayor of the City of Lexington be authorized, whenever he may deem it necessary in order to suppress or prevent insurrections, rebellions, or resistance to lawful authority, to call out said Legion, or a part thereof, and it shall be the duty of the commanding officer to see that such call be promptly complied with.
Haus of Representatives.

Sec. 15. That in all matters necessary for the government of said Legion, not herein provided for, the general Militia Law of this State shall govern the same.

JNO. L. HELM,
Speaker of the House of Representatives.

SAM. HANSON,
Speaker of the Senate.

Rejected, 4th February, 1840:

C. A. WICKLIFFE.

Originated in the House of Representatives.

Attest:

T. J. HELM, C. H. R.

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

By the committee on Ways and Means—1. A bill for the benefit of the Clerk of the Russell County Court.

By the committee on Propositions and Grievances—2. A bill to establish election precincts in Franklin, Kenton and Campbell counties.

By same—3. A bill to amend an act, entitled, an act to establish the county of Landing, in Boone county.

By same—4. A bill authorizing Mary Jackson to bind out her infant children.

By the committee on Claims—5. A bill for the benefit of Isaac Jones, committee of Ruth Jones, an idiot, of Green county.

By same—6. A bill for the benefit of G. W. Bowman, Deputy Sheriff of Casey county.

By the committee for Courts of Justice—7. A bill for the benefit of Wallace Estill, and wife.

By same—8. A bill for the benefit of the heirs of James Honaker, dec'd.


By same—10. A bill to amend the penal laws of this Commonwealth.

By same—11. A bill to amend an act, entitled, an act giving officers and crews, and mechanics, and others, a lien on steamboats, approved January 30, 1839.

By same—12. A bill for the benefit of Mary Ann Winebrinner, and her infant child, George Ann Winebrinner.

By same—13. A bill to amend the laws now in force, prescribing the fees and commissions of the Marshal of the Chancery Court of Louisville, and for other purposes.

By same—14. A bill to regulate the 8th Judicial District, and for other purposes.

By Mr. Irwin—15. A bill to clear and remove the obstructions to the navigation of flat bottom boats in that part of Muddy river and Wolf Lick, which lies between Gray's mill and lock and dam No. — on Green river.

Which were read the first time, and ordered to be read a second time.
On motion of Mr. Haggard,

Ordered, That the 14th bill be laid on the table for the present.

The rule of the House, constitutional provision and second reading of said bills (except the 14th) having been dispensed with, the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th were severally ordered to be engrossed and read a third time, and the 15th was referred to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th bills having been dispensed with, and the same being engrossed,

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

Mr. Butler, from the committee for Courts of Justice, to whom was referred a bill to establish a new Judicial District, and for other purposes—made the following report, viz:

The committee of Courts of Justice have, according to order, had under consideration the bill to create the 17th Judicial District, together with the amendments to them referred; and submit the following report thereon:

They find it impracticable at this advanced stage of the session, to obtain the necessary information, either to decide upon the practicability of so arranging the existing districts as to supercede the necessity of creating others, or of so re-organizing them as to equalize the labors of the Judges; and therefore ask to be discharged from the further consideration of that subject.

They are of opinion that it is not necessary to create the 18th Judicial District, as proposed by the amendment to the original bill; and therefore recommend the rejection of that amendment.

The committee have agreed upon a substitute for the original bill, which is herewith reported, with an expression of the opinion that it ought to pass.

After some discussion had on said amendment, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

Bills from the Senate of the following titles, viz:

1. An act providing for the establishment of an Agricultural College and School.
2. An act for the benefit of Hiram Philips.
3. An act to amend the law in civil proceedings.
4. An act to extend the charter of the Bank of the Commonwealth, and to authorize the appointment of a Commissioner to close the affairs of said Bank.
5. An act for the benefit of the Jailers of Butler and Breckinridge counties.
6. An act for the divorce of Thomas Isbell.
7. An act to reduce into one the several acts concerning the running and marking the division lines between Washington and Marion counties.
8. An act for the benefit of the infant children of Harrison Hearn.

9. An act to exempt the members of the fire companies in the city of Maysville from militia duty.

10. An act to amend the charter of the Springfield and Bardstown Turnpike Road Company.

11. An act to establish the Mechanics' Institute and Savings Institution of the city of Lexington.


Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with, the 1st was referred to the committee on Agriculture and Manufactures; the 2d, 5th and 12th to the committee on Ways and Means; the 3d, 6th and 11th to the committee for Courts of Justice; the 4th to the committee on Banks; the 6th to the committee on Religion; the 7th to the committee on Propositions and Grievances; the 9th to the committee on Military Affairs, and the 10th to the committee on Internal Improvement.

Resolved, That this House recede from their amendment to a bill from the Senate, entitled, an act to incorporate the Mills Point House Company.

The House again resumed the consideration of the bill to fix the ratio and apportion the representation for the next four years.

The second section of said bill reads as follows:

Sec. 2. And for the purpose of apportioning the representation in the Senate, this State is hereby laid off into thirty eight Senatorial Districts, as follows: The counties of Hickman, Graves and M'C racken, shall compose the first Senatorial District; Caldwell, Livingston and Union, the second; Todd and Christian, the third; Logan and Simpson, the fourth; Henderson, Hopkins and Daviess, the fifth; Warren and Allen, the sixth; Barren, the seventh; Green and Hart, the eighth; Monroe, Cumberland and Clinton, the ninth; Adair, Casey and Russell, the tenth; Pulaski and Wayne, the eleventh; Hancock, Breckinridge and Ohio, the twelfth; Butler, Grayson, Muhlenburg and Edmonson, the thirteenth; Hardin and Meade, the fourteenth; City of Louisville and county of Jefferson, the fifteenth; Oldham and Trimble, the sixteenth; Shelby, the seventeenth; Nelson, the eighteenth; Marshall and Washington, the nineteenth; Mercer, the twentieth; Trigg, and Calloway, the twenty first; Lincoln and Garrard, the twenty second; Madison, the twenty third; Knox, Whitley, Laurel and Rockcastle, the twenty fourth; Boone, Grant, Gallatin and Carroll, the twenty fifth; Campbell and Pendleton, the twenty sixth; Nicholas and Bourbon, the twenty seventh; Franklin, Owen and Anderson, the twenty eighth; Scott and Harrison, the twenty ninth; Spencer and Bullitt, the thirtieth; Fayette, the thirty first; Jessamine and Woodford, the thirty second; Montgomery and Clarke, the thirty third; Greenup, Carter, Lawrence and Pike, the thirty fourth; Fleming and Lewis, the thirty fifth; Mason and Bracken, the thirty sixth; Morgan, Floyd and Bath, the thirty seventh; Clay, Perry, Harlan, Estill and Breathitt, the thirty eighth.
Mr. T. Marshall moved to amend said section, by striking out "Clarke" from the 33d district, and inserting "Bath."

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

The yeas and nays being required thereon, by Messrs. T. Marshall and Lane, were as follows, viz:

Those who voted in the affirmative were—


Those who voted in the negative were—


Mr. T. Marshall then moved to strike "Pike" from the 34th district, and add "Lewis."

A division of the question being called for, the question was taken upon striking out, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. T. Marshall and Cecil, were as follows, viz:
Those who voted in the affirmative were—

Mr. Speaker,

Those who voted in the negative were—


Mr. T. Marshall then moved to add Pike to the 37th district, and Lewis to the 34th.

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

Mr. Johnson then moved to take one representative from Fayette, and add it to Scott.

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

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

...
Those who voted in the affirmative were—


Those who voted in the negative were—


And then the House adjourned.

WEDNESDAY, FEBRUARY 5, 1840.

A message was received from the Senate, announcing their disagreement to bills from this House of the following titles, viz:

An act for the benefit of Elizabeth B. Fryar.
An act for the benefit of the Jailer of Daviess county.
An act for the benefit of veniremen and jurors in certain cases.
That they had passed bills from this House of the following titles, viz:
An act for the benefit of Alfred L. Hargis, late Sheriff of Christian county.
An act for the benefit of Wm. B. Parker, late Sheriff of Lewis county.
An act for the benefit of the Sheriff of Harrison county.
An act for the benefit of the heirs of William Winslow, late Clerk of the Gallatin Circuit Court.
An act for the benefit of the Sheriff of Lewis county.
An act for the benefit of the Sheriff of Oldham county.
An act to establish a Seminary of Learning in Morgantown, and for other purposes.
An act to regulate the number of Justices of the Peace for Campbell county.
An act to authorize the County Court of Breathitt to raise funds for the erection of their public buildings, and for other purposes.
An act to amend the several acts incorporating the town of Williamsport, and for other purposes.
An act for the benefit of the heirs of John Roney.
An act to change the time of holding the Oldham County Court.
An act to repeal an act incorporating the town of Brownsborough.
An act to amend an act to incorporate the Trenton Female Academy, in Todd county.
An act to amend an act, entitled, an act to incorporate the Bowling Green Life, Fire and Marine Insurance Company.
An act for the benefit of James C. Sprigg, and others.
An act to regulate the fees of County Court Clerks.
An act for the benefit of Nancy Turner.
An act for the benefit of John Blankenship.
An act to provide for paying the expense of keeping prisoners previous to, and pending their examination before Justices of the Peace.
An act to amend an act, entitled, an act to amend the act further to regulate the Wilderness turnpike road, approved January 27, 1838; and
An act concerning the General Court.
With amendments to the six last named bills.
And that they had passed bills of the following titles, viz:
An act to amend an act to establish a Medical Institute in the city of Louisville.
An act for the benefit of Lewis W. Kirtley.
An act for the benefit of John Mastin.
An act for the benefit of the Trustees of the town of Poplar Plains, in Fleming county.
An act to amend an act, entitled, an act to establish a system of Common Schools in the State of Kentucky.
Mr. McRoberts, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and resolutions from the Senate, of the following titles, and had found the same truly enrolled, viz:

An act authorizing the County Court of Bullitt county to sell the old jail and jail lot, and to build a new jail.

An act for the benefit of William H. Martin and his securities.

An act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky.

An act to amend an act to incorporate the town of Trenton, in Todd county, approved January 13, 1840.

An act for the benefit of the Anderson County Seminary.

An act to change the place of voting at an election precinct in Perry county, and to establish a new precinct in said county.

An act to establish an election precinct in Owen county.

An act to amend the several acts to suppress the practice of duelling.

An act to authorize the County Court of Owen county to change the road from Marion to New Liberty.

An act to authorize and require the Register of the Land Office to register certain plats and certificates of survey.

An act extending the limits of the town of Germantown.

An act for the benefit of the Sheriff of Hickman county.

An act for the divorce of Samuel Rohrer.

An act to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of jurors, approved Feb. 15, 1838, and for other purposes.

A resolution to erect a tomb stone over the grave of Gabriel Slaughter, late Governor of Kentucky.

A resolution directing a tomb stone to be placed over the grave of James Clark, late Governor of Kentucky.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. McRoberts inform the Senate thereof.

On motion of Mr. I. Smith—Leave was given to bring in a bill for the benefit of Harmon B. Elrod.

Ordered, That Messrs. I. Smith, Hammond, A. Young and Hines prepare and bring in the same.

Mr. T. Sutton presented the petition of John C. Marshall, praying for the sale of a tract of land belonging to the estate of his deceased father.

Which was received, the reading thereof dispensed with, and referred to the committee for Courts of Justice.

Mr. Newell asked leave to withdraw the petition of the heirs of —— Hutchison, dec’d; which was granted, and the petition withdrawn.

The amendment proposed by the Senate to a bill from this House, enti-
tiled, an act concerning the General Court—was twice read and concurred in.

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

On motion of Mr. J. G. Taylor—1. A bill for the benefit of the Sheriffs of Henry and Madison counties.

On motion of Mr. Thomasson—2. A bill to amend the law incorporating the town of Providence, in Hopkins county.

Ordered, That Messrs. J. G. Taylor, J. S. Smith and Turner prepare and bring in the 1st, and the committee on Propositions and Grievances the 2d.

Mr. Caldwell presented the petition of the members of the Tan Theta Kappa Society of Georgetown College, praying an act of incorporation.

Which was received, the reading dispensed with, and referred to Messrs. Caldwell, McCalla and Coke.

Bills from the Senate of the following titles, viz:

1. An act for the benefit of the Trustees of the town of Poplar Plains, in Fleming county.

2. An act for the benefit of John Martin.

3. An act for the benefit of Lewis W. Kirtley.

4. An act to amend an act to establish a Medical Institute in the city of Louisville.

5. An act to amend an act, entitled, an act to establish a system of Common Schools in the State of Kentucky.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of the said bills having been dispensed with, the 1st was referred to the committee for Courts of Justice; the 2d to the committee on Claims; the 3d to the committee on Claims; the 4th was ordered to be read a third time, and the 5th was referred to the committee on Education.

The rule of the House, constitutional provision and third reading of the 4th bill having been dispensed with,

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

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

By the committee on Claims—1. A bill for the benefit of Samuel Simpson.

By the committee on Internal Improvement—2. A bill to amend the charter of the Paris, Georgetown and Frankfort Turnpike Company.

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

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.
The House resumed the consideration of the bill to establish a new Judicial District, and for other purposes.

The substitute proposed by the committee for Courts of Justice reads as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be established an additional judicial district in this Commonwealth, which shall be styled the seventeenth judicial district, to be composed of the counties of Woodford, Shelby, Anderson, Franklin, and Owen; and that a Circuit Judge and Commonwealth's Attorney shall be appointed for said district, who shall possess all the powers, and receive the same emoluments, that are exercised and received by the other Circuit Judges and Commonwealth's Attorneys in this Commonwealth.

Sec. 2. That the terms of the Woodford circuit court shall commence on the first Mondays in March, June and September, and shall continue twelve juridical days at each term, if the business of the court shall require it. The terms of the Shelby circuit court shall commence on the third Mondays of March, June and September, and shall continue twelve juridical days at each term, if the business shall require it. The terms of the Anderson circuit court shall commence on the first Mondays in April, July, and October, and shall continue twelve juridical days at the April and July terms, and six juridical days at the October term, if the business of the court shall require it. The terms of the Franklin circuit court shall commence on the second Mondays in February, May and October, and shall continue eighteen juridical days at the February and May terms, and twelve juridical days at the October term, if the business shall require it. The terms of the Owen circuit court shall commence on the fourth Mondays in April, second Mondays in August, and fourth Monday in October, and shall continue twelve juridical days at each term, if the business of the court shall require it.

Sec. 3. That the Judge of the third judicial district shall constantly make one of the Judges of the General Court, and the Judge of the fourth judicial district shall not be required to attend and make one of the Judges of said court, constantly, as heretofore required; and the terms of said court shall, after the ensuing February term, be held on the last Mondays in January and first Monday in August, and shall continue twelve juridical days at the January term, and six juridical days at the August term, if the business of said court shall require it.

Sec. 4. That hereafter the fourth judicial district shall be composed of the counties of Oldham, Henry, Gallatin, Trimble, Grant, Boone and Carroll. The terms of the Oldham circuit shall commence on the third Mondays in February and May, and on the first Mondays in September, and shall continue twelve juridical days at each term, if the business of the court shall require it. The terms of the Trimble circuit court shall commence on the first Mondays in March and third Mondays in July and October, and shall continue six juridical days at each term, if the business of the court shall require it. The terms of the Gallatin circuit court shall commence on the fourth Mondays in March, June and September, and continue six juridical days at each term, if the business of the court shall require it. The terms of the Grant circuit court shall commence on the fourth Monday in April, second Monday in August, and fourth Monday in
October, and shall continue twelve juridical days at each term, if the business of the court shall require it. The terms of the Henry circuit court shall commence on the second Mondays in April, July and October, and shall continue twelve juridical days at each term, if the business of said court shall require it. The terms of the Carroll circuit court shall commence on the first Mondays in April, July and October, and shall continue six juridical days at each term, if the business of the court shall require it. The terms of the Boone circuit court shall commence on the first Mondays in July and October, and shall continue twelve juridical days at each term, if the business of the court shall require it.

Sec. 5. That all recognizances taken, and process issued, returnable to the terms of said courts, respectively, as they heretofore stood, shall be returned to the terms of said court, as now fixed and regulated by this act, and shall be as obligatory and binding as they would have been had this act not passed, and they been returned to the terms of said courts as they originally stood before the passage of this act.

Sec. 6. That the county of Nicholas shall no longer compose a part of the 10th judicial district, but shall be added to, and composed a part of, the 2d judicial district.

Mr. J. G. Taylor moved to amend said substitute, by striking out all that part printed in italics, and that the Judge of the 4th Judicial District be released from constantly attending the General Court; and that the Judge of the 17th Judicial District shall constantly attend the General Court.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Those who voted in the negative, were—

Messrs. Adams, Barrett, Board, Draffin, Glover, Gresham, Hill, Huston, Reeves, Smith, J. S.

Mr. Yantis moved to lay said bill and substitute on the table for the present.

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

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

Those who voted in the affirmative were—


Those who voted in the negative were—

Mr. Speaker, Mr. Speaker, Messrs. Adams, Barrett, Botts, Brooks, Buckner, Butler, Hammond, Hopkins, Imboden, Irwin, Johnson, Lane, Logan, Read, Redd, Reeder, Rowan, Rowlett, Russell, Smith, J. S.
The substitute, as amended, was then twice read and adopted.

Mr. Hammond then moved the previous question.

The main question was then put, Shall the bill, as amended, be engrossed and read a third time? And it was decided in the affirmative.

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

Those who voted in the affirmative were—


Those who voted in the negative were—

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed, The question was then taken on the passage of said bill, and decided in the affirmative.

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

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Adams, Barrett, Botts, Brooks, Butler, Cave, Cecil, Churchill, Crow, Davie, Draffin, Elliott, English, Fish, Forman, Glenn, Goodson, Gray,
Hughes, Huston, Marshall, W. N., Mason, McClure, McRoberts, Mims,

Henry, Hopkins, Imboden, Irwin, Johnson, Lane, Logan, Lyter, Marshall, T. F., Marshall, T., McCalla, McFall, McKinney, Meriwether, Mize, Morehead, Murray, Newell, Padon,

Those who voted in the negative were—

Mims, Perciful, Randolph, Redd, Reeves, Rumsey, Smith, I., Sutton, M., Taggart, Thomasson, Waddill, Yantis, Young, A.—40.
Resolved, That the title thereof be as aforesaid.

The hour of 12 o'clock having arrived, the House again resumed the consideration of the bill from the Senate, entitled, an act to fix the ratio and apportion the representation for the next four years.

The said bill reads as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the ratio, for the ensuing four years, shall be one thousand and eighty-five votes for each representative, and the representation for that period shall be, and the same is hereby apportioned among the several counties in this Commonwealth, for the House of Representatives, in the following manner: The county of Adair shall be entitled to one representative; Allen, one; Anderson, one; Barren, two; Bracken, one; Butler and Edmonson, one; Bourbon, two; Bullitt, one; Bath, one; Breckinridge, one; Boone, one; Caldwell, one; Cumberland and Clinton, one; Carroll and Gallatin, one; Casey, one; Clay and Perry, one; Calloway, one; Campbell, two; Clark, one; Christian, two; Daviess, one; Estill, one; Fayette, three; Franklin, one; Floyd and Pike, one; Fleming, two; Grayson, one; Grant, one; Graves, one; Greenup, one; Garrard, one; Green, two; Hopkins, one; Henderson, one; Harrison, two; Hardin, two; Hart, one; Henry, one; Hickman, one; Jefferson, two; Jessamine, one; Knox and Harlan, one; Louisville City, two; Livingston, one; Lincoln, one; Laurel, one; Lawrence and Carter, one; Lewis, one; Logan, two; Muhlenburg, one; Mason, two; Montgomery, one; Monroe, one; Morgan and Breathitt, one; Meade, one; Madison, two; Marion, one; McCracken, one; Mercer, two; Nicholas, one; Nelson, two; Ohio and Hancock, one; Owen, one; Oldham, one; Pendleton, one; Pulaski, one; Rockcastle, one; Russell, one; Shelby, two; Scott, one; Spencer, one; Simpson, one; Todd, one; Trigg, one; Trimble, one; Union, one; Wayne, one; Woodford, one; Warren, two; Whitley, one; Washington, one.

Sec. 2. And for the purpose of apportioning the representation in the Senate, this State is hereby laid off into thirty eight Senatorial Districts, as follows: The counties of Hickman, Graves and McCracken, shall compose the first Senatorial District; Caldwell, Livingston and Union, the second; Todd and Christian, the third; Logan and Simpson, the fourth; Henderson, Hopkins and Daviess, the fifth; Warren and Allen, the sixth; Barren, the seventh; Green and Hart, the eighth; Monroe, Cumberland and Clinton, the ninth; Adair, Casey and Russell, the tenth; Pulaski and Wayne, the eleventh; Hancock, Breckinridge and Ohio, the twelfth; Butler, Grayson, Muhlenburg and Edmonson, the thirteenth; Hardin and Meade, the fourteenth; City of Louisville and county of Jefferson, the fifteenth; Henry, Oldham and Trimble, the sixteenth; Shelby, the seventeenth; Nelson, the eighteenth; Marion and Washington, the nineteenth; Mercer, the twentieth; Trigg, and Calloway, the twenty first; Lincoln and Garrard, the twenty second; Madison, the twenty third; Knox, Whitley, Laurel and Rockcastle, the twenty fourth; Boone, Grant, Gallatin and Carroll, the twenty fifth; Campbell and Pendleton, the twenty sixth; Nicholas and Bourbon, the twenty seventh; Franklin, Owen and Anderson, the twenty eighth; Scott and Harrison, the twenty ninth; Spencer and Bullitt, the thirtieth; Fayette, the thirty first; Jessamine and Woodford, the thirty second.
Sec. 3. When, according to the laws now in force, it shall be the duty of any Sheriff to compare the polls for Senator and Representative at different places on the same day, it shall hereafter be the duty of said Sheriff to attend with the poll books of his county, at the time and place appointed by law to compare the polls for Senator, and to make out, in writing, a certificate of the aggregate votes polled in his county, for whom given, and what place; and shall cause the same to be forwarded to the place, and at the time appointed by law for comparing polls for representatives, by one of his deputies.

Sec. 4. Said certificate shall, upon comparison of the polls, be received as evidence of the vote polled in said county; and if any Sheriff shall fail or refuse to discharge the duties hereby enjoined, he shall, upon indictment of a grand jury of said county, be fined any sum not less than five hundred dollars, nor more than one thousand dollars.

Mr. Crow moved the previous question, and it was decided in the negative. The yeas and nays being required thereon, by Messrs. English and Crow, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Board, Hill, Trimble,
Crow, Hopkins, White,
Cunningham, Smith, I. Young, A.—10.
Elliott, 

Those who voted in the negative were—

Mr. Speaker, Gresham, Padon,
Messrs. Adams, Haggard, Perciful,
Barrett, Hammond, Pindell,
Botts, Hardy, Randolph,
Brien, Henry, Read,
Brooks, Hines, Redd,
Buckner, Hughes, Reeder,
Burgess, Huston, Reeves,
Butler, Imboden, Rowan,
Caldwell, Irwin, Rowlett,
Cave, Johnson, Rumsey,
Cecil, Lane, Russell,
Chouvin, Logan, Smith, J. S.
Churchill, Lyter, Sprigg,
Clay, Marshall, T. F. Stephens,
Coffey, Marshall, T. Stone,
Coke, Marshall, W. N. Sutton, M.
Colvin, Mason, Sutton, T.
Daniel, McCalla, Swope,
Mr. Haggard moved to amend said bill in the first section, by striking out the word "two" after the word "Warren," and insert "one," and strike out "Cumberland and Clinton one," and insert "Cumberland one, and Clinton one."

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

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

Those who voted in the affirmative were—

Messrs. Caldwell, Cecil, Churchill, Coffey, Colvin, Cornish, English, Glover, Haggard, Johnson, Lane, Mason.

Those who voted in the negative were—

Mr. M. Sutton moved to amend the first section by striking out after the word Laurel the word “one,” and to insert after the word Pulaski the word “two.”

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

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

Those who voted in the affirmative were—


Those who voted in the negative were—


On motion of Mr. I. Smith,

Ordered, That the bill to amend the law in relation to water grist mills, be taken up from the table, and placed in the orders of the day.

And then the House adjourned.
THURSDAY, FEBRUARY 6, 1840.

1. Mr. Stone presented the petition of sundry citizens of Spencer county, praying the passage of a law allowing an additional Constable to said county.

2. Mr. White presented the petition of Daniel Cain, praying the passage of a law authorizing the County Court of Whitley to donate to him one thousand acres of unappropriated land in said county.

3. Mr. Pindell presented the petition of the Medical Faculty of Transylvania University, praying the passage of a law authorizing them to use a room in the Lunatic Asylum.

4. Mr. Swope presented the petition of Uriel B. Chambers, praying a change of venue in a prosecution pending against him in the Franklin Circuit Court.

5. Mr. Coffey presented the petition of Edward J. Bullock, Attorney for the Commonwealth in the 12th Judicial district, praying compensation for services rendered in attending a special term of the Mercer Circuit Court, for the trial of Edward C. Wilkinson, and others.

6. Mr. Pindell presented the petition of Richard Shipp, and wife, praying the passage of a law authorizing a sale of a certain tract of land, which descended to said Shipp's wife.

7. Also, the petition of the Union Agricultural Society, praying the establishment of a State Agricultural School in this State.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st to the committee on Propositions and Grievances; the 2d to Messrs. White, Adams and Daviess; the 3d to Messrs. Pindell, Gray and Reeves; the 4th and 6th to the committee for Courts of Justice; the 5th to the committee on Claims; and the 7th to the committee on Agriculture and Manufactures.

A message was received from the Senate, announcing their disagreement to bills from this House of the following titles, viz:

An act for the benefit of Franklin Webb.

An act for the benefit of Joseph Washington.

And that they had passed a bill from this House, entitled,

An act for the benefit of Edward Donoho.

Mr. Coffey asked leave to withdraw the petition of Gabriella Mathews; which was granted, and the petition withdrawn.

Mr. Colvin asked leave to withdraw the petition of John O. Walden; which was granted, and the petition withdrawn.

Mr. Turner, from the committee for Courts of Justice, to whom was referred bills from the Senate of the following titles, viz:
An act to amend the 7th section of an act, entitled, an act for the better securing the payment of rents, and preventing the fraudulent practices of tenants.

An act to amend the act, entitled, an act to authorize Jailers to serve process in certain cases, approved February 9, 1836,

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

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

Mr. Butler, from the same committee, to whom was referred a bill to regulate elections, and the better to secure and protect the elective franchise—reported the same with an amendment.

Ordered, That said bill be referred to a committee of the whole for Monday next; and that the Public Printer forthwith print 150 copies of the said bill for the use of the members of the General Assembly.

Mr. Pindell, from the same committee, to whom was referred a bill from the Senate, entitled, an act to establish the Lexington Cemetery—reported the same without amendment.

Mr. Randolph moved an amendment.

Mr. Hughes moved the previous question, and it was decided in the affirmative,

The main question was then put, Shall the bill be read a third time? and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker, Forman, Redd,
Messrs. Barrett, Gray, Reeder,
Board, Gresham, Ramsey,
Botts, Hammond, Russell,
Brooks, Hughes, Smith, J. S.
Buckner, Huston, Sprigg,
Butler, Irwin, Swope,
Cave, Logan, Taylor, H.
Chouvin, McCalla, Trimble,
Clay, McKinney, Turner,
Coke, Meriwether, Wadill,
Cornish, Mims, Wake,
Crow, Mize, White,
Cunningham, Morehead, Wilson,
Davies, Perciful, Yantis,
Draffin, Pindell, Young, A.—50.
Drye, Read,

Mr. Perciful, from the select committee to whom was referred a bill to increase the number of juridical days allowed the Hardin Circuit Court—reported the same without amendment.

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

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.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill for the benefit of Armstead Crane—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

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

Mr. Haggard moved the following resolution; viz:

WHEREAS, it is believed that the office of Superintendent of Public Instruction redounds to no general good to the Commonwealth at large, and that the pay of said Superintendent is a wasteful expenditure of the public money; and that as no good does result from the service of said officer, owing to the partial manner said officer has displayed in visiting some counties, and failing to visit others, where they are desirous of embracing the benefit of the school laws: Therefore,

Be it Resolved, That the committee on Education be instructed to report a bill dispensing with said officer.

Ordered, That said resolution be laid on the table for the present.

On motion of Mr. Barrett—Leave was given to bring in a bill to extend the terms of the Green and Hart Circuit Courts, and for other purposes.

Ordered, That Messrs. Barrett, Hardy, W. N. Marshall, Caldwell, Haggard and Randolph prepare and bring in the same.
Mr. Turner, from the committee of conference on the part of this House, on the disagreement between the two Houses, on the bill, entitled, an act giving Justices of the Peace jurisdiction in actions of trespass, and trespass on the case, where the damages laid are five pounds or under—made a report, which is as follows, viz:

The committee of conference on the bill, entitled, an act giving Justices of the Peace jurisdiction in actions of trespass, and trespass on the case, where the damages laid are five pounds or under—have, according to the order of the Senate and House of Representatives, conferred on the subject of the disagreement between the two Houses, touching the amendments adopted by the Senate to the original bill, as passed by the House of Representatives, and have come to the following conclusion: They recommend that the Senate shall recede from its amendment to the first section of the bill, which strikes out five pounds and inserts fifty dollars.

They further recommend that the House of Representatives recede from its refusal to concur in the other amendments of said bill, the whole of which go to give an appeal to the Circuit Court, instead of the County Court, in the cases of which the bill gives Justices jurisdiction. They do this, because the Constitution guarantees the right of trial by jury in the cases embraced in the bill, and the County Court is not organized and constituted in a manner suited to the trial of jury cases; and we think it meet and proper in other respects to give the appellate jurisdiction to the Circuit Court, instead of the County Court.

All which is respectfully submitted.

JAS. GUTHRIE,
FRANK. BALLINGER,
JAS. G. PITTS,
Committee of the Senate.

SQUIRE TURNER,
T. SUTTON,
D. MERIWETHER,
Committee of the House of Representatives.

The said report was then twice read, and adopted.

A message was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State, announcing that he had signed and approved sundry enrolled bills and a resolution which originated in this House, of the following titles, viz:

An act for the benefit of John L. Graves.
An act to amend an act, entitled, an act for the benefit of the county of Jefferson.
An act to incorporate the Germantown Academy.
An act for the benefit of Joseph McGlothlin.
An act for the benefit of Mastin Gore.
An act for the benefit of the Frankfort Light Infantry, and Franklin Troop of Cavalry.
An act allowing one additional Constable to the county of Jefferson, and for other purposes.

An act to amend an act incorporating the Paris Fire, Life and Marine Insurance Company.

An act to allow an additional Constable to the county of Trigg.

An act to amend the laws in relation to the town of Lawrenceburg, in Anderson county.

An act allowing further time to the several County Courts of this Commonwealth to furnish a standard of weights and measures.

An act to change the time of holding the Circuit Courts for the counties of Simpson, Allen and Warren.

An act allowing an additional Justice of the Peace to Rockcastle county.

An act for the benefit of Asa Vanlandingham, late Sheriff of Grant county.

An act for the benefit of James Hopwood, and others.

An act for the benefit of Joseph Shropshire.

An act for the benefit of the volunteer company styled the Lancaster Guard, in Garrard county.

An act for the benefit of the Lunatic Asylum, at Lexington.

An act to change the place of voting in an election precinct in Livingston county.

An act repealing the law declaring the Beech Fork navigable above Ray's mill.

An act to incorporate the Georgetown Fire Company.

An act for the benefit of William B. Wallace.

An act for the benefit of Catharine J. Lloyd.

An act to incorporate the town of Chiltonsville, in Henry county.

An act for the benefit of Nancy Robertson.

An act legalizing the proceedings of the Court of Assessment of the 16th Regiment of Kentucky Militia, and for other purposes.

An act for the benefit of William E. Gridier.

An act for the benefit of Richard Lucas, Sr.

An act to establish the county of Kenton, and for other purposes.

An act to amend the law relating to the Wilderness turnpike road, and the adjacent roads leading from same to the Goose creek Salt works.

An act for the benefit of James Sego.

Approved January 29, 1840.

An act to change the place of voting in an election precinct in Ohio county. Approved January 31, 1840.

An act to amend an act, entitled, an act to amend the road law in Campbell and Bracken counties.

An act to repeal the act establishing the Jacksonville Election Precinct, in Bourbon county.
An act providing for a change of venue in the prosecution for perjury, against John Henry.
An act for the benefit of the heirs of Samuel Craig, deceased.
An act authorizing a change of venue in an action at law depending in the Pulaski Circuit Court, wherein Rose (a woman of color) is plaintiff, and James T. Curd is defendant.
An act to amend the execution laws of this Commonwealth.
An act allowing an additional Constable in Anderson county.
An act allowing an additional Justice of the Peace to Carter county, and for other purposes.
An act for the benefit of the heirs of Wm. Taylor, deceased.
An act to allow one additional Justice of the Peace to Whitley county.
An act to amend the penal laws of this Commonwealth.
An act allowing the Trustees of Newcastle to open an alley.
An act allowing additional Justices of the Peace to the counties of Graves and Wayne, and for other purposes.
An act to amend an act for the better regulation of towns, approved February 7, 1798.
An act for the benefit of mechanics in the towns of Bowlinggreen, Russellville and Owensboro.
An act for the benefit of the widow and children of Stephen H. Garton, deceased.
An act for the benefit of the Sheriffs of Todd and Monroe counties.
An act to alter the time of the sitting of the Mercer Circuit Court.
An act to amend the charter of the Covington Insurance Company.
An act to open a State road from John Hibbard's, in Clay county, to Prestonsburg, in Floyd county.
An act declaring Wolf river a navigable stream.  
Approved 4th February, 1840.

A resolution postponing the election of a President and Directors of the Bank of the Commonwealth.  
Approved 29th January, 1840.

A message was received from the Senate, announcing that they had passed a bill, entitled, an act supplemental to an act to establish the county of Kenton, and for other purposes.

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

By the committee for Courts of Justice—1. A bill for the benefit of Thos. P. Carson, of Calloway county, and Anthony N. Gatewood, of Trigg county.
By same—2. A bill to incorporate the town of Uniontown, in Union county.
By Mr. Turner—3. A bill for the benefit of the Sheriffs of Madison, Henry and Lewis counties.
By Mr. Percifol—4. A bill to legalize the acts of the Trustees of Hodgenville, and for other purposes.

By same—5. A bill for the benefit of Mrs. Overton, widow of James C. Overton, deceased.

By Mr. Crow—6. A bill for the benefit of Philip Board, of Hancock county.

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

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with, the 1st, 2d, 3d, 4th and 6th were severally ordered to be engrossed and read a third time, and the 5th was referred to the committee on Ways and Means.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th and 6th bills having been dispensed with, and the same being engrossed,

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

Mr. Huston, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to amend the laws regulating civil proceedings, and for other purposes—reported the same without amendment; and some discussion being had thereon,

The hour of 12 o'clock arrived; the House again resumed the consideration of the bill from the Senate, entitled, an act to fix the ratio and apportion the representation for the next four years.

Mr. Hines moved a reconsideration of the vote rejecting the amendment proposed by Mr. Butler, to take one representative from Jefferson county, and add it to the city of Louisville.

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

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

Those who voted in the affirmative were—

Those who voted in the negative were—

| Mr. Speaker, | Glenn, | Murray, |
| Messrs. Board, | Glover, | Newell, |
| Botts, | Goodson, | Padon, |
| Brien, | Henry, | Randolph, |
| Burgess, | Imboden, | Redd, |
| Caldwell, | Johnson, | Rowan, |
| Cecil, | Lane, | Rowlett, |
| Chouvin, | Lecompte, | Rumsey, |
| Churchill, | Marshall, T. | Russell, |
| Coffey, | Marshall, W. N. | Stephens, |
| Colvin, | Mason, | Stone, |
| Cornish, | McCalla, | Sutton, M. |
| Cunningham, | McClure, | Sutton, T. |
| Daniel, | McFall, | Swope, |
| Daviess, | Meriwether, | Taylor, J. G. |
| Draffin, | Mims, | Thomasson, |
| English, | Mize, | Yantis—53. |
| Fish, | | |

Mr. Mize moved to amend said bill in the second section, by striking "Harlan" from the 38th Senatorial district.

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

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

Those who voted in the affirmative were—

| Messrs. Burgess, | Glover, | Meriwether, |
| Cecil, | Goodson, | Mims, |
| Churchill, | Henry, | Mize, |
| Coffey, | Johnson, | Randolph, |
| Colvin, | Lane, | Rowlett, |
| Cornish, | Lecompte, | Stephens, |
| Daniel, | Marshall, T. | Stone, |
| English, | Marshall, W. N. | Sutton, M. |
| Fish, | Mason, | Sutton, T. |
| Glenn, | McCalla, | Taylor, J. G. |

Those who voted in the negative were—

| Mr. Speaker, | Haggard, | Pindell, |
| Messrs. Adams, | Hammond, | Read, |
| Barrett, | Hardy, | Redd, |
| Botts, | Hill, | Reeder, |
| Brien, | Hines, | Reeves, |
| Brooks, | Hopkins, | Runsey, |
| Buckner, | Hughes, | Russell, |
| Butler, | Huston, | Smith, I. |
Mr. Mason moved to amend said bill in the second section, by striking out the following:

"Montgomery and Clarke the thirty third; Greenup, Carter, Lawrence and Lewis, the thirty fourth; Fleming, the thirty fifth; Mason and Bracken the thirty sixth; Morgan, Floyd, Pike and Bath, the thirty seventh; Clay, Perry, Harlan, Estill and Breathitt, the thirty eighth."

And inserting in lieu thereof the following:

"Montgomery and Bath, the thirty third; Greenup, Carter, Lawrence and Lewis, the thirty fourth; Fleming, the thirty fifth; Mason and Bracken the thirty sixth; Morgan, Floyd, Pike, Breathitt and Perry the thirty seventh; Clarke and Estill, the thirty eighth."

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

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

Those who voted in the affirmative were—


Those who voted in the negative were—

Messrs. Adams, Barrett, Board, Brooks, Buckner, Hill, Hines, Hopkins, Hughes, Huston, Read, Reeder, Reeves, Smith, I., Sprigg,
Mr. Daniel moved to strike one representative from Laurel county, and add one additional representative to Garrard county.

A division of the question being called for, the question was then taken on striking one from Laurel, and decided in the negative.

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

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Burgess, Caldwell, Churchill, Coffey, Cornish, Daniel, Daviess, English, Fish, Glenn,

Glover, Goodson, Hardy, Henry, Johnson, Lane, Marshall, W. N., Mason, McFall, Meriwether, Mims,

Messrs. Adams, Barrett, Board, Batts, Brien, Brooks, Butler, Cave, Clay, Coke, Colvin, Crow, Cunningham, Draffin, Drye, Elliott, Forman, Gray, Gresham,


Those who voted in the negative were—

Taggart, Taylor, H., Turner, Waddill, Wake, White, Wilson, Yantis, Young, A.—43.

Pindell, Read, Redd, Reeder, Reeves, Rumsey, Russell, Smith, I., Sprigg, Sutton, T., Taggart, Taylor, H., Turner, Waddill, Wake, White, Wilson, Young, A.—55.
Mr. Wilson then moved the previous question, and it was decided in the
affirmative.

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

Those who voted in the affirmative, were—

| Messrs. Adams, | Hill,          | Read, |
| Botts,       | Hines,        | Redd, |
| Brooks,      | Hopkins,      | Reeder,|
| Burgess,     | Hughes,       | Reeves,|
| Cave,        | Huston,       | Rowan, |
| Clay,        | Irwin,        | Russell,|
| Coke,        | Lane,         | Smith, l.|
| Crow,        | Lyter,        | Swope, |
| Cunningham,  | Marshall, T. F.| Taggart,|
| Draffin,     | Marshall, T.  | Taylor, H.|
| Drye,        | McClure,      | Trimble,|
| Elliott,     | McKinney,     | Turner, |
| Forman,      | McRoberts,    | Waddill,|
| Gray,        | Morehead,     | Wake,  |
| Gresham,     | Padon,        | White, |
| Hammond,     | Perciful,     | Wilson,|
| Henry,       | Pindell,      | Young, A.—51.|

Those who voted in the negative, were—

| Mr. Speaker, | English, | Mims, |
| Messrs. Barrett, | Fish, | Mize, |
| Board,       | Glenn, | Murray, |
| Brien,       | Glover, | Newell, |
| Buckner,     | Goodson, | Randolph, |
| Butler,      | Haggard, | Rowlett, |
| Caldwell,    | Hardy, | Rumsey, |
| Cecil,       | Imboden, | Sprigg, |
| Chouvin,     | Johnson, | Stephens, |
| Churchill,   | Logan, | Stone, |
| Coffey,      | Marshall, W. N. | Sutton, M. |
| Colvin,      | Mason, | Sutton, T. |
| Cornish,     | McCalla, | Taylor, J. G. |
| Daniel,      | McFall, | Thomasson, |
| Daviess,     | Meriwether, | Yantis—45. |

The main question was then put, Shall the bill, as amended, be read a
third time? And it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. J. G. Taylor
and Colvin, were as follows, viz:
Those who voted in the affirmative were—

Mr. Speaker,  
Messrs. Adams,  
Barrett,  
Botts,  
Brooks,  
Buckner,  
Cave,  
Clay,  
Coke,  
Crow,  
Cunningham,  
Daviess,  
Draffin,  
Drye,  
Elliott,  
Forman,  
Gray,  
Gresham,  
Hammond,  
Hill,  
Hines,  
Hopkins,  
Hughes,  
Huston,  
Irwin,  
Logan,  
Lyter,  
Marshall, T. F.  
McClure,  
McFall,  
McKinney,  
McRoberts,  
Morehead,  
Padon,  
Perciful,  
Pindell,  
Read,  
Redd,  
Reeder,  
Reeves,  
Rowan,  
Russell,  
Smith, J.  
Sprigg,  
Swope,  
Taggart,  
Taylor, H.  
Trimble,  
Turner,  
Waddill,  
Wake,  
White,  
Wilson,  
Young, A.—54.

Those who voted in the negative were—

Messrs. Board,  
Brien,  
Burgess,  
Butler,  
Caldwell,  
Cecil,  
Chouvin,  
Churchill,  
Coffey,  
Colvin,  
Cornish,  
Daniel,  
English,  
Fish,  
Glenn,  
Glover,  
Goodson,  
Haggard,  
Hardy,  
Henry,  
Imboden,  
Johnson,  
Lane,  
Marshall, T.  
Marshall, W. N.  
Mason,  
McCalla,  
Meriwether,  
Mims,  
Mize,  
Murray,  
Newell,  
Randolph,  
Rowlett,  
Rumsey,  
Smith, J. S.  
Stephens,  
Stone,  
Sutton, M.  
Sutton, T.  
Taylor, J. G.  
Thomasson,  
Yantis—43.

And then the House adjourned.
FRIDAY, FEBRUARY 7, 1840.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:
An act for the benefit of the heirs of James Honaker, deceased.
An act declaratory of the law of 1831, in relation to tippling houses.
An act for the benefit of Mary Ann Winebrinner, and her infant child, George Ann Winebrinner.
An act for the benefit of the fire company in the town of Augusta.
With an amendment to the last named bill.
That they had passed a bill, entitled,
An act concerning the town of Princeton.
And that they had received official information from the Governor, that he had approved and signed enrolled bills and resolutions which originated in the Senate, of the following titles, viz:
An act for the benefit of Thomas Glascock.
An act to change the time of holding the Lawrence, Morgan, Pike and Floyd Circuit Courts.
An act providing for the apprehension and detention of fugitives from justice from other States,
An act for the benefit of George Smedley and D. R. Enders.
An act for the benefit of John Gooding.

Approved 29th January, 1840.

An act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky.
An act extending the limits of the town of Germantown.
An act to authorize and require the Register of the Land Office to register certain plats and certificates of survey.
An act for the benefit of William H. Martin and his securities.
An act authorizing the County Court of Bullitt county to sell the old jail and jail lot, and to build a new jail.
An act to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of jurors, approved Feb. 15, 1838, and for other purposes.
An act to authorize the County Court of Owen county to change the road from Marion to New Liberty.
An act to amend the several acts to suppress the practice of duelling.
An act for the benefit of the Sheriff of Hickman county.
An act for the divorce of Samuel Rohrer.
An act to establish an election precinct in Owen county.
An act to change the place of voting at an election precinct in Perry county, and to establish a new precinct in said county.
An act to amend an act to incorporate the town of Trenton, in Todd county, approved January 13, 1840.
An act for the benefit of the Anderson County Seminary. Approved 5th February, 1840.
A resolution directing a tomb stone to be placed over the grave of James Clark, late Governor of Kentucky.
A resolution to erect a tomb stone over the grave of Gabriel Slaughter, late Governor of Kentucky.

Mr. McCalla presented the petition of sundry citizens of Scott county, praying a change in the location of the State road leading from Frankfort to Cincinnati.
Which was received, the reading dispensed with, and referred to Messrs. McCalla, Fish and Stephens.

The House again resumed the consideration of the bill from the Senate, entitled, an act to amend the laws regulating civil proceedings, and for other purposes.

Ordered, That the said bill be read a third time.
The rule of the House, constitutional provision and third reading of said bill having been dispensed with,
Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McRoberts, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:
An act to amend the several acts incorporating the town of Williams-town, and for other purposes.
An act to regulate the number of Justices of the Peace for Campbell county.
An act for the benefit of the heirs of John Roney.
An act to establish a Seminary of Learning in Morgantown, and for other purposes.
An act to prevent the burning of the woods in certain counties, and for other purposes.
An act authorizing the Trustees of the Pendleton Academy to loan the funds of the institution upon bonds and obligations.
An act to incorporate the Louisville Franklin Lyceum.
An act for the benefit of Edward Donoho.
An act concerning the General Court.
An act for the benefit of the securities of Alfred L. Hargis, late Sheriff of Christian county.
An act for the benefit of Wm. B. Parker, late Sheriff of Lewis county.
An act to authorize the County Court of Breathitt to raise funds for the erection of their public buildings, and for other purposes.
An act for the benefit of the Sheriff of Harrison county.
An act for the benefit of the heirs of William Winslow, late Clerk of the Gallatin Circuit Court.
An act for the benefit of the Sheriff of Lewis county.
An act for the benefit of the Sheriff of Oldham county.
An act to change the time of holding the Oldham County Court.
An act to repeal an act incorporating the town of Brownsborough.
An act to amend an act to incorporate the Trenton Female Academy, in Todd county.
An act to amend an act, entitled, an act to incorporate the Bowlinggreen Life, Fire and Marine Insurance Company.
An act for the benefit of James C. Sprigg, and others.
An act for the benefit of the Jailer of Hancock county.
An act for the benefit of Elizabeth Ward and Rebecca B. Sloan.
An act for the benefit of David Jamison.
An act for the benefit of Gabrella Mathews.
An act to amend the jury law.
An act for the benefit of the Sheriff of Pendleton county.
An act for the benefit of James and Keziah Rogers.
An act to incorporate the Crab Orchard Seminary, in Lincoln county.
An act to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a railroad between the said city and river.
An act for the benefit of Charles Faulkner.
An act to amend the law limiting actions for the recovery of land by females and their heirs.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. McRoberts inform the Senate thereof.

A message was received from the Senate, by Mr. Ballinger, asking leave to withdraw their report, announcing their disagreement to a bill from this House, entitled, an act for the benefit of Emily Henry; which was granted; and the bill withdrawn.

The following bills were reported by the committee for Courts of Justice, viz:
1. A bill for the benefit of T. N. Burgess.
2. A bill for the benefit of Fanny, and others.

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

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 afore-said.

The committee for Courts of Justice reported a bill to amend an act, entitled, an act to amend an act, entitled, an act establishing the Court of Appeals, and for other purposes, approved December 19, 1831.

Which was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Fall term of the Court of Appeals shall from henceforth commence on the first Monday in September, in every year; and so much of said act as fixes the commencement of said term on the first Monday in October, is hereby repealed.

And the question being taken on ordering said bill to be read a second time, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. J. G. Taylor and Huston, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Adams, Barrett, Botts, Brooks, Buckner, Butler, Clay, Cunningham, Draffin, Forman, Glenn,

Goodson, Gray, Hammond, Hughes, Irwin, Johnson, Marshall, T. F., Marshall, T., McCulla, McKinney, Meriwether,


Those who voted in the negative were—

Mr. Speaker, Messrs. Board, Brien, Burgess, Caldwell, Cecil, Chouvin, Coffey, Colvin, Cornish, Crow, Daniel, Daviess, Drye, Elliott, English, Fish, Glover, Gresham,

Haggard, Hardy, Henry, Hill, Hines, Huston, Imboden, Lane, Logan, Lyter, Marshall, W. N., Mason, McClure, McFall, McRoberts, Mims, Mize, Murray, Newell,

Mr. Butler, from the committee for Courts of Justice, to whom was referred the amendments proposed by the Senate to a bill from this House, entitled, an act to explain and enforce an act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved Feb. 24, 1834; and an act to amend said act, approved February 8, 1839—reported the same without amendment.

The said amendments were then twice read, and disagreed to.

A message was received from the Senate, announcing that they had passed a bill from this House, entitled,

An act to establish a new Judicial District, and for other purposes.

And that they had passed bills of the following titles, viz:

An act to restore the privileges of the Banks when they resume specie payments.

An act for the benefit of Charlotte Stivers.

An act for the benefit of Alexander Hutchison and Keziah Jones.

Mr. Huston moved the following resolution, viz:

Resolved, That the use of this Hall be tendered to the Rev. John McGill, for the purpose of Divine Service, on next Sabbath.

Which being twice read, was adopted.

Mr. Butler, from the committee for Courts of Justice, to whom was referred bills from the Senate, of the following titles, viz:

An act to amend the 9th section of an act, entitled, an act for regulating the solemnization of marriages, approved February 3, 1798.

An act to amend the law in civil proceedings.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

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

A bill from the Senate, entitled, an act for the benefit of Charlotte Stivers—was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, it was referred to the committee on Religion.

Mr. Butler, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to amend the law in relation to idiots and lunatics—reported the same without amendment.

Mr. Meriwether then moved to amend said bill; and after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House then took up the bill to restore the privileges of the Banks of
this Commonwealth, on certain conditions. Sundry amendments being proposed thereto,

On motion of Mr. Meriwether,

Ordered, That said bill and amendments be referred to a committee of the whole House for this day,

A bill from the Senate, entitled, an act to restore the privileges of the Banks when they resume specie payments,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bill having been dispensed with,

Ordered, That said bill be referred to a committee of the whole House for this day.

The House then resolved itself into a committee of the whole on the bill from this House, to restore the privileges of the Banks of this Commonwealth on certain conditions; and the bill from the Senate, entitled, an act to restore the privileges of the Banks when they resume specie payments—Mr. Meriwether in the chair; and after some time spent therein, the Speaker resumed the chair; when Mr. Meriwether reported that the committee had, according to order, had under consideration the bills aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

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SATURDAY, FEBRUARY 8, 1840.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled,

An act for the benefit of the Kentucky Historical Society.

That they had passed bills from this House of the following titles, viz:

An act to incorporate the Franklin Institute of Bacon College.
An act for the relief of Benjamin F. Major.
An act for the benefit of James G. Hardy.
An act for the benefit of James W. Irwin, and others.
An act for the benefit of Thomas P. Hart.
An act to amend an act, entitled, an act to establish the town of Land ing, in Boone county.
An act authorizing Mary Jackson to bind out her infant children.
An act for the benefit of Wallace Estill, and wife.
An act for the benefit of Sarah Jane Dorman.
An act for the benefit of the Sheriffs of Madison, Henry and Lewis counties.
An act to amend the law regulating the emancipation of slaves.
An act to amend the penal laws of this Commonwealth.
With amendments to the two last named bills.
And the passage of bills from the Senate of the following titles:
An act for the benefit of Sebarn Shaw.
An act to authorize the County Court of Nicholas county to sell the Nicholas County Seminary, and for other purposes.
An act for the benefit of Joseph Clarke, late Sheriff of Franklin county.
An act to amend an act, entitled, an act for the benefit of the Sheriff of Washington county, approved December 19, 1839.
An act for the further relief of the Sheriff of Livingston county.
1. Mr. Daviess presented the petition of sundry citizens of Mercer county, praying a change of the place of voting in an election precinct in said county.
2. Mr. Turner presented the petition of Dawson Elliott, praying the passage of a law discharging him from all obligations as a collector of fines in the 38th Regiment of Kentucky Militia, upon his paying over the amount collected by him.
3. Mr. T. Marshall presented the memorial of the President, Directors and Company of the Gallatin Turnpike Road Company, in the State of Tennessee, upon the subject of the connection the Louisville, Bardstown and Glasgow turnpike road with said road, at the State line.
4. Mr. Pindell presented the petition of John Keizer, praying to be released from a bond (executed by him and others) for the safe keeping and return of certain public arms.
5. Mr. Logan presented the petition and remonstrance of sundry citizens of Shelby county, for and against the change of the place of voting in an election precinct in said county.
Which petitions, memorial and remonstrance were severally received, the reading thereof dispensed with, and referred: the 1st and 5th to the committee on Privileges and Elections; the 2d and 4th to the committee on Military Affairs, and the 3d to the committee on Internal Improvement.
Mr. McRoberts, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills from this House of the following titles, and had found the same truly enrolled, viz:
An act to establish a new Judicial District, and for other purposes.
An act declaratory of the law of 1831, in relation to tippling houses, &c.
An act for the benefit of the heirs of James Honaker, dec'd.
An act for the benefit of Mary Ann Winebrinner, and her infant child, George Ann Winebrinner.

Whereupon the Speaker affixed his signature thereto.

Order, That Mr. McRoberts inform the Senate thereof.

On motion of Mr. Irwin—Leave was given to bring in a bill to incorporate the Russellville Library Company.

Order, That the committee on Education prepare and bring in the same.

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

By Mr. Swope—1. A bill to change the time of holding the Circuit Courts in the second Judicial district.

By Mr. Barrett—2. A bill to change the time of holding and to extend the terms of the Green and Hart Circuit Courts.

By the committee on the Expenditures of the Board of Internal Improvement—3. A bill prescribing the mode of keeping the books in the public offices, and for other purposes.

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

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st and 2d were severally ordered to be engrossed and read a third time, and the 3d was recommitted to the committee on the Expenditures of the Board of Internal Improvement.

The rule of the House, constitutional provision and third reading of the 1st and 2d bills having been dispensed with, and the same being engrossed, Resolved, That said bills do pass, and that the titles thereof be as above said.

The House again resumed the consideration of the bill from the Senate, entitled, an act to amend the law in relation to idiots and lunatics.

Mr. J. G. Taylor proposed an amendment to said bill.

Mr. Turner moved the previous question, and it was decided in the affirmative.

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

Those who voted in the affirmative were—

| Messrs. Adams,      | English,      | Murray,      |
| Barrett,           | Forman,      | Padon,       |
| Board,             | Glover,      | Pindell,     |
| Brien,             | Gray,        | Read,        |
| Brooks,            | Gresham,     | Rowlett,     |
| Buckner,           | Henry,       | Russell,     |
| Burgess,           | Hill,        | Smith, I.    |
| Butler,            | Hines,       | Swope,       |
| Caldwell,          | Hughes,      | Taggart,     |
The main question was then put, Shall the bill be read a third time? and it was decided in the affirmative.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

The question was then taken on the passage of said bill, and decided in the affirmative.

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

Those who voted in the affirmative were—

Those who voted in the negative were:


Mr. Hopkins, from the committee on the Expenditures of the Board of Internal Improvement, made a report.

Mr. Turner moved that the Public Printer forthwith print 5,000 copies of said report, for the use of the members of this House; and after some discussion thereon, the hour of 12 o'clock arrived, and

The House again resolved itself into a committee of the whole, on the bill to restore the privileges of the Banks of this Commonwealth on certain conditions; and the bill from the Senate, entitled, an act to restore the privileges of the Banks when they resume specie payments—Mr. Meriwether is the chair; and after some time spent therein, the Speaker resumed the chair, when Mr. Meriwether reported that the committee had, according to order, had under consideration the bills aforesaid, and had made some progress therein; but not having time to go through with the same, had instructed him to ask leave to sit again, which was granted.

And then the House adjourned.

MONDAY, FEBRUARY 10, 1840.

A message was received from the Senate, announcing that they had disagreed to a bill from this House, entitled,

An act for the benefit of Emily Henry.

That they had passed bills from this House of the following titles, viz:

An act to incorporate the town of Uniontown, in Union county.
An act to increase the number of juridical days allowed the Circuit Court of Hardin county, and for other purposes.
An act to legalize the acts of the Trustees of Hodgenville, and for other purposes.
An act for the benefit of Philip Board, of Hancock county.
An act to establish election precincts in Franklin, Kenton and Campbell counties.
An act to establish the town of New Boston, in Daviess county, and to increase the powers of the Trustees of the town of Monticello.
With amendments to the two last named bills.
And that they had passed bills of the following titles:
An act to establish election precincts in the counties of Montgomery and Barren; and
An act to repeal an act, entitled, an act to change the place of voting from Greenville C. Alfred's, in Washington county, to William Sutherland's, approved January 23, 1840.

Mr. Taggart moved the following resolutions, viz:

WHEREAS, the day of final adjournment, fixed by joint resolution, is near at hand, and the most important business of the session lies upon the Clerk's table, unfinished—business in which the interest and honor of this Commonwealth are greatly concerned; also, numerous bills of a local or private nature, in which particular sections and individuals feel deeply interested, and are very solicitous that the action of this Legislature should be had thereon, and upon which it is our duty to act: Therefore, that we may prevent unnecessary delay and waste of time in useless debate, and that we may improve to advantage the few remaining days of the session, it is

Resolved, That it shall be the standing order of this House, during the present session, to meet at eight o'clock in the morning, and sit till one in the evening; take a recess of one hour, meet at two, and sit till eight o'clock at night.

Resolved, That no member shall be permitted to speak more than fifteen minutes to any one motion or proposition, that he shall not speak more than once, nor be permitted to explain more than once, nor consume more than one minute in giving explanations.

Resolved, That it shall be the duty of the Speaker rigidly to enforce the foregoing resolutions, and that the House will sustain him therein.

And the question being taken on the adoption thereof, it was decided in the negative.

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

Those who voted in the affirmative were—

Messrs. Barrett, Fish, McRoberts,  
Brien, Forman, Read,  
Burgess, Glenn, Rowlett,  
Butler, Goodson, Sutton, M.  
Caldwell, Gresham, Sutton, T.
Those who voted in the negative were—


1. Mr. White presented the petition of sundry citizens of Whitley county, praying that Riley Comstock be permitted to retail spirituous liquor without license.

2. Mr. Thomasson presented the petition of the citizens of Providence, in Hopkins county, praying that said town may be incorporated.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st to the committee on Ways and Means; and the 2d to Messrs. Thomasson, Elliott and Crow.

On motion of Mr. Thomasson—Leave was given to bring in a bill for the benefit of Thomas J. Davis and Israel Davis, late Deputy Sheriffs of Hopkins county.

Ordered, That Messrs. Thomasson, Crow and Elliott prepare and bring in the same.

The House resumed the consideration of the motion of Mr. Turner, to print 5,000 copies of the report of the committee on the Expenditures of the Board of Internal Improvement.

On motion of Mr. Meriwether,

Ordered, That said report be referred back to said committee.

On motion of Mr. Sprigg,

Ordered, That Mr. Meriwether be added to said committee.
A message (in writing) was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State, which is as follows, viz:

Executive Department,  
Frankfort, February 10, 1840.

Gentlemen of the Senate,  
and House of Representatives:  

I have received from His Excellency the Governor of Vermont, a resolution of the Senate and House of Representatives of that State, in relation to the distribution among the several States of the proceeds of the public lands of the general government.

I have also received a copy of the Resolutions passed by the Legislative Council and General Assembly of the State of New Jersey, upon the subject of the resolutions and acts of the House of Representatives of the U. States, excluding from the twenty sixth Congress a portion of the representatives of the State of New Jersey; which several resolutions I have been requested to lay before the Legislature of Kentucky.

Respectfully,  
C. A. WICKLIFFE.

Resolved, by the Senate and House of Representatives, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the passage of a law which shall provide for a just distribution, among the several States, of the proceeds of the public lands, agreeably to the terms of the deeds of cession, which provide that the lands so ceded, "shall be considered as a common fund, for the use and benefit of all the United States, members of the federal alliance," "and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever"—and to oppose any measure calculated to promote the eventual surrender of these lands to the States in which they are situated, which would be entirely repugnant to the condition of these grants, and contrary to that principle of equal and exact justice which should characterize all the dealings of the general government with the several States of the Union.

Resolved, by the Senate and House of Representatives, That the Governor be requested to transmit copies of the foregoing resolution to each of our Senators and Representatives in Congress, and to each of the Governors of the States, with a request that they present it to the Legislatures of their respective States.

Montpelier, Nov. 20, 1839.

I certify the foregoing to be a true copy of resolutions passed by the Legislature of said State, at their session in October, A. D. 1839.

C. L. KNAPP,  
Secretary of State.
STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT,  
Trenton, January 24, 1840.

Sir:

I have the honor to enclose a copy of a Preamble and Resolutions passed by the Legislature of the State of New Jersey at their present session, and to request that you will lay the same before the Legislature of the State over which you preside.

With high consideration,
Your obedient servant,

WM. PENNINGTON,
Governor of New Jersey.

To His Excellency,
the Governor of Kentucky.

STATE OF NEW JERSEY.—JOINT RESOLUTIONS.

WHEREAS, it appears, from a report made by John B. Ayers, John P. B. Maxwell, Wm. Halsey, Charles C. Stratton, and Thomas Jones York, five of the persons duly commissioned as representatives of the people of N. Jersey in the twenty-sixth Congress of the United States, to the Governor of this State, and by him communicated to the Legislature, that, at the time and place prescribed by law for the meeting of that Congress, they appeared and produced their commissions as such representatives, and claimed the right to unite with the representatives from the other States of the Union in forming and organizing a House of Representatives, but by the acts of a portion of those representatives, were prevented from exercising that right, and are still excluded from any participation in their proceedings and deliberations;—by which acts the people of New Jersey are deprived of their just voice in the councils of the nation, at a time when measures of great public importance and deeply affecting their feelings and interests are to be acted upon; their State authorities and their seal are treated with indignity; and a precedent is sought to be established, which, if not promptly and successfully resisted, may hereafter be used to justify the rejection of electoral votes or the exclusion of any number of duly commissioned representatives that a designing and unprincipled faction may deem necessary to secure to itself the control of the national legislature:—and whereas, in this unprecedented emergency, it becomes the solemn duty of New Jersey firmly to oppose this attempt to subvert the fundamental principle of a free representative government, and to call upon her sister States to disavow and redress the wrong which has been perpetrated by a portion of their representatives:—Therefore,

Be it resolved by the Council and General Assembly of New Jersey, That the State of New Jersey became a party to the Union upon the express condition, embodied in the constitution, that in common with her sister States, she should be at all times entitled to a number of members of the House of Representatives proportioned to her population, and that by the laws passed in pursuance of that constitution she is now entitled to six representatives.
And be it resolved by the authority aforesaid, That until Congress shall by law make some regulation of the subject, the Legislature of each State has, by the constitution, full and exclusive power to prescribe "the times, places, and manner of holding elections for representatives," which necessarily includes the power to prescribe the manner in which the result of those elections shall be ascertained and certified.

And be it resolved by the authority aforesaid, That as the Legislature of New Jersey has prescribed a commission granted by the Governor, under the great seal of the State, as the only mode in which the election of her representatives shall be officially certified, such a commission issued in due form of law confers upon each person to whom it is granted, a full and perfect right to claim and exercise all the powers and duties of a representative of the State, until a regularly constituted and organized House of Representatives, after due examination, shall have solemnly adjudged that he is not elected or not qualified; and that any other mode of certifying such election is utterly invalid, and unknown to the laws of New Jersey.

And be it resolved by the authority aforesaid, That a House of Representatives cannot be constitutionally and lawfully organized and invested with any authority, judicial or legislative, while a single representative from any State, duly returned and commissioned according to the laws of that State, is excluded from his seat or denied the exercise of the rights and privileges of a representative.

And be it resolved by the authority aforesaid, That the late acts of a portion of the representatives from the several States, by which five of the persons who were duly commissioned under the great seal of the State of New Jersey, as her representatives in the twenty sixth Congress of the U. States, were prevented from exercising their rights and discharging their duties as such representatives, were a palpable violation of the constitution and of the parliamentary law established by reason and unvarying usage, a precedent of most alarming and dangerous character, and a gross outrage upon the rights and feelings of the people of New Jersey.

Therefore, be it resolved by the authority aforesaid, That in the name and behalf of the people of the State of New Jersey, we do hereby solemnly PROTEST against the acts aforesaid, as unconstitutional, unwarranted and unjust, and against any assumption by the remaining representatives from the several States of the right or authority to exercise any of the powers conferred upon a constitutional House of Representatives, and more especially against the attempt to enact any law for regulating the collection or disbursement of the public revenue; for disposing of the public lands, or the proceeds thereof; for pledging the public faith or credit; for imposing any tax or duty, or for the apportionment of representatives, until the people of New Jersey and their duly commissioned representatives shall have been restored to the rights of which they have been wrongfully deprived.

And be it resolved by the authority aforesaid, That a copy of the foregoing preamble and resolutions, certified under the great seal of the State, which since seventeen hundred and seventy six, has been, and still is, the constitutional and cherished emblem of the sovereignty of New Jersey, be transmitted to the Hon. R. M. T. Hunter, a representative from Virginia, with a request that he will lay the same before the other representatives from the several States now assembled at Washington.

And be it resolved by the authority aforesaid, That a copy thereof be
transmitted to the Governor of each of the several States of the Union, with
a request that he will cause the same to be laid before the Legislature there­
of, and also to each of the Senators and of the six representatives of the
State.

HOUSE OF ASSEMBLY, January 21, 1840.

These Joint Resolutions having been three times read and compared, in
the House of Assembly,
Resolved, That the same do pass.

By order of the House of Assembly.
WILLIAM STITES, Speaker.

IN COUNCIL, January 23, 1840,

These Joint Resolutions having been three times read in the Council,
Resolved, That the same do pass.
By order of Council.
JOSEPH PORTER,
Vice President of Council.

STATE OF NEW JERSEY:

I, JAMES D. WESTCOTT, Secretary of State of New Jersey, do hereby
certify that the foregoing is a true copy of certain joint resolutions
passed by the Legislative Council and General Assembly of said
State, on the twenty third day of January, A. D. one thousand eight
hundred and forty, as taken from, and compared with, the original,
now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my seal
of office, at the city of Trenton, this twenty fourth day of
January, A. D. one thousand eight hundred and forty.

[Seal.]

JAMES D. WESTCOTT.

Mr. Hines, from the committee on Religion, to whom was referred a bill
from the Senate, entitled, an act for the benefit of Elizabeth Higby—report­
ed the same without amendment.

And the question being taken on ordering said bill to be read a third time,
it was decided in the negative.

And so the said bill was disagreed to.

A message was received from the Lieutenant and Acting Governor, by
Mr. Bullock, Secretary of State, announcing that he had signed and ap­
proved sundry enrolled bills which originated in this House, of the following
titles, viz:

An act to amend an act to incorporate the Trenton Female Academy, in
Todd county.

An act to repeal an act incorporating the town of Brownsborough.

An act to amend an act, entitled, an act to incorporate the Bowlinggreen
Life, Fire and Marine Insurance Company.

An act for the benefit of James C. Sprigg, and others.

An act to amend an act incorporating the Louisville and Mississippi Rail­
road Company, and to promote the construction of a railroad between the
said city and river.
An act to incorporate the Crab Orchard Seminary, in Lincoln county.
An act authorizing the Trustees of the Pendleton Academy to loan the funds of the institution upon bonds and obligations.
An act for the benefit of David Jamison.
An act for the benefit of Gabrela Mathews.
An act for the benefit of James and Keziah Rogers.
An act for the benefit of the Sheriff of Pendleton county.
An act to amend the jury law.
An act for the benefit of Elizabeth Ward and Rebecca B. Sloan.
An act for the benefit of the Jailer of Hancock county.
An act for the benefit of the heirs of John Roney.
An act to change the time of holding the Oldham County Court.
An act to amend the several acts incorporating the town of Williams-town, and for other purposes.
An act to regulate the number of Justices of the Peace for Campbell county.
An act for the benefit of the Sheriff of Lewis county.
An act for the benefit of the Sheriff of Oldham county.
An act for the benefit of the Sheriff of Harrison county.
An act for the benefit of the heirs of William Winslow, late Clerk of the Gallatin Circuit Court.
An act to authorize the County Court of Breathitt to raise funds for the erection of their public buildings, and for other purposes.
An act for the benefit of Wm. B. Parker, late Sheriff of Lewis county.
An act for the benefit of the securities of Alfred L. Hargis, late Sheriff of Christian county.
An act concerning the General Court.
An act to incorporate the Louisville Franklin Lyceum.
An act to prevent the burning of the woods in certain counties, and for other purposes.
An act for the benefit of Edward Donoho.
An act to establish a Seminary of Learning in Morgantown, and for other purposes.
An act to amend the law limiting actions for the recovery of land by females and their heirs.
An act to establish a new Judicial District, and for other purposes.
An act for the benefit of the heirs of James Honaker, dec'd.
An act for the benefit of Mary Ann Winebrinner, and her infant child, George Ann Winebrinner.
An act declaratory of the law of 1831, in relation to tippling houses, &c.

Approved 7th February, 1840.
Approved 8th February, 1840.

Mr. Hines, from the committee on Religion, to whom was referred the
petition of Robert A. Long—reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

Mr. Hines, from the same committee, to whom was referred bills from the Senate, of the following titles, viz:

An act to divorce of Elizabeth Penn from her husband, Warner Penn.
An act for the divorce of Granville C. Brown.
An act for the divorce of Thomas Isbell.
An act for the benefit of Lewis W. Kirtley.
An act for the benefit of Charlotte Stivers.

Reported the same without amendment.

Ordered, That said bills be read a third time.

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.

Mr. Meriwether, from the committee on Ways and Means, to whom was referred bills from the Senate, of the following titles, viz:

An act for the benefit of David Jones, late Sheriff of Mercer county.
An act for the benefit of the Jailers of Bullitt and Breckinridge counties.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

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

Mr. Meriwether, from the same committee, to whom was referred a bill from the Senate, entitled an act for the benefit of Levi Giles—reported the same without amendment.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative.

And so the said bill was disagreed to.

Mr. Meriwether, from the same committee, to whom was referred a bill to tax proprietors of shows—reported the same without amendment.

Ordered, That said bill be recommitted to the same committee.

Mr. Meriwether, from the same committee, to whom was referred the bill to provide for framing the portrait of D. Boone, and for other purposes—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,
The question was then taken on the passage of the bill, and decided in the affirmative.

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

Those who voted in the affirmative were—

| Mr. Speaker, | Goodson, | Morehead, |
| Messrs. Adams, | Gray, | Murray, |
| Barrett, | Gresham, | Padon, |
| Botts, | Hardy, | Perciful, |
| Brien, | Hill, | Pindell, |
| Brooks, | Hines, | Randolph, |
| Buckner, | Hopkins, | Read, |
| Butler, | Huston, | Reeves, |
| Caldwell, | Imboden, | Rowan, |
| Cave, | Irwin, | Rumsey, |
| Churchill, | Johnson, | Russell, |
| Clay, | Lane, | Sprigg, |
| Colvin, | Lecompte, | Stephens, |
| Cornish, | Logan, | Stone, |
| Crow, | Marshall, T. F. | Swope, |
| Cunningham, | Marshall, T. | Taggart, |
| Daviess, | Marshall, W. N. | Taylor, H. |
| Drye, | McCalla, | Taylor, J. G. |
| Elliott, | McFall, | Waddill, |
| English, | McRoberts, | Wake, |
| Fish, | Meriwether, | Wilson, |
| Forman, | Mims, | Young, A. — 67. |
| Glenn, | | |

Those who voted in the negative were—

| Messrs. Board, | Hammond, | Rowlett, |
| Burgess, | Henry, | Sutton, M. |
| Cecil, | Hughes, | Sutton, T. |
| Chauvin, | Mason, | Thomasson, |
| Daniel, | McClure, | Turner, |
| Glover, | Mize, | White, |
| Haggard, | Newell, | Yantis—21. |

Resolved, That the title thereof be as aforesaid.

Mr. Meriwether, from the same committee, asked leave to be discharged from the further consideration of the leave to bring in a bill to tax Clerks' offices; which was granted.

Mr. Morehead, from the committee on Internal Improvement, to whom was referred bills from the Senate, of the following titles, viz:

An act to establish a State road from Hartford to Russellville.

An act to amend an act, entitled, an act to establish a State road from
Shelbyville (by Floydsburg and Brownsboro') to Harmony Landing, on the Ohio river—reported the same without amendment.

Ordered, That the said bills be read a third time.

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.

Mr. Morehead, from the same committee, to whom was referred a resolution from the Senate, providing for a settlement of the accounts of the Commissioners for Green and Barren rivers—reported the same with amendments, which were concurred in.

The said resolution, as amended, was twice read, and concurred in.

Mr. Morehead, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of Edwin Land—reported the same with an amendment, which was concurred in.

Ordered, That the said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the same do pass, and that the title be amended to read as follows:

An act for the benefit of Edwin Land and William Willbourn.

Mr. Morehead, from the same committee, to whom was referred a bill from the Senate, entitled, an act authorizing the building of mills and dams upon Trammel's fork of Drake's creek—reported the same without amendment.

The said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the County Courts of Allen and Warren counties to authorize the building of mills and dams in and across Trammel's fork of Drake's creek, in their respective counties, as though the same had never been declared navigable, except that it shall be the duty of all persons building dams across said stream, so far as the same has heretofore been declared navigable, to build and constantly keep in repair slopes to their dams, so as not to interfere with the passage of fish, or downward navigation; and upon failure, shall be liable to the laws now in force against obstructing navigable streams.

And the question being taken on reading said bill a third time, it was decided in the negative.

And so the said bill was disagreed to.

The yeas and nays being required thereon, by Messrs. T. Sutton and Hines, were as follows, viz:
Mr. Morehead, from the same committee, to whom was referred a bill to amend an act, entitled, an act to incorporate the Munfordville Bridge Company—reported the same with an amendment in lieu of the original bill, which was concurred in.

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

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

Mr. Morehead, from the same committee, to whom was referred the bill to amend the charter of the Owingsville, Mountsterling and Winchester Turnpike Road Company—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.
Mr. Perciful moved the following resolution, viz:

Resolved, That Col. Lehmanowksy, aid-de-camp of Marshal Ney, and one of Napoleon Bonaparte's body guard, have the privilege of delivering a course of Lectures on the Life, Characters and Wars of Napoleon, \\ in the representative chamber, on the evenings of Tuesday, Wednesday and Thursday next. The subject of the Lectures will be:

Tuesday evening—The character, disposition and manners of Napoleon, while in the military school, in the army, and cabinet, intermixed with original anecdotes, and a short review on the authors who have written the Life and Memoirs of Napoleon—Madame Josephine, Empress, and first wife of Napoleon, her character, disposition and manners, while the wife of the General, First Consul and Emperor, with anecdotes; likewise, who were her enemies, and the true causes which brought on the divorce between her and Napoleon.

Wednesday evening—On Napoleon's wars, and their reasons; his talent and ingenuity as a military man, and a short history of the siege of Toulon, first campaign of Italy; campaigns of Egypt, Russia, and a short history of the sufferings of the army, intermixed with original anecdotes.

Thursday evening—The battle of Waterloo; the cause of Napoleon's fall, and exile to St. Helena; his and Madame Josephine's death.

Which being twice read, was adopted.

Mr. Morehead, from the committee on Internal Improvement, to whom was referred a bill to change a part of the State road from Brandenburg to Bowlinggreen—reported the same with an amendment, which was concurred in.

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

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 a part of the State road from Brandenburg to Bowling-green, and for other purposes.

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

By Mr. Caldwell—1. A bill to incorporate the Than Theta Kappa Society of Georgetown College.

By the committee for Courts of Justice—2. A bill regulating the Wayne, Russell and Casey Circuit Courts.

By the committee on Religion—3. A bill for the benefit of Betsey Ann Lambert.

By the committee on Ways and Means—4. A bill for the benefit of Shelby College.

By same—5. A bill for the benefit of Harris W. Thompson.

By the committee on Internal Improvement—6. A bill to amend the charter of the Louisville and Mississippi Railroad Company.

Which were read the first time, and ordered to be read a second time.
The rule of the House, constitutional provision and second and third reading of the 1st, 2d, 3d and 5th bills having been dispensed with, and the same being engrossed,

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

On motion,

Ordered, That the committee of the whole be discharged from the further consideration of the bill to restore the privileges of the Banks of this Commonwealth on certain conditions, and the bill from the Senate, entitled, an act to restore the privileges of the Banks when they resume specie payments.

The House then took up the bill from the Senate, entitled, an act to restore the privileges of the Banks when they resume specie payments.

Mr. Turner proposed the following as a substitute for the bill of the Senate, viz:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Bank of Kentucky, the Northern Bank of Kentucky, and the Bank of Louisville, shall be exonerated from any forfeiture of their charters, so soon as they shall respectively resume the payment of their notes in circulation, and their other liabilities, in gold and silver; and they shall, by regular and gradual calls upon their debtors, reduce their notes under discount to a sum not exceeding fifteen per cent. less than their respective capitals, and shall not extend their line of accommodation notes under discount to a greater amount, whenever the remainder of their capital, and the excess to which, by their charters, they are permitted to extend their accommodations, can be safely and legitimately invested in bills of exchange, and business notes, upon actual transactions in the commerce of the country.

SEC. 2. Be it further enacted, That should the Banks, or any of them, not resume specie payments, when the Banks in the city of Philadelphia and city of New Orleans generally shall resume specie payments, or within thirty days thereafter, the Governor of the Commonwealth shall issue his proclamation, stating the fact, and fixing a day for the Banks to resume specie payments, on which day the Banks shall resume; and if the Banks shall fail and refuse to resume on the day so fixed by the Governor, or if the said Banks shall fail to comply with the provisions of this act, the Governor shall be, and he is hereby authorized and required, to cause the scire facias to be issued and prosecuted, in pursuance of the provisions of the charter.

SEC. 3. Be it further enacted, That nothing in this act shall be so construed as to exempt the several Banks aforesaid from any of the penalties and liabilities, now provided in their charters, respectively, for the failure to pay specie, if, at any time hereafter, they shall resume the payment of specie, under the provisions of this act, and they shall thereafter, when demanded, fail to redeem their notes and pay their liabilities in specie.

SEC. 4. Be it further enacted, That if the said Banks do not resume specie payments on or before the first day of the next session of the Legislature, the same power over said Banks, for refusing to pay specie for their liabilities, on demand, is hereby reserved to the Legislature, as if this act had never passed.
Mr. A. Young then moved the previous question, and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. A. Young and Sprigg, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker, Mr. Board, Mr. Brien, Mr. Burgess, Mr. Crow, Mr. Daniel, Mr. Drye, Mr. Elliott, Mr. Gresham, Mr. Hammond, Mr. Henry, Mr. Hill, Mr. Hines, Mr. Hughes, Mr. Imboden, Mr. Irwin, Mr. McRoberts, Mr. Meriwether, Mr. Reeves, Mr. Russell, Mr. Stephens, Mr. Taggart, Mr. Trimble, Mr. White, Mr. Yantis, Mr. Young, A. — 26.

Those who voted in the negative were—

Mr. Turner then moved to amend said substitute, by striking out all that part of the first section printed in italics, and inserting in lieu thereof the following:

"And they shall not declare a greater dividend among their stockholders than after the rate of six per centum per annum, until they do respectively resume payments, as aforesaid."

And the question being taken on the adoption thereof, it was decided in the negative.
The yeas and nays being required thereon, by Messrs. Lane and Coffey, were as follows, viz:

**Those who voted in the affirmative, were—**

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<tr>
<th>Messrs. Coffey,</th>
<th>Marshall, T.</th>
<th>Sprigg,</th>
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<td>Gray,</td>
<td>McClure,</td>
<td>Sutton, M.</td>
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<td>Lane,</td>
<td>Newell,</td>
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<td>Logan,</td>
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<td>Waddill,</td>
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**Those who voted in the negative, were—**

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<th>Mr. Speaker,</th>
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<td>Messrs. Barrett,</td>
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<td>Board,</td>
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<td>Colvin,</td>
<td>Irwin,</td>
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<td>Johnson,</td>
<td>Taylor, H.</td>
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<td>Crow,</td>
<td>Lecompte,</td>
<td>Taylor, J. G.</td>
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<td>Cummingham,</td>
<td>Marshall, W. N.</td>
<td>Thomasson,</td>
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<td>Daniel,</td>
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<td>English,</td>
<td>McRoberts,</td>
<td>Young, A.—65.</td>
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<td>Fish,</td>
<td>Mims,</td>
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The question was then taken on the adoption of the substitute, and decided in the negative.

Mr. Sprigg moved to amend said bill, by adding thereto the following proviso, viz:

*Provided, That nothing in this act shall be construed to release either of said Banks from damages, as is provided in their respective charters, in case of their refusing to redeem their notes in gold and silver, when a demand is made upon them in the manner prescribed by their several charters.*

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

The yeas and nays being required thereon, by Messrs. T. Marshall and Lane, were as follows, viz:

52
Those who voted in the affirmative were—


Those who voted in the negative were—


The said bill was then further amended.

Mr. Mason moved to amend said bill, by adding to the first section the following, viz:

And if said Banks, or either of them, after they shall commence the payment of specie, shall ever thereafter refuse to pay their notes in specie, on demand, for the space of thirty days in any one year, that then, in that case, any of the Circuit Courts of this Commonwealth, on the application of any note holder or creditor of said Banks, shall direct the Sheriff to seize upon the effects of said Bank or Banks so refusing; and place them in the hands of three Commissioners, to be appointed by said court, who shall proceed to collect the means of said Bank, and pay off all their liabilities—paying each demand, when presented, as long as the gold and silver lasts. And if it shall appear that the funds of said Bank or Banks so failing or refusing, are not sufficient to pay all the demands against each of them, their notes shall be first paid, and deposits next; and if there is not a sufficient amount
to pay all, that then they shall be paid, proportionate to the demands, in the above order; to wit: notes first, and deposits next.

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

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

Those who voted in the affirmative were—


Those who voted in the negative were—


Ordered, That the said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. T. F. Marshall and Coffey, were as follows, viz:
Those who voted in the affirmative were—


Those who voted in the negative were—


Resolved, That the title of the said bill be as aforesaid.

On motion of Mr. Forman,

Ordered, That Mr. Brooks be added to the committee on the Expenditures of the Board of Internal Improvement.

Ordered, That a bill from the Senate, entitled, an act providing for a change of venue in the case of the prosecution against Joseph McMillen, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act for the benefit of John Blankenship.
An act to provide for paying the expense of keeping prisoners previous to, and pending their examination before Justices of the Peace.
An act to amend an act, entitled, an act to amend the act further to regulate the Wilderness turnpike road, approved January 27, 1838.
An act for the benefit of Nancy Turner.
An act for the benefit of the fire company in the town of Augusta.
An act to establish election precincts in Franklin, Kenton and Campbell counties.
An act to establish the town of New Boston, in Daviess county, and to increase the powers of the Trustees of the town of Monticello.

Were taken up, twice read, and concurred in.
The amendments proposed by the Senate to a bill from this House, entitled, an act to regulate fees of County Court Clerks—were taken up, the 1st and 2d amendments were concurred in, and the 3d disagreed to.

Ordered, That the amendments proposed by the Senate to bills from this House of the following titles, viz:
An act to amend the law in relation to the emancipation of slaves.
An act to amend the penal laws of this Commonwealth,
Be referred to the committee for Courts of Justice.
The House then took up for consideration the preamble and resolutions from the Senate, in relation to the public lands.
Mr. Caldwell moved to lay said preamble and resolutions on the table until the 17th inst.
And the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon, by Messrs. Caldwell and Huston, were as follows, viz:

Those who voted in the affirmative were—


Those who voted in the negative were—

Mr. Speaker, Messrs. Adams, Board, Botts, Brooks, Gray, Gresham, Haggard, Hammond, Hill, Pindell, Read, Reeves, Russell, Sprigg,
Mr. Mason, at three quarters past 5 o'clock, P. M. moved an adjournment.
And the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon, by Messrs. Mason and Coffey, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Botts,
Brien,
Burgess,
Caldwell,
Cecil,
Colvin,
Caviness,
English,
Fish,
Glenn,

Goodson,
Gray,
Johnson,
Lane,
Lecompte,
Marshall, T.
Marshall, W. N.
Mason,
McCalla,
Meriwether,

Mims,
Mize,
Randolph,
Rumsey,
Stephens,
Stone,
Sutton, T.
Swope,
Taylor, J. G.
Thomason—30.

Those who voted in the negative were—

Mr. Speaker,
Messrs. Adams,
Barrett,
Board,
Brooks,
Buckner,
Butler,
Cave,
Chouvin,
Clay,
Coffey,
Cornish,
Crow,
Cunningham,
Daniel,
Drye,
Elliott,
Forman,
Glover,

Gresham,
Haggard,
Hammond,
Hardy,
Henry,
Hill,
Hines,
Hughes,
Huston,
Imboden,
Irwin,
Logan,
Marshall, T. F.
McClure,
McRoberts,
Morehead,
Murray,
Newell,
Padon,

Perciful,
Pindell,
Read,
Reeves,
Rowlett,
Russell,
Sprigg,
Sutton, M.
Taggart,
Taylor, H.
Trumble,
Turner,
Waddill,
Wake,
White,
Wilson,
Yantis,
Young, A.—56.
Mr. Glover, at 5 minutes past 6 o'clock, moved an adjournment. And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. J. G. Taylor and Lane, were as follows, viz:

Those who voted in the affirmative were—


Those who voted in the negative were—


The roll of the members being called, and some being absent, Mr. Lane moved that the absentees be sent for.

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

The yeas and nays being required thereon, by Messrs. T. Marshall and Coffey, were as follows, viz:
Those who voted in the affirmative were—


Those who voted in the negative were—


The question was then taken on the adoption of the first resolution, and decided in the affirmative.

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

Those who voted in the affirmative were—

Mr. Speaker, Messrs. Adams, Barrett, Board, Botts, Brooks, Buckner, Butler, Gray, Gresham, Haggard, Hammond, Hardy, Henry, Hill, Hines, Pindell, Read, Redd, Reeder, Reeves, Rowlett, Rumsey, Russell,
Those who voted in the negative were—

Messrs. Brien, Burgess, Cecil, Glenn,

Messrs. Adams, Barrett, Board, Botts, Brooks, Buckner, Butler, Cave, Chouvin, Clay, Coke, Crow, Cunningham, Daniel, Drye, Elliott, Forman, Gray,

Mr. Speaker, Messrs. Adams, Barrett, Board, Botts, Brooks, Buckner, Butler, Cave, Chouvin, Clay, Coke, Crow, Cunningham, Daniel, Drye, Elliott, Forman, Gray,


Those who voted in the affirmative were—

Messrs. Johnson, Lecompte, Marshall, W. N., McCalla,

Mr. Speaker; Messrs. Adams, Barrett, Board, Botts, Brooks, Butler, Cave, Chouvin, Clay, Coke, Crow, Cunningham, Daniel, Drye, Elliott, Forman, Gray,

Those who voted in the negative were—


The question was then taken on the adoption of the preamble and third and fourth resolutions, and decided in the affirmative.

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

Those who voted in the affirmative were—


Those who voted in the negative were—

The House then took up the resolutions in relation to the duty on salt.
And the question being taken on the adoption thereof, it was decided in
the affirmative.
The yeas and nays being required thereon, by Messrs. Lane and J. G.
Taylor, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker, Messrs. Botts, Brien, Burgess, Caldwell, Cecil, Chouvin, Churchill, Clay, Coffey, Colvin, Cornish, Crow, Daviess, English, Fish, Glenn,
Glover, Goodson, Gray, Hardy, Henry, Hughes, Imboden, Johnson, Lane, Lecompte, Lyter, Marshall, T., Marshall, W. N., Mason, McCulla, McClure, McFall,

Those who voted in the negative were—

Messrs. Adams, Barrett, Board, Brooks, Buckner, Butler, Cave, Coke, Cunningham, Daniel, Drye, Elliott, Forman, Gresham, Haggard,
Read, Reeder, Reeves, Runsey, Russell, Taylor, H., Trimble, Turner, Waddill, Wake, White, Wilson, Yantis, Young, A.—44.

And then the House adjourned.
TUESDAY, FEBRUARY 11, 1840.

A message was received from the Senate, announcing their concurrence in the report of the joint committee of conference on the disagreement of this House to the amendments proposed by the Senate to a bill from this House, entitled, an act giving Justices of the Peace jurisdiction in actions of trespass, and trespass on the case, where the damages laid are five pounds or under.

Their disagreement to bills from this House, of the following titles:

An act to repeal all laws authorizing the Sheriffs of this Commonwealth to return delinquent lists.

An act to confer certain powers on the Quarter Master General.

That they had passed bills from this House of the following titles, viz:

An act to authorize the County Court of Daviess county to change that part of the State road leading from the mouth of Salt river to Shawneetown which lies within the limits of the town of Owenborough.

An act for the benefit of Ann Cable.

An act to appoint Commissioners to close the concerns of the Shepherdsville Bank.

An act to amend an act, entitled, an act to establish the Southern Bank of Kentucky, approved February 20, 1839.

An act to equalize the salaries of the Circuit Judges of this Commonwealth.

An act allowing additional Constables to Mason, Rockcastle, Oldham and Pulaski counties, and to change a Constable's district in Russell county.

An act for the benefit of Harriet and Alexander Howison.

An act for the benefit of Rachel Watts, and her children.

An act to allow an additional Justice of the Peace in Pendleton county.

With amendments to the five last named bills.

And that they had passed bills of the following titles:

An act to amend the execution laws of this Commonwealth, and for other purposes.

An act to secure the bridges erected on the turnpike roads, and for other purposes.

An act to provide more effectually for the preservation and keeping of the public books deposited with the Clerks of this Commonwealth.

An act concerning the Lexington and Ohio Railroad Company.

An act defining certain powers and duties of the Trustees of the town of Winchester, and for other purposes.
An act to authorize Agents and Attorneys to make affidavit, and sue out distress warrants and other process, in certain cases.

An act requiring annual examinations of the several Clerks' offices in this Commonwealth to be made out and returned to the Auditor's office.

An act to repeal the February Chancery term in the county of Mason.

And an act to amend an act, entitled, an act to amend an act incorporating the Springfield, Perryville and Danville Turnpike Road Company.

1. Mr. Rowlett presented the petition of sundry citizens of Grant county, praying to be added to Owen county.

2. Mr. Stephens presented the remonstrance of sundry citizens of said county, against being added to the county of Owen.

3. Mr. J. G. Taylor presented the petition of the citizens of Chiltonsville, in Henry county, praying that the name of said town may be changed.

4. Mr. Fish presented the remonstrance of sundry citizens of the present county of Campbell, against the passage of a law supplemental to an act establishing the county of Kenton, and for other purposes.

Which petitions and remonstrances were severally received, the reading dispensed with, and referred: the 1st and 2d to the committee on Propositions and Grievances; the 3d to Messrs. J. G. Taylor, Lecompte and Lane, and the 4th placed with the act mentioned therein.

The amendments proposed by the Senate to a bill from this House, entitled, an act to equalize the salaries of the Circuit Judges of this Commonwealth—were taken up, twice read, and concurred in.

On motion of Mr. Cave—Leave was given to bring in a bill to amend the laws in relation to the duties and fees of Coroners.

Ordered, That the committee for Courts of Justice prepare and bring in the same.

Mr. Daviess, from the committee on Education, to whom was referred bills from the Senate, of the following titles, viz:

An act to incorporate the Maysville Athenæum.
An act to incorporate the Spencer County Seminary.
An act to incorporate the La Grange Seminary, in Oldham county, and for other purposes.
An act to amend the charter of the Shelby College.
An act for the benefit of the Paducah Seminary.

Reported the same without amendment.

Ordered, That said bills be read a third time.

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.

Mr. Daviess, from the same committee, to whom was referred a bill from
the Senate, entitled, an act to incorporate the Trustees of the Buck Creek Seminary—reported the same with an amendment, which was concurred in.

 Ordered, That the said bill, as amended, be read a third time.

 The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

 Resolved, That the same do pass, and that the title be amended to read as follows:

 An act to incorporate the Trustees of the Buck Creek Seminary, and the Trustees of the Simpsonville Seminary.

 A message was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State, which is as follows, viz:

 EXECUTIVE OFFICE, February 10, 1840.

 Gentlemen of the House of Representatives:

 A bill, entitled, "an act for the benefit of Charles Faulkner," which originated in the House of Representatives, was, by the joint committee of the Legislature, reported to me on the 7th inst. for my approval, under the constitution. The bill enacts "that Charles Faulkner be, and he is hereby released, acquitted and discharged from all and every penalty or liability incurred by him, in consequence of his having purchased, in the State of Mississippi, and introduced into this State, a negro boy slave, named Sandy, contrary to the provisions of an act to amend the law prohibiting the importation of slaves into this State, approved February 2, 1833."

 This bill I am compelled to return to the House of Representatives, with the objections which present themselves to me, as furnishing sufficient reasons why I cannot yield my assent to the bill.

 This bill does not propose to confer a privilege to Mr. Faulkner to do an act which is prohibited by a general law of the land; but assumes the fact, that he has violated an existing penal statute, and has thereby subjected himself to the penalty denounced by the law against the act acknowledged to have been done. It can be regarded in no other light than a pardon for the violation of a penal law. Has the Legislature of Kentucky the constitutional power to grant such pardon? I assume the position that no such power is permitted by the constitution to be exercised by any of the three departments of the government, except the Executive.

 The 1st and 2d sections of the 1st article in the Constitution of Kentucky reads as follows:—"The powers of the government of the State of Kentucky shall be divided into three distinct departments, and each of them confided to a separate body of magistracy, to wit: those which are Legislative to one, those which are Executive to another, and those which are Judiciary to another."

 "2d. No person, or collection of persons, being of one of these departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted."

 An argument in favor of the wisdom of this partition of powers of our government, so well calculated to secure to all, the blessings of liberty, cannot be necessary at this time. The same wisdom which dictated this division of powers, admonishes us that the landmarks thus plainly delineated,
should be observed by the functionaries of the several departments. It is no
less the duty of all charged with public authority, to observe with scrupu-
los exactness the boundary lines of constitutional power in the discharge of
their official duty, than it is to resist at the threshold, every attempted en-
croachment upon their unquestioned privileges, by any of the other co-or-
date departments of government.

The 3d article of the constitution creates and defines the Executive pow-
ers, and prescribes the mode and manner of the exercise of the functions de-
nominated Executive powers. In the 11th section of that article it is de-
clared, "He (the Governor) shall have power to remit fines and forfeitures,
grant reprieves and pardons, except in cases of impeachment. In cases of
treason, he shall have power to grant reprieves until the end of the next ses-
son of the General Assembly, in which the power of pardon shall be vested."

The power to remit fines and forfeitures, and to grant reprieves and par-
dons in all cases, except in cases of impeachment and for treason, is, by this
section, confided to the Executive department of the government.

In the Legislature is reserved and vested the power of pardoning for the
crime of treason only. If, then, the power of remitting penalties be "con-
fided" to that body of magistracy denominated "Executive" in cases such as
the bill assumes for Mr. Faulkner, then the 2d section of the first article
quoted, prohibits the exercise of the power by the Legislature, in the fol-
lowing plain and expressive language: "No person, or collection of persons,
being of one of these departments, shall exercise any power properly belong-
ing to either of the others," &c.

In this case, persons who belong to the Legislative department of the gov-
ernment have exercised a power confided to the Executive department.

By the 15th section of the 3d article, the Governor is required "to take
care that the laws shall be faithfully executed." How can he perform this
duty, if the Legislative department assumes the functions of remitting fines
and forfeitures in cases imposed by law, and that law still continued upon
the statute book in full force? The Governor orders the execution of the
laws, the Legislature pardons the offender.

If the power exists to pass the bill under consideration, then there would
be nothing but the question of expediency to prevent the Legislature from
legislating a pardon in all cases, and thereby paralyze the Executive power
in its most important and delicate function. Of the merits of the case un-
der consideration, I know nothing; but am bound to presume it is a case of
peculiar hardship; and one, if made known to the Executive, would have
produced the same effect upon his official action, and induced him to grant
relief. It is not, however, from the merits or hardships which belong to a
case, that we are to derive our powers of action; it is to the constitution of
the State, which the people have adopted, and by which we have our re-

In cases involving merely questions of expediency, I would hesitate to
interpose my objection to a law passed by the representatives of the people.
But in cases like the present, where I am satisfied the constitution of the
State denies to the Legislature the power to act, however much I may re-
gret the necessity, I can feel no reluctance in asserting for those who are to
come after me, the principles of the constitution, which secures to the Ex-
ecutive his rights, and prescribes his duties. Should the constitutional ma-
jority of the two Houses of the Legislature differ with me in reference to the question of power, the violators of the law will be cheered by the reflection, that, when they have been repulsed by the Executive, they may still obtain a reversal of his decision, by legislative enactment; and when the Legislature shall refuse them pardon, the Governor may nevertheless be induced to exercise his undoubted power in their behalf. If it shall be established that the Legislature has the constitutional power to grant remittances, acquittances and discharges of fines and forfeitures incurred by our citizens for a violation of the penal code, it will then be as difficult to circumscribe the sphere of legislative action, as it would be for them to fix by resolve, the length of their annual sessions.

With sentiments of high respect,
Your obedient servant,

C. A. WICKLIFFE

AN ACT for the benefit of Charles Faulkner.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Charles Faulkner be, and he is hereby released, acquitted and discharged from all and every penalty or liability incurred by him in consequence of his having purchased in the State of Mississippi, and introduced into this State, a negro boy slave, named Sandy, contrary to the provisions of "an act to amend the law prohibiting the importation of slaves into this State, approved February 2d, 1833."

JNO. L. HELM,
Speaker of the House of Representatives.

SAM. HANSON,
Speaker of the Senate.

Rejected 10th February, 1840.

C. A. WICKLIFFE.

Originated in the House of Representatives.

On motion of Mr. Morehead—Leave was given to bring in a bill for the benefit of Leander W. Macey.

Ordered, That the committee on Military Affairs prepare and bring in the same.

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

By the committee on Education—1. A bill to incorporate the Russellville Library Company.

By same—2. A bill for the benefit of the Common School Commissioners of Wayne county.

By Mr. Irwin—3. A bill concerning the town of Russellville.

By Mr. Morehead—4. A bill for the benefit of the Kentucky Seminary.

By Mr. Thomasson—5. A bill to establish the town of Providence, in Hopkins county.

By same—6. A bill for the benefit of the Sheriff of Hopkins county.
By Mr. J. S. Smith—7. A bill to authorize the Auditor to certify copies.

By Mr. Pindell—8. A bill for the benefit of the city school of Lexington.

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

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with, the 1st, 2d, 4th, 5th, 6th, 7th and 8th were severally ordered to be engrossed and read a third time, and the 3d was referred to the committee for Courts of Justice.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 4th, 5th, 6th, 7th and 8th 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.

Bills from the Senate of the following titles, viz:

1. An act for the benefit of Alexander Hutchison and Keziah Jones.
2. An act concerning the town of Princeton.
3. An act for the benefit of Seburn Shaw.
4. An act to authorize the County Court of Nicholas county to sell the Nicholas Country Seminary, and for other purposes.
5. An act to amend an act, entitled, an act for the benefit of the Sheriff of Washington, approved December 19, 1839.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was referred to the committee on Religion; the 2d and 4th were severally ordered to be read a third time; the 3d was referred to the committee for Courts of Justice, and the 5th to the committee on Ways and Means.

The rule of the House, constitutional provision and third reading of the 2d and 4th bills having been dispensed with,

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

A bill from the Senate, entitled, an act for the benefit of Joseph Clarke, late Sheriff of Franklin county,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bill having been dispensed with, the said bill was then amended.

Ordered, That the said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be amended to read,

An act for the benefit of Joseph Clarke, late Sheriff of Franklin county, and for other purposes.
Mr. Daviess, from the committee on Education, to whom was referred a resolution directing them to enquire into the expediency of dispensing with the services of the Superintendent of Public Instruction—reported the same with the following resolution, viz:

Resolved, That it is highly inexpedient to dispense with the service of Superintendent of Public Instruction.

Mr. Coffey moved to refer said resolution to the committee on Ways and Means, with the following instructions, viz:

Whereas, a deficit against the State Treasury has been reported to exist of forty thousand dollars, or upwards, and that Kentucky has been involved in debt for the internal improvement of the State, and for banking; and whereas, a few years since, when money was plenty, and produce and industry demanded a high price, the Legislature established the office of Superintendent of Instruction, and increased the wages and salaries of most of the officers of the State, and it is believed that the Sinking Fund will be insufficient, in future, to meet its liabilities, unless that fund be increased, and that some other means other than an increase of the revenue taxes of the State should and ought to be devised by the representatives of the people; and as money is now scarce, and the price of produce and labor is low, and has in the last few years greatly decreased; that money is worth at least one third more, and is one third scarcer now; and that the price of produce has decreased at least one third below the price a few years ago: To remedy the above enumerated difficulties and liabilities,

Be it Resolved, That the committee of Ways and Means be instructed to shape and report a bill to this House, to-morrow, reducing the wages and salaries of every officer of this Commonwealth, at least one third below the amount they now receive; and that they report a passage in said bill, dispensing with the Superintendent of Common Schools, and repealing that part of the law establishing the system of Common Schools that requires the appointment of a Superintendent.

Mr. Sprigg moved to lay the resolution and instructions on the table for the present.

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

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

Those who voted in the affirmative, were—

Mr. Speaker,

After some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House then took up the bill from the Senate, entitled, an act authorizing a loan in aid of the public credit, and for other purposes; and also the substitute proposed thereto by the committee on Internal Improvement.

The said substitute reads as follows, viz:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor be authorized and required to sell the bonds or scrip of the State to the amount of one million of dollars, at a rate of interest not exceeding six per centum per annum, redeemable at any time after six years, the interest payable semi-annually at the Treasury of the State: Provided, that said bonds or scrip shall not be sold at a less rate than par value, nor in less sums than one hundred dollars; and it shall be the duty of the Commissioners of the Sinking Fund, from time to time, to deposit with the Treasurer of the State a sum sufficient to meet the payment of the interest upon the loan authorized to be made by this act.

SEC. 2. Be it further enacted, That the Governor be authorized, if he shall deem it advisable so to do, to sell, or cause to be sold, the whole or any part of the sum authorized to be borrowed for the purpose of internal improvement, by an act, entitled, an act further to provide for the internal improvement of the State, approved February 22, 1839, on such terms as, under all the circumstances, he may deem advisable, at a rate of interest not exceeding six per centum per annum.

SEC. 3. Be it further enacted, That if the Governor should succeed in selling the whole amount authorized to be sold under the foregoing section of this act, and shall not have issued the whole amount of bonds authorized to be issued under the first section of this act, it shall be his duty to apply four hundred thousand dollars of the proceeds to make up the amount au-
authorized to be issued under the first section aforesaid, if so much should remain unsold; and thereafter, it shall not be lawful for him to make any further sale under said first section.

Sec. 4. Be it further enacted, That the Governor shall cause to be paid, out of the residue of the proceeds of the sale authorized to be made under the second section of this act, the several sums which may be due to the Banks of this Commonwealth from the Board of Internal Improvement, and whatever balance may afterwards remain, shall be passed to the credit of the Sinking Fund, as a permanent fund for the ultimate liquidation of the public debt; and shall not in any event be used in the payment of interest, but shall be vested in such way as will be most profitable; and the interest received therefrom be re-invested, from time to time, and added to the principal.

Sec. 5. Be it further enacted, That if any of the contractors on any of the public works of this Commonwealth shall agree to receive the bonds or scrip of the Commonwealth authorized by this act to be issued by the Governor, it shall be lawful for the Board of Internal Improvement to notify the Governor thereof, who shall thereupon deposit the same in the Treasury, and obtain the Auditor's quietus thereon; and when so deposited, it shall be lawful for the Auditor to draw his warrant on the requisition of the Board of Internal Improvement, on the Treasurer, who shall be authorized to pay the same to the contractors, in lieu of money; and the bonds or scrip thus received by said contractors shall be considered as so much money paid on the part of the State.

Sec. 6. Be it further enacted, That it shall be the duty of the Board of Internal Improvement, out of the fund herein authorized to be raised, first to pay the debts now due to the contractors on the public works; and in case a part only is raised in money, it shall be the duty of the Board to make an equitable distribution of such part.

Sec. 7. Be it further enacted, That the sum of ninety-six thousand two hundred and sixty-one dollars and seventy-seven cents be, and the same is hereby appropriated, out of the same fund, to finish locks and dams numbers one and four, on Green river, and number one on Barren river; and the sum of two hundred and twelve thousand and seventy-four dollars to finish the locks and dams numbers one, two, three, four and five, on the Kentucky river; and the sum of one hundred and fifty thousand dollars to progress with the five locks and dams on Licking river—numbers one, two, three, four and five.

Sec. 8. Be it further enacted, That the sum of twenty-thousand dollars be, and the same is hereby appropriated, out of the same fund, to the turnpike road companies from Louisville, by Elizabethtown, to the Tennessee line, in order to put said road in a condition to be travelled on; and said companies are hereby authorized to put up toll gates, as soon as it is placed in such condition, and to charge such tolls as in the opinion of the Board of Internal Improvement would be proper: Provided, said tolls shall not be as much as said company would be authorized to charge, if said road was fully completed.

Sec. 9. Be it further enacted, That the sum of fifteen thousand dollars be, and the same is hereby appropriated, out of the same fund, to the Louisville, Bardstown and Green river road company, in order to put said road in a condition to be travelled on; and said company is hereby authorized to
put up toll gates and to charge tolls under the restrictions and limitations imposed by the foregoing section.

SEC. 10. Be it further enacted, That the sum of forty thousand dollars be, and the same is hereby appropriated, out of the same fund, to the Logan, Todd and Christian Turnpike Road Company, which shall be considered a part of the specific appropriation heretofore made to said company.

SEC. 11. Be it further enacted, That the several appropriations made by this act shall only be paid upon the compliance with all the conditions imposed by existing laws.

SEC. 12. Be it further enacted, That the Board of Internal Improvement shall withhold the payment of subscription of stock on the part of the Commonwealth, to any of the turnpike road companies not herein provided for, during the year 1840; and the said Board shall not be authorized, during the year 1840, to commence any locks and dams on any of the rivers of this Commonwealth, not herein provided for; and the said Board are hereby directed not to conclude any contract for the construction of lock and dam number two on Barren river, authorized to be constructed by an act of the General Assembly, entitled, an act further to provide for the internal improvement of the State, approved February 22, 1839.

Mr. Randolph moved to amend said substitute, by striking out the 10th section.

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

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

Those who voted in the affirmative were—


Those who voted in the negative were—

Mr. Speaker, Messrs. Adams, Barrett, Board, Brooks, Buckner, Burgess, Goodson, Gray, Gresham, Haggard, Hammond, Hopkins, Huston, Redd, Reeder, Reeves, Rumsey, Russell, Sprigg, Stone,
A message was received from the Senate, announcing their disagreement to bills from this House, of the following titles, viz:

An act for the benefit of George W. Bowman, Deputy Sheriff for Casey county.

An act for the benefit of Samuel Simpson, Deputy Sheriff of Green county.

That they had passed bills from this House of the following titles, viz:

An act for the benefit of the Lexington and Georgetown Turnpike Road Company.

An act to amend the charter of the Oakland Turnpike Road Company.

An act for the benefit of Isaac Jones, committee of Ruth Jones, of Green county.

An act for the benefit of T. N. Burgess.

With an amendment to the last named bill.

And that they had passed bills of the following titles, viz:

An act authorizing the Fleming County Court to lay their levy at the May term.

An act to incorporate the Louisville Iron Company.

An act to incorporate the Louisville Cotton Factory.

An act for the benefit of John Rankin, Sr. of Clarke county.

An act for the benefit of Edward S. Coleman, late Sheriff of Franklin county; and

An act providing for a change of venue in a prosecution against U. B. Chambers.
Mr. McRoberts, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to amend an act, entitled, an act to establish the Southern Bank of Kentucky, approved February 20, 1839.
An act giving Justices of the Peace jurisdiction in actions of trespass, and trespass on the case, where the damages laid are five pounds or under.
An act to authorize the County Court of Daviess county to change that part of the State road leading from the mouth of Salt river to Shawneetown which lies within the limits of the town of Owenborough.
An act for the benefit of Ann Cable.
An act to incorporate the town of Uniontown, in Union county.
An act for the relief of Benjamin F. Major.
An act for the benefit of James G. Hardy.
An act for the benefit of Wallace Estill, and wife.
An act to incorporate the Franklin Institute of Bacon College.
An act to increase the number of juridical days allowed the Circuit Court of Hardin county, and for other purposes.
An act to legalize the acts of the Trustees of Hodgenville, and for other purposes.
An act to establish the town of Burtonsville, in Daviess county, and to increase the powers of the Trustees of the town of Monticello.
An act to amend an act, entitled, an act to amend the act further to regulate the Wilderness turnpike road, approved January 27, 1838.
An act to provide for paying the expense of keeping prisoners previous to, and pending their examination before Justices of the Peace.
An act for the benefit of John Blankenship.
An act for the benefit of Thomas P. Hart.
An act for the benefit of James W. Irwin, and others.
An act authorizing Mary Jackson to bind out her infant children.
An act to amend an act, entitled, an act to establish the town of Landing, in Boone county.
An act for the benefit of the Sheriffs of Madison, Henry and Lewis counties.
An act for the benefit of Sarah Jane Dorman.
An act for the benefit of the fire company in the town of Augusta.
An act to establish election precincts in Kenton and Campbell counties.
An act for the benefit of Philip Board, of Hancock county.
An act for the benefit of Nancy Turner.
Also, enrolled bills which originated in the Senate, of the following titles:
An act providing for a change of venue in the case of a prosecution against Joseph McMillen.
An act to amend the 9th section of an act, entitled, an act for regulating the solemnization of marriages, approved February 3d, 1798.

An act to amend the law in civil proceedings.

An act to amend the act, entitled, an act to authorize Jailers to serve process in certain cases, approved February 9, 1836.

An act to amend the 7th section of an act, entitled, an act for the better securing the payment of rents, and preventing the fraudulent practices of tenants.

An act to incorporate the Mills Point House Company.

An act to amend an act to establish a Medical Institute in the city of Louisville.

An act to amend the laws regulating civil proceedings, and for other purposes.

An act for the benefit of the Jailers of Bullitt and Breckinridge counties.

An act for the benefit of the Sheriff of Livingston county.

An act for the benefit of Lewis W. Kirtley.

An act to establish a State road from Hartford to Russellville.

An act to amend an act, entitled, an act to establish a State road from Shelbyville, by Floydsburg and Brownsboro', to Harmony Landing, on the Ohio river.

An act for the benefit of David Jones, late Sheriff of Mercer county.

An act to incorporate the Spencer County Seminary.

An act to divorce Elizabeth Penn from her husband, Warner Penn.

An act for the divorce of Granville C. Brown.

An act for the benefit of Charlotte Stivers.

An act concerning the town of Princeton.

An act to authorize the County Court of Nicholas county to sell the Nicholas County Seminary, and for other purposes.

An act for the divorce of Thomas Isbell.

An act to amend the law in relation to idiots and lunatics.

An act to incorporate the Maysville Athenaeum.

An act to incorporate the La Grange Seminary in Oldham county, and for other purposes.

An act for the benefit of the Paducah Seminary.

An act to amend the charter of Shelby College.

Also, a preamble and resolutions concerning the Public Lands.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. McRoberts inform the Senate thereof.

Mr. Glover presented the petition of Margaret Botts (the widow,) and Aaron Botts and others, heirs of ——— Botts, deceased, praying the passage of a law authorizing the sale of certain real estate of said deceased.

Which was received, the reading thereof dispensed with, and referred to the committee for Courts of Justice.
On motion of Mr. Burgess—Leave is given him to withdraw the petition of Mary White, which was accordingly withdrawn.

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

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement are hereby authorized to change the location of lock and dam No. 1 on Licking river, if they shall be satisfied that the public interest would be promoted thereby.

The rule of the House requiring joint resolutions to lie one day on the table having been dispensed with, the said resolution was then twice read, and adopted.

Mr. Turner, from the committee on Banks, to whom was referred a bill from the Senate, entitled, an act to extend the charter of the Bank of the Commonwealth of Kentucky, and to authorize the appointment of a Commissioner to close the affairs of said Bank—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

Mr. Meriwether, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of Hiram Philips—reported the same without amendment.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative.

And so the said bill was disagreed to.

On motion of Mr. Gresham—Leave was given to bring in a bill to allow the Surveyors of this Commonwealth to survey the balance of the State warrants (or parts of warrants) that is in their hands, or the hands of the owners thereof.

Ordered, That Messrs. Gresham, Turner and Butler prepare and bring in the same.

The House again resumed the consideration of the resolution from the committee on Education, moved on yesterday.

Mr. Johnson moved to re-commit said resolution to the committee on Education, with instructions to report a bill to dispense with the services of the Superintendent on Education.

Mr. Lane then moved the previous question, and it was decided in the affirmative.

The main question was then put, Shall the resolution of the committee on Education be concurred in? and it was decided in the negative.

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

55
Those who voted in the affirmative were—


Those who voted in the negative were—

Mr. Speaker, Hughes, Hunter, Imboden, Johnson, Lecompte, Logan, Lyter, McClalla, McClure, Mims, Mize, Morehead, Murray, Padon, Pindell, Randolph, Read, Reeves, Ramsey, Sprigg, Stephens, Stone, Sutton, M., Swope, Taggart, Taylor, H., Taylor, J. G., Thomasson, Yantis, Young, A.—45.

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

By the committee on Ways and Means—1. A bill regulating the appointment of Commissioners of the Revenue in this Commonwealth.

By Mr. J. G. Taylor—2. A bill to change the name of the town of Chiltonsville, in Henry county.

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

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 same do pass, and that the titles thereof be as aforesaid.

Mr. Daviess, from the committee on Education, to whom was referred a bill from the Senate, entitled, an act to amend an act, entitled, an act to establish a system of Common Schools in the State of Kentucky—reported the same without amendment.

Ordered, That the said bill be read a third time.
The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

Mr. Butler proposed an amendment to said bill, by way of engrossed reader; and after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House then resolved itself into a committee of the whole, Mr. Meriwether in the chair, on the bill to increase the resources of the Sinking Fund; and after some time spent therein, the Speaker resumed the chair; when Mr. Meriwether reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to sit again, which was granted.

Mr. Lane presented the petition of Patrick H. Randolph, praying to be divorced from his wife, Mary W. Randolph.

Which was received, the reading thereof dispensed with, and referred to the committee on Religion.

Mr. Sprigg, from the select committee appointed to prepare and bring in the same—reported a bill to amend the act, entitled, an act to amend and reduce into one the several acts constituting Boards of Internal Improvement for Shelby and Franklin counties; which was read, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the twentieth section of an act, entitled, an act to amend and reduce into one the several acts constituting Boards of Internal Improvement for Shelby and Franklin counties, approved Feb. 8, 1834, shall be, and is hereby repealed; and thereafter, both of said Boards of Internal Improvement for Shelby and Franklin county shall be controlled and governed, and all toll gatherers appointed by them, respectively, shall be controlled, as to the rates of tolls which it shall be lawful for them to demand or receive, entirely by the provisions of the twelfth section of the said act, to which this is an amendment.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed,

The question was then taken on the passage of the bill, and decided in the negative; and so the said bill was rejected.

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

Those who voted in the affirmative were—

Mr. Speaker, Lane, Randolph,
Messrs. Burgess, Lecompte, Rowlett,
Chouvin, Logan, Sprigg,
Coffey, Lyter, Stephens,
Colvin, Marshall, W. N. Sutton, M.
English, McKinney, Taggart,
Glover, Mims, Taylor, J. G.
Hardy, Newell, Yantis—24.
Those who voted in the negative were:

<table>
<thead>
<tr>
<th>Messrs. Adams, Barrett,</th>
<th>Glenn, Goodson,</th>
<th>Murray, Padon,</th>
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<tr>
<td>Board, Botts, Briard,</td>
<td>Gray, Gresham,</td>
<td>Perciful, Pindell,</td>
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Mr. Hopkins, from the committee on the Expenditures of the Board of Internal Improvement, returned to the House the report made by him on the 8th inst. The said report, as amended, is as follows, viz:

The Committee on the Expenditures of the Board of Internal Improvement, in discharge of what they conceived to be their duty as faithful guardians of the public interest, and as the especial supervisors of that portion of the funds of the State, commonly called the Scrip Fund, raised for Internal Improvement purposes, and subjected by law to the order of the Board of Internal Improvement, deemed it proper to ascertain the entire amount of money received into the Treasury on account of this fund, during the fiscal year, commencing on the 1st of October, 1838, and ending on the 10th October, 1839, and whether or not, it was entered on the books of the Auditor, and certified by him to the Treasurer at the time when it was received, as required by the laws making the Auditor and Treasurer, each a check upon the other. They next determined to ascertain the entire amount disbursed during the fiscal year, 1839, and whether the money disbursed was drawn from the Treasury under all the sanctions and guards established by the laws. In taking this course, it will be perceived that it would become necessary for your committee to balance the account of receipts between the Auditor and Treasurer, and of disbursements between the Auditor, Treasurer and Board of Internal Improvement. Your committee have performed this duty the more cheerfully as it would enable them to decide, at once, whether the receiving and disbursing officers have performed their duty according to law, and whether the laws themselves, regulating the receipt and disbursement of money for Internal Improvement purposes, create and organize such a system of checks and balances, by making each receiving and disbursing officer a check and guard upon every other, as will be most likely to ensure the faithful preservation and administration of the funds provided for Internal Improvement purposes, and thus furnish, at once,
the best protection for the interest of the State, and the character of the officer.

To ascertain the entire amount of money received into the scrip fund, for Internal Improvement purposes, during the fiscal year, commencing on the 11th October, 1838, and ending on the 10th of October, 1839, your committee adverted to the annual reports of the Auditor and Treasurer, for that fiscal year. In examining these reports for that purpose, it was at once discovered by your committee, that while the Treasurer had, in his annual report, stated the whole amount of receipts into, and disbursements out of that fund, during the entire fiscal year, commencing on the 11th October, 1838, and terminating on the 10th of the same month, 1839; the Auditor, in his annual report, only gives the receipts and disbursements of the same fund, from the 27th of February, 1839, (the time when the second Auditor came into office,) to the 11th October, 1839, and wholly omits, in that document, to give the amount of receipts into, and disbursements out of that fund, for the portion of the fiscal year, commencing on the 11th October, 1838, and terminating where the Auditor's annual report begins, viz: on the 27th of February, 1839. This fact, that the Treasurer reports the receipts and disbursements for the whole fiscal year, while the Auditor reports them for only part of the year, at once indicates the impossibility of their agreement, as to amounts. Accordingly, the sum stated by the Auditor, in his annual report, to have been received into the scrip fund, between the 27th February, 1839, and the 11th of October, of the same year, is $702,618 13; while that stated by the Treasurer in his annual report, embracing the whole fiscal year, is $1,138,710: showing a difference between the two statements, of $436,091 87. To see whether this difference could be accounted for satisfactorily, your committee, on the 2d of January, 1840, addressed a note to the Auditor, requesting him, among other things, to make out for them an accurate statement of the receipts, if any, into the scrip fund for the portion of the fiscal year omitted in his annual report, viz: from the 10th of October, 1838, to the 28th of February, 1839. In a reply to which note, dated 9th January, 1839, the Auditor stated the receipts within the last mentioned period, as evidenced by his books, and certified by him to the Treasurer, at $436,091 87, making, when added to the above-mentioned amount of receipts stated by the Auditor in his annual report, (viz: $702,618 13,) the sum of $1,138,710, the precise amount stated by the Treasurer as aforesaid, to have been received by him. The items composing this sum of $1,138,710, derived, in part, from the letter of the Auditor, and in part, from his annual report, are contained in schedule A, which accompanies this report. Your committee deem it proper to state that the Second Auditor, in his report, page 43, under the head of "receipts to the 27th February, 1839," mentions, as an item, "scrip $436,091 87," the exact sum required to balance the amount of receipts stated in the Auditor and Treasurer's annual reports, as abovementioned. This item, however, was not seen by your committee, in the second Auditor's report, until very recently, they looking only to the Auditor for information on this subject, from the fact that the law dividing the duties of the office between the Auditor and Second Auditor, allots to the Auditor the exclusive right to perform all those duties which appertain to the Internal Improvement fund.

The accounts of the Auditor and Treasurer having been balanced as above, and shown to agree precisely as to the amount of scrip fund received during the fiscal year, 1839, your committee proceeded to examine the dis-
bursements of the same fiscal year, as attested and stated on the books of both the Auditor and Treasurer. And here, again, your committee were met by the same difficulty which they have stated, and endeavored to explain in relation to receipts. The report of the Treasurer states the entire amount of disbursements from the scrip fund for the fiscal year, commencing on the 11th October, 1838, and ending on the 10th of the same month, 1839, at $1,435,462 27. The Auditor, in his annual report, states the entire amount of disbursements of the same fund, from the 27th February, 1839, to the 11th October, 1839, (only a part of the fiscal year,) at $1,008,462 82. In the answer of the Auditor to the note of your committee aboverentioned, he states the sum disbursed out of the scrip fund for that part of the fiscal year not contained in his annual report, (viz: from the 10th October, 1838, to the 28th February, 1839,) to be $236,699 45; which, when added to $1,008,462 82, abovementioned, shows the amount of warrants drawn by the Auditor, upon the Treasurer, on account of Internal Improvements during the entire fiscal year, commencing on the 11th October, 1838, and ending on the 10th October, 1839, to be $1,245,162 27, the exact amount stated in the Treasurer's report, as above. From this statement of facts, your committee hope and believe it to be manifest, that the discrepancy between the Auditor's and Treasurer's reports for the fiscal year, 1839, both as to receipts and disbursements, is completely reconciled by the fact, that the Auditor has only embraced in his annual report, a part of the fiscal year, and the Treasurer has reported for the whole year. And the further fact that the letter of the Auditor to your committee, the facts and amounts stated in which should have formed a part of his annual report, makes the amount of both receipts and disbursements for the fiscal year, 1839, as contained in the Auditor's books, agree precisely with those stated by the Treasurer, in his annual report. Your committee deem it due to the House, and in all respects proper, that they should make the Auditor's letter abovementioned, a part of their report, and here adopt and report it to the House as such.

Your committee having, as they hope and believe, fully reconciled the difference between the annual reports of the Auditor and Treasurer, both as to receipts and disbursements, will state that there appears from the books of both these officers, to have been an excess of warrants drawn by the Auditor, and of payments by the Treasurer, over the receipts into the Treasury, for this fund, during the fiscal year 1839. The amount of receipts into the scrip fund, during the fiscal year 1839, are, as above stated, $1,138,710, while the amount paid, and of course drawn for by the Auditor, is $1,245,162 27, making an overdraft by the Auditor, and an overpayment by the Treasurer, of $106,452 27. Your committee did not enquire whether the Treasurer has paid requisitions before warrants were issued, or whether he had paid requisitions signed by the Secretary of the Board, and not by the President.

Your committee next conceived it to be their duty to examine the accounts of disbursements during the fiscal year 1839, kept by the Board of Internal Improvement, with the view to ascertain how far they agree with the united statements of both the Auditor and Treasurer, and thus test the accuracy of all the receiving and disbursing agents of this fund. And here your committee must be permitted for one moment to explain: Whenever a sum of money is received for Internal Improvement purposes from the sale of State bonds by the Governor, the Auditor, as required by law, gives his quietus
to the Governor for the amount, and also delivers to the Treasurer a certificate authorizing him to receive it into the Treasury, for which, when the money is paid, he takes the Treasurer's receipt. When money is borrowed by the President of the Board, under the law of 1836, from either of the Banks, it has been the practice generally to pursue the same course, with this exception, that the Auditor's quietus for it is not taken by the President of the Board. There is no law requiring either the Governor, Auditor, or Treasurer, to give to any officer of the Board of Internal Improvement, a statement of the amounts received from the sale of State bonds, and the Board, of course, keep no account of it; and hence your committee cannot, among their records, find any evidences of the amounts of money received for Internal Improvement purposes from this source. And hence, so far as authentic or official information is concerned, the Board are compelled to draw their requisitions upon the Auditor, in utter ignorance as to whether there is money in the Treasury arising from the sale of bonds to meet them. Of the money borrowed from the three Kentucky Banks, under the law of 1836, the Board has kept a regular account, which will be found in schedules D and E. The Board, therefore, keeping for some time past, no account of all the receipts into the scrip fund, your committee could strike no balance between them, the Auditor and Treasurer, as to the receipts for the fiscal year 1839.

Your committee next endeavored to balance the accounts for disbursements during the fiscal year 1839, as kept by the Secretary of the Board, with those kept by the Auditor and Treasurer, as abovementioned. In doing this, another difficulty presented itself. The Board draw money from the Treasury for Internal Improvement purposes, by a requisition upon the Auditor, signed by their President, and countersigned by their Secretary. This requisition directs the Auditor to draw his warrant on the Treasurer, in favor of a particular individual or object, for a specified sum, and the Board charge this sum as paid at date of the requisition, and so report to the Legislature. The Auditor charges the scrip fund with the same amount at the date of his warrant for it upon the Treasurer, and reports it to the Legislature as having been paid at that time. The Treasurer charges and reports it at the date of its payment. In this way, it is apparent that requisitions may be issued by the Board, charged on their books and reported to the Legislature, as amounts paid before the 11th October, 1838, while the Auditor may not issue his warrant upon these requisitions, nor the Treasurer pay them until after the 11th October, 1838; and thus the same amount will be reported by the Board to the Legislature, as paid in the fiscal year 1838, and by the Auditor and Treasurer as paid in the fiscal year 1839. And hence, when your committee came to test the sum reported to the House by the Board of Internal Improvement, as having been expended in the fiscal year 1839, by a comparison with the sum charged in the Treasurer's report, and which ought to have been charged in the Auditor's report, as abovementioned, the first mentioned sum appeared too small. Upon the same principle, requisitions were drawn towards the close of the fiscal year 1839, and reported by the Board for that year, which will not be audited or paid until the fiscal year 1840; and which will, therefore, be reported by both the Auditor and Treasurer, among the disbursements of that year, to the next Legislature. It is obvious, from these facts and considerations, that the amount of requisitions reported to the Legislature by
the Board, as having been drawn in the fiscal year 1838, and by the Auditor and Treasurer, as having been audited and paid in the fiscal year 1839, should, in any attempt to balance the accounts of these three functionaries for 1839, be added to the report of the Board for that year, or (which would produce the same effect,) should be subtracted from the reports of the Auditor and Treasurer for that year. On the same principle, it is apparent that the requisitions drawn by the Board of Internal Improvement in the fiscal year 1839, and contained in their report for that year, but which were not audited or paid until the fiscal year 1840, should be added to the amount of expenditures reported as aforesaid, by the Auditor and Treasurer, for the fiscal year 1839; or (which would produce the same result,) should be subtracted from the amount of expenditures reported by the Board of Internal Improvement, for the year 1839.

Your committee will here repeat, that the entire amount of warrants drawn by the Auditor, and paid by the Treasurer, out of the scrip fund for the fiscal year 1839, as stated in the report of the Treasurer, and in the report and letter of the Auditor, is $1,245,162 27. The amount of requisitions drawn by the Board of Internal Improvement, dated before the 11th of October, 1838, and reported by them to the Legislature at their session of 1838-9, but which were not audited or paid until after the 10th October, 1838, as ascertained by an actual examination of the requisitions in the Auditor's office, is $160,706 88, which sum deducted from the above mentioned sum of $1,245,162 27, leaves $1,084,455 39. The aggregate amount of requisitions drawn by the Board previous to the 11th October, 1839, and reported by them to the Legislature for the fiscal year 1839, but audited and paid in the fiscal year 1840, as ascertained by an examination of the requisitions in the Auditor's office, is $26,092 97; which sum added, for the reasons above mentioned, to the last mentioned sum of $1,084,455 39, makes $1,110,548 36; the true amount of requisitions drawn by the Board of Internal Improvement, and audited and paid out of the scrip fund within the fiscal year 1839, and for the disbursement of which, during that fiscal year, the Board of Internal Improvement are responsible.

Your committee having ascertained as above, the amount of scrip fund which passed through the hands of the Board of Internal Improvement during the fiscal year 1839, and with which they are properly chargeable for that year, next proceeded to collate the various sums expended by them during that year, and to which they are justly entitled as credits; and before they proceed to enumerate these amounts, your committee must indulge in a short explanation.

When they ascertain that it is impracticable to make a contract at what they deem a fair price for the execution of any particular work which may be ordered by the Legislature, or which the Board may, under their discretionary powers, determine upon as being necessary for the preservation or permanent usefulness of any work ordered by the Legislature, such, for example as clearing off the timber from the banks of the Kentucky river, improving Smith's Shoals on the Cumberland river, &c., they have some times performed the work themselves, with the money, and on behalf, of the State, through the agency of superintendents. These superintendents are some times taken from the State corps of Engineers, in which event they receive no pay as superintendents, but have their expenses paid; though most usually the Board have hired persons, other than Engineers, as superintendents
for the particular work intended to be done, at a salary of about $60 per
month, and who are, in all cases, discharged when their particular work is
completed. This latter class of superintendents are invariably required to
execute bonds to the Commonwealth, with good security, and in a suitable
penalty, conditioned that they will faithfully disburse and account for all
moneys with which they may be entrusted by the Board, and apply the
same to the prosecution of their respective works. After executing this
bond, and whenever money may be required for the prosecution of the work,
the Board draw a requisition in favor of its superintendent, on the Auditor,
for the sum of money required, which sum is, in all cases, whether he be an
Engineer or not, charged on their books temporarily to the superintendent;
and when he makes his settlement with, and produces proper vouchers to
the Board for the whole or any part of the money with which he is thus
charged, his account is credited by the amount of his vouchers, and the
work itself, on which it was expended, is charged with it on the books of
the Board, and in their report to the Legislature. And hence it is, that requi-
sitions for works of this kind are seldom, if ever, drawn in favor of the work,
but generally, if not always, in favor of the superintendent. This explana-
tion is deemed by your committee necessary to the correct understanding
of some of the items which they are now about to notice as credits to the
Board.

The total amount expended by the Board of Internal Improvement during
the entire fiscal year 1839, as shown in the tabular statement in their gen-
eral report, and also in schedule L, hereto annexed, is $798,036.63. Add
to this the sum paid by the Board to the Bank of Louisville, $25,325—to
the Northern Bank of Kentucky, $50,000—and to the Bank of Kentucky,
$229,125, none of which sums are charged in the general report for the
present session, and it makes $1,102,486.63. To which sum, add this
amount for requisitions drawn in favor of various disbursing agents or super-
intendents, and not fully embraced in the general report, because settlements
had not, at its date, been made by the Board with those disbursing agents or
superintendents, $25,326.39, and it makes $1,127,813.02. From which
take this sum, $17,264.81, which is contained in the general report under
the heads of the various works to which it has been applied, although drawn
from the Treasury by requisitions and warrants in favor of disbursing
agents or superintendents, as a part of the above mentioned sum of $25,326.
39, and it leaves $1,110,548.21, a sum which comes within fifteen cents
of balancing $1,110,548.36, the amount ascertained as above, with which
the Board is properly chargeable, as having been expended in the fiscal year
1839—a difference so slight that your committee deemed it unnecessary to
enquire or examine farther. All which calculations and items are shown in
a more condensed form in schedule B, which accompanies this report.

Your committee cannot leave this branch of the subject, without suggest-
ing to the Legislature the propriety of so amending the existing laws in re-
lation to receipts and disbursements for Internal Improvement purposes, as
to make the Secretary of the Board, the Auditor and Treasurer, checks upon
each other, both as to receipts into that fund, whether arising from sales of
bonds, or loans from Banks, and as to disbursements.

Having balanced, as above, the accounts of the Auditor, Treasurer, and
Board of Internal Improvement, for the fiscal year 1839, and having proved
to their own, and as they venture to hope, to the satisfaction of the House,
that the accounts of both the receipts and disbursements of the scrip fund, so far as they are kept by all these officers, agree in amount, and are correct, your committee conceive that they would not fully have discharged the duties devolved upon them, by the rule requiring the creation of a committee on the Expenditures of the Board of Internal Improvement, and by sundry resolutions referred to them by the House, if they failed to examine: 1st. The works upon which disbursements have been made during the fiscal year 1839, and whether those works and disbursements are authorized by law. 2d. The vouchers showing that the disbursements had actually been made. And 3d, the price given by the Board for each particular work or service.

In relation to the first subject of examination, your committee, in schedule L, hereto annexed, will be leave to report the results of their investigations. As to the second, your committee will state that they have examined an immense mass of vouchers and evidences, for items of expenditure mentioned in the general Internal Improvement report, and that in no instance have they seen a charge for money disbursed in that report, sustained by satisfactory evidence, that the money has been paid. Your committee will here state, however, that many of the vouchers are signed with the mark of the person receiving the money, and not attested by any subscribing witness, which your committee here remark upon, as a practice that should be avoided in future, by all the disbursing officers and agents. It is obvious that in relation to the third and last head of enquiry and examination, much of uncertainty exists. The general fact must be admitted by all who are conscious of, or will take the trouble to reflect upon, the events passing around them, that from the general scarcity of labor, especially in the Western States, a scarcity universal in new countries—from the number of works of Internal Improvement, not only in Kentucky, but in almost every State in the Union, perhaps every one—and from the increased demand for, and consequent increase in the price of, labor, not only for purposes of Internal Improvement, but from various other causes—which increase of price is felt unequally in the different sections of our own State; your committee, in deciding upon the sum that should be paid by the Board, or any of its officers, for labor, or labor and skill combined, on any particular work, would act and think, to a great extent, at hazard. Your committee will, therefore, dismiss this part of the subject with the general remark, that so far as their means of information as to the price of labor in the different sections of Kentucky, will enable them to express an opinion, and they admit their means of information to be limited, the Board have not paid too much. But on this subject the House is a far better judge than the committee.

In expressing this general opinion, your committee are fully aware that the salaries of the State corps of Engineers, as paid during that year, appear to be, and in fact at the present time would be, too high. But it must be recollected that the salary of the Chief Engineer was fixed at $4,000, several years ago, by the Legislature, and thus placed beyond the reach of the Board. It must, also, be borne in mind, as to the salaries of the other members of the Engineer corps, that they were fixed under a state of things far different from the present: that, at the commencement, and almost to the close of the fiscal year 1839, the Internal Improvement Systems of this and other States of the confederacy were in full progress; that these systems could not be conducted without Engineers; that the science of civil engin-
ering was, at the commencement of our system, comparatively in its infancy in the United States; that Engineers of high standing and approved experience were everywhere in great demand, and, from this cause, coupled with the smallness of their number, were very difficult to be obtained at any salary; that most of our works had been commenced, and that an Engineer who plans and commences a work has advantages over another of even equal ability in conducting and completing it, far greater than would be compensated for by any saving to the State in the reduction of salaries; that we had expended hundreds of thousands of dollars on public works which still remained unfinished; that this expenditure would, as to many of those works, be worse than useless, unless they were completed, which could not be done properly without the superintendence of an Engineer; that, in the first half of the fiscal year 1839, such was the demand for skillful and experienced Engineers, and such the reputation and character of our corps, that a reduction of their salaries by the Board would, most probably, have led to offers from other States, which might have resulted in inducing one, or perhaps all, of them to abandon our service—a result which, considering the difficulty in supplying their places, and the suspension, or, at best, imperfect execution of our works, for the want of suitable Engineers, was too disastrous to be seriously thought of from such a cause. For these and other reasons the Board did not reduce the salaries, but shortly after the close of the last session of the Legislature effected a saving to the State of $7,500 by reducing the number of the corps. The number of Engineers, now in the service of the State, and their salaries and respective duties, are contained in statement C, which is made a part of this report.

Your committee cannot quit this subject of the salaries of Engineers, without expressing the opinion, that in consequence of the present depressed condition of the monetary affairs, not only in this country but throughout the world—the difficulty which every State in the Union feels in raising money by the sale of bonds, for Internal Improvement purposes, and their consequent pause in the career of improvement, and the diminished demand throughout the country for Engineers—from the universal scarcity of money, its consequent increase in value, and a corresponding diminution in the cost of living, the Legislature can, without injustice to the corps of Engineers, and ought, in justice to the State, to diminish their salaries to some extent. In reply to a resolution of enquiry directed to your committee, for the purpose of ascertaining whether any reduction in the number of the corps could be effected without detriment to the interests of the State, they will here observe that, from the best information which they have been able to obtain, the present number of the corps is too great for the present service—whether the true interest of the State will be served by dismissing any of them, hereafter, must depend upon the action of the Legislature on the Internal Improvement system.

In the Auditor's annual report there is a charge under the head of "Board of Internal Improvement," of $361,140 57; the items composing which, together with the vouchers in support of them, your committee deemed it their duty to examine. They performed that duty in the office of the Board of Internal Improvement, and will here state that they are satisfied that the list of items, of which the said sum is composed, are disbursements made in conformity with the laws, and are sustained by satisfactory vouchers or evidences. As this list of items is contained, as your committee suppose, in the
Appendix to the Journal of the Senate, and also among other things in the
special report of the President of the Board of Internal Improvement to the
House of Representatives, and printed in the Journal of that House, page
161, your committee deem it unnecessary to make it a part of their report.
They think it proper, however, by way of explanation, to notice some classes
of items contained in it, and in the special report above referred to.

The first of these classes of items are various charges for money advanced
to the Hydraulic Lime Establishment, at Louisville. In explanation of these,
your committee will state that, in constructing the locks and abutments for
the dams on the three rivers, the navigation of which was by the Legisla-
ture directed to be improved on the slackwater principle, the Board of In-
ternal Improvement ascertained that a large amount of Hydraulic Lime
would be required. The article is costly, and, as a bed of the stone of which
it is made was discovered near Louisville, the Board, as a measure of econ-
omy, determined to manufacture it themselves, through the agency of a
superintendent. In pursuance of this determination, on the 18th of March,
1837, they purchased of H. B. Hill & Co. the present lime mill and estab-
ilishment, in or near the city of Louisville, with a lease on the ground upon
which it stands, which expires on the 7th July, 1841, for the sum of $3,500,
and appointed John Hulme their agent or superintendent, with an annual
salary of $1,000. In the manufacture of Hydraulic Lime, at this mill, the
Board have, since its purchase, expended $72,000. In February, 1838, it
was ascertained that this mill, running day and night, would not manufac-
ture a sufficient quantity of the lime to supply the necessities of the con-
tractors upon the rivers. A delay in completing the Locks would have been
the consequence; to avert which, and to expedite the work as fast as possi-
ble, the Chief Engineer, Mr. Welch, on the part of the State, made a con-
tract with Hulme to pay him 87 cents per barrel for all the lime he would
grind, pack, and ship from Tarascon’s Mill, and 75 cents per barrel for all
he would grind and pack, without shipping—the entire amount not to ex-
ceed 10,000 barrels. By this contract the State was to furnish the barrels and
the Hydraulic Lime stone already burnt. Mr. Hulme has received, under
this contract, from the Board, for 6,921 barrels of Lime, packed and ship-
ped, $6,021.27; and for 888 barrels, packed, but not shipped, $441. These
sums, added together, make the entire amount paid by the State for Hydrau-
lic Lime, both in keeping up the Louisville Lime Establishment, and under
the contract with Hulme, $81,962.27. By the contracts for the Locks and
Dams, the State was bound to furnish the contractors with Hydraulic Lime,
delivered at the Locks free of all charge to the contractors.

The next of these classes of items which will be here noticed is under
the head of General Expenses. For many of the items under this head,
your committee think that new heads should be raised by the accounting
officers; and they believe that many others ought to have been charged
under more specific head already in the books of the Secretary of the
Board, the Auditor and Treasurer. As this head is now used, a great vari-
ety of expenditures are grouped under it: Such as the expenses and pay of
Members of the Board; the expenses and pay of agents employed
to sell State Bonds; the expenses of the President of the Board or
other agents employed to negotiate loans from Banks; and a great
variety of other expenditures, amounting, as charged on the books of
the Board, from the year 1835, to 31st December, 1839, to $17,926.27,
which your committee will not attempt to classify, but the vouchers or evidences of payment for which, they have examined and find correct. To remedy the apparent difficulty in adjusting their respective accounts, which results from the different heads of expenditure adopted by the Secretary of the Board, and the Auditor and Treasurer, and from the want of a sufficient number of heads of account common to them all, and thereby to facilitate the investigations of any future Legislature, to take one important step towards ensuring a perfect accountability on the part of the officers, and perfect security to the public interest, your committee will recommend the passage of a law regulating this whole subject.

The next of these classes of items which your committee will endeavor to explain is, the expenses incurred in clearing the timber from the banks of the Kentucky river. In a report of Mr. Welch, the Chief Engineer, to the Legislature, on the Kentucky river navigation, made on the 10th December, 1836, he mentions and recommends clearing the timber from the banks of the Kentucky river, and estimates the cost, comprehending both banks, at $300 per mile. The Board, after the Locks and Dams on that stream were under way, endeavored to make contracts for the performance of this service; but finding it impracticable to do so, at what they thought a fair price, and believing the work to be essential to the success of the slack water improvements on that stream, they determined to do it on account of the State, and employed A. G. Cammack, J. H. Smith, George Crumbaugh, and D. Byrnes, at a salary of sixty dollars per month, each, as superintendents for that purpose—the Board of course paying the hands, and furnishing all the necessary tools and provisions, &c. at the expense of the State. Under this arrangement, both banks of the Kentucky river were cleared 51.2 miles from its mouth, at an expense of $15,187 50, which amounts to about $303 per mile. After deducting from this sum the value of the tools, and other property purchased by the Board for this purpose, and returned to them by the superintendents, your committee believe that the actual cost of this work, per mile, will, but little, if at all, exceed the estimate made by the Chief Engineer, 1836. It is true, that both the cost of the work and the estimate of the Engineer, seem to be high. But in the absence of all positive knowledge, on the part of your committee, as to the amount of labor which was necessary; and of all the facts which would enable them to decide whether the price given for it was or not too great, they will forbear to express any opinion on the subject. It is, however, certain, that the coincidence between the estimate of the Chief Engineer, made and reported to the Legislature in 1836, and the actual cost of the work, when finished, is evidence that the latter is as small as was originally expected.

Another class of items on which your committee will make a few observations, is the amount stated to have been repaid, on sums borrowed from the three Kentucky Banks for Internal Improvement purposes.

The first legal authority for these loans is found in the Session Acts, 1836-7, page 15. This act authorizes the President of the Board to borrow of the Banks any sum not exceeding one hundred thousand dollars, to be repaid as therein provided. The next act upon this subject is in the same volume of acts, page 332—which confers authority on the Board, by and with the advice of the Governor, from time to time, to borrow from either of the three Kentucky Banks, such sums of money, &c. (see act.) Under the authority of these two acts, the Board, previous to the year 1839, had borrow-
ed of the Banks $646,666 66—which, after deducting the discount and interest, (viz: $14,201 68,) gave them, as net proceeds, $641,357 38. The $14,201 68 of discount and interest, added to the above amount of net proceeds, (viz: $641,357 38,) makes $655,559 06—all of which, being the entire amount of indebtedness to the Banks for money borrowed up to the year 1839, was paid by the Board previous to, or during, the year 1839, as will appear more in detail in schedule D—which, with the notes at the bottom, is hereby made a part of this report.

Your committee will here state, that every sum charged in schedules D and E, as having been borrowed from Banks, has been regularly audited and entered on the Treasurer's books, except the following, viz: $24,487 50, borrowed from the Bank of Louisville, on the 24th of May, 1838, and paid on the 11th of December, 1838; $100,000 borrowed from the Bank of Kentucky, on the 10th of January, 1838, and $125,000 borrowed from the same Bank, on the 21st of May, 1838—which two last amounts, with interest from the 1st January, 1839, were paid to the Bank, on the 20th of April, 1839; and $20,000 borrowed from the same Bank, on the 15th of April, 1837; and one other sum, of $48,475, borrowed from the Northern Bank, on the 11th of May, 1838, and paid by the Board on the 11th of December, 1838; also, $500, part of $19,919 88, stated in schedule D, as borrowed from the Bank of Louisville. On the books of the Board of Internal Improvement your committee saw that these amounts were regularly entered as money borrowed for Internal Improvement purposes; but, after diligent examination they could find no traces of them on the books, or among the vouchers or documents of the Auditor or Treasurer. The fact is clear, therefore, that they are not entered at all in the books of the Auditor and Treasurer, as credits to the scrip fund. If they had been so entered, when first borrowed, in the fiscal year 1838, the Treasurer could not have reported at the end of that year, as he did, an overpayment for Internal Improvement purposes of $154,647 24, nor for the fiscal year 1839, an overpayment of $106,452 27. These overpayments are both found in the Treasurer's report to the present session, page 6. To test this statement your committee will state that the four sums abovementioned, borrowed from Banks and not Audited or entered on the Treasurer's books, when added together, make $318,462 50—while the two overpayments aforesaid, when added together, make $261,099 51. Subtract the latter sum from the former, and there is a balance left in the Treasury, after absorbing the overpayments of both 1838 and 1839, of $57,362 99. It is perfectly clear, then, that if those amounts, thus omitted, had been credited to the scrip fund, on the books of the Auditor and Treasurer, as they were on the books of the Board of Internal Improvement, instead of reporting an overpayment on the 10th of October, 1838, and on the 10th of October, 1839, the Treasurer would, on this last day, have reported an excess, above the expenditures of the two years, of $57,362 99. It was the object of your committee, in making this investigation, to ascertain where the Treasurer obtained the money to make these large overpayments. They think it very clear that they were met out of this sum of $318,462 50, borrowed and omitted to be audited as abovementioned. That these sums, when borrowed, were placed in Bank, to the credit of the Treasury, there can be no doubt, for otherwise the Banks would not have paid the checks of the Treasurer. That his checks were paid by the Banks, uniformly, is evident, not
only from the assurances of the Treasurer himself, but from the fact that your committee has never heard even a surmise that any check of the Treasurer has been dishonored, and from the further fact that your committee is aware of no instance in which the President, or any other officer of the Board of Internal Improvement, has deposited the public money in Banks, in his own name, and by his own check drawn it out for public purposes; and yet it is evident, that this money must either have been checked out by the Treasurer, or by some officer of the Board, or, in a period of great pecuniary pressure, have been first borrowed and then permitted to remain unemployed in the Banks, which last alternative, is too improbable to be thought of. Your committee enquired of the Treasurer, where he obtained the money to make these overpayments? He replied that it was public money, not his own; that the President of the Board would inform him of money being placed in particular Banks to the credit of the Treasurer, for Internal Improvement purposes, and directed him to draw checks for it on those Banks accordingly, whenever requisitions and warrants were presented, but not without. This amount borrowed from the Banks, and omitted to be audited, was obtained in the fiscal year 1838, and was not refunded, except $20,500 of it, for a considerable period after the commencement of the fiscal year 1839—which fact strongly supports the idea that the overpayments in question were made out of this fund. The whole difficulty, as to these overpayments by the Treasurer, is, your committee have no doubt, caused by the omission to have the sum borrowed from the Banks, as aforesaid, regularly placed on the books of the Auditor and Treasurer as a credit to the scrip fund. That this omission was merely accidental, or was caused by a belief that the law of 1836, which authorized the Board of Internal Improvement to borrow money from the Banks, did not require the amount thus borrowed to be audited and certified to the Treasurer, your committee firmly believe. And this belief is strongly sustained by the honesty and fidelity with which the sum has been managed by every person who has had any connection with it.

Your committee will, however, here recommend the passage of a law systematizing more completely the method of keeping the accounts of the scrip fund, both as to receipts and disbursements, and prescribing the duties of all the officers connected with this fund, in such a manner as will, at once, be a protection to them, and to the interests of the State.

In reply to the resolution which referred to them so much of the message of the Lieutenant and Acting Governor, as relates to the debts due from the Board of Internal Improvement, your committee will state, that the entire amount of debt now due to Banks, for money borrowed under the law of 1836, is $445,000, as will appear from schedule E, hereto annexed. They will also state that the amount due to contractors, for work actually done on roads and rivers, is about $387,013 60 cents, which, added to the amount due to Banks, makes the entire amount of indebtedness to Banks and contractors, on account of the Internal Improvement system, $832,013 60 cents. The specifications of the debts to contractors, will be found in statement F.

The only other class of items which will be noticed by your committee, is the accounts of the members of the Board of Internal Improvement, and of each Engineer belonging to the State corps. These accounts will be found in detail in schedule G, which is annexed to this report. The ac-
count of the President of the Board is made up of his expenses, while absent from home in the discharge of the duties of his office. Those of the other members of the Board, are composed of their per diem of three dollars, and their expenses while engaged in their official duties and absent from home.

In relation to the accounts of the Engineers, your committee must speak somewhat more in detail. The Chief Engineer receives his appointment from the State, and his salary is fixed by a law which expires at the end of this session, at $4,000.

The Resident and Assistant Engineers, by law, receive their appointments from the Chief Engineer, subject to the approval of the Board of Internal Improvement. A stipulation was made in their letters of appointment that their expenses should be paid by the State, while engaged in any service other than a work under contract, or than that which is assigned to them regularly as Resident Engineer, and hence items for expenses will be perceived in their respective accounts. Your committee have before stated that the Board frequently appointed them as disbursing agents or superintendents for works done by the Board on account of the State, without the intervention of contractors; and that, in this character, requisitions were drawn in their favor on the Auditor, for money to be expended on the works of which they were superintendents. Of this fact, also, evidences will be found in their accounts; and hence apparent balances may be, and are, in many instances, found against them in the books of the Board, long after they have expended the money received by them as superintendents upon the public works, because they have had no opportunity to make their settlements with the Board, produce their vouchers, and receive the proper credits. This is the case in some of the accounts shown in schedule G.

Your committee were anxious to look into the system of management and accountability on the part of the Presidents, and other officers of turnpike roads in which the State holds stock. But although they have devoted as much time to this examination as their other duties would allow, they have not been able to acquire information enough to justify them in entering into any detailed statements, or recommending any specific plans of legislation upon the subject. Enough of facts, however, have come to their knowledge, to satisfy them that great irregularities are practised by the officers of some of these roads, and that a more rigid and uniform system of laws than those which at present exist, should be enacted, as well in relation to expenses incurred by the local Boards and paid out of the tolls, for repairs, salaries and other purposes, as for the purpose of so arranging the system of tolls, as to produce some uniformity in the amounts charged, as tolls, on the different roads, and ensure a wholesome accountability on the part of the gate keepers and other receiving officers. In most of the turnpike roads, the State owns one half the stock—in some, two thirds, and in others, greatly larger proportions; and is, of course, entitled to dividends in proportion to their stock. The loss, then, to the State, from extravagant expenditures, payable out of the tolls, or from the failure to provide a system of checks and balances among the local receiving officers, which will ensure a proper accountability for tolls, is far greater than to any individual stockholder; and there is, therefore, a greater necessity for the enactment of strong laws upon the subject. Some of the turnpike companies have made their reports to the Auditor, as required by the law of the session of 1838—9.
others have failed to do so. In some of the reports, it appears that the President, and perhaps the Directors, charge pay for their services; a practice wholly unauthorized, and prejudicial to the interests of the State, as this pay is drawn from the tolls upon the road. It also appears that upon some roads, there are local engineers, with large salaries paid out of the tolls. There are various other abuses, to ferret out which, in such a manner as would enable your committee to report a preventive law, would require months of labor. They will, therefore, at a suitable time, recommend the adoption of a resolution as the best means which they can devise for acquiring the information necessary to enable the next Legislature to enact a law upon this subject.

Having disposed of all the subjects relating to expenditures during the fiscal year 1839, and having given to the House all the information in their possession, or which your committee deemed important in relation to those subjects, they will state that, in prosecuting their inquiries, they have acquired some information in relation to the system of Internal Improvement, from its commencement up to the present time, which, at this period of embarrassment and difficulty, may be valuable to the Legislature. Anxious to do this in the most authentic form, and that the facts thus given should command universal credence, your committee addressed to J. M. Bullock, Esq., Secretary of State, note (3,) which, with his answer, is made part hereof. In reply to this note, and accompanying his answer, he communicated to your committee, schedule H and I—the first containing a complete statement taken from the Executive records, of all the bonds issued and sold by the State for Internal Improvement purposes, and the second, (I,) containing a list of all the bonds issued by the State in payment of State stock in the Bank of Kentucky, and in the Northern Bank of Kentucky. The amount contained in schedule H, as realized from the sale of State bonds, is $2,737,438 27 cents. And the amount in schedule I, as realized in the same way, is $2,014,950. The total net amount of bonds for which the State is now responsible on account of Bank stock and Internal Improvement, after deducting all premiums, &c., from the proceeds of sales, is $4,697,500. The contents of statement K, are explained in the note of the Secretary. Statement J, contains the dates and amounts of the Auditor's quietuses for all sums paid into the Treasury, and subject to appropriation, for Internal Improvement purposes, arising out of the sales of State bonds, from the commencement of the system. In explanation of this last statement, it will be borne in mind, that in some instances the expenses of the agents employed to sell these bonds were paid for that service out of the proceeds before they were audited; and that the premiums upon the sales belong to the Sinking Fund by the provisions of the law creating that fund; and hence the amount mentioned in statement J, is smaller than that contained in statement H. Your committee make the four papers H, I, J and K, parts of their report, and will also make schedule O, a part of their report. They will remark in relation to this last schedule, that it contains a statement taken from the books of the Board of Internal Improvement and other authentic documents, of the whole amount of receipts and disbursements by the State on account of the Internal Improvement system from its commencement up to the 10th of October, 1839, while the amount of receipts mentioned in statement J, is brought down to the 17th of January, 1840, which will account for any apparent discrepancy in the two state-
ments. The amount expended by the State on Internal Improvements, up to the 10th October 1839, as stated in schedule O, is $3,212,253 68 cents, at the very least. If we add to this, the present amount of State indebtedness to Banks, and to contractors, on account of the public works, which, as ascertained above, is $832,013 60 cents, we make the entire amount of money disbursed by, and due from the State for Internal Improvements, $4,044,267 28 cents at least.

It appears from schedule O, which is here referred to, and which was prepared by the Secretary of the Board, that there has been received for Internal Improvement purposes, from the sale of State scrip, in loans from Banks, by direct appropriation from the public Treasury, or by subscription of the Governor, before the organization of the Board of Internal Improvement—and from tolls on the Maysville road, $3,587,448 27 cents, previous to October 11, 1839. That there had been disbursed before that time, for Internal Improvement purposes, out of the public Treasury, by requisitions drawn by the Governor, and out of the tolls derived from the Maysville, Washington, Paris and Lexington road, $324,644 29 cents. By the Board of Internal Improvement since its organization, $3,887,609 39 cents. And by the Board, in payment of sums borrowed from Banks, and repaid before the 10th October, 1839, this amount, $641,357 38 cents. These three last mentioned sums, when added together, make the total amount of disbursements before the 11th of October, 1839, by the Governor and the Board as above, and including the above mentioned payment of $641,357 38 cents to Banks for loans, $3,583,611 06 cents—which, deducted from $3,887,448 27 cents, the amount of receipts ascertained as above, leaves in the hands of the Treasurer, a surplus of $33,857 21 cents, on the settlement of the entire Internal Improvement account from the commencement of the system to, and including, the 10th day of October, 1839, according to the statement in schedule O. Your committee believe, however, that in ascertaining and showing the entire amount of receipts and disbursements on account of Internal Improvements by the State, anterior to the 10th of October last, it is improper either to charge or credit the $641,357 38 cents, borrowed from and paid to Banks, as above, because, although used for Internal Improvement purposes, it was paid to the Banks out of the Scrip Fund, the whole of which is credited as received for Internal Improvement purposes, and if we also credit the above sum to the same fund, it will be credited and charged twice, which would be obviously erroneous. Accordingly, it will be found stated in schedule O, that the true amount received for Internal Improvement purposes from all sources, except loans from Banks, which have been paid off as aforesaid, up to the 10th of October 1839, is $3,246,110 89 cents; and the true amount paid out, is $3,212,253 68 cents, which last sum subtracted from the first, leaves $33,857 21 cents the balance, (according to the showing of the Board,) in the hands of the Treasurer, to the credit of the Scrip Fund, on the 10th day of October last.

The task now remains for your committee to balance the books of the Auditor and Treasurer, with the statements of receipts and disbursement made by the Board, in schedule O. In doing this, your committee have found the books of the Auditor and Treasurer, so far as they have been able to examine, to agree, both as to the amount received and the sums disbursed, from the commencement of the system, up to the 10th of October, 1839, which is evidenced by the statements of both those officers hereto annexed,
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marked P and R. They state the amount of receipts up to the 10th of October, 1839, for Internal Improvement purposes, at $3,315,344 03 cents; and the disbursements for the same period, at $3,574,843 43 cents. The difference between these two sums, is the apparent excess of disbursements over receipts, and is $259,499 40 cents. To reconcile this difference, and show where the Treasurer obtained the money to make this overpayment, your committee examined in all three of the offices for a correct account of the loans from Banks, and found, as above detailed, that the sum of $318,462 50 cents had been borrowed from Banks, but not audited or entered on the books of the Treasurer, but was paid out, as they believe, and state in another part of this report, for Internal Improvement purposes; and in the character of payments was entered on their books, not, however, under such heads as that it could be distinguished from any other part of the Scrip Fund, but was not entered on their books as receipt.

Your committee, therefore, think this sum of $318,462 50, should be added to the amount of receipts shown in the Auditor’s and Treasurer’s statements P and R; and it makes the total amount of receipts $3,633,806 53. From this they think should be subtracted $3,207 50, credited by the Auditor and Treasurer to the Scrip Fund, but properly belonging to the Sinking Fund, being premium and exchange on bonds sold in New York. Also, $800, money returned by J. R. Skiles, as stated in schedule O; and, also, $66,975 05, money derived from the old Bank of Kentucky and Commonwealth’s Bank; and as your committee believe, forming a part of $312,502 90 paid, as aforesaid, by the requisitions of the Governor, and by direct appropriation for obligations incurred, previous to the organization of the Board; which three sums amount to $70,982 55, and it leaves $3,562,823 98, the precise sum shown in schedule O to have been received by the Treasurer from the Scrip Fund, and loans from the Banks, previous to the 10th of October, 1839.

The disbursements stated by the Auditor and Treasurer, in statements P and R, up to the 10th October, 1839, are $3,574,843 43. Your committee think there should be deducted from this $72,718 68, money derived from the Bank of the Commonwealth, and as your committee believe, improperly included in the amount of disbursements, (see journal 1836-7, page 37,) and it leaves the amount of disbursements, up to the 10th of October, 1839, $3,502,124 75, which deducted from $3,562,823 98, the receipts ascertained as above, leaves as a balance in the hands of the Treasurer, on the 10th of October, 1839, $60,699 23. From this balance, subtract this sum, $36,092 97, the amount of requisitions drawn by the Board, in the fiscal year 1839, and paid in the fiscal year 1840, as explained in another part of this report, and it leaves an actual balance in the Treasury, undrawn for by the Board, on the 10th October, 1839, of $34,606 26, while the balance stated in schedule O, is $33,857 21, a difference of only $749 05, between the Board and the Auditor and Treasurer, as corrected above, from the commencement of the Internal Improvement system, up to the 10th October, 1839. Your committee are aware that in these two last amounts of receipts and disbursements, (viz: $3,562,823 98, and $3,502,124 75,) amounts borrowed from Banks, and repaid to them, as aforesaid, are comprehended, and perhaps interest, which should be deducted. Those deductions, when made, will produce very nearly the same amounts already stated, as nearly correct, contained in schedule O. Your committee do not state these amounts and
calculations as being exactly correct, but believe they are as nearly so, as within the period of the session now remaining, it is possible for them to be made. As an evidence of the difficulty in making them precisely correct, in consequence of the want of uniformity of heads of accounts, and in consequence of the intermingling of heads in the books of the accounting officers, your committee will here refer the House to schedule S.

In the immense mass of details which they have examined—in the variety of opinions which they felt it their duty to express—and in the number of calculations which they have made, that your committee may have fallen into some errors, both as to facts, opinions and calculations, is altogether probable. That those errors, if any, have been intentional, they utterly deny. That they have studied and labored most faithfully to be accurate, they can assert without fear of contradiction. They do not state that they have examined the vouchers and evidences for every expenditure of the Board, for this would have been the labor of months; but they have examined enough of those vouchers and evidences, to satisfy them as to the correctness of the facts they have stated, and the opinions they have expressed. They conceived it their duty to give, as nearly as possible, a correct statement of the monetary condition of the State, in relation to the Internal Improvement system, as well for the fiscal year 1839, as from the commencement of the system, with the view that in this period of embarrassment and pecuniary difficulty, the Legislature may know the amount of State interest involved in the Internal Improvement question, and shape any action which they may think proper to have, with a full knowledge of the magnitude of the subject. In performing this service, your committee conceived that their peculiar duty forced them to look backwards at what had been done—at the amounts which had been received and expended on the system—the sources from which these sums were received—the objects for which they had been expended—and the balance between the receipts and disbursements. In fine, they conceived themselves to be a committee of supervision, not of ways and means, in relation to the system of Internal Improvement. They have no right, as they think, to look forward and say what should be done in reference to this new and most important subject of legislation. How they have performed the duties which fell within their sphere of action, it is for the House to judge. They know they have labored to discharge them faithfully.

All of which they beg leave to report, &c.

EDM. H. HOPKINS, Ch’m.
LEWIS BARRETT,
J. ROWAN, Jr.
THOS M. FORMAN,
W. M. H. RUMSEY,
GEO. W. JOHNSON,
REUBEN LYTER,
D. MERIWETHER,
DAVID BROOKS.

The two last named gentlemen, viz: D. Meriwether and David Brooks, have only been added to this committee within the last two days, and have not had an opportunity fully to examine the various matters reported on.
FEB. 12. \nHOUSE OF REPRESENTATIVES. \n453 \n
\n(No. 1.) \nSTATE OF KENTUCKY, AUDITOR'S OFFICE, \nJanuary 9, 1840. \n
Six: \nIn obedience to your letter of request I submit to you the following statement showing the \nreceipts and disbursements of the Internal Improvement Fund, Sinking Fund, and School Fund, \nfrom the 11th day of October, 1838, to the 27th February, 1839, inclusive, to wit: \n\nEDMUND H. HOPKINS, Chairman of the Committee \non Expenditures of the Board of Internal Improvement. \n\nFOR INTERNAL IMPROVEMENT.

October, 1838, of James Clark, Governor, for part of the proceeds of 5 per cent. Bonds sold to \nthe American Life Insurance and Trust Company of New York, \n$146,091.87

December, 1838, of James Clark, Governor, \n$100,000.00

December, 1838, of James Clark, Governor, \n$100,000.00

January, 1839, of James Clark, Governor, \n$30,000.00

February, 1839, of James Clark, Governor, \n$30,000.00

February, 1839, of James Clark, Governor, \n$30,000.00

Total receipts for Internal Improvement, \n$436,091.87

FOR SINKING FUND.

October, 1838, of Maysville, Washington, Paris, and Lexington Turnpike road, \nBank of the Commonwealth, \n$2,798.35

November, 1838, Bank of the Commonwealth, \n$3,200.00

December, 1838, Bank of the Commonwealth, \n$6,050.00

January, 1839, Muldrow's Hill road, \nFranklin to Hardinsville, \n$1,650.00

" Dividend Bank of Kentucky, \n$462.00

" Dividend Northern Bank of Kentucky, \n$51,500.00

" Tolls Muldrow's Hill road, \n$24,500.00

$191.32

Total receipts for Sinking Fund, \n$89,455.57

(No. 2.) \nTURNPIKE ROADS.

September, No. 1,358, Thomas May, President Pikesville to Sound- \ning Gap, requisition September 20, 1838, \nL. A. Berry, President Versailles to Anderson county turnpike roads, requisition September 22, 1838, \nJames Murray, President road from Elizabethtown to Bell's tavern, requisition September 24, 1838, \nSamuel Davie's President Mercer Board Internal Improvement, requisition September 27, 1838, \nSamuel Davie's, President Mercer Board Internal Improvement, requisition September 27, 1838, \nJohn Mayhall, President road from Hardinsville toward Lawrenceburg, requisition September 28, 1838, \nAlvan Herndon, President road for Anderson county, requisition September 29, 1838, \nOctober, Ben. Doon, President Bardstown and Green river, requisition October 1, 1838, \nJ. P. Gains, President Covington to Georgetown, requisition October 6, 1838, \nC. M. Cunningham, President Lexington to Harrodsburg and Perryville, requisition October 10, 1838, \nThomas S. Proctor, President Danville, Lancaster and Nicholasville, requisition October 8, 1838,

$1,000.00

4,870.00

2,700.00

5,556.00

400.00

1,000.00

15,000.00

1,000.00

7,300.00

1,500.00

$89,455.57

$1,000.00

4,870.00

2,700.00

5,556.00

400.00

1,000.00

15,000.00

1,000.00

7,300.00

1,500.00

$41,586.00

Amount carried forward,
Amount brought forward, $41,886 00
John Cavan, President Mountsterling to Maysville, requisition October 11, 1838,
Wm. Craig, President Lincoln Board Internal Improvement, requisition October 12, 1838,
John A. Cavan, President Mountsterling to Maysville, requisition October 12, 1838,
Richmond and Lexington, James Shelby, President said road, requisition October 13, 1838,
Sanders and Singleton, President Muldrow's hill road, requisition October 17, 1838,
Sanders and Singleton, President Muldrow's hill road, requisition October 17, 1838,
John Cavan, President Mountsterling to Maysville, requisition October 17, 1838,
Warrant No. 1406, Ben. Doom, President Bardstown and Green river road, requisition for north side of G. R., Oct. 26, 1838,
Ben. Doom, President Bardstown and Green river road, requisition for south side G. R., October 26, 1838,
Christian Shultz, President Maysville and Bracken, requisition October 25, 1838,
Thomas Proctor, President Danville, Lancaster and Nicholasville, requisition October 25, 1838,
Samuel Daviess, President Mercer county Board Internal Improvement, requisition October 30, 1838,
James Murray, President road Elizabethtown to Bell's tavern, requisition October 30, 1838,
No. 1,454, James McGoodwin, President road from Bowling green to Tennessee line, requisition November 3, 1838,
Robert N. Miller, President Louisville and Elizabethtown, for Jefferson city, requisition November 3, 1838,

FOR BOARD INTERNAL IMPROVEMENT.

Warrant No. 1,359, John Holme, manufacturing lime, requisition September 30, 1838,
Northern Bank of Kentucky, requisition September 30, 1838,
Austen P. Cox, Secretary, requisition September 30, 1838,
S. Welch, Chief Engineer, requisition September 30, 1838,
Bank of Louisville, requisition September 30, 1838,
Antes Snyder, resident Engineer, requisition September 30, 1838,
H. J. Estin, Resident Engineer, requisition October 1, 1838,
N. B. Buford, Resident Engineer, requisition October 1, 1838,
D. Mitchell, Resident Engineer, requisition October 1, 1838,
S. H. Moon for salary, requisition October 1, 1838,
Geo. Stealey, for expenses and pay for land at lock No. 1, Ky., &c. requisition October 2, 1838,
Antes Snyder, Resident Engineer, requisition October 7, 1838,
G. R. Ichabum, for salary, requisition October 15, 1838,
N. B. Buford, Resident Engineer, for land at lock site Licking river, No. — requisition October 15, 1838,
S. H. Moon, Superintendent, for salary, requisition Oct. 1, 1838,
J. B. Miles, administrator for ——, requisition Oct. 15, 1838,
J. S. Evans, Superintendent, for salary, requisition Oct. 15, 1838,
No. 1,408, Antes Snyder, resident Engineer, requisition for south fork Goose creek, October 31, 1838,
N. B. Buford, for expenses, requisition October 35, 1838,
C. P. Taylor, in part to pay for improving Cumberland river, requisition October 15, 1838,
Thomas M'Loughlin, Superintendent, for salary, requisition October 26, 1838,

Amounts carried forward, $3,340 00 $81,313 35
## Recapitulation from 11th October, 1838, to 27th February, 1839, inclusive.

Receipts into the Treasury for Internal Improvement, Warrants issued on same same time—

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turnpike roads</td>
<td>$94,361</td>
</tr>
<tr>
<td>Board of Internal Improvement</td>
<td>88,386</td>
</tr>
<tr>
<td>Green and Barren river</td>
<td>20,000</td>
</tr>
<tr>
<td>Licking river</td>
<td>4,803</td>
</tr>
<tr>
<td>Kentucky river</td>
<td>31,903</td>
</tr>
<tr>
<td>Total Internal Improvement Warrants</td>
<td>236,629</td>
</tr>
</tbody>
</table>

Balance due from Treasurer 11th October, 1838, $3,798 35

Balance due from Treasurer 21st October, 1838, $2,300 00

Balance due from Treasurer 30th September, 1838, $89,266 00

Balance due from Treasurer 1st October, 1838, $199,392 42

Balance due from Treasurer 10th October, 1838, $154,647 24

Balance due from Treasurer 20th October, 1838, $44,745 18
Receipts into the Treasury, for Sinking Fund, for same time as above, $89,455 57
Warrants issued same time, 89,455 57
Balance, None.

School Fund, none.

**Schedule A.**

Showing the amount of money received into the Treasury, for Internal Improvement Purposes, and subject to the control of the Board of Internal Improvement, from the 10th day of October, 1838, to the 11th October, 1839, as taken from the Auditor’s Letter and Report.

1838.
October, Of James Clark, Governor, for part proceeds of 5 per cent. State bonds, for Internal Improvement purposes, sold to American Life Insurance and Trust Company of New York, $146,091 87
December, Of James Clark, Governor, for part proceeds of 5 per cent. State bonds, for Internal Improvement purposes, sold to American Life Insurance and Trust Company of New York, 100,000 00

1839.
January, Of James Clark, Governor, for part proceeds of 5 per cent. State bonds, for Internal Improvement purposes, sold to American Life Insurance and Trust Company of New York, 30,000 00
February, Of James Clark, Governor, for part proceeds of 5 per cent. State bonds, for Internal Improvement purposes, sold to American Life Insurance and Trust Company of New York, 30,000 00
Of James Clark, Governor, for part proceeds of 5 per cent. State bonds, for Internal Improvement purposes, sold to American Life Insurance and Trust Company of New York, 90,000 00
Of James Clark, Governor, for part proceeds of 5 per cent. State bonds, for Internal Improvement purposes, sold to American Life Insurance and Trust Company of New York, 60,000 00
Of James Clark, Governor, for part proceeds of 5 per cent. State bonds, for Internal Improvement purposes, sold to American Life Insurance and Trust Company of New York, 261,999 59
Of James Clark, Governor, balance proceeds of 5 per cent. State bonds, for Internal Improvement purposes, sold to American Life Insurance and Trust Company of New York, 50,000 00
Of James T. Morehead, borrowed of the Northern Bank, at four months, interest deducted, $24,483 33
Of James T. Morehead, borrowed of the Bank of Kentucky, at 45,000 00
Of James T. Morehead, net amount of money borrowed of Northern Bank, 13th of July, 1839, 14,690 00
Amounts carried forward, $84,173 33 $850,000 00
Amounts brought forward, $84,173 33
Of James T. Morehead, amount borrowed of the Bank of Kentucky, arrangement 15th June, 1839, 45,000 00
Of James T. Morehead, amount borrowed from Northern Bank Kentucky, deducting interest, for 93,066 67 months,
Of James T. Morehead, amount borrowed of the Bank of Kentucky, 45,000 00
Total amount borrowed of Banks, 267,210 00
1839, October 1, Of Charles A. Wickliffe, Esq., Governor of Kentucky, amount of sale of State bonds, bearing six per cent. interest, to Board of Education, 21,500 00
Total Receipts, for Internal Improvement, 1,138,710 00

SCHEDULE B.

The Auditor's Annual Report to the Legislature shows that, from 28th February, to 10th October, 1838, he drew warrants, founded upon requisitions of the Board of Internal Improvement, amounting to this aggregate sum, $1,008,462 82
His letter to the committee shows that, from the 11th October, 1838, to 27th of February, 1839, he drew warrants, also founded upon requisitions of Board of Internal Improvement, amounting to this sum, 236,869 45
Total warrants drawn by the Auditor of Public Accounts, from 11th October, 1838, to 10th October, 1839, founded upon requisitions of Board of Internal Improvement, $1,245,162 27
To this, add amount of requisitions drawn by Board of Internal Improvement immediately previous to the close of the fiscal year, 10th October, 1838, but not audited until afterwards, 26,693 97
From this, deduct amount of requisitions drawn by Board of Internal Improvement immediately previous to close of fiscal year, 10th October, 1838, but not audited until afterwards, 160,706 88
Aggregate amount of warrants issued upon requisitions drawn by the Board of Internal Improvement, from 11th October, 1838, to 10th October, 1839, $1,110,548 36

The tabular statement accompanying the report of the Board of Internal Improvement shows that they have expended upon all objects of Internal Improvement, and to carry them on, from the 11th October, 1838, to the 10th October, 1839, this sum, $798,036 63
Also, to the Bank of Louisville, 25,335 00
Also, to the Northern Bank of Kentucky, 50,000 00
Also, to the Bank of Kentucky, 229,125 00
The records of the Board of Internal Improvement show that they have drawn requisitions from 11th October, 1838, to 10th October, 1839, which they have not put in their list of expenditures accompanying their annual report, because the sums were drawn in the names of various disbursing agents, and the charges of course only temporary, this sum, 25,326 39

The records of said Board further show, and they have so reported in their list of annual expenditures, that they have charged this aggregate sum to various objects of improvement, but the requisitions having been drawn in the names of various disbursing agents, should now be deducted, 17,364 81

$1,127,813 09

$1,110,548 31
SCHEDULE C.

OFFICE OF BOARD OF INTERNAL IMPROVEMENT.

December 7th, 1839.

SIR: In conformity with a resolution of the House of Representatives of the 5th instant, the Board of Internal Improvement have the honor to report:

That there are now in the service of the Commonwealth, under appointment of the Board, six Engineers, whose names and salaries are as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>M. R. Stealey</td>
<td>$3,000</td>
</tr>
<tr>
<td>A. Livermore</td>
<td>$3,000</td>
</tr>
<tr>
<td>N. B. Buford</td>
<td>$2,500</td>
</tr>
<tr>
<td>H. J. Eastin</td>
<td>$2,000</td>
</tr>
<tr>
<td>W. R. Mc Kee</td>
<td>$2,000</td>
</tr>
<tr>
<td>C. F. Taylor</td>
<td>$1,200</td>
</tr>
</tbody>
</table>

$13,700

The Chief Engineer, Mr. Welch, holds his office by the appointment of the Governor, with the advice and consent of the Senate, and his salary is fixed by law, at $4,000.

The term of service of the Resident and Assistant Engineers depends on the discretion of the Board; that of the Chief Engineer was limited, by law, to three years from the time of his appointment, and his term of service expires with the present session of the General Assembly.

The Chief Engineer has a general superintendence over the affairs of the Board.

Mr. Stealey has charge of the works on the Kentucky river, as Resident Engineer. His general duty is to overlook their progress; to examine the materials used for their construction; to see that the contractors do their duty, and conform to the specifications of the contracts; and to make out and certify estimates of the work done. His duties, in detail, are regulated by the orders of the Board.

Mr. Livermore is the Resident Engineer of the Green and Barren rivers, and Mr. Buford, of the Licking river. Their duties correspond with those of Mr. Stealey.

Mr. Eastin has the general care and superintendence of the Turnpike roads. It is his duty, and that of Mr. Mc Kee, to make surveys, reconnaissances, and to render such other services, connected with the roads, as may be directed by law, or as the Chief Engineer, under the orders of the Board, may require.

Mr. Taylor is employed in the superintendence of particular works in any part of the State, which are not embraced within the sphere of the duties of the Resident and Assistant Engineers; in the execution of plans and maps; and in making such surveys and reconnaissances as, from the multiplied duties of Mr. Eastin and Mr. Mc Kee, it is impossible for them to perform during the year.

During the last spring, the Board dispensed with the services of four of the Engineers then in their employment, whose aggregate salaries amounted to the sum of $7,500.

Very respectfully, your obedient servant,

J. T. MOREHEAD.

Hon. John L. Helm,
President of the Board Int. Imp.

Speaker of the House of Representatives.
## Schedule D.

<table>
<thead>
<tr>
<th>Date of loan and Bank from which the Board borrowed money</th>
<th>Amount of note</th>
<th>Proceeds of note</th>
<th>Discount and interest paid</th>
<th>Total principal, discount &amp; interest paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>1836, September 21, from Bank of Louisville, payable 1st January, 1837,</td>
<td>20,333 33</td>
<td>20,000 00</td>
<td>333 33</td>
<td></td>
</tr>
<tr>
<td>On the 8th March, 1837, the Commissioners of the Sinking Fund paid the interest up to 1st of July, 1837, amounting to this sum,</td>
<td>-</td>
<td>-</td>
<td>610 00</td>
<td></td>
</tr>
<tr>
<td>On the 8th of May, 1837, the note was paid off, the Bank making a deduction for the time it had to run,</td>
<td>-</td>
<td>-</td>
<td>943 33</td>
<td></td>
</tr>
<tr>
<td>1838, March 15, from same Bank, payable one hundred and twenty days after date, viz: 13-16 July, 1838,</td>
<td>20,333 33</td>
<td>19,919 88</td>
<td>413 45</td>
<td>20,516 33</td>
</tr>
<tr>
<td>Paid off on the 7th of September, 1838, with interest from 16th July,</td>
<td>-</td>
<td>-</td>
<td>183 00</td>
<td></td>
</tr>
<tr>
<td>1838, May 24, from same Bank, payable 24th September, 1838,</td>
<td>25,000 00</td>
<td>24,487 50</td>
<td>312 50</td>
<td>25,392 00</td>
</tr>
<tr>
<td>Paid off 11th December, 1838, with interest from 24th September,</td>
<td>-</td>
<td>-</td>
<td>325 00</td>
<td></td>
</tr>
<tr>
<td>Total borrowed from Bank of Louisville previous to 1839,</td>
<td>65,666 66</td>
<td>64,407 38</td>
<td>2,228 18</td>
<td>66,635 56</td>
</tr>
<tr>
<td>1836, October 10, from Bank of Kentucky, due from date,</td>
<td>30,000 00</td>
<td>30,000 00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1837, January 4, do. do. do.</td>
<td>60,000 00</td>
<td>60,000 00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1837, April 1, do. do. do.</td>
<td>30,000 00</td>
<td>30,000 00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1837, April 15, do. do. do.</td>
<td>20,000 00</td>
<td>20,000 00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All paid off on 8th May, 1837, with interest amounting to,</td>
<td>100,000 00</td>
<td>100,000 00</td>
<td>2,154 95</td>
<td>142,154 95</td>
</tr>
<tr>
<td>1838, January 10, from same Bank, due from date,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1838, May 21, do. do. do.</td>
<td>125,000 00</td>
<td>125,000 00</td>
<td>4,125 00</td>
<td>229,125 00</td>
</tr>
<tr>
<td>The two last notes were paid off on the 20th of April, 1839, with interest from 1st of previous January, amounting to,</td>
<td>-</td>
<td>-</td>
<td>4,125 00</td>
<td>229,125 00</td>
</tr>
<tr>
<td>Total borrowed from Bank of Kentucky previous to 1839,</td>
<td>365,000 00</td>
<td>365,000 00</td>
<td>6,279 95</td>
<td>371,279 95</td>
</tr>
<tr>
<td>Date of Loan</td>
<td>Bank from which the Board borrowed money</td>
<td>Amount of note</td>
<td>Proceeds of note</td>
<td>Discount and interest paid</td>
</tr>
<tr>
<td>-------------</td>
<td>----------------------------------------</td>
<td>----------------</td>
<td>-----------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>1836, October 29, from Northern Bank of Kentucky, payable 1st March, 1837,</td>
<td></td>
<td>51,000.00</td>
<td>50,000.00</td>
<td>1,000.00</td>
</tr>
<tr>
<td>On 11th March Commissioners of Sinking Fund paid on this note to Bank,</td>
<td></td>
<td>40,000.00</td>
<td>40,000.00</td>
<td>-</td>
</tr>
<tr>
<td>1837, January 1, from same Bank, due from date.</td>
<td></td>
<td>95,000.00</td>
<td>95,000.00</td>
<td>-</td>
</tr>
<tr>
<td>1837, March 21, do. do. do.</td>
<td></td>
<td>-</td>
<td>-</td>
<td>1,625.00</td>
</tr>
<tr>
<td>On 8th May, 1837, all paid off with interest, amounting to,</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1838, April 3, from same Bank, due six months after date,</td>
<td></td>
<td>50,000.00</td>
<td>48,475.00</td>
<td>1,525.00</td>
</tr>
<tr>
<td>Paid at maturity, (29th September, 1838,)</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1838, May 11, from same Bank, due six months after date,</td>
<td></td>
<td>50,000.00</td>
<td>48,475.00</td>
<td>1,525.00</td>
</tr>
<tr>
<td>Paid at maturity, (11th December, 1838,)</td>
<td></td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total borrowed from Northern Bank of Kentucky previous to 1839,</td>
<td></td>
<td>216,000.00</td>
<td>211,850.00</td>
<td>4,150.00</td>
</tr>
<tr>
<td>Total borrowed from all Banks before 1839,</td>
<td></td>
<td>646,666.66</td>
<td>641,537.38</td>
<td>14,130.00</td>
</tr>
</tbody>
</table>

**RECAPITULATION.**

| Borrowed from Bank of Louisville, | | 65,666.66 | 64,407.38 | 2,259.28 | 68,625.56 |
| Bank of Kentucky, | | 365,000.00 | 363,000.00 | 2,000.00 | 371,000.00 |
| Northern Bank of Kentucky, | | 216,600.00 | 211,950.00 | 4,650.00 | 217,643.55 |
| Total from Banks previous to 1839, | | 646,666.66 | 641,537.38 | 14,130.00 | 655,559.06 |
Total amount paid the Banks, ..... $655,559 06
Total amount received from the Banks, ..... 641,357 38
Difference—interest and discount, ..... $14,201 68

The Commissioners of the Sinking Fund paid of the interest, as heretofore shown, this sum,
To Bank of Louisville, ..... $ 610 00
To Northern Bank of Kentucky, ..... 1,000 00

1,610 00

Paid by Board Internal Improvement, ..... $12,591 68
Interest on loans of 1839, as shown in Schedule E, ..... 3,373 33
Total interest to Banks, checked for by Board of Internal Improvement, ..... $15,965 01

It may be proper to observe that the sum of $655,559 06 paid to the Banks, as shown by the foregoing table, was paid out of the proceeds of the sales of the State Bonds; also, the $3,373 33 interest.

---

**Schedule E.**

Statement of indebtedness to Banks up to 1st February, 1840.

<table>
<thead>
<tr>
<th>Amount of note</th>
<th>Proceeds of note</th>
</tr>
</thead>
<tbody>
<tr>
<td>1839, May 20, from Northern Bank of Kentucky,</td>
<td>25,000 00</td>
</tr>
<tr>
<td>June 15, from Bank of Kentucky,</td>
<td>45,000 00</td>
</tr>
<tr>
<td>July 13, from Northern Bank of Kentucky,</td>
<td>15,000 00</td>
</tr>
<tr>
<td>July 15, from Bank of Kentucky,</td>
<td>45,000 00</td>
</tr>
<tr>
<td>August 13, from Northern Bank of Kentucky,</td>
<td>95,000 00</td>
</tr>
<tr>
<td>August 15, from Bank of Kentucky,</td>
<td>45,000 00</td>
</tr>
<tr>
<td>October 7, from Northern Bank of Kentucky,</td>
<td>30,000 00</td>
</tr>
<tr>
<td>October 11, and 29, from Bank of Kentucky,</td>
<td>45,000 00</td>
</tr>
<tr>
<td>November 5, from Northern Bank of Kentucky,</td>
<td>30,000 00</td>
</tr>
<tr>
<td>November 29, from Bank of Louisville,</td>
<td>30,000 00</td>
</tr>
<tr>
<td>December 13, from Northern Bank of Kentucky,</td>
<td>30,000 00</td>
</tr>
<tr>
<td>1840, January 2, do. do. do.</td>
<td>30,000 00</td>
</tr>
<tr>
<td>Dollars,</td>
<td>445,000 00</td>
</tr>
</tbody>
</table>

**RECAPITULATION.**

<table>
<thead>
<tr>
<th>Amount of</th>
<th>Proceeds of</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total from Northern Bank of Kentucky,</td>
<td>335,000 00</td>
</tr>
<tr>
<td>Total from Bank of Kentucky,</td>
<td>180,000 00</td>
</tr>
<tr>
<td>Total from Bank of Louisville,</td>
<td>30,000 00</td>
</tr>
<tr>
<td>Dollars,</td>
<td>445,000 00</td>
</tr>
</tbody>
</table>
SCHEDULE F.

ENGINEER'S OFFICE, January 12th, 1840.

Sir:
The State's proportion of the amount due to contractors for work done on the Roads and Rivers, so far as I can ascertain, is as follows, to wit:

**Northern Division.**

<table>
<thead>
<tr>
<th>Road Description</th>
<th>Amount Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lexington and Winchester road</td>
<td>$700.00</td>
</tr>
<tr>
<td>Versailles and Kentucky river road</td>
<td>$4,500.00</td>
</tr>
<tr>
<td>Lexington, Harrodsburg and Perryville road</td>
<td>$9,520.75</td>
</tr>
<tr>
<td>Lexington and Covington road</td>
<td>$12,336.00</td>
</tr>
<tr>
<td>Mount Sterling and Maysville road</td>
<td>$11,396.00</td>
</tr>
<tr>
<td>Maysville and Bracken road</td>
<td>$6,017.00</td>
</tr>
<tr>
<td>Owingsville and Big Sandy road</td>
<td>$23,500.00</td>
</tr>
<tr>
<td>Kentucky River Navigation</td>
<td>$89,281.00</td>
</tr>
<tr>
<td><strong>Total amount due northern division</strong></td>
<td><strong>$157,244.75</strong></td>
</tr>
</tbody>
</table>

**Middle Division.**

<table>
<thead>
<tr>
<th>Road Description</th>
<th>Amount Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lexington, Harrodsburg and Perryville road</td>
<td>$7,969.55</td>
</tr>
<tr>
<td>Lexington and Richmond road</td>
<td>$17,883.00</td>
</tr>
<tr>
<td>Muldrow's Hill Turnpike road</td>
<td>$4,685.85</td>
</tr>
<tr>
<td>Hardinsville, Harrodsburg and Crab Orchard road</td>
<td>$9,200.00</td>
</tr>
<tr>
<td>Crab Orchard and Cumberland Gap road</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Louisville, Elizabethtown to Munfordville</td>
<td>$31,135.80</td>
</tr>
<tr>
<td>Louisville, Bardstown to Green river</td>
<td>$33,508.94</td>
</tr>
<tr>
<td>Danville, Lancaster and Nicholasville road</td>
<td>$250.00</td>
</tr>
<tr>
<td><strong>Total amount due middle division</strong></td>
<td><strong>$111,483.14</strong></td>
</tr>
</tbody>
</table>

**Southern Division.**

<table>
<thead>
<tr>
<th>Road Description</th>
<th>Amount Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Munfordville to the Tennessee line</td>
<td>$55,884.19</td>
</tr>
<tr>
<td>Green river to the Tennessee line</td>
<td>$45,121.58</td>
</tr>
<tr>
<td>Logan, Todd and Christian</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Green and Barren River Navigation</td>
<td><strong>$105,068.77</strong></td>
</tr>
<tr>
<td><strong>Total amount due to southern division</strong></td>
<td><strong>$118,285.71</strong></td>
</tr>
<tr>
<td>Grand total amount due roads</td>
<td><strong>$284,455.56</strong></td>
</tr>
<tr>
<td>Grand total amount due rivers</td>
<td><strong>$102,557.94</strong></td>
</tr>
<tr>
<td><strong>Total amount due from the State to Public Works</strong></td>
<td><strong>$387,013.90</strong></td>
</tr>
</tbody>
</table>

H. J. EASTIN.
### Schedule G.

On the 10th of October, 1838, S. Welch, Chief Engineer, stood indebted, for advances previously made, and not settled, this sum, $256.06

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1839, January 1</td>
<td>1,000.00</td>
</tr>
<tr>
<td>1839, April 1</td>
<td>1,000.00</td>
</tr>
<tr>
<td>1839, April 29</td>
<td>250.00</td>
</tr>
<tr>
<td>1839, July 2</td>
<td>1,000.00</td>
</tr>
<tr>
<td>1839, October 7</td>
<td>1,000.00</td>
</tr>
</tbody>
</table>

**Credit.**

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1838, December 31</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>1839, March 31</td>
<td>1,000.00</td>
</tr>
<tr>
<td>1839, June 30</td>
<td>1,000.00</td>
</tr>
<tr>
<td>1839, September 30</td>
<td>1,000.00</td>
</tr>
<tr>
<td>1839, December 31</td>
<td>1,000.00</td>
</tr>
</tbody>
</table>

**$4,506.06**

On the 10th of October, 1838, M. R. Stealey, Resident Engineer, stood indebted, for advances previously made, and unsettled, this sum, $83.25

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1839, January 1</td>
<td>750.00</td>
</tr>
<tr>
<td>1839, April 18</td>
<td>750.00</td>
</tr>
<tr>
<td>1839, May 19</td>
<td>1,024.07</td>
</tr>
<tr>
<td>1839, May 27</td>
<td>375.00</td>
</tr>
<tr>
<td>1839, July 2</td>
<td>375.00</td>
</tr>
<tr>
<td>1839, July 26</td>
<td>*2,000.00</td>
</tr>
<tr>
<td>1839, November 11</td>
<td>750.00</td>
</tr>
</tbody>
</table>

**Credit.**

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1838, Dec. 31</td>
<td>750.00</td>
</tr>
<tr>
<td>1839, March 31</td>
<td>750.00</td>
</tr>
<tr>
<td>1839, May 10</td>
<td>750.00</td>
</tr>
<tr>
<td>1839, May 27</td>
<td>1,107.32</td>
</tr>
<tr>
<td>1839, June 30</td>
<td>750.00</td>
</tr>
<tr>
<td>1839, Sept. 30</td>
<td>750.60</td>
</tr>
</tbody>
</table>

**$4,107.32**

*This sum was advanced to defray expense of procuring hands for Kentucky river locks, and is chargeable to Kentucky River Navigation, when the account is settled. It passed through Mr. Stealey's hands, because he was the officer who had the general superintendence of that navigation.*
On the 10th of October, 1838, N. B. Buford, Resident Engineer, stood indebted, for advances previously made, and not settled, this sum, $1,275.44
1838, October 15, he received this sum, 400.00
1838, October 25, he received this sum, 500.00
1838, November 24, he received this sum, 333.33
1838, November 24, he received this sum, 500.00

$3,008.77

1838, October 25, he settled account for survey of Big Sandy river, $898.93
1838, October 25, also, survey of Pikeville and Sounding Gap road, 110.00
1838, October 25, also, survey of Mountsterling and Virginia line road, 63.00
1838, October 25, also, for office rent, office furniture, &c. &c. charged to Licking River Navigation, 259.53
1838, November 24, for land at lock No. 1, of J. Taylor, Jr., 400.00
1838, December 20, for land at lock No. 3, of J. B. Casey, 333.33
1838, December 31, also, for services to date, 4th quarter's salary, 625.00

2,689.79

1839, January 1, he received this sum, 625.00
1839, April 1, he received this sum, 625.00
1839, June 25, he received this sum, 1,000.00
1839, July 2, he received this sum, 625.00
1839, September 2, he received this sum, 625.00
1839, August 30, he received this sum, 1,000.00
1839, October 24, he received this sum, 1,000.00

$5,818.98

1839, March 31, by services to date, 1st quarter's salary, $625.00
1839, June 30, by services to date, 2d quarter's salary, 625.00
1839, July 11, by cash paid, advertising lock to let, 15.00
1839, July 11, by cash paid A. W. Gilbert, actual expenses of estimating work on Pikeville and Sounding Gap road, charged to said road, 24.37
1839, July 11, he paid for land at No. 4 and 5, office rent, fuel, &c. and charged to Licking River Navigation, 759.61
1839, Sept. 30, by services to date, 3d quarter's salary, 625.00
1839, December 9, by cash paid for clearing banks of Licking river, and charged to that navigation, 3,067.07

5,741.05

$77.93
On the 10th of October, 1838, H. J. Eastin, Resident Engineer, stood indebted, 
for advances previously made; and not settled, this sum,
1838, December 8, he received this sum, 600.00
1838, December 31, by services to date, 4th quarter's salary, 1,300.00
1839, January 5, he received this sum, 400.00
1839, April 10, he received this sum, 400.00
1839, April 29, he received this sum, 500.00
1839, February 22, by cash paid survey of various roads, to make map under resolution of the Legislature, 2,200.00
1839, February 22, paid expenses in examining roads, 250.00
1839, February 22, paid expenses going twice after Arch. Woods, 25.00
1839, February 22, paid expenses going to Stanford for road maps, 14.25
1839, February 22, paid expenses sale of bridge over Rolling Fork, 27.75
1839, February 22, paid expenses in examining various roads, 70.50
1839, February 22, paid expenses in examining Georgetown, Covington & Maysville road, 156.66
1839, February 22, paid for Theodolite, &c., 185.00
1839, February 22, paid for survey of road from Bear Wallow to Bell's, 107.75
1839, February 22, paid for stationary and printing contracts, 125.38
1839, March 31, by services to date, 1st quarter's salary, 400.00
1839, June 30, by services to date, 2d quarter's salary, 500.00
1839, July 2, to cash advanced, this sum, 298.58
1839, July 2, to cash advanced, this sum, 500.00
1839, August 30, to cash advanced, this sum, 250.00
1839, September 21, to cash advanced, this sum, 500.00
1839, September 23, to cash advanced, this sum, 500.00
1839, July 2, by cash paid survey of Crab Orchard and Cumberland Gap road, 652.67
1839, September 30, by services to date, 3d quarter's salary, 500.00
1839, December 31, by services to date, 4th quarter's salary, 500.00
1839, December 31, by services to date, 4th quarter's salary, 1,652.67

Balance, charged to general expenses, 1,295.91
Mr. Eastin has accounts in the office more than covering the within balance, for surveys, &c. made the past season, but which have not been settled, owing to the very great press of other business.

On the 31st December, 1838, there was advanced to George R. Eichbaum, Assistant Engineer, expenses of reconnaissance of Tradewater river, $100 00.
He returned and settled his account for this sum, charged to Tradewater appropriation, 100 37.

On the 10th of October, 1838, C. F. Taylor, Assistant Engineer, stood indebted, for advances previously made, and unsettled, this sum, $2,000 00.
1838, October 15, he received this sum, 2,000 00.
1839, January 1, he received this sum, 200 00.
1839, March 25, he received this sum, 200 00.
1839, April 18, he received this sum, 500 00.
1839, June 30, he received this sum, 300 00.
1839, September 30, he received this sum, 300 00.

1838, November 14, he settled his account for cash paid for improvement of Smith's Shoals on Cumberland river, this sum, $3,199 69.
He returned cash this sum, 800 31.
1838, December 31, by services to date, 4th quarter's salary, 200 00.
1839, March 31, by services to date, 1st quarter's salary, 200 00.
1839, June 30, by services to date, 2d quarter's salary, 300 00.
1839, August 10, cash paid survey of Irvine and mouth of Troublesome road, 448 50.
1839, September 10, expense of two trips to Harrodsburg after Capt. Daviess, another to attend letting of locks, and to Manchester for same purpose, &c., &c., 52 06.
1839, September 30, by services to date, 3d quarter's salary, 300 00.

1838, October 15, he received this sum, 2,000 00.
1838, October 31, he received this sum, 500 00.

On the 10th of October, 1838, Antes Snyder, Resident Engineer, stood indebted, for advances previously made, and not settled, this sum, $2,000 00.
1838, October 31, he received this sum, $2,500 00.
This sum was drawn for in Mr. Snyder's name, to be handed over to Messrs. White and Garrard, who superintended the improvement of Goose creek and South Fork of Kentucky river, and is acknowledged to have been received by them in their report to, and settlement with, the Board of Internal Improvement.

On the 28th December, 1838, there was advanced to W. B. Foster, Jr. Resident Engineer, as follows:

For expenses of a trip to Smith's Shoals on Cumberland river to attend letting of work on the Shoals, 24 13
For expense of reconnoissance of Pond river and Rough creek, in August 1838, and preparing for letting work, &c., 45 37
For expenses of reconnoissance of Nolin, Caney and Bear creeks, in November 1838, and putting under contract Pond river and Rough creek, and having work commenced on Muddy river, 121 17
For expenses in December 1838, in examining the tributaries of Green river, under contract, 58 93

1839, February 23, he received for expenses of reconnoissance of Green river from Neatsville to mouth of Little Barren, and attending at Cadiz to receive proposals for work on Little river, 121 58

$249 60

1839, May 15th, George Stealey received this sum towards expense of test level on the Kentucky river, 250 00
1839, June 11, he settled his account for running the level and received this sum, being balance due on said account, and charged to Kentucky River Navigation, 430 28

$680 28

On 21st September, 1839, W. R. McKee, Resident Engineer, received this sum, to defray expenses of surveys, 500 00
1839, November 28, also, this sum, 800 00

$1,300 00

Mr. McKee is now engaged in making out his reports of surveys made the past year. He has sent his accounts to the office, and more than overbalance the above, but the press of other business prevents their immediate settlement.
1839, January 17, M. V. Thomson, a member of the Board, received for two days service in June, two in July, twenty one in August and September, three in October and ten in December 1838, in all thirty eight days, and for expenses, this sum, $235 13

1839, February 9, he received for thirteen days service in January, and three in February, in all sixteen days, and for expenses, this sum, 78 25

1839, August 9, he received for seven days service in June, seven in July, and three in August, in all seventeen days, and for expenses, this sum, 78 25

1839, October, he received for one days service in August, and six in September, in all seven days, and expenses, 31 25

Whole number of days served by Mr. Thompson, 78.

Per diem, 234 00
Expenses, 183 88
Total, $417 88

The above includes a trip to Bowlinggreen in 1838, and Barren and Green rivers, to the locks.

1839, February 23, Samuel Daviess, a member of the Board, received for four days in July, twenty two in August and September, four in October, nineteen in November and December 1838, twenty in January and nine in February 1839, in all seventy eight days, and for expenses, this sum, 430 47

The above includes a trip to Bowlinggreen in 1838, and down Barren and Green rivers to the locks.

1839, December 18, he received for eight days service in March, seventeen in May, ten in June, six in July, twenty two in August, two in September, two in November, and eleven in December 1839, and for expenses, this sum, 452 99

Whole number of days served by Mr. S. Daviess, 156.

Per diem, 468 00
Expenses, 415 46
Total, 883 46

The above includes a trip to Licking to attend letting of locks, to Manchester for same purpose, to Bowlinggreen for same purpose, and to Hopkinsville.

1839, January 17, James R. Skiles, member of the Board, received for sixteen days service in May, seventeen in August and September, and thirty in November and December, in all sixty three days, and for expenses, this sum, 334 00

1839, February 23, and 9th March, he received for services from 1st January to 1st March, inclusive, sixty days, and in March from 5th to 25th, twenty days, in all eighty days, and for expenses, 399 00

1839, December 18, he received for thirty one days service in November and December, and for expenses, 160 00

Total, 893 00
Whole number of days served by Mr. Skiles, 174.

<table>
<thead>
<tr>
<th>Per diem, Expenses</th>
<th>522 00</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>371 00</td>
</tr>
<tr>
<td></td>
<td>893 00</td>
</tr>
</tbody>
</table>

1838, June 2, James T. Morehead, President of the Board of Internal Improvement, received an advance, to defray expenses, of this sum, 250 00
1838, August, he received this sum, 150 00
1838, September, he received this sum, 86 10

He has rendered an account for various expenses from April 1838, to October 1839, for 502 50

(3.)

[Letter from Mr. Hopkins to Mr. Bullock, and his reply.]

REPRESENTATIVE CHAMBER, February 2, 1840.

Sir:

Will you do me the favor to make out and send to me, as soon as convenient, for the use of the Committee on the Expenditures of the Board of Internal Improvement, a statement of all the sums of money realized from the sale of Internal Improvement Bonds executed and sold by the Governor on the part of the State, together with the amounts and dates of the Auditor's quietuses for those sums?

I would, also, be obliged if you would send me a list of the State Bonds, issued for the purpose of paying the State stock in the Bank of Kentucky and Northern Bank.

Very respectfully,

Your obedient servant,

EDMUND H. HOPKINS,
Chairman Committee of Expenditures Board Internal Improvement.

J. M. BULLOCK, Esq., Secretary of State.

EXECUTIVE DEPARTMENT,
Frankfort, February 4, 1840.

Sir:

In compliance with your request, I inclose you the following tables: that marked (H,) exhibiting the sales of Internal Improvement Bonds—that marked (I) exhibits the sale of State scrip issued in payment of stock in the Bank of Kentucky and Northern Bank of Kentucky; both of which tables also show the net proceeds of sales of bonds and scrip, the par value, and net profit. The table marked (K) refers to the particular acts under which sales of bonds were made, and the table marked (J) shows the amount received upon sales of Internal Improvement Bonds,
and paid into the Treasury by Lieutenant and Acting Governor Morehead, the late Governor Clarke, and Lieutenant and Acting Governor Wickliffe, and dates of quietuses issued therefor. Which tables respond fully to the inquiries made in your letter.

Respectfully,

J. M. BULLOCK,
Secretary of State.
Chairman Committee on Expenditures Board Int. Imp.

SCHEDULE H.

Table showing sales of Internal Improvement Bonds.

<table>
<thead>
<tr>
<th>Year</th>
<th>Description</th>
<th>Date</th>
<th>Amount (dollars)</th>
<th>Rate (%)</th>
<th>Par Value</th>
<th>Commission</th>
<th>Premium</th>
<th>Exchange</th>
<th>Expenses</th>
<th>Realized</th>
</tr>
</thead>
<tbody>
<tr>
<td>1835</td>
<td>May 25, 100,000 dollars 5 per cent. Bonds to the Bank of Kentucky, at par</td>
<td>100,000 00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>August 1, 100,000 dollars 5 per cent. Bonds to Prime, Ward &amp; King, by E. I. Winter</td>
<td>100,000 00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Premium, 3.10 per cent.</td>
<td></td>
<td>3,100 00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Two days’ interest.</td>
<td></td>
<td>27 39</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Exchange,</td>
<td></td>
<td>297 50</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>103,334 89</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 1836  | April 25, 100,000 dollars 5 per cent. Bonds to the Northern Bank of Kentucky, par | 100,000 00 |                |          |           |            |         |          |          |          |
|       | June 1, 50,000 dollars 5 per cent. Bonds to the Bank of Kentucky, par | 50,000 00 |                |          |           |            |         |          |          |          |
|       | May 15, 500,000 dollars 5 per cent. Bonds to the Commissioners of the Sinking Fund, par | 500,000 00 |                |          |           |            |         |          |          |          |
|       | July 1, 179,000 dollars 5 per cent. Bonds to the Commissioners of the Sinking Fund, par | 179,000 00 |                |          |           |            |         |          |          |          |
|       | October 1, 200,000 dollars 5 per cent. Bonds to the Commissioners of the Sinking Fund, par | 200,000 00 |                |          |           |            |         |          |          |          |
|       | July 1, 1,250,000 dollars 6 per cent. Bonds to the American Life Insurance and Trust Company, New York, by J. M. Bullock | 1,250,000 00 |                |          |           |            |         |          |          |          |
|       | Premium of sale, exchange and interest, realized upon the negotiation | 44,309 50  |                |          |           |            |         |          |          |          |
|       | Expenses of negotiation | | 4,508 13      |          |           |            |         |          |          |          |
|       | Total | | 1,294,909 50  |          |           |            |         |          |          |          |

| 1838  | October 1, 21,500 dollars 6 per cent. Bonds to Board Education, par | 21,500 00 |                |          |           |            |         |          |          |          |
|       | January 1, 22,000 dollars 6 per cent. Bonds to Board Education, par | 22,000 00 |                |          |           |            |         |          |          |          |
|       | January 1, 18,000 dollars 6 per cent. Bonds to contractors on turnpike roads, par | 18,000 00 |                |          |           |            |         |          |          |          |
|       | January 1, 1,000 dollars 6 per cent. Bonds to Jacob Swiger, par | 1,000 00  |                |          |           |            |         |          |          |          |
|       | April 1, 165,000 dollars 5 per cent. Bonds to War Department, by John Tilford, at $995 for $100 | 165,600 00 |                |          |           |            |         |          |          |          |
|       | per cent. to agent | | 3,300 00      |          |           |            |         |          |          |          |
|       | Exchange, 1 per cent. on $125,440 | | 4,125 90      |          |           |            |         |          |          |          |
|       | Total | | 169,875 00    |          |           |            |         |          |          |          |

| 1837  | Total | | 1,254 40      |          |           |            |         |          |          |          |

$2,737,438 97
### Schedule I.

**Table showing State Scrip issued in payment of stock in the Bank of Kentucky and Northern Bank of Kentucky.**

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount Issued (dollars)</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1835</td>
<td></td>
<td></td>
</tr>
<tr>
<td>April 15</td>
<td>500,000</td>
<td>5 per cent. scrip to the Bank of Kentucky, at par,</td>
</tr>
<tr>
<td>July 1</td>
<td>500,000</td>
<td>5 per cent. scrip to Bank of Kentucky, at par,</td>
</tr>
<tr>
<td>September 15</td>
<td>500,000</td>
<td>5 per cent. scrip to the Northern Bank of Kentucky, 500,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Premium 2 per cent., 10,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1/4 of 1 per cent. commission to E. I. Winter, 510,000</td>
</tr>
<tr>
<td>1836</td>
<td></td>
<td></td>
</tr>
<tr>
<td>July 1</td>
<td>500,000</td>
<td>5 per cent. scrip to the Northern Bank of Kentucky, 500,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Premium 1 1/2 per cent., 7,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Net proceeds of sales of Bonds and Scrip, 4,752,388.27</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Par value of Bonds and Scrip, 4,697,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Net profit, 54,888.27</td>
</tr>
</tbody>
</table>

### Schedule J.

**Table, showing the amounts received upon sales of Internal Improvement Bonds, and paid into the Treasury by Lieutenant and Acting Governor Morehead, the late Governor Clark, and Lieutenant and Acting Governor Wickliffe, and dates of quietuses issued therefor.**

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount Received (dollars)</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1835</td>
<td></td>
<td></td>
</tr>
<tr>
<td>June 8</td>
<td>100,000</td>
<td>Sold to Bank of Kentucky,</td>
</tr>
<tr>
<td>August 11</td>
<td>103,000</td>
<td>Sold to Prime, Warner and King, New York.</td>
</tr>
<tr>
<td>August 23</td>
<td>207.50</td>
<td>Exchange,</td>
</tr>
<tr>
<td>1836</td>
<td></td>
<td></td>
</tr>
<tr>
<td>April 21</td>
<td>100,000</td>
<td>Sold to Northern Bank of Kentucky.</td>
</tr>
<tr>
<td>June 1</td>
<td>50,000</td>
<td>Sold to Bank of Kentucky,</td>
</tr>
<tr>
<td>1837</td>
<td></td>
<td></td>
</tr>
<tr>
<td>April 15</td>
<td>125,034.40</td>
<td>Sold to War Department,</td>
</tr>
<tr>
<td>June 5</td>
<td>500,000</td>
<td>Sold to Commissioners of the Sinking Fund,</td>
</tr>
<tr>
<td>June 22</td>
<td>35,062.20</td>
<td>Sold to War Department,</td>
</tr>
<tr>
<td>July 30</td>
<td>170,000</td>
<td>Sold to Commissioners of the Sinking Fund,</td>
</tr>
<tr>
<td>October 2</td>
<td>200,000</td>
<td>Sold to Commissioners of the Sinking Fund,</td>
</tr>
<tr>
<td>1838</td>
<td></td>
<td></td>
</tr>
<tr>
<td>July 6</td>
<td>150,000</td>
<td>Sold to American Life Insurance and Trust Company,</td>
</tr>
<tr>
<td>August 16</td>
<td>100,000</td>
<td>do do do do do do do do do do do do do do do do do do do do do do do do</td>
</tr>
<tr>
<td>September 14</td>
<td>100,000</td>
<td>do do do do do do do do do do do do do do do do do do do do do do do do</td>
</tr>
<tr>
<td>September 28</td>
<td>50,000</td>
<td>do do do do do do do do do do do do do do do do do do do do do do do do</td>
</tr>
</tbody>
</table>
SCHEDULE J—Continued.

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 11</td>
<td>146,091</td>
<td>Sold to American Life Insurance and Trust Company.</td>
</tr>
<tr>
<td>December 5</td>
<td>100,000</td>
<td>do do do do</td>
</tr>
<tr>
<td>December 31</td>
<td>100,000</td>
<td>do do do do</td>
</tr>
<tr>
<td>January 31</td>
<td>30,000</td>
<td>do do do</td>
</tr>
<tr>
<td>February 12</td>
<td>30,000</td>
<td>do do do</td>
</tr>
<tr>
<td>February 25</td>
<td>30,000</td>
<td>do do do</td>
</tr>
<tr>
<td>April 15</td>
<td>60,000</td>
<td>do do do</td>
</tr>
<tr>
<td>April 19</td>
<td>261,999</td>
<td>do do do</td>
</tr>
<tr>
<td>April 29</td>
<td>50,000</td>
<td>do do do</td>
</tr>
<tr>
<td>May 11</td>
<td>41,398</td>
<td>do do do</td>
</tr>
<tr>
<td>October 11</td>
<td>21,500</td>
<td>Sold to Board of Education.</td>
</tr>
<tr>
<td>1840</td>
<td></td>
<td></td>
</tr>
<tr>
<td>January 6</td>
<td>22,000</td>
<td>Sold to Board of Education.</td>
</tr>
<tr>
<td>January 16</td>
<td>18,000</td>
<td>Sold to Public Contractors.</td>
</tr>
<tr>
<td>January 17</td>
<td>1,000</td>
<td>Sold to Jacob Swigert.</td>
</tr>
<tr>
<td></td>
<td>2,698,464</td>
<td></td>
</tr>
</tbody>
</table>

Note.—All the quietuses for the payment into the Treasury of the above amounts, are filed in the office of Secretary of State, except for $100,000 sold to the Northern Bank of Kentucky, 25th April, 1835, and for $50,000 sold to the Bank of Kentucky, 1st of June, 1836; for evidence of the payments of which into the Treasury, see Auditor's Report, Journal of the Senate 1836-7, page 49.

SCHEDULE K.

The first act authorizing bonds to be sold for internal improvement purposes, passed 28th February, 1835.
Section 5 authorized the Governor to sell the bonds of the State at 5 per cent. interest as the money might be needed to meet the sums appropriated to rivers and roads, by said act; which amount sold was not to exceed $1,000,000.
Under the 27th section of this act, not more than $300,000 of the scrip was to be sold prior to the 1st January, 1836, and not exceeding one third of the residue was to be sold in each of the succeeding three years.
Under this law, Governor Morehead sold to the Bank of Kentucky, at par, 8th June, 1835.
The agent, E. I. Winter, sold to Prime, Ward and King, New York, at 3.10 per cent.
The whole amount was deposited to the credit of the Treasury, and for which the Auditor's quietus was taken and filed. See Governor Morehead's Message, Journal of 1835-6, 11th August, 1835.
By the act 9th February, 1836, so much of the law as restricts the sale of the scrip to one third in the three subsequent years, was repealed, and the Governor authorized to sell at it might be wanted.
Under this law, Governor Morehead sold, of the 5 per cent. bonds, as follows:—
25th April, 1836, To Northern Bank of Kentucky, 100,000 00
1st June, 1836, To Bank of Kentucky, 100,000 00
Under the act of 1835, exclusive of premiums, 50,000 00
Amount carried forward, 350,000 00
Amount brought forward, $350,000

By the act of 29th February, 1836, one other million was to be borrowed. Under this law Governor Morehead sold nothing. Governor Clark came into office August, 1836, and there remained to be sold of the two millions $1,650,000.

In 1837, April and June, Governor Clark sold to the Secretary of War, of the 5 per cent. bonds, at a discount of 2 per cent., 165,000.

To the Commissioners of the Sinking Fund, being the United States surplus revenue directed to be invested for School Fund, 560,000.

On account of Sinking Fund, 20,000.

Total 5 per cent. bonds, $1,935,000.

Under the act of 16th February, 1836, the Governor was authorized to sell the bonds to the amount of $1,250,000, at 6 per cent. This amount was sold to the American Life Insurance and Trust Company of New York, by Governor Clark, 1,250,000.

Under the act of 1839, Governor Wickliffe has sold as follows:

To the Board of Education, 43,500.
To public contractors, 18,000.
To Jacob Swigert, 1,000.

Total 6 per cent. Bonds, $1,312,500.
5 per cent. Bonds, 1,385,000.

Total, $2,697,500.

SCHEDULE L.

Statement showing the aggregate sums paid to the various objects of Internal Improvement, and to carry them on, from 11th October, 1838, to 10th October, 1839, inclusive, by the Board of Internal Improvement.

<table>
<thead>
<tr>
<th>Style of Improvement</th>
<th>Amount</th>
<th>Reference to Acts authorizing Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Muldrow Hill turnpike road, Franklin county, road from Hardinsville to Lawrenceburg</td>
<td>6,126.75</td>
<td>Session acts 1833-4, page 672; 1834-5, section 29 of Internal Improvement act, p. 293; 1835-6, p. 92; 1836-7, p. 284; 1837-8, p. 337.</td>
</tr>
<tr>
<td>Board Internal Improvement Mercer county,</td>
<td>1,050.00</td>
<td>Session acts 1833-4, 4th sec., page 305; 1834-5, page 172; 1835-6, pages 139 and 216; 1836-7, pages 21, 92, 119, 156, 199 and 317, and 31 sec. of Internal Improvement act, page 297.</td>
</tr>
<tr>
<td>Board Internal Improvement Lincoln county,</td>
<td>13,722.00</td>
<td>See references last above, also acts 1833-4, p. 485.</td>
</tr>
<tr>
<td>Danville, Lancaster and Nicholasville road,</td>
<td>7,279.00</td>
<td>Do. do. do. do.</td>
</tr>
<tr>
<td>Board Internal Improvement Scott county,</td>
<td>19,938.00</td>
<td>Session acts 1833-4, page 523; 1834-5, page 337; 1836-7, page 198; 1838-9, page 330.</td>
</tr>
<tr>
<td>Winchester and Lexington road,</td>
<td>5,101.00</td>
<td>1834-5, page 309; 1835-6, page 301.</td>
</tr>
<tr>
<td>Covington and Georgetown do.</td>
<td>455.00</td>
<td>1835-6, page 553; 1836-7, page 222; 1837-8, page 282.</td>
</tr>
<tr>
<td>Louisville to the mouth of Salt river,</td>
<td>500.00</td>
<td>1834-5, page 537; 1834-5, page 74; 1835-6, page 713; 1836-7, p. 6; 1838-9, p. 371.</td>
</tr>
<tr>
<td>Mouth Salt river to Elizabethtown,</td>
<td>7,834.00</td>
<td>Act 1833-4, p. 577; 1834-5, p. 24; 1836-7, p. 260; 1836-7, p. 304; 1836-7, p. 31 and 49;</td>
</tr>
<tr>
<td>Elizabethtown to Belle's Tavern,</td>
<td>31,250.00</td>
<td>1833-4, p. 377; 1834-5, p. 24; 1835-6, p. 260; 1836-7, p. 304; 1836-7, p. 31 and 49;</td>
</tr>
<tr>
<td>Belle's Tavern to Bowling Green,</td>
<td>65,138.00</td>
<td>1834-5, p. 24; 1835-6, p. 260; 1836-7, p. 304; 1836-7, p. 31 and 49;</td>
</tr>
<tr>
<td>Bowling Green to Tennessee line,</td>
<td>12,334.00</td>
<td>1834-5, p. 24; 1835-6, p. 260; 1836-7, p. 304; 1836-7, p. 31 and 49;</td>
</tr>
<tr>
<td>60</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schedule L.—Continued.</td>
<td>Amount ($)</td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>Mt. Sterling and Va. line road</td>
<td>5,351.37</td>
<td></td>
</tr>
<tr>
<td>Piketville and Sounding Gap road</td>
<td>2,110.00</td>
<td></td>
</tr>
<tr>
<td>Bardstown and Springfield road</td>
<td>3,100.30</td>
<td></td>
</tr>
<tr>
<td>Richmond and Lexington road</td>
<td>4,166.00</td>
<td></td>
</tr>
<tr>
<td>Crab Orchard &amp; Cumberland Gap road</td>
<td>652.67</td>
<td></td>
</tr>
<tr>
<td>Owingsville and Big Sandy road</td>
<td>21,800.00</td>
<td></td>
</tr>
<tr>
<td>Lexington, Harrodsburg and Perryville road</td>
<td>22,434.08</td>
<td></td>
</tr>
<tr>
<td>Bardstown and Louisville road</td>
<td>2,000.00</td>
<td></td>
</tr>
<tr>
<td>Bardstown and Green river do</td>
<td>51,090.00</td>
<td></td>
</tr>
<tr>
<td>Glasgow and Scottsville do</td>
<td>99,937.00</td>
<td></td>
</tr>
<tr>
<td>Mountstirling and Maysville do</td>
<td>22,631.00</td>
<td></td>
</tr>
<tr>
<td>Versailles &amp; Anderson co. line</td>
<td>4,400.00</td>
<td></td>
</tr>
<tr>
<td>Maysville and Bracken road</td>
<td>9,558.00</td>
<td></td>
</tr>
<tr>
<td>State and stage road from mouth of Salt river to Shawneetown</td>
<td>3,000.00</td>
<td></td>
</tr>
<tr>
<td>Breckinridge county</td>
<td>1,550.00</td>
<td></td>
</tr>
<tr>
<td>Daviess do</td>
<td>1,000.00</td>
<td></td>
</tr>
<tr>
<td>Union do</td>
<td>4,000.00</td>
<td></td>
</tr>
<tr>
<td>Lexington and Ohio Rail road</td>
<td>7,500.00</td>
<td></td>
</tr>
<tr>
<td>Ken. river, removing fish dams, &amp;c</td>
<td>1,000.00</td>
<td></td>
</tr>
<tr>
<td>Logan, Todd, and Christian road</td>
<td>13,500.00</td>
<td></td>
</tr>
<tr>
<td>Edmonson county</td>
<td>2,000.00</td>
<td></td>
</tr>
<tr>
<td>Bridge over Rolling Fork, near Mulberry Hill</td>
<td>156,000.00</td>
<td></td>
</tr>
<tr>
<td>Newmarket road do</td>
<td>7,500.00</td>
<td></td>
</tr>
<tr>
<td>Green and Barren river navigation</td>
<td>106,000.00</td>
<td></td>
</tr>
<tr>
<td>Kentucky river navigation</td>
<td>183,000.00</td>
<td></td>
</tr>
<tr>
<td>Licking river navigation</td>
<td>21,419.66</td>
<td></td>
</tr>
<tr>
<td>General expenses</td>
<td>65,395.63</td>
<td></td>
</tr>
<tr>
<td>Salaries of Engineers &amp; Secretary</td>
<td>18,114.87</td>
<td></td>
</tr>
<tr>
<td>Hydraulic Lime establishment</td>
<td>17,774.07</td>
<td></td>
</tr>
<tr>
<td>Smith's shoals, Cumberland river</td>
<td>3,189.69</td>
<td></td>
</tr>
<tr>
<td>South Fork Ken. &amp; Goose creek</td>
<td>2,176.63</td>
<td></td>
</tr>
<tr>
<td>Irvine and Mount of Troublesome road, survey</td>
<td>448.50</td>
<td></td>
</tr>
<tr>
<td>Survey of Big Sandy river</td>
<td>585.92</td>
<td></td>
</tr>
<tr>
<td>Reconnaissance of Tradewater</td>
<td>100.00</td>
<td></td>
</tr>
</tbody>
</table>

Total: 798,036.63
Schedule O.

A schedule showing the proceeds of the sale of State Bonds up to 10th October, 1839, and the dates of the Bonds, or the dates when the sums severally passed into the Treasury, subject to the order of the Board of Internal Improvement, and the names of the persons or corporations to whom the Bonds were sold.

1835, May 25, Bonds sold to the Bank of Kentucky, $100,000.00
1835, August 1, Bonds sold to Prime, Ward & King, of N. York, 100,000.00
1835, April 25, Bonds sold to the Northern Bank of Kentucky, 100,000.00
1835, June 1, Bonds sold to the Bank of Kentucky, 50,000.00

Bonds sold by Governor Morehead in 1835 and 1836, bearing an interest of 5 per centum per annum.
1836, April 25, Bonds sold to the Secretary of War, $126,694.40
1836, June 1, Bonds sold to Commissioners of Sinking Fund, 500,000.00
1836, July 21, Bonds sold to Commissioners of Sinking Fund, 100,000.00
1836, October 2, Bonds sold to Commissioners of Sinking Fund, 350,000.00

Bonds sold by Governor Clark in 1837, bearing an interest of 5 per cent. per annum, $1,092,756.60
1837, April 25, Bonds sold to the American Life and Trust Company of New York, 100,000.00
1837, September 28, Bonds sold to the American Life and Trust Company of New York, 100,000.00
1837, October 11, Bonds sold to the American Life and Trust Company of New York, 100,000.00
1837, December 5, Bonds sold to the American Life and Trust Company of New York, 100,000.00
1837, December 21, Bonds sold to the American Life and Trust Company of New York, 100,000.00
1837, January 31, Bonds sold to the American Life and Trust Company of New York, 100,000.00
1837, February 12, Bonds sold to the American Life and Trust Company of New York, 100,000.00
1837, February 25, Bonds sold to the American Life and Trust Company of New York, 100,000.00
1837, April 12, Bonds sold to the American Life and Trust Company of New York, 100,000.00
1837, April 19, Bonds sold to the American Life and Trust Company of New York, 100,000.00
1838, September 21, Bonds sold to the American Life and Trust Company of New York, 100,000.00
1839, May 11, Bonds sold to the American Life and Trust Company of New York, 100,000.00

Bonds sold by Governor Clark in 1838, bearing an interest of six per cent. per annum, $1,350,000.00
1839, October 1, Bonds sold to the Board of Education by Governor Wickliffe, 21,500.00

Total proceeds of sale of State Bonds up to the 10th of October, 1839, $2,654,356.60

Statement of money borrowed from the Banks previous to 1839:
1836, September 21, borrowed from the Bank of Louisville, $30,000.00
1836, October 10, borrowed from the Bank of Kentucky, 30,000.00
1836, October 29, borrowed from the Northern Bank of Kentucky, 30,000.00

Amounts carried forward, $100,000.00 $2,654,356.60
<table>
<thead>
<tr>
<th>Amounts brought forward</th>
<th>$100,000.00</th>
<th>$3,654,256.60</th>
</tr>
</thead>
<tbody>
<tr>
<td>1837, January 1, borrowed from the Northern Bank of Kentucky</td>
<td>40,000.00</td>
<td></td>
</tr>
<tr>
<td>1837, January 4, borrowed from the Bank of Kentucky</td>
<td>64,000.00</td>
<td></td>
</tr>
<tr>
<td>1837, March 21, borrowed from the Northern Bank of Kentucky</td>
<td>35,000.00</td>
<td></td>
</tr>
<tr>
<td>1837, April 1, borrowed from the Bank of Kentucky</td>
<td>14,000.00</td>
<td></td>
</tr>
<tr>
<td>1837, April 15, borrowed from the Bank of Kentucky</td>
<td>20,000.00</td>
<td></td>
</tr>
<tr>
<td>1838, January 10, borrowed from the Bank of Kentucky</td>
<td>100,000.00</td>
<td></td>
</tr>
<tr>
<td>1838, March 15, borrowed from the Bank of Louisville</td>
<td>19,919.88</td>
<td></td>
</tr>
<tr>
<td>1838, April 3, borrowed from the Northern Bank of Kentucky</td>
<td>42,755.00</td>
<td></td>
</tr>
<tr>
<td>1838, May 11, borrowed from the Northern Bank of Kentucky</td>
<td>48,475.00</td>
<td></td>
</tr>
<tr>
<td>1838, May 23, borrowed from the Bank of Kentucky</td>
<td>125,000.00</td>
<td></td>
</tr>
<tr>
<td>1838, May 34, borrowed from the Bank of Louisville</td>
<td>24,387.50</td>
<td></td>
</tr>
</tbody>
</table>

Statement of money borrowed from Banks in 1839, previous to 10th October:

| 1839, May 20, borrowed from Northern Bank of Kentucky | $34,383.33 | |
| June 15, borrowed from Bank of Kentucky | 47,000.00 | |
| July 15, borrowed from Bank of Kentucky | 11,000.00 | |
| July 15, borrowed from Bank of Kentucky | 45,000.00 | |
| August 15, borrowed from Northern Bank of Kentucky | 93,026.67 | |
| August 15, borrowed from Bank of Kentucky | 43,000.00 | |
| **Total** | **267,210.00** | |

Total receipts from sale of State Bonds, and loan from Banks up to 10th Oct., 1839:

| **Total sum received for Internal Improvement purposes from the commencement of the system from every source, up to 10th October, 1839, including sums borrowed from Banks and repaid to them out of proceeds of sale of State Bonds.** | **$3,887,468.27** | |

On the 10th October, 1838, the Treasurer reported that he had received, for the fiscal year then closing, Scrip, or Internal Improvement Funds, amounting to this sum. (see report, page 68.)

Deduct this sum, which by law was placed in the Sinking Fund, being premium and exchange on bonds sold toプライズ, ウッド & キング, of New York, and over which the Board of Internal Improvement had no control.

| **Total receipts up to 10th October, 1835, subject to control of Board of Internal Improvement.** | **$300,000.00** | |

On the 10th October, 1835, the Treasurer reported that he had received, for the fiscal year then closing, Scrip, or Internal Improvement Funds, amounting to this sum. (see report, page 96.)

Deduct this sum, being money handed back by J. R. Skiles, who had received $1,000 to defray expenses of a trip to Pennsylvania to procure Engineers and Engineering Instruments—he expended only $300, with which the service is charged.

| **Total receipts up to 10th October, 1835, subject to order of Board of Internal Improvement.** | **$100,000.00** | |

On the 10th October, 1837, the Treasurer reported that he had received, for the fiscal year then closing, Scrip, or Internal Improvement Funds, amounting to this sum. (see report, page 14.)

| **Of the $1,704,731.65, there was received from the (old) Bank of Kentucky, this sum.** | **$635,500.00** | |
| **Also, from Bank of the Commonwealth of Kentucky, this sum.** | **$6,975.00** | |

**Amounts carried forward,**

| **Total** | **$1,637,756.60** | **$2,887,468.27** |
Amounts brought forward, $1,637,756.60, $3,887,468.27
Add this sum, borrowed from the Bank of Kentucky, 15th April, 1837, by Board of Internal Improvement, 20,000.00

Total receipts up to 10th October, 1837, subject to the control of the Board of Internal Improvement, $1,657,756.60

The $66,975.06 had been overdrawn in the old Bank of Kentucky, and Commonwealth's Bank of Kentucky, by the Treasurer, and reported to the previous Legislature—a law was passed directing the debt upon the Treasury, created by these overdrawings, to be cancelled—which was done by charging the amount to the Treasurer on his books, and crediting him on the books of the Bank; the Board of Internal Improvement had no control over this fund—nothing to do with its disbursement. There is no law authorizing them to draw upon any fund other than that arising from the sale of State Bonds, and upon money received from Banks by loans, to discharge the States' indebtedness to Road Companies, &c., and they never have drawn upon any other fund. The funds of the old Bank of Kentucky, and of the Commonwealth's Bank of Kentucky, were not large enough to discharge the States' obligations to roads and rivers on account of Legislative appropriations and Executive subscriptions; or rather the fund was diverted into another channel, by Legislative enactment, before the State's obligations to roads and rivers had been liquidated. Those obligations amounted to $510,000; the debt was incurred when the system was in its infancy—before the first general Internal Improvement act was passed, or any authority was given to sell State Bonds. When the funds arising from said Banks were thrown into the Sinking Fund by law, they being the sole reliance of the State for the payment of the $510,000, the Board of Internal Improvement were compelled to assume and pay the unpaid balance due by the State upon said subscriptions and appropriations, there having been previously paid, upon Executive requisitions, only $312,502.90. And thus, instead of having disbursed any portion of the funds arising from the (old) Bank of Kentucky, and the Bank of the Commonwealth of Kentucky, the Board of Internal Improvement have paid upon subscriptions and appropriations made before they had an existence the sum of $197,497.10, that was originally intended to have been paid out of this fund.

On the 10th of October, 1838, the Treasurer reported that he had received for the fiscal year then closing, Scrip, or Internal Improvement Funds, amounting to this sum, (see report, page 29.)

He had also received this sum, borrowed by Board of Internal Improvement from the Bank of Kentucky, 10th January, 1838, 467,894.88
Also this sum, borrowed from Bank of Louisville, 15th March, 1838, 100,000.00
Also this sum, borrowed from Bank of Louisville, 15th March, 1838, 500.00
Also this sum, borrowed from Northern Bank of Kentucky, 11th March, 1838, 48,475.00
Also this sum, borrowed from Bank of Kentucky, 23rd May, 1838, 125,000.00
Also this sum, borrowed from Bank of Louisville, 24th May, 1838, 24,487.50

Total receipts into the Treasury, 10th October, 1839, subject to the order of the Board of Internal Improvement, $2,434,113.98

On the 10th October 1839, the Treasurer reported that he had received for the fiscal year then closing, Scrip, or Internal Improvement Funds, amounting to this sum, 1,138,710.00

Total receipts into the Treasury, 10th October, 1839, subject to the order of Board of Internal Improvement, $3,563,823.98

There had been previously paid out of the public Treasury, upon Executive requisitions, to discharge liabilities incurred by the State, to roads and rivers, previous to organization of Board of Internal Improvement, this sum, $312,502.90.
Also, out of tolls accruing upon the State's portion of stock in the Maysville, Washington, Paris, and Lexington Turnpike road, and not paid over when the State agreed to take one half of the stock, (see act 1836-7, pages 344 and 318,) 13,141.39

324,644.29 $3,887,468.27
From the commencement of the system of Internal Improvement up to, and including, the 10th of October, 1839, there had been paid to various works of Internal Improvement, and to carry them on, including every character of incidental expense, the accounts for which have been fully adjusted and settled, this sum, $3,182,811.07

The Board of Internal Improvement had also drawn requisitions in favor of Cammack, Byrnes, Gumbraup, and Smith, superintendents for clearing the banks of the Kentucky river, for this amount, $11,625.24

Also, in favor of Engineers, &c., to defray expenses of surveys, &c., this sum, 3,925.69

Also in favor of same, to procure hands on the Kentucky river Locks, 2,000.06

Neither of these three sums are contained in the $3,182,811.07 above named, because settlements had not then been made with the Superintendents or Engineers, so that the objects on which the sums were expended, could be charged with the disbursement.

The Board had also paid interest on loans from Banks previous to 1839, this sum, 3,225.69 2,000.00 12,591.68 29,442.61 Total sum expended on works of Internal Improvement up to 10th October, 1839, $3,212,253.68

The Board has also paid the entire debt due to Banks for money borrowed of them previous to 1839, amounting to this sum, 641,357.38 Total sum paid by the State to Internal Improvement and to Banks up to 10th October, 1839, $3,853,611.06

Deduct the payment to Banks above named, leaving the interest only chargeable to Internal Improvements, 641,357.38

Total sum expended on works of Internal Improvement up to 10th October, 1839, $3,212,253.68

Deduct payments out of the Public Treasury upon Executive requisitions, $312,502.90

Also, sum paid out of tolls on Maysville road, (see act 1836-7, pages 944 and 315,) 12,591.39

Also in favor of same, to procure hands on the Kentucky river Locks, 2,000.06

Total sum paid out of the Public Treasury upon Executive requisitions, $324,644.29

Total sum paid by the Board of Internal Improvement to works of Internal Improvement, up to 10th October, 1839, $2,887,609.39

Add payments to Banks above named, for money borrowed previous to the year 1839, leaving the interest only charged to Internal Improvements, 3,225.69 2,000.00 12,591.68 29,442.61 Total sum paid by Board of Internal Improvement to works of Internal Improvement, and to Banks, up to 10th October, 1839, $3,528,966.17

Total amount received into the Treasury up to 10th October, 1839, excluding the amount received from the Banks previous to 1839, and paid off out of the proceeds of the sale of State Bonds, $33,857.21

According to Board of Internal Improvement’s showing, balance in Treasury on 10th October, 1839, $38,857.21

Total amount received into the Treasury up to 10th October, 1839, excluding the amount received from the Banks previous to 1839, and paid off out of the proceeds of the sale of State Bonds, excluding, also, amount from Public Treasu-
Total payments by the Board of Internal Improvement, up to 10th October, 1839, exclusive of the $641,357 38, paid to Banks out of the receipts from the Scrip Fund, for money borrowed previous to the year 1839, $2,921,466 60

According to showing of Board of Internal Improvement, balance in Treasury on 10th October, 1839, $33,857 21

As before stated, the total sum received, from every source, for Internal Improvement purposes, from the commencement of the system to the 10th of October 1839, is $3,887,468 27

The Treasurer, in his report on the 10th October, 1835, page 63, states that he has paid out of the Scrip Fund, this sum, during the fiscal year then closing, $92,000 00

From the 11th October, 1835, to 10th October, 1836, inclusive, this sum, (page 37,) 284,349 68

From the 11th October, 1836, to 10th October, 1837, inclusive, this sum, (special report,) 736,320 43

From the 11th October, 1837, to 10th October, 1838, inclusive, this sum, (page 31,) 1,145,993 37

From the 11th October, 1838, to 10th October, 1839, inclusive, this sum, 1,245,162 27

Add the sum, paid out of the Public Treasury upon Executive requisitions, this sum, 312,592 90

Also, this sum, from tolls in Maysville road, (see act 1836-7, pages 244 and 318,) 3,926,769 04

Balance in Treasury 10th October, 1839, according to Treasurer's books, $62,699 23

Total sum received into the Treasury up to the 10th of October, 1839, from the sale of State Bonds and loans from Banks, $3,562,323 95

Deduct payments by Treasury out of this fund, as shown above, up to the 10th of October, 1839, 3,502,124 75

Balance in Treasury 10th October, 1839, according to Treasurer's books, $60,699 23

The apparent discrepancy in the balance, shown by the books of the Board of Internal Improvement, and those of the Treasurer, to have been in the Treasury on the 10th of October, 1839, is accounted for by the fact that the Board of Internal Improvement charges the payments as made when they draw their requisitions, whilst the Treasurer does not charge them until they are audited and paid.

**Schedule P.**

**Amount of receipts and disbursements of the Internal Improvement or Scrip Fund, from 11th October 1834, to the 10th October, 1839, inclusive:**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 10, 1835</td>
<td>Amount of State bonds sold, $200,000, premium 3,207 50</td>
<td>$203,207 50</td>
</tr>
<tr>
<td>October 10, 1836</td>
<td>Amount of State bonds sold, $200,000, returned by Mr. Skiles, $800.</td>
<td>$200,800 00</td>
</tr>
<tr>
<td>October 10, 1837</td>
<td>Amount received this fiscal year,</td>
<td>1,304,731 65</td>
</tr>
<tr>
<td>October 10, 1838</td>
<td>Amount received this fiscal year,</td>
<td>467,934 88</td>
</tr>
<tr>
<td>October 10, 1839</td>
<td>Amount received this fiscal year,</td>
<td>1,138,710 00</td>
</tr>
</tbody>
</table>

Total $3,315,344 03
October 10, 1835, Amount of warrants paid, 92,000 00
October 10, 1836, Amount of warrants paid, 357,068 35
October 10, 1837, Amount of warrants paid, 735,320 43
October 10, 1838, Amount of warrants paid, 1,145,392 37
October 10, 1839, Amount of warrants paid, 1,345,162 27

Total, 3,574,843 43

JAMES DAVIDSON, Treasurer.

SCHEDULE R.

Amount of Warrants paid at the Treasury, from October 11, 1834, to 10th October, 1839, inclusive; also, the Receipts for the same time, for Internal Improvement purposes, to wit:

<table>
<thead>
<tr>
<th></th>
<th>Receipts.</th>
<th>Warrants paid.</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 1834 to 1835,</td>
<td>203,307 50</td>
<td>92,000 00</td>
</tr>
<tr>
<td>1835 to 1836,</td>
<td>200,880 00</td>
<td>357,068 35</td>
</tr>
<tr>
<td>1836 to 1837,</td>
<td>1,304,731 65</td>
<td>735,320 43</td>
</tr>
<tr>
<td>1837 to 1838,</td>
<td>1,183,710 00</td>
<td>1,145,392 37</td>
</tr>
<tr>
<td>1838 to 1839,</td>
<td>1,245,392 27</td>
<td>3,574,843 43</td>
</tr>
<tr>
<td>Total,</td>
<td>3,315,344 03</td>
<td></td>
</tr>
</tbody>
</table>

BEN. SELBY, Auditor.

SCHEDULE S.

Receipts under the head of Scrip, &c., from 10th October, 1834, to 37th February, 1839.

<table>
<thead>
<tr>
<th></th>
<th>For Scrip, or Int. Imp't.</th>
<th>For Sinking Fund.</th>
<th>For Interest on deposits.</th>
<th>For surplus revenue.</th>
<th>Total.</th>
</tr>
</thead>
<tbody>
<tr>
<td>From 10th October, 1834, to 10th October, 1835,</td>
<td>203,307 50</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>203,307 50</td>
</tr>
<tr>
<td>From 10th October, 1835, to 10th October, 1836,</td>
<td>200,880 00</td>
<td>58,236 32</td>
<td>1,686 48</td>
<td>-</td>
<td>251,922 80</td>
</tr>
<tr>
<td>From 10th October, 1836, to 10th October, 1837,</td>
<td>1,304,731 65</td>
<td>173,397 93</td>
<td>-</td>
<td>1,433,757 58</td>
<td>2,910,876 97</td>
</tr>
<tr>
<td>From 10th October, 1837, to 10th October, 1838,</td>
<td>467,894 88</td>
<td>145,707 55</td>
<td>-</td>
<td>-</td>
<td>1,445,336 43</td>
</tr>
<tr>
<td>From 10th October, 1838, to 37th February, 1839,</td>
<td>436,611 87</td>
<td>119,455 57</td>
<td>-</td>
<td>-</td>
<td>556,067 44</td>
</tr>
<tr>
<td>Total receipts,</td>
<td>2,612,725 90</td>
<td>468,787 37</td>
<td>1,886 48</td>
<td>1,433,757 58</td>
<td>4,515,157 14</td>
</tr>
<tr>
<td>YEAR</td>
<td>For scrip, or Int. Imp'ts.</td>
<td>For Sinking Fund.</td>
<td>For interest on bonds.</td>
<td>For stock in B'k of Ky.</td>
<td>Total.</td>
</tr>
<tr>
<td>------</td>
<td>--------------------------</td>
<td>-----------------</td>
<td>----------------------</td>
<td>-----------------------</td>
<td>--------</td>
</tr>
<tr>
<td>From 10th October, 1834, to 10th October, 1835,</td>
<td>92,000 00</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>92,000 00</td>
</tr>
<tr>
<td>From 10th October, 1835, to 10th October, 1836,</td>
<td>357,068 36</td>
<td>—</td>
<td>31,014 38</td>
<td>—</td>
<td>388,082 74</td>
</tr>
<tr>
<td>From 10th October, 1836, to 10th October, 1837,</td>
<td>735,230 43</td>
<td>1,033,346 61</td>
<td>25,000 00</td>
<td>583,399 36</td>
<td>2,367,165 30</td>
</tr>
<tr>
<td>From 10th October, 1837, to 10th October, 1838,</td>
<td>1,145,392 57</td>
<td>151,342 03</td>
<td>—</td>
<td>—</td>
<td>1,296,734 40</td>
</tr>
<tr>
<td>From 10th October, 1838, to 27th February, 1839,</td>
<td>236,399 45</td>
<td>89,455 57</td>
<td>—</td>
<td>—</td>
<td>326,155 02</td>
</tr>
<tr>
<td>Total warrants paid,</td>
<td>2,566,680 61</td>
<td>1,264,144 11</td>
<td>55,014 38</td>
<td>583,399 36</td>
<td>4,470,137 46</td>
</tr>
</tbody>
</table>

During the year 1834-5 there was charged to internal improvements, for advance on funds received for land sold west of Tennessee river, 2,612,725 90. Making this head, 2,566,655 11 And the total, 4,478,411 96.

Whole receipts, as above stated, is 4,515,157 14
Whole payments, as above stated, is 4,470,411 96
Balance in the Treasury on the 27th February, 1839, 44,745 18

It is impossible for me to give the items composing the above named payments at this time. I am confident the balance, as stated above, is correct, taking all the heads together; but at the same time there must be an intermingling of the heads, or else some items are placed to improper heads; for example, take the sum total of receipts, as above, 4,515,157 14
And the total payments, 4,470,411 96
Leaves a balance in the Treasury, on the 27th day of Feb. 1839, of (as reported) 44,745 18

Then take the amount received under each head, and show the debit and credit of each, and it will stand as follows:

Receipts for internal improvement, or scrip, 2,612,725 90
Payments made for same, 2,566,655 11
Balance to credit of same, 46,070 79
Receipts for interest on deposits—no payments reported under this head, 1,386 48
Receipts for surplus revenue—no payments reported under this head, 1,433,757 33

Making a sum of 1,364,144 11
Payments for Sinking Fund, 466,787 37
Receipts for same, 797,356 74
Balance to the debit of this head, 1,481,714 66

Amounts carried forward, 44,745 18
SCHEDULE S.—Continued.

| Amounts brought forward. | $797,356.74 |
| Payments for interest on bonds—no receipts under this head. | $1,481,714.66 |
| Payments for stock in Bank of Kentucky—no receipts under this head. | $56,014.38 |
| Making a sum of | $1,436,969.48 |

Balance remaining in the Treasury, on the 27th day of February, 1839, as above, $44,745.18

I do not see how this business is to be properly stated, until a division of the internal improvement and revenue books is made. At present these funds are in the same ledger, and it will require new books to be made out, and each entry examined, and carried to its proper head.

Very respectfully,
Your obedient servant,
THOMAS S. PAGE, Second Auditor.

To EDWARD H. HOPKINS, Esq., Chairman, &c.

Ordered, That the Public Printer forthwith print 3,000 copies of said report, for the use of the members of this House.

Mr. Johnson, from the committee on the Expenditures of the Board of Internal Improvement, made a counter report, which is as follows, viz:

The undersigned, a member of the committee on the Expenditures of the Board of Internal Improvement, respectfully submits to the House the following, as the result of his reflections and examinations, on the subject properly before them. It is believed that this subject includes, among other things, the causes of unnecessary expenditures; the causes of a diminished income from tolls on works completed; the means of increasing such income, and the organization which would give life, energy and strength to the system, by insuring a proper accountability among disbursing and receiving agents, and protecting it from the bankruptcy which inevitably awaits all corporations, as well as men, whose expenses exceed their income. It is proposed to submit a few remarks upon each subject.

One of the most fruitful sources of erroneous, useless and embarrassing expenditures, it is believed, may be traced to the practice in the Legislature, of making appropriations to objects of improvement, without having first provided the means by which they are to be effected. We pass laws, directing expenditures to be made, and then proceed to raise, by loan, the money necessary for these purposes. The local character of the measure will always enlist in its favor the representative from that section; the character and popularity in the House, of the interested member, and the dislike of others to interfere, will, as it has always done, lead to the adoption of measures which frequently result in the utter loss of the sum thus indiscreetly voted by the Legislature. This, it is believed, would be entirely checked, by a knowledge, on the part of the members of the House, of the amount in the Treasury subject to appropriation, instead of being unrestrained by the practice which has grown up of making appropriations, and then setting the amount, to be raised by loan, to such appropriations. A change of the practice of the Legislature on this subject, by raising the money probably necessary to carry on the improvements in an economical and prudent manner, the session preceding the one at which appropriations
should be made, would result in many advantages to the State, from the increased caution of the Legislature, and the careful examination which it is thought would then certainly precede useless and extravagant appropriations. The experience of business men, and the acts referred to in the report of the majority will fully sustain this position. He who expends indiscreetly, and borrows to suit such acts of indiscretion, we are of opinion, must fail.

Another cause of unnecessary expenditure, it is believed, results from the divided, and therefore diminished responsibility of the members of the Board, in consequence of their number. Men of unimpeachable character may frequently sanction a course, relying upon the opinions and judgment of their associates, which the experience resulting from a familiar acquaintance with the duties of their offices would show to be improper, and which a sole responsibility would cause them to reject. It is believed that the interests of the State would be much advanced by reducing the present number of the Board of Internal Improvement to one, or by the appointment of some suitable person, to whom an annual salary should be given, who should be required to devote all his time to the service of the State, and who should give bond and ample security for the faithful discharge of such duties as the Legislature may impose upon him. Economy would in this manner be consulted, inasmuch as the present per diem allowances to the members of the Board, their travelling expenses, and the present salary of their Clerk and President will furnish a sum more than ample, as an annual salary for a competent officer. That the responsibility of this office may, with more safety to the State, be thrown upon one, than upon two, three, or more men, united, it is believed, is clearly demonstrated by the practice of the government of the United States and our own experience. The important contracts, and the vast and extended duties of the several departments of the General Government are now safely entrusted to the supervision of the Executive, and heads of the respective departments. The appointment of three or four Post Masters General of equal power, of three or four Secretaries of War, Treasury, and the Navy, of concurrent and equal authority, would inevitably lead to the embarrassment, and ultimate bankruptcy of each department. The causes of this result would be found in the diversity of practice and opinion; the want of intimate knowledge of the duties and means of their offices; but principally in the diminished responsibility of each, which would necessarily follow such appointments.

The opinion is also respectfully submitted to the House, that the services of all the Engineer corps now in the exclusive employment of the State, with the exception of the Principal Engineer, and one assistant for Green and Barren rivers, may be properly dispensed with. The following reasons are stated for that opinion: We have at present under contract, six locks and dams on Green and Barren rivers, estimated to cost the State the sum of $926,230 04; of which sum, $534,391 33 have been paid, leaving to be paid, the sum of $391,837 74, whenever completed. Upon the Kentucky, five locks and dams are under contract, the cost of which, when completed, is estimated to amount to the sum of $811,396 00; of which $510,041 00 have been paid, leaving $301,355 to be paid. Three other locks and dams on the Kentucky are also under contract, but not now building, which will cost, by estimates, the additional sum of $494,961. Five locks and dams have been put under contract and commenced on Licking river, and three
others have been contracted for, but not commenced—the estimated cost of all is $871,460; of which $113,980.64 have been paid, leaving the sum of $757,479.36 to be ultimately paid. The amount remaining to be paid, on these four rivers, is, therefore, $1,955,614.71, according to estimates. The surveys, estimates, plans, specifications and contracts for all these works have been made.

The number of miles of road now contemplated to be improved, is 1,057.70. Of this number, 467.67 miles have been finished; 370.80 miles are under contract, and 220.20 miles not under contract. The sum of $2,027,614.89 has been paid by the State, and $1,999,398 by individuals. The estimated amount required from the State to complete the improvements on roads now under contract, is $946,941.69. The surveys, estimates and specifications for these roads have been made. The last amount, added to the amount to be paid on rivers, produces the sum of $2,902,555.80—nearly three millions.

We also owe the Banks of Kentucky $445,000. Thus the House will perceive that work has been cut out, to the amount of near three millions, which can all be finished under the directions of the Principal Engineer, one or two assistants and superintendents. We can see no use for the services of additional Engineers, and therefore recommend the Legislature to dispense with them.

It is my sincere hope that the improvements upon our four principal rivers may meet the expectations of their friends, and thus realize the most devout wishes of the patriot for the State of Kentucky. Reflection, however, on this subject, has led many to fear that the friends of slackwater improvements may be disappointed in their expectations. Prudence would at least dictate that the works now under contract should be completed, and their usefulness fully tested, before we should undertake to construct others, requiring the expenditure of such vast sums as are necessarily incident to the construction of locks and dams on the large and rapid rivers of Kentucky.

The State and individuals have improved 467.67 miles of road, and the amount of tolls collected at the gates during the year 1839, is reported by the Board of Internal Improvement, at $92,641.86; while it is stated by the Commissioners of the Sinking Fund, that only $7,576.37 have been received by them. Upon the supposition that the State is interested only one half in these improvements, it is evident that $77,489.12, or nearly $80,000, must have been expended during the year 1839, in repairs, and the payment of Presidents, Treasurers, toll gate keepers, and agents of the local boards, and incidental expenses. The expenditure of so large a sum, for such purposes, it is believed, results from mismanagement or fraud. If it be true, that neither mismanagement or frauds have had any agency in producing this result, it is evident that the system of borrowing, at five or six per cent. large sums, at compound interest, to be invested in turnpike roads, must ultimately be ruinous in the extreme. The State has paid $2,027,614.89, and individuals $1,999,398, towards the completion of these roads. Six per cent. on $2,000,000 amounts to $120,000 annually. The State received, as stated above, only $7,576.37 during the year 1839, on its investment of $2,027,614.89, or a fraction more than the one third of one per cent. per annum. Two millions of dollars, at six per cent. compound interest, will, in thirty-two years, amount to the sum of sixteen millions, a sum so enormous as to be almost incredible, if figures did not establish its truth beyond con-
The most rigid economy is indispensable in a system involving such vast results, and a radical reform must be necessary.

The argument will be pursued no further; but such suggestions will be offered to the House, as reflection on this subject has induced me to consider important, and which, if adopted, will, it is believed, tend much to increase the income of the State from this source.

The first and most important means of success, in any business, is the appointment of competent, practical, calculating and honest men to conduct it. The Presidents of the local boards, in a great measure, control the expenditures for repairs on their section of road, and appoint toll gate keepers. Upon the proper or imprudent exercise of this power, depends the profit or loss made or sustained upon the road. The stockholders elect the local directors, and they, their President. The State can and should control all these elections. It is believed that the power and responsibility of casting the votes of the State, should be devolved upon the Governor; and that its wise exercise will produce a most beneficial and important effect upon the income of the State, cannot be doubted.

Uniformity in the rates of toll throughout the State, upon roads similarly improved, is not only just, but it is believed would contribute to increase the net revenue of the State from this source. Under this head may be mentioned a practice adopted by some roads, of charging the residents of a county only half the sum exacted from those living without its limits. This is not only unjust, but is inquisitorial in its character, and should be abolished.

The practice of permitting individuals to travel on the road at a stipulated price per annum, generally results in a considerable loss to the State. Individual interest quickens one, but not both of the contracting parties. It is confidently believed that the Legislature might nearly double the income of the State from this source, by prohibiting, in all cases, any agreement of that character. The people have a right to demand this measure; not only because it is intrinsically just that a man should pay in proportion as he uses the roads, but because it is so eminently calculated to sustain these improvements, not only in enabling the State to pay the debts she has contracted in making them, but ultimately to reduce the rates of toll. A good turnpike enhances the value of the land through which it passes; and he who lives upon such a road, has no right to complain, if he is made to pay as much as others, who are not thus benefited. Prudent legislation on this subject, or increased taxation, is inevitable.

From an examination of the semi-annual reports of the Presidents of the different roads, a great difference in the salaries of the Presidents and Treasurers on the different roads was found to exist—the salaries of Presidents varying from nothing to $700 per annum, and of Treasurers from $100 to $400. We are of opinion that the salaries of such officers should be uniform. The Presidents should not receive more than two dollars per day, while actually engaged in the service of the company; and the Treasurers of the local boards an annual salary not exceeding $100 per annum. We recommend to the Legislature the passage of an act to that effect; as also, one dispensing with the services of clerks and other agents of the local boards, as measures calculated to diminish the expenditures under the system of internal improvement, several thousand dollars annually.

As a means of preventing and detecting frauds on the part of toll gate keepers, Treasurers and Presidents of the local boards, the Legislature
should, in our opinion, pass an act requiring the toll gate keepers to make at least monthly settlements and payments of all sums collected, to the Treasurers, and the Treasurers to make out at the end of each month, duplicate statements of the amounts received and expended, from whom, and for what, during the month, and the whole amount then in his hands, and send one of said duplicates to the Presidents of the local boards, and the other to the office of the Board of Internal Improvement, at Frankfort. In connection with this subject, the passage of an act is recommended, declaring it to be a felony, on the part of any officer intrusted with the safe keeping or collection of the public money, to convert the same, in any manner, to his own use, and punishing the offender by confinement in the Penitentiary.

As much has been here and elsewhere said, in relation to the salaries of Engineers, I beg leave to offer the following observations upon that subject. The headlong, sudden and simultaneous action of different States on the subject of internal improvement, unquestionably created, during the last few years, a great demand for that class of agents; but the day cannot be far distant, when the science of Civil Engineering will be stripped of the mystery in which it is now shrouded, and man will be astonished at the fact, that road makers and lock builders should have received more than the Governors of our State, and the Judges of our highest judicial tribunals.

In conclusion, permit me to say, that while the State is erecting its splendid works upon our rivers, and paving her highways throughout the Commonwealth, it is the sincere wish of every patriot that she may so conduct these vast and complicated works, as to render them monuments of the wisdom, honesty and patriotism of her counsellors; that they may be regarded with pride and pleasure by our posterity; and that they may not be remembered only as the Mausoleums which have entombed the fortunes of our contractors, whom we had failed to pay. It is confidently believed that the character for justice and magnanimity which now proudly distinguishes Kentucky, will not be tarnished; and that her Legislature will ultimately adopt such a system of economy and accountability in relation to her public works, as will secure her against the cutting sarcasm of an old adage, that "he who builds and borrows, will break."

GEO. W. JOHNSON.

Ordered, That the Public Printer forthwith print 3,000 copies of said counter report, for the use of the members of this House.

Mr. J. Speed Smith, from the committee on the Sinking Fund, made the following report, viz:

The Committee on the Sinking Fund, to whom was referred so much of the Governor's message as relates to that subject, together with the report of the Commissioners of the Sinking Fund, as also various resolutions of enquiry adopted by the House, have had the same under consideration; and respectfully ask leave to make the following report:

The committee offer to the House, as an apology for the late period of the session at which their report is submitted, the delay on the part of the Commissioners of the Sinking Fund, in making their annual report. This delay was in consequence, as the House is already informed, of an event as little anticipated by the Commissioners as the public. There has been an
additional reason operating on the committee. Fully aware of the distrustful character of the public mind in periods of embarrassment—the more especially when that state has been produced by revulsion in trade or derangement in currency—the committee have held it their solemn and bounden duty to present to the representatives of the people a full and fair exhibition of that Fund; in the correct and faithful and successful management of which, the pledged faith of Kentucky is inseparably involved. Thus impressed, and guided by the sense of the House, as indicated by the adoption of sundry resolutions, and to them referred, the committee have felt themselves called upon to give, in their report, a full history of the origin, object and constituent elements of the Sinking Fund, as well as the most full and ample details of all its operations from the moment of its first inception.

Impelled by the genius of the age, and governed by a laudable desire to keep position with her sister States, Kentucky determined upon the establishment and prosecution of a system of Internal Improvement. This system consisted in the construction of turnpike roads, railroads, and slack-water navigation, but mainly of the first and last classes of improvements. Whatever might be the ultimate result, (for it was to some extent a matter of experiment,) it was not contemplated by the Legislature to carry the system into execution by direct taxation. The plan was adopted, of obtaining upon loan, funds sufficient for the construction of the works, at distant time, giving the system full opportunity to develop its advantages and demonstrate its worth. There existed a well founded belief, not have sufficient reasons occurred to impair it, that the works themselves would greatly aid in the payment of the debts incurred for their construction, should they fail to liquidate the whole amount. Hence it was necessary to provide only the means sufficient for the certain and punctual payment of the interest to accrue on the loans which might be effected, at the times and places agreed on. To this end, the Sinking Fund was created, by the act of 29th February, 1836, which declares "that for the purpose of carrying on a system of Internal Improvement in the State, and providing for the punctual payment of the interest on money borrowed, a Sinking Fund shall be, and the same is hereby established;" and to endow it with capacity to attain the declared object of its creation, the General Assembly, in the same act, set apart the following means belonging to the State, and by solemn legislation consecrated them upon the altar of public faith.

Tax on capital stock in the Bank of Kentucky.
Tax on capital stock in the Northern Bank of Kentucky.
Tax on capital stock in Kentucky Bank of Louisville.
Excess of dividends on stocks owned by the State in those Banks, after paying the interest on the State bonds sold to pay for said stock.
Premiums on sale of State bonds sold, or to be sold.
Dividends on stock of the State, vested in turnpike roads and bridges, made or to be made.
Profits which may accrue on works of Internal Improvement, made or to be made by the State.
Excess in the Treasury, over $10,000, for the current year, after defraying all expenditures and appropriations.

That the resources thus enumerated as the elements of the Sinking Fund at the time of its establishment may be clearly comprehended, it is proper to state that the resources...
The Bank of Kentucky had been created, with a capital of $5,000,000, three millions of which had been taken by individuals, and one million by the State. The fifth million was left open, to be taken by the State, in the manner prescribed in the charter of said Bank.

The Northern Bank of Kentucky had been created, with a capital of $3,000,000, two millions of which had been taken by individuals, and one million by the State.

The State had subscribed for the above stated amount of stock, and paid therefor in her own bonds, bearing an interest of five per cent. Hence the revenue to accrue from these sources to the Sinking Fund, depend upon the excess of dividend over five per cent, which the State owes on her bonds, executed for stock.

The resources of the Sinking Fund, given at the moment of its creation, were the following:

- Tax on the capital stock of the Bank of Kentucky, Northern Bank of Kentucky, and the Bank of Louisville, payable 1st July in each year—certain.
- Excess of dividends on State stock in Banks, as above stated and explained, payable 1st January and July each year—amount of, precarious.
- Premium on sale of State scrip—amount of, precarious.
- Dividends of State stock in turnpike roads and bridges, payable when declared—amount of, precarious.

- Excess of dividend on State stock in Bank of Kentucky, after paying interest on State scrip held by the Bank, is directed by said act to go in payment of the fifth million of the capital stock of said Bank; and therefore, at the outset, contributed nothing except the means of acquiring a portion of the fifth million, to be thereafter available.

The same act constituted the Governor of the Commonwealth, together with the Presidents of the Bank of Kentucky, the Northern Bank of Kentucky, and the Bank of Louisville, Commissioners of the said Fund. They were charged with the payment of the interest on State bonds sold; and to be sold, for works of internal improvement; and were also required to invest, from time to time, surplus money belonging to said fund, in safe and profitable stocks, in order to make the fund productive and available. Although the act establishing the Sinking Fund passed the 29th February, 1836, the Commissioners did not take upon themselves the duties of their office, until the 20th of the following October. In the mean time, however, the Treasurer had distinguished between ordinary receipts and those set apart for the Sinking Fund, and thus rendered available to the fund, all the revenue to which it was entitled from the first moment of being brought into existence.

That the business and operations of the Sinking Fund might take that clear and distinctive character which was obviously designed, the Treasurer was called upon to pay over to the Commissioners, all moneys due the fund; which he did, by placing in their hands the sum of $31,429 44, which had accumulated in the Treasury, over and above the amounts paid out, for which the Sinking Fund had been made responsible. Thus the board commenced. The precise amount of burden resting upon the Sinking Fund at that moment, cannot be determined; nor is it needful that it should be. In February following their organization, the Commissioners make their first report, and shew the fiscal condition of the fund to be as follows:
Cash received of Treasurer of the State, in his hands prior to the organization of the Board of Commissioners, $31,429.44

Cash received since organization of the Board—

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Of the Shelby turnpike road,</td>
<td>2,119.89</td>
</tr>
<tr>
<td>Of the Franklin turnpike road,</td>
<td>700.00</td>
</tr>
<tr>
<td>Of the Northern Bank of Kentucky,</td>
<td>50,000.00</td>
</tr>
<tr>
<td>Of the Old Bank of Kentucky,</td>
<td>5,967.00</td>
</tr>
<tr>
<td>Of the Maysville, Washington, Paris and Lexington turnpike road,</td>
<td>2,191.84</td>
</tr>
</tbody>
</table>

Total: $92,498.17

Expenditures, &c.—

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Prime, Ward &amp; King,</td>
<td>62,525.50</td>
</tr>
<tr>
<td>To Bank of Kentucky,</td>
<td>3,750.00</td>
</tr>
<tr>
<td>To Northern Bank of Kentucky,</td>
<td>2,500.00</td>
</tr>
<tr>
<td>To purchase of stock (450 shares)</td>
<td>43,599.36</td>
</tr>
<tr>
<td>To Northern Bank of Kentucky,</td>
<td>25,000.00</td>
</tr>
</tbody>
</table>

Total: $77,374.56

Balance on hand: $15,033.31

The Legislature, at their session 1836-7, had passed an act, appropriating to the Sinking Fund, the interest and profits accruing from the Old Bank of Kentucky, and the Commonwealth's Bank—hence a slight accession of resources. Thus it will be perceived that within the year after its creation, the fund not only discharged all the interest which it was called upon to meet, but purchased profitable stock to a considerable amount.

Thus stood the Sinking Fund, when, by the law of Congress, distributing the surplus revenue of the United States amongst the several States, the sum of $1,433,757.38 was received into the Treasury of the State. Of the amount thus received, the Legislature set apart and dedicated to a general system of Public Instruction, the sum of $850,159.02, which, under the law, was paid over to the Commissioners of the Sinking Fund, and by them invested, as follows:

- $500,000 in 5 per cent. internal improvement bonds, dated 15th May, 1837; due 15th May, 1872—35 years to run.
- $170,000 in similar bonds, dated 1st July, 1837, and due 1st July, 1872—having 35 years to run.
- $180,000 in similar bonds, dated 1st October, 1837, due 1st Oct'r, 1872—having 35 years to run.

The fraction of $159.02 was paid over to the Board of Education.
With a balance on hand, of $15,033.31 on their first report, we find the Commissioners, by the accession of means just herein before stated, at their annual meeting, presenting the following as the result of their fiscal operations, embracing the period between their first and second report:

**Receipts**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance on hand per last report,</td>
<td>$15,033.31</td>
</tr>
<tr>
<td>From Maysville, &amp;c. turnpike road,</td>
<td>2,056.82</td>
</tr>
<tr>
<td>From Shelby county turnpike road,</td>
<td>910.38</td>
</tr>
<tr>
<td>From Northern Bank of Kentucky,</td>
<td>28,610.37</td>
</tr>
<tr>
<td>From Old Bank of Kentucky,</td>
<td>5,967.00</td>
</tr>
<tr>
<td>From Commonwealth’s Bank,</td>
<td>31,750.00</td>
</tr>
<tr>
<td>From surplus revenue of the United States,</td>
<td>850,159.02</td>
</tr>
<tr>
<td>From Anderson county turnpike road,</td>
<td>468.88</td>
</tr>
<tr>
<td>From premiums on sale of bonds to Northern Bank of Ky.</td>
<td>7,500.00</td>
</tr>
<tr>
<td>From Bank of Kentucky,</td>
<td>22,177.00</td>
</tr>
<tr>
<td>From Bank of Louisville,</td>
<td>5,750.00</td>
</tr>
<tr>
<td>From Muldrow’s Hill turnpike road,</td>
<td>333.68</td>
</tr>
<tr>
<td>From Springfield and Bardstown turnpike road,</td>
<td>220.37</td>
</tr>
</tbody>
</table>

**Disbursements**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid interest account,</td>
<td>$12,422.50</td>
</tr>
<tr>
<td>Paid exchange account,</td>
<td>217.10</td>
</tr>
<tr>
<td>Paid contingent expenses,</td>
<td>567.61</td>
</tr>
<tr>
<td>Paid Bank stock,</td>
<td>17,500.00</td>
</tr>
<tr>
<td>Paid Sinking Fund, (Internal Improvement bonds,)</td>
<td>20,000.00</td>
</tr>
<tr>
<td>Paid School Fund, (Internal Improvement bonds,)</td>
<td>350,000.00</td>
</tr>
<tr>
<td>Paid School Fund, (surplus revenue uninvested,)</td>
<td>159.02</td>
</tr>
<tr>
<td>Paid profits School Fund,</td>
<td>3,218.75</td>
</tr>
<tr>
<td>Balance remaining on hand, Dec. 14, 1837,</td>
<td>66,827.77</td>
</tr>
</tbody>
</table>

The sources from which revenue is derived to the Sinking Fund, are, as to several of them, not only uncertain and precarious, but vary in their annual yield. Thus it will be seen that the Bank dividends fluctuate—at one time promising the highest prosperity; at the next, not very flattering—if not gloomy, at least dashing the hopes previously created. The Old Bank of Kentucky and the Commonwealth’s Bank, also vary in their contributions. Variations in these resources were to be expected, and are the less to be regretted, as, from their very character, they will be looked to as contributions for a very few years more.
The foregoing stated account exhibits the Sinking Fund, with means on hand, to enter upon the year 1838. The following statement gives the receipts and disbursements of the fiscal operations of the fund for that year:

**Receipts—**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance on hand, as per last report</td>
<td>$66,827.77</td>
</tr>
<tr>
<td>From Commonwealth's Bank</td>
<td>$27,200.00</td>
</tr>
<tr>
<td>From Bank of Kentucky, dividends</td>
<td>$37,255.04</td>
</tr>
<tr>
<td>From Bank of Kentucky, bonus</td>
<td>$23,213.04</td>
</tr>
<tr>
<td>From Northern Bank of Kentucky, dividends</td>
<td>$26,509.00</td>
</tr>
<tr>
<td>From Northern Bank of Kentucky, tax</td>
<td>$13,754.00</td>
</tr>
<tr>
<td>From Bank of Louisville, dividends</td>
<td>$1,400.00</td>
</tr>
<tr>
<td>From Bank of Louisville, tax</td>
<td>$5,750.00</td>
</tr>
<tr>
<td>From premium</td>
<td>$20,875.03</td>
</tr>
<tr>
<td>From Penitentiary</td>
<td>$5,090.00</td>
</tr>
<tr>
<td>From Maysville, &amp;c. turnpike road</td>
<td>$4,690.54</td>
</tr>
<tr>
<td>From Muldrow's Hill turnpike road</td>
<td>$350.00</td>
</tr>
<tr>
<td><strong>Total Receipts</strong></td>
<td><strong>$242,815.42</strong></td>
</tr>
</tbody>
</table>

**Disbursements—**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid interest account</td>
<td>$25,750.00</td>
</tr>
<tr>
<td>Paid exchange account</td>
<td>$1,198.37</td>
</tr>
<tr>
<td>Paid contingent account</td>
<td>$837.50</td>
</tr>
<tr>
<td>Paid E. I. Winter</td>
<td>$1,275.00</td>
</tr>
<tr>
<td>Paid arbitrators</td>
<td>$150.00</td>
</tr>
<tr>
<td>Paid Board of Education</td>
<td>$19,570.00</td>
</tr>
<tr>
<td>Paid Bank stock</td>
<td>$138,959.06</td>
</tr>
<tr>
<td>Balance remaining on hand</td>
<td>$55,075.49</td>
</tr>
<tr>
<td><strong>Total Disbursements</strong></td>
<td><strong>$242,815.42</strong></td>
</tr>
</tbody>
</table>

Of this balance, the sum of $21,568.75 was due the Board of Education, which, deducted from the $55,075.49, left, belonging to the Sinking Fund proper, only $33,506.74. It will be remarked that the Sinking Fund has received but one contribution from the Penitentiary, and that, from the expense of putting up two hundred and fifty new cells, all aid from that source (at best trifling and precarious) may be considered as diverted. The committee cannot permit the occasion to pass without taking leave to express their dissent, in the most decided terms, to an opinion entertained by some, that the resources of the Sinking Fund may be temporarily suspended, and even diverted to objects other than those set forth in the act, without providing a more certain and ample equivalent. The excess over $10,000 in the current year, after paying the appropriations and expenditures, has not only proven an empty sound, but will continue an idle repetition and incumbrance upon the record, until the taxes shall be increased.
The fiscal year commencing December, 1838, and ending 13th December, 1839, exhibits the following receipts and disbursements:

Cash on hand at date of last report, $55,075.49
Cash received for premium, interest and exchange, 15,049.15
From the Bank of the Commonwealth, 27,080.00
From tolls on Maysville &c. turnpike road, 2,798.25
From Muldrow's Hill turnpike, 800.57
From Springfield and Bardstown turnpike road, 550.00
From Franklin county turnpike road, 1,600.00
From Frankfort and Georgetown turnpike road, 462.00
From Lincoln county turnpike road, 779.55
From Franklin and Crab Orchard turnpike road, 286.00
From Louisville and Elizabeth-town turnpike road, 300.00
Amount received from Old Bank of Kentucky, 5,967.00
Tax or bonus on stock of the Bank of Kentucky, 23,491.52
Amount received from Northern Bank of Kentucky, 14,803.62
Amount received from the Bank of Louisville, 5,750.00
Amount received from the Bank of Kentucky, being excess or dividend on stock owned by the State, after paying interest on her bonds held by the Bank, 35,000.00
Do. do. of Northern Bank of Kentucky do. 42,500.00
Do. do. dividend on seven thousand shares in the name of the State, 59,500.00
Do. do. on 2,336 shares, in the name of the Commissioners of the Sinking Fund, 14,690.50
Do. do. on 400 shares do. Northern Bank, 3,700.00
Do. do. on 175 do. Bank of Louisville, 1,400.00
Amount received of the Board of Education, for so much advanced, 301.61

The following sums, during the same period, for the objects stated, were expended—

Paid to Prime, Ward & King, and their assignees, New York, for the interest due in January and July, 1839, on 100,000 5 per cent. State bonds, $5,000.00
Paid to War Department, for interest on $165,000 at five per cent., 8,250.00
Paid to American Life Insurance and Trust Company, for interest on $1,250,000 six per cent. State Bonds, 56,250.00
Paid to Bank of Kentucky, for interest on $150,000, at five per cent., 7,500.00
Paid to Northern Bank, for interest on 100,000 dollars at five per cent., 5,000.00

Amounts carried forward, $82,000.00 $311,985.26
Amounts brought forward, $82,000 00 $311,985 26

Paid to Board of Education, as interest upon $850,000, being the bonds held by them as the School Fund, created by act of 1836-7, bearing five per cent. interest, 63,750 00

Paid Bank of Kentucky, on loan made to Board of Internal Improvement by said Bank, prior to 30th December, 1838, 6,750 00

Paid for interest to the Bank of Kentucky, on advance made to the Commissioners of the Sinking Fund, of $43,625, from 18th June to 1st July, 1839, 87 25

Paid as premium of exchange, at 1½ per cent. on 201,853 shares, on New York, 3,027 79

Paid as premium on 10,000, at 1 per cent., 100 00

Paid for contingent expenses of the Board, 1,373 18

Paid 959 shares stock of Bank of Kentucky, at an average cost per share of $88, 71¾, 85,075 95

Paid for 163 shares, at $79 49¾ per share, 12,957 64

Exchange paid Board of Education, on $297 16, at 1¼ per cent. advanced by Board of Education, as before stated, 445

$255,129 26

Which, when deducted from amount of receipts prior to 13th December, 1839, leaves a balance of $56,856 00

That the committee may, as far as their time will allow, report fully up to the meaning and spirit of the resolutions to them directed, the following balance sheet is presented, giving at one entire view, the whole operations of the Board, the receipts and expenditures, from its organization up to the 13th December, 1839:

Receipts and Disbursements of the Sinking Fund since its organization, to 13th December, 1839.

Receipts—

From the Treasurer of the State, after organization of the Board, $33,249 33
From Bank of Kentucky, bonus, dividends and excess of dividends, 215,301 10
From Northern Bank of Kentucky, do. do. do. 176,767 99
From Bank of Louisville, bonus and dividends, 20,575 00
From Old Bank of Kentucky, 17,901 00
From Commonwealth's Bank, 88,030 00
From turnpike roads, 21,311 47
From surplus revenue of the United States, 850,159 02
From Penitentiary, 5,000 00
From slackwater navigation, (Green river,) 307 98
From premiums, 53,424 18

$1,482,026 17
Disbursements—

By interest on loans, $259,832.25
By exchange, 8,629.17
By contingent expenses, 4,288.79
By Bank stock, 298,099.46
By Internal Improvement bonds, 870,000.00
By fraction of surplus revenue paid over to the Board of Education, 159.02

Balance, $1,470,988.69

Every detail connected with, and illustrative of, this general and condensed view of the operations and doings of the Board of Commissioners, is given, with great precision and clearness, by the Secretary of State, who is also Treasurer of the Sinking Fund, in his response to inquiries made by the committee. The letter of the chairman, with the answer of the Secretary, together with documents accompanying that answer, (marked A, B, C, D, E, F, G, H, I, K, L, M, S,) are herewith presented, and incorporated and made part of this report.

FRANKFORT, January 24, 1840.

Sir:
The committee on the Sinking Fund, desirous of presenting to the House the amplest information upon the subject confided to their consideration, request you to give them a full, explicit and complete account of the management of the Fund, from the first moment of the organization of the Board of Commissioners, up to this time.

1st. You will state and show the profit which has accrued to the State, upon the sale of scrip, made for Internal Improvements.

2d. You will state and show the profit which has resulted to the Sinking Fund, upon purchases of stock, since its creation.

3d. You will give the amount of Bank stock purchased, and the rates below par.

4th. You will please distinguish the amount bought on account of School Fund.

Your attention is called, in an especial manner, to the following resolutions offered by Mr. Sprigg, and adopted by the House; and also to the resolution of Mr. Hopkins, which was also adopted.

By Mr. Sprigg:

Resolved, That the committee on the Sinking Fund make their report to this House, setting forth therein, the several sums which have been carried by the Treasurer of the State to the credit of the Commissioners of that Fund, from what sources of revenue such sums were derived, and the times when received into the Treasury; and the committee shall state the time when moneys belonging to that Fund have been paid out to said Commis-
sioners, or upon the requisition of the Governor of this Commonwealth; and the several sums so paid out by the Treasurer, from the 20th of October, 1836, up to this time; and after every such payment, the committee shall set forth the aggregate sum remaining in the Treasury, belonging to that Fund.

Resolved further, That the committee shall, in their report, set forth the times when, by the charters of the Bank of Louisville, the Bank of Kentucky and the Northern Bank of Kentucky, semi-annual dividends on their stocks are declared; and shall state the amount of stock owned by the State or held by said Commissioners, at the several successive times when said Banks have declared dividends; and to state the rate per centum of dividends declared by said Banks periodically, according to their charters; and to state the amount of money to which the State was entitled, upon the stocks so owned by her, or held by said Commissioners, at the several times of declaring dividends by said Banks respectively, according to the rates per centum upon which dividends were so declared; and to state the amount which said Banks severally paid into the Treasury of the State, as her portion of the dividends so declared; and the times when such payments into the Treasury were made by said Banks respectively, since the 29th February, 1836, when certain revenues of the State were set apart by law as a Sinking Fund.

Resolved further, That said committee shall state the aggregate amount of moneys which, by law, were under the control and management of said Commissioners from their first organization, and on every day thereafter, when, by the duties of their Commissions, they were bound to pay the interest due upon the bonds of the State, sold for works of internal improvement; and to exhibit the aggregate surplus of money to which they were entitled as Commissioners of said Fund, after discharging the interest periodically due upon said bonds; and to exhibit the amount and description of investments made by them, of the funds under their control, and at the price at which all stocks were purchased by them, and the surplus of said fund remaining under their control and subject to their demand, after every such investment; and to show to what other purposes the said Fund, so subject to their control and command, has been applied, besides paying the interest on said bonds and the buying of the stocks; and if any of said Fund has been applied to other purposes than as before stated, the committee shall specially set forth for what other purposes said Fund has been applied, to whom applied, and the amount so applied.

Resolved, That the committee enquire especially into the amount of tax, and of dividends on stock, which the Commissioners of the Sinking Fund have received from the Bank of Louisville, since their organization; and if they have not received the full amount due the State from those sources of revenue, the committee shall ascertain the reasons therefor, and make their report thereon.

By Mr. Hopkins:

Resolved, That His Excellency the Lieutenant and Acting Governor be respectfully requested to communicate to this House, the amount of State
bonds issued and sold for internal improvement purposes, in each year since
the commencement of the system; stating, also, the persons, corporations
and companies to whom the whole or any part of the bonds issued in each
year as aforesaid, were sold, and when the payments were to be made, un-
der the several contracts of sale; also, the amount received under each con-
tract of sale, and when the said last mentioned amounts were respectively
paid; also, whether any part of the purchase money for said bonds, or any
part thereof, remains unpaid, and if so, when the same was or is payable or
due, and who is the debtor? also, what amount of State bonds, if any, have
been issued, but remain unpaid, and the year in which said unsold bonds
were issued; and the amount of money now due from the State to the Banks
and individuals, for money borrowed by the State, for which no bonds have
been issued.

This resolution of Mr. Hopkins, though not directed to the committee,
contains enquiries for information necessary for the committee to receive
and embody in their report; and is therefore substituted by the committee
as their own.

Respectfully,

J. SPEED SMITH,
Chairman Committee on Sinking Fund.

J. M. BULLOCK, Esq.,
Secretary of State.

EXECUTIVE DEPARTMENT,
Frankfort, January 30, 1840.

To the Hon. JOHN SPEED SMITH,
Chairman of the Committee
on the Sinking Fund.

Sir:

I have had the honor of receiving your polite note of the 25th instant,
directing my attention to the resolutions introduced by Mr. Sprigg, and
adopted by the House of Representatives on the 11th instant, and asking a
response to these resolutions, as well as to the resolution offered by Mr.
Hopkins on the same day, and to such other interrogatories as are embraced
in your note.

In the following account current of the Sinking Fund, commencing with
the organization of the Board of Commissioners on the 20th October, 1836,
down to the present period, is exhibited in detail every transaction of the
Board, showing every amount received and from what source, and every
amount disbursed and for what purpose, and the balances upon each invest-
ment in stock and upon each payment of interest upon Internal Improve-
ment bonds, as required by the resolutions:
### Debtors

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec. 10, 1836</td>
<td>To cash received of James Davidson, Treasurer,</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Dec. 21, 1836</td>
<td>Cash received of James Davidson, Treasurer,</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Jan. 11, 1837</td>
<td>Cash received of James Davidson, Treasurer,</td>
<td>3,249.33</td>
</tr>
<tr>
<td>Jan. 23, 1837</td>
<td>Dividends heretofore declared on State stock, in Mayerville, Washington, Paris and Lex. Turnpike road,</td>
<td>2,191.84</td>
</tr>
<tr>
<td></td>
<td>Dividend declared in part on State stock, Nov. 1836, in Shelby county turnpike road,</td>
<td>1,000.00</td>
</tr>
<tr>
<td></td>
<td>Excess of dividend, declared 1st January, 1837, on State stock in Northern Bank of Kentucky,</td>
<td>25,000.00</td>
</tr>
</tbody>
</table>

### Sinking Fund

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan. 1, 1837</td>
<td>By interest on $100,000 internal improvement bonds, paid Prime, Ward &amp; King, per check, 19th Dec.</td>
<td>$2,500.00</td>
</tr>
<tr>
<td></td>
<td>Exchange on same, 1 per cent.</td>
<td>$25.00</td>
</tr>
<tr>
<td></td>
<td>Postage on letter enclosing the same,</td>
<td>$50.00</td>
</tr>
<tr>
<td></td>
<td>Interest paid Bank Kentucky on $150,000 internal improvement bonds, per check 24th December.</td>
<td>$3,750.00</td>
</tr>
<tr>
<td></td>
<td>Interest paid Northern Bank Kentucky on $100,000 internal improvement bonds, per check 24th Dec.</td>
<td>$2,500.00</td>
</tr>
<tr>
<td></td>
<td>Balance,</td>
<td>52,665.67</td>
</tr>
</tbody>
</table>

### Creditors

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan. 27, 1837</td>
<td>By 250 shares stock of the Bank Kentucky $33.50, Brokerage, 4 of 1 per cent., Exchange, 1 per cent.</td>
<td>$23,375.00</td>
</tr>
<tr>
<td></td>
<td>Brokerage, 4 of 1 per cent., Exchange, 1 per cent.</td>
<td>$334.33</td>
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<tr>
<td></td>
<td>200 shares stock Northern Bank of Kentucky, at $68 50 for $70 paid in,</td>
<td>$13,703.00</td>
</tr>
<tr>
<td></td>
<td>Brokerage, 4 of 1 per cent.</td>
<td>$34.25</td>
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<tr>
<td></td>
<td>Payment in full on each share of $30, Exchange, 1 per cent., Balance</td>
<td>$6,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$9,066.31</td>
</tr>
<tr>
<td>March 8, 1837</td>
<td>By interest paid on loan by Bank of Louisville, to board internal improvement,</td>
<td>$610.00</td>
</tr>
<tr>
<td></td>
<td>Interest paid on loan by Northern Bank of Kentucky to board internal improvement,</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>April 11, 1837</td>
<td>125 shares stock in Bank of Louisville, par,</td>
<td>$12,500.00</td>
</tr>
<tr>
<td></td>
<td>Balance,</td>
<td>$923.31</td>
</tr>
</tbody>
</table>

**Total:**

- Debtors: $52,665.67
- Sinking Fund: $52,665.67
- Creditors: $52,665.67
### A—Continued.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feb. 13</td>
<td>To balance brought down, Profit of Commonwealth's Bank</td>
<td>10,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10,923.31</td>
</tr>
<tr>
<td>May 8</td>
<td>To balance brought down, Surplus revenue United States</td>
<td>5,923.31</td>
</tr>
<tr>
<td></td>
<td></td>
<td>500,000.00</td>
</tr>
<tr>
<td>June 7, 9</td>
<td>Dividends declared 3d January, 1837, on State stock in the Anderson county turnpike road</td>
<td>468.88</td>
</tr>
</tbody>
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<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 13</td>
<td>By 50 shares of the stock of the Bank Louisville, par, Balance</td>
<td>5,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5,923.31</td>
</tr>
<tr>
<td>May 8</td>
<td>By expenses of J. I. Jacob, attending meetings of the Board to this date</td>
<td>50.00</td>
</tr>
<tr>
<td></td>
<td>Expenses of J. S. Snead, attending meetings of the Board to this date</td>
<td>50.00</td>
</tr>
<tr>
<td></td>
<td>Expenses of W. H. Pope, attending meetings of the Board this day</td>
<td>11.50</td>
</tr>
<tr>
<td></td>
<td>Expenses of J. Tilford, attending meetings of the Board up to date</td>
<td>25.00</td>
</tr>
<tr>
<td></td>
<td>500,000 dollars internal imp't 5 per cent. bonds, Balance</td>
<td>500,000.00</td>
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<tr>
<td></td>
<td></td>
<td>5,824.81</td>
</tr>
<tr>
<td>June 8, 10</td>
<td>By expenses W. H. Pope, attending meeting this day</td>
<td>12.00</td>
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<td>Expenses Jno. Tilford do do</td>
<td>5.00</td>
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<tr>
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<td>Record book of A. C. Keenon</td>
<td>11.00</td>
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<td></td>
<td>Interest on $100,000 5 per cent. int. imp't bonds, remitted to Prime, Ward &amp; King, N.Y., due 1st July</td>
<td>2,500.00</td>
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<tr>
<td></td>
<td>Exchange 1 per cent.</td>
<td>25.00</td>
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<td>Postage on letter enclosing same</td>
<td>50.00</td>
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<td>Interest on $150,000 5 per cent. int. imp't bonds, remitted to New York for War Department, due 1st July</td>
<td>2,062.50</td>
</tr>
<tr>
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<td>Interest on $103,000 5 per cent. I. I. bonds paid to Northern Bank Kentucky</td>
<td>2,500.00</td>
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<td>Interest on $150,000 5 per cent. I. I. bonds paid Bank Kentucky</td>
<td>3,750.00</td>
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<td>166,367.04</td>
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<td>By expenses Jno. Tilford do do</td>
<td>5.00</td>
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<td>5,824.81</td>
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</tbody>
</table>
### July 15
To balance brought down,  
Balance,  
70,283 54

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 15</td>
<td>To premium on former sale $500,000 Kentucky stock bonds to the Northern Bank Kentucky,</td>
<td>7,500 00</td>
</tr>
<tr>
<td>July 15</td>
<td>Bonus on the capital stock of the Bank Kentucky,</td>
<td>21,276 00</td>
</tr>
<tr>
<td>July 15</td>
<td>Bonus on the capital stock of the Bank Louisville,</td>
<td>5,750 00</td>
</tr>
<tr>
<td>July 15</td>
<td>Bonus on the capital stock of the Northern Bank of Kentucky,</td>
<td>13,810 37</td>
</tr>
<tr>
<td>July 15</td>
<td>Surplus revenue United States,</td>
<td>179,219 07</td>
</tr>
<tr>
<td>July 15</td>
<td>Excess of dividend on $1,000,000 of the stock of the State in the Northern Bank of Kentucky,</td>
<td>15,000 00</td>
</tr>
<tr>
<td>July 15</td>
<td>Profits from Bank of the Commonwealth,</td>
<td>6,000 00</td>
</tr>
<tr>
<td>July 15</td>
<td>Dividend declared in part on State stock, Nov. 1836, in Shelby county turnpike road,</td>
<td>748 37</td>
</tr>
<tr>
<td>Sept. 31</td>
<td>Dividend declared 1st April, 1837, on State stock in Maysville, Wash. Paris &amp; Lex turnpike road,</td>
<td>1,225 70</td>
</tr>
<tr>
<td>Oct. 2</td>
<td>Tolls from Muldrow's Hill turnpike road,</td>
<td>68 43</td>
</tr>
<tr>
<td></td>
<td>To balance brought down,</td>
<td>249,598 54</td>
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</tbody>
</table>

### Oct. 11
To balance brought down,  
Balance,  
45,410 79

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct. 11</td>
<td>Profits from Commonwealth’s Bank,</td>
<td>5,000 00</td>
</tr>
<tr>
<td>Oct. 18</td>
<td>Dividends from Maysville, Washington, Paris and Lexington turnpike road,</td>
<td>891 12</td>
</tr>
<tr>
<td>Nov. 20</td>
<td>Dividend on 256 shares stock Bank of Kentucky, declared 1st July, 1837,</td>
<td>875 00</td>
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<tr>
<td>Nov. 20</td>
<td>Dividend on 200 shares stock Northern Bank Kentucky, 1st July,</td>
<td>890 00</td>
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<tr>
<td>Nov. 21</td>
<td>Tolls from Muldrow's Hill turnpike road,</td>
<td>267 35</td>
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<td>Dec. 4</td>
<td>Dividend declared in full on State stock Shelby county turnpike road, Nov. 1836,</td>
<td>163 01</td>
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<tr>
<td>Dec. 5</td>
<td>Profit from Old Bank of Kentucky,</td>
<td>5,067 00</td>
</tr>
<tr>
<td>Dec. 8</td>
<td>Dividends State stock Springfield and Bardstown turnpike road,</td>
<td>220 37</td>
</tr>
<tr>
<td>Dec. 8</td>
<td>Profits from Commonwealth’s Bank,</td>
<td>10,730 00</td>
</tr>
<tr>
<td></td>
<td>To balance brought down,</td>
<td>70,283 54</td>
</tr>
</tbody>
</table>

### July 3
By salary of the Secretary and Treasurer, from 20th Oct. 1836, to 1st July, 1837,  
170,000 dollars 5 per cent. int. imp’t bonds, par,  
170,000 00

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 3</td>
<td>By balance brought down,</td>
<td>4,037 07</td>
</tr>
<tr>
<td>July 18</td>
<td>Record books and bank book, both of C.H. Julian,</td>
<td>21,50</td>
</tr>
<tr>
<td>Aug. 2</td>
<td>Exchange paid Prime, Ward and King, making currency equivalent to specie,</td>
<td>114 18</td>
</tr>
<tr>
<td>Sept. 4</td>
<td>Expenses of W.H. Pope attending meeting Board, 23rd instant,</td>
<td>10 00</td>
</tr>
<tr>
<td>Sept. 4</td>
<td>Expenses of John Tiford attending meeting Board, 23rd instant,</td>
<td>5 00</td>
</tr>
<tr>
<td>Oct. 2</td>
<td>200,000 dollars 5 per cent. int. imp’t bonds, par, Balance.</td>
<td>45,410 79</td>
</tr>
</tbody>
</table>

### Oct. 2
By exchange paid Prime, Ward and King, making currency equivalent to specie,  
78 00

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1838</td>
<td>Oct. 2, Jan. 1, Interest on $100,000 5 per cent. bonds paid Prime, Ward &amp; King, by remittance 22d Dec. 1837,</td>
<td>2,500 00</td>
</tr>
<tr>
<td>Jan. 1</td>
<td>Interest on $165,000 5 per cent. bonds paid War Department, &amp; remitted to N. Y. 22d Dec. 1837,</td>
<td>4,125 00</td>
</tr>
<tr>
<td>Jan. 1</td>
<td>Exchange on interest,</td>
<td>2,500 00</td>
</tr>
<tr>
<td>Jan. 1</td>
<td>Exchange, making currency in N. Y. equal to specie,</td>
<td>3,750 00</td>
</tr>
<tr>
<td>Jan. 1</td>
<td>Interest on $100,000 5 per cent. bonds to Northern Bank Kentucky,</td>
<td>54,811 64</td>
</tr>
</tbody>
</table>

### Jan. 1
By exchange paid Prime, Ward and King, making currency equivalent to specie,  
78 00

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1838</td>
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</tr>
<tr>
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<tr>
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<td>Exchange on interest,</td>
<td>2,500 00</td>
</tr>
<tr>
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<td>Exchange, making currency in N. Y. equal to specie,</td>
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</tr>
<tr>
<td>Jan. 1</td>
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<td>54,811 64</td>
</tr>
</tbody>
</table>

### Jan. 1
By exchange paid Prime, Ward and King, making currency equivalent to specie,  
78 00

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1838</td>
<td>Oct. 2, Jan. 1, Interest on $100,000 5 per cent. bonds paid Prime, Ward &amp; King, by remittance 22d Dec. 1837,</td>
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</tr>
<tr>
<td>Jan. 1</td>
<td>Interest on $165,000 5 per cent. bonds paid War Department, &amp; remitted to N. Y. 22d Dec. 1837,</td>
<td>4,125 00</td>
</tr>
<tr>
<td>Jan. 1</td>
<td>Exchange on interest,</td>
<td>2,500 00</td>
</tr>
<tr>
<td>Jan. 1</td>
<td>Exchange, making currency in N. Y. equal to specie,</td>
<td>3,750 00</td>
</tr>
<tr>
<td>Jan. 1</td>
<td>Interest on $100,000 5 per cent. bonds to Northern Bank Kentucky,</td>
<td>54,811 64</td>
</tr>
</tbody>
</table>
1838
Jan. 1,               To balance brought down,               56,811.64
Jan. 1,               Excess of dividends declared on State stock in Northern Bank of Kentucky,               15,000.00
Jan. 1,               Dividend on 500 shares stock Northern Bk Ky,               800.00
Jan. 1,               Dividend on 250 shares stock Bank of Kentucky,               1,000.00
Feb. 3,               Profits of Commonwealth's Bank,               2,000.00
Feb. 13,               Tolls from Muldrow's Hill turnpike road,               300.00
Feb. 14,               Dividends on State stock in Maysville, Washington, Paris and Lexington turnpike road,               634.48
                      76,446.12
                      March 12,               By expenses J. Tilford attending meeting b'd 14th Dec.               0.00
                      Jan. 1,               Expenses J. S. Snead do do               0.00
                      Jan. 1,               Salary Secretary and Treas. 1st July 1837, to date,               375.00
                      Jan. 1,               Postage on letters remitting int'rest on bonds to N. Y.,               3.50
                      Jan. 27,               Additional ¼ of 1 per cent. on $310,000 commission pl'd E. I. Winter for sale of B. N. B. K'y,               1,375.00
                      Feb. 26,               Expenses J. Tilford attending meeting of board,               15.00
                      Feb. 26,               Expenses J. S. Snead do do               12.00
                      March 12,               Board Education paid over profits School Fund,               92,788.75
                      Balance,               51,955.87
                      76,446.12
April 14,               To balance brought down,               51,955.87
April 14,               Dividends on State stock in Maysville, Washington, Paris and Lexington turnpike road,               1,257.81
April 14,               Profits from Commonwealth's Bank,               4,000.00
May 25,               Premium received on $6,296 15 N. Y. funds, sold in Philadelphia,               94.29
May 25,               Premium received on $3,983 35 N. Y. funds, sold in Philadelphia,               67.90
                      57,375.87
                      March 12,               By board education paid over residue of surplus revenue uninvested,               159.02
                      May 5,               Expenses paid George M. Bibb, Arbitrator,               60.00
                      June 2,               19th April, 100 shares stock Bank of Kentucky,               $81.
                      25th May, 120 shares do do               93.
                      25th May, 44 shares do do               93.
                      25th May, 60 shares do do               93.
                      29th May, 50 shares do do               93.
                      29th May, 137 shares do do               93.
                      Interest on $4,675 for three days               234.
                      Brokerage on $16,446, ¼ of 1 per cent.,               116.12
                      Exchange 2 per cent. on 18,300 dol's,               578.00
                      Exchange 3 per cent. on $24,475 97,               734.28
                      Exchange 5 per cent. on $8,056 15,               404.30
                      Deficit in transfer,               20.00
                      Balance,               91,155.91
                      57,375.87
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 18</td>
<td>To balance brought down, premium of 1 per cent. on sale of $1,250,000 internal improvement bonds New York</td>
<td>$12,500 00</td>
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<tr>
<td></td>
<td></td>
<td>$21,655 31</td>
</tr>
<tr>
<td>July 1</td>
<td>By interest on $100,000 5 per cent. bonds paid Prime, Ward &amp; King</td>
<td>$2,300 00</td>
</tr>
<tr>
<td></td>
<td>By interest on $165,000 5 per cent. bonds War Dep't</td>
<td>$4,125 00</td>
</tr>
<tr>
<td></td>
<td>By interest on $150,000 5 per cent. bonds Bank Ky.</td>
<td>$3,750 00</td>
</tr>
<tr>
<td></td>
<td>By interest on $100,000 5 per cent. bonds Northern Bank Kentucky</td>
<td>$2,500 00</td>
</tr>
<tr>
<td></td>
<td>Balance</td>
<td>$8,780 31</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$21,655 31</td>
</tr>
<tr>
<td>July 13</td>
<td>By 75 shares stock Bank Ky. at $30, Brokerage 1 of 1 per cent.</td>
<td>$6,750 00</td>
</tr>
<tr>
<td></td>
<td>Balance</td>
<td>$92,560 52</td>
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<tr>
<td>Sept. 4</td>
<td>To balance brought down, Profits Commonwealth's Bank</td>
<td>$92,560 52</td>
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<tr>
<td></td>
<td></td>
<td>$99,327 39</td>
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<tr>
<td>Aug. 14</td>
<td>By amount advanced agent on account of expenses attending sale of bonds in eastern cities</td>
<td>$908 13</td>
</tr>
<tr>
<td>Aug. 15</td>
<td>Salary of Secretary and Treasurer from 1st Jan. to 1st July</td>
<td>$375 00</td>
</tr>
<tr>
<td>Aug. 15</td>
<td>Expenses J. Tilford attending meeting board held at Louisville 9th June</td>
<td>$18 00</td>
</tr>
<tr>
<td>Sept. 17</td>
<td>50 shares stock in Northern Bank Kentucky, at $84 for $85 paid in</td>
<td>$4,200 00</td>
</tr>
<tr>
<td></td>
<td>Paid up in full on each share, 15 dollars</td>
<td>$75 00</td>
</tr>
<tr>
<td></td>
<td>Interest paid on $750 1st July to date</td>
<td>$9 37</td>
</tr>
<tr>
<td></td>
<td>Balance</td>
<td>$98,560 92</td>
</tr>
</tbody>
</table>

**Note:** The amounts are in dollars.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A—Continued.</td>
<td>To balance brought down,</td>
<td>92,300 02</td>
<td></td>
</tr>
<tr>
<td></td>
<td>To balance brought down,</td>
<td>92,300 02</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Profits from Commonwealth's Bank</td>
<td>11,000 00</td>
<td>Oct. 6,</td>
</tr>
<tr>
<td></td>
<td>Premium of exchange on 110,024 dollars, at 2 per cent.</td>
<td>2,212 48</td>
<td>Oct. 6,</td>
</tr>
<tr>
<td></td>
<td>Premium of exchange on 639,376 dollars, at 1% per cent.</td>
<td>9,590 64</td>
<td>Oct. 6,</td>
</tr>
<tr>
<td></td>
<td>Premium of exchange on 250,000 dollars, at 1 per cent.</td>
<td>2,599 00</td>
<td>Oct. 6,</td>
</tr>
<tr>
<td></td>
<td>Premium of exchange on 150,000 dollars from N. York to Philadelphia</td>
<td>187 50</td>
<td>Oct. 6,</td>
</tr>
<tr>
<td></td>
<td>Dividend on 175 shares stock Bank Louisville, declared 1st July, 1837</td>
<td>325 00</td>
<td>Oct. 6,</td>
</tr>
<tr>
<td></td>
<td>Dividend on State stock in Maysville, Washington, Paris and Lexington turnpike road</td>
<td>2,798 95</td>
<td>Oct. 6,</td>
</tr>
<tr>
<td></td>
<td>Profits from Commonwealth's Bank</td>
<td>1,000 00</td>
<td>Oct. 6,</td>
</tr>
<tr>
<td></td>
<td>Profits from Commonwealth's Bank</td>
<td>1,500 00</td>
<td>Oct. 6,</td>
</tr>
<tr>
<td></td>
<td>Dividends from Maidrow's Hill turnpike road</td>
<td>150 00</td>
<td>Oct. 6,</td>
</tr>
<tr>
<td></td>
<td>Amount advanced to sell bonds refunded</td>
<td>209 13</td>
<td>Oct. 6,</td>
</tr>
<tr>
<td></td>
<td>Premium on deposit in Bank U. States</td>
<td>729 22</td>
<td>Oct. 6,</td>
</tr>
<tr>
<td></td>
<td>Profits from Commonwealth's Bank</td>
<td>2,000 00</td>
<td>Oct. 6,</td>
</tr>
<tr>
<td></td>
<td>Premium of exchange on 100,000 dollars, at 1% per cent.</td>
<td>1,450 00</td>
<td>Oct. 6,</td>
</tr>
<tr>
<td>Date</td>
<td>Description</td>
<td>Amount</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------------</td>
<td></td>
</tr>
<tr>
<td>Nov. 21</td>
<td>To balance brought down, Profit from Penitentiary</td>
<td>$5,009.00</td>
<td></td>
</tr>
<tr>
<td>Nov. 30</td>
<td>Profit from Commonwealth's Bank</td>
<td>$1,200.00</td>
<td></td>
</tr>
<tr>
<td>Dec. 15</td>
<td>Premium of exchange on $100,000, 14 per cent.</td>
<td>$1,500.00</td>
<td></td>
</tr>
<tr>
<td>Jan. 1</td>
<td>Premium of exchange on $100,000, 14 per cent.</td>
<td>$21,041.87</td>
<td></td>
</tr>
<tr>
<td>Jan. 4</td>
<td>Tolls from Muldrow's Hill Turnpike road</td>
<td>$129.00</td>
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</tr>
<tr>
<td>Jan. 5</td>
<td>Profits from Commonwealth's Bank</td>
<td>$6,650.00</td>
<td></td>
</tr>
<tr>
<td>Jan. 15</td>
<td>Excess of dividends on State stock Bank of Kentucky</td>
<td>$20,000.00</td>
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</tr>
<tr>
<td></td>
<td>Dividend on 7,000 shares stock in Bank of Kentucky</td>
<td>$31,500.00</td>
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<tr>
<td></td>
<td>Excess of dividend on State stock in Northern Bank of Kentucky</td>
<td>$22,500.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dividend on 1,277 shares stock in Bank of Kentucky</td>
<td>$5,746.50</td>
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</tr>
<tr>
<td></td>
<td>Dividend on 400 shares stock in Northern Bank of Kentucky</td>
<td>$1,400.00</td>
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<tr>
<td></td>
<td>Dividend on 175 shares stock in Bank of Louisville</td>
<td>$700.00</td>
<td></td>
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<tr>
<td></td>
<td>Dividend on State stock in Franklin county Turnpike road</td>
<td>$1,600.50</td>
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</tr>
<tr>
<td></td>
<td>Dividend on State stock in Frankfort and Georgetown Turnpike road</td>
<td>$462.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tolls from Muldrow's Hill Turnpike road</td>
<td>$101.39</td>
<td></td>
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<tr>
<td></td>
<td>Dividends on State stock in Springfield and Bardstown Turnpike road</td>
<td>$550.00</td>
<td></td>
</tr>
<tr>
<td>March 2</td>
<td>Premium of exchange on $100,000, 14 per cent.</td>
<td>$1,500.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$48,875.49</td>
<td></td>
</tr>
<tr>
<td>Dec. 13</td>
<td>By expenses John Thord, attending meeting Board, Do. W. H. Pope, do. do.</td>
<td>$7.50</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Interest on $100,000, 5 per cent. Bonds, Prime, Ward and King</td>
<td>$13.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Interest on $165,000, 5 per cent. Bonds, War Dept.</td>
<td>$4,125.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Do. 150,000, 5 do. do. Bank Kentucky, Do. 100,000, 5 do. do. Northern Bank</td>
<td>$3,750.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Do. 1,050,000, 6 do. do. American Life Insurance and Trust Company</td>
<td>$19,250.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Exchange on $35,875 on New York at 14 per cent.</td>
<td>$24,041.87</td>
<td></td>
</tr>
<tr>
<td>Jan. 11</td>
<td>By Secretary's and Treasurer's salary 1st July, 1838, to 1st inst. Interest on $85,000, 5 per cent Bonds, paid Board of Education</td>
<td>$375.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Exchange on $42,500, 14 per cent.</td>
<td>$637.50</td>
<td></td>
</tr>
<tr>
<td>March 2</td>
<td></td>
<td>$74,883.19</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>$56,575.49</td>
<td></td>
</tr>
</tbody>
</table>
A.—Continued.

<table>
<thead>
<tr>
<th>Date</th>
<th>Transaction</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 13</td>
<td>To balance brought down,</td>
</tr>
<tr>
<td></td>
<td>Interest from Kentucky Penitentiary, making his bill on Pope, Davis &amp; Co.</td>
</tr>
<tr>
<td></td>
<td>to cash</td>
</tr>
<tr>
<td>March 14</td>
<td>Interest from Commonwealth's Bank</td>
</tr>
<tr>
<td>March 19</td>
<td>Interest on deposits in Bank of Kentucky</td>
</tr>
<tr>
<td>May 9</td>
<td>Profits from old Bank of Kentucky</td>
</tr>
<tr>
<td>June 25</td>
<td>Interest obtained by J. M. Bullock, on funds in his hands whilst in New York</td>
</tr>
<tr>
<td></td>
<td>Balance,</td>
</tr>
<tr>
<td>March 9</td>
<td>By expenses J. Tilford, attending meeting Board,</td>
</tr>
<tr>
<td></td>
<td>W. H. Pope, do. do. do.</td>
</tr>
<tr>
<td></td>
<td>J. S. Sheaf, do. do. do.</td>
</tr>
<tr>
<td></td>
<td>Amount paid John Morris and A. W. Dudley, valuers under recent law in relation to Penitentiary,</td>
</tr>
<tr>
<td></td>
<td>Exchange on $25,603 42, on New York, 14 per cent.,</td>
</tr>
<tr>
<td></td>
<td>$341 05</td>
</tr>
<tr>
<td>March 14</td>
<td>Exchange on $10,000, on Washington city, 1 per cent.</td>
</tr>
<tr>
<td></td>
<td>Exchange on $25,000, on Richmond, 1 per cent.</td>
</tr>
<tr>
<td></td>
<td>Exchange on $35,000, from Richmond to New York, 1 per cent.</td>
</tr>
<tr>
<td></td>
<td>Exchange on $25,000, on Richmond, 1 per cent.</td>
</tr>
<tr>
<td></td>
<td>Exchange on $25,000, on Richmond, 1 per cent.</td>
</tr>
<tr>
<td></td>
<td>Balance,</td>
</tr>
<tr>
<td>April 24</td>
<td>Expenses J. Tilford, attending meeting Board,</td>
</tr>
<tr>
<td></td>
<td>Interest on $100,000 5 per cent. Bonds, Prime, Ward &amp; King,</td>
</tr>
<tr>
<td></td>
<td>Interest on $165,000 5 per cent. Bonds, War Dept',</td>
</tr>
<tr>
<td></td>
<td>Do. 850,000 5 do. do. do. Education,</td>
</tr>
<tr>
<td></td>
<td>Do. 100,000 5 do. do. Northern Bank,</td>
</tr>
<tr>
<td></td>
<td>Do. 130,000 5 do. do. Bank Kentucky,</td>
</tr>
<tr>
<td></td>
<td>Do. 1,320,000 6 do. do. American Life Insurance and Trust Company,</td>
</tr>
<tr>
<td></td>
<td>Exchange on $43,625, 14 per cent.</td>
</tr>
<tr>
<td></td>
<td>Exchange on $21,500, 14 per cent.</td>
</tr>
<tr>
<td></td>
<td>Balance,</td>
</tr>
<tr>
<td>June 30</td>
<td>By 959 shares stock in Bank Kentucky at an average cost of $38 71.935-821,</td>
</tr>
<tr>
<td></td>
<td>Balance,</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>March 9</td>
</tr>
<tr>
<td></td>
<td>March 14</td>
</tr>
<tr>
<td></td>
<td>July 2</td>
</tr>
<tr>
<td>March 13</td>
<td>74,883.19</td>
</tr>
<tr>
<td>March 14</td>
<td>7,000.00</td>
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<tr>
<td>March 19</td>
<td>3,396.66</td>
</tr>
<tr>
<td>May 9</td>
<td>5,967.00</td>
</tr>
<tr>
<td>June 25</td>
<td>312.49</td>
</tr>
<tr>
<td>March 9</td>
<td>7,500.00</td>
</tr>
<tr>
<td>March 14</td>
<td>135.00</td>
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<tr>
<td>April 24</td>
<td>7,199.05</td>
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<tr>
<td>July 2</td>
<td>5.00</td>
</tr>
<tr>
<td>June 30</td>
<td>85,078.95</td>
</tr>
</tbody>
</table>
July 2, 14,903 62 | Aug. 20, 
To bonus on capital stock Northern Bank of Kentucky,
Excess of dividends on State stock in Northern Bank of Kentucky,
Bonus on capital stock of Bank of Louisville,
Excess of dividends on State stock in Bank of Kentucky,
Dividends on 7000 shares State stock in Bank of Kentucky,
Bonus on capital stock in Bank of Kentucky,
Dividend on 1,377 shares stock in Bank of Kentucky,
Dividend on 400 shares stock in Northern Bank of Kentucky,
Dividend on 175 shares stock in Bank of Louisville,
Dividend on 939 shares stock in Bank of Kentucky,
Amount advanced by Board of Education in purchase of stock,
118,890 75 | 45,100 38

Aug. 30, 
By balance brought down,
163 shares stock in Bank Kentucky, at average cost of $79 49 31-65, 
Exchange on $297 16, N. Y. 14 per ct, 4 45
Balance,
12,963 09 

Sept. 11, 45,109 38 | Nov. 13, 
By expenses J. Tilford, W. H. Pope and J. S. Snead, attending meeting of the board,
Amount paid Bank of Kentucky on 31st Dec. 1838, 51 00
Interest on loan to Agent Penitentiary, 6,750 00
Interest paid Bank of Kentucky on advance of $43,625 from 18th June to 1st July, 1839, 87 35
Balance, 50,711 18

Oct. 21, 779 55 | Nov. 11, 
To balance brought down,
Dividend on State stock in Lincoln county turnpike road, 779 55
Profits from Commonwealth's Bank, 5,500 00
Dividends on State stock Franklin and Crab Orchard turnpike road, 286 00
Dividends on State stock Louisville and Elizabeth town turnpike road, 300 00
Interest on loan to Agent Penitentiary, 750 00
Dividend on State stock Maysville, Washington, Paris and Lexington turnpike road, 2,798 25
Tolls from Mulrow's Hill turnpike road, 85 25
Profits from Commonwealth's Bank, 2,000 00
57,599 43

Nov. 13, 
Balance, 57,599 43
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec. 2</td>
<td>Tolls from Muldrow's Hill turnpike road</td>
<td>50,711.18</td>
</tr>
<tr>
<td>Dec. 7</td>
<td>Profits from Commonwealth's Bank</td>
<td>6,000.00</td>
</tr>
<tr>
<td>Dec. 7</td>
<td>Balance</td>
<td>13,072.69</td>
</tr>
<tr>
<td>Dec. 11</td>
<td>By amount advanced agent on account of expenses attending sale of bonds in eastern cities</td>
<td>755.15</td>
</tr>
<tr>
<td>Dec. 12</td>
<td>Expenses J. S. Snead attending meeting board</td>
<td>13.50</td>
</tr>
<tr>
<td>Dec. 15</td>
<td>Expenses J. Tifford attending meeting board</td>
<td>50.00</td>
</tr>
<tr>
<td>Dec. 16</td>
<td>Board Education, amount returned herefore advanced in purchase of stock</td>
<td>301.61</td>
</tr>
<tr>
<td>Jan. 1</td>
<td>Interest on 100,000 dols. 5 per cent. bonds Prime, Ward and King</td>
<td>2,500.00</td>
</tr>
<tr>
<td>Jan. 7</td>
<td>Interest on 165,000 dols. 5 per cent. bonds War Dl</td>
<td>4,015.00</td>
</tr>
<tr>
<td>Jan. 12</td>
<td>Interest on 1,250,000 dols. 6 per cent. bonds American Life Insurance and Trust Company</td>
<td>37,500.00</td>
</tr>
<tr>
<td>Jan. 16</td>
<td>Interest on $80,000 5 per cent. bonds By Edm</td>
<td>21,350.00</td>
</tr>
<tr>
<td>Jan. 17</td>
<td>Interest on $24,500 5 per cent. bonds</td>
<td>392.50</td>
</tr>
<tr>
<td>Jan. 19</td>
<td>Interest on 100,000 5 per cent. bonds Northern Bank of Kentucky</td>
<td>2,500.00</td>
</tr>
<tr>
<td>Jan. 3</td>
<td>To excess of dividend on State stock Northern Bank of Kentucky</td>
<td>20,000.00</td>
</tr>
<tr>
<td>Jan. 4</td>
<td>Dividend from Franklin and Georgetown turnpike road</td>
<td>308.00</td>
</tr>
<tr>
<td>Jan. 6</td>
<td>Tolls from slackwater navigation Green river</td>
<td>307.08</td>
</tr>
<tr>
<td>Jan. 10</td>
<td>Dividends on 400 shares stock Northern Bank of Kentucky</td>
<td>1,800.00</td>
</tr>
<tr>
<td>Jan. 9</td>
<td>Dividend on 175 shares stock Bank Louisville</td>
<td>525.00</td>
</tr>
<tr>
<td>Jan. 13</td>
<td>Dividend from Anderson county turnpike road</td>
<td>200.00</td>
</tr>
<tr>
<td>Jan. 16</td>
<td>Dividend from Muldrow's Hill turnpike road</td>
<td>42.62</td>
</tr>
<tr>
<td>Jan. 16</td>
<td>Dividend from Winchester and Lexington turnpike road</td>
<td>607.04</td>
</tr>
<tr>
<td>1840 Jan. 3</td>
<td>To balance on hand,</td>
<td>$11,037.48</td>
</tr>
</tbody>
</table>

A—Continued.
In the foregoing account current there is embraced several items, showing the purchase, by the Commissioners, of gold and silver, or its equivalent, for the purpose of paying in coin the semi-annual interest on Internal Improvement bonds, due in New York during the suspension of specie payments by the Banks; and although this fact has heretofore received the approbation of a former committee on the Sinking Fund, and the concurring approval and sanction of the representatives of the people, I can not refrain from again noticing it, that all persons interested, either at home or abroad, may be fully apprized of the inviolable and sacred character in which Kentucky regards her solemn obligations, and the practical construction of her representatives of that feature of the constitution which makes gold and silver the only legal tender.

The following table exhibits the time of the declaration and rates of dividends by the Bank of Kentucky and Northern Bank of Kentucky on State stock, and the excess thereof, after paying the interest on the State stock bonds held by said Banks:

<table>
<thead>
<tr>
<th>Year</th>
<th>Month</th>
<th>Date</th>
<th>Stock Bank of Kentucky</th>
<th>Rate</th>
<th>Dividend</th>
</tr>
</thead>
<tbody>
<tr>
<td>1837</td>
<td>Jan</td>
<td>1st Monday</td>
<td>Northern Bank of Kentucky</td>
<td>4%</td>
<td>$40,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Interest on $1,000,000 5% per cent.</td>
<td></td>
<td>$25,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Dividend on 10,000 shares stock Bank of Kentucky carried to the increase of State stock in 5th million.</td>
<td></td>
<td>$15,000</td>
</tr>
<tr>
<td>1838</td>
<td>Jan</td>
<td>1st Monday</td>
<td>Northern Bank of Kentucky</td>
<td>4%</td>
<td>$40,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Interest on $1,000,000 5% per cent.</td>
<td></td>
<td>$25,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Dividend on 10,000 shares stock Bank of Kentucky carried to the increase of State stock in 5th million.</td>
<td></td>
<td>$15,000</td>
</tr>
<tr>
<td></td>
<td>Jul</td>
<td>1st Monday</td>
<td>Northern Bank of Kentucky</td>
<td>4%</td>
<td>$40,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Interest on $1,000,000 5% per cent.</td>
<td></td>
<td>$25,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Dividend on 10,000 shares stock Bank of Kentucky, and 6,740.44 shares in 5th million.</td>
<td></td>
<td>$33,591.54</td>
</tr>
<tr>
<td>1839</td>
<td>Jan</td>
<td>1st Monday</td>
<td>Northern Bank of Kentucky</td>
<td>4%</td>
<td>$47,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Interest on $1,000,000 5% per cent.</td>
<td></td>
<td>$25,000</td>
</tr>
</tbody>
</table>

Amount carried forward, $211,091.54
JOURNAL OF THE

Amount brought forward, $121,091 54
Dividend on 17,000 shares of stock in Bank of Kentucky 4½ per cent.
Interest on $1,000,000 5 per cent. bonds, 35,000 00
---
51,500 00

1st Monday July, Dividend on 10,000 shares stock Northern Bank of Kentucky 4
Interest on $1,000,000 5 per cent. bonds, 25,000 00
---
20,000 00

Dividend on 17,000 shares stock Bank of Kentucky 4 per cent.
Interest on $1,000,000 5 per cent. bonds, 25,000 00
---
43,000 00

1st Monday January, Dividend on 10,000 shares stock Northern Bank of Kentucky 4½ per cent.
Interest on $1,000,000 5 per cent. bonds, 25,000 00
---
20,000 00

Dividend on 71,000 shares stock Bank of Kentucky was not declared.

Total excess, $355,591 54

The following table shows the time of declaring dividends by the Banks, the number of shares owned by the Commissioners at each time, rate of dividends, and amount:

Table showing the time of declaring dividends by the Banks, number of shares owned by the Commissioners at each time, rate of dividend and amount.

1837.
1st Monday in July, Dividend on 350 shares stock in Bank of Kentucky 3½, $875 00
Do. 200 do. Northern Bank of Kentucky 4, 800 00
Do. 175 do. Bank of Louisville, 3½, 525 00
And received 22d October,

1838.
1st Monday January, Do. 250 do. Bank of Kentucky 4, 1,000 00
Do. 200 do. Northern Bank of Kentucky 4, 800 00
Do. 175 do. Bank of Louisville was not declared.

1839.
1st Monday in July, Do. 750 do. Bank of Kentucky 3½, 2,653 50
Do. 600 do. Northern Bank of Kentucky 3½, 780 00
Do. 150 do. Bank of Louisville 5, 572 50

1840.
1st Monday in January, Do. 1,277 do. Bank of Kentucky 4½, 5,746 30
Do. 400 do. Northern Bank of Kentucky 4½, 1,290 00
Do. 175 do. Bank of Louisville 4, 700 00

1st Monday in July, Do. 2,236 do. Bank of Kentucky 4½, 8,944 00
Do. 400 do. Northern Bank of Kentucky 4½, 1,800 00
Do. 175 do. Bank of Louisville 4, 700 00

1st Monday in January, Do. 2,399 do. Bank Kentucky was not declared.

Do. 400 do. Northern Bank of Kentucky 4½, 1,800 00
Do. 175 do. Bank of Louisville 3, 525 00

Total, $30,354 00

The two following tables show the investments in Bank stocks, the number of shares, the cost thereof, par value, and profits made by the purchases, together with all other investments made by the Commissioners, for the Sinking Fund, since its organization:
Table showing investments in Bank stock.

1837. January 24, 250 shares of stock in Bank of Kentucky, at 93 50 each, $23,375 00
Brokerage, 1/4 of 1 per cent, 58 44
Exchange on $23,433 44, 1 per cent, 293 77

200 shares of stock in Northern Bank of Kentucky at $68 50 for 70 paid in,
Brokerage 1 of 1 per cent, 34 25
Paid in full on each share 30, 6,000 00
Exchange on $19,734 25, 1 per cent, 197 34

April 11, 125 shares of stock in Bank of Louisville, 50 shares of stock in Bank of Louisville, par,
April 15, 50 shares of stock in Bank of Louisville, par,

April 19, 100 shares of stock in Bank of Kentucky, $81 00
May 25, 120 shares of stock in Bank of Kentucky, 93 00
May 26, 44 shares of stock in Bank of Kentucky, 93 50
May 26, 60 shares of stock in Bank of Kentucky, 93 50
May 29, 50 shares of stock in Bank of Kentucky, 93 50
May 29, 137 shares of stock in Bank of Kentucky, 93 50

Interest on $4,075 for 3 days, 116 12
Brokerage on $14,416, 1/4 of 1 per cent, 378 00
Exchange on $13,300, 2 per cent, 734 38
Exchange on $54,475 97, 3 per cent, 404 80
Deficit in transfer, 20 00

July 13, 75 shares of stock in Bank of Kentucky, at $90
Brokerage 1/4 of 1 per cent,

September 17, 50 shares of stock in Northern Bank of Kentucky, at $84
for $83 paid in,
Paid in full on each share, $15, 750 00
Interest on $750, 1st July to date, 9 37

October 23, 150 shares of stock of Northern Bank of Kentucky, $80
for $85 paid in,
Paid in full on each share, $15, 2,250 00
Interest on $2,250, 1st July to 9th November, 48 00

October 24, 150 shares of stock in Bank of Kentucky, $87 00

October 30, 50 shares of stock in Bank of Kentucky, 88 00

November 10, 35 shares of stock of Bank of Kentucky, 88 75
November 26, 5 shares of stock in Bank of Kentucky, 87 00

Brokerage on $250, 849 75, 1/4 of 1 per cent, 127 13
Exchange on $45,298, 1/4 per cent, 679 47

June 30, 959 shares of stock in Bank of Kentucky, average $88 71, 595-831
August 30, 163 shares of stock in Bank of Kentucky, average $79 49, 31-65, 12,957 64
Exchange on $297 16, N. Y. 12

Exchange on $68,603 43, 1/4 per cent, 1,029 05
Exchange on $10,000, 1,129 05

October 6, subscribed in 5th million of the capital stock of Bank of Kentucky,

$239,367 98
Table showing the purchase of stock in the Banks of Kentucky, the number of shares, their cost, par value and profit, and all other investments made by the Board since its organization:

<table>
<thead>
<tr>
<th>No. SHARES</th>
<th>COST</th>
<th>PAR VALUE</th>
<th>PROFIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,974</td>
<td>$273,951.58</td>
<td>$297,400.00</td>
<td>$23,448.42</td>
</tr>
</tbody>
</table>

Subscribed in 5th million, Bank Kentucky, 38,556.40
Invested in 5 per cent. Internal Improvement Bonds, 20,000.00

Total investments, $343,356.40

The next table exhibits the investments made by the Commissioners in Kentucky Internal Improvement bonds, both for the Sinking Fund and Common School Fund:

(E.)

Table showing investments in Kentucky Internal Improvement Bonds by the Commissioners of the Sinking Fund.

1837.
May 15, 500,000 5 per cent. bonds, par, $500,000.00
July 1, 170,000 5 per cent. bonds, par, 170,000.00
October 1, 200,000 5 per cent. bonds, par, 200,000.00

Of which is transferred by the Commissioners to the Board of Education, $850,000.00
Leaving amount held by the Commissioners of the Sinking Fund, $20,000.00

The following table exhibits the amount of bonus and dividends paid by the Bank of Louisville, and when paid:

(F.)

Bank of Louisville in account with the Commissioners of the Sinking Fund.

<table>
<thead>
<tr>
<th>DEBTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 15, To Bonus on capital stock, $5,750.00</td>
</tr>
<tr>
<td>July 29, Dividend on 75 shares stock, 3 per cent., received 12th Oct., 1838, 538.00</td>
</tr>
<tr>
<td>July 1839, Bonus on capital stock, 575.00</td>
</tr>
<tr>
<td>January 15, 1839, Dividend on 75 shares, 4 per cent. 700.00</td>
</tr>
<tr>
<td>July 2, 1840, Bonus on capital stock, 575.00</td>
</tr>
<tr>
<td>January 6, 1840, Dividend on 75 shares, 3 per cent. 538.00</td>
</tr>
<tr>
<td>January 15, By Bonus, 5,750.00</td>
</tr>
<tr>
<td>July 1, Dividend, 575.00</td>
</tr>
<tr>
<td>October 12, Bonus, 5,750.00</td>
</tr>
</tbody>
</table>

Amount carried forward, $12,900.00
The following table shows the aggregate amount received into the Sinking Fund since its organization, and the sources from whence received, the amounts expended, and for what expended, and the balance remaining on hand:

(G.)

A table showing the aggregate amount received into the Sinking Fund since its organization, and the sources from whence received—the amounts expended, and for what expended.

| Amount brought forward, | $12,900 00 |
| 1839. | |
| January 15, Dividend, | 700 00 |
| November 11, Bonus, | 5,750 00 |
| July 2, Dividend, | 700 00 |
| January 6, Dividend, | 525 00 |
| | $20,575 00 |

The following table shows the aggregate amount received into the Sinking Fund since its organization, and the sources from whence received, the amounts expended, and for what expended, and the balance remaining on hand:

Aggregate amount received, | $1,482,026 17 |
| Sources from whence received, to wit: | |
| From James Davidson, upon settlement after organization of Board 20th October, 1836, | $33,249 33 |
| Turnpike roads and slack water navigation, | 21,618 55 |
| Old Bank of Kentucky, profits, | 17,301 00 |
| Commonwealth's Bank, do. | 88,030 00 |
| Bank of Kentucky, bonus and dividends, | 215,301 10 |
| Northern Bank of Kentucky, bonus and dividends, | 175,757 99 |
| Bank of Louisville, do. do. | 20,575 00 |
| Surplus Revenue United States, | 500,159 02 |
| Penitentiary, profits, | 5,000 00 |
| Premium obtained by J. M. Bullock on negotiation of sale of $1,250,000 of scrip, | 44,609 50 |
| Premium from all other sources, | 8,514 88 |
| | 1,482,026 17 |

Amounts expended, and for what expended, to wit:

By aggregate amount of interest paid on Internal Improvement bonds, and expenses, such as exchange, &c. | $296,657 40 |
| Investment for School Fund in Internal Improvement Bonds, | 850,000 00 |
| Fraction of surplus revenue U. States paid Board of Education, | 159 02 |
| Additional 4 of 1 per cent. paid E. I. Winter, as commission for sale of State Bonds, on $510,000, | 1,375 00 |
| Aggregate amount invested in Bank stock, | 273,931 58 |
| Subscribed in 5th million in Bank of Kentucky, | 25,956 40 |
| Contingent expenses, | 2,989 99 |
| Investment in 5 per cent. Internal Improvement Bonds, | 20,000 00 |
| | 1,470,988 69 |

Balance on hand, | $11,037 48 |

The two following tables exhibit the entire sales of Internal Improvement bonds, and State scrip issued in payment of stock in the Bank of Kentucky and Northern Bank of Kentucky, the par value, and net proceeds and profits of the sales:
### Table showing sales of Internal Improvement Bonds.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 25, 1836</td>
<td>$100,000 5 per cent. bonds to the Bank of Kentucky, at par</td>
<td>$100,000</td>
</tr>
<tr>
<td>Aug 1, 1836</td>
<td>$100,000 5 per cent. bonds to Prime Ward &amp; King, by E. I. Winter</td>
<td>$100,000</td>
</tr>
<tr>
<td>Aug 1, 1836</td>
<td>At a premium of 3.10 per cent.</td>
<td>$3,100</td>
</tr>
<tr>
<td>Aug 1, 1836</td>
<td>2 days interest,</td>
<td>$27.39</td>
</tr>
<tr>
<td>Aug 1, 1836</td>
<td>Exchange,</td>
<td>$207.60</td>
</tr>
<tr>
<td>Apr 25, 1837</td>
<td>$100,000 5 per cent. bonds to the Northern Bank of Kentucky, at par</td>
<td>$100,000</td>
</tr>
<tr>
<td>Dec 1, 1837</td>
<td>$50,000 5 per cent. bonds to the Bank of Kentucky, at par</td>
<td>$50,000</td>
</tr>
<tr>
<td>Apr 1, 1838</td>
<td>$165,000 5 per cent. bonds to War Department by John Tilford</td>
<td>$165,000</td>
</tr>
<tr>
<td>Apr 1, 1838</td>
<td>At $98 for 100,</td>
<td>$3,300</td>
</tr>
<tr>
<td>Apr 1, 1838</td>
<td>Premium of 4 per cent. commission to agent</td>
<td>$835</td>
</tr>
<tr>
<td>Apr 1, 1838</td>
<td>Exchange, 1 per cent. on $125,440</td>
<td>$160,875</td>
</tr>
<tr>
<td>Apr 1, 1838</td>
<td></td>
<td>1,254.40</td>
</tr>
<tr>
<td>May 15, 1838</td>
<td>$500,000 5 per cent. bonds to Commissioners of the Sinking Fund, at par</td>
<td>$500,000</td>
</tr>
<tr>
<td>Jul 1, 1838</td>
<td>$170,000 5 per cent. bonds to Commissioners of the Sinking Fund, at par</td>
<td>$170,000</td>
</tr>
<tr>
<td>Oct 1, 1838</td>
<td>$200,000 5 per cent. bonds to the Commissioners of the Sinking Fund, at par</td>
<td>$200,000</td>
</tr>
<tr>
<td>Jul 1, 1838</td>
<td>$1,250,000 6 per cent. bonds to the American Life Insurance and Trust Company, N. Y.</td>
<td>$1,250,000</td>
</tr>
<tr>
<td>Oct 1, 1838</td>
<td>Premium of sale, exchange and interest realized upon the negotiation</td>
<td>$44,609.50</td>
</tr>
<tr>
<td>Oct 1, 1838</td>
<td>Expenses of Negotiation</td>
<td>4,508.13</td>
</tr>
<tr>
<td>Oct 1, 1838</td>
<td></td>
<td>1,290,101.37</td>
</tr>
<tr>
<td>Jan 1, 1840</td>
<td>$22,000 6 per cent. bonds to Board of Education at par</td>
<td>$22,000</td>
</tr>
<tr>
<td>Jan 1, 1840</td>
<td>$18,000 6 per cent. bonds to Contractors on Turnpike Roads at par</td>
<td>$18,000</td>
</tr>
<tr>
<td>Jan 1, 1840</td>
<td>$1,000 6 per cent. bond to J. Swigert at par</td>
<td>$1,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$2,737,438.57</td>
</tr>
</tbody>
</table>

### Table showing State Scrip issued in payment of stock in the Bank of Kentucky and Northern Bank of Kentucky.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apr 18, 1835</td>
<td>500,000 scrip to the Bank of Kentucky, par</td>
<td>500,000</td>
</tr>
<tr>
<td>Jul 1, 1835</td>
<td>500,000 scrip to the Bank of Kentucky, par</td>
<td>500,000</td>
</tr>
<tr>
<td>Sept 15, 1835</td>
<td>500,000 scrip to the Northern Bank of Kentucky</td>
<td>500,000</td>
</tr>
<tr>
<td></td>
<td>At 2 per cent. premium</td>
<td>10,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>510,000.00</td>
</tr>
<tr>
<td></td>
<td>4 of 1 per cent. commission to E. I. Winter</td>
<td>2,550.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>507,450.00</td>
</tr>
</tbody>
</table>

### Amount carried forward

<table>
<thead>
<tr>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$4,244,888.27</td>
</tr>
</tbody>
</table>
The first Internal Improvement bonds ever issued by Kentucky, were issued under Lieutenant and Acting Governor Morehead, who sold $350,000 thereof; and the Auditor of Public Accounts, on the 8th June, 1835, issued a quietus for $100,000, and on the 11th August, 1835, for $103,000, and on the 25th August, for $207 50, exchange received on $83,000 eastern funds, which quietuses are on file in the office of the Secretary of State. For the evidence of the payment into the Treasury of the $100,000 sold to the Northern Bank of Kentucky, and for the $50,000 sold to the Bank of Kentucky—see Auditor's Report, Journal of the Senate 1836-7, page 49.

All moneys received from sales of Internal Improvement bonds by the late Governor Clark and Lieutenant and Acting Governor Wickliffe, are embraced, also, in the foregoing table, showing the sales of Internal Improvement bonds; and the Auditor of Public Accounts has issued, at the appropriate times, as hereinafter stated, quietuses for the following sums, to-wit: on the 18th April, 1837, for $126,694 40; on the 22d June, 1837, for $36,062 20—these two quietuses are for the sums received for the $165,000 of bonds sold to the War Department. On the 9th June, 1837, for $500,000; on the 20th July, 1837, for $170,000; on the 2d October, 1837, for $200,000—these three quietuses are the sums received for the three sales made to the Commissioners of the Sinking Fund. On the 6th July, 1838, for $150,000; on the 16th August, 1838, for $100,000; on the 14th September, 1838, for $100,000; on the 22d September, 1838, for 50,000; on the 11th October, 1838, for $146,091 87; on the 5th December, 1838, for $100,000; on the 31st December, 1838, for $100,000; on the 31st January, 1839, for $30,000; on the 12th February, 1839, for $30,000; on the 25th February, 1839, for $30,000; on the 12th April, 1839, for $80,000; on the 19th April, 1839, for $261,999 59; on the 29th April, 1839, for $50,000; on the 11th May, 1839, for $41,908 54—these fourteen quietuses are for the $1,250,000 received from the sale of bonds made to the American Life Insurance and Trust Company. On the 1st October, 1839, for $21,500; on the 6th January, 1840, for $22,000—these two quietuses are for the sums received from two sales made to the Board of Education. On 16th January, 1840, for 18,000—this quietus is for the sale made to contractors on turnpike roads. On the 17th January, 1840, for $1,002 83—this quietus is for a bond sold to Jacob Swigert, Esq., and the interest that had accrued thereon from 1st January, 1840. All of these quietuses are on file in the office of the Secretary of State.

By reference to the above table it will be seen that the sale of $1,250,000 of bonds was negotiated by the agent at a premium of one per cent., and which premium, by his subsequent negotiations with the Bank of the United States and Bank of Kentucky and Northern Bank of Kentucky, he increased to the aggregate sum of $44,609 50, all of which, by the provisions...
of existing laws, passed into the Sinking Fund. It is proper here to state
that the quietuses of the Auditor for the payment into the Treasury of the
$1,250,000, have issued for $3,908.13 more than was paid into the Treas-
ury, and for which sum the Treasurer should have credit on his books.* Of
the sum above mentioned there was used in defraying the expenses of the
agent, printing and numbering the bonds, employing a young man, worthy
of such confidence, to bear them to Kentucky and back again to New York,
for the signature of the Governor and seal of State, $908.13, the balance of
the sum, $3,000, was allowed and paid by the Governor to the agent for
effecting the negotiations; this sum is greatly less than the usual allowance
made to agents who sell State scrip; one half of one per cent. was paid
both to Jno. Tillord and E. I. Winter, Esqrs. for the sales made by them for
the State, at which rate the agent making the sale to the American Life In-
insurance and Trust Company, would have received the sum of $6,473, but
in consequence of the relative position in which the agent stood, both to the
Governor and the Commonwealth, only the sum, as above stated, was re-
ceived for effecting a negotiation by which there was realized to the State
a net profit, over and above all expenses and the nominal amount of the
bonds sold, the sum of $40,101.37, exclusive of interest on advance of
$250,000 obtained by the contract as hereinafter stated, some time previous
to the period from which the interest on the bonds sold was to be computed.

The following table shows the receipts and disbursements of that portion
of the Surplus Revenue of the United States that came into the Sinking
Fund, and the succeeding one exhibits the receipt and disbursements of the
entire amount of the Surplus Revenue of the United States deposited with
the State of Kentucky:

(K.)

Table showing receipts and disbursements of the Surplus Revenue.

<table>
<thead>
<tr>
<th>RECEIPTS.</th>
<th>DISBURSEMENTS.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1837.</td>
<td></td>
</tr>
<tr>
<td>May 8th, Surplus revenue</td>
<td>May 15, $500,000 5 per cent.</td>
</tr>
<tr>
<td>United States rejected by</td>
<td>Internal Improvement Bonds at</td>
</tr>
<tr>
<td>the Bank of Louisville,</td>
<td>par,</td>
</tr>
<tr>
<td></td>
<td>$500,000 00</td>
</tr>
<tr>
<td>June 7, do. do. do.</td>
<td>July 1, 170,000 5 per cent.</td>
</tr>
<tr>
<td>Northern Bank of Kentucky,</td>
<td>do. do. do.</td>
</tr>
<tr>
<td></td>
<td>$170,000 00</td>
</tr>
<tr>
<td>July 15, do. do. do.</td>
<td>October 1, 180,000 5 per cent.</td>
</tr>
<tr>
<td>Northern Bank of Kentucky,</td>
<td>do. do. do.</td>
</tr>
<tr>
<td></td>
<td>$180,000 00</td>
</tr>
<tr>
<td></td>
<td>March 12, Fraction of surplus</td>
</tr>
<tr>
<td></td>
<td>revenue uninvested, paid over</td>
</tr>
<tr>
<td></td>
<td>to the Board of Education,</td>
</tr>
<tr>
<td></td>
<td>159 02</td>
</tr>
<tr>
<td></td>
<td>$50,159 02</td>
</tr>
</tbody>
</table>

*Note.—That portion of the funds arising from the sale of $1,250,000 of bonds for which there
existed no immediate demand, was, by contract, deposited with the Banks upon an interest of six
per centum per annum, and was only drawn out and paid into the Treasury as funds were needed
by the Board of Internal Improvement. During my absence eastward the last amount and balance
of the $1,250,000 remaining on deposit with the Banks was required by the Board of Internal Im-
provement from the late Governor Clark, and he, at the time being exceedingly indisposed and in
very precarious health, made his requisition for a greater sum than stood to his credit on the books
of the Banks, and thus, as I am informed, the mistake occurred.
Table showing receipts and disbursements of the Surplus Revenue.

**RECEIPT.**

Total amount of the surplus revenue of the U. S. deposited with the State of Ken: $1,433,757 38

**DISBURSEMENTS.**

- Invested by the Commissioners of the Sinking Fund in 5 per cent. Internal Improvement bonds for the benefit of Common Schools, $850,000 00
- Paid over to Board of Education, fraction, $159 02
- Invested in 5th million of the capital stock of the Bank of Kentucky, 533,396 36

The following table exhibits the Internal Improvement bonds and Bank stock purchased for and held by the Board of Education:

<table>
<thead>
<tr>
<th>Stocks purchased and held by the Board of Education.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1837, 5 per cent. Internal Improvement Bonds,</td>
</tr>
<tr>
<td>$850,000 00</td>
</tr>
<tr>
<td>1839, 755 shares of stock in the Bank of Kentucky,</td>
</tr>
<tr>
<td>73,900 00</td>
</tr>
<tr>
<td>1840, 6 per cent. Internal Improvement Bonds,</td>
</tr>
<tr>
<td>21,900 00</td>
</tr>
<tr>
<td>Total par value,</td>
</tr>
<tr>
<td>$967,000 00</td>
</tr>
</tbody>
</table>

The following table shows the total aggregate receipts and disbursements of the Sinking Fund, since its organization.

**Table showing the receipts and disbursements of the Sinking Fund, since its organization.**

<table>
<thead>
<tr>
<th>RECEIPTS.</th>
</tr>
</thead>
<tbody>
<tr>
<td>From the Treasurer of the State, after organization of the Board, $323,849 33</td>
</tr>
<tr>
<td>From Bank Kentucky, bonus, dividends, and excess of dividends, 215,591 10</td>
</tr>
<tr>
<td>From Northern Bank Kentucky, bonus, dividends, and excess of dividends, 176,767 99</td>
</tr>
<tr>
<td>From Bank of Louisville, bonus and dividends, 30,575 00</td>
</tr>
<tr>
<td>From Old Bank of Kentucky, 17,301 00</td>
</tr>
<tr>
<td>From Commonwealth's Bank, 88,080 00</td>
</tr>
<tr>
<td>From turnpike roads, 21,311 47</td>
</tr>
<tr>
<td>From surplus revenue of the United States, 650,159 92</td>
</tr>
<tr>
<td>From Penitentiary, 5,000 00</td>
</tr>
<tr>
<td>From slackwater navigation, (Green river,), 307 08</td>
</tr>
<tr>
<td>From premiums, 53,424 18</td>
</tr>
<tr>
<td>Total receipts, $1,482,026 17</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DISBURSEMENTS.</th>
</tr>
</thead>
<tbody>
<tr>
<td>By interest on loans, $298,839 25</td>
</tr>
<tr>
<td>By Exchange, 8,629 17</td>
</tr>
<tr>
<td>By contingent expenses, 4,268 79</td>
</tr>
<tr>
<td>By Bank stock, 298,099 46</td>
</tr>
<tr>
<td>By internal improvement bonds, 870,000 00</td>
</tr>
<tr>
<td>By fraction of surplus revenue paid over to Board Education, 159 02</td>
</tr>
<tr>
<td>Balance, 1,470,568 69</td>
</tr>
<tr>
<td>$1,482,026 17</td>
</tr>
</tbody>
</table>
Most of the information asked for by the resolution of Mr. Hopkins will be found embodied in the preceding part of this communication, and in former reports made by the Commissioners of the Sinking Fund to the Legislature; there are some of the interrogatories, however, that have not been answered—the answers to which are as follows: The following payments for Internal Improvement bonds sold, were made in Kentucky, $100,000 by the Bank of Kentucky on the 8th day of June, 1835; $100,000 by the Northern Bank of Kentucky, on the 4th May, 1836; $50,000 by the Bank of Kentucky, on the 1st June, 1836; $500,000 by the Commissioners of the Sinking Fund, on the 9th June, 1837; $170,000 by the Commissioners of the Sinking Fund, on the 20th July, 1837; $200,000 by the Commissioners of the Sinking Fund, on the 21st October, 1837; $25,500 by the Board of Education, on the 1st October, 1839; $22,000 by the Board of Education, 6th January, 1840; $18,000 by Contractors on Turnpike Roads, on the 16th January, 1840; $1,002 $3 by Jacob Swigert, on the 17th January, 1840.

The payments on the sale made to the War Department were, by the contract, to have been made in New York, and on the 18th April, 1837, $125,440 was paid agreeable to contract, but the Department failed to comply further with the contract, and the residue, $36,260, was, on the 22nd June, 1837, received in Kentucky. The payments made for the $1,250,000 of bonds sold to the American Life Insurance and Trust Company, were made in New York, as follows: $150,000 on the 1st June, 1838, one month in advance of the date of the bonds; $100,000 on the 18th June, twelve days prior to the date of the bonds; $100,000 on the 1st August; $100,000 on the 1st September; $200,000 on the 15th September; $100,000 on the 1st October; $100,000 on the 15th October; $100,000 on the 15th November; $100,000 on the 15th December; $100,000 on the 1st January, 1839, and $100,000 on the 1st February, 1839. The payments on the sale made of $100,000 to Prime Ward & King, were made in New York on the 1st and 3d of August, 1835.

No part of the purchase money for any of the Internal Improvement bonds, sold, remains unpaid. A contract of sale of $415,000, in 1837, was made with the War Department, $250,000 of which the Department has failed to consummate; no bonds, however, have been issued by Kentucky under this contract, except for the $165,000, for which payment has been made.

In 1839, his Excellency, Governor Clark, signed a number of bonds for sterling and federal money, a portion of which have been completed by the attestation of the Secretary of State, and his signature to the coupons; none of them have been sold; they were all carefully counted and sealed up in a strong box and deposited for safe-keeping in the Merchants' Bank in the city of New York, and a receipt of deposit setting forth the kind, denomination and number of the bonds is on file in the office of the Secretary of State—$200,000 of which the agent brought back with him to Kentucky, and deposited them in the office of the Secretary of State. Some sales, as will be seen by reference to the proper table contained in this letter, have since been made, and those bonds being signed by the late Governor Clark, it was thought most advisable that they should not be used; others, therefore, were prepared, all of which, except those signed and sold by Lieutenant and Acting Governor Wickliffe, are deposited in the Executive Office.

The amount of money now due from the State to the Banks for money
borrowed by the Board of Internal Improvement, is $445,000, for which no State bonds have been issued.

No money is due from the State for borrowed money for which bonds have not been issued, either to individuals or Banks.

In thus responding to the interrogatories contained in your letter and the resolutions referred to your committee, you will discover, sir, that there has been embodied in this communication a full, varied and minute exhibition of all the transactions of the Board of Commissioners of the Sinking Fund since its organization, in relation to every particular, whether directly or remotely connected with the Fund.

Respectfully, your obedient servant,

J. M. BULLOCK.

These documents give a precise history, in detail, of every act of the Board, and many of the reasons adopted by the Board for conclusions to which it came. The committee feel assured that they could not, in any other manner so ample and clear, give to the House information sought by the resolutions adopted.

The Legislature of Kentucky, fully alive to the high tendencies and beneficent results of a system of general education, if carried into execution, especially in a government like ours, set apart a large portion of the surplus revenue of the United States received by this State, to constitute a School Fund. This sum, when set apart in round numbers, amounted to $850,000. The system of common schools, which it was intended the interest of this fund should aid to uphold, has found, so far, but little favor with the public. Hence the principal business performed by that fund has been to accumulate and invest. It now stands $917,000 of productive capital, and will produce during the current year, something like $51,666 65—fifty thousand dollars of which, at least, judging from the past, will stand ready for re-investment.

The residue of the surplus revenue of the United States received by Kentucky (being $583,598 36,) was paid for shares subscribed in the fifth million of stock in the Bank of Kentucky. The profits of this stock, with all accumulations, have been set apart and kept separate from all other funds, and dedicated exclusively to the payment of the accruing interest and final redemption of the principal of loans made and to be made by the State, for internal improvement, and for that purpose have been, as required by the act of 1837, passed into the Sinking Fund.

That the Sinking Fund has met the expectations of its most sanguine friends and supporters—the more especially when its limited and precarious resources are taken into consideration—cannot be doubted, for a single moment, by the committee. It has paid all the accruing interest charged against it up to 1st of January last, including the semi-annual payments on that day.

It has from time to time invested surpluses, to the amount of $3,356 40. The semi-annual dividends due from the Bank of Kentucky to said Fund on 1st January last, estimated at the rate of eight per centum per annum, and amounting, by that estimate, to $52,956, were not then paid over for re-investment; but which, when re-invested as principal, and added to the foregoing investment of $3,356 40, will make an aggregate of $395,952 40—the same being the total increase, by way of investments, up to the 1st January, 1840. The progress of accumulation by compounding interest
semiaannually on this fund of $395,952 40, is shown in the following table,
and demonstrates its ability, at six per cent. to redeem all the bonds sold
for internal improvement up to that day, as fast as said bonds reach ma-
turity:

A statement showing the value of $400,000, put out at an interest of six per
centum per annum, the interest re-invested every six months:

<table>
<thead>
<tr>
<th>Principal, $400,000 00</th>
<th>End of 18 years, $1,152,917 80</th>
</tr>
</thead>
<tbody>
<tr>
<td>End of 4 years</td>
<td>End of 18 years</td>
</tr>
<tr>
<td>1 do.</td>
<td>184 do.</td>
</tr>
<tr>
<td>1½ do.</td>
<td>191 do.</td>
</tr>
<tr>
<td>2 do.</td>
<td>20 do.</td>
</tr>
<tr>
<td>2½ do.</td>
<td>21 do.</td>
</tr>
<tr>
<td>3 do.</td>
<td>22 do.</td>
</tr>
<tr>
<td>3½ do.</td>
<td>23 do.</td>
</tr>
<tr>
<td>4 do.</td>
<td>24 do.</td>
</tr>
<tr>
<td>4½ do.</td>
<td>25 do.</td>
</tr>
<tr>
<td>5 do.</td>
<td>26 do.</td>
</tr>
<tr>
<td>5½ do.</td>
<td>27 do.</td>
</tr>
<tr>
<td>6 do.</td>
<td>28 do.</td>
</tr>
<tr>
<td>6½ do.</td>
<td>29 do.</td>
</tr>
<tr>
<td>7 do.</td>
<td>30 do.</td>
</tr>
<tr>
<td>7½ do.</td>
<td>31 do.</td>
</tr>
<tr>
<td>8 do.</td>
<td>32 do.</td>
</tr>
<tr>
<td>8½ do.</td>
<td>33 do.</td>
</tr>
<tr>
<td>9 do.</td>
<td>34 do.</td>
</tr>
<tr>
<td>9½ do.</td>
<td>35 do.</td>
</tr>
<tr>
<td>10 do.</td>
<td>36 do.</td>
</tr>
<tr>
<td>10½ do.</td>
<td>37 do.</td>
</tr>
<tr>
<td>11 do.</td>
<td>38 do.</td>
</tr>
<tr>
<td>11½ do.</td>
<td>39 do.</td>
</tr>
<tr>
<td>12 do.</td>
<td>40 do.</td>
</tr>
<tr>
<td>12½ do.</td>
<td>41 do.</td>
</tr>
<tr>
<td>13 do.</td>
<td>42 do.</td>
</tr>
<tr>
<td>13½ do.</td>
<td>43 do.</td>
</tr>
<tr>
<td>14 do.</td>
<td>44 do.</td>
</tr>
<tr>
<td>14½ do.</td>
<td>45 do.</td>
</tr>
<tr>
<td>15 do.</td>
<td>46 do.</td>
</tr>
<tr>
<td>15½ do.</td>
<td>47 do.</td>
</tr>
<tr>
<td>16 do.</td>
<td>48 do.</td>
</tr>
<tr>
<td>16½ do.</td>
<td>49 do.</td>
</tr>
<tr>
<td>17 do.</td>
<td>50 do.</td>
</tr>
<tr>
<td>17½ do.</td>
<td>51 do.</td>
</tr>
<tr>
<td>18 do.</td>
<td>52 do.</td>
</tr>
<tr>
<td>18½ do.</td>
<td>53 do.</td>
</tr>
<tr>
<td>19 do.</td>
<td>54 do.</td>
</tr>
<tr>
<td>19½ do.</td>
<td>55 do.</td>
</tr>
<tr>
<td>20 do.</td>
<td>56 do.</td>
</tr>
<tr>
<td>20½ do.</td>
<td>57 do.</td>
</tr>
<tr>
<td>21 do.</td>
<td>58 do.</td>
</tr>
<tr>
<td>21½ do.</td>
<td>59 do.</td>
</tr>
<tr>
<td>22 do.</td>
<td>60 do.</td>
</tr>
<tr>
<td>22½ do.</td>
<td>61 do.</td>
</tr>
<tr>
<td>23 do.</td>
<td>62 do.</td>
</tr>
<tr>
<td>23½ do.</td>
<td>63 do.</td>
</tr>
<tr>
<td>24 do.</td>
<td>64 do.</td>
</tr>
<tr>
<td>24½ do.</td>
<td>65 do.</td>
</tr>
<tr>
<td>25 do.</td>
<td>66 do.</td>
</tr>
<tr>
<td>25½ do.</td>
<td>67 do.</td>
</tr>
<tr>
<td>26 do.</td>
<td>68 do.</td>
</tr>
<tr>
<td>26½ do.</td>
<td>69 do.</td>
</tr>
<tr>
<td>27 do.</td>
<td>70 do.</td>
</tr>
<tr>
<td>27½ do.</td>
<td>71 do.</td>
</tr>
<tr>
<td>28 do.</td>
<td>72 do.</td>
</tr>
<tr>
<td>28½ do.</td>
<td>73 do.</td>
</tr>
<tr>
<td>29 do.</td>
<td>74 do.</td>
</tr>
<tr>
<td>29½ do.</td>
<td>75 do.</td>
</tr>
<tr>
<td>30 do.</td>
<td>76 do.</td>
</tr>
<tr>
<td>30½ do.</td>
<td>77 do.</td>
</tr>
</tbody>
</table>

The following tables show the calculations upon various sums for different
periods of time, demonstrating the accumulative capacity of a well or­
ganized and prudently conducted Sinking Fund.

A statement showing the value of $400,000, placed at compound interest of
six and seven per centum per annum, for periods of five, ten, fifteen,
twenty, twenty-five, thirty and thirty-five years—the interest re-invested
semi-annually.

<table>
<thead>
<tr>
<th>Period</th>
<th>At 6 per cent. per annum</th>
<th>At 7 per cent. per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>For a period of five years</td>
<td>$337,566</td>
<td>$564,336</td>
</tr>
<tr>
<td>For a period of ten years</td>
<td>$729,444</td>
<td>$965,960</td>
</tr>
<tr>
<td>For a period of fifteen years</td>
<td>$1,304,814</td>
<td>$1,989,692</td>
</tr>
<tr>
<td>For a period of twenty years</td>
<td>$1,753,562</td>
<td>$2,593,890</td>
</tr>
<tr>
<td>For a period of twenty-five years</td>
<td>$2,356,641</td>
<td>$3,151,880</td>
</tr>
<tr>
<td>For a period of thirty years</td>
<td>$3,167,128</td>
<td>$4,144,880</td>
</tr>
</tbody>
</table>
A statement, showing the value of $350,000 placed at compound interest of six and seven per centum per annum, for periods of five, ten, fifteen, twenty, twenty-five, thirty and thirty-five years—interest re-invested semi-annually.

<table>
<thead>
<tr>
<th>Period</th>
<th>At 6% per annum</th>
<th>At 7% per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>For a period of five years,</td>
<td>$470,370.11</td>
<td>$494,707.00</td>
</tr>
<tr>
<td>For a period of ten years,</td>
<td>630,399.09</td>
<td>666,416.10</td>
</tr>
<tr>
<td>For a period of fifteen years,</td>
<td>849,066.44</td>
<td>913,356.85</td>
</tr>
<tr>
<td>For a period of twenty years,</td>
<td>1,141,713.84</td>
<td>1,283,896.73</td>
</tr>
<tr>
<td>For a period of twenty-five years,</td>
<td>1,554,367.57</td>
<td>1,714,616.34</td>
</tr>
<tr>
<td>For a period of thirty years,</td>
<td>2,062,069.01</td>
<td>2,273,159.59</td>
</tr>
<tr>
<td>For a period of thirty-five years,</td>
<td>2,771,437.77</td>
<td>3,069,370.00</td>
</tr>
</tbody>
</table>

Prior to January last, the sales of bonds for internal improvement purposes, were as follow:

- Of bonds bearing an interest of five per cent. | $1,365,000.00
- Of bonds bearing an interest of six per cent. | 1,315,500.00
- Total, | $2,680,500.00

This is the total amount of State bonds for internal improvement up to that date, and the semi-annual revenue of the Sinking Fund, including its dividends upon Bank stock, is sufficient to pay the interest on that sum, and redeem the principal at maturity. In other words, the Sinking Fund has a semi-annual income sufficient to pay the interest charged upon it, and has already invested in stocks, a sum which, if kept at work at six per cent. interest, will pay the principal; and it follows as a consequence, that the whole of the internal improvements now made and completed, are a clear profit to the State—at all events, a clear saving to that amount. To illustrate still further: the State has completed, according to the Governor's message, 467 miles of turnpike road, and 247 miles of slackwater navigation, and has provided for the payment of principal and interest, without taxation. There is, however, a quantity of unfinished work, a part of which has been paid for, and a part unpaid, to the amount of about $850,000; which work is supposed to be a fair equivalent for the outlays upon it.

The committee conclude they have shown, so far as reliance can be placed upon human agency, that the investments of the Sinking Fund are adequate to the final redemption of the internal improvement debt, being sufficient to pay the State bonds for that purpose, as they come to maturity; and that its semi-annual income will pay the interest. And they beg leave, in order to give the House a full and clear view of the subject, to state briefly the true condition of the State debts, and its total indebtedness on its bonds or scrip.

The State owes the Bank of Kentucky and the Northern Bank of Kentucky, one million each, for which she has given her bonds, bearing five per cent. interest; and those Banks owe the State, each one million, for Bank stock, paid for with said five per cent. bonds. The dividends on the Bank stock owned by the State, pay the interest on the bonds given for said stock,
and have left a fraction over three per cent. as annual dividends to the State, declared semi-annually. Hence the State is ready at any moment, to liquidate those two millions. In truth, the transaction is not a debt, but a source of income.

The State received, as before set forth, $1,433,757 38 of surplus revenue, which sum is safely invested, and ready to be re-paid to the National Treasury, if called for. But as the money will never be reclaimed, the committee will place it at an equation. The assets of the State are therefore equal to its liabilities; and this is probably as much or more than can be said by any other State in the Union, engaged in making internal improvements; especially as the improvements already made are a clear profit to the State, as before stated.

A question seems to have sprung up suddenly in Europe, that the States are not bound to pay the loans obtained by them for State purposes; or, in other words, the States are not bound to perform their engagements. How an opinion so obviously at war with the first principles of common honesty, as well as the obligation of contracts, could have originated, is perhaps of little consequence. The idea is too absurd for serious refutation, and is mentioned only to be rebuked and repudiated. Such a notion—for it is a mere notion—jesuitical, most surely—may have been mooted on change in New York or London, for stock-jobbing purposes; but no statesman of reputation would venture to maintain a pretension at once so untenable and so disgraceful. The State of Kentucky has considered its engagements to pay the loans, and in the meantime the interest thereon, as amongst its first and most sacred duties; and it has accordingly made sufficient investments to redeem the principal of its loans, as well as to pay the semi-annual gales of interest. And so strictly has the State adhered to good faith in this matter, that during the suspension of 1837, the interest was paid in specie, or its equivalent, at New York; and the same has been done during the present suspension.

In conclusion, the committee would hold themselves but faithless sentinels over the public faith, were they not to enter their united and stern protest against the imposition of further burdens upon the Sinking Fund, unless simultaneously therewith, means ample, certain and unquestioned, should be added to its resources. This distinct and direct avowal, the committee owe to themselves—to the house—to the public—to the world. The committee is rendering only sheer justice to Kentucky, in avowing their opinion, that whilst the people of the State might censure their representatives for improvident or prodigal expenditures of the public money, they would overlook the error, and forgive the wrong; but for a loss of the pledged faith of the State, they would neither forget the offence, or pardon the culprit.

J. SPEED SMITH,
Chairman Committee on Sinking Fund.
Ordered, That the Public Printer forthwith print 3,000 copies of said report, for the use of the members of this House.

The House then took up the message of the Lieutenant and Acting Governor, made to this House on the 4th instant, returning the bill which originated in this House, entitled, an act to establish the Lexington and Fayette Legion, with his objections thereto.

The question was then taken on the passage of said bill, notwithstanding the Governor's objections, and decided in the negative.

The yeas and nays being required thereon, by the constitution, were as follows, viz:

There were no affirmative votes.

Those who voted in the negative were—

Mr. Speaker,
Messrs. Adams,
    Barrett,
    Board,
    Botts,
    Brien,
    Brooks,
    Burgess,
    Butler,
    Caldwell,
    Cave,
    Chouvin,
    Churchill,
    Clay,
    Coffey,
    Colvin,
    Cornish,
    Crow,
    Cunningham,
    Daniel,
    Daviess,
    Draffin,
    Drye,
    Elliott,
    Fish,
    Forman,
    Glenn,
    Glover,
    Goodson,
    Gray,
    Gresham,
    Haggard,
    Hardy,
    Henry,
    Hill,
    Hines,
    Hughes,
    Huston,
    Imboden,
    Irwin,
    Johnson,
    Lane,
    Lecompte,
    Logan,
    Lyter,
    Marshall, T.
    McCalla,
    McClure,
    McFall,
    McRoberts,
    Meriwether,
    Mims,
    Mize,
    Morehead,
    Murray,
    Newell,
    Randolph,
    Read,
    Reeder,
    Reeves,
    Rowlett,
    Russell,
    Sprigg.
    Stephens,
    Stone,
    Sutton, M.
    Sutton, T.
    Taggart,
    Taylor, H.
    Taylor, J. G.
    Thomasson,
    Turner,
    Wake,
    White,
    Wilson,
    Yantis,
    Young, A.—77.

And then the House adjourned.
THURSDAY, FEBRUARY 13, 1840.

A message was received from the Senate, announcing that they recede from their third amendment to a bill from this House, entitled, an act to regulate the fees of County Court Clerks.

That they recede from their amendments to a bill from this House, entitled, an act to explain and enforce an act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24, 1834, and an act to amend said act, approved February 8, 1839.

That they had concurred in the amendments proposed by this House to bills and a resolution from the Senate of the following titles, viz:
- An act to incorporate the Trustees of the Buck Creek Seminary.
- An act for the benefit of Edwin Land.
- An act for the benefit of Joseph Clarke, late Sheriff of Franklin county.
- A resolution providing for a settlement of the accounts of the Commissioners for Green and Barren rivers.

That they had passed bills from this House of the following titles, viz:
- An act to amend an act concerning the laying and collecting the county levy of Fayette, approved February 25, 1836.
- An act regulating the appointment of the Commissioners of the Revenue in this Commonwealth.
- An act to amend the laws now in force, prescribing the fees and commissions of the Marshal of the Louisville Chancery Court, and for other purposes; and
- An act to change the time of holding the Circuit Courts in the Second Judicial District.

With amendments to the three last named bills.

And that they had passed bills of the following titles:
- An act for the benefit of the children of Abner Gore; and
- An act for the benefit of John Shaw, late Clerk of the Hickman County Court.

Mr. Hines, from the committee on Religion, made the following report:

The Committee on Religion, to whom was referred the petitions of a great number of the citizens of Kentucky, praying a repeal of the laws authorizing the sale of spirituous liquors, have had the same under consideration, and beg leave to make the following report:

The petitioners, without exception, declare, that they look upon the retailing of spirituous liquors as a great evil, and, in terms respectful to the Legislature and creditable to themselves, ask that all laws authorizing a license
to retail spirits shall be repealed, or so modified as to suppress intemperance. From a review of the whole subject, connected with past experience, the Committee are of opinion, that the laws heretofore enacted, authorizing the sale of alcoholic liquors, has by no means prevented or suppressed the crime of intemperance; on the contrary, it has greatly increased it; and in support of this opinion, thus honestly given, and candidly avowed, they beg leave to submit the following reasons:

As the general prosperity of any people require the concentration of individual happiness, it is the duty of the State so to act as to promote that object without a violation of the absolute rights retained, and the relative rights acquired; and as the possession of those rights are best acquired by the protection and power of the State, it is also the duty of the State, so to regulate and restrain their enjoyment as to preserve the general welfare. In every well ordered government, there are three grand requisites supposed to centre and unite; wisdom, to discern the real interest of the community; goodness, to pursue that interest, and power to carry that knowledge and intention into execution. By the exercise of these attributes, all acts against good morals should be prohibited, and punished: among which may be enumerated Incest, Polygamy, Gambling, Adultery, Fornication and Intoxication; also all acts impairing the public health, such as selling unwholesome Food, retailing Poison, creating Nuisances, and other such offences, which might be enumerated, and, in the more absolute exercise of the same requisites, all acts contrary to the safety and security of the people are prohibited and punished—such, for example, as Murder, Rape, Assaults and Batteries, and also all acts violating the possession and enjoyment of property—such as Arson, Burglary, Robbery, Larceny, &c. Now, if the prohibition and punishment of any or all of the foregoing offences is sustained and justified, because the commission of any or all of them might either corrupt the morals or endanger the life, liberty, health or prosperity, of the citizen or community, why, your Committee would ask, has not the State the same power to prohibit and punish the vending of spirituous liquors, if by direction or indirect the effect be either to corrupt the morals, or endanger the life and security of the citizen, or to violate the enjoyment of his property, or to disturb the good order and peace of society? If, for example, the powerful and almost prevalent disposition to gamble is prohibited, because of its immorality, and tendency to loss of time and property, why shall not the vending of spirituous liquors, the excessive use of which, not only tends to demoralize and destroy the community, but the inevitable destruction of property, be also prohibited? Again: if the power of the State can provide for the preservation of the public health, by inhibiting the sale of poisons, and the creation of nuisances; why cannot the same power inhibit the excessive use of spirituous liquors—a liquid poison in its nature, and the vending of which, under the license laws, most assuredly constitutes a public nuisance? It has long been settled by the concurrent testimony of the most distinguished Physicians, that alcohol is a rank and deadly poison—that in its effects, it resembles arsenic; and, though slow in its operation, it is not less certain and destructive in its results—it is infinitely more so. The inevitable tendency of its familiar and common use, is the paralization of the health; the destruction of the human constitution; the prostration of morals; the accumulation of crime; the augmentation of the sum total of human wretchedness and misery; the derangement and stupefaction of the intellect; the oblivion of
every social and religious obligation; the extinction of the love of honor in
the human breast, and the annihilation of every high and holy feeling in the
soul, which elevates man above the beasts that perish, and allies him to God.

Who, then, is not ready to exclaim that the mere use of this poison is a
crime—a crime however which sinks into insignificance when compared with
that of vending it for the destruction of others—a crime, which is innocence
itself, when contrasted with that of creating and pouring upon mankind
this destroying stream of natural and moral death, this cataclys of liquid
fire to blast the rising glories of our country, and desolate the land. Time
was, when these results were unthought of or unknown, when the vending of
this now well known cause of disease and death, of crime and pollution,
was either sustained by the voice of public opinion, or indulged without rep­
robation; but light has come upon us, and in that light a new law hath re­
vealed itself; it is founded in moral justice, and is eternal; it is no longer
unpublished or unknown to the world; it has been written as it were by the
finger of God, all have read it, and ought immediately to obey it; it forbids
man under the penalty of its malediction, to deal in this poison—it forbids
him to scatter it like firebrands, arrows and death, among the human fami­
ly—no one can longer plead ignorance of its mandate, or of its penalties,
no one can longer deny, that from the sale of this destructive fluid flows a
train of evils, which embody every variety of human crime, and human mis­
ery; which converts the blessings of heaven into curses, and those of life
into the tortures of disease, and the madness of despair—but for this agency,
all those vast and complicated evils would cease to exist. The individual,
therefore, who trafficks in this poison, knowing the wide spread ruin which
results from his agency, is, in the eye of Heaven, responsible for all, and
merits the reprobation of his country. Where, in the eye of Eternal Ju­
ice, is the difference between him who strikes the blow of death, and him,
who knowingly maddens the brain, and tempts and fires the soul, to strike
it? Where is the difference between him who by the sale of this subtle po­
sion causes four fifths of the pauperism, crime, sickness, insanity, and death,
which afflicts the world, and him who does it by means of other poisons!
What matters it to the widowed wife and wretched orphan, whether you
consign the husband and father, to a premature grave by the midnight dag­
ger, or by the lingering tortures of the drunkard's death? The differ­
eence is this, the enormity of guilt rests with heavier weight upon the head
of the death dealing vender. In the first case, the destroyer inflicts upon
the suffering survivor, a bereavement unimbittered with shame, and unstain­
ed by dishonor, while the latter superadds to the crime of murder, the des­
titution and lonelines of orphanage and widowhood, the wretched inheri­
tance of poverty and disgrace. We repeat, therefore, that it is now too late
to deny either the criminality of the traffic, or the magnitude of the evils
which result from it. It has been said by some, that the granting of license
to retail spirituous liquors is a source of revenue, that it would be unwise to
repeal the laws on that subject—and more especially, as the State at this
time is in debt, and needs all the money she can command from every source.
It is certainly true that the State is somewhat embarrassed in its moneyed
matters, and we admit that every just and honorable effort should be made
to meet the crisis; but we deny, and that without the fear of successful con­
tradiction, that the granting of license to sell spirituous liquors has ever been,
or ever will be, a source of revenue to the State; so far from it, it has been
the prime cause of the loss of many thousands to the Treasury. The money paid at the Treasury for criminal prosecutions growing out of the use of spirits, greatly overbalances all money received on account of granting tavern licenses; and in support of this opinion the committee are sustained by the petition of the Hon. the Judge and bar of the 16th Judicial District. And, although the public opinion may not be fully prepared for a total repeal of the license laws, yet your committee rejoice to know that public sentiment is fast approaching to that desirable end, and we believe that the time is near at hand when the people, with an almost unlimited voice, will acquiesce in the total repeal of all laws authorizing the sale of alcoholic drinks, except as a medicine, or to promote the arts. Therefore, 

Resolved, That so good a cause invites the aid and calls to its support the philanthropist, the moralist, the christian, and the patriot.

Resolved, That the numerous petitions made to the present Legislature, and the language therein expressed upon this subject, argues well for the triumph of this too long neglected cause, and a determination in our fellow citizens to throw off this tyrannical yoke.

Resolved, further, That this important subject be again referred to the body of the people, that the friends of reform may use every laudable effort to gain strength and march up in solid phalanx to give the finishing blow to this relentless foe.

JAMES HINES, Chm H. R. C.

Ordered, That the Public Printer forthwith print 3,000 copies of said report, for the use of the members of this House.

A message was received from the Senate, by Mr. Payne, asking leave to withdraw their report, announcing their disagreement to a bill from this House, entitled, an act for the benefit of Elizabeth B. Fryar; which was granted, and the bill withdrawn.

Mr. W. N. Marshall, from the committee on Military Affairs, asked leave to be discharged from the further consideration of the petition of Dawson Elliott; which was granted.

Mr. H. Taylor, from the committee on Agriculture and Manufactures, to whom was referred the petition of the State Agricultural Society, asked leave to be discharged from the further consideration thereof; which was granted.

Mr. H. Taylor, from the same committee, to whom was referred the resolution directing them to appropriate a portion of the School Fund to the establishment of Agricultural Schools, asked leave to be discharged from the further consideration thereof; which was granted.

Mr. McRoberts, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills from this House of the following titles, and had found the same truly enrolled, viz:

An act to amend the act concerning the laying and collecting the county levy of Fayette, approved February 25, 1836.

An act to explain and enforce an act to amend the law regulating the
mode of settling the accounts of executors, administrators and guardians, approved February 24, 1834, and an act to amend said act, approved February 8, 1839.

An act to regulate the fees of County Court Clerks.

An act to amend the charter of the Oakland Turnpike Road Company.

An act to equalize the salaries of the Circuit Court Judges of this Commonwealth.

An act to appoint Commissioners to close the concerns of the Shepherdsville Bank.

An act for the benefit of the Lexington and Georgetown Turnpike Road Company.

An act for the benefit of Isaac Jones, committee of Ruth Jones, an idiot, of Green county.

And bills and a resolution from the Senate, of the following titles:

An act for the benefit of Joseph Clarke, late Sheriff of Franklin county, and for other purposes.

An act for the benefit of Edwin Land and William Willbourn.

An act to incorporate the Trustees of the Buck Creek Seminary, and the Trustees of the Simpsonville Seminary.

A resolution providing for a settlement of the accounts of the Commissioners for Green and Barren rivers.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. McRoberts inform the Senate thereof.

Mr. W. N. Marshall, from the committee on Military Affairs, to whom was referred bills from the Senate, of the following titles, viz:

1. An act to exempt the members of the fire companies in the city of Maysville from militia duty.

2. An act for the relief of the securities of Westley M. Garnett, deceased, and Henderson Murphy.

3. An act to amend the militia law.

Reported the 1st and 2d without, and the 3d with an amendment, which was concurred in.

Ordered, That said bills be read a third time.

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.

A message was received from the Senate, announcing the passage of bills from that House of the following titles, viz:

An act for the benefit of William Withers and wife.

An act to authorize the Franklin County Court to hold a term on the third Monday in February, in 1840, and for other purposes.
Mr. Hopkins, from the committee on the Expenditures of the Board of Internal Improvement, who were directed to bring in the same—reported a bill to amend the law in relation to Internal Improvement.

Which was read the first time, as follows, viz:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act of the General Assembly, approved the 28th day of February, 1835, entitled, "an act for the Internal Improvement of the State of Kentucky," as provides for the creation of a Board of Internal Improvement, be, and the same is hereby repealed.

SEC. 2. Be it further enacted, That in lieu of the said Board of Internal Improvement, there shall be elected by the General Assembly, annually, one Superintendent of Public Works, whose duty it shall be to superintend the construction of all the public works of the State now under contract, and to report annually to the Legislature, within —— days from and after the meeting thereof, as to the condition and progress of all matters entrusted to his care.

SEC. 3. Be it further enacted, That the said Superintendent shall receive for his services the sum of —— dollars per annum, to be paid quarterly, out of the Treasury of the State.

SEC. 4. Be it further enacted, That there shall be elected by the Legislature, annually, one Principal Engineer for the public service, with an annual salary of —— dollars, payable quarterly, out of the Treasury of the State:

Provided, however, That before the payment of said Engineer's salary, as also that of the Superintendent of Public Works, a certificate shall be filed with the Auditor of Public Accounts, by the Governor, stating that said officers have truly and faithfully performed the duties required of them by law.

SEC. 5. Be it further enacted, That the Superintendent of Public Works, with the advice and consent of the Governor, may, if the state of the public works shall at any time require it, appoint not exceeding two Assistant Engineers, whose salaries severally shall not be at a higher rate than —— dollars per annum, to be paid out of the Treasury, as above.

SEC. 6. Be it further enacted, That all acts or parts of acts coming within the purview of the provisions of this act, be, and the same are hereby repealed.

Mr. Turner moved to lay said bill on the table for the present.

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

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

Those who voted in the affirmative were—

Mr. Speaker, Mr. Adams, Mr. Barrett, Mr. Brooks, Mr. Butler, Mr. Cave, Mr. Chouvin, Mr. Churchill, Mr. Forman, Mr. Glenn, Mr. Goodson, Mr. Gresham, Mr. Hill, Mr. Hines, Mr. Hopkins, Mr. Haston, Mr. Read, Mr. Reeder, Mr. Reeves, Mr. Russell, Mr. Smith, J. S. Mr. Swope, Mr. Taggart, Mr. Taylor, H.
Mr. Hopkins, from the committee of conference in relation to the disagreement of the two Houses on the bill from this House, entitled, an act for the benefit of Abner Belton, made a report, which was concurred in.

Mr. H. Taylor, from the committee on Agriculture and Manufactures, to whom was referred a bill from the Senate, entitled, an act providing for the establishment of an Agricultural College and School—reported the same without amendment.

The said bill reads as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That for the purpose of promoting the science of agriculture, and other kindred pursuits, in this Commonwealth, it shall be lawful for the citizens of the several counties in the State, in the manner hereafter declared, to form themselves into agricultural societies, by the name of the Agricultural Society of their respective counties, and when so formed, shall each be bodies politic and corporate, by the name and style of the Agricultural Society of their respective counties, and as such shall have the right to sue and be sued, contract and be contracted with, and ordain by-laws for the government of the society, and its business and prudential concerns; and have and use a common seal, and change, alter and renew the same at pleasure; and generally to do and perform all such acts and things as corporations for limited purposes may lawfully do within the scope of their powers.

Sec. 2. That whenever twenty resident citizens of a county shall sign an agreement to form an agricultural society for the county, it shall be lawful for them to meet, at such time and place as shall be agreed on, and elect a
President, and not exceeding nine managers, and to adopt a code of by-laws for the government of the corporation, and the management of its fiscal and prudential concerns, and also for the admission and expulsion of members, and a day and place for the annual elections of the society, and have the written agreement to form the society, and the names of the President and managers, with a certificate of their election, by two of the persons signing the agreement, recorded in the clerk's office of the county court of the county; and thereafter said society shall be a body politic and corporate, as provided in the first section of this act.

Sec. 3. That the President and managers shall appoint a Clerk, whose duty it shall be to record this act, and the within agreement to form the society, with the certificate of two persons signing the agreement to form the society, and the code of by-laws, in a book to be provided for that purpose, and thereafter to keep a full and faithful record of all the proceedings of the society. They shall also have a right to appoint a Treasurer, and such other officers and agents as the business and objects of the society may render necessary; and when deemed proper, to require bond and security, with adequate penalties, from any officer or agent they may employ.

Sec. 4. That there shall be annual elections of a President and managers for each agricultural society formed under this act, at which elections each member of the society shall have one vote; and the society may, from time to time, change, alter and amend the by-laws, or confer that power on the President and managers, who shall have the power of filling any vacancy that may arise in their own body, from death, resignation, refusal to act, or any other cause the by-laws shall declare sufficient to cause a vacancy.

Sec. 5. That each agricultural society formed under this act, shall have the right to purchase and hold, for the use of the society, any quantity of land, not exceeding five hundred acres, and to establish an experimental farm and agricultural school thereon; they shall also have the right to establish a library and a county lyceum, and to purchase all such personal property as may be needful and useful in carrying into operation and continuing the objects designed by this charter.

Sec. 6. That for the purpose of effectuating the objects of this act, each society formed under its provisions, shall have the right to create a stock, not exceeding fifty thousand dollars, in shares of one hundred dollars each, and sell the same to the members of the company, and such others as may choose to purchase; and with the proceeds, purchase the land, establish the experimental farm and agricultural school, and purchase the library, and establish the lyceum; but the stockholders shall have a lien on the same for their stock, and the effects shall never be sold to their prejudice.

Sec. 7. That each society may provide for a dividend to the stockholders, not exceeding six per cent. per annum, out of the proceeds of the farm and the contributions of the society; and they may provide for the redemption of the stock, or any part thereof, from donations and any other funds of the society, from time to time, that they may devote to that object.

Sec. 8. That the stock shall be personal property, for which the society shall issue certificates, in such form as the by-laws shall direct, but they shall be redeemable at the pleasure of the society; and they shall be transferable in such manner as the by-laws shall direct.

Sec. 9. That when twenty or more county societies shall be formed under the provisions of this act, they shall each have the power and right to
choose one representative, and the representatives so chosen shall meet, at such time and place as may be agreed on, and form a State Agricultural Society, and choose a President and not more than nine managers for the government of its affairs; and the society, when so formed, shall be a body politic and corporate, by the name and style of the Kentucky Agricultural Society, with all the rights, powers and privileges of the county society, so far as they are applicable; and the said President and managers shall cause a certificate of the organization of the State society to be made out, with the names of the President and managers, and recorded in the clerk's office of the Court of Appeals, and thereafter, the corporate powers shall have existence, and be in full force.

Sec. 10. That each county society so formed, or to be formed, shall have the right, at such time as the State society shall prescribe, to elect one representative; and the representatives so chosen, shall meet annually, at such time and place as the by-laws of the State society shall direct, and choose a President and not more than nine managers for the State society, who shall hold their offices for one year, and until their successors shall be chosen.

Sec. 11. The county societies shall annually make a report to the State society, of the condition, business and prospects of the society, in such form as the by-laws of the State society shall direct; and the President and managers of the State society shall make a report to the representatives of the county societies, at their annual meetings, of the condition, business and prospects of the State society; and also lay before them the reports of the county societies; and the representatives from the county societies may consider said reports, and give such direction to the President and managers of the State society as they may deem proper, and make such suggestions to the county societies as their experience may dictate.

Sec. 12. That the representatives from the county societies shall have the right to form a code of by-laws for the government of the President and managers of the State society, and for the management of their fiscal and prudential concerns; also, shall fix the time the county societies shall elect their representatives to the State society, and the time they shall make their reports to the State societies, and the character of such reports; also, the time and place of the annual meeting of the State society.

Sec. 13. That the representatives of the county societies shall have the right, and hereby vested with the power and authority, to cause an agricultural college to be established, and to fix the section of the State where the same shall be located; and to prescribe the number of professors, and rules and regulations for its government; and may modify or change the same, from time to time, and confer the management and direction thereof to the President and managers of the State society, as Trustees for the same.

Sec. 14. That the President and managers of the State society, under the directions of the representatives of the county societies, shall have the power and right to purchase, not exceeding twelve hundred acres of land, and establish thereon a farm, and work shops, and manufacturing establishments, and an agricultural college, with a library, and such other needful appendages as may be required, and a State lyceum; and under the like authority, are authorized to create a stock, not exceeding one hundred thousand dollars, in shares not exceeding one hundred dollars each, and sell the same for the purpose of carrying into effect the said objects, and to provide for the payment of an annual dividend to the stockholders, not exceeding six per
cent. per annum, out of the profits of the farm and the contributions of the county societies.

Sec. 15. That the stock so created, shall be personal estate, and transferable as the by-laws shall direct, and shall be redeemable, in whole or in part, at the pleasure of the representatives of the county societies; and the President and managers of the State society, under the directions of the representatives of the county societies, shall have a right to devote the donations made to the society, or any other funds it may have, to the redemption of stock; but until redeemed, the holders of the stock shall have a lien on the farm and library for their security, and they shall never be sold to their prejudice. That for the purpose of encouraging the establishment of the agricultural college, as herein provided, the sum of six thousand dollars per annum, for the term of ten years, is hereby appropriated, out of any moneys in the Treasury, and be paid to the President and managers of the State society for the purpose of paying the professors in the college—the payment to commence whenever the agricultural farm shall be purchased, the college buildings erected thereon, the professors appointed, and the college opened; and to continue so long only as the college shall be continued as an agricultural school of education.

Sec. 16. That the State and county societies shall be, and they are hereby authorized to receive donations for the objects of their respective charters; and the Legislature reserves the right to repeal or modify this act, but no repeal or modification shall affect the right of the societies to any property which they may have acquired under this act.

Sec. 17. The representatives of the county societies may provide for the publication of an agricultural paper, in connection with the agricultural college, and under the management and direction of the President and managers of the State society, or any one they shall employ for that purpose.

Sec. 18. The location of the agricultural college aforesaid, shall be subject to the approval of the Legislature.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative.

And so the said bill was disagreed to.

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

Those who voted in the affirmative, were—

Those who voted in the negative, were—


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

By the committee on Military Affairs—A bill for the benefit of John Keiser.
   By same—A bill for the benefit of Leander W. Macey, and others.
   By same—A bill for the benefit of Stephen Ormsby.
   By the committee on Ways and Means—A bill for the benefit of the Sheriff of Todd county.

Which were read the first time, and ordered to be read a second time.
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 same do pass, and that the titles thereof be as aforesaid.

Bills from the Senate of the following titles, viz:
   An act for the benefit of the children of Abner Gore.
   An act providing for a change of venue in the prosecution against U. B. Chambers.

Were read the first time, and ordered to be read a second time.
The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was referred to the committee for Courts of Justice, and the 2d was ordered to be read a third time.
The rule of the House, constitutional provision and third reading of the 2d bill having been dispensed with,

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

Mr. Turner, from the committee on Banks, to whom was referred a bill from the Senate, entitled, an act for the benefit of the Banks of Kentucky—reported the same with an amendment, which was concurred in.
The said bill, as amended, reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the acts establishing the Northern Bank of Kentucky, the Bank of Kentucky, and the Bank of Louisville, as prohibits said Banks from issuing and circulating notes of a less value than five dollars, shall be and the same is hereby repealed, for and during the time the payment of specie by said Banks shall be suspended, and until twelve months thereafter: Provided, from and after twelve months from the time said Banks shall resume the payment of specie, said prohibitory provisions shall be revived and continued in force in all respects as though this act had not passed.

Mr. Coffey moved to amend said bill, by adding thereto the following section, viz:

Be it further enacted, That the aforesaid Banks shall forthwith pay, in gold and silver, when presented, all the notes of five dollars and under; and if they fail to pay them, they shall be liable for damages of twenty percent.

Mr. Hughes moved the following as a substitute for the amendment of Mr. Coffey:

That so much of the original charters of said Banks as renders them liable to twelve per cent. damages upon the refusal or failure of said Banks to redeem their notes in specie, be, and the same is hereby repealed; and the said damages shall be, and is hereby reduced to seven per cent. upon issues hereafter made during the continuance of the present suspension, and no longer.

Mr. Huston then moved to lay 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. Huston and Lane, were as follows, viz:

Those who voted in the affirmative were—


Those who voted in the negative were—

| Mr. Speaker, Messrs. Adams, Barrett, Botts, Brooks, Gresham, Hardy, Henry, Hill, Hines, | Read, Reeder, Reeves, Rumsey, Russell, |
Mr. Mize then moved the previous question, and it was decided in the negative.

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

Those who voted in the affirmative were—


Those who voted in the negative were—

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

On motion of Mr. Meriwether,

Ordered, That the committee on the whole be discharged from the further consideration of the bill to increase the resources of the Sinking Fund.

The House then took up said bill. The amendments proposed by the committee of the whole were then twice read, and concurred in.

Mr. Daniel moved to amend said bill, by adding thereto the following section, viz:

And be it further enacted, That each and every practising lawyer in this Commonwealth shall annually, in the month of March or April, pay to the Clerk of the County Court in which he shall reside, the sum of — dollars, upon which the Clerk shall receipt for the same, for the use of the Sinking Fund; and any lawyer who shall presume to practice in any court in this Commonwealth without exhibiting or procuring his receipt as above, shall be fined in any sum not exceeding — dollars.

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

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

Those who voted in the affirmative were—

Messrs. Adams,  Housto,  Perciful,  Mims,  Crow,
Burgess,  Lane,  Randolph,  Mize,  Coxe,
Caldwell,  Logan,  Reeder,  Padon,  Colvin,
Coffey,  Lyter,  Rumsey,  Read,  Crow,
Daniel,  Morehead,  Sprigg,  Reeves,  Cave,
Draffin,  Murray,  Swope,  Rowlett,  Cecil,
Haggard,  Newell,  Turner—22,  Chouvin,
Hines,  

Those who voted in the negative were—

Mr. Speaker,  Forman,  Mims,  Mims,
Messrs. Barrett,  Glenn,  Mize,  Mize,
Board,  Glover,  Padon,  Board,
Botts,  Goodson,  Read,  Batts,
Brien,  Gray,  Reeves,  Batts,
Brooks,  Gresham,  Rowlett,  Brocks,
Butler,  Hammond,  Russell,  Butler,
Cave,  Henry,  Stephens,  Cave,
Cecil,  Hill,  Stone,  Cecil,
Chouvin,  Hopkins,  Sutton, M.  Chouvin,
Churchill,  Hughes,  Sutton, T.  Churchill,
Clay,  Imboden,  Taggart,  Clay,
Coke,  Irwin,  Taylor, H.  Coke,
Colvin,  Johnson,  Taylor, J. G.  Colvin,
Cornish,  Lecompte,  Thomasson,  Cornish,
Crow,  Marshall, T.  Waddill,
Cunningham, Marshall, W. N.
Daviess, McClure,
Drye, McFall,
Elliott, McKinney,
English, McRoberts,
Fish, Meriwether,

The seventh section of said bill reads as follows, viz:

Sec. 7. Be it further enacted, That the Clerks of the County Courts in this Commonwealth shall collect and pay into the Public Treasury, for the use of the Sinking Fund, one dollar tax upon each deed recorded in their respective offices, instead of fifty cents; and also, one dollar tax upon each and every power of attorney recorded, and one dollar upon each power of attorney upon which the county seal is affixed, and which is not recorded (except Revolutionary pensioners); also, one dollar upon each and every will ordered to be recorded, and one dollar upon each marriage license they may issue; all of which sums shall be paid into the Treasury, for the use of the Sinking Fund, as prescribed in the foregoing sections of this act, except so much as is set apart for the support of the Jury Fund.

Mr. Caldwell moved to amend the bill by striking out said section.

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

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

Those who voted in the affirmative were—

Messrs. Board, Hopkins, Reeves,
Brien, Imboden, Rowlett,
Burgess, Irwin, Rumsey,
Caldwell, Lane, Russell,
Cecil, Lecompte, Stephens,
Chouvin, Logan, Stone,
Colley, Lyter, Sutton, M.
Colvin, Marshall, W. N., Sutton, T.
Cunningham, McClure, Taggart,
Daniel, McFall, Taylor, J. G.
Daviess, Mims, Thomasson,
Glover, Murray, Waddill,
Goodson, Newell, Wake,
Haggard, Perciful, Wilson,
Hammond, Randolph, Yantis—46.
Henry,

Those who voted in the negative were—

Mr. Speaker,
Messrs. Adams, Elliott, Meriwether,
Barrett, Fish, Mize,
Botts, Forman, Morehead,
Brooks, Glenn, Padon,
Butler, Gray, Reader,
Mr. Sprigg then moved to amend said bill, by adding thereto the following section, viz:

*Be it further enacted, That it shall be the duty of each and every person owning stock in any of the Banks of this State, to list the same for taxation, as other property is now required to be listed, and shall pay a tax thereon, at the rate of ten cents for each one hundred dollars worth of such stock; which tax shall be collected in the same manner as other tax, and shall be applied in aid of the Sinking Fund.*

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sprigg and For- 

Those who voted in the affirmative were—

<table>
<thead>
<tr>
<th>Messrs. Burgess,</th>
<th>Henry,</th>
<th>Mize,</th>
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<tbody>
<tr>
<td>Caldwell,</td>
<td>Logan,</td>
<td>Randolph,</td>
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<tr>
<td>Coffey,</td>
<td>Marshall, T.</td>
<td>Sprigg,</td>
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<tr>
<td>Cornish,</td>
<td>McClure,</td>
<td>Stephens,</td>
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<tr>
<td>Draffin,</td>
<td>McFall,</td>
<td>Sutton, M.</td>
</tr>
<tr>
<td>Glover,</td>
<td>McRoberts,</td>
<td>Sutton, T.</td>
</tr>
<tr>
<td>Gresham,</td>
<td>Mims,</td>
<td>Taggart,</td>
</tr>
<tr>
<td>Haggard,</td>
<td></td>
<td>Yantis—24.</td>
</tr>
</tbody>
</table>

Those who voted in the negative were—

<table>
<thead>
<tr>
<th>Mr. Speaker,</th>
<th>Fish,</th>
<th>Newell,</th>
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</thead>
<tbody>
<tr>
<td>Messrs. Adams,</td>
<td>Forman,</td>
<td>Perciful,</td>
</tr>
<tr>
<td>Barrett,</td>
<td>Glenn,</td>
<td>Pindell,</td>
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<td>Board,</td>
<td>Goodson,</td>
<td>Read,</td>
</tr>
<tr>
<td>Botts,</td>
<td>Gray,</td>
<td>Redd,</td>
</tr>
<tr>
<td>Brien,</td>
<td>Hardy,</td>
<td>Reeder,</td>
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<tr>
<td>Brooks,</td>
<td>Hill,</td>
<td>Reeves,</td>
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<tr>
<td>Buckner,</td>
<td>Hines,</td>
<td>Rowlett,</td>
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<td>Butler,</td>
<td>Hopkins,</td>
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<td>Cave,</td>
<td>Hughes,</td>
<td>Russell,</td>
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<tr>
<td>Cecil,</td>
<td>Imboden,</td>
<td>Stone,</td>
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<tr>
<td>Chouvin,</td>
<td>Irwin,</td>
<td>Swope,</td>
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<tr>
<td>Churchill,</td>
<td>Johnson,</td>
<td>Taylor, H.</td>
</tr>
<tr>
<td>Clay,</td>
<td>Lecompte,</td>
<td>Taylor, J. G.</td>
</tr>
</tbody>
</table>
FRIDAY, FEBRUARY 14, 1840.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act for the benefit of George M. Craven, and wife.

An act to amend the law in relation to ferries on Cumberland and Tennessee rivers, in Trigg county.

With an amendment to the last named bill.

And that they had passed a bill, entitled,

An act for the benefit of Ignatius S. Coomes.

On motion of Mr. Butler—Leave is given him to withdraw the petition of Mrs. Eleanor Maria Hicks, for a divorce; which was accordingly withdrawn.

On motion of Mr. Redd—Leave was given to bring in a bill for the benefit of Charles Faulkner.

Ordered, That the committee on Propositions and Grievances prepare and bring in the same.

The House then took up the message of the Lieutenant and Acting Governor, returning to this House, with his objections thereto, on the 11th inst. a bill, entitled, an act for the benefit of Charles Faulkner.

The question was then taken on the passage of said bill, notwithstanding the Governor's objections, and decided in the negative.

The yeas and nays being required thereon, by the constitution, were as follows, viz:

Those who voted in the affirmative were—

Those who voted in the negative were—

Mr. Speaker,
Messrs. Adams,
Barrett,
Board,
Botts,
Brien,
Brooks,
Buckner,
Burgess,
Butler,
Caldwell,
Cave,
Cecil,
Chauvin,
Clay,
Coke,
Colvin,
Cornish,
Crow,
Cunningham,
Daniel,
Davis,
Draffin,
Drye,
Elliott,
English,
Fish,
Forman,
Glover,
Goodson,
Gray,
Gresham,
Haggard,
Hardy,
Henry,
Hill,
Hines,
Hughes,
Huston,
Imboden,
Innes,
Irwin,
Johnson,
Lane,
Lecompte,
Logan,
Lyter,
Marshall, T. F.
Marshall, T.
Marshall, W. N.
Mason,
McClure,
McPall,
McKinney,
McRoberts,
Meriwether,
Mims,
Mize,
Morehead,
Murray,
Newell,
Padon,
Percifull,
Pindell,
Randolph,
Read,
Redd,
Reeder,
Reeves,
Rowlett,
Rumsey,
Russell,
Smith, J. S.
Stephens,
Stone,
Sutton, M.
Swope,
Taylor, H.
Taylor, J. G.
Thomasson,
Trimble,
Turner,
Waddill,
Wake,
White,
Wilson,
Yantis,
Young, A.—89

Mr. McClure presented the petition of Washington Sherrer, praying to be divorced from his wife, Lettice Sherrer.

Which was received, the reading thereof dispensed with, and referred to the committee on Religion.

Mr. T. F. Marshall read and laid on the table the following joint resolutions, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, that the joint resolution fixing the 17th day of the present month as the time for a final adjournment, be, and the same is hereby rescinded.

Resolved, That when the two Houses adjourn on the 22d day of the present month, they will adjourn without day.

Mr. J. S. Smith, from the committee on the Sinking Fund, to whom was referred a bill from the Senate, entitled, an act to extend and continue in force an act, approved 29th February, 1836, entitled, an act extending, for a certain period, and with certain limitations, the charter of the Old Bank of Kentucky—reported the same without amendment.
Ordered, That the said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

A message was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State, announcing that he had signed and approved sundry enrolled bills which originated in this House, of the following titles, viz:

An act for the benefit of Sarah Jane Dorman.
An act for the benefit of the Sheriffs of Madison, Henry and Lewis counties.
An act to provide for paying the expense of keeping prisoners previous to, and pending their examination before Justices of the Peace.
An act for the benefit of John Blankenship.
An act for the benefit of the fire company in the town of Augusta.
An act to establish election precincts in Kenton and Campbell counties.
An act for the benefit of Nancy Turner.
An act for the benefit of Philip Board, of Hancock county.
An act authorizing Mary Jackson to bind out her infant children.
An act to amend an act, entitled, an act to establish the town of Landing, in Boone county.
An act for the benefit of Thomas P. Hart.
An act for the benefit of James W. Irwin, and others.
An act to amend an act, entitled, an act to amend the act further to regulate the Wilderness turnpike road, approved January 27, 1838.
An act to establish the town of Burtonsville, in Daviess county, and to increase the powers of the Trustees of the town of Monticello.
An act to increase the number of juridical days allowed the Circuit Court of Hardin county, and for other purposes.
An act to legalize the acts of the Trustees of Hodgenville, and for other purposes.
An act for the benefit of Wallace Estill, and wife.
An act to incorporate the Franklin Institute of Bacon College.
An act for the relief of Benjamin F. Major.
An act for the benefit of James C. Hardy.
An act to incorporate the town of Uniontown, in Union county.
An act to authorize the County Court of Daviess county to change that part of the State road leading from the mouth of Salt river to Shawneetown which lies within the limits of the town of Owenborough.
An act for the benefit of Ann Cable.
An act to amend an act, entitled, an act to establish the Southern Bank of Kentucky, approved February 20, 1839.
An act giving Justices of the Peace jurisdiction in actions of trespass, and trespass on the case, where the damages laid are five pounds or under.

Approved 12th February, 1840.

An act for the benefit of the Lexington and Georgetown Turnpike Road Company.

An act for the benefit of Isaac Jones, committee of Ruth Jones, an idiot, of Green county.

An act to appoint Commissioners to close the concerns of the Shepherdsville Bank.

An act to equalize the salaries of the Circuit Court Judges of this Commonwealth.

An act to explain and enforce an act to amend the law regulating the mode of settling the accounts of executors, administrators and guardians, approved February 24, 1834, and an act to amend said act, approved February 8, 1839.

An act to regulate the fees of County Court Clerks.

An act to amend the charter of the Oakland Turnpike Road Company.

An act to amend the act concerning the laying and collecting the county levy of Fayette, approved February 25, 1836.

Approved 13th February, 1840.

A message (in writing) was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State, which is as follows, viz:

Executive Department,
February 12, 1840.

Gentlemen of the House of Representatives:

The resolution of your body, adopted on the 1st, was on the 3d instant communicated to me, by which the Lieutenant and Acting Governor of this Commonwealth is requested to lay before the House of Representatives, 1st. The amount of the proceeds of sales of State bonds. 2d. The amount of money borrowed, otherwise than by the sales of State bonds, on the credit of the State of Kentucky. 3d. The amount of all other money raised on the credit of the State, or otherwise, for works of internal improvement. 4th. The amount of the surplus revenue heretofore received, and how the same has been expended ; and whether paid into the Treasury, and how much; and how much has been audited at the Auditor's office. 5th. And also, all the indebtedness of the State.

I regret that it has not been in my power, at an earlier period, to respond to the resolution, and I now fear that all the information indicated by the resolution, will not be afforded in that satisfactory manner desirable, owing to the difficulty of obtaining the necessary statements from the Auditor's and Treasury office, arising in part from the press of business, and owing, in a great degree, to the manner in which the accounts have been heretofore kept in the Auditor's office.

The first object of inquiry is to know the amount of the proceeds of sales of State bonds.

By virtue of the act of the 28th February, 1835, the Governor was au-
authorized to borrow one million of dollars by sale of State bonds, bearing an interest of five per cent., redeemable after thirty years. The sales to be made by the Governor, under this act, were restricted to $200,000 prior to 1st January, 1836, and to one third of the remainder in any one year, for the three succeeding years.

Under the provisions of this law, Lieutenant and Acting Governor Morehead sold to the Bank of Kentucky, on the 8th June, 1835, $100,000 at par, and to Prime, Ward & King, $100,000 at a premium of $3.10. These amounts, together with the premium, were paid into the Treasury, for which the Auditor of Public Accounts issued his quietuses.

By the act of February, 1836, so much of the law as restricted the amount to be sold in any one year was repealed, and on the 25th April, 1836, Governor Morehead sold to the Northern Bank of Kentucky, $100,000 at par; and on the 1st June, 1836, to the Bank of Kentucky $50,000 at par; all of which appears audited at the Treasury, (see Auditor's Report, Journals of the Senate, 1836-7, page 49,) making the whole amount of bonds sold by Governor Morehead, $350,000.

By the law of 29th February, 1836, one other million was authorized to be borrowed, at an interest of five per cent. redeemable after thirty years. Governor Clark came into office in the month of August, 1836, and there remained unsold of the two millions authorized by the acts above referred to, the sum of $1,650,000. In April, 1837, Governor Clark sold to the Secretary of War, at a discount of two per cent. $165,000.

The Governor was directed by law to subscribe the whole amount of the surplus revenue of the United States, deposited with this State, as stock in the three Banks of Kentucky, upon certain conditions. The Northern Bank and the Bank of Louisville, by a vote of the stockholders in the respective Banks, declined complying with the conditions of the law; in which event, the amounts thus rejected by these Banks, in obedience to the requirements of the law, was paid over to the Commissioners of the Sinking Fund, to be by them invested in safe and profitable stocks. A portion of the surplus revenue (one million) was set apart as a permanent school fund, the annual interest of which was to be devoted to the establishment and maintenance of common schools. The Commissioners, in the exercise of that discretion, with which the Legislature had clothed them, determined that it was better to vest the school fund in the five per cent. internal improvement bonds which the Governor was directed to sell, than to send the money out of the State and invest it in stocks not more productive, certainly not more safe; accordingly the Governor executed the bonds of the State to the amount of $850,000. The Governor also sold to the Commissioners of the Sinking Fund, five per cent. internal improvement bonds to the amount of $20,000; both of which sums (making $870,000) were paid into the Treasury, and for which the quietuses of the Auditor were issued, which are on file in the office of the Secretary of State.

The amount of State bonds issued and sold for internal improvement purposes, bearing an interest of five per cent. is $1,355,000; but of this sum the State owes to her own Boards of Education and Sinking Fund, $870,000; which amount, in stating the liabilities of the State, should be deducted from the gross amount of the bonds sold, which would leave the aggregate amount of five per cent. internal improvement bonds held by corporations and individuals other than the State of Kentucky, $515,000.
By virtue of the act of February, 1838, internal improvement bonds bearing an interest of six per cent. and redeemable in thirty years, were sold by Governor Clark to the American Life Insurance and Trust Company, to the amount of $1,250,000.

Under the act of 1839, the present Governor has sold and delivered bonds bearing an interest of six per cent. as follows: To the Board of Education, $43,500; to public contractors for work done, $18,000; and to sundry individuals, citizens of Kentucky, $11,000—in all, 72,500.

**RECAPITULATION.**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>Total amount of five per cent. bonds sold, is</td>
<td>$1,355,060</td>
</tr>
<tr>
<td>Total amount of six per cent. bonds sold, is</td>
<td>$1,322,500</td>
</tr>
<tr>
<td>Deduct amount held by Board of Education and Sinking Fund</td>
<td>$2,707,500</td>
</tr>
<tr>
<td>Leaves the amount due for internal improvement bonds held by individuals and corporations other than the State</td>
<td>$1,794,000</td>
</tr>
</tbody>
</table>

This statement exhibits the total amount of sales of internal improvement bonds, and the indebtedness of the State on account of bonds sold; the whole amount of which, after deducting expenses of sales, was paid into the Treasury, and the Auditor's quietuses obtained for the same, and filed with the archives in the State Department, except for two items, viz: the $100,000 sold to the Northern Bank of Kentucky, and $50,000 sold to the Bank of Kentucky, by Lieutenant and Acting Governor Morehead. The Auditor's quietuses for these two sums, if issued, have been lost or mislaid; but these amounts were paid into the Treasury, as will be seen by reference to the Auditor's Report, (see Journal of the Senate, 1836-7, p. 49.) It therefore will appear that the whole amount of the proceeds of the sales of internal improvement bonds which were applicable to that service, was paid into the Treasury by the authority of the Auditor; and if the Auditor's books do not show it, with appropriate dates, and in apt form, his quietuses do; and the fault (if any) is in the manner of keeping the accounts in the Auditor's office, and is not chargeable to the Executive, whose duty has, in this instance, been punctiliously performed. The paper A, contains an abstract of the Auditor's quietuses.

The proceeds derived from some of the sales, particularly the sale made to the American Life Insurance and Trust Company, were deposited in the Banks of Kentucky, at an interest of six per cent. and were only withdrawn as required by the Board of Internal Improvement, and paid into the Treasury as above stated.

The premiums and interest received were passed into the Sinking Fund, as will be seen by the former reports of the Commissioners of that fund.

The second inquiry of the resolution calls for "the amount of money borrowed, otherwise than by the sale of State bonds on the credit of the State."

Between the 21st September, 1836, and the 24th May, 1838, the Board of Internal Improvement borrowed from the Banks of Kentucky, under the authority of law, upon temporary loan, $646,666 66; all of which was repaid out of the proceeds of the sales of State bonds above enumerated. Between the 20th of May, 1839, and 2d January, 1840, the Board borrowed,
under the same authority, the sum of $445,000, which sum is still due the
Banks. If there has been any other sum or sums borrowed upon the credit
of the State, for objects of internal improvement, the Executive has neither
personal or official information upon the subject.

3d. The resolution calls for the amount of all money raised on the credit
of the State, or otherwise, for works of internal improvement.

In answer to this call, I can give no other information than that given
above. If, by the words “or otherwise,” is meant the amount raised and
paid by individuals upon their subscriptions for stock in public works, which
I presume was not intended, I can then only refer to the Reports of the
Board of Internal Improvement, already in the possession of the House, as
containing all the information desired.

4th. The amount of surplus revenue heretofore received, and how the
same has been expended, is required by the resolution to be reported.

The total amount received, was $1,433,757 38

By direction of law, Governor Clark subscribed and paid into
the Bank of Kentucky, part of the fifth million in the capi-
tal stock of that Bank, 583,598 36

The remainder, $850,159 02, was vested, as above stated, in
State bonds, except the fraction of $159 02, which was
paid over to the Board of Education, 850,159 02

$1,433,757 38

The whole amount was originally paid into the State Treasury, and with-
drawn therefrom for the purposes aforesaid, by authority of law.

How much of these several sums have been audited at the Auditor's of-
face, is a question I am unable satisfactorily to answer, further than as before
stated.

Paper A, exhibits the amount received upon sales of internal improve-
ment bonds, paid into the Treasury by Lieutenant and Acting Governor
Morehead, the late Governor Clark, and the present Acting Governor of the
Commonwealth, and the dates of the Auditor's quietuses issued therefor.

Paper B, exhibits the receipts and disbursements of the surplus revenue; and paper C, exhibits a statement of all the money borrowed of the Banks, when borrowed, interest paid, &c.

The latter clause of the resolution requires that I shall report a statement
of all the indebtedness of the State. The amount the State owes to con-
tractors for work performed on public works, under existing contracts, upon
rivers and turnpike roads, as reported to me from the Board of Internal Im-
provement, on the 20th day of December, 1839, is estimated at about
$419,132 90.

I have not construed this latter clause of the resolution as imposing upon
me the duty of reporting the outstanding debts and claims against the State
under the ordinary civil expenditures of the government.

It would have afforded me pleasure to have furnished a statement of the
amount audited and expended under each of the heads under which the
money was paid into the Treasury, through the Auditor's office. The an-
swer of the Second Auditor exhibits the aggregate amount audited between
the 10th October, 1834, and 27th February, 1839, under the head of "Scrip, &c." to be $4,515,157 14; and the amount drawn from the Treasury during the same time, by the Auditor's warrants, under the authority of the acts of the Legislature, was $4,470,411 96—leaving in the Treasury, of these funds, unexpended, on 27th February, 1839, $44,745 18. By a statement of the First Auditor, there appears to have been paid into the Treasury, for internal improvement purposes, between the 27th February, 1839, and the 1st day of Feb'y, 1840, $918,762 63; and warrants drawn by him during the same time, according to his report, amounting to $1,261,601 82.

A portion of the temporary loans made by the Banks to the Board of Internal Improvement, prior to the year 1839, I am informed was not audited, but was passed, by order of the Board, on the books of the Bank, to the credit of the Treasury, and was then, by warrant from the Auditor upon the Treasury in favor of the contractors, upon the requisition of the Board, paid by the Treasurer; and in this way it appears that the Treasurer has, in some periods of the fiscal years, paid out more money than the Auditor's book showed he had received.

With sentiments of respect,

Your obedient servant,

C. A. WICKLIFFE.

(A.)

Table, showing the amounts received upon sales of Internal Improvement Bonds, and paid into the Treasury by Lieutenant and Acting Governor Morehead, the late Governor Clark, and Lieutenant and Acting Governor Wickliff, and dates of quietuses issued therefor.

<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
<th>Purchaser</th>
</tr>
</thead>
<tbody>
<tr>
<td>1835</td>
<td></td>
<td></td>
</tr>
<tr>
<td>June 8</td>
<td>100,000 00</td>
<td>Sold to Bank of Kentucky</td>
</tr>
<tr>
<td>August 11</td>
<td>103,000 00</td>
<td>Sold to Prime, Ward and King, New York</td>
</tr>
<tr>
<td>August 25</td>
<td>90,000 00</td>
<td>Exchange</td>
</tr>
<tr>
<td>1836</td>
<td></td>
<td></td>
</tr>
<tr>
<td>April 21</td>
<td>100,000 00</td>
<td>Sold to Northern Bank of Kentucky</td>
</tr>
<tr>
<td>June 1</td>
<td>50,000 00</td>
<td>Sold to Bank of Kentucky</td>
</tr>
<tr>
<td>1837</td>
<td></td>
<td></td>
</tr>
<tr>
<td>April 18</td>
<td>126,694 40</td>
<td>Sold to War Department</td>
</tr>
<tr>
<td>June 9</td>
<td>26,000 00</td>
<td>Sold to Commissioners of the Sinking Fund.</td>
</tr>
<tr>
<td>June 22</td>
<td>51,000 00</td>
<td></td>
</tr>
<tr>
<td>July 20</td>
<td>170,000 00</td>
<td>Sold to Commissioners of the Sinking Fund.</td>
</tr>
<tr>
<td>October 3</td>
<td>200,000 00</td>
<td></td>
</tr>
<tr>
<td>1838</td>
<td></td>
<td></td>
</tr>
<tr>
<td>July 6</td>
<td>150,000 00</td>
<td>Sold to American Life Insurance and Trust Co.</td>
</tr>
<tr>
<td>August 16</td>
<td>100,000 00</td>
<td>do do do</td>
</tr>
<tr>
<td>September 14</td>
<td>100,000 00</td>
<td>do do do</td>
</tr>
<tr>
<td>September 30</td>
<td>50,000 00</td>
<td>do do do</td>
</tr>
<tr>
<td>October 11</td>
<td>146,091 87</td>
<td>do do do</td>
</tr>
<tr>
<td>December 5</td>
<td>160,000 00</td>
<td>do do do</td>
</tr>
<tr>
<td>December 31</td>
<td>100,000 00</td>
<td>do do do</td>
</tr>
<tr>
<td>1839</td>
<td>1840</td>
<td></td>
</tr>
<tr>
<td>--------------</td>
<td>--------------</td>
<td>----------</td>
</tr>
<tr>
<td>January 31,</td>
<td>January 6,</td>
<td>$30,000 00</td>
</tr>
<tr>
<td>February 12,</td>
<td>January 16,</td>
<td>$30,000 00</td>
</tr>
<tr>
<td>April 12,</td>
<td>January 17,</td>
<td>$30,000 00</td>
</tr>
<tr>
<td>April 22,</td>
<td></td>
<td>$30,000 00</td>
</tr>
<tr>
<td>May 11,</td>
<td></td>
<td>$41,908 54</td>
</tr>
</tbody>
</table>

October 1, 1840: $31,000.00

January 6, 1840: $22,000.00

January 16, 1840: $15,000.00

January 17, 1840: $1,000.00

$2,658,464.10

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**Note:** All the quietuses for the payment into the Treasury of the above amounts, are filed in the office of the Secretary of State, except for $100,000 sold to the Northern Bank of Kentucky, 21st April, 1836, and for $50,000 sold to the Bank of Kentucky, 1st of June, 1836; for evidence of the payments of which into the Treasury, see Auditor's Report, Journal of the Senate 1836-7, page 49.

(B.)

**Table showing the receipts and disbursements of the Surplus Revenue.**

**1837**

**Receipts.**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 8, 1837</td>
<td>Surplus Revenue of the United States rejected by the Bank of Louisville.</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>May 11, 1837</td>
<td>Surplus Revenue of the United States, 5-8 of the 1st and 2d instalments, deducting first $500,000.</td>
<td>$284,898.91</td>
</tr>
<tr>
<td>June 7, 1837</td>
<td>Surplus Revenue of the United States rejected by the Northern Bank of Kentucky.</td>
<td>$170,939.35</td>
</tr>
<tr>
<td>July 15, 1837</td>
<td>Surplus Revenue of the United States, it being 5-8 of the 3d instalment.</td>
<td>$298,699.46</td>
</tr>
<tr>
<td>July 15, 1837</td>
<td>Surplus Revenue of the United States rejected by the Northern Bank of Kentucky.</td>
<td>$179,219.37</td>
</tr>
<tr>
<td></td>
<td><strong>Total.</strong></td>
<td><strong>$1,433,757.38</strong></td>
</tr>
</tbody>
</table>

**Disbursements.**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 15, 1838</td>
<td>Purchase of $500,000 five per cent. Internal Improvement bonds, at par.</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>May 15, 1838</td>
<td>Invested in 5th million of the capital stock of the Bank of Kentucky.</td>
<td>$284,898.91</td>
</tr>
<tr>
<td>July 1, 1838</td>
<td>Purchase of $170,000 5 per cent. Internal Improvement bonds, at par.</td>
<td>$170,000.00</td>
</tr>
<tr>
<td>July 15, 1838</td>
<td>Investment in 5th million of the capital stock of the Bank of Kentucky.</td>
<td>$208,699.45</td>
</tr>
<tr>
<td>October 1, 1838</td>
<td>Purchase of $180,000 5 per cent. Internal Improvement bonds, at par.</td>
<td>$180,000.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total.</strong></td>
<td><strong>$1,433,757.38</strong></td>
</tr>
</tbody>
</table>

---

1838.

March 12, 1838: Fraction of Surplus Revenue paid over to Board of Education, $159.02
A statement showing the sums of money borrowed by the Board of Internal Improvement for Internal improvement purposes, the Bank from whence borrowed, the date of loan, and when paid.

<table>
<thead>
<tr>
<th>Date</th>
<th>Bank</th>
<th>Amount of note.</th>
<th>Proceeds of note.</th>
<th>Interest &amp; discount paid on note.</th>
<th>Total principal, interest &amp; discount paid.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1836, September 21</td>
<td>Bank of Louisville, payable 1st Jan. 1837</td>
<td>20,333 33</td>
<td>20,000 00</td>
<td>33 33</td>
<td>20,366 66</td>
</tr>
<tr>
<td>1836, October 10</td>
<td>Bank of Kentucky, due from date</td>
<td>30,000 00</td>
<td>30,000 00</td>
<td></td>
<td>30,000 00</td>
</tr>
<tr>
<td>1837, January 29</td>
<td>Northern Bank of Kentucky, due 1st March, 1837</td>
<td>51,000 00</td>
<td>50,000 00</td>
<td>1,000 00</td>
<td>51,000 00</td>
</tr>
<tr>
<td>1837, January 4</td>
<td>Bank of Kentucky, due from date</td>
<td>40,000 00</td>
<td>40,000 00</td>
<td></td>
<td>40,000 00</td>
</tr>
<tr>
<td>1837, March 21</td>
<td>Northern Bank of Kentucky, due from date</td>
<td>60,000 00</td>
<td>60,000 00</td>
<td></td>
<td>60,000 00</td>
</tr>
<tr>
<td>1837, April 15</td>
<td>Bank of Kentucky, due from date</td>
<td>30,000 00</td>
<td>30,000 00</td>
<td></td>
<td>30,000 00</td>
</tr>
</tbody>
</table>

On the 8th of May 1837, the Sinking Fund Commissioners having bought bonds of Gov. Clark amounting to $500,000 00, paid the above notes and interest, amounting in all to $278,982 73, leaving this balance subject to order of B’d of Int. Imp. $221,017 27; but, inasmuch as the Governor had the Treasurer charged with the whole $500,000, the Board of Internal Improvement drew requisitions in favor of the Bank of Louisville for this sum:

- In favor of Bank of Kentucky, for this sum, 20,184 33
- In favor of Northern Bank of Kentucky, for this sum, 142,154 55
- In favor of Northern Bank of Kentucky, for this sum, 116,643 55

Amounts carried forward:

| Amounts carried forward | 276,333 33 | 275,000 00 | 3,982 73 | 278,982 73 |
### C.—Continued.

<table>
<thead>
<tr>
<th>Date</th>
<th>Bank</th>
<th>Amounts brought forward</th>
<th>Dated</th>
<th>Maturity</th>
<th>Additional Interest</th>
<th>Total Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1838, January 10</td>
<td>Bank of Kentucky</td>
<td>276,333 33</td>
<td>100,000 00</td>
<td>100,000 00</td>
<td>275,000 00</td>
<td>3,082 73</td>
</tr>
<tr>
<td>&quot;</td>
<td>Bank of Kentucky</td>
<td>20,333 33</td>
<td>19,919 88</td>
<td>188 00</td>
<td></td>
<td>20,516 33</td>
</tr>
<tr>
<td>&quot;</td>
<td>Bank of Kentucky</td>
<td>50,000 00</td>
<td>48,475 00</td>
<td>1,525 00</td>
<td></td>
<td>50,000 00</td>
</tr>
<tr>
<td>&quot;</td>
<td>Bank of Kentucky</td>
<td>50,000 00</td>
<td>48,475 00</td>
<td>1,525 00</td>
<td></td>
<td>50,000 00</td>
</tr>
<tr>
<td>&quot;</td>
<td>Bank of Kentucky</td>
<td>125,000 00</td>
<td>125,000 00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>May 23, from Bank of Kentucky</td>
<td></td>
<td>25,000 00</td>
<td>24,487 50</td>
<td>312 50</td>
<td></td>
<td>25,325 00</td>
</tr>
<tr>
<td>&quot;</td>
<td>Bank of Kentucky</td>
<td>45,000 00</td>
<td>45,000 00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;</td>
<td>Bank of Kentucky</td>
<td>95,000 00</td>
<td>93,036 67</td>
<td>1,963 33</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;</td>
<td>Bank of Kentucky</td>
<td>45,000 00</td>
<td>45,000 00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;</td>
<td>Bank of Kentucky</td>
<td>30,000 00</td>
<td>29,093 33</td>
<td>906 67</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;</td>
<td>Bank of Kentucky</td>
<td>30,000 00</td>
<td>28,895 00</td>
<td>1,105 00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;</td>
<td>Bank of Louisville</td>
<td>30,000 00</td>
<td>29,380 00</td>
<td>620 00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;</td>
<td>Bank of Kentucky</td>
<td>45,000 00</td>
<td>45,000 00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;</td>
<td>Bank of Kentucky</td>
<td>20,000 00</td>
<td>19,386 67</td>
<td>613 33</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1840, January 2</td>
<td>Bank of Kentucky</td>
<td>445,000 00</td>
<td>438,351 67</td>
<td>6,648 33</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Note
- The amounts brought forward are listed with their respective banks and dates of maturity.
- Additional interest is noted where applicable.
- Total amounts are calculated and shown.
A bill from the Senate, entitled, an act to authorize the Franklin County Court to hold a term on the third Monday in February, in the year 1840, and for other purposes,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with,

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

Ordered, That the bill from the Senate, entitled, an act to amend an act, entitled, an act to establish a system of Common Schools in the State of Kentucky, and the amendment proposed thereto by Mr. Butler, be referred to the committee on Education.

Ordered, That the bill from the Senate, entitled, an act for the benefit of the Banks of Kentucky, and the amendments adopted thereto, be referred to the committee on Banks.

Mr. Swope, from the committee on Propositions and Grievances, to whom was referred a bill from the Senate, entitled, an act to establish the county of Howard—reported the same without amendment.

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

Mr. Swope, from the same committee, to whom was referred the petition of the citizens of the town of Richmond—reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

Mr. Swope, from the same committee, to whom was referred bills from the Senate, of the following titles, viz:

1. An act to reduce into one the several acts concerning the running and marking the division lines between Washington and Marion counties.
2. An act concerning the town of Glasgow.

Reported the 1st without, and the 2d with an amendment, which was concurred in.

Ordered, That the said bills be read a third time.

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.

Mr. Cunningham, from the committee on Privileges and Elections, to whom was referred the petition of James Howell, and of sundry citizens of Shelby county, each praying for a change in the place of voting in election precincts—reported the same with the following resolution, viz:

Resolved, That said petitions are unreasonable.

Which being twice read, was concurred in.
Mr. Hardy, from the committee on Claims, to whom was referred bills from the Senate of the following titles, viz:

An act for the benefit of Thomas H. Ballard.
An act for the benefit of John Mastin,

Reported the same without amendment.

Ordered, That the said bills be read a third time.
The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

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

Mr. Hardy, from the same committee, to whom was referred a bill requiring certain claims, payable out of the Treasury of the State, to be reported to the Circuit Courts—reported the same with an amendment, which was concurred in.

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

Mr. Hardy, from the same committee, to whom was referred the petition of Robert Poindexter—reported the same with the following resolution, viz:

Resolved, That it is inexpedient to legislate on that subject.

Which being twice read, was concurred in.

Mr. Hardy, from the same committee, to whom was referred the petition of Rufus K. Combs—reported the same with the following resolution, viz:

Resolved, That the said petition be rejected.

Mr. Huston moved to amend said resolution, by striking out "be rejected," and inserting "is unreasonable."

And the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon, by Messrs. Sprigg and Thomasson, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,

Messrs. Adams, Barrett, Butler, Cave, Cecil, Chouvin, Churchill, Coke, Cunningham, Draffin, Fish, Goodson,

Gray, Gresham, Henry, Hill, Huston, Imboden, Innes, Lecompte, Logan, Marshall, T. F., Marshall, T., Mason,

Mr. Butler, from the committee for Courts of Justice, to whom was referred bills from the Senate, of the following titles, viz:

An act for the benefit of the city of Maysville.

An act to continue in force an act, entitled, an act to establish the Police Court of Louisville, and to amend the charter of said city.

Reported the same without amendment.

Ordered, That said bills be read a third time.

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.

A bill from the Senate, entitled, an act for the benefit of Edward S. Coleman, late Sheriff of Franklin county,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bill having been dispensed with, it was referred to the committee on Ways and Means.

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

By the committee on Propositions and Grievances—1. A bill allowing an additional Constable to the county of Spencer, and for other purposes.

By same—2. A bill for the benefit of Scott county.

By the committee on Privileges and Elections—3. A bill to change the place of voting from H. Ditto's to Bloomington, in Hardin county.

By same—4. A bill to change the place of voting in the Tarapin precinct, in Graves county.
By the committee on Claims—5. A bill for the benefit of Wm. B. Keas.
By same—6. A bill for the benefit of Andrew Trumbo.
By same—7. A bill for the benefit of Obadiah E. Wilhoite.
By the committee for Courts of Justice—8. A bill in aid of the last will and testament of Henry Smith, deceased.
By same—9. A bill to amend an act, entitled, an act to incorporate the Versailles Savings Institution, approved February 28, 1835.
By same—10. A bill for the benefit of the Surveyor of Lewis county.
Which were read the first time, and ordered to be read a second time.
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 same do pass, and that the titles thereof be as aforesaid.
The House again resolved itself into a committee of the whole, on the bill to increase the resources of the Sinking Fund—Mr. Meriwether in the chair—and after some time spent therein, the Speaker resumed the chair; when Mr. Meriwether reported that the committee had, according to order, had under consideration the bill aforesaid, and having gone through with the same, had instructed him to report the bill to the House; which he handed in at the Clerk's table.
Mr. T. F. Marshall then moved to amend said bill, by adding thereto the following section, viz:
That for the purpose of paying the interest on the sum necessary to be raised upon the State bonds to pay the debts due to the Banks and contractors, incurred by the Board of Internal Improvement since the last adjournment of the Legislature; and the farther sum necessary to complete the contracts entered into, and the works actually commenced and in progress, an additional ad valorem tax of five cents on each one hundred dollars of property assessed for taxation, shall hereafter be levied and collected in aid of the Sinking Fund, as now constituted, and shall be paid into the Treasury for the use of that fund, and for no other use or purpose whatever.
And the question being taken on the adoption thereof, it was decided in the negative.
The yeas and nays being required thereon, by Messrs. T. F. Marshall and J. S. Smith, were as follows, viz:

Those who voted in the affirmative, were—

Reeder, Smith, J. S. Swope, Taggart, Triibble, White, Young, A.—22.
Mr. Butler then moved to amend said bill, by adding the following section, viz:

That it shall be the duty of the Sheriffs of this Commonwealth to collect, upon the valuation contained in the Commissioners' books for the present year, and every year thereafter, at the rate of twelve and a half cents for every hundred dollars contained in the valuation of each individual's land and other property subject to taxation; and that the taxes to be collected upon non-residents' lands shall be charged and collected at the same rate—two and a half cents of which twelve and a half shall be for the benefit of the Sinking Fund.

And the question being taken on the adoption thereof, it was decided in the negative.

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

Those who voted in the affirmative were—

Messrs. Adams, Johnson, Rowan, Smith, J. S.
Butler, Logan, Sprigg.
Clay, Morehead, Trimble.
Elliott, Newell, White.
Forman, Padon, Young, A.
Goodson, Pindell, —23.
Gresham, Reeder.
Mr. Speaker,

Those who voted in the negative were—

And then the House adjourned.

SATURDAY, FEBRUARY 15, 1840.

A message was received from the Senate, announcing that they had received official information from the Lieutenant and Acting Governor, that he had approved and signed enrolled bills and resolutions which originated in the Senate, of the following titles, viz:

An act to amend the law in relation to idiots and lunatics.
An act to divorce Elizabeth Penn from her husband, Warner Penn.
An act providing for a change of venue in the case of a prosecution against Joseph McMillen.
An act to amend the laws regulating civil proceedings, and for other purposes.
An act to amend an act to establish a Medical Institute in the city of Louisville.
An act to amend the 9th section of an act, entitled, an act for regulating the solemnization of marriages, approved February 3d, 1798.

An act to amend the law in civil proceedings.

An act to amend an act, entitled, an act to authorize Jailers to serve process in certain cases, approved February 9th, 1836.

An act to amend the seventh section of an act, entitled, an act for the better securing the payment of rents, and preventing the fraudulent practices of tenants.

An act concerning the town of Princeton.

An act to authorize the County Court of Nicholas county to sell the Nicholas County Seminary, and for other purposes.

An act to incorporate the Mills' Point House Company.

An act for the benefit of the Sheriff of Livingston county.

An act to establish a State road from Hartford to Russellville.

An act for the benefit of the Jailers of Bullitt and Breckinridge counties.

An act for the benefit of David Jones, late Sheriff of Mercer county.

An act to amend an act, entitled, an act to establish a State road from Shelbyville, by Floyd'sburg and Brownsboro', to Harmony Landing, on the Ohio river.

An act to amend the charter of Shelby College.

An act for the benefit of the Paducah Seminary.

An act to incorporate the La Grange Seminary in Oldham county, and for other purposes.

An act to incorporate the Spencer County Seminary.

An act to incorporate the Maysville Athenæum.

An act for the divorce of Granville C. Brown.

An act for the divorce of Thomas Isbell.

An act for the benefit of Lewis W. Kirtley.

An act for the benefit of Charlotte Stivers.

Approved 12th February, 1840.

A preamble and resolutions concerning the Public Lands.

Approved 12th February, 1840.

An act for the benefit of Joseph Clarke, late Sheriff of Franklin county, and for other purposes.

An act to incorporate the Trustees of the Buck Creek Seminary, and the Trustees of the Simpsonville Seminary.

An act for the benefit of Edwin Land and William Willbourn.

Approved 13th February, 1840.

A resolution providing for a settlement of the accounts of the Commissioners for Green and Barren rivers.

Approved 13th February, 1840.

That they had disagreed to bills from this House, of the following titles:

An act to amend an act to incorporate the Munfordville Bridge Company.
An act to open a road from Waggener's factory, in Hart county, to Elizabethtown, in Hardin county.

An act to repeal all laws declaring the little Obion, in Hickman county, a navigable stream above McCloud's bluffs.

An act to change a part of the State road from Brandenburg to Bowling-green, and for other purposes.

An act to authorize John Weedman to build a mill dam across Rough creek.

An act to amend the charter of the Owingsville, Mountsterling and Winchester Turnpike Road Company.

An act to amend the charter of the Paris, Georgetown and Frankfort Turnpike Road Company.

An act for the benefit of the Common School Commissioners in Wayne county.

That they had passed bills from this House of the following titles, viz:

An act to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

An act to amend an act, entitled, an act to establish a State road from Colemansville, in Harrison county, to Covington, in Campbell county.

An act for the incorporation of the Tan Theta Kappa Society of Georgetown College.

An act for the benefit of Betsey Ann Lambert.

An act for the benefit of Harris W. Thompson.

An act to incorporate the Russellville Library Company.

An act for the benefit of the Kentucky Seminary.

An act to establish the town of Providence, in Hopkins county.

An act for the benefit of the Sheriff of Todd county.

An act to authorize the Auditor to certify copies.

An act to amend the law governing the action of replevin.

An act to amend and explain the 20th section of an act, approved Feb'y 1833, entitled, an act to amend and enforce an act to incorporate the city of Louisville.

An act to amend the law of descents and distribution.

An act for the benefit of the Sheriff of Hopkins county.

With amendments to the four last named bills.

And that they had passed bills and a resolution of the following titles:

An act for the excavation of a canal for water power, at lock and dam No. 3, on Green river.

An act for the benefit of the heirs and widow of Benjamin Mills, dec'd.

An act allowing an additional chancery term to the Fleming Circuit Court.

An act supplemental to an act to establish the 17th Judicial district.
A resolution providing for the examination of the books of the late Receiver of Public Moneys West of the Tennessee river.

1. Mr. Swope presented the petition of Hugh Curren, praying that his contract for the construction of locks and dams Nos. 7 and 8, on Licking river, may not be annulled.

2. Mr. Goodson presented the petition of sundry citizens of Campbell county, praying the passage of a bill, entitled, an act supplemental to an act establishing the county of Kenton, and for other purposes.

3. Also, the petition of sundry citizens of Kenton county, praying for the privilege of voting upon the location of the seat of justice in said county.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st to the committee on Internal Improvement, and the 2d and 3d to the committee on Propositions and Grievances.

The House then took up the joint resolutions, read and laid on the table on yesterday, by Mr. T. F. Marshall.

The second resolution was then amended by striking out the "22d." Mr. Meriwether then moved to fill the blank with the "24th."

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

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

Those who voted in the affirmative were—


Those who voted in the negative were—

Mr. Speaker, Messrs. Barrett, Board, Botts, Brien, Brooks, Burgess, Butler, Fish, Forman, Glenn, Glover, Goodson, Hammond, Hardy, Henry, McKinney, McRoberts, Padon, Read, Redd, Reeder, Reeves, Rowlett,
Mr. Huston then moved to fill the blank with the "21st."
And the question being taken thereon, it was decided in the affirmative.
The yeas and nays being required thereon, by Messrs. Mason and Board, were as follows, viz:

Those who voted in the affirmative were—

| Mr. Speaker, | Gresham,   | Morehead,  |
| Messrs. Adams, | Haggard, | Murray, |
| Botts, | Henry, | Perciful, |
| Brooks, | Hill, | Pindell, |
| Buckner, | Hopkins, | Reeder, |
| Butler, | Huston, | Rowan, |
| Caldwell, | Imboden, | Ramsey, |
| Cecil, | Innes, | Russell, |
| Chouvin, | Lane, | Smith, J. S. |
| Churchill, | Logan, | Sprigg, |
| Clay, | Marshall, T. F. | Stone, |
| Crow, | Marshall, T. | Taylor, H. |
| Cunningham, | McCalla, | Thomason, |
| Daviess, | McFall, | Trimble, |
| Draffin, | McKinney, | Turner, |
| Elliott, | McRoberts, | Waddill, |
| Forman, | Meriwether, | Wake, |
| Glover, | Mims, | Wilson—56. |
| Gray, | Mize, | |

Those who voted in the negative were—

| Messrs. Barrett, | Hammond, | Randolph, |
| Board, | Hardy, | Read, |
| Brien, | Hines, | Redd, |
| Burgess, | Hughes, | Reeves, |
| Cave, | Irwin, | Rowlett, |
| Coffey, | Johnson, | Stephens, |
| Colvin, | Lecompte, | Sutton, M. |
| Cornish, | Lyter, | Sutton, T. |
| Daniel, | Marshall, W. N. | Taylor, H. |
| Drye, | Mason, | Trimble, |
| English, | McClure, | Wake, |
| Fish, | Newell, | White, |
| Glenn, | Padon, | Yantis, |
| Goodson, | | Young, A.—40. |
A division of the question being called for,
The question was then taken on the adoption of the first resolution, and
decided in the affirmative.

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

Those who voted in the affirmative were—

Mr. Speaker,

Those who voted in the negative were—


Mr. Morehead then moved a reconsideration of the vote filling the blank
in the second resolution with the "21st."

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

The yeas and nays being required thereon, by Messrs. Hammond and Colvin, were as follows, viz:
Those who voted in the affirmative were—


Those who voted in the negative were—


The second resolution, as amended, was then twice read, and adopted.

On motion of Mr. Trimble—Leave of absence for the balance of the session was granted him.

Mr. Glover, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the relief of the securities of Westley M. Garnett, deceased, and Henderson Murphy.

An act to exempt the members of the fire companies of the city of Maysville from militia duty.

An act to extend the charter of the Bank of the Commonwealth of Ken...
an act to authorize the appointment of a Commissioner to close the affairs of said Bank.

An act to authorize the Franklin County Court to hold a term on the 3d Monday in February; in the year 1840, and for other purposes.

An act to extend and continue in force an act, approved 29th February, 1836, entitled, an act extending, for a certain period, and with certain limitations, the charter of the old Bank of Kentucky.

An act for the benefit of Thomas H. Ballard.

An act to reduce into one the several acts concerning the running and marking the division lines between Washington and Marion counties.

An act for the benefit of John Mastin.

An act for the benefit of the city of Maysville.

An act to continue in force an act, entitled, an act to establish the Police Court of Louisville, and to amend the charter of said city.

An act providing for a change of venue in a prosecution against U. B. Chambers.

And bills from this House of the following titles, viz:

An act to incorporate the Russellville Library Company.

An act for the incorporation of the Tan Theta Kappa Society of Georgetown College.

An act for the benefit of the Kentucky Seminary.

An act for the benefit of George M. Craven, and wife.

An act for the benefit of the Sheriff of Todd county.

An act for the benefit of Betsey Ann Lambert.

An act for the benefit of Harris W. Thompson.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act to allow an additional Justice of the Peace and Constable to Pendleton county.

An act to change the time of holding the Circuit Courts in the Second Judicial district.

Were taken up, twice read, and disagreed to.

Mr. Draffin, from the committee on Claims, to whom was referred the petition of E. I. Bullock—reported the same with the following resolution:

Resolved, That the said petition be rejected.

Which being twice read, was concurred in.

Mr. Draffin, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of Joseph Ballinger—reported the same without amendment.

Ordered, That the said bill be read a third time.
The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

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

Mr. Butler, from the committee for Courts of Justice, to whom was referred bills from the Senate, of the following titles, viz:

An act allowing an additional Justice of the Peace to Barren county.
An act to amend the charter of the city of Louisville, and for other purposes—reported the same with amendments to each, which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

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

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

By the committee on Propositions and Grievances—A bill for the benefit of Charles Faulkner, of the county of Trigg.

By Mr. T. F. Marshall—A bill for the benefit of the widow of John Hamilton, deceased.

By Mr. Morehead—A bill regulating the jurisdiction of the Police Judge of the town of Frankfort.

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

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 same do pass, and that the titles thereof be as aforesaid.

Mr. Butler, from the committee for Courts of Justice, to whom was referred bills of the following titles, viz:

1. An act for the benefit of the children of Abner Gore.
2. An act for the benefit of Seburn Shaw.
3. An act to amend an act, entitled, an act to amend the laws defining the powers of the Trustees of the town of Newport, approved Jan. 12, 1830.
4. An act to amend the charter of the Cynthiana Fire Company.
5. An act to establish the town of La Fayette, in Henderson county.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills (except the 2d) having been dispensed with,

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

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill from the Senate, entitled, an act for the benefit of Edward S. Coleman, late Sheriff of Franklin county—reported the same without amendment.
Ordered, That the said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

Mr. Butler, from the committee for Courts of Justice, to whom was referred the amendments proposed by the Senate to a bill from this House, entitled, an act to amend the law in relation to the emancipation of slaves—reported the same with amendments to the amendments of the Senate.

On motion of Mr. Mason,

Ordered, That the said bill and amendments be laid on the table for the present.

Mr. Butler, from the same committee, to whom was referred a bill further to regulate the 9th Judicial district, and for other purposes—reported the same without amendment; and after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House again resumed the consideration of the bill to increase the resources of the Sinking Fund.

The third amendment proposed by Mr. Sprigg, reads as follows, viz:

Be it further enacted, That the Commissioners of the Sinking Fund shall, after the passage of this act, consist of four persons, to be chosen by joint ballot of the Senate and House of Representatives, at each annual session of the Legislature; and until a choice is made in the mode in this section provided, William Owsley, Peter Dudley, Samuel Todd and Henry Wingate, shall be Commissioners of the Sinking Fund; and in the event that the before named gentlemen refuse to act, the Governor of the State may, by appointment, supply the place of such of them so refusing, until the next meeting of the Legislature.

And the question being taken on the adoption thereof, it was decided in the negative.

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

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Barrett,
Botts,
Brien,
Burgess,
Caldwell,
Cecil,
Chouvin,
Coffey,
Colvin,
Cornish,
Cunningham,
Daniel.

Glover,
Haggard,
Henry,
Imboden,
Innes,
Lane,
Lecompte,
Logan,
Marshall, T.
Mason,
McClure,
McFall,
Mims,
Mize,
Newell,
Perciful,
Randolph,
Rowlett,
Sprigg,
Stephens,
Stone,
Sutton, M.
Thomasson,
Young, B. R.—37
Those who voted in the negative were—


The fourth amendment proposed by Mr. Sprigg, reads as follows, viz:

Be it further enacted, That from and after the passage of this act, the Board of Internal Improvement shall dispense with all the Engineers and other persons in their employ, upon all works which they have not the immediate means to prosecute; and the Board of Internal Improvement shall not, hereafter, be permitted to borrow any money from the Banks of this State, during the present year, exceeding an amount absolutely necessary to preserve the works upon slackwater navigation; and to preserve those works from damage, the Board of Internal Improvement shall have the power to employ persons competent to watch over the works aforesaid.

And the question being taken on the adoption thereof, it was decided in the affirmative.

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

Those who voted in the affirmative were—

Mr. Speaker, Messrs. Barrett, Brien, Burgess, Caldwell, Cecil, Chouvin, Coffey, Colvin, Cornish, Crow, Cunningham, Hines, Hopkins, Hughes, Huston, Imboden, Johnson, Lane, Lecompte, Logan, Lyter, Marshall, T. Mason, Newell, Padon, Perciful, Randolph, Read, Rowlett, Rumsey, Smith, J. S. Sprigg, Stephens, Stone, Sutton, M.
Those who voted in the negative were—


The seventh amendment proposed by Mr. Sprigg, reads as follows, viz:

Be it further enacted, That the Commissioners of the Sinking Fund shall require the Presidents and Directors or Cashiers of the Bank of Kentucky, and of the Northern Bank of Kentucky, to have all the dividends declared upon the stock which has been or may be transferred to the Commissioners of the Sinking Fund, at either of the agencies of said Banks in Philadelphia or New York, placed to the credit of, and subject to the drafts of said Commissioners, at the respective agencies of said Banks, all laws to the contrary notwithstanding.

And the question being taken on the adoption thereof, it was decided in the negative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Speaker, Messrs. Adams, Barrett, Board, Brien, Brooks, Buckner, Forman, Glenn, Goodson, Gray, Gresham, Hammond, Hardy, Murray, Newell, Padon, Perciful, Read, Redd, Reeder,
Mr. Sprigg’s eighth amendment to said bill reads as follows, viz:

Be it further enacted, That nothing in this act shall be construed to make it imperative on the Commissioners of the Sinking Fund to require the said Presidents and Directors and Cashiers of said Bank of Kentucky and Northern Bank of Kentucky to place any money to their credit at the said agencies of said Banks, or to draw checks in their favor upon said agencies, unless the certificates of stock which they hold, will, according to the charters of said Banks of Kentucky, justify them, and unless the said agencies of said Banks refuse to pay them the dividends due them upon stocks held by them, and evidenced by certificates of stock issued to them by such persons or corporations as were the agents of said Kentucky Banks at the time such certificates of stock were issued to the said Commissioners; and that if the Bank of Kentucky and the Northern Bank of Kentucky will agree to release the State from so much of the debt now due them as will be equal to so much of stock held by the State, or by the Commissioners of the Sinking Fund for the benefit of the State, calculating such stocks at par value, the Commissioners of the Sinking Fund are authorized hereby to transfer to such Bank so agreeing, an amount of stock equal to the debt due such Bank, or to make such arrangement with either of said Banks as will provide for the payment of the debt due from the State, and at the same time secure to the State the benefit of all the stocks in such Bank now held by the Commissioners of the Sinking Fund.

And the question being taken on the adoption thereof, it was decided in the negative.

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

**Those who voted in the affirmative were—**

<table>
<thead>
<tr>
<th>Messrs. Burgess</th>
<th>McClure</th>
<th>Stephens</th>
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<tr>
<td>Caldwell</td>
<td>Mims</td>
<td>Sutton, M.</td>
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<tr>
<td>Coffey</td>
<td>Mize</td>
<td>Sutton, T.</td>
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<td>Lane</td>
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Those who voted in the negative were—

Mr. Speaker,  Gresham,  Padon,
Messrs. Adams,  Hammond,  Perciful,
Board,  Hardy,  Randolph,
Brien,  Henry,  Read,
Brooks,  Hill,  Redd,
Buckner,  Hines,  Reeder,
Butler,  Hopkins,  Reeves,
Cave,  Hughes,  Rowan,
Cecil,  Huston,  Rowlett,
Chouvin,  Imboden,  Russell,
Clay,  Innes,  Smith, J. S.,
Coke,  Irwin,  Stone,
Colvin,  Johnson,  Taggart,
Crow,  Lecompte,  Taylor, H.,
Cunningham,  Lyter,  Thomason,
Daniel,  Marshall, T. F.  Trimble,
Daviess,  Marshall, T.  Turner,
Draffin,  Mason,  Waddill,
Drye,  McFall,  Wake,
Elliott,  McRoberts,  White,
Fish,  Meriwether,  Wilson,
Forman,  Morehead,  Yantis,
Glenn,  Murray,  Young, A.,
Goodson,  Newell,  Young, B. R.—73

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act for the benefit of Rachel Watts, and her children.
An act for the benefit of Harriet and Alexander Howison.
An act for the benefit of T. N. Burgess.
An act regulating the appointment of the Commissioners of the Revenue in this Commonwealth.
An act to amend the laws now in force, prescribing the fees and commissions of the Marshal of the Louisville Chancery Court, and for other purposes.
An act to amend the laws in relation to ferries on Cumberland and Tennessee rivers, in Trigg county.
An act for the benefit of the Sheriff of Hopkins county.
An act to amend the law of descents and distribution.
An act to amend the law governing the action of replevin.

Were taken up, twice read, and concurred in.

The House then took up the amendments proposed by the Senate to a bill from this House, entitled,

An act allowing additional Constables to Mason, Rockcastle, Oldham and Pulaski counties, and to change a Constable’s district in Russell county.
The said amendments being twice read, the first was disagreed to, and the remainder concurred in.

The amendments proposed by the Senate to a bill from this House, entitled, an act to amend and explain the 20th section of an act, approved Feb. 1st, 1833, entitled, an act to amend and enforce an act to incorporate the city of Louisville—were twice read, and concurred in, with amendments.

Mr. Glover asked leave to withdraw the report of the committee of Enrollments, on a bill from the Senate, entitled, an act to extend the charter of the Bank of the Commonwealth of Kentucky, and to authorize the appointment of a Commissioner to close the affairs of said Bank; which was granted, and the said bill withdrawn.

Resolved, That the bill to increase the resources of the Sinking Fund be postponed to, and made the special order of the day for Monday next.

Mr. Mason moved a call of the House.

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

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

Those who voted in the affirmative were—


Those who voted in the negative were—

Mr. Turner moved to postpone the further consideration of the bill from the Senate, entitled, an act authorizing a loan in aid of the public credit, and for other purposes, together with the amendments proposed thereto, until Monday next.

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

Those who voted in the affirmative were—

Mr. Speaker, 
Messrs. Adams, 
Board, 
Botts, 
Brien, 
Brooks, 
Buckner, 
Butler, 
Cave, 
Churchill, 
Clay, 
Crow, 
Cunningham, 
Daniel, 
Drye, 
Elliott, 
Gray, 
Gresham, 
Hammond, 
Hill, 
Hines, 
Hopkins, 
Hughes, 
Huston, 
Imboden, 
Innes, 
Irwin, 
Lecompte, 
Lyter, 
McClure, 
McFall, 
McRoberts, 
Mims, 
Padon, 
Pindell, 
Read, 
Reeder, 
Reeves, 
Russell, 
Spigg, 
Taggart, 
Taylor, H. 
Trimble, 
Turner, 
Wake, 
White, 
Wilson, 
Yantis, 
Young, A.—49.

Those who voted in the negative were—

Messrs. Barrett, 
Burgess, 
Caldwell, 
Cecil, 
Chauvin, 
Coffey, 
Colvin, 
Cornish, 
Davies, 
Draffin, 
Fish, 
Forman, 
Glenn, 
Glover, 
Goodson, 
Haggard, 
Hardy, 
Henry, 
Johnson, 
Logan, 
Marshall, T. 
Mason, 
Meriwether, 
Mize, 
Morehead, 
Murray, 
Newell, 
Perciful, 
Randolph, 
Redd, 
Rowlett, 
Smith, J. S. 
Stephens, 
Stone, 
Sutton, M. 
Sutton, T. 
Taylor, J. G. 
Thomason, 
Waddill—39.

Mr. J. S. Smith moved to place the bill from the Senate, entitled, an act to fix the ratio and apportion the representation for the next four years, in such a situation in the orders of the day, that it should have precedence of all other orders on that day.

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

Those who voted in the affirmative were—

Mr. Speaker,

Those who voted in the negative were—


Bills from the Senate of the following titles, viz:

1. An act supplemental to an act to establish the county of Kenton, and for other purposes.
2. An act for the further relief of the Sheriff of Livingston county.
3. An act to establish election precincts in the counties of Montgomery and Barren.
4. An act to repeal an act, entitled, an act to change the place of voting from Greenville C. Alford's, in Washington county, to William Sutherland's, approved January 23, 1840.
5. An act to secure the bridges erected on the turnpike roads, and for other purposes.
6. An act to provide more effectually for the preservation and keeping of the public books deposited with the Clerks of this Commonwealth.
7. An act concerning the Lexington and Ohio Railroad Company.
8. An act defining certain powers and duties of the Trustees of the town of Winchester, and for other purposes.
9. An act to authorize Agents and Attorneys to make affidavits, and sue out distress warrants and other process, in certain cases.
10. An act requiring annual examinations of the several Clerks' offices in this Commonwealth to be made out and returned to the Auditor's office.
11. An act to repeal the February chancery term in the county of Mason.
12. An act to amend an act, entitled, an act to amend an act incorporating the Springfield, Perryville and Danville Turnpike Road Company.
13. An act authorizing the Fleming County Court to lay their levy at the May term.
15. An act to incorporate the Louisville Cotton Factory.
16. An act for the benefit of John Rankin, senior, of Clarke county.
17. An act for the benefit of John Shaw, late Clerk of the Hickman County Court.
18. An act for the benefit of Wm. Withers and wife.
19. An act for the benefit of Ignatius S. Coomes.
20. An act for the benefit of the heirs and widow of Benj'n Mills, dec'd.
21. An act for the excavation of a canal for water power, at lock and dam No. 3, on Green river.
22. An act supplemental to an act to establish the 17th Judicial district.

Wore read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was referred to the committee on Propositions and Grievances; the 2d, 3d, 4th, 7th, 8th, 11th, 13th, 17th, 18th and 22d were severally ordered to be engrossed and read a third time; the 5th, 13th and 21st were referred to the committee on Internal Improvement; the 6th, 9th, 14th, 15th, 19th and 20th to the committee for Courts of Justice; the 10th to the committee on Ways and Means; and the 16th to the committee on Claims.

The rule of the House, constitutional provision and third reading of the 2d, 3d, 4th, 7th, 8th, 11th, 13th, 17th, 18th and 22d 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.
A bill from the Senate, entitled, an act to amend the execution laws of this Commonwealth, and for other purposes,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bill having been dispensed with,

Mr. Sprigg moved to amend said bill, by striking out the third section; and it was decided in the negative.

The question was then taken on ordering said bill to be read a third time, and decided in the affirmative.

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

Those who voted in the affirmative were—

Mr. Speaker,

Messrs. Brien,

Buckner,

Burgess,

Butler,

Cave,

Churchill,

Clay,

Cornish,

Crow,

Daviess,

Draffin,

Drye,

Elliott,

Fish,

Glenn,

Glover,

Goodson,

Gresham,

Haggard,

Hammond,

Hardy,

Hill,

Hopkins,

Hughes,

Huston,

Imboden,

Innes,

Irwin,

Johnson,

Lecompte,

Lyter,

Marshall, T.

Mason,

McFall,

McRoberts,

Mims,

Mize,

Murray,

Newell,

Padon,

Perciful,

Pindell,

Redd,

Reeder,

Rowlett,

Russell,

Smith, J. S.

Stone,

Swope,

Taggart,

Taylor, H.

Taylor, J. G.

Thomasson,

Trimble,

Turner,

Wake—57.

Those who voted in the negative were—

Messrs. Adams,

Barrett,

Board,

Brooks,

Coffey,

Colvin,

Cunningham,

Daniel,

Forman

Hines,

Logan,

Marshall, T. F.

McClure,

Randolph,

Read,

Sprigg,

Stephens,

Sutton, M.

Sutton, T.

Waddill,

White,

Yantis,

Young, A.—23.

Resolved, That said bill be read a third time on Monday next.

A bill from the Senate, entitled, an act allowing an additional chancery term to the Fleming Circuit Court,

Was read the first time, and ordered to be read a second time.
The rule of the House, constitutional provision and second reading of said bill having been dispensed with, the said bill was then amended, and ordered to be read a third time, as amended.

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 resolution from the Senate, providing for the examination of the books of the late Receiver of Public Moneys West of the Tennessee river—was taken up, twice read, and concurred in.

On motion of Mr. Turner,

Ordered, That the bill, entitled, an act to amend the law in relation to the emancipation of slaves, and the amendments proposed thereto by the Senate, be taken up from the table, and placed in the orders of the day.

Mr. T. Marshall laid on the table a preamble and resolutions.

And then the House adjourned.

MONDAY, FEBRUARY 17, 1840.

A message was received from the Senate, announcing their concurrence in the report of the joint committee of conference upon the disagreement of this House to the amendment proposed by the Senate to a bill from this House, entitled, an act for the benefit of Abner Belton.

Their concurrence in the amendments proposed by this House to bills from the Senate of the following titles, viz:

An act to amend the charter of the city of Louisville, and for other purposes.

An act concerning the town of Glasgow.

Their disagreement to the amendment proposed by this House to a bill from the Senate, entitled, an act to amend the militia law.

That they had disagreed to bills from this House, of the following titles:

An act to amend the law in relation to the Court of Appeals.

An act for the benefit of Thomas P. Carson, of Calloway county, and Anthony N. Gatewood, of Trigg county.

That they had passed bills from this House of the following titles, viz:

An act for the benefit of the Surveyor of Lewis county.

An act for the benefit of John Keizer.
An act to change the name of the town of Chiltonsville, in Henry county.
An act for the benefit of Mary Ann Winebrinner.
With an amendment to the last named bill.
And the passage of bills from the Senate of the following titles:
An act to amend an act on the subject of the milk sickness.
An act to incorporate the Louisville Pottery Company.
An act to amend the law in relation to defaulting Collectors of the revenue, &c.
An act to alter the time of holding the Bourbon and Estill Circuit Courts, and for other purposes.
The House then took up the preamble and resolutions laid on the table on Saturday last.
The said preamble and resolutions were read, as follows, viz:

WHEREAS, a vital interest to Kentucky, and other States in the south and west, having been systematically and boldly assailed, it is deemed the duty of the General Assembly of this Commonwealth to express the sentiments of its members and their constituents on the subject. Session after session the National Legislature has been annoyed with petitions for the abolition of slavery in the District of Columbia, and for the suppression of the slave trade between citizens of the States of this Union. Much of the time of Congress has been consumed in attempts to dispose, satisfactorily, of a question which is menacing the peace of the slaveholding States, and producing feelings of bitterness between different sections of the confederacy.

Of the present session, weeks were consumed before the friends of the institutions of the south succeeded in excluding from the House petitions praying Congress for the abolition of slavery in the District of Columbia, and the prohibition of traffic in slaves between the several States. These but so many masked batteries, concealing the real and ultimate point of attack—that point of attack is the institution of slavery as it exists in the States. "To liberate three millions of slaves," thousands of societies have been formed, whose number and strength are rapidly increasing, and their members "would hunt down and proscribe from the pale of civilized society" the inhabitants of slaveholding States. In the District of Columbia there are only about six thousand slaves, and it cannot be that the energies of the Abolition Societies are directed to no other object than the emancipation of so small a portion of the slave population of the country. They openly assail slavery in the District of Columbia, because its population is inconsiderable, and the exclusive legislation, ceded to Congress over it, affords a plausible pretext for an assumption of power on the part of that body to extirpate slavery there. However broad the language of the constitution may be, prudence and the State of public feeling forbid that Congress should exercise "the very questionable power of abolishing it without the consent of the people whose interests would be immediately and directly affected by the measure." We maintain that the question is "one in which no exterior influence or interest can justly interfere"—that the continued agitation of it "by those who have no right to interfere with it, has an injurious influence on the peace and tranquility of the community," and that it is "a subject fraught with the most direful consequences." "The object of the ces-
sion" of the District of Columbia "was to establish a seat of Government of the United States, and the grant in the constitution of exclusive legislation, must be understood, and should always be interpreted, as having relation to the object of the cession." To abolish slavery in the District "would be a violation of implied faith, resulting from the transaction of the cession." Slavery is fully recognized by the constitution. Three fifths of the slaves of the nation enter into the enumeration under each census and form part of the basis of representation in the popular branch of Congress. Power is Congress to legislate on slavery was not, of course, necessary to the plan of the Union. So far from it, it was "one with which the General Government could not be invested without planting in it the seeds of certain destruction." The slaves of the country cannot be manumitted by Congress, because such a measure would violate the constitution, break up the plan of representation agreed on by the framers of that instrument, and, in effect, remodel the government—a change we could not approve, even were it to be consented to by every slaveholder in the Union—one which the slaveholding States could not constitutionally effect, were they so disposed. Convinced of the rectitude of these positions, we should be false in our allegiance to the Government were we to hesitate to assert that "abolition should no longer be regarded as an imaginary danger." It is "arraying one portion against another portion of the Union. With that view, in all their leading prints and publications, the alleged horrors of slavery are depicted in the most glowing and exaggerated colors, to excite the imagination and stimulate the rage of the people of the free States against the people of the slave States." By their bold and systematic action, in and out of Congress, the abolitionists have shown that they are "resolved to persevere in the pursuit of their object at all hazards, and without regard to any consequences however calamitous they may be. With them the rights of property are nothing; the deficiency in the power of the General Government is nothing; the acknowledged and incontestible powers of the States are nothing; civil war, a dissolution of the Union, and the overthrow of a government, in which are concentrated the proudest hopes of the civilized world, are nothing. A single idea has taken possession of their minds, and onward they pursue it, overlooking all barriers, reckless and regardless of all consequences. With this class the immediate abolition of slavery in the District of Columbia and in the territory of Florida; the prohibition of the removal of slaves from State to State, and the refusal to admit any new State, comprising within its limits the institution of domestic slavery, are but so many steps conducting to the accomplishment of the ultimate and perilous end at which they avowedly and boldly aim—are but so many short stages in the rugged and bloody road to the distant goal at which they would finally arrive; their purpose is abolition—universal abolition—peaceably if it can, forcibly if it must. Utterly destitute of constitutional and other rightful powers of living in totally distinct communities, as alien to the communities in which the subject on which they would operate resides, as if they lived in Africa or Asia—they, nevertheless, promulgate to the world their purpose to be to manumit, forthwith, without compensation, and without moral preparation, three millions of slaves, under jurisdictions altogether separate, from those under which they live." By an artifice, not every where understood, they have misled thousands. "By blending with the object they have in view a collateral and totally different question, arising out of an alleged violation of the right of petition," and by seizing
"hold of the fact of the treatment which their petitions have received in Congress," they have "made injurious impressions on a large portion of the community." Though "no power whatever was granted to the General Government in respect to domestic slavery; but that which relates to taxation and representation, and the power to return fugitive slaves to their lawful owners"—though "all other power in regard to the institution of slavery was retained exclusively by the States, to be exercised by them, generally, according to their respective views of their own peculiar interest"—though "the constitution of the United States never would have been formed upon the principle of investing the General Government with authority to abolish the institution at its pleasure"—though "it never can be continued for a single day, if the exercise of such a power be assumed or attempted," yet they persevere in pouring their petitions into Congress, when a few hours of calm reflection should convince them that the ink they shed in signing such petitions "may prove but the prelude to the shedding of the blood of their brethren." As "these ultra abolitionists have ceased to employ the instruments of reason and persuasion; have made their cause political, and have appealed to the ballot box," we "would seriously invite every considerate man in the country solemnly to pause, and deliberately to reflect, not merely on our existing posture, but upon the dreadful possibility down which they would hurl us." Our "real danger is ahead—conspicuous, elevated and visible. Shall we wantonly run upon it, and destroy the glorious anticipations of the high destinies that await us? Shall we hesitate to resist a movement which "threatens to deluge our country in blood?"

"The abolitionists strenuously oppose all separation of the two races. They would keep them forever pent up together within the same limits, perpetuating their animosities and constantly endangering the peace of the community. They proclaim indeed that color is nothing; that the organic characteristic differences between the two races ought to be entirely disregarded, and necessarily favor amalgamation. "Does any considerate man believe it to be possible to affect such an object without convulsive revolution and bloodshed." Can the momentous question continue to agitated without producing "a contest in which the extermination of the blacks, or their ascendency over the whites would be the sole alternative."

"For the agency of their powers of persuasion," the abolitionists "now propose to substitute the powers of the ballot box, and he must be blind to what is passing before us, who does not perceive that the inevitable tendency of their proceedings is, if these should be found insufficient, to invoke finally, the powers of the bayonet." It is manifest the agitation of the question must be arrested, or it will lead to collision of opinion which will be followed by the clash of arms, and only terminate with "desolate fields, conflagrated cities, murdered inhabitants, and the overthrow of the fairest fabric of human government that ever rose to animate the hopes of civilized man."—Therefore,

Resolved, That "in the slave States the alternative is that the white man must govern the black, or the black must govern the white."

Resolved, That the liberation of our slaves could only be effected "by violating the incontestible powers of the States and subverting the Union," beneath the ruins of which "would be buried, sooner or later, the liberty of both races."

Resolved, That "the free States have no more power or right to interfere..."
with institutions in the slave States, confined to the exclusive jurisdiction of those States, than they would have to interfere with institutions in any foreign country."

Resolved, That we view the abolitionists as enemies of the Union, and inasmuch as they are carrying their principles into national politics and to the ballot box, the laws of self-preservation demand that our support be hereafter given to no candidate for President or Vice President, who does not fully concur in the opinions and sentiments avowed in the foregoing preamble and resolutions.

Resolved, That the Speaker be requested to transmit to Mr. Van Buren and to General William H. Harrison, and the Whig and Democratic candidates for Vice President, copies of the foregoing preamble and resolutions with a view to obtain replies from them which may enable our fellow citizens to vote understandingly at the approaching Presidential election.

Mr. Morehead moved to lay said preamble and resolutions on the table for the present.

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

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

Those who voted in the affirmative were—


Those who voted in the negative were—

Messrs. Brien, Imboden, Mize, Burgess, Ianes, Murray, Caldwell, Johnson, Newell, Cecil, Lane, Randolph, Churchill, Lecompte, Rowan, Coffey, Lyter, Rowlett,
A bill from the Senate, entitled, an act to fix the ratio and apportion the representation for the next four years—was read the third time.

Mr. Adams moved the previous question, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. M. Sutton and Board, were as follows, viz:

Those who voted in the affirmative were—


Those who voted in the negative were—

The main question was then put, Shall the bill pass? and it was decided
in the affirmative.

The yeas and nays being required thereon, by Messrs. J. S. Smith and
Colvin, were as follows, viz:

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<td>Taylor, J. G.</td>
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<td>Thomasson,</td>
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<td>Yantis—42.</td>
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Resolved, That the title thereof be as aforesaid.
The House again resumed the consideration of the bill further to regulate
the 9th Judicial district, and for other purposes.

Ordered, That said bill be engrossed and read a third time:
The rule of the House, constitutional provision and third reading of said
bill having been dispensed with, and the same being engrossed,
The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Wake and M. Sutton, were as follows, viz:

Those who voted in the affirmative were—


Those who voted in the negative were—


Resolved, That the title thereof be as aforesaid.

Mr. Turner, from the committee for Courts of Justice, to whom was referred bills from the Senate, of the following titles, viz:

An act to repeal the 6th section of an act to authorize permanent provision for resident females in Kentucky stocks, and guardians to invest the money of their wards in Bank stocks.

An act to establish a town on the land of Adam Miller, of Adair county.

An act for the benefit of the infant heirs of Harrison Hearn.

An act for the benefit of the heirs of Wm. Milton, deceased.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

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.
Mr. Glover, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and a resolution from the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to amend the charter of the city of Louisville, and for other purposes.
An act for the benefit of Edward S. Coleman, late Sheriff of Franklin county.
An act for the further relief of the Sheriff of Livingston county.
An act to repeal an act, entitled, an act to change the place of voting from Greenville C. Alfred's, in Washington county, to William Sutherland's, approved January 23, 1840.
An act concerning the Lexington and Ohio Railroad Company.
An act supplemental to an act to establish the 17th Judicial district.
An act to establish election precincts in the counties of Montgomery and Barren.
An act to repeal the February Chancery term in the county of Mason.
An act for the benefit of John Shaw, late Clerk of the Hickman County Court.
An act for the benefit of William Withers and wife.
An act to establish the town of La Fayette, in the county of Henderson.
An act authorizing the Fleming County Court to lay their levy at the May term.
An act defining certain powers and duties of the Trustees of the town of Winchester, and for other purposes.
An act for the benefit of Joseph Ballinger.
An act to amend the charter of the Cynthiana Fire Company.
An act for the benefit of the children of Abner Gore.
An act concerning the town of Glasgow.
An act to amend an act, entitled, an act to amend the laws defining the powers of the Trustees of the town of Newport, approved January 12, 1830.
A resolution providing for the examination of the books of the late Receiver of Public Moneys West of the Tennessee river.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.

A bill from the Senate, entitled, an act to alter the time of holding the Bourbon and Estill Circuit Courts, and for other purposes,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with,

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

A bill from the Senate, entitled, an act to amend the execution laws of this Commonwealth, and for other purposes—was read the third time.
The said bill was then amended, by way of engrossed copy.

Mr. Mason then moved the previous question, and it was decided in the affirmative.

The main question was then put, Shall the bill pass? and it was decided in the affirmative.

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

Those who voted in the affirmative were—

Messrs. Barrett, Botts, Brown, Buckner, Butler, Caldwell, Cave, Clay, Colvin, Cornish, Crow, Draffin, Drye, Elliott, English, Fish, Forman, Glenn, Glover, Goodson, Gray,

Gresham, Haggard, Hammond, Hill, Hines, Hughes, Huston, Imboden, Innes, Irwin, Johnson, Lane, Lecompte, Lyer, Marshall, T. F., Mason, McFall, McRoberts, Mims, Mize, Murray, Newell,


Those who voted in the negative were—

Messrs. Adams, Board, Brooks, Cecil, Chevlin, Coffey, Cokie,

Cunningham, Daniel, Henry, Logan, Marshall, W. N., McCalla, McClure,


Resolved, That the title thereof be as aforesaid.

Mr. Hines, from the committee on Religion, to whom was referred a bill from the Senate, entitled, an act for the benefit of Alexander Hutchison and Keziah Jones—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,
Resolved, That said bill do pass, and that the title thereof be as aforesaid.
The House then resumed the consideration of the bill to increase the resources of the Sinking Fund.
Mr. Caldwell proposed the following amendment, as a substitute for the original bill, viz:

Be it enacted, That it shall be the duty of the Board of Internal Improvement to cause such a toll to be collected on the various works of internal improvement in this State, as will enable them to declare such a dividend as will meet the interest on the public money expended on said works: Provided, that the amount of toll shall not exceed, on any work of internal improvement, the amount authorized in its original charter.

And the question being taken on the adoption thereof, it was decided in the negative.
The yeas and nays being required thereon, by Messrs. Caldwell and Huston, were as follows, viz:

Those who voted in the affirmative were—


Those who voted in the negative were—

Mr. Morehead then moved the previous question, and it was decided in the affirmative.

The main question was then put, Shall the bill be engrossed and read a third time? And it was decided in the affirmative.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

The said bill was then amended, by way of engrossed ryder.

The question was then taken on the passage of said bill, and decided in the affirmative.

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

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Resolved, That the title of the said bill be as aforesaid.
Mr. Burgess asked leave to withdraw the petition of Charles Douglass; which was granted, and the petition withdrawn.

Mr. Butler, from the committee for Courts of Justice, to whom was referred a bill concerning the town of Russellville—reported the same with an amendment, which was concurred in.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

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

Mr. Morehead, from the committee on Internal Improvement, to whom was referred a bill to amend the charter of the Louisville and Elizabethtown Turnpike Company—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

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

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

By the committee for Courts of Justice—1. A bill to incorporate the Trustees of the Republican Meeting House, in Grant county.


By same—3. A bill for the benefit of the Anderson County Seminary.

By Mr. Coke—4. A bill to amend an act, entitled, an act to reduce into one the several acts concerning the running and marking the division lines between Washington and Marion counties.

By Mr. Russell—5. A bill to amend an act establishing the Paducah Lottery, and for other purposes.

By the committee for Courts of Justice—6. A bill to increase the powers of the Trustees of the town of Versailles, and to establish a Police Court in said town.

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

The rule of the House, constitutional provision and second reading of the said bills having been dispensed with, the 1st, 2d, 3d, 5th and 6th were severally ordered to be engrossed and read a third time, and the 4th was referred to the committee on Propositions and Grievances.

The rule of the House, constitutional provision and third reading of said bills (except the 4th) having been dispensed with, and the same being engrossed,

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

Mr. Butler, from the committee for Courts of Justice, to whom was referred bills from the Senate of the following titles, viz:
An act to amend an act, entitled, an act for the benefit of the Sheriff of Washington county, approved December 19, 1839.

An act requiring annual examinations of the several Clerks' offices in this Commonwealth to be made out and returned to the Auditor's office—reported the same with amendments to each, which were concurred in.

Ordered, That the said bills be read a third time, as amended.

The rule of the House, constitutional provision and third reading of the said bills having been dispensed with,

Resolved, That the said bills do pass, and that the title of the first bill be amended to read, "an act to amend an act, entitled, an act for the benefit of the Sheriff of Washington county, approved December 19, 1839, and for other purposes," and that the title of the second bill be as aforesaid.

Mr. Butler, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of the Sheriff of Fleming county—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

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

The committee for Courts of Justice, who were appointed to prepare and bring in the same, reported a bill to regulate the service of process in writs of right—was read the first time.

And the question being taken on ordering said bill to be read a second time, it was decided in the negative; and so the said bill was rejected.

A message was received from the Senate, announcing their concurrence in the 1st and 8th amendments of this House to a bill from the Senate, entitled, an act to restore the privileges of the Banks when they resume specie payments, with an amendment to each of said amendments; and their disagreement to the 2d, 3d, 4th, 5th, 6th and 7th amendments of this House to said bill; and their concurrence in the resolutions of this House, rescinding the resolution fixing on the 17th instant for a final adjournment of the General Assembly, and fixing on the 21st for that purpose.

Mr. Crow, from the committee on Public Offices, made a report.

[For this report, see Appendix.]

The House then took up for consideration the bill from the Senate, entitled, an act authorizing a loan in aid of the public credit, and for other purposes.

Mr. Morehead then withdrew, for the present, the substitute proposed by the committee on Internal Improvement to said bill.
Mr. Meriwether then moved the following as a substitute for said bill:

WHEREAS, it appears that the State of Kentucky is now indebted to the contractors on her public works about the sum of $500,000, and this is regarded by all as a sacred debt, which it is necessary to pay as soon as possible in order to preserve the faith and credit of the State untrashed—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor of this Commonwealth be, and he is hereby, authorized and directed to ascertain from the Board of Internal Improvement, and all other sources, the exact amount now due to each of the contractors on any of the public works now in progress, and to issue to any such contractor or contractors a bond or bonds of the amount now due him, her, or them, as above, in sums suitable and convenient not less than one hundred dollars, which bonds shall bear an interest of six per centum per annum, payable at the Treasury of the State semi-annually, and shall be redeemable in whole, or in part, at any time within ten years from their date, as this act shall direct. And the interest now derived from the School Fund is hereby dedicated and so long as it may be necessary, set apart for the payment of the interest and final redemption of the principal of such bonds, so issued, so long as any shall remain unredeemed; and as a remuneration to the School Fund, the Governor is hereby authorized and directed to issue to the Board of Education, State bonds to an amount equal to the interest on the School Fund, from time to time, as the same shall be paid over, bearing an interest of six per centum; and the Board of Education is hereby directed to pay over to the Treasurer, for the above purpose, all the proceeds of the School Fund, whenever any shall be received, and take his receipt therefor, and to receive from the Governor a like amount of State bonds as provided above. And it shall be the duty of the Treasurer, annually, in each and every year, to advertise in a suitable number of the newspapers of this State, at least one month before the payment of the annual interest on the above bonds shall fall due, the amount of money received from this source, the amount of interest due, and the amount of surplus on hand, after the payment of all interest and the amount of the principal that can be discharged and paid on each hundred dollars of bonds by a pro rata distribution of such surplus; and on presentation of any such bond or bonds, it shall be the duty of the Auditor to issue his warrant on the Treasury for the amount of interest then due thereon, together with the amount of the pro rata distribution of principal which may be declared, to be paid by the Treasury out of this fund, which he shall endorse on the back of all such bonds and take a receipt therefor also. And whenever the day shall arrive for making any such payment of principal, so declared, and so first being advertised, the interest thereon shall cease on the amount which the holder of any such certificate would be entitled to draw.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Meriwether and Lyter, were as follows, viz:
Those who voted in the affirmative were—


Those who voted in the negative were—


Mr. T. F. Marshall then moved the following as a substitute for said bill:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor be, and he is hereby directed to issue the bonds of the State, bearing an interest of not more than six per cent, redeemable in six years from the date, and to make sale of the same, anywhere within the United States, at his discretion, for the sum of five hundred thousand dollars.

Sec. 2. That the proceeds of the sale of said bonds shall be applied, under the direction of the Board of Internal Improvement, to the payment of the contractors to whom the Board are now indebted, in the manner in which payments are now, by law, directed to be made under requisitions from the Board of Internal Improvement.

Sec. 3. That said bonds shall not be issued for smaller sums than one hundred dollars.

Sec. 4. That to pay the interest and sink the principal of said bonds, an additional ad valorem tax of five cents on the hundred dollars shall be levied
and collected upon all property now assessed for taxation, under the present revenue laws of this Commonwealth.

Sec. 5. That the proceeds of said tax shall be paid into the Treasury to the credit of the Sinking Fund; that it shall be discriminated from all other sums, and applied by the Commissioners of the Sinking Fund to the payment of the interest; annually, or semi-annually, according to the contract made with the holders of the bonds, which matter is left to the discretion of the Executive in the sale of said bonds; and the balance of said fund to be applied to the payment of an amount of the principal, annually, equal to such balance.

Sec. 6. That the bonds herein directed to be sold, shall be made redeemable by the application of the fund herein provided, annually, if the Executive shall make the contract upon such terms.

Sec. 7. If the Governor shall elect to sell the bonds redeemable in six years; then, and in that event, the annual balance of the fund herein provided, shall be invested by the Commissioners of the Sinking Fund, in safe securities, redeemable at the period fixed for the redemption of the bonds herein authorized to be sold, and applied at that time to the redemption of the bonds herein directed to be sold.

Sec. 8. That the taxes herein imposed shall cease, and be no longer collected, after the expiration of the six years; and until that time, shall be applied to no other purpose whatever, than the payment of the interest, and the gradual accumulation of a fund sufficient to extinguish the principal of the bonds aforesaid.

Sec. 9. That if, after the payment of the principal aforesaid, there be left a balance of the fund herein provided, in the hands of the Commissioners of the Sinking Fund, such balance shall be carried and applied to the general Sinking Fund of the State, as now constituted.

And the question being taken on the adoption thereof, it was decided in the negative.

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

Those who voted in the affirmative were—

Mr. Speaker, Glenn, Padon,  
Messrs. Adams, Gresham, Pindell,  
Barrett, Hines, Reeder,  
Board, Logan, Russell,  
Butler, Marshall, T. F. Smith, I.  
Churchill, McKinnley, Smith, J. S.  
Clay, Meriwether, Swope,  
Cunningham, Morehead, White,  
Elliott, Newell, Young, A.—28.

Those who voted in the negative were—

Messrs. Botts, Henry, Murray,  
Brien, Hill, Perciful,  
Brooks, Hopkins, Randolph,  
Buckner, Hughes, Read,  
Burgess, Huston, Reeves,
Mr. Lyter then moved the previous question.
The question was then taken, Shall the main question be now put? and it was decided in the negative.
The yeas and nays being required thereon, by Messrs. Lyter and J. G. Taylor, were as follows, viz:

Those who voted in the affirmative were—

Messrs. Churchill, Lane, Rowlett,

Those who voted in the negative were—

Mr. Speaker,
Messrs. Adams, Gresham, Newell,
Barrett, Haggard, Padon,
Board, Hammond, Percifull,
Botts, Hill, Pindell,
Brien, Hines, Randolph,
Brooks, Hopkins, Read,
Buckner, Hughes, Reeder,
Burgess, Huston, Reeves,
Butler, Imboden, Rumsey,
Caldwell, Innes, Russell,
Cave, Irwin, Smith, I.
Cecil, Johnson, Smith, J. S.
Chouvin, Lecompte, Spiggs,
Clay, Logan, Stephens,
Colvin, Marshall, T. F. Stone,
Cornish, Marshall, T. Sutton, M.
Crow, Marshall, W. N. Sutton, T.
Cunningham, Mason, Taggart,
Daniel, McClure, Taylor, H.
Draffin, McFall, Thomasson,

Young, B. R.—61.
On motion of Mr. White,
Ordered, That leave of absence for the remainder of the session, be granted him.
And then the House adjourned.

TUESDAY, FEBRUARY 18, 1840.

A message was received from the Senate, announcing their concurrence in the amendments of this House to bills from the Senate of the following titles, viz: 

An act allowing an additional Justice of the Peace to Barren county.
An act allowing an additional chancery term to the Fleming Circuit Court.
And their concurrence in the first amendment, and disagreement to the remainder of the amendments of this House to a bill from the Senate, entitled, an act to fix the ratio and apportion the representation for the next four years.

And that they concur in the amendment of this House to the amendment of the Senate to a bill from this House, entitled, an act to amend and explain the 20th section of an act, approved 1st February, 1833, entitled, an act to amend and enforce an act to incorporate the city of Louisville.

And that they insist on their amendments to bills from this House of the following titles, viz:

An act to allow an additional Justice of the Peace in Pendleton county.
An act allowing additional Constables to Mason, Rockcastle, Oldham and Pulaski counties, and to change a Constable's district in Russell county.

And that they recede from their amendment to a bill from this House, entitled, an act to change the time of holding the Circuit Courts in the 2d Judicial district.

And the passage of bills from this House of the following titles:
An act requiring certain claims, payable out of the Treasury of the State, to be reported to the Circuit Courts.

| Drye,       | McRoberts,   | Waddill,   |
| Elliott,    | Meriwether,  | Wake,      |
| Farman,     | Mines,       | White,     |
| Glenn,      | Mize,        | Wilson,    |
| Glover,     | Morehead,    | Yantis,    |
| Goodson,    | Murray,      | Young, A.  |
| Gray,       |             |            |
An act to amend an act, entitled, an act to incorporate the Versailles Savings Institution, approved February 28, 1835.
An act for the benefit of Scott county; and
An act further to regulate the 9th Judicial district, and for other purposes.

With an amendment to the last named bill.

Mr. Glover, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills from this House of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the Surveyor of Lewis county.
An act for the benefit of John Keizer.
An act to amend the charter of the Logan, Todd and Christian Turnpike Road Company.
An act to authorize the Auditor to certify copies.
An act to amend an act, entitled, an act to establish a State road from Colemansville, in Harrison county, to Covington, in Campbell county.
An act for the benefit of T. N. Burgess.
An act regulating the appointment of the Commissioners of the Revenue in this Commonwealth.
An act to amend the law governing the action of replevin.
An act to establish the town of Providence, in Hopkins county.
An act for the benefit of Harriet and Alexander Howison.
An act to amend the law of descents and distribution.
An act for the benefit of the Sheriff of Hopkins county.
An act to amend the laws in relation to ferries on Cumberland and Tennessee rivers, in Trigg county.
An act for the benefit of Rachel Watts, and her children.
An act to amend the laws now in force, prescribing the fees and commissions of the Marshal of the Louisville Chancery Court, and for other purposes.

An act authorizing the purchase of fifty sets of Morehead & Brown's Digest, and the distribution thereof among such Justices of the Peace as have not received the same; and
An act to change the name of the town of Chiltonsville, in Henry county.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.

1. Mr. Clay presented the petition of Samuel Smedley, praying to be divorced from his wife, Ann Smedley.
2. Mr. Huston presented the petition of Pamela Thomas, praying to be divorced from her husband, James W. Thomas.
3. Mr. Coffey presented the remonstrance of sundry citizens of the Cumberland division of this State, against the imposition of taxes in order to carry on the system of internal improvement, until the Legislature does them justice.
Which petitions were severally received, the reading thereof dispensed with, and referred to the committee on Religion; and the remonstrance was read and laid on the table.

On motion of Mr. Huston, Ordered, That a message be sent to the Senate, asking leave to withdraw the report of this House, announcing their disagreement to a bill from the Senate, entitled, an act authorizing the building of mills and dams upon Trammell's fork of Drake's creek.

In a short time, the messenger returned with said bill.

Mr. Swope, from the committee on Propositions and Grievances, to whom was referred a bill to amend an act, entitled, an act to reduce into one the several acts concerning the running and marking the division lines between Washington and Marion counties—reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

A message (in writing) was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State, which is as follows, viz:

EXECUTIVE DEPARTMENT,
February 18, 1840.

Gentlemen of the Senate, and House of Representatives:

I have received from his Excellency, Patrick Noble, Governor of the State of South Carolina, a report and resolutions, adopted by the Legislature of that State, in relation to the controversy between the States of Georgia and Maine, and in compliance with a request contained in one of the resolutions, lay the same before you.

Respectfully,
C. A. WICKLiffe.

EXECUTIVE DEPARTMENT,
Abbeville, South Carolina, Jan. 25, 1840.

Sir:

I herewith transmit to your Excellency, the enclosed report and resolutions, adopted by the Legislature of South Carolina, in relation to the Georgia and Maine controversy, with a request that they be laid before the Legislature of your State.

I have the honor to be,
With considerations of
High respect, your ob't,
PATRICK NOBLE.

To His Excellency,
the Governor of the State of Kentucky.
The Committee on Federal Relations, to whom was referred so much of the Governor's Message, as relates to the controversy between the States of Georgia and Maine, with the accompanying Documents have had the same under consideration, and beg leave to submit the following report:

In May, 1837, a slave, named Atticus, the property of James Sagurs and Henry Sagurs, citizens of the city of Savannah, in Chatham county, in the State of Georgia, was conveyed from that State to the State of Maine, by Daniel Philbrook and Edward Killoran, citizens of the latter State; the former of whom was the Master, and the latter the mate of the schooner Boston, which had recently entered the port of Savannah. On the 16th of June, of the same year, information on oath was made before a Magistrate of Chatham county, by James Sagurs, one of the owners of the slave, that Daniel Philbrook and Edward Killoran "did, on or about the fourth day of May last, feloniously inveigle, steal, take and carry away without the limits of the State of Georgia," the slave Atticus; "that the said Daniel Philbrook and Edward Killoran have been guilty as the deponent is informed and believes, of a felony under the laws of this State," and "that since the commission of said felony, the said Philbrook and Killoran have fled from this State, and are, as he believes, at this time, within the limits of the State of Maine, in the United States."

A warrant for the arrest of Philbrook and Killoran, was issued by the Magistrate before whom the information was made, on the same day, to which, the officer charged with its execution, returned that they were not to be found in the county of Chatham.

On the 21st of the same month, His Excellency, William Schley, Governor of the State of Georgia, made a demand upon His Excellency, Robert P. Dunlap, Governor of the State of Maine, of Philbrook and Killoran, as fugitives from the justice of Georgia, charged of feloniously inveigling, stealing, taking and carrying away, a slave, and transmitted with his demand, a copy of the affidavit and warrant, and the return, duly authenticated. On the 16th of August, of the same year, Governor Dunlap addressed to Governor Schley, a communication, in which he declined to cause the arrest of Philbrook and Killoran.

In December, 1837, the Legislature of Georgia, adopted resolutions, declaring the refusal of the Executive of Maine to surrender Philbrook and Killoran, dangerous to the rights of the people of Georgia, and directly and clearly in violation of the plain letter of the Constitution of the United States; that the State of Georgia became a party to the Federal Constitution no less for the better protection of her own, than the common rights and interests of all, and that when these ends are defeated, she is released from the obligations of that compact, and it has become her right and her duty, to provide protection for her people in her own way; that when an indictment should be found against Philbrook and Killoran, the Executive be requested to renew the demand for their arrest, and if the demand be again refused by the Executive of Maine, that a copy of its resolutions be transmitted to the Executive of each State in the Union, to be laid before
their respective Legislatures; that a copy be transmitted to the President of the United States, and to the Senators and Representatives of Georgia, in Congress, to be submitted to that body; and if the Legislature of Maine, at its next Session, after those resolutions should have been forwarded by the Executive of that State, neglect to redress the grievance complained of, then, that the Executive of Georgia announce the same by proclamation, and call a Convention of the people, to take into consideration the state of the Commonwealth of Georgia, and to devise the course of her future policy, and to provide all necessary safeguards for the protection of the rights of her people.

On the 7th of February, 1838, an indictment, charging Philbrook and Killoran with larceny, in feloniously inveigling, stealing, taking and carrying away the slave Atticus, was found by the Grand Jury of Chatham county, and on the 27th of April, His Excellency, Governor Gilmer, the successor of Governor Schley, made upon Governor Kent, the successor of Governor Dunlap, the demand requested by the Legislature of Georgia, and accompanied that demand with the copy of the indictment found, and the proceedings on which it was founded, duly authenticated.

On the 25th of June, Governor Kent declined to order the arrest and surrender required by the authorities of Georgia.

On the 19th of August, 1839, Governor Gilmer addressed a communication to Governor Fairfield, the successor of Governor Kent, desiring to be informed of the action of the Legislature of Maine on the subject of the resolutions of the Legislature of Georgia, and received for answer, the proceedings of the Legislature of Maine, declaring it inexpedient to legislate on the subject, as it is exclusively within the province of the Executive Department.

The second clause of the second section of the fourth article of the Constitution of the United States, provides "that a person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime."

The act of Congress of 1793, declares, "that whenever the Executive authority of any State in the Union or of either of the Territories Northwest or South of the river Ohio, shall demand any person as a fugitive from justice, of the Executive authority of any such State or Territory to which such person shall have fled, and shall moreover produce the copy of an indictment found, or an affidavit made before a Magistrate of any State or Territory as aforesaid, charging the person so demanded with having committed treason, felony, or other crime, certified as authentic by the Governor or Chief Magistrate of the State or Territory, from which the person so charged fled, it shall be the duty of the Executive authority of the State or Territory to which such person shall have fled, to cause him or her to be arrested and surrendered, and notice of the arrest to be given to the Executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear."

By the code of Georgia, "simply larceny is the felonious taking and carrying away the personal goods of another," and the same code provides, that "any person or persons who shall feloniously take and carry away a
slave, shall be punished by imprisonment at hard labor in the Penitentiary, for any time not less than three years and not longer than seven years.”

In reply to the demand of Governor Schley, His Excellency, Governor Dunlap, suggests that Philbrook and Killeran visited the city of Savannah, in the course of their business as Mariners, and returned to their domicile in Maine, by the customary route, and in the usual time; that they abided at their residence without concealment, and demeaned themselves as unsuspecting and innocent citizens, and insists that it may well be called a question whether such a course of conduct can be regarded as a fleeing from justice, and they as “fugitives,” within the meaning of the Constitution.

As this point is rather suggested than made, your Committee will proceed to a brief examination of the grounds on which the refusal to surrender the fugitives, is supposed to be justified.

The first ground taken by Governor Dunlap, assumes, that the affidavit submitted to him, does not specify the fact of which the imputed felony is predicated, but merely suggests the commission of a felony, without enabling His Excellency to determine, whether it aimed at the subversion of the Government, or affected the life, liberty or property of individual citizens, and that there is no specification of time, place or the manner of its commission. The second ground is, that the commission of the larceny, is not positively charged, but that the larceny, is believed by the deponent to have been committed; and maintains that such an affidavit would not authorize a Magistrate to issue his warrant of arrest, or justify the detention of an individual for trial.

Your committee cannot well conceive that an affidavit so clear in its specification of the particular offence—even with the minuteness with which the statute of Georgia defines it—and so direct and positive in charging the alleged fugitives with its perpetration, could have been the subject of mistake or misconception. Its language is positive and explicit, that they “did feloniously inveigle, steal, take and carry away” the slave, and not that the deponent had been informed, or believed they had done so.

The legal propositions assissed on by His Excellency, the Governor, in the grounds on which his refusal is put, appear to your committee to be untenable, as the assumption of fact in both, is gratuitous and palpable. All who have the slightest knowledge of Criminal Law, cannot but be aware, that precision of statement, and particularity of averment, do not constitute requisites of any process or proceeding, that seeks merely the arrest, or detention of one suspected of crime, but that information on oath that a crime has been actually committed, and that there is cause and probability of suspecting the party against whom the warrant is prayed is all that is usually, or can be legally required.

Whatever opinion may be entertained of the sufficiency of the affidavit, or of the nature of the objections raised by Governor Dunlap, his successor Governor Kent, admits, that the grounds of his predecessor’s refusal are removed by the indictment found, a copy of which accompanied the second demand which was made by Governor Gilmer.

He admits that the copy of the indictment found, “for stealing a man alleged to be a slave,” as he is pleased to designate the charge, is sufficient evidence that the alleged fugitives from the justice of Georgia are charged with a crime, but sees no evidence that they are fugitives from justice; and when their arrest is demanded as a right, claims for the Executive of Maine, the
right to be satisfied of the existence of this fact, as one of the conditions of the demand. He suggests a doubt, whether an accusation or charge must not have been made before the flight, to authorize the demand, and feels but little doubt, that such was the chief intention of those who framed our Federal Constitution.

Is the demand a right? The right of a Foreign State or Kingdom, independent of treaty stipulations to require the surrender, on demand, of those who have committed crimes in another Country, is a proposition, of which many distinguished writers on public law, maintain the affirmative, and some with equal claims to consideration, the negative. But whatever may be the right amongst Foreign Nations, all concur that the impolicy of affording an asylum, and a refuge to fugitives from justice of other States, is undeniable. It is believed that most, if not all Foreign States, that have established commercial relations with others, have thought fit to provide for their security in this regard.

When it shall be remembered that our Federal Government, in its treaty with Great Britain in 1794, stipulated expressly for this right; that the Constitution of the United States was intended "to form a more perfect Union, establish justice, and ensure domestic tranquility," between contiguous States; and that that instrument imperatively declares the fugitive "shall, on demand, be delivered," your committee cannot perceive, the propriety with which the right can be questioned.

That the suggestion, whether an accusation or charge should not have been made, before the flight of the offender, to authorize the demand, and require the surrender, is destitute of all claim to even plausibility, your committee will not pause to demonstrate.

Can, then, the refusal to cause the arrest and surrender of Philbrook and Killean, find justification in the insufficiency of the testimony, to establish the fact that they had fled from the justice of Georgia? Your committee are of opinion that some evidence of his flight should accompany the demand of a fugitive from justice, so that it may appear, that the party demanded, has departed without having responded to the imputed crime, or endured its punishment in the State, whose laws are alleged to have been violated, but they cannot entertain a doubt, that merely prima facie evidence of the fact, is all that in any case can be required, or in most cases could be produced. That the flight was with the motive or purpose to evade punishment, or to elude justice, is a fact that is susceptible of only presumptive proof, and rarely could be otherwise established, than by proof, that a crime had been committed, and that its perpetrator had gone without the limits of the State, having jurisdiction of the offence. But the affidavit charges the flight of these individuals, directly and positively, and receives confirmation from the return of the officer, charged with the execution of the warrant, in the county of Chatham. The Constitution, and the Act of Congress, in providing for the arrest and removal of fugitives from justice, intends summary and ministerial proceedings, and does not contemplate judicial investigation for ascertaining of the fugitives' guilt. The evidence which shall accompany the demand, is prescribed by the Supreme Law. It is intended to show prima facie, that the party is guilty, that there is probable cause to believe him guilty, such as would upon a warrant, justify his commitment for trial.

If this be the purport and effect of the evidence, in the form prescribed,
it appears to your committee that the right to demand the removal of a fugitive, is undeniable, and the duty to cause the arrest and surrender, imperative.

Your committee will not here, refrain from allusion to a fact which may afford some illustration of the course which the Executive and Legislative Departments of Maine, have seen fit to pursue, in respect to the demands which have been made, of the surrender of the alleged fugitives from the justice of Georgia. After the refusal of Governor Dunlap, and after the action of the Legislature of Georgia on the subject, the Legislature of Maine enacted a Law, that when the surrender of a fugitive from justice shall be demanded of the Executive of that State, and the Governor shall be satisfied, on investigation of the grounds of such demand, and that the same is made conformably to law, and ought to be complied with, he shall issue his warrant under the seal of the State authorizing the agent who should make such demand, either forthwith or at such time as shall be designated in the warrant, to take and transport such offender to the line of this State.

That this statute intends by the Executive Department of Maine, inquiry into the guilt of the fugitives, and a determination of the expediency of ordering his surrender whether he be innocent or guilty, although demanded conformably to law, its terms as well as its history, may well render probable. If this be its just interpretation, well may the Governor of Maine call the right to demand a fugitive from justice, a question. But if this construction be incorrect, and the right to make the demand unimpaired by the statute, it will be perceived, that the warrant of arrest must be executed by the agent of the State whose Chief Magistrate makes the demand, and that the Governor of Maine, may authorize the arrest either forthwith, or at such times, as may be designated in the warrant. The difficulties which such agent would at any time, experience, in making an arrest, in a Foreign Jurisdiction, especially with a warrant designating a remote day for its execution, added to the chances of escape which it holds out, would, in most cases, make it utterly impracticable. However incompatible with the Supreme Law, your Committee may deem this statute of Maine, illustrated as it is by the conduct of her Executive Department, they are constrained to regard it, as indicating the settled determination of that State, that no citizen of hers, shall ever answer in a Southern tribunal, for an offence against the right to certain property, to which her Policy and people, are most cordially hostile.

The facilities which the Federal Constitution affords to citizens of the United States, who are inimical to slavery, of abducting and inveigling slaves from their owners, and the temptation to embrace those facilities, which is suggested by such impunity, as the authorities of Maine have provided for her citizens presents a conjuncture, which the least timed, and the most prudent amongst us, may well deem full of peril to the rights of the South. When the safeguards of the Federal Constitution shall become ineffectual and illusory, then indeed, the period has arrived, when the States of the South must take care that their citizens sustain no detriment. Let us tell our brethren of the North mildly, but resolutely, that if they did introduce slaves amongst us against our remonstrance, they shall not remove them against our consent, and that whilst we tolerate no impairment of our title to our property, in the halls of the Federal Legislature, we will, also.
permit no State to convert itself into a city of refuge, for those who invade it as felons.

Your Committee recommend the adoption of the following resolutions:

Resolved, That it is the duty, as well as the right, of any State, to insist on the faithful observance of the Federal Constitution, by each State in the Union.

Resolved, That to define crimes and felonies within its jurisdiction, is an incident to the sovereignty of each State, and that no other State can question the exercise of that right.

Resolved, That to demand the surrender and removal of fugitives from justice, is, by the Constitution, a right: and the arrest and surrender a duty: that the denial or impairment of this right, is inconsistent with the constitutional obligations of a State, and subversive of the peace and good government of the other States.

Resolved, That the right has been impaired, if not denied, by the authorities of Maine, and that this State will never consent, that any State shall become an asylum for those who are fugitives from the justice of other States.

Resolved, That this State will make common cause with any State of this Confederacy, in maintaining its just rights, under the guaranty of the Constitution of the United States; and should the obligations of this instrument be disregarded by those whose duty it may be, to enforce them, it will take counsel of its co-States of this Confederacy, having similar interests to protect and similar injuries to redress, in devising and adopting such measures, as will maintain, at any hazard, these rights, and that property, which the obligations of the compact of Union—cancelled as they then will be, as to us—have failed to enforce.

Resolved, That the Executive of this State, be requested to transmit to the Executive of the several States, to be laid before their respective Legislatures, to the President of the United States, and to our Senators and Representatives in Congress, a copy of the above report, and of these resolutions.

Resolved, That the House do agree to the report. Ordered, that it be sent to the Senate for concurrence.

By order

T. W. GLOVER, Clerk H. R.

In Senate, December 20, 1839.

Resolved, That Senate do concur. Ordered, it be returned to the House of Representatives.

By order

WILLIAM E. MARTIN, Clerk Senate.

Mr. Sprigg moved the following resolutions, viz:

Resolved, That the Treasurer of the State lay before this House, as speedily as is practicable, the amount of money received into the Treasury since the 10th of October last to the 31st of January last, and the amount of warrants paid out of the Treasury during that time; and that he distinguish between the receipts and disbursements for ordinary purposes of government, Internal Improvement Fund, Sinking Fund and School Fund.

Resolved further, That the Auditor of Public Accounts report to this House, as speedily as is practicable, the amount of money received into the Treasury since the 10th of October last to the 31st of January last, of Inter-
nal Improvement Fund, Sinking Fund, and of School Fund; and that he report the amount of money paid out of the Treasury during the time before stated, from each of said funds.

Resolved, That the Second Auditor of Public Accounts report to this House the amount of money received into the Treasury, and paid out of the Treasury, for ordinary purposes of government, since the 10th day of October last to the 31st of January, 1840.

Mr. Hammond moved to lay said resolutions on the table for the present. And the question being taken thereon, it was decided in the negative.

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

Those who voted in the affirmative were—


Those who voted in the negative were—


The said resolutions were then twice read, and adopted.

Mr. Huston, from the committee for Courts of Justice, to whom was referred bills from the Senate, of the following titles, viz:

An act to incorporate the Jefferson Literary Society of Augusta College.
An act to amend an act, entitled, an act for the benefit of the widow and heirs of Francis Hagan, deceased.
An act for the benefit of the widow and infant heir of John Gilbert, deceased.
An act for the benefit of the Trustees of the town of Poplar Plains, in Fleming county.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

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.

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 requiring annual examinations of the several Clerks' offices in this Commonwealth to be made out and returned to the Auditor's office— with an amendment to the last amendment of this House.

The said amendment was then twice read, and concurred in.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That --- be appointed a committee, whose duty it shall be to examine all the public offices, commencing at the close of the period embraced in the last report made by the joint committee on Public Offices; and that it shall also be their duty to examine all vouchers upon which entries have been made, and to show, in their report, the exact balance up to the 10th of October, 1839; and also to examine the condition of the School Fund and Sinking Fund, and report their precise condition to the next session of the General Assembly of the Commonwealth of Kentucky.

The committee for Courts of Justice, who were appointed to prepare and bring in the same—reported a bill to authorize a change of venue in the trial of William A. Wharton, and others.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being amended and engrossed,

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

The House then took up the amendments proposed by this House to a bill from the Senate, entitled, an act to fix the ratio and apportion the representation for the next four years.

The question was then taken on this House receding from their amendments to the second section of said bill, which amendments are as follows:

Strike "Pike" from the 34th Senatorial district, and add "Lewis;" strike "Lewis" from the 35th district, and add "Pike" to the 37th district—and it was decided in the affirmative.
The yeas and nays being required thereon, by Messrs. Cecil and Huston were as follows, viz:

Those who voted in the affirmative were—

Messrs. Botts, Brien, Burgess, Caldwell, Cecil, Coffey, Colvin, Cornish, Daniel, Daviess, Glover, Goodson, Henry, 


Those who voted in the negative were—

Messrs. Adams, Barrett, Board, Brooks, Buckner, Butler, Cave, Clay, Crow, Cunningham, Drye, Elliott, Forman, Glenn, Gray, 


A message was received from the Senate, announcing that they had passed a bill, entitled,

An act to provide for the payment of the public contractors, and to preserve the faith of the State.

The House again resumed the consideration of the bill from the Senate, entitled, an act authorizing a loan in aid of the public credit, and for other purposes, and the amendment proposed by Mr. Morehead, as a substitute.

The said bill reads as follows:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Acting Governor be authorized and required to sell the bonds or scrip of the State, to the amount of five hundred thousand dollars—part of the eleven hundred thousand dollars authorized to be raised by as
act passed February 22d, 1839—at a rate of interest not exceeding six per centum per annum, redeemable at any time after six years; the interest payable semi-annually, at the Treasury of the State: Provided, that said bonds or scrip shall not be sold at a less rate than par value, nor in less sums than one hundred dollars.

Sec. 2. Be it further enacted, That it shall be the duty of the Commissioners of the Sinking Fund, from time to time, to deposit with the Treasurer of the State, a sum which shall be equal to the payment of the interest upon the loan authorized to be made by this act.

The substitute proposed by Mr. Morehead, reads as follows:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor be authorized and required to sell the bonds or scrip of the State, to the amount of one million of dollars, at a rate of interest not exceeding six per centum per annum, redeemable at any time after six years—the interest payable, semi-annually, at the Treasury of the State; provided that said bonds or scrip shall not be sold at a less rate than par value, nor in less sums than one hundred dollars: and it shall be the duty of the Commissioners of the Sinking Fund, from time to time, to deposit with the Treasurer of the State a sum sufficient to meet the payment of the interest upon the loan authorized to be made by this act.

Sec. 2. Be it further enacted, That it shall be the duty of the Commissioners of the Sinking Fund, from time to time, to deposit with the Treasurer of the State a sum which shall be equal to the payment of the interest upon the loan authorized to be made by this act.

Sec. 3. Be it further enacted, That the Governor be authorized, if he shall deem it advisable so to do, to sell, or cause to be sold, the whole, or any part of the sum authorized to be borrowed for the purpose of internal improvement, by an act, entitled, an act further to provide for the internal improvement of the State, approved February 22, 1839, at a rate of interest not exceeding six per centum per annum; provided that said bonds shall not be sold for a less amount than will be equal to par, in Kentucky currency; and provided that the Governor shall be satisfied that the means of the Sinking Fund are sufficient to meet the liability to be incurred by such sale.

Sec. 4. Be it further enacted, That the Governor shall cause to be paid, out of the residue of the proceeds of the sale authorized to be made under the second section of this act, the several sums which may be due to the banks of this Commonwealth from the Board of Internal Improvement, and whatever balance may afterwards remain, shall be passed to the credit of the Sinking Fund, as a permanent fund for the ultimate liquidation of the public debt; and shall not, in any event, be used in the payment of interest, but shall be vested in such way as will be most profitable; and the interest received therefrom, be reinvested, from time to time, and added to the principal.

Sec. 5. Be it further enacted, That if any of the contractors on any of the public works of this Commonwealth shall agree to receive the bonds or
scrip of the Commonwealth, authorized by this act to be issued by the Governor, it shall be lawful for the Board of Internal Improvement to notify the Governor thereof, who shall, thereupon, deposit the same in the treasury, and obtain the Auditor's quietus thereon; and, when so deposited, it shall be lawful for the Auditor to draw his warrant, on the requisition of the Board of Internal Improvement, on the Treasurer, who shall be authorized to pay the same to the contractors, in lieu of money; and the bonds or scrip, thus received by said contractors, shall be considered as so much money paid on the part of the State.

Sec. 6. Be it further enacted, That it shall be the duty of the Board of Internal Improvement, out of the funds herein authorized to be raised, first to pay the debts now due to the contractors on the public works; and, in case a part only is raised in money, it shall be the duty of the Board to make an equitable distribution of such part.

Sec. 7. Be it further enacted, That the sum of ninety six thousand two hundred and sixty one dollars and seventy seven cents be, and the same is hereby, appropriated, out of the same fund, to finish locks and dams numbers one and four on Green river, and number one on Barren river; and the sum of two hundred and twelve thousand and seventy four dollars to finish the locks and dams numbers one, two, three, four, and five, on the Kentucky river; and the sum of one hundred and fifty thousand dollars to progress with the five locks and dams on Licking river—numbers one, two, three, four, and five.

Sec. 8. Be it further enacted, That the sum of twenty thousand dollars be, and the same is hereby, appropriated, out of the same fund, to the turnpike road companies from Louisville, by Elizabethtown, to the Tennessee line, in order to put said road in a condition to be travelled on; and said companies are hereby authorized to put up toll gates, as soon as it is placed in such condition, and to charge such tolls as, in the opinion of the Board of Internal Improvement, would be proper, provided said tolls shall not be as much as said company would be authorized to charge, if said road was fully completed.

Sec. 9. Be it further enacted, That the sum of fifteen thousand dollars be, and the same is hereby, appropriated, out of the same fund, to the Louisville, Bardstown and Green River Road Company, in order to put said road in a condition to be travelled on; and said company is hereby authorized to put up toll gates, and to charge tolls, under the restrictions and limitations imposed by the foregoing section.

Sec. 10. Be it further enacted, That the sum of forty thousand dollars be, and the same is hereby, appropriated, out of the same fund, to the Logan, Todd and Christian Turnpike Road Company, which shall be considered a part of the specific appropriation heretofore made to said company.

Sec. 11. Be it further enacted, That the several appropriations made by this act shall only be paid upon the compliance with all the conditions imposed by existing laws.

Sec. 12. Be it further enacted, That the Board of Internal Improvement shall withhold the payment of subscription of stock, on the part of the Commonwealth, to any of the turnpike road companies not herein provided for, during the year 1840; and the said board shall not be authorized, during the year 1840, to commence any locks and dams, on any of the rivers of
this Commonwealth, not herein provided for; and the said board are hereby directed not to conclude any contract for the construction of lock and dam number two, on Barren river, authorized to be constructed by an act of the General Assembly, entitled, an act further to provide for the internal improvement of the State, approved February 22, 1839; but said board shall cause a re-examination of the location of said lock and dam, by the Chief Engineer, for the purpose of ascertaining the propriety or impropriety of said location, as now made.

Sec. 13. Be it further enacted, That the sum of four thousand dollars be, and the same is hereby, appropriated, out of the moneys hereby authorized to be raised for internal improvement purposes, to that part of the road from Mountsterling to the Virginia State line which embraces Card Ridge.

Mr. Swope moved to lay said bill and substitute on the table.

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

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

Those who voted in the affirmative, were—

Messrs. Burgess, Marshall, T.
     Coffey, Marshall, W. N.
     Daniel, McClure,
     English, McFall,
     Lecompte, Newell,

Those who voted in the negative, were—

Mr. Speaker, Glenn,
Messrs. Adams, Glover,
     Barrett, Goodson,
     Board, Gray,
     Botts, Gresham,
     Brien, Hammond,
     Brooks, Henry,
     Buckner, Hill,
     Butler, Hines,
     Caldwell, Hopkins,
     Cave, Hughes,
     Cecil, Huston,
     Chouvins, Imboden,
     Churchill, Innes,
     Clay, Irwin,
     Cornish, Johnson,
     Crow, Lane,
     Cunningham, Logan,
     Daviess, Marshall, T. F.
     Draffin, Mason,
     Drye, McRoberts,
     Elliott, Meriwether,
     Fish, Mims,
     Fornan, Mize,

Morehead,
     Padon,
     Pinell,
     Randolph,
     Reeder,
     Reeves,
     Rowlett,
     Rumsey,
     Russell,
     Smith, J. S.
     Stone,
     Sutton, M.
     Sutton, T.
     Taggart,
     Taylor, H.
     Taylor, J. G.
     Thomasson,
     Turner,
     Waddill,
     Wake,
     Wilson,
     Yantis,
     Young, A.
     Young, B. R.—72
Mr. Randolph then moved to amend said substitute, by striking out the first section.

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

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

Those who voted in the affirmative were—


Those who voted in the negative were—


Mr. Gray then moved to amend said substitute, by inserting after the words "Kentucky river," in the seventh section, the following: "And number one on Muddy river; and that fifteen thousand dollars of the above sum shall be expended on said lock and dam during the year 1840."

And the question being taken on the adoption thereof, it was decided in the negative.
The yeas and nays being required thereon, by Messrs. Gray and Lane, were as follows, viz:

Those who voted in the affirmative were—

Mr. Speaker,  Haggard,  Reeves,
Messrs. Board,  Hopkins,  Russell,
Caldwell,  Irwin,  Sutton, T.
Coke,  Marshall, W. N.  Swope,
Draffin,  McFall,  Taggart,
Fish,  Meriwether,  Thomasson,
Goodson,  Mims,  Turner,
Gray,  Newell,  Waddill,
Gresham,  Padon,  Wilson—27.

Those who voted in the negative were—

Messrs. Adams,  Forman,  Mize,
Barrett,  Glenn,  Morehead,
Botts,  Glover,  Murray,
Brien,  Henry,  Parcell,
Brooks,  Hill,  Pindell,
Buckner,  Hines,  Randolph,
Burgess,  Hughes,  Red,
Butler,  Huston,  Redd,
Cave,  Imboden,  Reed,
Cecil,  Innes,  Reeder,
Chouvin,  Johnson,  Rowan,
Churchill,  Lane,  Rowlett,
Clay,  Lecompte,  Smith, J. S.
Coffey,  Logan,  Sprigg,
Cornish,  Marshall, T. F.  Stephens,
Crow,  Marshall, T.  Sutton, M.
Cunningham,  Mason,  Taylor, H.
Daniel,  McClure,  Wake,
Davies,  McKinney,  Yantis,
Drye,  McRoberts  Young, A.
Elliott,  

Mr. Newell then moved to amend said substitute in the seventh section, by striking out all that part printed in italics, and inserting in lieu thereof the following:

"And the sum of one hundred and twenty-five thousand dollars to progress with the locks and dams on Licking river—numbers one, two, three, four, five, six, seven and eight."

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. T. Marshall and Innes, were as follows, viz:
Those who voted in the affirmative were—


Those who voted in the negative were—


The question was then taken on the adoption of the substitute, as amended, and decided in the negative.

The yeas and nays being required thereon, by Messrs. Lane and J. G. Taylor, were as follows, viz:

Those who voted in the affirmative were—

Those who voted in the negative were—

Messrs. Adams, Board, Buckner, Cave, Chouvin, Churchill, Coffey, Crow, Daniel, Drye, English, Glover, Gray, Haggard, Hammond, Hardy,

Hill, Hopkins, Hughes, Imboden, Irwin, Johnson, Lane, Lecompte, Logan, Marshall, T., Marshall, W. N., Mason, McCalla, McClure, Meriwether, Mims, Mize,


And then the House adjourned.

WEDNESDAY, FEBRUARY 19, 1840.

A message was received from the Senate, announcing their disagreement to bills from this House of the following titles, viz:

An act for the benefit of Charles Faulkner, of the county of Trigg.
An act for the benefit of the widow of John Hamilton, deceased.
An act for the benefit of the Clerk of the Russell County Court.
An act for the benefit of Obadiah E. Wilhoite.

That they had concurred in the amendments proposed by this House to bills from the Senate of the following titles:

An act to amend the execution laws of this Commonwealth, and for other purposes.
An act to amend an act, entitled, an act for the benefit of the Sheriff of Washington county, approved December 19, 1839.

That they had passed bills from this House of the following titles, viz:

An act concerning the town of Russellville.
An act for the benefit of William B. Keas.
An act for the benefit of Elizabeth B. Fryar.
An act in aid of the last will and testament of Henry Smith, deceased.
An act for the benefit of Stephen Ormsby.
An act for the benefit of Leander W. Macey, and others.
An act to change the place of voting in the Tarapin precinct, in Graves county.
An act to change the place of voting from H. Ditto's, to Bloomington, in Hardin county.
An act for the benefit of Andrew Trumbo.
An act regulating the jurisdiction of the Police Judge of the town of Frankfort.
An act allowing an additional Constable to the county of Spencer, and for other purposes.

With an amendment to the last named bill.
And the passage of bills from the Senate of the following titles:
An act for the benefit of Charles and Rebecca Douglas; and
An act to provide for the payment of the interest on the bonds of the Lexington and Ohio Railroad Company, on which the State is guarantor, and for other purposes.

Mr. Reeder presented the petition of E. B. Barker and Joseph D. Barker, heirs of James Markham, deceased, praying that the Legislature will secure to them their military lands west of the Tennessee river.
Which was received, the reading thereof dispensed with, and referred to the committee for Courts of Justice.

The Speaker laid before the House the response of the Auditor to a resolution from this House, of yesterday, which is as follows:

Auditor's Office, Ky.,
Frankfort, 18th February, 1840.

Sir:
Please lay before the House over which you have the honor to preside, the enclosed three statements, Nos. 1, 2, and 3, in answer to a resolution passed by your body on the 18th instant.
And oblige your very humble servant,

BEN. SELBY, Auditor.

To the Hon. John L. Helm,
Speaker of the House of Representatives.

No. 1.

FOR INTERNAL IMPROVEMENT.
Amount of warrants issued by the Auditor of Public Accounts, from the 11th October, 1839, to the 31st January, 1840, viz:

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Amount brought forward,  $253,130 49
Receipts for same time—
In October,  $19,386 67
November,  102,988 33
December,  29,380 00
January,  64,389 50

Warrants issued exceeding receipts,  $ 36,985 99

Sinking Fund.
Amount of warrants issued by the Auditor of Public Accounts, from the 11th of October, 1839, to the 31st January, 1840, inclusive, viz:

Warrants issued in October, 1839,  $3,633 50
Do. November, 1839,  31,341 52
Do. December, 1839,  8,900 00
Do. January, 1840,  24,142 67

Receipts for same purpose and same time—
In October, 1839,  $3,548 25
November, 1839,  31,241 52
December, 1839,  9,670 37
January, 1840,  25,142 67
Total receipts,  69,602 81
Total warrants issued,  67,917 69
Receipts in the Treasury exceeding warrants issued,  $1,685 12

Education.
Amount of receipts into the Treasury from the 11th October, 1839, to 31st January, 1840, inclusive, viz:

In January, 1840, received,  $32,003 95.
Amount of warrants issued for same purpose, and same time—none.

The amendments proposed by the Senate to a bill from this House, entitled, an act further to regulate the 9th Judicial district, and for other purposes—were twice read, and concurred in.

Mr. Meriwether moved that this House send a message to the Senate, asking leave to withdraw their report announcing the passage of a bill from the Senate, entitled, an act to extend the charter of the Bank of the Com-
monwealth of Kentucky, and to authorize the appointment of a Commiss­
ioner to close the affairs of said Bank.

In a short time, the messenger returned with said bill.

A message was received from the Senate, by Mr. Johnston, asking leave


to withdraw their report announcing their disagreement to a bill from this

House, entitled, an act for the benefit of Obadiah E. Wilhoite; which was

granted, and the bill withdrawn.

Mr. Huston, from the committee for Courts of Justice, to whom was re­

ferred the amendments proposed by the Senate to a bill from this House,

entitled, an act to amend the penal laws of this Commonwealth—reported

the same without amendment.

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

Mr. Huston, from the committee for Courts of Justice, to whom was re­

ferred bills from the Senate of the following titles, viz:

An act to authorize Agents and Attorneys to make affidavit and sue out
distress warrants and other process, in certain cases.

An act to amend the charter of the city of Lexington, and for other pur­
poses.

Reported the first without, and the second with an amendment, which

was concurred in.

Ordered, That the said bills be read a third time.

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.

Mr. Pindell, from the same committee, to whom was referred a bill from
the Senate, entitled, an act to establish the Mechanics' Institute and Savings
Institution of the city of Lexington—reported the same without amendment.

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

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.

Mr. Butler, from the committee for Courts of Justice, to whom was re­
ferred a bill from the Senate, entitled, an act to provide more effectually for
the preservation and keeping of the public books deposited with the Clerks
of this Commonwealth—reported the same without amendment.

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

Mr. Butler, from the same committee, to whom was referred a bill from
the Senate, entitled, an act to incorporate the Louisville Iron Company—
reported the same without amendment.
The said bill reads as follows:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a company shall be, and is hereby incorporated, by the name and style of the "Louisville Iron Company," for the term of 20 years from the first of July, 1840, with a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each, for the purpose of rolling, casting, hammering, and manufacturing iron into such shapes and forms as may conduce to the public benefit and the profit of the company in the city of Louisville; and said company shall have power and authority to hold all such real and personal estate as may be convenient and necessary for conducting their business, and to contract and be contracted with, sue and be sued, plead and be impleaded, and to do and perform all and singular the acts and things that individual proprietors of such establishments may lawfully do; and said company may make and use a common seal, and change, alter, and renew the same, at pleasure, and make by-laws regulating the time and place of electing officers of said company, and the period of their service; the time and place of holding elections, and of filling vacancies that may arise in the offices, and who shall have power to do so; and the time and place of holding meetings of the stockholders, and generally to regulate the manner of performing all acts in relation to the management and prudential concerns of said company, and the mode and manner of transferring the stock of said company, which is hereby declared personal estate; but none of the regulations and rules shall be contrary to the laws and constitution of this Commonwealth.

Sec. 2. That the management of said company and its prudential concerns shall be under the direction of a President and five directors, any three of whom shall constitute a quorum for the transaction of business; and they may appoint such officers and agents as may be required for the transaction of the business of the company; and they shall cause a particular record of their proceedings to be kept and registered, in a book provided by them for that purpose.

Sec. 3. That John Curry, Thomas Anderson, John N. Johnson, Shadrach Penn, Wm. Read, Henry Pirtle and John P. Morton, be, and they are hereby appointed Commissioners, who shall meet at some convenient time before the 1st of July, 1840, in the city of Louisville, and appoint two or more of themselves to open books for the subscription to stock in said company, at such time and place in the city of Louisville, as they may direct—giving two weeks notice thereof in the Louisville Journal and Advertiser—and keep said books open, from time to time, thereafter, until five hundred shares shall have been subscribed.

Sec. 4. That when 500 shares or more of the capital stock of said company shall be subscribed, said Commissioners, or any two of them, shall make proclamation thereof, in the Louisville Journal and Advertiser; and at the same time, and in the same manner, give notice that twenty days thereafter the subscribers to said stock will be required to elect a President and five directors out of their own body, each share of stock being counted as one vote, and absent proprietors of stock being entitled to vote by proxy; and when the President and directors shall be so elected, the corporation shall be considered as organized, and authorized to commence operations for manufacturing as aforesaid.
Sec. 5. Every person subscribing stock in said company shall be required, at the time of so doing, to pay five dollars on each share subscribed; and the President and directors shall have the right to prescribe the time and amount of each call on stock after the organization of the company, and the mode of payment.

Sec. 6. The Legislature reserves the right to repeal or modify this act, but no repeal or modification of this act shall affect the right to the property invested, or the right to wind up the concern in the corporate name.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative.

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

Those who voted in the affirmative were—


Those who voted in the negative were—


Mr. Butler, from the same committee, to whom was referred a bill from the Senate, entitled, an act to incorporate the Louisville Cotton Factory—reported the same without amendment.

Ordered, That said bill be laid on the table.

Mr. Mason moved a reconsideration of the vote passing the bill from the Senate, entitled, an act to establish the Mechanics’ Institute and Savings Institution of the city of Lexington.
And the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon, by Messrs. Mason and Huston, were as follows, viz:

Those who voted in the affirmative were—


Those who voted in the negative were—


A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act to increase the powers of the Trustees of the town of Versailles, and to establish a Police Court in said town.

An act for the benefit of James F. Edwards.

With amendments to each.

Mr. Huston moved to reconsider the vote disagreeing to the bill from the Senate, entitled, an act authorizing the building of mills and dams upon Trammell's fork of Drake's creek.

And the question being taken thereon, it was decided in the negative.
The amendments proposed by the Senate to a bill from this House, enti-
tled, an act to increase the powers of the Trustees of the town of Versailles, and to establish a Police Court in said town—were taken up, twice read, and concurred in.

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

By the committee for Courts of Justice—1. A bill to authorize Richard Y. Shipp and Mary G. Shipp to convey two small tracts of land, and for other purposes.

By Mr. Perciful—2. A bill for the benefit of Polly Skillman.

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

The rule of the House, constitutional provision and second and third reading of the said bills having been dispensed with, and the same being engrossed,

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

A message was received from the Senate, announcing the passage of bills from that House of the following titles, viz:

An act for the benefit of the widow of John Hamilton.
An act for the benefit of James C. Coleman.
An act to incorporate the Woodford Agricultural Society.

Mr. McRoberts, from the joint committee on Enrollments, reported that the committee had examined enrolled bills from the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the widow and heirs of John Gilbert, deceased.
An act to incorporate the Jefferson Literary Society of Augusta College.
An act to fix the ratio, and apportion the representation for the next four years.

An act to amend the execution laws of this Commonwealth, and for other purposes.

An act to amend an act, entitled, an act for the benefit of the Sheriff of Washington county, approved December 19, 1839.
An act to amend an act, entitled, an act for the benefit of the widow and heirs of Francis Hagan, deceased.
An act for the benefit of the town of Poplar Plains, in Fleming county.
An act requiring annual examinations of the several Clerks' offices in this Commonwealth to be made out and returned to the Auditor's office.
An act allowing an additional Justice of the Peace to Barren county.
An act for the benefit of the Sheriff of Fleming county.
An act allowing an additional chancery term to the Fleming Circuit Court.
An act to alter the time of holding the Bourbon and Estill Circuit Courts, and for other purposes.
An act to repeal the 6th section of an act to authorize permanent provision for resident females in Kentucky stocks, and guardians to invest the money of their wards in Bank stocks.

An act for the benefit of Alexander Hutchison and Keziah Jones.

An act for the benefit of the infant heirs of Harrison Hearn.

An act to establish a town on the land of Adam Miller, of Adair county.

An act for the benefit of the heirs of Wm. Milton, deceased.

And enrolled bills from this House of the following titles, viz:

An act for the benefit of Scott county.

An act to amend and explain the 26th section of an act, approved February 1st, 1833, entitled, an act to amend and enforce an act to incorporate the city of Louisville.

An act requiring certain claims, payable out of the Treasury of the State, to be reported to the Circuit Courts.

An act to amend an act, entitled, an act to incorporate the Versailles Savings Institution, approved February 28, 1835.

An act for the benefit of Elizabeth B. Fryer.

An act to amend the penal laws of this Commonwealth,

An act to change the time of holding the Circuit Courts in the Second Judicial District.

An act further to regulate the 9th Judicial district, and for other purposes.

An act concerning the town of Russellville.

An act for the benefit of Wm. B. Kens.

An act in aid of the last will and testament of Henry Smith, dec'd.

An act for the benefit of Stephen Ormsby.

An act for the benefit of Leander W. Macey, and others.

An act to change the place of voting in the Tarapin precinct, in Graves county.

An act to change the place of voting from H. Ditto's, to Bloomington, in Hardin county.

An act regulating the jurisdiction of the Police Judge of the town of Frankfort.

An act for the benefit of Andrew Trumbo.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. McRoberts inform the Senate thereof.

Mr. Sprigg, from the committee on Claims, reported a bill for the appropriation of money.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bill having been dispensed with,

Mr. Stephens moved to amend said bill, by striking out the appropriation
of nine hundred and seventy five dollars to Joseph Smith, for building a Fountain in the State House Square.

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

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

Those who voted in the affirmative, were—

Messrs. Coffey,  McClure,  Stephens,
Cornish,  Mims,  Sutton, T.
Daniel,  Mize,  Thomasson—10.
Gresham,

Those who voted in the negative, were—

Mr. Speaker,  Goodson,  Morehead,
Messrs. Adams,  Haggard,  Murray,
Barrett,  Hammond,  Newell,
Board,  Hardy,  Padon,
Botts,  Henry,  Pindell,
Brien,  Hill,  Randolph,
Brooks,  Hines,  Read,
Buckner,  Hopkins,  Reeder,
Burgess,  Hughes,  Rowlett,
Butler,  Imboden,  Russell,
Cave,  Innes,  Smith, J. S.
Cecil,  Irwin,  Sprigg,
Chouvin,  Johnson,  Sutton, M.
Clay,  Lane,  Swope,
Coke,  Lecompte,  Taggart,
Crow,  Logan,  Taylor, H.
Cunningham,  Marshall, T. F.  Taylor, J. G.
Daviess,  Marshall, T.  Turner,
Drye,  Marshall, W. N.  Wadhill,
Elliott,  Mason,  Wake,
English,  McCalla,  Wilson,
Fish,  McFall,  Yantis,
Forman,  McRoberts,  Young, A.
Glenn,  Meriwether,  Young, B. R.—73
Glover,

Mr. Sprigg moved to amend said bill, by adding thereto the following:

Be it further enacted, That there is appropriated to the Trustees of the town of Frankfort, one thousand and ninety one dollars, for paving, curbing and McAdamizing in front of the Public Square.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Daniel and Burgess, were as follows, viz:
Those who voted in the affirmative were—


Those who voted in the negative were—


Mr. Butler then moved to amend said bill, by adding thereto the following, viz:

To W. C. Allen, for the portrait of Daniel Boon, presented to the State of Kentucky, four hundred and ninety nine dollars.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Haggard and Randolph, were as follows, viz:
Those who voted in the affirmative were—

Mr. Speaker, Gray, Morehead,
Messrs. Adams, Gresham, Murray,
Barrett, Hardy, Newell,
Brien, Hill, Padon,
Brooks, Hines, Perciful,
Buckner, Hopkins, Pindell,
Butler, Hughes, Read,
Caldwell, Haston, Reeder,
Cave, Imboden, Rowan,
Churchill, Lanes, Russell,
Clay, Irwin, Smith, J. S.
Coke, Johnson, Sprigg,
Cornish, Lane, Stephens,
Crow, Lecompte, Stone,
Cunningham, Logan, Swopa,
Davies, Marshall, T. F. Taggart,
Draffin, Marshall, T. Taylor, H.
Drye, Marshall, W. N. Taylor, J. G.
Elliott, McCalla, Waddill,
English, McFall, Wake,
Fish, McKinney, White,
Forman, McRoberts, Young, A.
Glenn, Meriwether, Young, B. R.—71
Goodson, Mims,

Those who voted in the negative were—

Messrs. Board, Haggard, Rowlett,
Bargess, Hammond, Smith, I.
Cecil, Henry, Sutton, M.
Chouvin, McClure, Sutton, T.
Coffey, Mize, Thomas, Turner,
Daniel, Randolph, Yantis—21.
Glover, Reed,

The said bill being further amended,
Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,
Resolved, That said bill do pass, and that the title thereof be as afore-said.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Public Printer shall hereafter, in executing the public printing, publish all reports, made to both Houses of the same matter, in a separate volume, and dispense with the Appendix to each of the volumes of Journals.
as now published; and that one copy be sent to each individual entitled to copies of the Journal.

The rule of the House requiring joint resolutions to lie on the table one day, having been dispensed with, the said resolution was then twice read, and adopted.

A bill from the Senate, entitled, an act to provide for the payment of the public contractors, and to preserve the faith of the State,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Irwin moved to amend said bill, by adding thereto the following proviso, viz:

Provided, That nothing in this act shall be so construed as to authorize the Board of Internal Improvement to suspend any of the public works under contract; but it shall be the duty of said Board, after the payment of the debts due from the Commonwealth, to apply the remainder of the proceeds of the sale of said bonds or scrip to the prosecution of the public works now under contract, and actually commenced.

And the question being taken on the adoption thereof, it was decided in the negative.

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

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Adams, Board,
Buckner,
Burgess,
Butler,
Cave,
Clay,
Cornish,
Cunningham,
Daviess,

Draffin,
Fish,
Glenn,
Glover,
Goodson,
Henry,
Innes,
Irwin,
Johnson,
Marshall, W. N.

McCalla,
Mims,
Mize,
Reeder,
Russell,
Swope,
Taggart,
Turner,
Waddill,
Wilson—31.

Those who voted in the negative were—

Messrs. Barrett, Botts,
Brooks,
Caldwell,
Chouvin,
Churchill,
Coffey,
Crow,
Daniel,

Hill,
Hines,
Hopkins,
Hughes,
Huston,
Imboden,
Lane,
Lecompte,
Logan,
Marshall, T. F.

Randolph,
Read,
Redd,
Rowlett,
Smith, I.
Smith, J. S.
Sprigg,
Stephens,
Stone,
Sutton, M.
Mr. T. F. Marshall then moved the previous question.
The question was then taken, Shall the main question be now put? and it was decided in the affirmative.

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

Those who voted in the affirmative were—


Those who voted in the negative were—

The main question was then put, Shall the bill be read a third time? and
it was decided in the affirmative.

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

Those who voted in the affirmative were—


Those who voted in the negative were—


Resolved, That the said bill have its third reading on to-morrow, at 10
o'clock, A. M.

A message was received from the Senate, announcing that they had dis­agreed to the amendment proposed by this House to a bill from the Senate
entitled, an act to amend the charter of the city of Lexington.

And that they had passed a bill from this House, entitled,
An act to authorize Richard Y. Shipp and Mary G. Shipp to convey two small tracts of land, and for other purposes.

With an amendment.

And then the House adjourned.

THURSDAY, FEBRUARY 20, 1840.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act for the benefit of Polly Skillman.

And that they had passed bills from this House of the following titles:

An act for the benefit of the Anderson County Seminary.

An act regulating the Wayne, Russell and Casey Circuit Courts.

An act for the benefit of Obadiah E. Wilhoite.

A bill from the Senate, entitled, an act for the benefit of Charles and Rebecca Douglass,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with,

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

Mr. Butler, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act for the benefit of the heirs and widow of Benjamin Mills, deceased—reported the same with an amendment, which was concurred in.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

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

Mr. Draffin, from the committee on Claims, to whom was referred a bill from the Senate, entitled, an act for the benefit of John Rankin, senior, of Clarke county—reported the same without amendment.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with,

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

Ordered, That the committee for Courts of Justice be discharged from the further consideration of all matters now in their hands.
A bill from the Senate, entitled, an act to provide for the payment of the public contractors, and to preserve the faith of the State—was read the third time.

Mr. Meriwether proposed an amendment to said bill, by way of engrossed rider, which was adopted.

Mr. Johnson then moved to amend said bill, by adding thereto the following clause, by way of engrossed rider, viz:

*Be it further enacted,* That an ad valorem tax of three cents of the one hundred dollars shall hereafter be collected by the Sheriffs of this Commonwealth, in addition to the tax now required by law to be collected; and that the sum thus collected shall be, and is hereby solemnly dedicated and set apart as a fund for the payment of the interest on the sum hereby authorized to be borrowed.

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

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

Those who voted in the affirmative were—

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Those who voted in the negative were—

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Mr. Swope then moved the previous question.

The question was then taken, Shall the main question be now put? and it was decided in the affirmative.

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

Those who voted in the affirmative were—

- Mr. Speaker,
- Messrs. Adams,
- Barrett,
- Board,
- Botts,
- Brien,
- Brooks,
- Burgess,
- Butler,
- Churchill,
- Clay,
- Coke,
- Cornish,
- Cunningham,
- Daviess,
- Draffin,
- Drye,
- Elliott,
- English,
- Fish,
- Forman,
- Glenn,
- Glover,
- Goodson,
- Gresham,
- Hammond,
- Henry,
- Hines,
- Hughes,
- Huston,
- Innes,
- Marshall, T. F.
- Marshall, T.
- McCalla,
- McKinney,
- McRoberts,
- Morehead,
- Newell,
- Pindell,
- Read,
- Reeder,
- Rowan,
- Russell,
- Smith, I.
- Stephens,
- Stone,
- Swope,
- Taggart,
- Taylor, H.
- Taylor, J. G.
- Turner,
- Wake,
- White,
- Wilson,
- Yantis,
- Young, A.
- Young, B. R.—57

Those who voted in the negative were—

- Messrs. Buckner,
- Caldwell,
- Cave,
- Cecil,
- Chouvin,
- Coffey,
- Crow,
- Daniel,
- Gray,
- Haggard,
- Hardy,
- Hill,
- Hopkins,
- Imboden,
- Irwin,
- Johnson,
- Lane,
- LeCompte,
- Logan,
- Marshall, W. N.
- Mason,
- McClure,
- McFall,
- Meriwether,
- Mims,
- Mize,
- Murray,
- Padon,
- Perciful,
- Randolph,
- Redd,
- Reeves,
- Rowlett,
- Rumsey,
- Smith, J. S.
- Sprigg,
- Sutton, M.
- Sutton, T.
- Thomason,
- Waddill—40.
The main question was then put, Shall the bill pass? and it was decided in the affirmative.

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

Those who voted in the affirmative were—

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Those who voted in the negative were—

| Messrs. Board,        | Hughes,   | Murray, |
| Brien,                | Imboden,  | Padon,  |
| Buckner,              | Irwin,    | Perciful,|
| Caldwell,             | Johnson,  | Randolph,|
| Cecil,                | Lane,     | Read,   |
| Chouvin,              | Lecompte, | Redd,   |
| Coffey,               | Logan,    | Reeves, |
| Crow,                 | Marshall, T. F. | Rumsey, |
| Daniel,               | Marshall, T. | Russell, |
| Drye,                 | Marshall, W. N. | Sprigg, |
| English,              | Mason,    | Stephens,|
| Glover,               | McCalla,  | Stone,   |
| Gray,                 | McClure,  | Sutton, M. |
| Haggard,              | McFall,   | Sutton, T. |
| Hardy,                | Mims,     | Thomasson,|
| Hopkins,              | Mize,     | Waddill—48. |

Mr. Lane then moved that the title of said bill be amended to read as follows, viz:

An act further to pledge the faith of the State, to carry on the works of internal improvement.

And the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon, by Messrs. Lane and Haggard, were as follows, viz:

Those who voted in the affirmative were—


Those who voted in the negative were—


Resolved, That the title thereof be as aforesaid.

Mr. Meriwether, from the committee on Ways and Means, reported a bill for the benefit of the Sheriffs of Campbell, Garrard and Henry counties. Which was read the first time, and ordered to be read a second time. The rule of the House, constitutional provision and second reading of the said bill having been dispensed with, the question was then taken on engrossing and reading said bill a third time, and decided in the negative. And so the said bill was rejected.
Mr. Meriwether moved a reconsideration of the votes by which the bill from the Senate, entitled, an act to extend the charter of the Bank of the Commonwealth of Kentucky, and to authorize the appointment of a Commissioner to close the affairs of said Bank, was read a third time, and passed — and it was decided in the affirmative.

The said bill was then amended.

Ordered, That the said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

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

Mr. Meriwether, from the committee on Ways and Means, to whom was referred a bill to tax the proprietors of shows—reported the same with an amendment as a substitute for the bill, which was concurred in.

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

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended to read,

An act requiring the proprietors of shows to obtain license.

Mr. Meriwether, from the same committee, to whom was referred a bill for the benefit of Reuben Stanton—reported the same with an amendment, which was concurred in.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative.

And so the said bill was rejected.

A message was received from the Senate, by Mr. Barlow, asking leave to withdraw their report announcing their disagreement to a bill from this House, entitled, an act for the benefit of Polly Skillman; which was granted, and the bill withdrawn.

Mr. Isaac Smith read and laid on the table the following joint resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Board of Internal Improvement to cause the Chief Engineer to examine Barren river near Bowlinggreen, for the purpose of changing the location of lock and dam No. 2, on Barren river, if practicable; and the said Board shall not conclude the contract for constructing said lock and dam during the year 1840.

The rule of the House requiring joint resolutions to lie one day on the table, having been dispensed with,

The said resolution was then twice read, and adopted.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act for the benefit of Polly Skillman.
An act for the appropriation of money.
With amendments to the last named bill.
The following bills were reported by the several committees appointed
to prepare and bring in the same, viz:
By the committee on Internal Improvement—1. A bill to authorize the
County Courts of Floyd and Pike counties to employ Engineers to survey
their roads.
By same—2. A bill to authorize James and T. Garrard to build a slope at
their mill dam on Little Goose creek.
By Mr. Gresham—3. A bill to authorize the Surveyors of this Common­
wealth to survey certain land warrants.
Which were read the first time, and ordered to be read a second time.
The rule of the House, constitutional provision and second and third read­
ings of said 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.
Mr. Morehead, from the committee on Internal Improvement, to whom
was referred a bill from the Senate, entitled, an act requiring the removal
of timber from flooded grounds, &c.—reported the same without amend­
ment.
Ordered, That the said bill be read a third time.
The rule of the House, constitutional provision and third reading of the
said bill having been dispensed with,
The question was then taken on the passage thereof, and decided in the
affirmative.
The yeas and nays being required thereon, by Messrs. Daniel and Haggard,
were as follows, viz:

Those who voted in the affirmative were—

Those who voted in the negative were—


Resolved, That the title thereof be as aforesaid.

The House then took up the bill to regulate elections, and the better to secure and protect the elective franchise.

The said bill reads as follows:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if any person, not a citizen of this State, or who has not resided in this State two years, or in the county where he offers to vote one year next before he offers to vote, shall give his vote at any election held in this State for members of the General Assembly, for Governor and Lieutenant Governor, electors of President and Vice President, or members of Congress, or any of them, or shall vote more than once at the same election for the officers aforesaid, or any of them, shall, for every such offence, be held guilty of a misdemeanor, and being convicted thereof, upon indictment, shall undergo confinement in the county jail for one month, and be fined twenty dollars, and remain in jail until such fine and all costs shall be paid.

Sec. 2. Be it further enacted, That if any person, being under the age of twenty one years shall, at any such election, vote for any of the officers aforesaid, every person so offending, shall be deemed guilty of a misdemeanor, and being convicted thereof, upon indictment, shall undergo confinement in the county jail one month, and be fined ten dollars, and remain in jail until said fine and all costs shall be paid.

Sec. 3. Be it further enacted, That if any person, residing in any precinct in this State, shall vote in any other precinct than that in which he shall reside, for any of the officers aforesaid, such offender shall be deemed guilty of a misdemeanor, and being convicted thereof, upon indictment, shall undergo confinement in the county jail ten days, and be fined five dollars, and remain in jail until said fine and all costs shall be paid.

Sec. 4. Be it further enacted, That if any person, not being a citizen of the State, shall vote at any such election for the officers aforesaid, or any of them, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, upon indictment, shall undergo confinement in the county jail six months, and be fined one hundred dollars, and remain in jail until said fine and all costs shall be paid.

Sec. 5. Be it further enacted, That if any person or persons shall wager or bet any sum of money, or other thing, on the event of the election of any of the officers aforesaid, at any time within six months next before the
time of election, such person or persons shall be deemed guilty of a misde-
meanor, and upon conviction thereof, upon indictment, by the testimony of
two or more creditable witnesses, shall be deprived of the right of suffrage
for three years next succeeding the time of such conviction.

Sec. 6. Be it further enacted, That if any person shall receive money,
or any other valuable commodity, for casting his vote for or against a can-
didate for any of the offices aforesaid, he shall be held guilty of a misde-
meanor, and upon conviction thereof, upon indictment, such offender shall
be deemed and held forever thereafter incompetent as a witness in all courts
of record in this State, whether as deponent, in writing, or viva voce wit-
ness, and moreover, shall forfeit his right of suffrage in all time to come.

Sec. 7. Be it further enacted, That if any person, who is not by birth
or naturalization a citizen of the United States, shall vote for any of the of-
cers aforesaid, he shall be deemed guilty of a misdemeanor, and upon con-
viction thereof, upon indictment, shall undergo confinement in the county
jail for six months, and be fined one hundred dollars, and remain in jail and
said fine and all costs shall be paid; and no foreigner, by birth, shall be per-
mitted to vote, unless he produce to the judges of election, when he offers
to vote, a certificate of naturalization; the knowledge of the judges, or of
them, however, that he is naturalized, shall dispense with the necessity
of producing the certificate.

Sec. 8. Be it further enacted, That it shall be, and is hereby, made the
duty of each county court in this State, at their respective April terms to
appoint three Commissioners, who, or any two of them, shall proceed to
lay off their respective counties into precincts, in the boundaries of which
precincts, there shall not be contained more than three hundred or less than
one hundred votes; and they shall report their proceedings to their re-
spective county courts, and give distinct and clear boundaries to such precin-
ces in said report. It shall be the duty of said county courts to make such
allowance, as may to them seem just, to their Commissioners for the per-
formance of the duty hereby imposed, and pay said allowance out of their re-
spective county levies.

Sec. 9. Be it further enacted, That it shall be the duty of each county
court in this State, at their respective May terms next, to designate the
places of election in the different precincts in their respective counties,
according to the provisions of this act; and it shall also be, and is hereby
made the duty of said county courts, to designate the magistrates who
shall be judges of elections in the several precincts, for the general or special
election of all or any of the officers to be elected under this act, at their said
May terms next, and also, at said terms, to appoint as many deputy Sheriffs,
or other fit persons, as shall be necessary to superintend such election.

Sec. 10. Be it further enacted, That it shall be the duty of the Commissi-
oners of tax, to take down in their books all white male inhabitants in their
respective counties, between twenty and twenty one years of age, as well
as all over the age of twenty one, distinguishing between the classes; and
it shall be the duty of said Commissioners to return their books complete,
on or before the first day of July in each year; it shall, also, be the duty of
said Commissioners to note in said books, the precinct in which each white
inhabitant resides.

Sec. 11. Be it further enacted, That if any Commissioner of the tax shall
neglect, or fail to make his return to the Clerk's office, within the time pe-
scribed and directed in this act, such Commissioner, for said failure or neglect, shall be subject to a fine of thirty dollars, to be recovered by motion in the county court, unless he shall prove, to the satisfaction of the court, that he has been prevented by sickness.

Sec. 12. Be it further enacted, That it shall be the duty of the different county court Clerks in this Commonwealth, to make out, in the month of July in each year, from the books of the Commissioners of tax, alphabetical registers of all the white male inhabitants over the age of twenty one years, as well as all white male inhabitants between twenty and twenty one years of age, giving designation to the latter on said registers; and it shall further be the duty of said Clerks, to furnish the judges of each election precinct in their respective counties, a full and fair copy of such register.

Sec. 13. Be it further enacted, That the county court Clerks shall be entitled to compensation, at the rate of half a cent for every twenty words, for making and certifying said alphabetical register; and said Clerks, for a neglect or failure to make out and deliver, in the month of July in each year, to the judges of each election precinct in their respective counties, certified copies of such registers, shall be subject to a fine of thirty dollars, unless said Clerk can satisfactorily show that said failure has arisen from the failure of the Commissioners of tax to return their books within the time prescribed by this act.

Sec. 14. Be it further enacted, That no person shall be permitted to swear that he is over one and twenty years of age in order to entitle himself to vote; but the judges of election shall take the testimony, upon oath, of the father, guardian, or other persons well acquainted, presumptively, with the age of the person offering to vote, and shall, according to the testimony, decide upon his right of casting his vote.

Sec. 15. Be it further enacted, That for all the offences in this act, declared to be misdemeanors, the offenders shall be indicted and tried in the circuit courts, and all fines imposed, shall go in aid of the Sinking Fund.

And it shall be the duty of the Circuit Judges of this Commonwealth to give this act in charge to the grand jury, at each term of their respective courts.

Sec. 16. Be it further enacted, That it shall be the duty of all magistrates to superintend, ex officio, according to their appointment, the elections directed by this act, and shall receive no compensation therefor.

Sec. 17. Be it further enacted, That all laws which conflict with any of the provisions of this act be, and the same are hereby repealed.

Sec. 18. Be it further enacted, That the polls shall be closed on the first day of the election, unless the judges shall be requested, in writing, by some one or more candidates to keep them open, except when the election of Governor and Lieutenant Governor, electors of President and Vice President, and members of Congress shall be held, when the polls shall be kept open three days, without notice.

Sec. 19. Be it further enacted, That each voter shall cast his vote for all the officers he has a right to vote for at once, and shall not be permitted to fill up any omissions which he may have made when he first cast his vote.

Mr. Buckner moved to lay 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. J. S. Smith and Reeder, were as follows, viz:

Those who voted in the affirmative were—

| Messrs. Board, Brien, Buckner, Caldwell, Cave, Cecil, Chouvin, Coffey, Cornish, Crow, Daniel, Drye, Glover, Gresham, | Haggard, Hammond, Hardy, Henry, Hill, Huston, Imboden, Johnson, Lecompte, Logan, McClure, Mims, Morehead, Murray, |

Those who voted in the negative were—

| Mr. Speaker, Messrs. Barrett, Botts, Brooks, Butler, Churchill, Clay, Cunningham, Draffin, Fish, Forman, Glenn, Goodson, | Hines, Hopkins, Hughes, Innes, Irwin, Marshall, T. Marshall, W. N. Mason, McFall, Meriwether, Mize, Newell, Padon, |
| Percifull, Pindell, Randolph, Read, Reeder, Rowan, Smith, J. S. Taggart, Taylor, H. Turner, Wake, White, Yantis—39 |

A message was received from the Senate, announcing their disagreement to bills and a resolution from this House, of the following titles, viz:

An act for the benefit of Armstead Crane.
An act to increase the resources of the Sinking Fund.
A resolution concerning lock and dam No. 1, on Licking river.
The amendments of the Senate to a bill from this House, entitled, an act for the appropriation of money—were then taken up.

The said amendments being twice read, the 1st, 2d, 3d, 4th, 5th, 6th, 7th and 8th amendments were concurred in, and the 9th, 10th, 11th, 12th, 13th and 14th were disagreed to.

A message was received from the Senate, asking leave to withdraw their report announcing their disagreement to a resolution from this House con-
carning lock and dam No. 1, on Licking river; which was granted, and the resolution withdrawn.

Mr. McRoberts, from the joint committee on Enrollments, reported that the committee had examined enrolled bills from this House, of the following titles, and had found the same truly enrolled, viz:

An act to increase the powers of the Trustees of the town of Versailles, and to establish a Police Court in said town.

An act for the benefit of Obadiah E. Wilhoite.

An act regulating the Wayne, Russell and Casey Circuit Courts.

An act for the benefit of the Anderson County Seminary.

And bills from the Senate, of the following titles:

An act to authorize Agents and Attorneys to make affidavit and sue out distress warrants and other process, in certain cases.

An act for the benefit of Charles and Rebecca Douglass.

An act for the benefit of John Rankin, Sen'r, of Clarke county.

An act to establish the Mechanics’ Institute and Savings Institution of the city of Lexington.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. McRoberts inform the Senate thereof.

A message was received from the Senate, announcing 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 heirs and widow of Benjamin Mills, dec'd.

An act to extend the charter of the Bank of the Commonwealth of Kentucky, and to authorize the appointment of a Commissioner to close the affairs of said Bank.

An act to provide for the payment of the public contractors, and to preserve the faith of the State.

And that they had passed a bill from this House, entitled, an act to reduce the salaries of the Engineers of this State, and for other purposes.

With amendments.

And that they had passed a bill, entitled, an act relative to the Deaf and Dumb Asylum of this State.

And that they insist on their amendments to a bill from this House, entitled, an act for the appropriation of money.

Mr. Morehead, from the committee on Internal Improvement, to whom was referred a bill from the Senate, entitled, an act to amend the charter of the Springfield and Bardstown Turnpike Road Company—reported the same without amendment.

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

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.

Resolved, That this House recede from their disagreement to the first amendment proposed by the Senate to a bill from this House, entitled, An act allowing additional Constables to Mason, Rockcastle, Oldham and Pulaski counties, and to change a Constable's district in Russell county.

The said first amendment was then twice read and concurred in, with an amendment.

The amendments proposed by the Senate to a bill from this House, entitled, an act to reduce the salaries of the Engineers of this State, and for other purposes—were twice read, and concurred in.

Ordered, That the bill providing for compensating the owners of mills injured by slackwater navigation—be read a third time.

The rule of the House, constitutional provision and third reading of the said bill having been dispensed with, and the same being engrossed,

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

Mr. Coffey asked leave to withdraw the petition of sundry citizens of the Cumberland division of the State, in relation to taxation; which was granted, and the petition withdrawn.

Mr. Wake asked leave to withdraw the petition of Patrick H. Randolph; which was granted, and the petition withdrawn.

The amendments proposed by the Senate to the amendments of this House to a bill from the Senate, entitled, an act to restore the privileges of the Banks—were taken up, twice read, and disagreed to.

Ordered, That a committee of conference be appointed on the part of this House, to meet a similar committee on the part of the Senate, in relation to the disagreement between the two Houses on said bill.

Whereupon Messrs. Turner, Butler and Sprigg were appointed the committee on the part of this House.

Ordered, That Mr. Turner inform the Senate thereof.

Mr. Hopkins, from the select committee in relation to the fraud committed on the Commissioner's books of the revenue tax from Harrison county, returned to the House the testimony taken in relation to the same.

Mr. Hines moved the following resolution:

Resolved, That the Public Printer be authorized and required to forward to each member of this House, twenty five copies of the list of the several acts passed at the present session, with brief explanations of their purport.

Which being twice read, was adopted.

Mr. Turner moved to take up the preamble and resolutions offered by Mr. T. Marshall, on the subject of abolition.

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

Those who voted in the affirmative were—


Those who voted in the negative were—


Mr. Buckner then moved to amend said resolutions, by adding thereto the following, viz:

Resolved further, That we hereby request the unequivocal and candid opinions of Gen. Harrison and Martin Van Buren upon the following subjects, viz:

1st. Should honest and faithful public officers be proscribed and ejected from office for opinion's sake?
2d. Do you sanction the doctrine, "to the victors belong the spoils of the vanquished?"
3d. Do you sanction the practice of appointing men to office for partizan services, after they have been rejected by the people themselves as unworthy?
4th. Did or not, either of you vote for the admission of Missouri into the Union as a slave State? or did either of you, while a member of one of the State Legislatures, or at any other time, vote for Rufus King to the Senate of the U. States, who opposed the admission of Missouri as a slave State?

5th. Resolved, That any other than a direct and positive response to any of the above interrogatories, will be deemed as an evasion of the same.

Mr. Butler then moved the following as a substitute for the preamble and resolutions, and the amendment of Mr. Buckner, viz:

Resolved, That we view with indignation, the attempts of a sect calling themselves Abolitionists, to disturb the amicable relations subsisting between the slave-holding and non-slave-holding States of this Union; and would not, by our votes, aid in elevating to office, any citizen allied to that ruthless faction of misguided fanatics, or coinciding in their opinions and plans.

Resolved, That the arduous public services, and long tried and well established patriotism of Gen. Wm. Henry Harrison, furnish the most conclusive evidence that, if elevated to the Presidency of these United States, he will exert the full influence of that exalted station to produce harmony between the several States, and to allay all sectional jealousies and local strife growing out of their respective domestic institutions. And that we have entire confidence in his often avowed sentiments of opposition to the schemes of every sect, faction or party, who may aim, by direct action, or through the instrumentality of the federal government, or in any manner whatever, to disturb the relation between master and slave, or otherwise to interfere with the domestic institutions of the slave-holding States.

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

The yeas and nays being required thereon, by Messrs. T. Marshall and Coffey, were as follows, viz:

Those who voted in the affirmative were—

Those who voted in the negative were—

Mr. Speaker, Glover, Goodson, McFall, Glover, Meriwether, McFall, McFall,
Messrs. Barrett, Hardy, Henry, Mims, Mize,
Brien, Imboden, Murray, Randolph, Mize,
Burgess, Johnson, Rowlett, Murray, Mize,
Caldwell, Lane, Smith, J. S.
Cecil, Campbell, Stephens, Stone,
Churchill, Lecompte, Stephens, Stone,
Coffey, Marshall, T., Taylor, J. G.
Coffey, Lecompte, Marshall, T.
Caldwell, Imboden, Murray, Lecompte,
Cecil, Johnson, Randolph, Mason,
Churchill, Lane, Rowlett, McClure,
Messrs. Barrett, Goodson, Meriwether, McFall.
Glover, McFall, McFall,
Hardy, Mims, Mize,
Henry, Murray, Randolph,
Imboden, Rowlett, Mize,
Johnson, Smith, J. S.
Lane, Stephens, Stone,
Lecompte, Stephens, Stone,
Marshall, T., Taylor, J. G.

The said substitute was then twice read, and adopted.

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

Those who voted in the affirmative, were—

Mr. Speaker, Gresham, Pindell
Messrs. Adams, Haggard, Read, Grey,
Barrett, Hammond, Redd, Gray,
Botts, Hines, Reeder, Brien,
Brooks, Hopkins, Reeves, Burgess,
Buckner, Hughes, Rumsey, Caldwell,
Butler, Innes, Russell, Cecil,
Cave, Irwin, Sprigg, Churchill,
Chouvin, Logan, Sutton, J. T.
Clay, Lyter, Taylor, H.
Coke, McClure, Turner, Crow,
Crow, McKinney, Waddill, McCall,
Cunningham, McRoberts, Wake, Cunningham,
Daniel, Morehead, White, Cunningham,
Drye, Padon, Yantis, Daniel,
Elliott, Perciful, Young, A.
Forman, Perciful, Young, B. R.—52
Gray,

Those who voted in the negative, were—

Messrs. Brien, Glenn, Meriwether,
Burgess, Glover, Mims,
Caldwell, Goodson, Mize,
Cecil, Hardy, Newell,
Churchill, Henry, Rowlett,
Coffey, Imboden, Stephens,
Cornish, Lane, Stone,
Coffey, Lecompte, Swope,
Coffey, Marshall, T. Taggart,
Coffey, Mason, Taylor, J. G.
Coffey, McFall, Thomason—33.
A message was received from the Senate, announcing that they had concurred in the amendment of this House to the amendment of the Senate to a bill from this House, entitled, an act allowing additional Constables to Mason, Rockcastle, Oldham and Pulaski counties, and to change a Constable’s district in Russell county.

That they had concurred in a resolution from this House in relation to the printing of the Journals.

And also, a resolution concerning lock and dam No. 1, on Licking river.

With an amendment.

The said amendment was then twice read, and concurred in.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act requiring proprietors of shows to obtain license.

An act providing for compensating the owners of mills injured by slack water navigation.

With an amendment to the last bill.

And had concurred in a resolution from this House in relation to lock and dam No. 2, on Barren river.

And then the House adjourned.

FRIDAY, FEBRUARY 21, 1840.

Mr. Taggart presented the petition of sundry citizens of Muhlenburg county, on the subject of temperance.

Which was received, the reading thereof dispensed with, and referred to the committee on Religion.

Bills from the Senate of the following titles, viz:

An act to provide for the payment of the interest on the bonds of the Lexington and Ohio Railroad Company, on which the State is guarantor, and for other purposes.

An act for the benefit of James C. Coleman.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with,

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

Resolved, That this House recede from their disagreement to the 9th and
11th amendments, and adhere to their disagreement to the 10th, 12th, 13th and 14th amendments proposed by the Senate to a bill from this House, entitled, an act for the appropriation of money.

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

WHEREAS, the report of the committee on Public Offices to the present General Assembly shows that the committee had not completed an examination of the offices, further than to examine the Register's office, and to look through the books of the Auditor's office, but that they have not examined the vouchers on which the entries in that office have been made, and have not in any wise examined the Treasurer's office, or any other office; and whereas, it is greatly to be desired that a full examination of all the accounts of the finances should be made: Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky,
That ————, ———— and ————, shall be, and they are hereby appointed a committee to examine the Public Offices, commencing at the close of the examination as reported by the committee on Public Offices, and examine the vouchers in the Treasurer's office and Auditor's office, so as to show the exact state of the finances, and report to the next General Assembly; and also to examine the Sinking Fund, Scrip Fund and School Fund, and report the same to the next General Assembly.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act to authorize Richard Y. Shipp and Mary G. Shipp to convey two small tracts of land, and for other purposes.

An act for the benefit of Mary Ann Winebrinner.

An act allowing an additional Constable to the county of Spencer, and for other purposes.

An act for the benefit of James F. Edwards.

An act providing for compensating the owners of mills injured by slack-water navigation.

Were taken up, twice read, and concurred in.

The amendments proposed by the Senate to a bill from this House, entitled, an act to amend the law in relation to the emancipation of slaves—were laid on the table.

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

By Mr. Huston—1. A bill for the benefit of Pamela Thomas.

By Mr. Morehead—2. A bill concerning the Turnpike Road Companies in this Commonwealth.

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

The rule of the House, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.
Ordered, That the standing committees be discharged from the further consideration of all business in their hands.

Resolved, That this House insist on their amendment to a bill from the Senate, entitled, an act to amend the charter of the city of Lexington, and for other purposes.

Resolved, That this House recede from their amendment to a bill from the Senate, entitled, an act to amend the militia law.

Ordered, That bills from the Senate of the following titles, be laid on the table for the present.

An act to establish the Lexington Cemetery.
An act to establish the county of Howard.

A bill from the Senate, entitled, an act for the benefit of Seburn Shaw—was read the third time.

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

Mr. Glover, from the committee on Enrollments, reported that the committee had examined enrolled bills and resolutions from this House of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Polly Skillman.
An act to reduce the salaries of the Engineers of this State, and for other purposes.
An act allowing additional Constables and Justices of the Peace to certain counties.
An act requiring proprietors of shows to obtain license.
A resolution in relation to lock and dam No. 2, on Barren river.
A resolution in relation to the printing of the Journals.
Also, enrolled bills which originated in the Senate, of the following titles:
An act to extend the charter of the Bank of the Commonwealth of Kentucky, and to authorize the appointment of a Commissioner to close the affairs of said Bank.
An act to amend the charter of the Springfield and Bardstown Turnpike Road Company.
An act for the benefit of the heirs and widow of Benjamin Mills, dec'd.
An act requiring the removal of timber from flooded grounds, &c.
An act to provide for the payment of the public contractors, and to preserve the faith of the State.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Glover inform the Senate thereof.

A bill to amend the charter of the Louisville and Mississippi Railroad Company—was read the second time, and ordered to be read a third time.

A message was received from the Senate, announcing that they re-insist on their 10th and 14th, and recede from their 12th and 13th amendments
to a bill from this House, entitled, an act for the appropriation of money; and that they had appointed a committee of conference on their part, to meet a similar committee on the part of this House, in relation to the disagreement between the two Houses on the amendments to said bill.

Whereupon Messrs. J. S. Smith, Sprigg and Hardy were appointed said committee on the part of this House.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act to authorize the County Courts of Floyd and Pike counties to employ Engineers to survey their roads.

An act for the benefit of Pamela Thomas.

An act to authorize James and T. Garrard to build a slope at their mill dam, on Little Goose creek.

An act to change the time of holding, and to extend the terms of the Green and Hart Circuit Courts.

With amendments to the two last named bills.

And that they adhere to their disagreement to the amendment proposed by this House to a bill from the Senate, entitled, an act to amend the charter of the city of Lexington, and for other purposes; and had appointed a committee of conference on their part, to meet a similar committee on the part of this House, in relation to the disagreement between the two Houses on said bill.

Whereupon Messrs. Huston, Crow and Pindell were appointed the committee on the part of this House.

Mr. Huston moved a reconsideration of the vote laying on the table the bill from the Senate, entitled, an act to establish the Lexington Cemetery; and it was decided in the affirmative.

The said bill was then read a third time, as follows:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for such persons as shall associate themselves together, and become subscribers and stockholders, according to the terms and conditions hereinafter prescribed, to become corporate and body politic, under the name and style of the Lexington Cemetery, and by that name and style shall have perpetual succession, and may sue and be sued, defend and be defended, in all courts whatever; and for the purpose of carrying into effect this charter, may buy, acquire, hold and enjoy real and personal estate to any amount not exceeding one million of dollars.

Sec. 2. That for the purpose of raising the capital stock of said corporation, books of subscription shall be opened, under the superintendence of Daniel Vertner, Joel Johnson, John Brand, Elisha Warfield, John W. Hunt, Waller Bullock, John Brennan, Henry Clay, Sen'r., T. Gibson, Patterson Baine, John Tilford, William S. Waller, Benjamin W. Dudley, Joel Higgins, Aaron K. Woolley, and Robert Wickliffe, who, or any two of them, may, on the first Monday in August, 1840, at Brennan's Hotel, in the city
of Lexington, open a subscription for two thousand shares of the capital stock of the corporation, at fifty dollars each share, and the sum of ten thousand dollars of stock be subscribed, the said commissioners, or any two of them, may cause the books to be re-opened at said place, and at such other times and places as they may think proper, until the sum of ten thousand dollars shall be subscribed, and one dollar on each share paid in; when the said Commissioners shall call a meeting of the stockholders, who shall meet at such times and places as shall be selected, and have full power and authority to proceed to elect, out of their own body, twelve Directors, who shall have like authority to elect a President from their body; and, also, to appoint all necessary agents, servants and attorneys. The said President, Director, and Stockholders, and their successors, shall thereupon have, possess and enjoy corporate existence as before provided for.

Sec. 3. It shall be the duty of the President and Directors of the Lexington Cemetery, as soon as the necessary funds are placed at their disposal, or in their opinion the means of the company shall justify them in so doing, to purchase any quantity of land any where situate, lying and being, in the county of Fayette, which they may deem necessary, not exceeding three hundred acres of land; and the same, so acquired, to lay off in suitable divisions and parcels for a burying ground, in lots of such sizes as they may deem proper; and the same, so laid out, at their discretion, to sell, either at public or private sale, first with a view to pay off all costs and charges on the ground; and so as to those who shall have advanced for stock or otherwise, shall be indemnified for their disbursements, the whole of the balance of the grounds may, from time to time, be brought into market, or any part of it, which the Trustees, for the time being, may deem necessary and proper; but all sums, raised from such sale, beyond paying for the ground and incidental expenses, shall forever be employed in laying out, enlarging and adorning the grounds and paying the incidental expenses; and the grounds, or parts of grounds, designated as burying grounds by the directory, shall ever, by any alien, be applied to any other purpose than burying ground; and if any alien, or other person, shall attempt to use, and shall actually use any such burying part to any other purpose whatever, such person so acting, shall forfeit all the ground so improperly used; and it shall and may be lawful for the President and Directors, their agents and servants, to enter upon such grounds with the proper officers of the Commonwealth, having first obtained the order and injunction of a court of competent jurisdiction, and to expel such person from their use, and to resell the same to another in the same manner as if such person had never owned or entered upon the same.

Sec. 4. The said Directors shall cause a plat of the Cemetery to be drawn and made, and to be duly recorded in the county court Clerk's office of the county of Fayette, and another copy to be kept by their steward, or other officer, which plan or plat, however, may, from time to time, be varied or changed, if the good of the corporation may require it. A careful journal or record of all sales of burying grounds shall be kept, and each lot or grave yard have its due and appropriate number; and whenever any person or persons shall buy a burying ground, it shall be the duty of the President to grant such person or persons a certificate of the purchase, which shall, on delivery, pass to the holder the possession, and the right of possession, to all
the land contained in the certificate, subject only to the control of the corporation, and the rights of forfeiture to it in case of non-user or mis-user.

Sec. 5. That each individual owner of any burying ground in the Cemetery may enclose it, and erect such tombstones or monuments as he pleases; but should any owner unreasonably delay or refuse to enclose his grounds, it shall be lawful for the directory to order it to be done at the expense of the owner; and if payment is delayed or refused, to sell the grounds, or so much of them, as may be necessary to reimburse them for all such improvements.

Sec. 6. That said corporation, in addition to the powers already granted them, may make such by-laws, rules and regulations, as shall be deemed by them necessary and proper for the carrying into effect the foregoing powers, and the same amend, alter, or change, as they may, from time to time, deem proper.

Sec. 7. The said corporation shall make, establish and have a common seal, and the same may break, alter or change at pleasure.

Sec. 8. Each share shall entitle the holder to one vote, as high as one hundred votes; but no person or bodies corporate, shall be entitled to more than one hundred votes.

Sec. 9. All persons buying burying grounds, shall, for every fifty dollars paid, be considered a shareholder, and be entitled to a vote for every fifty dollars paid, as far as one hundred votes.

Sec. 10. That Trustees of towns, cities, and bodies corporate, county courts, religious sects, and communities of persons, through their proper organ or officers, may respectively become stockholders in this corporation; and may, for and in the name of their respective bodies, buy, and have allotted to them, any lots or parcels of ground which they may deem necessary and proper, as burying grounds for their constitutions respectively; and all such bodies, by their necessary agencies, shall have the right to vote their stocks as though they were natural bodies.

Sec. 11. The annual meeting of the company shall be on the first Monday in August in every year, at such place as the board shall appoint; but a failure of the stockholders to meet at any such appointed time, shall not prevent the Directors, through their President, from calling a meeting at any other time. At the meetings of the stockholders, the Directors shall be elected, who shall hold their offices for one year, and until their successors shall qualify and enter upon the duties of their office.

12. Each Director, before he enters upon the duties of his office, shall make oath (before some competent officer to administer the oath,) that he will faithfully discharge the duties of a Director of the Lexington Cemetery according to the best of his abilities.

Sec. 13. That the President and Directors shall have full power to pass by laws to punish all trespasses or forcible intrusions within said Cemetery, by imposing fines upon them, to be collected by ordinary process of law, not exceeding one hundred dollars.

Sec. 14. Be it further enacted, If any person shall forcibly, or without the consent of the Directors, violate any of the graves, sepulchers, vaults, or other places of burial, and shall steal, take or violate any of the dead therein, every person so offending, their aiders and abettors, besides being liable to the said corporation for the benefit of the legal representative of such deceased or buried person for double damages for the trespass, shall be
liable to be confined in the jail or city work house of the city of Lexington, at hard labor, any period of time not less than six months nor more than two years: Provided, however, the Legislature reserves to itself the right to make any other or further legislative provision for the punishment of crimes committed against the corporation. It also reserves the right, upon the vote of three-fourths of the Directors, to amend or alter this charter whenever the public good shall point out the necessity of such amendment.

Sec. 15. It shall and may be lawful, at all times, for the corporation to charge such fees for persons entering the said Cemetery, either on horse or in carriages, or on foot, with a view to examine it, as, in their opinion, shall be required to keep in attendance proper persons and suitable buildings, or other improvements connected with the Cemetery.

Sec. 16. The President and Directors shall be elected by a plurality of votes at the annual meeting of the stockholders. A majority of the stockholders, according to the scale of voting, may, at all times, change the time and places of holding the annual meetings and elections of the corporation; and the President, at any time, may order a meeting of the Board of Directors; and a majority of the board, when convened, may, at all times, require a meeting of the stockholders at such time and place as they may direct.

Sec. 17. The President and Directors, for the time being, shall, at all times, have plenary powers over the government of the Cemetery, and prescribe the manner of all burials, and the places of entry into and out of the Cemetery, and the roads or routes by which the corpse shall be taken to the place of interment, as well as to exclude from burial, all such corpses as they may deem improper to be interred within the Cemetery; and for the purpose of superintending, and guarding, and adorning the grounds, may employ all necessary officers, servants and assistants, and do and perform all and every necessary act whatever, not inconsistent with the law of the land.

Sec. 18. The right of the owners of burying ground to enter and use the same by the way designated by the charter or by-laws, shall not be unnecessarily obstructed; but the times of entrance, as well as the way of entrance to them, and the manner of interment, shall, at all times, be regulated by the by-laws of the corporation.

Sec. 19. The President and Directors may, from time to time, sell portions of the burying grounds first bought, and may, also, buy additional grounds, until the full quantity of 300 acres of land shall be acquired for the use of the Cemetery. They shall also have power and jurisdiction over the whole grounds so bought, whether the same be sold or laid out as burying grounds or not; and may, as to all the grounds so bought, and not by them sold for burying lots, make such use of it as they may deem proper, not inconsistent with the reverence and respect due to the cemetery of the dead.

Sec. 20. Be it further enacted, That the right of reversion in and to all grounds, sold by the corporation, shall be and remain with the corporation; and such grounds shall, on failure to be taken and held by any other lawful proprietor, be entered upon, taken and held by the corporation as the other grounds are held; and should any proprietor or proprietors fail to keep any of their grounds in decent order and repair, after once enclosing of them, it shall be lawful for the Directors to cause the repairs to be made, at the expense of the proprietor or proprietors, and shall hold a lien on the grounds for repayment—when not done in twelve months after such work
shall be completed, the directory may either order such grounds to be 'closed, or be re-sold, to raise the sums due for the repairs, as to them may seem most expedient.

Sec. 21. That the estates in said burying ground shall pass by will, and descend as other real estate; but no such burying grounds, or any part of them, shall be liable to execution, or other process for debt, nor shall the same, for any claim of any creditor, be subjected to the payment of the debts of the owner, in any mode or manner whatever, except for such debts as are due and charged upon the grounds by reason of improvements or repairs, made by orders of the directory: Provided, that the estate, real and personal, that may be accumulated by the said corporation, shall alone be appropriated to the purposes of purchasing the land for the Cemetery, and in improving and embellishing the said land, so purchased, and to no other purpose, without the consent of the Legislature first obtained.

The question was then taken on the passage thereof, and decided in the negative.

And so the said bill was disagreed to.

The yeas and nays being required thereon, by Messrs. T. Marshall and Huston, were as follows, viz:

Those who voted in the affirmative were—


Those who voted in the negative were—

Mr. J. S. Smith, from the joint committee of conference on the disagreement of the two Houses on the bill from this House, entitled, an act for the appropriation of money—made a report, which was concurred in.

A message was received from the Senate, announcing that they had also concurred in said report.

A bill from the Senate, entitled, an act to incorporate the Louisville Pottery Company,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

Rescinded, That said bill do pass, and that the title thereof be as before-said.

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act to change the time of holding, and to extend the terms of the Green and Hart Circuit Courts.

An act to authorize James and T. Garrard to build a slope at their mill dam, on Little Goose creek,

Were twice read, and concurred in.

Mr. Turner, from the joint committee of conference on the disagreement between the two Houses on a bill from the Senate, entitled, an act to restore the privileges of the Banks when they resume specie payments—and leave to be discharged from the further consideration thereof, which was granted.

Mr. Morehead then moved that another committee of conference be appointed on said bill.

And the question being taken on appointing said committee, it was decided in the affirmative.

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

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Adams,
Brooks,
Caldwell,
Cave,
Cecil,
Chauvin,
Clay,
Cornish,
Crow,
Daniel,
Gresham,
Hammond,
Hardy,
Hill,
Hopkins,
Inman,
Innes,
Johnson,
Lecompte,
Lyter,
Mason,
Randolph,
Reed,
Rowan,
Rowlett,
Russell,
Smith, J. S.
Stephens,
Stone,
Sutton, T.
Taggart,
Those who voted in the negative were—

Messrs. Brien, McCalla, Taylor, H.
Burgess, McRoberts, Thomasson,
Colley, Meriwether, Wake,
Colvin, Mims, Young, A.
Elliott, Morehead, Young, B.R.—50
J. H.

Whereupon Messrs. Morehead, Waddill and Johnson were appointed said committee.

Mr. Huston, from the joint committee of conference on the disagreement between the two Houses on the bill from the Senate, entitled, an act to amend the charter of the city of Lexington—made a report, which was concurred in.

Mr. Morehead, from the joint committee of conference on the disagreement between the two Houses on the bill from the Senate, entitled, an act to restore the privileges of the Banks when they resume specie payments—made a report, which was concurred in.

A message was received from the Senate, announcing that they had passed a bill from this House, entitled, an act concerning the Turnpike Road Companies in this Commonwealth.

And that they had concurred in the reports of the committees of conference on the following bills from the Senate, viz:

An act to amend the charter of the city of Lexington, and for other purposes.
An act to restore the privileges of the Banks when they resume specie payments.

The Speaker having left the chair, Mr. Morehead moved the following resolution, viz:

Resolved, That the thanks of this House be, and they are hereby tendered to John L. Helm, Esq. for the able, dignified and impartial manner in which he has discharged the duties of Speaker, during this session.

Which being twice read, was unanimously adopted.

Mr. Morehead moved the following resolution, viz:

Resolved, That the thanks of this House be, and they are hereby tendered to their Clerk, Thomas J. Helm, Esq. for the clear and orderly arrange-
ment of his business, and the fidelity and ability with which he has discharged all the duties of his arduous office during the present session.

Which being twice read, was unanimously adopted.

Mr. Sprigg moved a call of the House.

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

The yeas and nays being required thereon, by Messrs. Sprigg and T. Marshall, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Burgess, Marshall, T. Mize,
Glover, Marshall, W. N. Sprigg,
Imboden, Mason, Sutton, M.
Logan, McClure, Thomasson—12.

Those who voted in the negative, were—

Messrs. Adams, Elliott, Meriwether,
Board, Fish, Morehead,
Botts, Glenn, Murray,
Buckner, Goodson, Pindell,
Caldwell, Gray, Randolph,
Cave, Gresham, Rowan,
Cecil, Hammond, Rowlett,
Chouvin, Henry, Rumsey,
Clay, Hill, Smith, J. S.
Colvin, Hopkins, Stephens,
Cornish, Lecompte, Sutton, T.
Cunningham, Lyte, Taggart,
Daniel, McCalla, Taylor, H.
Davis, McFall, Wake,
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Mr. McRoberts, from the joint committee on Enrollments, reported that the committee had examined enrolled bills from the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to amend the charter of the city of Lexington.

An act to incorporate the Louisville Pottery Company.

An act to provide for the payment of the interest on the bonds of the Lexington and Ohio Railroad Company, on which the State is guarantor, and for other purposes.

An act for the benefit of James C. Coleman.

An act for the benefit of Seburn Shaw.

An act to amend the militia law.

An act to restore the privileges of the Banks when they resume specie payments.
And bills and resolutions from this House, of the following titles:

An act for the appropriation of money.
An act allowing an additional Constable to the county of Spencer, and for other purposes.
An act providing for compensating the owners of mills injured by slack-water navigation.
An act for the benefit of Pamela Thomas.
An act to authorize the County Courts of Floyd and Pike counties to employ Engineers to survey their roads.
An act to authorize Richard Y. Shipp and Mary G. Shipp to convey two small tracts of land, and for other purposes.
An act to amend an act declaring Little Goose creek a navigable stream.
An act concerning the Turnpike Road Companies in this Commonwealth.
An act for the benefit of James F. Edwards.
An act to change the time of holding, and to extend the terms of the Green and Hart Circuit Courts.
An act for the benefit of Mary Ann Winebrinner.
A resolution concerning lock and dam No. 1, on Licking river.

A message was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State, announcing that he had signed and approved sundry enrolled bills and resolutions which originated in this House, of the following titles, viz:

An act for the benefit of Betsy Ann Lambert.
An act for the benefit of Harris W. Thompson.
An act to incorporate the Russellville Library Company.
An act for the benefit of the Kentucky Seminary.
An act to incorporate the Tau Theta Kappa Society of Georgetown College.
An act for the benefit of the Sheriff of Todd county.
An act for the benefit of George M. Craven and wife.

Approved 15th February, 1840.

An act to amend an act, entitled, an act to establish a State road from Colemansville, in Harrison county, to Covington, in Campbell county.
An act to establish the town of Providence, in Hopkins county.
An act to amend the law governing the action of replevin.
An act for the benefit of T. N. Burgess.
An act regulating the appointment of the Commissioners of the revenue in this Commonwealth.
An act to amend the law of descents and distribution.
An act for the benefit of Harriet and Alexander Howison.
An act to amend the law in relation to ferries on Cumberland and Tennessee rivers, in Trigg county.
An act for the benefit of the Sheriff of Hopkins county.
An act to change the name of the town of Chiltonville, in Henry county.

An act authorizing the purchase of fifty copies of Morehead and Brown's Digest, and the distribution thereof among such Justices of the Peace as have not received the same.

An act for the benefit of John Keiser.

An act for the benefit of the Surveyor of Lewis county.

An act to amend the charter of the Logan, Todd and Christian Turnpike Road Company.

An act to authorize the Auditor to certify copies.

An act to amend the laws, now in force, prescribing the fees and commissions of the Marshal of the Louisville Chancery Court, and for other purposes.

An act for the benefit of Rachel Watts, and her children. Approved 18th February, 1840.

An act in aid of the last will and testament of Henry Smith, deceased.

An act for the benefit of William B. Keas.

An act for the benefit of Leander W. Macey, and others.

An act for the benefit of Stephen Ormsby.

An act to change the place of voting from H. Ditto's to Bloomington, in Hardin county.

An act to change the place of voting in the Tarapin Precinct, in Graves county.

An act for the benefit of Andrew Trumbo.

An act regulating the jurisdiction of the Police Judge of the town of Frankfort.

An act for the benefit of Scott county.

An act to amend an act to explain the 20th section of an act, approved 1st February, 1833, entitled, an act to amend and enforce an act to incorporate the city of Louisville.

An act requiring certain claims, payable out of the Treasury of the State, to be reported to the Circuit Courts.

An act to amend an act, entitled, an act to incorporate the Versailles Savings Institution, approved February 28th, 1835.

An act further to regulate the ninth Judicial District, and for other purposes.

An act to change the time of holding the Circuit Courts in the 2d Judicial District.

An act to amend the penal laws of this Commonwealth.

An act for the benefit of Elizabeth B. Fryar.

An act concerning the town of Russellville. Approved 13th February, 1840.

An act to increase the powers of the Trustees of the town of Versailles, and to establish a Police Court in said town.
An act for the benefit of the Anderson county Seminary.
An act for the benefit of Obediah E. Wilhoite.
An act regulating the Wayne, Russell and Casey Circuit Courts.
Approved 20th February, 1840.

An act allowing additional Constables and Justices of the Peace in certain counties.
An act requiring the proprietary of shows to obtain license.
An act to reduce the salaries of the Engineers of this State, and for other purposes.
An act for the benefit of Polly Skillman.
An act for the appropriation of money.
An act to authorize Richard Y. Shipp and Mary G. Shipp to convey two small tracts of land, and for other purposes.
An act to allow an additional Constable to Spencer county, and for other purposes.
An act to provide the mode of compensating owners of mills injured by slackwater navigation.
An act for the benefit of Pamela Thomas.
An act to authorize the County Courts of Floyd and Pike counties to employ Engineers to survey their roads.
An act for the benefit of James F. Edwards.
An act to amend an act declaring Little Goose creek a navigable stream.
An act concerning the Turnpike Road Companies in this Commonwealth.
An act to change the time of holding, and to extend the terms of the Green and Hart Circuit Courts.
An act for the benefit of Mary Ann Winebrinner.
A resolution in relation to lock and dam No. 2, on Barren river.
A resolution in relation to the printing of the Journals.
A resolution concerning lock and dam No. 1 on Licking river.
Approved February 21, 1840.

A message was received from the Senate, announcing that they had received official information from the Lieutenant and Acting Governor, that he had approved and signed enrolled bills and resolutions which originated in the Senate, of the following titles, viz:
An act providing for a change of venue in the prosecution against U. B. Chambers.
An act to continue in force an act, entitled, an act to establish the Police Court of Louisville, and to amend the charter of said city.
An act for the benefit of the city of Maysville.
An act for the benefit of John Mastin.
An act for the relief of the securities of Wesley M. Garnett, deceased, and Henderson Murphy.
An act to exempt the members of the Fire Companies in the city of Maysville from militia duty.

An act to extend and continue in force, an act, approved 29th February, 1836, entitled, an act extending for a certain period, and with certain limitations, the charter of the Old Bank of Kentucky.

An act to authorize the Franklin County Court to hold a term on the third Monday in February, in the year 1840, and for other purposes.

An act for the benefit of Thomas H. Ballard.

An act, to reduce into one the several acts concerning the running and marking the division lines between Washington and Marion counties.

Approved February 15, 1840.

An act to repeal the February chancery term in the county of Mason.

An act to establish election precincts in the counties of Montgomery and Barren.

An act for the benefit of William Withers and wife.

An act for the benefit of John Shaw, late Clerk of Hickman County Court.

An act to establish the town of Lafayette, in the county of Henderson.

An act for the benefit of Edward S. Coleman, late Sheriff of Franklin county.

An act for the further relief of the Sheriff of Livingston county.

An act to repeal an act, entitled, an act to change the place of voting from Greenville C. Alfred's, in Washington county, to William Sutherland's, approved January 23d, 1840.

An act concerning the Lexington and Ohio Railroad Company.

An act supplemental to an act to establish the 17th Judicial District.

An act to amend the charter of the city of Louisville, and for other purposes.

An act to amend an act, entitled, an act to amend the laws defining the powers of the Trustees of the town of Newport, approved January 15th, 1830.

An act concerning the town of Glasgow.

An act defining certain powers and duties of the Trustees of the town of Winchester, and for other purposes.

An act to authorize the Fleming County Court to lay their levy at the May term.

An act to amend the charter of the Cynthiana Fire Company.

An act for the benefit of Joseph Ballinger.

An act for the benefit of the children of Abner Gore.

Approved February 17, 1840.

An act for the benefit of the heirs of William Milton, deceased.

An act for the benefit of Alexander Hutchison and Keziah Jones.

An act to repeal the 6th section of an act to authorize permanent prov
An act for resident females in Kentucky to invest the money of their wards in Bank stocks.

An act to alter the time of holding the Bourbon and Estill Circuit Courts, and for other purposes.

An act allowing an additional chancery term to the Fleming Circuit Court.

An act allowing an additional Justice of the Peace to Barren county.

An act for the benefit of the Sheriff of Fleming county.

An act requiring annual examinations of the several Clerks' offices in this Commonwealth to be made out and returned to the Auditor's office.

An act to amend an act, entitled, an act for the benefit of the widow and heirs of Francis Hagan, deceased.

An act for the benefit of the Trustees of the town of Poplar Plains, in Fleming county.

An act to incorporate the Jefferson Literary Society of Augusta College.

An act for the benefit of the widow and infant heirs of John Gilbert, deceased.

An act to establish a town on the land of Adam Miller, of Adair county.

An act for the benefit of the infant children of Harrison Hearn.

An act to amend an act, entitled, an act for the benefit of the Sheriff of Washington county, approved December 19, 1839, and for other purposes.

An act to amend the execution laws of this Commonwealth, and for other purposes.

An act to fix the ratio and apportion the representation for the next four years.

Approved 19th February, 1840.

An act to establish the Mechanics' Institute and Savings Institution of the city of Lexington.

An act to authorize Agents and Attorneys to make affidavit, and sue out distress warrants and other process, in certain cases.

An act for the benefit of Charles and Rebecca Douglass.

An act for the benefit of John Rankin, Sr. of Clarke county.

Approved 20th February, 1840.

A resolution providing for the examination of the books of the late Receiver of public moneys west of the Tennessee river.

Approved 17th February, 1840.

An act to provide for the payment of the public contractors, and to preserve the faith of the State.

An act requiring the removal of timber from flooded grounds, &c.

An act for the benefit of the heirs and widow of Benjamin Mills, deceased.

An act to amend the charter of the Springfield and Bardstown Turnpike Road Company.

An act to extend the charter of the Bank of the Commonwealth of Ken-
tacky, and to authorize the appointment of a Commissioner to close the affairs of said Bank.

An act to amend the militia law.

An act for the benefit of Seburn Shaw.

An act to amend the charter of the city of Lexington, and for other purposes.

An act for the benefit of James C. Coleman.

An act to provide for the payment of the interest on the bonds of the Lexington and Ohio Railroad Company, on which the State is guarantor, and for other purposes.

An act to incorporate the Louisville Pottery Company.

An act to restore the privileges of the Banks when they resume specie payments. Approved February 21, 1840.

A message was received from the Senate, by Mr. Payne, announcing that they had closed their legislative business, and were now ready to close the present session of the General Assembly, by an adjournment, on their part, without day; and had appointed a committee to act in conjunction with a committee on the part of this House, to wait on the Governor, and inform him of the proposed adjournment of the General Assembly, and to know if he had any other communications to make.

Whereupon Messrs. Meriwether, J. S. Smith and Mims were appointed a committee on the part of this House.

Ordered, That Mr. Meriwether inform the Senate thereof.

The committee then retired, and in a short time returned; when Mr. Meriwether, from said committee, reported that the joint committee had performed the duty assigned them, and were informed by the Governor that, having, from time to time, during the present session, communicated his views to the General Assembly, he had now no further communications to make.

Whereupon the Speaker, having delivered a congratulatory and valedictory address, adjourned the House sine die.
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TO

THE HOUSE OF REPRESENTATIVES' JOURNAL.

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