JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
COMMONWEALTH OF KENTUCKY,
BEGIN AND HELD IN THE TOWN OF FRANKFORT, ON SATURDAY THE THIRTIETH DAY
OF DECEMBER, IN THE YEAR OF OUR LORD, 1843, AND OF
THE COMMONWEALTH, THE FIFTY SECOND.
FRANKFORT, KY.
A. G. HODGES........STATE PRINTER.
1843.
UNIVERSITY OF KENTUCKY
LAW LIBRARY
At a General Assembly begun and held for the Commonwealth of Kentucky, at the Capitol, in the town of Frankfort, on Saturday, the 30th day of December, in the year of our Lord, 1843, and in the 52d 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—Hamilton N. Owens.
From the county of Allen—Nathan K. Pope.
From the county of Anderson—George W. Kavanaugh.
From the county of Bourbon—Ezekiel Thurston and Samuel A. Young.
From the county of Bullitt—Henry P. Kallus.
From the county of Breckinridge—Charles Hambleton.
From the county of Bath—John A. Trumbo.
From the county of Boone—Lewis Webb.
From the county of Barren—Robert D. Maupin and Burwell Lawless.
From the county of Bracken—Daniel Coleman.
From the counties of Butler and Edmonson—Samuel Weesley.
From the county of Christian—John McLarning and Robert L. Waddill.

From the county of Calloway—Thomas M. Jones.
From the counties of Clay and Perry—Theophilus T. Garrard.
From the counties of Cumberland and Clinton—Francis H. Winfrey.
From the counties of Carroll and Gallatin—Philip P. Hanna.
From the county of Casey—Winston Bowman.
From the county of Caldwell—James Clark.
From the county of Campbell—William DeCourey.
From the county of Clarke—George Fry.

From the county of Daviess—Warner Crow.

From the county of Estill—Berry Stone.

From the county of Fleming—Leander M. Cox and Leonard Tully.

From the county of Fayette—Thomas S. Reel, Elihu Hogan and Clifton R. Thomson.

From the county of Franklin—James Milam.

From the counties of Floyd and Pike—John P. Martin.

From the county of Graves—Joseph R. E. Wilkinson.

From the county of Greenup—Joseph D. Collins.

From the county of Garrard—Jennings Price.

From the county of Green—William M. Marshall and John R. Allen.

From the county of Grant—Overton P. Hogan.

From the county of Grayson—William M. Gray.

From the county of Hardin—John L. Helm and John S. Cully.

From the county of Hickman—Robert N. Lewis.

From the county of Harrison—Lewis Perrin and Henry Thompson.

From the county of Henderson—John G. Holloway.

From the county of Henry—Madison Stewart.

From the county of Hart—James M. Gardner.

From the county of Jessamine—James H. Lowry.

From the county of Jefferson—Edward D. Hobbs and Daniel E. Jones.

From the county of Kenton—Herman J. Grosbeck.

From the counties of Knox and Harlan—A. G. W. Pogue.

From the counties of Lawrence and Carter—Green V. Goble.

From the county of Lincoln—John E. Wright.

From the county of Logan—George W. Ewing and David King.

From the county of Laurel—Thomas J. Beford.

From the county of Lewis—Benjamin Given.

From the city of Louisville—William J. Graves and James S. Speed.

From the county of Madison—Thomas J. Gentry and Abner Oldham.

From the county of Mason—Francis T. Chambers and Robert Humphreys.

From the county of Mercer—William A. Hooe and Joseph Haskin.

From the county of Monroe—William H. Wooten.

From the county of Meade—Ola C. Richardson.

From the county of Muhlenburg—Russell McRery.

From the counties of Morgan and Breathitt—Thomas J. Frazier.

From the county of McCracken—James Campbell.

From the county of Montgomery—Joseph Bondurant.

From the county of Nelson—Henry Gore and R. Logan Wickliffe.

From the county of Nicholas—James Stitt.
From the county of Owen—Benjamin Haydon.
From the county of Oldham—John C. Bryan.
From the counties of Ohio and Hancock—Larkin Null.
From the county of Pulaski—John Griffin.
From the county of Pendleton—John Wheeler.
From the county of Rockcastle—Elisha Smith.
From the county of Russell—Shelby Stone.
From the county of Shelby—Lloyd Tevis and Fleming H. Garrett.
From the county of Scott—Newton Payne.
From the county of Simpson—Levi Dickey.
From the county of Spencer—Stilwell Heady.
From the county of Trigg—Allen T. Noe.
From the county of Todd—Robert E. Glenn.
From the county of Trimble—Daniel B. Johnson.
From the county of Union—Charles C. P. Gilchrist.
From the county of Warren—Jonathan Hobson and Charles W. Jenkins.
From the county of Woodford—Luke P. Blackburn.
From the county of Whitey—Thomas Rockhold.
From the county of Wayne—Shelby Coffey.
From the county of Washington—John Yocum.

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. Smith nominated Mr. John L. Helm as a suitable person to fill the office of Speaker; Mr. Lawless nominated Mr. William J. Graves, and Mr. Allen nominated Mr. Shelby Coffey; and the vote being taken, it stood thus:

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

Messrs. Bowman, Gore, Owens,
Collins, Gray, Richardson,
Dickey, Hambleton, Smith,
Frazier, Hobson, Speed,
Gilchrist, Jenkins, Stone, S.
Glenn, Nall, Wickliffe—17.

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

Messrs. Blackburn, Holloway, Speed,
Buford, Humphreys, Stone, B.
Campbell, Jones, D. E.
Chambers, Kalfus, Tevis,
Coleman, King, Thomson, C. R.
Cox, Lawless, Thurston,
Crow, McLarning, Trumbo,
Ewing, Milam, Tally,
Waddill.
Those who voted for Mr. Coffey, are as follows:


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

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


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


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

Bryan, 
Clark, 
Cully, 
De Courcy, 
Garrard, 
Given, 
Goble, 
Griffin, 
Groesbeck, 
Haydon, 
Heady, 
Hogan, O. P. 
Hooe, 
Johnson, 
Jones, T. M. 
Kavanaugh, 
Lowry, 
Marshall, 
Payne, 
Perrin, 
Pope, 
Stewart, 
Stitt, 
Thompson, H. 
Wheeler, 
Wilkinson, 
Woosley, 
Yocum—37.

No one on nomination having received a majority of all the votes given, Mr. Allen then withdrew the nomination of Mr. Coffey.

Mr. Tevis nominated Mr. James Campbell as a suitable person to fill the
office of Speaker; and the vote being taken, it stood thus:

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

Messrs. Allen, 
Bondurant, 
Bowman, 
Bryan, 
Coffey, 
Collins, 
Cully, 
De Courcy, 
Dickey, 
Prazier, 
Gardner, 
Garrard, 
Gilechrist, 
Given, 
Glenn, 
Goble, 
Gore, 
Grav, 
Griffin, 
Groesbeck, 
Hambleton, 
Hanna, 
Haskin, 
Haydon, 
Heyde, 
Hobson, 
Hogan, O. P. 
Hooe, 
Jenkins, 
Johnson, 
Jones, T. M. 
Kavanaugh, 
Lewis, 
Lowry, 
Marshall, 
Martin, 
Maupin, 
McRery, 
Nall, 
Owens, 
Payne, 
Perrin, 
Pope, 
Richardson, 
Smith, 
Stitt, 
Stone, S. 
Thompson, H. 
Wheeler, 
Yocum—50.

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

Messrs. Blackburn, 
Buford, 
Chambers, 
Coleman, 
Cox, 
Ewing, 
Fry, 
Gentry, 
Hobbs, 
Hogan, E. 
Humphreys, 
Jones, D. E. 
Kalfus, 
King, 
Milam, 
Oldham, 
Pogue, 
Price, 
Redd, 
Rockhold, 
Speed, 
Stewart, 
Stone, B. 
Thurston, 
Trumbo, 
Tully, 
Webb, 
Winfrey, 
Wooten, 
Wright, 
Young—31.

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

Messrs. Clark, 
Crow, 
Holloway, 
Lawless, 
McLarning, 
Noe, 
Tevis, 
Thomson, C. R. 
Waddill, 
Wickliffe, 
Wilkinson—11.
Mr. Helm having received a majority of all the votes given, was 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.

Mr. McLarning nominated Mr. J. Gray as a suitable person to fill the office of Sergeant-at-Arms; and Mr. Tevis nominated Mr. John C. Stedman, and the vote being taken, it stood thus:

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

| Mr. Speaker, | Messrs. Allen, | Blackburn, | Bondurant, | Bowman, | Bynum, | Buford, | Campbell, | Chambers, | Clark, | Coffey, | Coleman, | Collins, | Cox, | Crow, | Culley, | DeCourcy, | Dickey, | Ewing, | Frazier, | Fry, | Gardner, | Garrard, | Gentry, | Gilchrist, | Given, | Glenn, | Goble, | Gore, | Graves, | Gray, | Griffin, |
|-------------|---------------|------------|------------|---------|--------|---------|-----------|-----------|-------|--------|----------|---------|-----|------|------|--------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
|             |               |            |            |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Those who voted for Mr. Stedman, as follows:


Mr. Gray having received a majority of all the votes given, was declared duly elected Sergeant-at-Arms for the present session.

Mr. Owens moved the following resolution, viz:
Resolved, That the House will now proceed to the election of an Assistant Clerk.

Which was adopted.

Whereupon, Mr. Cox nominated Mr. John C. Herndon; Mr. Owen nominated Mr. Micah T. Chrisman, and C.R. Thompson nominated Mr. Thomas B. Warren; and the vote being taken, it stood thus:

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

Mr. Speaker, Griffin,
Messrs. Allen, Groesbeck,
Bondurant, Haskin,
Bowman, Heady,
Bryan, Hogan, O. P.,
Chambers, Howe,
Clark, Jenkins,
Coffey, Jones, T. M.,
Cully, Lowry,
DeCourcy, Marshall,
Frazier, Martin,
Gardner, Maupin,
Garrard, Owens,
Given, Payne,
Goble,

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

Messrs. Blackburn, Gray,
Bulord, Hambleton,
Camphell, Hanna,
Coleman, Haydon,
Collins, Hobbs,
Cox, Hobson,
Crow, Holloway,
Dickey, Humphreys,
Ewing, Jones, D. E.,
Fry, Kalfus,
Garnett, Kavanaugh,
Gentry, King,
Gichrist, Lawless,
Glenn, Lewis,
Gore, McLemore,
Graves, McKery,

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

Messrs. Hogan, E. Thomson, C. R. Waddill,
Redd, Thurston, Young—6.

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

[Dec. 30.]  HOUSE OF REPRESENTATIVES. 9

given, was declared

whence he return-

the observance and

person to fill the of-

John C. Stedman,

[Dec. 30.]

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

Which was adopted.

Whereupon, Mr. Cox nominated Mr. John C. Herndon; Mr. Owen nominated Mr. Micah T. Chrisman, and C.R. Thompson nominated Mr. Thomas B. Warren; and the vote being taken, it stood thus:

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

Mr. Speaker, Griffin,
Messrs. Allen, Groesbeck,
Bondurant, Haskin,
Bowman, Heady,
Bryan, Hogan, O. P.,
Chambers, Howe,
Clark, Jenkins,
Coffey, Jones, T. M.,
Cully, Lowry,
DeCourcy, Marshall,
Frazier, Martin,
Gardner, Maupin,
Garrard, Owens,
Given, Payne,
Goble,

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

Messrs. Blackburn, Gray,
Bulord, Hambleton,
Camphell, Hanna,
Coleman, Haydon,
Collins, Hobbs,
Cox, Hobson,
Crow, Holloway,
Dickey, Humphreys,
Ewing, Jones, D. E.,
Fry, Kalfus,
Garnett, Kavanaugh,
Gentry, King,
Gichrist, Lawless,
Glenn, Lewis,
Gore, McLemore,
Graves, McKery,

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

Messrs. Hogan, E. Thomson, C. R. Waddill,
Redd, Thurston, Young—6.

No one on nomination having received a majority of all the votes given, the House proceeded to take another vote, which stood thus:
Those who voted for Mr. Chrisman, are as follows:

Mr. Speaker, Griffin, Payne,
Messrs. Allen, Groesbeck, Pogue,
Bondurant, Haskin, Richardson,
Bowman, Heady, Lockhold,
Bryan, Hogan, O. P.
Clark, Hooe, Smith,
Coffey, Jenkins, Stitt,
Cully, Jones, T. M.
DeCourcy, Lowry, Stone, S.
Frazier, Marshall, Thompson, H.
Gardner, Martin, Wheeler,
Garrard, Maupin, Winfrey,
Given, Noe, Woosley,
Goble, Owens, Wright,

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

Messrs. Blackburn, Hambleton, Nall,
Bufford, Hanna, Oldham,
Campbell, Haydon, Perrin,
Coleman, Hobbs, Pope,
Collins, Hobson, Price,
Cox, Hogan, E. Redd,
Crow, Holloway, Speed,
Dickey, Humphreys, Stone, B.
Ewing, Jones, D. E. Tovis,
Fry, Kautz, Thomson,
Garnett, Kavanaugh, Trumbo,
Gentry, King, Tully,
Gilchrist, Lawless, Waddill,
Glenn, Lewis, Webb,
Gore, McLarning, Wilkinson,
Graves, MckRery, Wooten—50.
Gray, Milam,

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

Thomson, C. R.

Mr. John C. Herndon having received a majority of all the votes given, was declared duly elected Assistant Clerk.

Mr. Blackburn nominated Mr. William Campbell as a suitable person to fill the office of Doorkeeper; Mr. Wooten nominated Mr. James Haggard; Mr. O. P. Hogan nominated Mr. John O. Beaseman; Mr. Hooe nominated Mr. William R. Watts; Mr. Milam nominated Mr. W. A. Gorham; Mr. Haydon nominated Mr. W. N. Pettit; and Mr. Speed nominated Mr. W. B. Holeman; and the vote being taken, it stood thus:

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

Messrs. Blackburn, Hogan, E.
Campbell, Humphreys, Tevis,

Thomson, C. R.
Dec 30.]

HOUSE OF REPRESENTATIVES,

Chambers, Clark, Collins, Cox, Garnett, Gentry, Gilchrist, Hobbs, Jones, D. E. Lewis, McRery, Owens, Price, Radd, Stewart, Stone, B.

Those who voted Mr. Haggard, are as follows:


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


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

Mr. Speaker, Goble, Lowry, Griffin, Marshall, Haskins, Martin, Heady, Payne, Hooe, Pope, Jones, T. M., Wattenaugh, Wilkenson, Young—22.

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

Messrs. Crow, Milam, For Mr. Pettit, Benjamin Hayden.

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


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

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


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

Mr. Speaker, Hambleton, Owens, Messrs. Bowman, Hobson, Pogue, Cully, Holloway, Richardson, Dickey, Jenkins, Rockhold, Ewing, Kaflus, Stone, S., Fry, KIng, Waddill, Glenn, Lawless, Winfrey, Graves, McLearning, Wooten—26. Gray, Oldham,

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


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


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

Messrs. Crow, Milam, Nall—3.

For Mr. Pettit, Benjamin Hayden.

For Mr. Holeman, Clifton R. Thomson.

Mr. Blackburn moved the following resolution, viz:

Resolved, That after the next ballot, the hindmost candidate shall be dropped, each succeeding ballot, until some candidate shall receive a majority.

Which was adopted.

Mr. Gorham, Mr. Beaseman, Mr. Pettit and Mr. Holeman, were then severally withdrawn.

The House then proceeded to take a vote between those remaining on nomination, and it stood thus:
Those who voted for Mr. Campbell, are as follows:


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


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


No one having a majority of all the votes given, the House proceeded to take another vote, which stood thus:

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

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

Mr. Speaker,

Mr. Campbell having received a majority of all the votes given, was declared duly elected Doorkeeper for the present session.

Ordered, That Mr. Crow inform the Senate that this House having met, formed a quorum, and elected their officers, are now ready to proceed to legislative business.

A message was received from the Senate by Mr. Vance:

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, on their part, to act in conjunction with a committee on the part of this House, to wait on the Governor and 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. Graves, Smith and Noe, were appointed a committee on the part of this House.

Ordered, That Mr. Graves inform the Senate thereof.

The said committee retired, and after a short time returned, when Mr. Graves, 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. Harlan, Secretary of State:

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

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

Gentlemen of the Senate,

and House of Representatives:

It affords me great satisfaction to say, that the condition of our affairs has assumed a much more cheering and encouraging aspect than existed at, and for some time previous to your last meeting. This happy change must, and no doubt will, gratify the heart of every true patriot in the land.

From a state of alarming and almost hopeless oppression, the good people of our beloved Commonwealth, untiringly by the magnitude of the crisis in which they were placed, by an effort of extraordinary energy; by unusual industry; by rigid economy; and, by submitting to many privations, have, in the short space of a single year, relieved themselves, in a great degree, from the most terrible pressure known in the history of this country. This result has been accomplished mainly by the powerful exertions of the people themselves. Determined to work as hard as they could, and to pay their debts to the last cent as fast as they could, they engaged in the undertaking with the right spirit and right energy to attain that object. And here let it be noted, and forever remembered, amidst all their trials, severe as they were, and all their difficulties, great as they were, never did any people, in any country, under like circumstances, bear themselves more nobly or deserve more richly the highest commendation.

They are now, it gives me the most sincere pleasure to say, enjoying comparative ease and comfort. Trade is certainly more active; prices of agricultural products, though still much depressed, have improved; labor is better rewarded and in greater demand; money is in brisker circulation; confidence between creditor and debtor is growing. In short, business of almost every description wears a brighter appearance, encouraging higher hopes, imparting more cheerful feelings, and opening better prospects for the future throughout the entire community. Two causes, it must be conceded, have aided very essentially in producing this favorable state of things. The one is the tariff passed at the last session of Congress. Whether this tariff is just and perfect in every particular, I will not undertake to determine; but this much I will say—without a well regulated tariff we can never expect to retain a large amount of the precious metals. The reason, it appears to me, is perfectly obvious. If there were no tariff, we would purchase more from abroad than we could sell abroad, and the deficiency would ne-
cessarily have to be made up in specie. Hence would arise uncertainty in our markets, accompanied by sudden revulsions; loss of confidence; depression in prices, and certain ruin to many of our most enterprising citizens. We should, in fact, live amidst constant pressures. But I will not dwell upon this subject. My present purpose is to suggest, that the existing tariff has had a most salutary influence in affording some relief to the country in its suffering condition.

The other subject to which I have alluded as having had a decided and undoubtedly beneficial effect upon the affairs of the people, is the arrangement made by an act of the last session with the Banks of the State. That arrangement, I will here take occasion to say, in my humble opinion, was wise, beneficent, and salutary in all its relations; and without being in the least detrimental to the Banks or to the State, was, in truth, of mutual service to both, and at the same time proved of immense importance to a distressed community. It operated like a charm throughout the State, by dispelling the gloom which hovered over it, by increasing the circulation of money more equally, and by assisting to revive lost confidence. The agreement on the part of the Banks was fully carried out and performed, to the letter, in good faith; and the debtors, under that arrangement, have met their liabilities with most extraordinary punctuality. There has been no instance of a failure on the part of a single individual, thus far, to meet his calls.

Thus, with the aid of those two causes, but chiefly by their own vigorous efforts, have a virtuous and enlightened people achieved a partial triumph over misfortunes and calamities, cruelly inflicted upon them, without crime or offence on their part, by the folly, mismanagement and obstinacy of their national rulers.

In several of my annual communications to you, I had the honor heretofore to say, and I now repeat the sentiment as my firm and solemn conviction, that the oppression and grievances with which this country has been so long borne down, are chiefly, if not exclusively, the fruits of mal-administration on the part of the General Government.

It is to hoped, however, that such injustice and injuries will not continue much longer to flow from that quarter. A more auspicious day, it is most confidently-believed, is about to dawn upon the fortunes of this country. Let us, therefore, be cheered and comforted in bearing the burden which still remains, with becoming firmness, buoyed up, as we must be, by the confident expectation that the period is not very remote when our wrongs will be redressed—when just measures will not be withheld—when we shall have a good sound, convertible currency of uniform value—when we shall have either the present tariff, or one in its stead, equitable, just and reasonable, established upon a permanent basis, affording a revenue sufficiently ample for the wants of the government, administered upon honest and eco-
Dec. 30.]

House of Representatives.

nomical principles, and, at the same time, protecting the industry of the country—and when, furthermore, we shall have our rightful share of the proceeds of the public lands, to which we are clearly entitled by every consideration of justice and fair dealing.

Without these expedient and necessary measures, the country can never be in a right position. It is in vain to look for it. Does not experience establish this fact beyond all question? It is our constant duty to demand, and our constitutional right to expect, sound measures. They must emanate from the General Government, and can legitimately come from no other quarter. It is true, the country may, occasionally, as it now does in some degree, experience a momentary alleviation from its miseries by the force of peculiar circumstances, combined with its own powerful energies, even when unassisted by just and proper legislation. But this state of things is only temporary and delusive in its character; as the slightest cause will occasion a revulsion in trade, prostrate all confidence, and bring ruin in its train.—What we need is stable, reliable measures. These we must have, and these we shall have.

The report of the Second Auditor will be communicated to you at an early day of the session. It will show that at the end of the present fiscal year, there remained in the Treasury, after discharging all the demands against it to that time, the sum of sixty four thousand six hundred fourteen dollars ten cents. And though this sum is the largest amount which has ever been in the Treasury at the close of any fiscal year, there has been, notwithstanding, a great decrease in the aggregate value of property assessed for taxation. The value of taxable property, as assessed for the year 1842, was three hundred fifty million one hundred fifteen thousand seven hundred six dollars; the value, the present year, is two hundred ninety five million ninety three thousand fifty six dollars; showing a decrease of fifty five million twenty two thousand twenty dollars, and a consequent diminution of the revenue.

This sudden and astonishing decrease may be attributed, in a great measure, to the depression of the prices of property, influenced by a general panic which pervaded the country at the time of its assessment. But another reason which cannot but be apparent, is the defective mode of appointing the Assessors, and the inadequate compensation allowed them by the existing laws. The fact cannot be disguised, that many of the persons selected by the county courts for that service, are incompetent to the task. It is true there are many honorable exceptions to this remark. Complaints of unequal valuations of property exist almost everywhere, and the system should be so amended, I think, that the services of the most competent men in each county could be obtained.

The subjects of revenue and taxation are deeply interesting both to the Commonwealth and its citizens. Taxes should be uniform throughout the
State. The law fixes the amount to be collected on each hundred dollars worth of property. If the valuation in one county be below its intrinsic worth, the effect is to change the law by which the citizens of that county pay a less tax than those in a county where the property is assessed at its real and true value. To remedy the evil complained of, and insure a more just and uniform mode of assessing property for taxation, it appears to me, that if the appointment of Assessors were confided to the Second Auditor, to whom the management of the revenue is committed, the defects of the present system might, in a great measure, be avoided. In making this change, the county courts will be relieved from a portion of the duties imposed upon them, by the existing laws; and the power of appointment placed, where it seems to me it should be, in some officer connected with the Executive branch of the Government.

The assessing of property for taxation, is the initial step to its collection, and the reports made by the Assessors to the county courts, form the basis of the whole revenue. The entire process for raising revenue, after the Legislature has fixed the rates of taxation, is a measure purely executive. It has not a judicial feature about it, and that department ought not, in my opinion, to be burthened with its exercise. It is perfectly evident to me, that the rate of taxation, as it now exists, is sufficient for all the necessary purposes of the Government, and would produce the requisite amount, if the law were properly executed. There is, therefore, no necessity whatever to raise the taxes.

Should you deem it necessary and expedient to change the existing mode of appointing Assessors, and adopt some other plan than the one suggested for your consideration, it will meet my hearty concurrence; on the contrary, should you deem it inexpedient, upon consultation and reflection, to change the system as it now stands, in that event I recommend that such reasonable compensation shall be given to the Assessors as would most likely command the services of those who are best qualified to perform the work.

The report of the Secretary of State, which accompanies this communication, shows the amount of the public debt of the State, created for Internal Improvement purposes, and for which bonds have been issued. In my message, at the commencement of the last session, it was stated, that the amount of bonds issued—exclusive of those issued to the Board of Education and Commissioners of the Sinking Fund, which are debts due from the State to itself—was three million nine hundred two thousand seven hundred eighty three dollars; of which five hundred fifteen thousand dollars were bearing an interest of five per cent, and the remainder an interest of six per cent, per annum. Since that time bonds and scrip have been issued, bearing an interest at the last named rate, to the amount of sixty one thousand
seven hundred seventeen dollars, making the actual debt of the State, at this time, three million nine hundred sixty four thousand five hundred dollars. Of this increased indebtedness of the State, fifty six thousand seven hundred dollars were issued under the act of March 3rd, 1842, to finish the repairs of the Lexington and Ohio Railroad.

It will be recollected, that the act of the last session authorizing the issue of bonds, limits the amount to the ability of the Sinking Fund to pay the interest thereon. In consequence of that restriction—which I think was proper—the entire amount authorized by that act has not been issued.

Our public debt then, as you will perceive by the annexed tables, carefully made up and easily comprehended, is, comparatively speaking, quite small. It can be discharged with the most perfect ease, with ordinary prudence in its management, by the time it falls due, without creating the slightest pressure upon the people. This opinion has been given to you heretofore, and it is certainly correct. The increase of the debt, however, should be guarded against by the utmost vigilance. Our policy in reference to this subject seems to be well understood both at home and abroad, as is, also, our well established character for stability and firmness of purpose in legislation even under circumstances of extreme pressure. I need only refer to the occurrences of your last session in proof of this assertion. Last year you convened, it will be remembered, at a moment when the country was suffering under the heaviest calamities. There never was a more critical or more trying period in our affairs. Unappalled by the danger and alarm growing out of this condition of things, the Legislature, influenced by the prudent counsels of the people, most wisely, as I think, and as time has proved, forbore to resort to any hazardous, and perhaps ruinous, experiments to ward off the blow. They stood resolutely by the constitution, refusing to impair the obligation of contracts, or in any manner to interfere in the delicate relations existing between debtor and creditor; and now the State stands erect and triumphant, and her march is onward. Her credit stands deservedly high everywhere—her bonds command a price considerably above par, and are sought for with great avidity.

The doctrine of repudiation, I am proud to say, receives no encouragement, gets no indulgence, means no toleration from any quarter in all our borders. If there be a single one amongst us, who is in the least infected with that terrible disease, I am not aware of the fact. No such demoralizing doctrine can, or ever will, find a resting place in Kentucky. Our constituents have a character to sustain, which they inherited at their birth, and they mean, at any sacrifice, to transmit it to posterity as bright, as pure, and as fresh as they received it from their renowned forefathers. In truth, they look upon their state character as part and parcel of their own personal reputation, and will, for ever, support the one with the same zeal and spirit
that they would promptly defend the other. Every citizen, (political differences form no exception,) whether he be humble or exalted, poor or rich, justly considers himself an equal stock-holder, to all intents and purposes, in the honor, credit, good faith, and glory of our beloved Commonwealth. A failure, on her part, to fulfill her engagements, or a refusal to acknowledge the obligation of contracts, would, therefore, inflict an incurable wound upon his personal honor.

In compliance with the 17th and 18th sections of the act passed at the last session of the General Assembly, entitled "an act to extend the charters of the Banks of Kentucky," the Northern Bank of Kentucky, and Bank of Kentucky have surrendered to the Executive the one million seven hundred and fifty thousand dollars of five per cent State Bonds which were held by those Banks, and the same have been cancelled and deposited for safe keeping in the Frankfort Branch Bank. I recommend the adoption of a joint resolution authorizing the recounting and total destruction of these bonds by burning, in the presence of such persons as the wisdom of the Legislature may direct.

The report of the Superintendent of Common Schools will be laid before you at an early day of the session, showing the condition, progress and prospects of the Common School System. I beg, most respectfully, to call your particular attention to this able and comprehensive document. As you will see, from an examination of the report, efficient and immediate means are indispensably necessary to keep this system from languishing and perishing. It is for you, in your wisdom, to furnish the appropriate remedies to save it from destruction. It is a matter of vital importance both now and in all time to come.

The Superintendent, it gives me pleasure to say, has advocated the cause under his charge with very great ability, and has labored assiduously and faithfully to recommend it to the people. I have every reason to believe his efforts have contributed essentially to render the measure more acceptable to the country than it was at first, and that it is daily becoming more popular. But without the proper means, the exertions of the most powerful intellect will avail little or nothing.

The Penitentiary is still in a good condition—is exceedingly well conducted, and its inmates well treated. I have every assurance, upon which I rely with undoubted confidence, that the Keeper of the Penitentiary will be ready to make a final settlement, according to law, with the Commissioners of the Sinking Fund, and will be prepared to pay over to the State whatever sum may be due to her. I refer you to the report of the Keeper for all necessary information, in detail, connected with the institution.

The suit in chancery instituted by the Directors of the Bank of Kentucky against the Directors and Managers of the Schuykill Bank of Philadelphia,
growing out of the grossest and most abominable fraud that was ever perpetrated in any Christian country, is still undecided. I am informed the defendants continue to throw every possible difficulty in the way of a speedy trial: and yet, wonderful to be told, hold on to the proceeds of their robbery with all the pertinacity and obstinacy of hardened and incorrigible plunderers. There is no excuse, no palliation for this high-handed robbery, by which the Bank of Kentucky has been cramped in her useful operations, and the Sinking Fund deprived of its accustomed dividends. I understand, however, a decision before very long, may be expected, compelling the defendants to disgorge their ill-gotten gains.

In virtue of an act of the Legislature, of the 3d of March, 1842, authorizing the Executive to exchange thousand dollar thirty year State bonds for hundred dollars six year bonds, I have the satisfaction to say, the amount during this year exchanged, is two hundred ninety nine thousand dollars. I refer you, most respectfully to the report of the Secretary of State, which will be presented in a few days, for full and satisfactory information in every particular in regard to this subject.

There is a large amount both of Railroad and State scrip which was funded in long bonds, now in the Northern Bank of Kentucky. I recommend earnestly that you should, by joint resolution, or otherwise, order the whole of this scrip to be burnt as soon as may be convenient.

The report of the Sinking Fund Commissioners will be made at an early period of the session.

The Board of Overseers of the Transylvania University, have made a report in regard to the present condition and future prospects of the Institution, of the most flattering character. Judging from all that is said in the report, and also from what personal observation I have had upon the subject, I take great pleasure in saying, this Institution is rapidly growing in usefulness and in public confidence, and is destined, at no distant day, to occupy a proud position before the country.

The Lexington and Ohio Railroad has been thoroughly repaired since your last session. Under the judicious management of its enterprising Lessees, passengers and freight are conveyed with safety and rapidity, upon very moderate terms. The passenger cars being constructed upon an admirable plan, are entirely comfortable and convenient. The semi-annual rent, amounting to seven thousand nine hundred dollars, was punctually paid the day it became due. This Railroad, connecting itself as it does directly, with the slack water navigation of the Kentucky River, forms a line of daily communication between the interior and growing city of Lexington, and the great commercial city of Louisville, opening a trade to a large section of country of vast consequence to the public, and which, I hazard nothing in saying, will, in time, be highly profitable to the State.
The slackwater improvement, I think, must be acknowledged, is one of the most magnificent public works of the age, affording a safe and constant navigation throughout the year, by which means the exports and imports of the country, as well as passengers, are transported most expeditiously, at low rates.

Early in the spring, there were only two steam boats in this trade. Now there are five.

The tolls accruing to the State, from the navigation of the rivers, for the short period of nine months, after paying all the Lock Keepers, amount to about seven thousand dollars. At the close of the year ending in April, it will amount to about ten thousand dollars. The ensuing year, according to the best calculation that can be made, it will yield a revenue to the State of twenty thousand dollars after paying the Lock Keepers and all necessary repairs. Thus far, this important public improvement, has exceeded the anticipations of many of its original advocates. That the navigation of the Kentucky River, is of great public utility; that it is perfectly safe; that it is uninterrupted; that it will produce a satisfactory yearly income to the State; that it is unexcelled in every particular by any improvement of the same extent, of like character, are points established now, as it appears to me, beyond all doubt or cavil.

If there were three more Locks and Dams erected, extending the benefits of the navigation to the fertile and productive counties of Jessamine, Mercer, Boyle, Lincoln, Garrard, Madison, Fayette, Clarke, &c., the income from the tolls, according to the best estimates which can be obtained from the most experienced in such matters, would be more than double the amount accruing from the present works. Again: if this improvement were extended to the rich mineral regions of the mountains, abounding in Salt and Iron, and Stone Coal, &c. &c. in inexhaustible quantities, and of the most superior quality, the profits which would arise to the State and to the public are wholly beyond the power of calculation. That it will sooner or later penetrate the mountains, I have no hesitation in predicting.

What has been said in regard to the advantage of the navigation of the Kentucky River, and its extension, applies with equal, if not greater force to the admirable improvements of the Green and Barren rivers. I have not yet seen the report of the Green River Commissioners, and therefore am unprepared to say anything in relation to the present condition of the works or the state of the trade on those rivers. A report may be expected at an early day of the session showing every useful fact connected with this interesting subject.

The sum of five thousand nine hundred fifteen dollars eighty eight cents has been received for tolls on those Rivers; fifteen hundred dollars of which was paid a few days before the commencement of the last session. There is every reason to hope an additional amount will be paid very soon.
In a few days the annual report of the Board of Internal Improvement will be submitted to your consideration, to which I beg to refer you for full and satisfactory information, both in reference to the present condition of the public works, and the expenditures connected with the same. It will be perceived from this report, no new work of improvement of any sort or description has been authorized to be prosecuted, or contracted for, in any manner whatever since March, 1842. On the contrary, the Board believing it to be their duty, under authority of law, issued their instructions to all the local Boards, positively prohibiting them from the prosecution of any works of Internal Improvement from that period.

The settled determination of our constituents is to discharge the existing debt, and to avoid future responsibilities, and such has been the policy of the Legislature for the last three years.

The official ties between us will soon be dissolved, and dissolved for ever. I avail myself of this last occasion to say, I have been so long associated with the Representatives of the people in endeavoring to guard and watch over the public interest, have passed through so many interesting and exciting scenes, witnessed so often the ardor and devotion with which they have labored to be useful to the Republic, formed so many strong and lasting attachments, received at their hands, with all my imperfections, such continued proofs of kindness and confidence and forbearance, that I most frankly confess the separation, which is about to occur, is painful to me in the extreme. Let me add, and add with perfect sincerity, these distinguished manifestations of regard shall always have my most profound thanks, and shall for ever be cherished with the warmest affection, the liveliest gratitude, and the greatest satisfaction, a satisfaction married only by the consciousness that my ability, to discharge the high duties confided to my trust, has by no means equalled my sincere desire to promote the interest of the State.

In conclusion, allow me, in the most earnest and affectionate manner, to exhort you, by every consideration of patriotism, as the enlightened Representatives of a free and confiding people, to continue to stand by the interest of our noble Commonwealth under every emergency, to guard, sedulously, her honor, to preserve her faith inviolate, to maintain her credit unimpaired as it now is, to advance her welfare, and to promote the happiness and prosperity of her people by the aid of your best talents, to avoid an inexpedient increase of the State debt, to fix a steady and a resolute eye upon its payment, to make the burden upon the people as light as possible, and to be cautious, just and economical in all your legislative action.

That you may perform the public business entrusted to your charge with unequal dispatch, that your session may be profitable and harmonious, that in all your legislation you may be influenced by the spirit of true wisdom, that your labors may meet the approbation of your constituents, that you may always properly appreciate the countless blessings we enjoy, and feel, forcibly, the high obligations of gratitude we owe to the Great Author from whom they emanate, that each of you may acquire great renown in the councils of the State, and earn for yourselves, after a long life of public service, the name of the greatest benefactors of the Commonwealth, is the sincere desire of

R. P. LETCHER.

DECEMBER 30, 1843.
### Statement showing the amount, &c., of the Public Debt of the State of Kentucky to the 14th day of December, 1843.

<table>
<thead>
<tr>
<th>Date of issuing Bonds</th>
<th>Amount of each issue</th>
<th>To whom issued and delivered</th>
<th>Date of the law authorizing the issue</th>
<th>Amount authorized to be issued under each act</th>
<th>Amount issued under each act</th>
<th>When reimbursable or payable</th>
<th>Rate of interest</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1835, May 22</td>
<td>$100,000</td>
<td>Bank of Kentucky, Prime, Ward &amp; King</td>
<td>Feb. 21, 1835</td>
<td>$1,000,000</td>
<td>$300,000</td>
<td>30 years</td>
<td>5 per cent.</td>
<td></td>
</tr>
<tr>
<td>1835, August 1</td>
<td>100,000</td>
<td>Northern Bank of Kentucky</td>
<td>Feb. 29, 1836</td>
<td>1,000,000</td>
<td>150,000</td>
<td>30 years</td>
<td>5 per cent.</td>
<td></td>
</tr>
<tr>
<td>1836, April 25</td>
<td>100,000</td>
<td>Bank of Kentucky</td>
<td>Feb. 23, 1837</td>
<td>Limited by previous acts</td>
<td>165,000</td>
<td>35 years</td>
<td>5 per cent.</td>
<td></td>
</tr>
<tr>
<td>1836, June 1</td>
<td>50,000</td>
<td>War Department</td>
<td>Feb. 16, 1838</td>
<td>1,351,000</td>
<td>1,250,000</td>
<td>30 years</td>
<td>6 per cent.</td>
<td></td>
</tr>
<tr>
<td>1837, April 1</td>
<td>167,000</td>
<td>American Life Insurance &amp; Trust Co.</td>
<td>Feb. 21, 1839</td>
<td>1,090,000</td>
<td>33,000</td>
<td>30 years</td>
<td>6 per cent.</td>
<td></td>
</tr>
<tr>
<td>1838, July 1</td>
<td>1,350,000</td>
<td>Public Contractors &amp; others</td>
<td>Feb. 22, 1839</td>
<td>1,590,000</td>
<td>33,000</td>
<td>30 years</td>
<td>6 per cent.</td>
<td></td>
</tr>
<tr>
<td>1840, April 25</td>
<td>122,500</td>
<td>Public Contractors</td>
<td>Feb. 15, 1840</td>
<td>1,303,000</td>
<td>30 years</td>
<td>6 per cent. (a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1840, November 4</td>
<td>225,000</td>
<td>Northern Bank of Kentucky</td>
<td>Feb. 22, 1839</td>
<td>1,090,000</td>
<td>33,000</td>
<td>30 years</td>
<td>6 per cent.</td>
<td></td>
</tr>
<tr>
<td>1841, between April 3</td>
<td>608,000</td>
<td>Public Contractors, and in exchange for six year bonds</td>
<td>March 3, 1842</td>
<td>430,000</td>
<td>367,000</td>
<td>30 years</td>
<td>6 per cent. (a)</td>
<td></td>
</tr>
<tr>
<td>1842, between March 3 &amp; December 23, inclusive</td>
<td>367,000</td>
<td>Public Contractors &amp; in exchange for six year bonds</td>
<td>March 3, 1843</td>
<td>430,000</td>
<td>367,000</td>
<td>30 years</td>
<td>6 per cent. (a)</td>
<td></td>
</tr>
<tr>
<td>1842, from December 23 to 14th December, 1843, inclusive</td>
<td>368,000</td>
<td>Contractors, and in exchange for six year bonds</td>
<td>March 3, 1843</td>
<td>430,000</td>
<td>367,000</td>
<td>30 years</td>
<td>6 per cent. (a)</td>
<td></td>
</tr>
<tr>
<td>1843, March 3 to 14th Dec., 1843</td>
<td>99,000</td>
<td>Repair of Railroad, Act of Dec. 23, 1836, authorizing the Board of Internal Imp. to borrow money</td>
<td>March 11, 1843</td>
<td>99,000</td>
<td>99,000</td>
<td>6 years</td>
<td>6 per cent. (a)</td>
<td></td>
</tr>
<tr>
<td>Total debt to 14th December, 1843</td>
<td>$2,964,500</td>
<td>Bank of Louisville</td>
<td>Act of Dec. 23, 1836, authorizing the Board of Internal Imp. to borrow money</td>
<td>-</td>
<td>-</td>
<td>temp. loan 6 per cent.</td>
<td></td>
<td>Borrowed by the Board of Internal Improv't.</td>
</tr>
</tbody>
</table>
NOTES TO THE FOREGOING TABLE.

(a) This issue was originally $33,000. In making an exchange of 30 year bonds for 6 year bonds, in 1842, a bond of $500 was included, which reduced the issue to $32,500.

(b) This issue was $609,500, of bonds of the denomination of $100 each, payable 6 years after date; the interest payable semi-annually, the 1st days of April and October of each year, at the State Treasury. $329,500 of these bonds have been redeemed by issuing bonds of $1000 each, payable 30 years after date, the interest—of 6 per cent—payable in the City of New York, leaving outstanding $280,000. The first of these bonds will mature the 22nd of April, 1846.

(c) (d) Issued to the Northern Bank and Bank of Kentucky for moneys borrowed by the Board of Internal Improvement, and expended in the construction of the Public Works. They were received by the Banks at par, with a stipulation that if more were realized, the surplus should be paid to the State.

(e) Issued to Public Contractors for work done on the Locks and Dams on the Rivers, and to Turnpike Road Companies in payment of the State's subscription of stock.

(f) These bonds were issued principally to Public Contractors. $40,000 of them, however, were in redemption of $30,500 of 6 year bonds, and a bond of $500, payable in 30 years.

(g) The largest portion of this issue was for the redemption of the 6 year bonds which will fall due in 1846 and 1847—$10,000 of the amount were in payment of a debt created by the Board of Internal Improvement with the Frankfort Branch Bank. In exchanging 30 year bonds for 6 year bonds, a premium of one per cent. has generally been charged in favor of the former.

(h) Of this issue, $7,000 have been paid by the Issuers of the Railroads to the Board of Internal Improvement, in part for the first half year's rent of that road. As these bonds will not be re-issued, only $92,000 of this issue are in circulation.

Present amount of debt, $3,964,500
As reported last year, 3,992,783

Actual increase, $ 61,717

OFFICE OF THE SECRETARY OF STATE.
December 14th, 1845.

J. HARLAN, Secretary of State.
Statement showing the amount, &c., of State Bonds issued to the Board of Education and Commissioners of the Sinking Fund.

<table>
<thead>
<tr>
<th>Date of issuing Bonds</th>
<th>To whom issued and delivered</th>
<th>Amount</th>
<th>Date of law authorizing the issue</th>
<th>When reimbursable or payable</th>
<th>Rate interest</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1837, May 15</td>
<td>Board of Education</td>
<td>$909,000</td>
<td>Act of Feb. 23d, 1837</td>
<td>35 years</td>
<td>5 per cent.</td>
<td></td>
</tr>
<tr>
<td>1837, July 1</td>
<td>Board of Education</td>
<td>170,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1837, Oct. 1</td>
<td>Board of Education</td>
<td>180,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1837, Oct. 1</td>
<td>Commissioners Sinking Fund</td>
<td>20,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1839, Oct. 1</td>
<td>Board of Education</td>
<td>21,500</td>
<td>February 23d, 1839</td>
<td>30 years</td>
<td>6 per cent.</td>
<td></td>
</tr>
<tr>
<td>1840, Jan. 1</td>
<td>Board of Education</td>
<td>22,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1840, July</td>
<td>Board of Education</td>
<td>24,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

RECAPITULATION.

Amount of five per cent. Bonds issued to Board of Education: $859,000
Amount of six per cent. Bonds issued to the same: $67,500
Total amount issued to the Board of Education: $917,500
Amount of six per cent. Bonds issued to the Commissioners of the Sinking Fund: $20,000
Aggregate amount issued to the Board of Education and Commissioners of the Sinking Fund: $937,500

OFFICE OF THE SECRETARY OF STATE, December 14th, 1843.

JAMES HARLAN, Secretary of State.
On motion of Mr. Smith,

Ordered, That the Public Printer forthwith print 5,000 copies of said message for the use of the members of this House.

Mr. Cox moved the following resolution, viz:

Resolved, That J. Smith Hall have a seat in this House, to report its proceedings for "The Commonwealth."

Which was adopted.

And then the House adjourned.

MONDAY, JANUARY 1, 1844.

Bradford L. Porter, the member returned to serve in this House from the county of Hopkins, and Buford N. Penick, the member returned to serve in this House from the county of Marion, severally appeared, produced certificates of their election, and having taken the several oaths required by the Constitution and Laws of this State, took their seats.

The Speaker laid before the House the annual report of the Treasurer of this State, which is as follows, viz:

STATE OF KENTUCKY,
Treasury Office, January 1, 1844.

Sir: Accompanying this note is my annual report, which you will please lay before the House over which you preside.

I am, very respectfully, your ob't serv't,

JAMES DAVIDSON, Treasurer.

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

[For the Report—see Legislative Documents.]

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

The Speaker laid before the House the annual report of the Second Auditor of Public Accounts, which is as follows, viz:

REVENUE DEPARTMENT,
Auditor's Office, Kentucky,
Frankfort, January 1, 1844.

Sir: I enclose the annual report from this department.

I am, very respectfully,

THOS. S. PAGE, Second Auditor.

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

[For Report—see Legislative Documents.]
Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of this House.

A message in writing was received from the Governor, by Mr. Harlan, Secretary of State, which is as follows:

Gentlemen of the Senate and House of Representatives:

In the year 1840, it will be recollected, the State owed the Northern Bank of Kentucky two hundred and thirty-five thousand dollars, for money previously borrowed, to carry on the public works. Very soon after I came into office, the Bank requested payment, expressing a willingness to receive the said bonds, payable in thirty years, at par value, in discharge of the debt, according to an act passed at the preceding session of the Legislature. The full amount of the debt was paid in that way, as you will see by reference to my first annual message. At the time, however, this matter was in treaty, believing confidently, should the Legislature pursue a wise course of policy, (which I did not doubt,) and should the finances of the State, at the same time, be prudently managed, that our bonds would most certainly command a price above par, a stipulation was proposed on my part, and readily assented to on the part of the Bank, in the event the Bank sold the aforesaid bonds for an amount above their par value, then, and in that case, the excess to be paid to the State.

The President and Directors of the Bank, I must say, acteduated by the most liberal spirit, and by motives as patriotic as they were disinterested, at my earnest solicitation, forbore to offer the bonds for sale until within the last few weeks. Seeing then, that our credit began to be appreciated, and that the bonds would command something like their value in the market, in behalf of the State, I advised a sale, which was assented to without a moment's hesitation. What enhances the merit of this transaction, is the fact, that these bonds were held, after the Bank could have sold them at par value, and fully indemnified herself. The President and each member of the board, as far as my knowledge extends, felt anxious that the State should derive all the profits it could, in virtue of the aforesaid contract. The Bank, I presume only wanted her money. That she has received, both principal and interest. The whole of the bonds are now sold. I have received official information to that effect, from John Tilford, Esq., the President of the Northern Bank, now in the East, to whose financial experience, prompt attention, and efficient agency in this as well as other matters connected with the public interest, the State is greatly indebted. The information was not had in time to be communicated to you in my message of Saturday. By the operation, after deducting the interest which had accrued from the first of July to this time, and after paying all expenses and charges attendant on the sale, the State will realize some eight or nine thousand dollars. The precise amount, however, cannot be ascertained, until a full report is made by the President of the Bank, on his return home.

The State also owed the Bank of Kentucky one hundred and eighty thousand dollars, which was paid at the same time, and in the same manner the payment was made to the Northern Bank, and under a similar agreement. The Bank of Kentucky sold her bonds some time ago. She was entirely correct in so doing. The proceeds of the sale were necessary to enable her
to accommodate the country, as far as she could, with a circulation; having been deprived of a large portion of her active means, by that worst of all frauds, perpetrated upon her by the Schuylkill Bank. I hazard nothing in saying, had it not been for that fraud, the Bank of Kentucky would have retained the bonds with the utmost cheerfulness, and at the same time rejoiced to be instrumental in advancing the interest of the State. It is but an act of justice to say, in all my official intercourse with the Bank of Kentucky, as well as with the other Banks in the State, the most praiseworthy disposition has been manifested, to stand by the credit and honor of the State.

The sum of ten thousand dollars was recently paid, also, in State bonds, to the Frankfort Branch Bank, which were sold above par value, and the excess, being one hundred and ten dollars, was promptly paid to the State.

R. P. LETCHER.

January 1, 1844.

Ordered, That said message be referred to the committee on Ways and Means, and that the Public Printer forthwith print 150 copies thereof for the use of the members of this House.

The Speaker laid before the House the annual report of the First Auditor of Public Accounts, which is as follows, viz:

AUDITOR'S OFFICE,

January 1st, 1844.

Sir: Please lay my annual report, as acting Auditor of Public Accounts, before the House over which you have the honor to preside.

I am, sir, very respectfully, your obt. serv't,
BEN. SELBY, JR., Acting Auditor.

[For Report—see Legislative Documents]

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

A message was received from the Governor, by Mr. Harlan, Secretary of State, which is as follows:

Gentlemen of the House of Representatives:

An enrolled bill entitled, "an act for the benefit of Greenberry B. Camplin and Hiram Kendley," was presented to me for my approval, the day on which the last General Assembly finally adjourned its session.

Not concurring in opinion with those by whose votes the bill was passed in the two houses, I feel it to be my imperative duty to withhold my approval of it.

The bill is in these words: "Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Greenberry B. Camplin is hereby released from all the penalties incurred by him on account of bringing slaves into this State contrary to law, and for which the said Camplin now stands indicted in the Clarke Circuit Court."

"Be it further enacted, That Hiram Kendley, of Boyle county be, and he is hereby released from the penalty imposed by the act of the General As-
assembly of the Commonwealth of Kentucky, entitled, an act to amend the
law prohibiting the importation of slaves into this State, approved February
2d, 1833, for the importation of three slaves, to-wit: William, Sam and
Caroline, into this State.

The statute to which the bill refers, imposes a penalty of six hundred dol-
ors for each slave which may be imported into this State contrary to its provisions; it subjects the offender to prosecution, by indictment, in any county in which he may be found, and in default of payment of a judgment which may be rendered against him, he is liable to be taken upon a capia pro finem, and imprisoned in the county jail, there to remain until the costs and judgment are paid.

It must be admitted that the law is highly penal, and the question which this bill presents is, does the constitution authorize the General Assembly to pass it?

The clauses of the constitution which it is supposed have a bearing on the question, are the following:

"Article 1. Section 1. The powers of the government of the State of Ken-
tucky shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to-wit: Those which are Legislative to one, those which are Executive to another, and those which are Judicial to another.

"Sec. 2. No person, or collection of persons, being of one of those de-
partments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

"Article 4. Concerning the Executive Department: Sec. 11. He [the Governor.] shall have power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeachments. In cases of treason, he shall have power to grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested."

It appears, therefore, from the foregoing sections of the constitution, that the General Assembly is vested with the power of pardoning, only in case of treason; and that the power of the Executive to remit fines and forfeitures, grant reprieves and pardons in all cases, except treason and impeachments, is exclusive and unlimited. Any attempt, therefore, by the Legislative department, to remit the forfeitures which had accrued to the Commonwealth by the importation of the slaves referred to in the bill, would be, it seems to me, in contravention to that part of the constitution which prohibits one department of the government from exercising any power properly belonging to either of the others. If the power to pass such a bill as the one under consideration, "properly belongs" to the Legislative department, then all cases of felonies and misdemeanors, recognizances of bail, &c. would equally be the subject of Legislative interference. If that department can rightfully exercise the power of pardoning offenders, and remitting fines and forfeitures, such power is exclusive and cannot be exercised by the Executive. There is nothing in the constitution which indicated an intention, by its framers, that a concurrent power, in cases of this sort, should be exercised by the Legislative and Executive departments of the government; on the contrary, there is an express prohibition in the second section of the first article, against the exercise of any such power. The construction for which I contend, has been sanctioned by the highest judicial tribunal of the State. The Court of Appeals, in the case of Rout against Feemster, (7 J. J. Marshall
132) in speaking of the power of the Governor to pardon offenses and remit fines and forfeitures, say: "This part of his prerogative cannot be curtailed. With the exception of treason, his power to remit fines and forfeitures, grant reprieves and pardons, is unlimited, illimitable and uncontrollable." Indeed, such has been the settled construction since the date of the constitution to the present time.

Believing, therefore, that the passage of this bill would be an exercise of power by the Legislature, not warranted either by the letter or spirit of the constitution, I herewith return it to the House of Representatives, in which it originated, with these my objections to its becoming a law.

R. P. LETCHER.

January 1, 1844.

Ordered, That the said message be referred to the committee for Courts of Justice, and that the Public Printer forthwith print 150 copies thereof for the use of the members of the General Assembly.

1. Mr. Marshall presented the petition of William Phillips, praying to be divorced from his wife, Nancy Phillips.
2. Also, the petition of Philemon Sanders, praying to be divorced from his wife, Elizabeth W. Sanders.
3. Mr. Smith presented the petition of sundry citizens of Pulaski county, praying to be added to that county.
4. Mr. Lewis presented the petition of Mary Watkins, praying the passage of a law authorizing a sale of the lands belonging to the estate of her deceased husband, to pay his debts.
5. Mr. T. M. Jones presented the petition of sundry citizens of Calloway county, praying that permission be given Aaron Hodges to enter a vacant quarter section of land in said county, without paying therefor.
6. Mr. Lewis presented the petition of John Thompson, praying that additional compensation be allowed him for his services as a Commissioner of Tax in Hickman county.
7. Mr. Wickliffe presented the petition of Mary Ann Phelps, praying to be divorced from her husband, Luman Phelps.
8. Mr. Hooe presented the petition of sundry citizens of Casey county, praying a change in the line dividing that county and the county of Boyle.
9. Mr. Lawless presented the petition of Robert T. Stockton, praying that compensation be allowed him for apprehending Charles Smith, a fugitive from justice.
10. Mr. Kalus presented the petition of Simeon Harris, praying permission to build a fish dam across Salt river.
11. Mr. Lewis presented the petition of sundry citizens of Hickman county, praying a repeal of the law declaring Big Bayou de Chien a navigable stream from Moscow to Caldwell's Mill.
12. Mr. Culy presented the petition of sundry citizens of Hardin, Meade,
Jefferson and Bullitt counties, praying the formation of a new county out of parts of said counties.

13. Mr. Haydon presented the petition of sundry citizens of Owen county, praying an appropriation to aid in the erection of a Bridge across Mill creek, in said county.

14. Mr. Owens presented the petition of Franklin Darnell and Kezia A., his wife, praying to be divorced from each other.

15. Also, the petition of Anderson Hill, praying a change of venue in a prosecution now pending against him in the Cumberland Circuit Court, upon a charge of administering poison to James Eskin.

16. Mr. Glenn presented the petition of Brent Wade, Sheriff of Todd county, praying that further time be given him to pay over the revenue tax due from said county for the year 1843.

17. Also, the petition of John Haisill, praying permission to bring into this State a slave.

18. Also, the petition of Martha Tate, and others in her behalf, praying the passage of a law authorizing a sale of a slave belonging to the estate of her deceased husband, and the investment of the proceeds in land.

19. Mr. Speed presented the petition of Margaret Lewers and others, praying the passage of a law authorizing a sale of certain lands of the estate of Thomas Lewers, deceased.

Which petitions were severally received, the reading thereof dispensed with, and referred—(except the 13th, which was read,) the 1st, 2d, 7th and 14th to the committee on Religion; the 3d, 8th, 12th and 13th to the committee on Propositions and Grievances; the 4th, 15th, 17th, 18th and 19th to the committee for Courts of Justice; the 5th and 16th to the committee on Ways and Means; the 6th and 9th to the committee on Claims, and the 10th and 11th to the committee on Internal Improvement.

Mr. Cox presented the memorial of Richard Apperson, contesting the seat of Joseph Bondurant, the member returned to serve in this House from the county of Montgomery, (the reading of which was dispensed with,) accompanied with following resolution, viz:

Resolved, That the petition of Richard Apperson be referred to a committee to consist of five members, and that they have power to send for persons, papers and records.

Which was adopted.

Mr. Goble presented the memorial of John C. Mason, contesting the seat of John A. Trumbo, the member returned to serve in this House from the county of Bath, (the reading of which was dispensed with,) accompanied with the following resolution, viz:

Resolved, That the memorial of John C. Mason be referred to a committee to consist of five members, and that they have power to send for persons, papers and records.
Resolved, That the marriage contract is, by the laws of this State regarded as a civil contract, and is properly the subject of adjudication by the judiciary, and not of the Legislature.

Resolved, That the practice of dissolving the marriage contract, by the Legislative department, is an exercise of doubtful authority, and has become a moral evil which should be no longer persisted in by the representatives of a high minded and enlightened people.

Resolved, That all petitions for divorces be referred to the committee for Courts of Justice, with instructions to report against the same in every case where remedy may be obtained in the judicial tribunals of this Commonwealth.

Mr. Smith 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. Maupin and Owens, were as follows:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

The first resolution was then adopted.
Mr. Lawless then withdrew the second resolution.
Mr. Young moved the following as a substitute for the third resolution, viz:

That all petitions for divorces be referred to the committee for Courts of Justice, with instructions to report against every case.

Mr. Chambers moved the previous question.
The question was then taken, shall the main question be now put? and it was decided in the affirmative.
The main question was then put, shall the resolution be adopted? and it was decided in the affirmative.

Mr. Winfrey moved the following resolution, viz:
Resolved, That the use of the Representative Hall be tendered to Joel J. Strong, a graduate from the New York Institute for the education of the Deaf and Dumb, for the purpose of an exhibition on to-morrow night.
Which being twice read, was adopted.

On motion of Mr. Haskin,
Resolved, That the rules adopted by the House of Representatives at the last session, be adopted for the government of the present session, and that the Public Printer forthwith print 150 copies of the same for the use of the members of the General Assembly.

Mr. DeCourcy moved the following resolution, viz:
Resolved, That a committee of three be appointed to revise the rules of the House of Representatives, and recommend any alterations which may seem to them necessary.
Which being twice read, was adopted.

Whereupon, Messrs. DeCourcy, Chambers and Graves, were appointed said committee.

Mr. Redd moved the following resolution, viz:
Resolved, That the Speaker request the resident ministers of different denominations in Frankfort, alternately to open the House with prayer, during the present session of the Legislature.
And the question being taken on the adoption of said resolution, it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Redd and E. Hogan, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Griffin, Oldham,
Messrs. Allen, Groesbeck, Penick,
Blackburn, Hambleton, Perrin,
On motion of Mr. Martin,

Resolved, That the editors of the Yeoman be permitted to take a seat within the bar of the House for the purpose of reporting its proceedings.

Mr. Wilkinson asked leave to bring in a bill to take the sense of Kentucky as to the propriety and expediency of altering, revising and amending their constitution.

And the question being taken on granting said leave, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Allen,
Blackburn,
Bondurant,
Bryan,
Goble,
Gore,
Griffin,
Groesbeck,
Hanes,
Haskin,
Hanna,
Marshall,
Noe,
Owens,
Smith,

Pogue,
Pope,
Porter,
Price,
Redd,
Richardson,
Rockhold,
Speed,
Stone, B.
Stone, S.
Tevis,
Thompson, C. R.
Thompson, H.
Trumbo,
Tully,
Waddill,
Wheeler,
Winfrey,
Woosley,
Wooten,
Wright,
Yocum,
Young—30.

Those who voted in the negative, were—

Messrs. Bryan,
Coffey,
Frazier,
Gardner,
Garrard,

Hanes,
Marshall,
Noe,
Owens,
Smith,

Stewart,
Stitt,
Thurston,
Webb,
Wilkinson—15.
Chambers,               Hobbs,               Rockhold,               Speed,               Stewart,
Clark,                 Hogen, E.               Speed,               Stewart,
Coffey,                 Hogen, O. P.            Stitt,               Stone, B.
Coleman,                Holloway,                 Stone, S.               Tevis,
Collins,                Hood,                    Thomson, C. R.         Thomson, H.
Cox,                    Humphreys,              Trumbo,               Tully,
Crow,                   Jones, T. M.             Wheeler,               Winfrey,
Cully,                  Kavanaugh,                      Woosley,                     Wooten,
DeCourcy,               Lawless,                 Young—69.
Dickey,                 Lowry,                   Young—70.
Fry,                    Marshall,               Young—71.
Gardner,                Martin,                  Young—72.
Garrard,                Maupin,                  Penick—11.
Gentry,                 McLarnig,               Penick—12.
Gilchrist,              McRery,                  Penick—13.
Given,                  Nall,                    Penick—14.
Glenn,                  Noe,                     Penick—15.

Those who voted in the negative, were—

Messrs. Buford,         Heady,                  Pogue,
Campbell,               Hobson,                 Price,
Ewing,                  Jenkins,                Smith,
Frazier,                Jones, D. E.          Thurston,
Garnett,                Kalfus,                 Waddil,
Graves,                 King,                    Webb,
Gray,                   Milan,                  Wickliffe,
Hambleton,             Oldham,                 Wright,
Haydon,                 Penick,                 Young—27.

Ordered, That the committee for Courts of Justice prepare and bring in the same.

Mr. Ewing moved the following resolution, viz:
Resolved, That a committee be appointed, consisting of one member from each Senatorial district, to bring in a bill to district the State and apportion the representation.
Which being twice read, was adopted.

Mr. Penick asked leave to bring in a bill to reduce the pay of the members of the Legislature.
And the question being taken on granting said leave, it was decided in the negative.

Leave was given to bring in the following bills, viz:
On motion of Mr. Young—1. A bill to repeal the 6th, 8th, and 9th sections of an act, approved March 11th, 1843, to add to the resources of the Sinking Fund.
On motion of same—2. A bill to repeal the law approved March 10th, 1843, taxing carriages, watches, &c.
On motion of Mr. Kalfus—3. A bill to repeal the law abolishing the summer or middle term of the Circuit Courts, approved March 9th, 1843.
On motion of same—4. A bill to amend the laws in relation to Constables in Bullitt county.

On motion of Mr. T. M. Jones—5. A bill to incorporate the town of Murray.

On motion of same—6. A bill to establish the town of Murray as the county seat of Calloway county.

On motion of same—7. A bill to abolish the Pleasant Hill precinct, in Calloway county.

On motion of Mr. Winfrey—8. A bill for the benefit of John M. Davis, of Clinton county.

On motion of Mr. Clark—9. A bill for the benefit of the Sheriff of Caldwell county.

On motion of Mr. Crow—10. A bill to change, in part, the law establishing the Magistrates' Courts.

On motion of Mr. B. Stone—11. A bill for the benefit of Jesse McIntosh, of Estill county.

On motion of Mr. Cox—12. A bill to more effectually to suppress the practice of usury.

On motion of Mr. E. Hogan—13. A bill for the benefit of the members of the Union Fire Company, in the city of Lexington.


On motion of Mr. Wilkenson—15. A bill to abolish certain election precincts in the county of Graves, and for other purposes.

On motion of Mr. Allen—16. A bill for the benefit of the heirs of William Buckner, Sr., deceased, of Green county.

On motion of same—17. A bill for the benefit of the heirs of James Buchanan, deceased, of Green county.

On motion of same—18. A bill for the benefit of the Trustees of Common Schools, for districts Nos. 1 and 2, in Green county.


On motion of Mr. O. P. Hogan—20. A bill to establish the town of Downingsville, in the county of Grant.

On motion of same—21. A bill the better to protect the occupants of this Commonwealth.

On motion of same—22. A bill to regulate the mode of appointing Justices of the Peace in the county of Grant, and for other purposes.

On motion of Mr. Cully—23. A bill for the benefit of the Sheriff of Hardin county.

On motion of Mr. Groesbeck—24. A bill to incorporate the first Presbyterian Church, in Covington.
On motion of Mr. Ewing—25. A bill to amend the law in relation to trespasses on real property.

On motion of same—26. A bill to disconnect certain lots from the town of Russellville.

On motion of same—27. A bill to amend the law in relation to chancery proceedings.

On motion of same—28. A bill to amend the law in relation to the emancipation of slaves.

On motion of same—29. A bill to establish an election precinct in the county of Logan, and to change the place of voting at the Rabbitsville precinct.

On motion of Mr. Buford—30. A bill to amend the attachment law.

On motion of Mr. Given—31. A bill for the benefit of William Campbell and others, of Lewis county.

On motion of Mr. Chambers—32. A bill to facilitate and expedite proceedings in chancery.

On motion of same—33. A bill to repeal all laws relating to the appointment of Commissioners of Tax.

On motion of Mr. Hoee—34. A bill to enlarge the Constable's district in the county of Mercer, in which Samuel Alexander acts as Constable.

On motion of Mr. Campbell—35. A bill to amend the laws incorporating the Paducah Dry Dock Company.

On motion of same—36. A bill to regulate the terms of the Circuit Courts in the 16th Judicial District.

On motion of same—37. A bill to establish a special chancery term in McCracken county.

On motion of Mr. Wickliffe—38. A bill to repeal the law of 1833, prohibiting the importation of slaves into this Commonwealth.

On motion of same—39. A bill to repeal an act entitled, an act the better and more effectually to protect reversionary legatees.

On motion of Mr. Nall—40. A bill to change the name of Edwin H. Reed to Edwin H. Dymond.

On motion of Mr. Wheeler—41. A bill to extend and amend the law approved January 12th, 1843, requiring the Surveyors of Campbell and Pendleton counties to run and re-mark the line between said counties.

On motion of Mr. Smith—42. A bill to amend the act establishing the Court of Appeals.

On motion of same—43. A bill to amend the law establishing the Common School System.

On motion of Mr. S. Stone—44. A bill for the benefit of Isham Bowing and William Payne, of Russell county.
On motion of same—45. A bill to reduce the price of vacant lands in the county of Russell.

On motion of Mr. Garnett—46. A bill to increase the jurisdiction of Justices of the Peace, and for other purposes.

On motion of same—47. A bill to amend the act authorizing the inspection of Tobacco, in the city of Louisville, and other places in this Commonwealth.

On motion of Mr. Dickey—48. A bill for the benefit of Henry Horn and John Carpenter, his guardian.

On motion of Mr. Noe—49. A bill for the benefit of the Lunatic Asylum.

On motion of Mr. Glenn—50. A bill to establish a State Bank.

On motion of Mr. Blackburn—51. A bill for the benefit of the widow and heirs of Daniel McCoy, deceased.

On motion of Mr. DeCourcy—52. A bill to provide a county and Probate Commissioner for each county in this Commonwealth, and for other purposes.

On the motion of Mr. Yocum—53. A bill to amend the law regulating appeals from the judgment of Justices of the Peace, in relation to Constables and securities.

Ordered, That Messrs. Young, Tevis, Chambers and Hobbs prepare and bring in the 1st and 2d; the committee for Courts of Justice the 3d, 6th, 19th, 17th, 21st, 27th, 30th, 46th, 47th, 51st and 53rd; Messrs. Keith, Heady and Gore the 4th; Messrs. T. M. Jones, Noe and Stewart the 5th; the committee on Privileges and Elections the 7th and 15th; Messrs. Winfrey, Owens and Stone the 8th; Messrs. Clark, Hayden and Stitt the 9th; Messrs. B. Stone, Martin and Garrard the 11th; Messrs. Cox, Chambers and Collins the 12th; Messrs. E. Hogan, C. R. Thomson and Redd the 13th; Messrs. C. R. Thomson, Graves and Tevis the 14th; Messrs. Allen, Marshall and Haskin the 16th; the committee on Education the 18th and 43d; the committee on Claims the 19th; Messrs. O. P. Hogan, Coffey, Goble and Groesbeck the 20th and 22d; Messrs. Culy, Wickliffe and Hambleton the 23d; the committee on Religion the 24th; Messrs. Ewing, McLarning and Lawless the 25th; Messrs. Ewing, McLarning and Waddill the 26th, 28th and 29th; Messrs. Given, Clark and Allen the 31st; Messrs. Chambers, Campbell, Graves, McLarning and Ewing the 32d; Messrs. Chambers, Redd and Humphreys the 33rd; Messrs. Hoce, Haskin and Allen the 34th; Messrs. Campbell, Noe and Clark the 35th; Messrs. Campbell, Clark, Lewis and T. M. Jones the 36th; Messrs. Campbell, Noe and T. M. Jones the 37th; Messrs. Wickliffe, Gore, Young and Martin the 38th; Messrs. Wickliffe, Martin and Young the 39th; Messrs. Nall, Crow and Tevis the 40th; Messrs. Wheeler, DeCourcy and Groesbeck the 41st; Messrs. Smith,
Owens and Trumbo the 42d; the committee on Proposition and Grievances the 44th; Messrs. S. Stone, Coffey, Owens and Winfrey the 45th; Messrs. Dickey, Manpin, King, Glenn and Haskin the 48th; Messrs. No. C. R. Thomson, Redd and E. Hogan the 49th; Messrs. Glenn, Hooe and McLarning the 50th, and Messrs. DeCourcy, Cox and Hanna the 52.

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

WHEREAS, The burden of taxation, now cheerfully borne by the people, is heavy, it is the duty of their representatives, in all they do, to consider the interests of the State, to extend the time of making such loans, as well as bills of exchange, which may be made upon their debtors during the present year; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on the first day of February next, they will adjourn sine die.

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

WHEREAS, It is essentially important that the people of this State should be well informed as to the condition, and as far as practicable, the future operations of the Banks chartered by the General Assembly, as their prosperity is intimately connected with the extent of their loans, as well as bills of exchange, which may be made upon their debtors during the present year; therefore,

1st. Resolved by the General Assembly of the Commonwealth of Kentucky, That the committee on Banks be, and they are hereby instructed to enquire whether the Bank of Kentucky, the Northern Bank of Kentucky, and the Louisville Bank of Kentucky, or either of them, have failed to comply with the terms and conditions of the act passed at the last session of the General Assembly, restoring their charters; that they also enquire of the President and Directors of said Institutions the amount of loans made by each of them, and the banks having business and accommodation paper, as well as bills of exchange, since the passage of said act; what amount they have since loaned to each county in the State; what per cent they have called in upon the amounts loaned, and whether they have re-loaned the amount of that per cent, which was withdrawn by them from circulation.

2d. Resolved, That the said committee also enquire of said Presidents and Directors, whether or not the said Banks will be willing to lessen their calls upon the amounts loaned out by them, under the said act of the General Assembly; to extend the time of making such calls by the borrowers renewing their bonds or notes with good and sufficient endorsers; or whether they intend rigidly to enforce a call of twenty per cent, on their debtors; as the are allowed to do, under said acts; and that if they are disposed to extend the period of making said calls, or to lessen the same, that the said committee is hereby instructed to ascertain upon what terms and conditions it can be accomplished.

3d. Resolved, That they also ascertain from the said Presidents and Directors whether or not it is their intention, in good faith, to continue in circulation the same amounts which they now have out; whether they could with safety increase that circulation, or whether they intend to diminish it.

4th. Resolved, That said committee enquire whether the said Banks, or either of them, have, at any period during the last twelve months, employed any portion of their funds, out of the State, in the purchase of bills of exchange, change or other.
Mr. Wickliffe read and laid on the table the following resolutions, viz:

WHEREAS, That branch of the great Anglo-American family, which, invited originally by the Mexican Government to settle its unoccupied territories, has peopled the fertile wilderness of Texas, and converted its wastes—

the haunts of wild beasts, and roving tribes of Indians into an abode of civilization, intelligence and freedom—established an Independent Republican Government, acknowledged and recognized as such by most of the great powers of Europe as well as our own country, and was originally a part of Louisiana, as ceded by France to the United States, and improperly yielded to Spain by Treaty: and, whereas, Texas physically considered, is a part of the Mississippi Valley, being watered in part by Red river, which is navigable for Steam Boats almost to the foot of the mountains, in which it rises: and it is important to the Government of the United States that Texas should be united to us, as a protection to our South-western States, and to extend our Sugar and Cotton planting, the culture of Coffee and other Southern staples: and, whereas, the inhabitants of Texas are mostly emigrants or descendants of emigrants from the United States, connected with us by an identity of origin, language, literature, and political and social institutions; and as Texas, if left to maintain its own independence, and build up its own power, must inevitably, from its geographical position between the United States and Mexico, and pressure of rival or superior powers, become a great Military government, in alliance with one or more of the powers of Europe, may give the United States much trouble and annoyance by reason of its proximity to the great outlet of our Southern and Western trade, the mouth of the Mississippi; and whereas, the people of Texas, the 45th and 48th resolutions. Not a foot of ground now claimed by the United States has ever been ceded to it.

Resolved, That the said committee have full power to call upon the officers of said Banks for all such information as is desired by the foregoing resolutions; that they have power to examine the books and other papers of said Banks, to ascertain their true condition, and that they report to the General Assembly the result of their enquiries.

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That, in their opinion, a negotiation should be opened by the United States with Texas, for the purpose of annexing Texas to the Union.

Resolved, That in the event of the annexation of Texas to the Union, should war with Mexico or any other Government arise, as has been threatened by the Mexican Government, we pledge the faith and power of the
Resolved, That, in our opinion, the conduct of the Government of the United States, in its official correspondence with the Government of Mexico, has been firm, dignified and proper, and that it has shown a becoming disregard of the arrogant pretensions of power in attempting to menace the deliberations and trammeled the legislation of the Congress of the United States.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use every proper effort to secure the annexation of Texas to this Union.

Resolved, That the Governor of this State be requested to forward copies of the foregoing preamble and resolutions to the President of the United States, Governors of the several States of the Union, and to our Senators and Representatives in Congress.

And then the House adjourned.

---

TUESDAY, JANUARY 2, 1844.

1. Mr. Wright presented the petition of Jeremiah Hocker, praying to be divorced from his wife, Malinda Hocker.

2. Mr. Bondurant presented the petition of sundry citizens of Montgomery, Clark and Estill counties, praying the formation of a new county out of parts of said counties.

3. Mr. Wilkinson presented the petition of William Happy, praying to be divorced from his wife, Jane Happy.

4. Mr. Coleman presented the petition of sundry citizens of Nicholas county, praying to be added to the county of Bracken.

5. Also, the petition of sundry citizens of Harrison county, praying to be added to the county of Bracken.

6. Mr. Hooe presented the petition of Rodes Woods, praying permission to bring into this State certain slaves.

7. Mr. Crow presented the petition of Thomas Gore, praying compensation for services and expenses rendered and incurred in preparing for distributing public books for the State.

8. Mr. Ewing presented the petition of Peter S. Price, praying to be divorced from his wife, Elvira Price.

9. Mr. Winfrey presented the petition of Jacob Bowe, of Cumberland county, praying the passage of a law legalizing his marriage, and to legitimize his children.

10. Mr. Gilchrist presented the petition of James Wallace, administrator of Elijah Curry, deceased, praying the passage of a law authorizing the sale of a slave.

11. Also, the petition of sundry citizens, praying to be divorced.

12. Mr. Stuckey presented the petition of sundry citizens, praying to be divorced.

13. Mr. Dabney presented the petition of sundry citizens, praying permission to build a dam.

14. Mr. Wilkes presented the petition of sundry citizens, praying passage for negroes to be itinerant preachers.

15. Mr. Pendleton presented the petition of sundry citizens, praying for the legalizing of slaves, and that they be authorized to sell them.

16. Mr. Givens presented the petition of sundry citizens, praying a law to build bridges.

17. Mr. Sharp presented the petition of sundry citizens, praying the passage of a law giving the several counties the right of commission.

18. Mr. Bondurant presented the petition of sundry citizens of Ohio county, praying for a law to extend the authority of the Treasurer to sell real estate.

19. Mr. Goldsberry presented the petition of sundry citizens, praying passage for a law to authorize the sale of real estate.

20. Mr. Goldsberry presented the petition of sundry citizens, praying passage for a law to authorize the sale of real estate.

21. Mr. Shepperd presented the petition of sundry citizens, praying passage for a law to authorize the sale of real estate.

22. Mr. Shepperd presented the petition of sundry citizens, praying passage for a law to authorize the sale of real estate.

23. Mr. Shepperd presented the petition of sundry citizens, praying passage for a law to authorize the sale of real estate.

24. Mr. Shepperd presented the petition of sundry citizens, praying passage for a law to authorize the sale of real estate.

25. Mr. Shepperd presented the petition of sundry citizens, praying passage for a law to authorize the sale of real estate.
of a slave, and certain lands of the estate of said deceased, to pay his debts.

11. Mr. Lewis presented the petition of Henry Perkins, praying to be divorced from his wife, Bythenia Perkins.

12. Mr. Speed presented the petition of Nancy Dalton, praying to be divorced from her husband, William Dalton.

13. Mr. Clark presented the petition of sundry citizens of Caldwell, praying a division of said county, and the formation of a new county out of part thereof.

14. Mr. Price presented the petition of Joseph S. Burdett, praying the passage of a law quieting his title to certain lands.

15. Also, the petition of Absalom Quinn, praying the passage of a law authorizing the devisees of Tom Mosse, deceased, a man of color, who are slaves, to maintain a suit against the executor of the last will of said deceased, for a settlement of his accounts.

16. Mr. Garrard presented the petition of John Allen, praying permission to build a fish dam across the Kentucky river above the Narrows.

17. Mr. Smith presented the petition of John Mershon, praying the passage of a law allowing him compensation for services rendered by him as a commissioner on the Wilderness road.

18. Mr. Nall presented the petition of Quintus C. Shanks, late Sheriff of Ohio county, praying that further time be allowed him to pay into the Treasury the revenue due from said county for the year 1843.

19. Mr. Johnson presented the petition of Samuel Neare, praying to be divorced from his wife, Learea Neare.

20. Also, the petition of Agnes Davidge, administratrix of Charles H. Davidge, deceased, praying the passage of a law authorizing a sale of the real estate of the deceased, to pay his debts.

21. Mr. McLarning presented the petition of Jane Coffey, praying the passage of a law authorizing a sale of the real estate of her deceased husband, devised to her.

22. Mr. Hanna presented the petition of sundry members of the Mccauld's Bottom Baptist Church, praying the passage of a law authorizing a sale of their meeting house, and lot on which it stands.

23. Mr. McRery presented the petition of James Nichols, praying the passage of a law refunding to him a sum of money paid by him upon a capias pro fine, which had been remitted by the Governor.

24. Mr. Holloway presented the petition of sundry citizens of Henderson county, praying an amendment of the laws for the protection of those engaged in public worship.

25. Mr. Wooten presented the petition of Wilson L. Biggerstaff, praying to be released from a penalty incurred by him for failing to make the necessary affidavit upon bringing into the State a slave.
26. Mr. Owens presented the petition of Frederick S. Wooten, praying the passage of a law changing the name of his son, William Wilborn Sparks, to that of William Wilborn Wooten.

27. Mr. Porter presented the petition of sundry citizens of Hopkins county, praying the passage of a law allowing an additional Justice of the Peace to said county.

Which petitions were received, the reading thereof dispensed with, and referred-the 1st, 3d, 8th, 9th, 10th, 11th, 12th, 14th, 15th, 19th, 21st, 22d, 23d, 25th and 27th to the committee for Courts of Justice; the 2d, 4th, 5th, 6th and 13th to the committee on Propositions and Grievances; the 7th to the committee on Claims; the 16th and 17th to the committee on Internal Improvement; the 18th to the committee on Ways and Means; the 20th to Messrs. Johnson, Clark and Wilkenson; and the 24th and 26th to the committee on Religion.

On motion of Mr. Lawless,

Resolved, That Joseph Gray, Sergeant-at-Arms, be authorized to avail himself of the services of his son, James Gray, to assist him in the discharge of his official duties.

Mr. Garrard moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the propriety and expediency of amending the law upon the subject of the conduct of slaves.

Which was adopted.

Mr. Wright moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the propriety and expediency of passing a law authorizing Constables to return executions (when so directed) to the Clerks of the County or Circuit Court, and authorizing the Clerk to issue execution thereon, directed to the Sheriff, and that they report by bill or otherwise.

Which was adopted.

Mr. Graves moved a reconsideration of the vote referring the petition of Margaret Lewers and others to the committee for Courts of Justice.

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

Ordered, That said petition be referred to Messrs. Speed, Hobbs and Waddill.

The Speaker laid before the House a communication from the President of the Board of Internal Improvement.

[For the Communication—see Legislative Documents.]

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

On motion of Mr. Chambers,

Ordered, That said communication be referred to the committee on Internal Improvement.
Leave was given to bring in the following bills, viz:

On motion of Mr. Kallus—1. A bill to restore the middle or summer term of the Bullitt Circuit Court.

On motion of Mr. Lawless—2. A bill for the benefit of the town of Glasgow.

On motion of same—3. A bill to authorize the taking of relinquishments of dower before one Justice of the Peace.


On motion of same—5. A bill to establish a Tobacco Inspection at the mouth of Cumberland river.

On motion of Mr. McLerning—6. A bill to amend an act, entitled, an act to amend the execution law, approved March 10, 1843.

On motion of same—7. A bill to amend the law as to pleading partial payment to an action brought on any debt or demands after the same may become due.

On motion of Mr. T. M. Jones—8. A bill to modify the act of 1833, prohibiting the importation of slaves into this State.

On motion of Mr. Garrard—9. A bill to repeal the act of last session requiring tax to be paid on registering plats and certificates for the appropriation of vacant land.

On motion of Mr. Wmney—10. A bill for the benefit of the Sheriff of Clinton county.

On motion of Mr. Hanna—11. A bill to regulate the line between the counties of Grant and Gallatin, and for other purposes.

On motion of Mr. C. R. Thomson—12. A bill to amend the law incorporating the Lexington and Georgetown Turnpike Company.

On motion of Mr. E. Hogan—13. A bill to alter and amend the law taxing pedlars.

On motion of Mr. Martin—14. A bill to change the name of Peter Blevins, of Pike county, to that of Peter Alley.

On motion of Mr. O. P. Hogan—15. A bill to repeal all laws authorizing the emancipation of slaves, unless they be removed from this Commonwealth.

On motion of Mr. Lewis—16. A bill to allow an additional Constable to Hickman county.

On motion of Mr. Holloway—17. A bill for the benefit of the heirs of Joseph McAlester, deceased, late of Henderson county.

On motion of Mr. Hobbs—18. A bill to amend the Militia laws.

On motion of Mr. Buford—19. A bill for the benefit of the Sheriff of Laurel county.

On motion of Mr. Speed—20. A bill to authorize the purchase of Longborough's Digest of the Statutes.
On motion of Mr. Gentry—21. A bill to alter the present mode of holding the elections in this State.

On motion of Mr. Haskin—22. A bill to regulate appeals from judgments of Justices of the Peace, in certain cases.

On motion of Mr. Wooten—23. A bill to authorize the County Court of Monroe to appropriate certain funds in the hands of the Treasurer of said county to the completion of their Court House.

On motion of same—24. A bill to establish a warehouse on the lands of Henry Bushong, on Cumberland river, in Monroe county, and for other purposes.

On motion of Mr. Richardson—25. A bill for the benefit of the Sheriff of Meade county.

On motion of Mr. Gore—26. A bill for the benefit of Charles Nour, administrator of Jacob Beam, deceased.

On motion of Mr. Wickliffe—27. A bill for the benefit of the Mechanics and Laborers of this Commonwealth.

On motion of Mr. Nall—28. A bill to amend the law authorizing Sheriffs to convey lands in certain cases.

On motion of same—29. A bill to change the time of holding the Courts of Ohio county, and for other purposes.

On motion of Mr. Kalfus—30. A bill to repeal the law abolishing the summer term of the Circuit Courts.

On motion of Mr. Smith—31. A bill to repeal the Circuit Court system and to establish District Courts.

On motion of Mr. Johnson—32. A bill to amend the law relating to Magistrates Courts in the county of Trimble, and for other purposes.

On motion of same—33. A bill to authorize Levi Elliot to erect two gates on the road leading from Bedford, in Trimble county, to Carrollton, in Carroll county.

On motion of same—34. A bill to change the Constables’ districts in Trimble county.

On motion of Mr. Blackburn—35. A bill for the benefit of Frederic Junod, of Woodford county.

On motion of Mr. Yocum—36. A bill to regulate the valuation of property sold under execution, and for other purposes.

Ordered, That the committee for Courts of Justice prepare and bring the 13th, 15th, 17th, 20th, 22d, 28th, 30th and 36th; Messrs. Lawless, Ewing and Wooten the 2d; Messrs. Lawless, Ewing and Wooten and McLarning the 4th; Messrs. Lawless, McLarning and Blackburn the 5th; Messrs. McLarning, Ewing and Lawless the 6th; Messrs. McLarning, Chambers and Campbell the 7th; Messrs. T. M. Jones, Campbell, Lewis and Smith the 8th; Messrs. Garrard, Frazier and Smith the 9th; Messrs. Winfrey, Wooten and Pop...
Resolutions and Grievances the 11th; Messrs. C. R. Thomson, E. Hogan, Redd and Blackburn the 12th; the committee on Ways and Means the 13th and 19th; Messrs. Martin, Hoce, Wickliffe and Groesbeck the 14th; Messrs. Lewis, Webb and Holloway the 16th; Messrs. Hobbs, Tevis, C. R. Thomson and D. E. Jones the 18th; the committee on Privileges and Elections the 21st; Messrs. Wooten, McLarninng and Waddell the 23d; Messrs. Wooten, Winfrey and Lawless the 24th; Messrs. Richardson, Cully and Winfrey the 25th; Messrs. Gore, Yocom and Wick­ liffe the 26th; Messrs. Wickliffe, Gore, Maupin and Bowman the 27th; Messrs. Nall, Crow and Garnett the 29th; Messrs. Smith, Cofley and Fra­zier the 31st; Messrs. Johnson, Clark and Wilkenson the 32d; Messrs. Johnson, Clark and Garnett the 33d; Messrs. Johnson, Clark and Given the 34th; and Messrs. Blackburn, E. Hogan, Humphreys and Lawless the 35th.

Mr. Smith moved the following resolution, viz:

Resolved, That the Board of Internal Improvement transmit copies of the reports of the Board of Internal Improvement on the Crab Orchard and Cumberland turnpike road.

Which was adopted.

Mr. Smith moved the following resolution, viz:

Resolved, That the committee for Courts of Justice enquire into the expediency of abolishing the charter of the Crab Orchard and Cumberland turnpike road.

Which was adopted.

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

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

Resolved, That the said committee, (if they deem it necessary,) have full power to send for persons, papers and records.

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

On motion of Mr. Glenn,

Ordered, That Messrs. Smith and Perrin be added to the committee appointed to prepare and bring in a bill to establish a State Bank.

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

By Mr. E. Hogan—1. A bill for the benefit of the Union Fire Company, in the city of Lexington.

By Mr. Allen—2. A bill to enable the executor of William Buckner, Sr., deceased, to make certain deeds to lands.
By Mr. O. P. Hogan—3. A bill to regulate the appointment of Justices of the Peace in the county of Grant, and for other purposes.

By Mr. Cully—4. A bill for the benefit of Sanford J. Poston.

By Mr. Ewing—5. A bill to sever certain lots from the town of Russellville.

By same—6. A bill to establish an election precinct at Middleton, Logan county, and to change the place of voting in the Rabbitville precinct, and for other purposes.

By same—7. A bill to amend the law in relation to trespass on property.

By Mr. Chambers—8. A bill to repeal all laws authorizing the appointment of Commissioners of Tax.

By Mr. Hoos—9. A bill to enlarge the Constable's district in the county of Mercer, in which Samuel Alexander acts as Constable.

By Mr. Campbell—10. A bill to establish a special chancery term in McCracken and Livingston counties.

By Mr. Wickliffe—11. A bill to amend the law of 1833, prohibiting the importation of slaves into this State.

By Mr. Nall—12. A bill for the benefit of Edwin H. Reed, of Ohio county.

By Mr. S. Stone—13. A bill to reduce the price of vacant lands in certain counties.

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, 2nd, 3rd, 4th, 5th, 6th, 7th, 9th, 10th, 12th and 13th bills having been dispensed with, the 1st was referred to the committee on Military Affairs; the 2nd, 3rd and 7th to the committee for Courts of Justice; the 4th, 5th, 6th, 9th, 10th, 12th and 13th were severally ordered to to engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 4th, 5th, 6th, 9th, 10th, 12th and 13th bills having been dispensed with, the same being engrossed,

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

Mr. Young moved the following resolution, viz:

Resolved, That all petitions for divorces be referred to the committee on Religion, instead of the committee for Courts of Justice.

Which was adopted.

And then the House adjourned.
WEDNESDAY, JANUARY 3, 1844.

Ordered, That a Committee on Propositions and Grievances be appointed: and a committee was appointed, consisting of Messrs. Groesbeck, Tevis, Gore, Gentry, Null, Lowry and Frazier; who are to meet and adjourn from day to day, and 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. Gardner, Bowman, Oldham, Payne, Porter, Pogue and Jenkins; who are to meet and adjourn from day to day, and take into consideration 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 this 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. Coffey, Kavanaugh, Gardner, Stitt, Bonduant, Gray and Johnson; 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. Campbell, Haskin, Ewing, Waddill, Young, C. R. Thomson and Hoee; who are to meet and adjourn from day to day, and take into consideration all matters relating to Courts of Justice, and such others as may, from time to time, be 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 this House, with their opinion thereon, which of them ought to be renewed and continued; and 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. DeCourcy, E. Hogan, H. Thompson, Penick, Webb, Richardson and Coleman; 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 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 of Ways and Means be appointed: and a committee was appointed, consisting of Messrs. Chambers, Collins, Hobson, Martin, Redd, Thurston and Humphreys; who are to meet and adjourn from day to day, and take into consideration the revenue laws of this Commonwealth, and all other matters relating to, or connected with, the fiscal concerns thereof, 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 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. McLarning, Lawless, McCorky, D. E. Jones, Cally, DeCourcy, Garrard, O. P. Hogan, Buford, Wright, Milam and Tully; who are to meet and adjourn from day to day, and take into consideration all 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. Allen, Noe, Clark, Blackburn, Bryant, Price and Perrin; 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. Head, Haydon, Kallus, Stewart, B. Stone, Dickey and Woosley; who are to meet and adjourn from day to day, and take into consideration 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. Smith, Maupin, Wickliffe, Wooten, Glenn, Hambleton and Han-na; who are to meet and adjourn from day to day, and take into consideration all matters in relation to the expenditure of money by the Board of Internal Improvement, and such other as may, from time to time, be 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. Hobbs, Cox, Goble, King, Trumbo, Wilkinson and Wright; who are to meet and adjourn from time to time, and take into consideration all matters relating to the Penitentiary, and such other as may, from time to time, be referred to them, and that they 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. Marshall, Speed, C. R. Thomson, Alcorn, Given, E. Hogan and Holloway; who are to meet and adjourn from day to day, and take into consideration all matters and things in relation to Agriculture and Manufactures, and such others 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 Banks be appointed: and a committee was appointed, consisting of Messrs. Graves, S. Stone, Owens and Crow; 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 in the aggregate, and the proportion to the country, 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 enquire 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. Cox, Hobbs, King, Trumbo, Holloway, Winfrey and Goble; who are to meet and adjourn from day to day, and take under consideration all matters in relation to the Sinking
Ordered, That a Committee on the Library be appointed: and a committee was appointed, consisting of Messrs. Buford, Rockhold, Pope, Lewis and Garnett; 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, 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 Public Offices be appointed: and a committee was appointed, consisting of Messrs. Crow, Gilchrist, T. M. Jones and Wheeler; who are to meet and adjourn from day to day, and examine the public offices, and report their situation, and 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 Enrolments be appointed: and a committee was appointed, consisting of Messrs. Fry, Hobson, Wooten, Allen and Collins.

Ordered, That Mr. Fry inform the Senate thereof.

1. Mr. Hobson presented the petition of sundry citizens of Warren county, praying that the place of voting in Strange's election precinct be changed to William Wright's.

2. Also, the petition of sundry citizens of the same county, praying that the place of voting in said precinct be changed to Nathaniel Beckham's.

3. Mr. Wilkinson presented the petition of Robert W. Pair, praying to be divorced from his wife, Mariah Pair.

4. Mr. Chambers presented the petition of sundry citizens of the town of Minerva, in Mason county, praying the passage of a law incorporating said town.

5. Mr. Trumbo presented the petition of Polly Ann Mahony, praying to be divorced from her husband, Henry Mahony.

6. Mr. DeCourcy presented the petition of Coonrad Havens, praying that compensation be allowed him for taking care of Lacy Bradford, a lunatic.

7. Mr. Gilchrist presented the petition of the administrator and widow of John Gale, deceased, and Peter C. Holt, praying that said administrator be allowed to reconvey a certain lot in the town of Morganfield to said Holt, of whom it was purchased.

8. Mr. Haydon presented the petition of N. M. Bacon, administrator of John C. Bacon, deceased, praying to be released from the payment of a
sum of money due the State, which was illegally paid by him to a Deputy Sergeant of the Court of Appeals.

9. Mr. Ewing presented the petition of John K. McClenden, praying the passage of a law permitting him to import into this State a slave.

10. Also, the petition of Samuel C. Flowers, praying the passage of a law permitting him to import into this State a slave.

11. Mr. Campbell presented the petition of sundry citizens of Hickman county, praying the formation of a new county.

12. Mr. Haydon presented the petition of the acting Trustees of the Owen county Seminary, praying the passage of a law authorizing a sale of their Seminary lands, and the appropriation of the proceeds of sale, in the erection of a Seminary.

13. Mr. Crow presented the petition of Wm. H. Wilson, praying to be divorced from his wife, Cassiann Wilson.

14. Mr. Hone presented the petition of sundry citizens of Boyle county, praying that an additional Constable be allowed to said county.

15. Mr. Smith presented the petition of Polly Haydon, praying to be divorced from her husband, George Haydon.

16. Mr. Haskin presented the petition of John Ludwick, praying a change in the Mercer and Boyle county line, so as to include him in Mercer.

17. Mr. S. Stone presented the petition of George Stinson, Jr., praying to be divorced from his wife, Elizabeth Stinson.

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

19. Also, the petition of F. J. Gilbert, praying to be released from the penalty incurred by him in failing to renew his official bond, as Sheriff of Clay county.

20. Also, the petition of Hiram Begly, praying the passage of a law allowing him further time to make out, and collect his fees as Deputy Sheriff of Perry county.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st, 2d, 8th, 11th, 14th, 16th and 18th to the committee on Propositions and Grievances; the 3d, 5th, 13th, 15th, and 17th to the committee on Religion; the 4th to Messrs. Chambers, Coleman, and Humphreys; the 6th to the committee on Claims; the 7th, 9th, 10th, and 19th to the committee for Courts of Justice; the 12th to the Committee on Education; and the 20th to Messrs. Garrard, Clark, and Johnson.

The Speaker laid before the House the annual report of the Keeper of the Penitentiary, which is as follows, viz:

JAN. 3.]  

HOUSE OF REPRESENTATIVES.  

53
Str: Please lay my annual report, herewith enclosed, before the House of Representatives.
Respectfully, your obedient servant,

THOS. S. THEOBALD,
Keeper Ky. Pen.

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

[For Report—see Legislative Documents.]

Ordered, That said report be referred to the committee on the Penitentiary, and that the Public Printer forthwith print 150 copies thereof for the use of the members of the General Assembly.

The Speaker, before the House, communicated a report from the President of the Board of Internal Improvement, in relation to the claims of Joseph Barbour, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
January 2, 1844.

I herewith communicate a report of the Board of Internal Improvement upon the claim of Joseph Barbour, Contractor, for the construction of lock and dam, No. 1, upon the Kentucky river.

I have the honor to be, respectfully yours, &c.

THOMAS METCALFE, P. B. I. I.

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

[For the Communication—see Legislative Documents.]

Ordered, That said communication be referred to the committee on Internal Improvement, and the Public Printer forthwith print 150 copies thereof for the use of the members of the General Assembly.

The Speaker appointed Messrs. Cox, Redd, Haskin, Coffey, and S. Stone, the committee on the petition of Richard Apperson, contesting the seat of Joseph Bondurant, the member returned to serve in this House from the county of Montgomery.

The Speaker appointed Messrs. Goble, Groesbeck Chambers, McLarniney and Gilchrist, the committee on the petition of John C. Mason, contesting the seat of John A. Trumbo, the member returned to serve in this House from the county of Bath.

Mr. Young moved the following resolution, viz:

Resolved, That the committee on Religion be instructed to report against petitions for divorce in every case where remedy may be obtained in the judicial tribunals of the Commonwealth.

Which being twice read, was adopted.

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

On motion of Mr. Young—1. A bill to continue in force the law providing for the appointment of Commonwealth's Attorneys, approved Jan. —, 1843.
On motion of same—2. A bill to change the mode of taking depositions in this Commonwealth.

On motion of Mr. Kalfos—3. A bill for the benefit of the former Sheriff of Bullitt county.

On motion of Mr. Hambleton—4. A bill for the establishment of an election precinct in the county of Breckinridge.

On motion of Mr. Webb—5. A bill for the benefit of the heirs of Reuben Hawkins, deceased.

On motion of Mr. Lawless—6. A bill for the benefit of the Sheriff of Barren county.

On motion of Mr. Maupin—7. A bill to establish a Warehouse and Inspection of Tobacco, at the town of Paducah.

On motion of Mr. Hanna—8. A bill to change the place of voting at the Napoleon precinct, in Gallatin county.

On motion of Mr. Bowman—9. A bill to repeal the law of last session establishing an election precinct in the county of Casey.

On motion of same—10. A bill to allow an additional Justice to the county of Casey.

On motion of Mr. Cox—11. A bill to change the time of holding the Fleming, Lewis, Greenup and Carter Circuit Courts.

On motion of Mr. Martin—12. A bill for the benefit of Louisa Hillman.

On motion of Mr. Allen—13. A bill to amend the law in relation to allowances made to appraisers, &c.


On motion of Mr. Colly—15. A bill to regulate the ferries on Salt river and Rolling Fork.

On motion of Mr. Hobbs—16. A bill for the benefit of the mechanics of Jefferson county, and other purposes.

On motion of same—17. A bill for the benefit of the town of Portland.

On motion of Mr. Wright—18. A bill for the benefit of John, a slave.

On motion of Mr. Ewing—19. A bill making it the duty of the officers of elections to close the polls at all the places of voting, after the first day, except at the Court House.

On motion of Mr. Buford—20. A bill for the benefit of Hiram Young, a Constable of Laurel county.

On motion of Mr. Haskin—21. A bill specifying the different articles of property to be hereafter exempted from execution.

On motion of Mr. Hooe—22. A bill to establish an additional precinct in the county of Mercer.

On motion of same—23. A bill to amend an act regulating the time of holding Justices' Courts.
On motion of Mr. Smith—25. A bill to amend the laws regulating the Crab Orchard and Cumberland turnpike road, and for other purposes.
On motion of same—26. A bill to amend the duelling law.
On motion of same—27. A bill for the benefit of the Sheriff of Russell county.
On motion of Mr. Dickey—28. A bill to appoint trustees of the town of Franklin, and provide for the election of their successors.
On motion of same—30. A bill to amend the law in relation to the town of Bowlinggreen.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st, 2d, 13th, 14th, 21st and 26th; Messrs. Kalfus, Hooe, Porter, and Hobbs the 3d; the committee on Privileges and Elections the 4th and 8th; Messrs. Webb, Groesbeck and Lewis the 5th; Messrs. Lawless, Maupin and King the 6th; Messrs. Maupin, Campbell, Waddill, McLarnin, Lawless, Graves, Gilchrist and Wickliffe the 7th; Messrs. Bowman, Owens and S. Stone the 9th and 10th; Messrs. Cox, Collins and Given the 11th; the committee on Religion the 12th; Messrs. Cully, Kalfus and Smith the 13th; Messrs. Hobbs, Speed, D. E. Jones and Bryan the 16th; Messrs. Hobbs, D. E. Jones and Fry the 17th; Messrs. Wright, Tevis, Oldham and Buford the 18th; Messrs. Ewing, Wickliffe and Fry the 19th; the committee on Claims the 20th; Messrs. Hooe, Haskin and Martin the 22d; Messrs. Hooe, Lowry and Kalfus the 23d; Messrs. Richardson, Cully and Price the 24th; Messrs. Smith, Buford, Pogue, Gentry and Oldham the 25th; the committee on Ways and Means the 27th; Messrs. Dickey, Maupin and Porter the 28th; Messrs. Hobson, Maupin, Lawless, Jenkins and Waddill the 29th; and Messrs. Hobson, Tevis and Buford the 30th.

On motion of Mr. Cox,

Ordered, That Mr. Gentry be added to the committee appointed to prepare and bring in a bill the more effectually to suppress usury.

Mr. Smith moved the following resolution, viz:

The fiscal credit of the State must be maintained. Ample provision should be made to meet the interest upon the public debt, and good policy requires the "Ways and Means" should be provided to extinguish the principal.

It is believed that the present resources of the Treasury will not more than meet the interest upon the public debt and the ordinary expenditures of the Government; that unless other means are provided, than the ordinary resources of the Treasury, the public debt will be unprovided for at maturity; with a view to discharge the debt, without an increase of taxation, or the further extension of the public credit—therefore,
Resolved, That a committee of seven be appointed, to enquire into the expediency of establishing a Bank, to be called "The Revenue Bank of Kentucky," and with a view of making said Bank a specie paying Bank, from its organization, the committee will enquire into the expediency of raising one million of dollars by a pledge or sale of the stock belonging to the State, in the Banks of Kentucky; and further, to raise the sum of one million or five hundred thousand dollars, by re-investing the bonds of the State lately withdrawn from the Banks; and that they report by bill or otherwise.

Which being twice read, was adopted.

Mr. Tevis moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the expediency of empowering the County Courts to appoint Constables, in all cases, and to increase or reduce the number of said Constables, in all cases, as the said courts may deem expedient.

Which was adopted.

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

By Mr. Young—1. A bill to repeal an act, entitled, an act to add to the resources of the Sinking Fund.

By same—2. A bill to repeal the act to amend the revenue laws, approved March 10, 1842.

By Mr. Kallus—3. A Bill for the benefit of William T. Samuels.

By Mr. Lawless—4. A bill for the benefit of the town of Glasgow.

By same—5. A bill to enlarge the Lafayette precinct, in the county of Barren.

By Mr. Garrard—6. A bill to repeal the act of last session requiring tax on registering plats and certificates for vacant lands.

By Mr. Winfrey—7. A bill for the benefit of the Sheriff of Clinton county.

By Mr. Clark—8. A bill for the benefit of the Sheriff of Caldwell county.

By Mr. Martin—9. A bill for the benefit of Peter Blevins, Elizabeth Land and Louisa Flanagan.

By Mr. O. P. Hogan—10. A bill to establish the town of Downingsville.

By Mr. Lewis—11. A bill to allow an additional Constable to Hickman county.

By Mr. Stewart—12. A bill for the benefit of the Sheriffs of Henry and Monroe counties.

By Mr. Wooten—13. A bill to establish a Warehouse on Cumberland river, in Monroe county.

By same—14. A bill authorizing the County Court of Monroe to appropriate certain funds in the hands of the County Treasurer.

By Mr. Campbell—15. A bill to regulate the terms of the Circuit Courts in
the 16th Judicial district, and the Trigg Circuit Court, and for other purposes.

By Mr. Gore—16. A bill for the benefit of C. Nourse, administrator of J. Beam, deceased.

By Mr. Wickliffe—17. A bill for the benefit of mechanics and laborers of this Commonwealth.

By Mr. Smith—18. A bill to amend the act establishing the Court of Appeals.

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, 6th and 12th were referred to the committee on Ways and Means; 3d, 4th, 8th, 16th, 17th and 18th to the committee for Courts of Justice; and the 5th, 7th, 9th, 10th, 11th, 13th, 14th and 15th were severally ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 5th, 7th, 9th, 10th, 11th, 13th, 14th and 15th 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 bill to repeal all laws authorizing the appointment of Commissioners of Tax, was read a second time, as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all laws requiring the appointment of Commissioners of Tax, by the several County Courts of the State, be, and the same are hereby repealed; and any appointments that have been or may be made by said courts under said laws with reference to the year 1844, be, and are hereby annulled.

And the question being taken on engrossing and reading said bill a third time, it was decided in the negative, and said bill was rejected.

Mr. Tevis then moved a reconsideration of the vote rejecting said bill.

Mr. Young 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 main question was then put—Shall the vote be reconsidered? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Speed and Graves, were as follows, viz.

Those who voted in the affirmative, were:

Mr. Speaker, Hobson, Porter,
Mr. Blackburn, Hogan, E. Price,
Campbell, Holloway, Redd,
Chambers, Humphreys, Richardson,
Coleman, Jenkins, Smith,
Collins, Jones, D. E. Speed,
## HOUSE OF REPRESENTATIVES

<table>
<thead>
<tr>
<th>Cox,</th>
<th>Kalius,</th>
<th>Stone, B.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crow,</td>
<td>King,</td>
<td>Tevis,</td>
</tr>
<tr>
<td>Cully,</td>
<td>Lawless,</td>
<td>Thomson, C. R.</td>
</tr>
<tr>
<td>Ewing,</td>
<td>Lewis,</td>
<td>Thurston,</td>
</tr>
<tr>
<td>Fry,</td>
<td>McLarning,</td>
<td>Trumbo,</td>
</tr>
<tr>
<td>Garnett,</td>
<td>McKery,</td>
<td>Tully,</td>
</tr>
<tr>
<td>Gentry,</td>
<td>Mijam,</td>
<td>Waddill,</td>
</tr>
<tr>
<td>Gore,</td>
<td>Nall,</td>
<td>Wickliffe,</td>
</tr>
<tr>
<td>Graves,</td>
<td>Noe,</td>
<td>Wooten,</td>
</tr>
<tr>
<td>Groesbeck,</td>
<td>Oldham,</td>
<td>Wright,</td>
</tr>
<tr>
<td>Hambiton,</td>
<td>Penick,</td>
<td>Young—53.</td>
</tr>
<tr>
<td>Hobbs,</td>
<td>Perrin,</td>
<td></td>
</tr>
</tbody>
</table>

These who voted in the negative, were—

| Allen,      | Gray,         | Owens,     |
| Bondurant,  | Griffin,      | Payne,     |
| Bowman,     | Hanna,        | Pogue,     |
| Bryan,      | Haskin,       | Pope,      |
| Buford,     | Haydon,       | Rockhold,  |
| Clark,      | Heady,        | Stewart,   |
| Coffey,     | Hogan, O. P.  | Stitt,     |
| DeCourcy,   | Hooe,         | Stone, S.  |
| Dickey,     | Johnson,      | Thompson, H. |
| Frazier,    | Jones, T. M.  | Webb,      |
| Gardner,    | Kavanaugh,    | Wheeler,   |
| Garrard,    | Lowry,        | Wilkinson, |
| Gilchrist,  | Marshall,     | Winfrey,   |
| Given,      | Martin,       | Woosley,   |
| Glenn,      | Maupin,       |            |
| Goble,      |              |            |

The said bill was then amended.

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

And then the House adjourned.

### THURSDAY, JANUARY 4, 1844.

1. Mr. Hooe presented the petition of sundry citizens of Mercer county, praying the passage of a law changing the location of the turnpike gate near Harrodsburg, or regulating the tolls receivable at said gate.

2. Mr. Lewis presented the remonstrance of sundry citizens of Hickman county, against the formation of a proposed new county out of part thereof.

3. Mr. Coleman presented the petition of sundry citizens of Bracken county, praying a change of the place of voting in the Powerville election precinct, in said county.
4. Mr. T. M. Jones presented the petition of Sarah Hendricks, praying to be divorced from her husband, Jordan Hendricks.

5. Mr. Young presented the petition of Thomas Brand, praying that compensation be allowed him for a slave condemned, and sentenced to be executed, and afterwards escaped.

6. Mr. Trumbo presented the petition of sundry citizens of Sharpsburg and its vicinity, praying that the toll gate, two miles east of said town, may be thrown open until the road on which it is erected shall be completed.

7. Also, the petition of sundry citizens of the town of Owingsville, praying that an additional Constable be allowed to Bath county, to reside in, or near said town.

8. Mr. Kavanaugh presented the petition of Catharine Withers, praying to be divorced from her husband, William M. Withers.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, and referred—the 1st and 2d to the committee on Propositions and Grievances; the 3d to Messrs. Coleman, Wheeler and Pope; the 4th and 5th to the committee on Religion; the 6th to the committee on Claims; the 7th to Messrs. Trumbo, Young and Tully; and the 8th to Messrs. Trumbo, Wooten and Thurston.

A message was received from the Senate, announcing a passage of a bill, entitled, an act for the benefit of Robert Baker, of Logan county; and that they had adopted resolutions of the following titles, viz:

A Resolution for the burning of State bonds.

Resolutions to appoint a committee to examine Transylvania University and the Lunatic Asylum.

The Speaker appointed Messrs. Ewing, Lewis, Gilchrist, McLarning, Holloway, Hobson, Lawless, Gardner, Winfrey, Bowman, Coffey, Hambleton, Gray, Cully, Graves, Johnson, Tevis, Wickliffe, Penick, Hooe, T. M. Jones, Price, Gentry, Smith, O. P. Hogan, Hanna, Groesbeck, Thurston, Haydon, Perrin, Heady, Redd, Blackburn, Fry, Goble, Chambers, Martin and B. Stone, a committee to prepare and bring in the bill to fix the ratio and apportion the representation of the State.

The Speaker, in pursuance of the resolutions proposed by Mr. Smith on yesterday, appointed Messrs. Smith, S. Stone, Griffin, Gardiner, Maupin, Hooe and Gentry, a committee to inquire into the expediency of establishing a revenue bank.

Mr. Campbell, from the committee for Courts of Justice, to whom was referred a bill to enable the executor of William Buckner, Sr., deceased, to make certain deeds to lands, 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 thereof be as aforesaid.

Mr. Campbell, from the same committee, who were appointed to prepare and bring in the same, reported a bill to authorize the purchase of Loughborough's Digest, 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 a committee of the whole House, and made the special order of the day for Wednesday next.

Mr. Winfrey moved the following resolution, viz:

Resolved, That the committee on Banks be requested to ascertain from the Northern Bank of Kentucky, at Lexington, the amount of money that was drawn from said institution by the citizens of Cumberland county, under the law of the last General Assembly, distributing one hundred thousand dollars in each Congressional District in this Commonwealth, and if not in violation of the rules of the Directors governing such institutions, give the names and amount each drew, and if the amount said county was entitled to, was drawn.

Which being twice read, was adopted.

On motion of Mr. Cox,

Ordered, That the committee to whom was referred the petition of Richard Apperson, contesting the seat of Joseph Bondurant, be permitted to sit during the session of the House.

Mr. Wilkenson asked leave to bring in a bill to repeal the law allowing pay to grand jurors, and the question being taken on granting said leave, it was decided in the negative.

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

On motion of Mr. Kavanaugh-1. A bill relative to ferries on the Kentucky river, below the head of slack water navigation.

On motion of Mr. Hambleton-2. A bill for the benefit of the Sheriff of Breckinridge county.

On motion of Mr. McLarning-3. A bill for the benefit of the Sheriff of Christian county.

On motion of Mr. Price-4. A bill for the benefit of the Clerk of the Garrard Circuit Court.

On motion of Mr. Marshall-5. A bill to repeal the 2d section of an act approved 10th February, 1843, entitled, an act concerning the records and papers of Justices of the Peace, and to reduce the number of Justices of the Peace of Greene county.

On motion of Mr. O. P. Hogan-6. A bill to establish a special chancery term in Grant county, for the preparation and trial of chancery causes.
On motion of Mr. Lewis—7. A bill to establish a Warehouse at H. Wright's landing, on the Mississippi river, in Hickman county.

On motion of Mr. Stewart—8. A bill to change an election precinct in Henry county.

On motion of Mr. Hobbs—9. A bill to amend the penal laws.

On motion of Mr. Groesbeck—10. A bill to establish a special term for the trial of chancery and criminal causes in the county of Kenton.

On motion of Mr. Goble—11. A bill to limit the term of bringing actions of ejectment and writs of right, and more effectually to guard the rights of occupants.

On motion of Mr. Buford—12. A bill to improve the Moore road, leading through Laurel and Knox counties.

On motion of Mr. Wooten—13. A bill for the benefit of Elisha Fortune.

On motion of Mr. Gore—14. A bill to change the place of voting at the Bloomfield precinct, in Nelson county.

On motion of Mr. Wickliffe—15. A bill for the benefit of contractors on public works, and the stockholders in turnpike roads.

On motion of Mr. Haydon—16. A bill for the benefit of the widow and heirs of David Bibb, deceased.

On motion of Mr. Nall—17. A Bill to appoint an additional Justice of the Peace in Ohio county.

On motion of Mr. Wheeler—18. A bill to amend the laws respecting the roads in Pendleton county.

On motion of Mr. S. Stone—19. A bill to reduce the Surveyors' fees.


On motion of Mr. Johnson—21. A bill for the benefit of the Sheriff of Trimble county.

On motion of Mr. Rockhold—22. A bill for the benefit of the Sheriff of Whitley county.

On motion of same—23. A bill for the benefit of G. L. Ballinger, Clerk of Whitley County Court.

Ordered, That Messrs. Kavanaugh, Blackburn, Hooe and Hayden prepare and bring in the 1st; Messrs. Hambleton, Richardson and Cully the 2d; Messrs. McLarnie, Waddill and Wooten the 3d; Messrs. Price, Wickliffe and Smith the 4th; Messrs. Marshall, Allen and B. Stone the 5th; Messrs. O. P. Hogan, Campbell and T. M. Jones the 6th; Messrs. Lewis, Noe and Stewart the 7th; Messrs. Stewart, Tevis and Johnson, the 8th; Messrs. Hobbs, Kalfus and Graves the 9th; Messrs. Groesbeck, Webb and Coffey the 10th; the committee for Courts of Justice the 11th, 16th and 23d; Messrs. Buford, Pogue, Gentry and Oldham the 12th; the committee on Ways and Means the 13th, 19th, 21st and 22d; Messrs. Gore, Wickliffe
and Heady the 14th; the committee on Internal Improvement the 15th; Messrs. Nall, Crow and Tevis the 17th; Messrs. Wheeler, Pope and Cole man the 18th, and Messrs. Tevis, Crow and Nall the 20th.

The Speaker laid before the House a communication from the Secretary of State, in relation to State bonds which have been cancelled, and is as follows, viz:

**OFFICE OF THE SECRETARY OF STATE,**

January 4th, 1844.

Pursuant to the provisions of the act of March 3rd, 1842, entitled, "an act authorizing the exchange of thirty years State bonds for six years State bonds," the Secretary of State has the honor to transmit, herewith, to the House of Representatives, a tabular statement, showing the number, date, &c. of six years bonds cancelled and withdrawn from circulation.

JAMES HARLAN,
Secretary of State.

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

[For Report—see Legislative Documents.]

The Speaker laid before the House the response of the Board of Internal Improvement to the resolution of House of the 2d inst., which is as follows, viz:

**OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,**

January 4, 1844.

Sir: In obedience to a resolution of the House of Representatives, of the 2d inst., "That the Board of Internal Improvement transmit copies of "the reports of the Board of Internal Improvement, on the Crab Orchard "and Cumberland turnpike road," I have the honor, respectfully to report, that no report, whatever, has been made by the managers of the Crab Orchard and Cumberland turnpike to this Board.

I have the honor to be, respectfully,

THOMAS METCALFE, P. B. I. I.

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

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

**Resolved,** That so much of the Governor's annual message as relates to the Banks, be referred to the committee on Banks.

**Resolved,** That so much of the message as relates to the subject of revenue and taxation, be referred to the committee on Ways and Means.

**Resolved,** That so much of the message as relates to the subject of the public debt, created for purposes of Internal Improvement, and to the sale of State bonds, authorized by the laws of the last session of the Legislature, be referred to the committee of Ways and Means.
Resolved, That so much of the message as relates to the State bonds surrendered by the Northern Bank of Kentucky and Bank of Kentucky, in compliance with the 17th and 18th sections of the act passed at the last session of the Legislature, entitled, "an act to extend the charters of the Banks of Kentucky;" and that part of it relating to the Railroad and State scrip now in the Northern Bank of Kentucky, all of which bonds and scrip are recommended; and that part of it relating to the exchange of 6 year bonds for 30 year bonds, be referred to the committee on the Sinking Fund.

Resolved, That so much of the message as relates to the subject of Common Schools, and that part of it relating to the Transylvania University, be referred to the committee on Education.

Resolved, That so much of the message as relates to the Penitentiary, be referred to the committee on Penitentiary.

Resolved, That so much of the message as relates to Internal Improvement and Public Works, be referred to the committee on Internal Improvement.

Which being twice read, were adopted.

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

By Mr. Hambleton—1. A bill to establish additional precincts in the counties of Breckinridge and Clinton.

By Mr. Maupin—2. A bill to establish a Warehouse and Inspection of Tobacco, at Paducah.

By Mr. McLarning—3. A bill amend an act, entitled, an act to amend the execution laws, approved March 10, 1843.

By Mr. Winfrey—4. A bill for the benefit of John M. Davis, of Clinton county.

By Mr. Young—5. A bill continuing in force the law providing for the appointment of Commonwealth's Attorneys, approved January 21, 1842.

By Mr. Bowman—6. A bill to abolish an election precinct in the county of Casey.

By same—7. A bill to allow an additional Justice of the Peace to the county of Casey.

By Mr. Cox—8. A bill to change the time of holding the Fleming, Lewis, Greenup and Carter Circuit Courts, and for other purposes.

By Mr. C. R. Thomson—9. A bill to amend the charter of the Lexington and Georgetown Turnpike road Company.

By Mr. Stewart—10. A bill for the benefit of Mary D. Stewart, of Henry county, an infant.

By Mr. Ewing—11. A bill to limit the time of voting at the precincts to one day.

By Mr. Speed—12. A bill for the benefit of Margaret Lewers, and others.

By Mr. Hooe—13. A bill to establish an additional election precinct in Mercer county.
By Mr. Wickliffe—14. A bill to repeal an act, entitled, an act the better and more effectually to protect reversionary legatees.

By Mr. Nall—15. A bill to legalize the proceedings of the County Court of Ohio, and for other purposes.


By Mr. Dickey—17. A bill for the benefit of Henry Horn.

By Mr. Hobson—18. A bill to amend the law in relation to the town of Bowling Green.

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, 6th, 7th, 8th, 10th, 13th, 15th, 16th, 17th and 18th were severally ordered to be engrossed and read a third time; the 2d was referred to the committee on Ways and Means; the 3d, 5th, 11th, 12th and 14th to the committee for Courts of Justice, and the 9th to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 1st, 4th, 6th, 7th, 8th, 10th, 13th, 15th, 16th, 17th and 18th 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. Frazier moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the expediency of paying Grand Jurors.

Which being twice read, was adopted.

Mr. Wickliffe moved the following resolution, viz:

Resolved, That the committee on Internal Improvement enquire into the expediency of reducing the tolls on the turnpike roads, and, if expedient, report a bill regulating them accordingly.

Which being twice read, was adopted,

Mr. Smith moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire and report, whether the election of Keeper of the Penitentiary, at the last session, was done by the authority of law; and whether a bond given by the Keepers elected could be enforced for a breach.

Which being twice read, was adopted.

Mr. Smith moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the expediency of repealing the act paying for slaves executed.

Which being twice read, was adopted.

And then the House adjourned.
FRIDAY, JANUARY 5, 1844.

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 Edwin H. Reed, of Ohio county.

An act to enlarge the Constable’s District in the county of Mercer, in which Samuel Alexander acts as Constable.

An act for the benefit of the Sheriff of Clinton county: with amendments to the last named bill.

That they had passed bills of the following titles, viz:

An act for the benefit of Julia Ann and Eliza H. Green.

An act to change the name of Read Hall Blanton to Samuel Theobald Blanton.

An act to enlarge the first Constables’ District in Oldham county.

An act for the benefit of Neale A. McMillan.

1. Mr. Stitt presented the petition of Louis C. Roberts, praying that a fine paid by him whilst he was commandant of the 114th Regiment of Kentucky militia may be refunded him.

2. Mr. S. Stone presented the petition of Joel Glover and wife, praying to be divorced from each other.

3. Mr. Gully presented the petition of sundry citizens of Larue county, praying that an additional Constable be allowed to said county.

4. Also, the petition of Joseph M. Bohannan, praying the passage of a law authorizing the payment of a sum claimed by him for work done on the Bardstown and Green river turnpike road.

5. Mr. Hooe presented the petition of sundry citizens of Mercer county, praying a change in the location of the turnpike gate near Harrodsburg, in said county, or that the tolls receivable at said gate may be regulated.

6. Mr. Wilkenson presented the petition of Martha M. Farrer, praying to be divorced from her husband, Edward Farrer.

7. Mr. Speed presented the petition of Ernst Herringen, setting forth that he has discovered the cause of the disease called milk sickness or trembles, and praying that the reward offered for said discovery may be paid to him.

8. Mr. Martin presented the petition of sundry citizens of Floyd county, praying that a law may pass defining the boundary of said county.

9. Mr. Gilchrist presented the petition of George M. Morgan, and Amanda, his wife, and Andrew J. M. Thompson, praying the passage of a law enabling the said Amanda, who is under age, to join in the conveyance of certain lands, with her husband, to said Thompson.
10. Mr. B. Stone presented the petition of Jesse McIntosh, praying that compensation be allowed him for apprehending a fugitive from Justice.

11. Mr. Chambers presented the petition of Elam T. Boles, praying to be released from a judgment against him and others, as the security of John M. Emmerson, Sheriff of Cumberland county.

12. Mr. Payne presented the petition of Isaac S. Wilson, praying to be divorced from his wife, Kitty Wilson.

13. Mr. Richardson presented the petition of sundry citizens of Meade county, praying the passage of a law authorizing a change in the State road leading from Brandenburg to Bowling Green.

14. Mr. McRory presented the petition of sundry citizens, praying that permission be given to J. S. Eaves and H. W. McNary, to erect a fish dam across Pond river.

Which petitions were severally received, the reading thereof dispensed with, and referred — the 1st to the committee on Military Affairs; the 2d, 6th and 12th to committee on Religion; the 3d to Messrs. Cully, Richardson and Hambleton; the 4th and 13th to the committee on Internal Improvement; the 5th, 9th and 11th to the committee for Courts of Justice; the 7th to Messrs. Blackburn, Bryan, Allen, King, Perrin and Garnett; the 8th to the Committee on Propositions and Grievances; the 10th to the committee on Claims, and the 13th to Messrs. Richardson, Price and Cully.

Mr. James L. Alcorn, the member returned to serve in this House from the county of Livingston, appeared, produced a certificate of his election, and having taken the oaths to support the Constitution of the United States, and the Constitution and Laws of this State, took his seat.

The Speaker laid before the House a communication from the 2d Auditor, which is as follows, viz:

**REVENUE DEPARTMENT.**

**AUDITOR’S OFFICE, KENTUCKY,**

*Frankfort, January 5, 1844.*

Sir:

I enclose a statement containing additional lists of white males, received since the report from this Department.

I am, sir, very respectfully,

THOS. S. PAGE, Second Auditor.

To the Hon. JOHN L. HELM,

Speaker of the House of Representatives.

*For the Communication—see Legislative Documents.*

Ordered, That the Public Printer forthwith print 150 copies of said communication for the use of the members of this House.

A message was received from the Governor, by Mr. Harlan, Secretary of State, which is as follows:
Gentlemen of the Senate and House of Representatives:

Pursuant to the request of the Governor of the State of South Carolina, I transmit, herewith, resolutions of the Legislature of that State, relative to the annexation of Texas to the Union.

January 5, 1844.

R. P. Letcher.

EXECUTIVE DEPARTMENT.

Columbia, South Carolina, 20th December, 1843.

Sir:—In obedience to the instructions of the Legislature of this State, I transmit you the following Resolutions, which were passed at their last Session.

I have the honor to be, very respectfully,

your obedient serv't,

J. H. Hammond.

His Excellency, Robert P. Letcher, Kentucky.

Resolved, That in the opinion of the Legislature of South Carolina, sound policy, the vital interest of the people of the United States, and their just rights, require that steps should be promptly taken by the Government of the United States for the annexation of Texas to the Union.

Resolved, That the Governor be requested to transmit a copy of this Resolution to the Governors of the other States of the Union, and to the Delegation of South Carolina in Congress, and that it be requested to lay the same before the Senate and House of Representatives of the United States.

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

LIBRARY ROOM, Frankfort, Jan. 5, 1844.

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 in 1843.

Yours respectfully,

GEO. A. Robertson, P. L.

Hon. John L. Helm,
Speaker of the House of Representatives.
### Catalogue of Books received in the Public Library from the Secretary of State in 1843

<table>
<thead>
<tr>
<th>Year(s)</th>
<th>Numbers</th>
<th>Vols.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Digest of Patents issued by the U. States, from 1790 to 1839</td>
<td>7134 to 7137</td>
<td>4</td>
</tr>
<tr>
<td>Webster's Dictionary</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Laws of New York</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Laws of Pennsylvania</td>
<td>1843 to 1846</td>
<td>2</td>
</tr>
<tr>
<td>Laws of Maryland</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Documents of Maine</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Statutes of Arkansas</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Laws of Arkansas</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Laws of Missouri</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Reports of Missouri</td>
<td>1835 to 1843</td>
<td>3</td>
</tr>
<tr>
<td>Laws of Georgia</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Laws of Indiana</td>
<td>1841</td>
<td>1</td>
</tr>
<tr>
<td>Illinois Legislative Reports</td>
<td>1834 to 1843</td>
<td>3</td>
</tr>
<tr>
<td>Laws of Louisiana</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Thompson's Vermont</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Laws of Vermont</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Laws of Michigan</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Laws of Ohio</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Statutes of Ohio</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Statutes of Massachusetts</td>
<td>1841 to 1843</td>
<td>2</td>
</tr>
<tr>
<td>Laws of New Hampshire</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Laws of Delaware</td>
<td>1843 to 1846</td>
<td>2</td>
</tr>
<tr>
<td>Laws of New Jersey</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Statutes of North Carolina</td>
<td>1837</td>
<td>1</td>
</tr>
<tr>
<td>Statutes of Connecticut</td>
<td>1840 to 1843</td>
<td>4</td>
</tr>
<tr>
<td>Laws of Connecticut</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Geology of Connecticut</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>Geology of Massachusetts</td>
<td>1841</td>
<td>1</td>
</tr>
<tr>
<td>McLellan's Equity</td>
<td>1841</td>
<td>1</td>
</tr>
<tr>
<td>McLellan's Reports</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>House Journals</td>
<td>1842 to 1843</td>
<td>2</td>
</tr>
<tr>
<td>Senate Documents</td>
<td>1842 to 1843</td>
<td>5</td>
</tr>
<tr>
<td>Reports of Committees</td>
<td>1843 to 1844</td>
<td>6</td>
</tr>
<tr>
<td>Executive Documents</td>
<td>1843</td>
<td>1</td>
</tr>
<tr>
<td>House Journals</td>
<td>1844</td>
<td>1</td>
</tr>
<tr>
<td>Senate Journals</td>
<td>1845 to 1846</td>
<td>10</td>
</tr>
<tr>
<td>Ren. Monroe's Reports, 2d vol.</td>
<td>1842 to 1845</td>
<td>46</td>
</tr>
<tr>
<td>Acts of Kentucky</td>
<td>1842 to 1843</td>
<td>20</td>
</tr>
<tr>
<td>Senate Journals</td>
<td>1842 to 1843</td>
<td>21</td>
</tr>
<tr>
<td>House Journals</td>
<td>1842 to 1843</td>
<td>22</td>
</tr>
</tbody>
</table>

### Books purchased by the Judges of the Court of Appeals in 1843:

<table>
<thead>
<tr>
<th>Number</th>
<th>Vol.</th>
<th>Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Digest of New York Reports</td>
<td>7319 to 7322</td>
<td>4</td>
</tr>
<tr>
<td>Indian Portraits and Biography</td>
<td>7323 to 7325</td>
<td>16,17</td>
</tr>
</tbody>
</table>


G. A. ROBERTSON, P. L.
Mr. Groesbeck, from the committee on Propositions and Grievances, to whom was referred the petition of Rodes Woods, praying permission to import into this State, from the State of Missouri, two slaves, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Haskin moved to amend said resolution by striking out the words “be rejected,” and inserting “is reasonable.”

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

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

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Allen, Blackburn, Bondurant, Bryan, Buford, Coffey, Dickey, Ewing, Gardner, Garnett, Garrard, Gentry, Glenn, Goble, Gore, Graves,

Gray,
Griffin,
Hanna,
Haskin,
Hayden,
Heyd,
Hogan, O. P.
Hooe,
Jones, T. M.
Kalus,
Kavanaugh,
Lewis,
Lowry,
Marshall,
Martin,
Milam,
Oldham,

Owens,
Payne,
Perrin,
Pope,
Porter,
Stewart,
Stitt,
Stone, S.
Thomson, C. R.
Thompson, H.
Wickliffe,
Wilkenson,
Winfrey,
Woolsey,
Wright,
Yocum—50.

Those who voted in the negative, were—

Messrs. Bowman, Campbell, Chambers, Coleman, Collins, Cox, Crow, Cully, DeCourcy, Frazier, Fry, Gilchrist, Given, Groesbeck, Hambleton,

Hobbs,
Hobson,
Hogan, E.
Holloway,
Humphreys,
Jeans,
Jones, D. E.
King,
Lawless,
Maupin,
McLarnin,
Nall,
Noe,
Penick,
Pogue,
Price,
Redd,
Richardson,
Rockhold,
Speed,
Stone, B.
TAVIS,
Thurston,
Trumbo,
Tally,
Waddill,
Webb,
Wheeler,
Wooten,
Young—45.

Ordered, That the committee prepare and bring in a bill in accordance with the prayer of said petition.
Mr. Campbell, from the committee for Courts of Justice, to whom was referred a bill for the benefit of the Sheriff of Caldwell county, asked to be discharged from the further consideration thereof, which was granted.

Ordered, That said bill be referred to the committee on Ways and Means.

Mr. Campbell, from the same committee, to whom was referred the petition of the administrator and widow of E. Curry, deceased, reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Campbell, from the same committee, to whom was referred the petition of Jacob Bowe, asked to be discharged from the further consideration thereof, which was granted.

Ordered, That said petition be referred to the committee on Religion.

Mr. Campbell, from the same committee, to whom was referred the petition of Absalom Quinn, and the petition of Joseph L. Burdett, reported the same, with the following resolution, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

Mr. Campbell, from the same committee, to whom was referred bills of the following titles, viz:

A bill for the benefit of the town of Glasgow.
A bill for the benefit of William T. Samuels.
A bill for the benefit of C. Nourse, administrator of J. Beam, deceased.

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 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. Campbell, from the same committee, to whom was referred a bill to regulate the appointment of Justices of the Peace in the county of Grant, and for other purposes, reported the same without amendment.

And the question being taken on engrossing and reading said bill a third 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 Proposities and Grievances—1. A bill to allow an additional Constable in the county of Boyle, and for other purposes.

By the committee for Courts of Justice—2. A bill for the benefit of Wilson L. Biggerstaff, of Monroe county.

By same—3. A bill to establish the town of Murray as the seat of Justice of Calloway county.

By same—4. A bill to authorize the sale of the Old Church, and lot in Chent, called McCoul's bottom.
By same—5. A bill to permit Samuel C. Flowers to import a slave.
By same—6. A bill to allow Hopkins county an additional Justice of the Peace.
By same—7. A bill for the benefit of James Nichol's, of Muhlenburg county.
By same—8. A bill for the benefit of Martha Tate.
By same—9. A bill to provide for the partition of the real estate of Joseph McAllister, deceased.
By same—10. A bill to amend the law in relation to allowances made to appraisers of deceased persons.
By same—11. A bill to authorize John K. McClendon to import a slave.
By same—12. A bill to legitimate William Wilbourn Sparks, of Adair county, and to change his name to that of William Wilbourn Wooten.
By same—13. A bill to amend the attachment law.
By same—14. A bill to amend the law regulating appeals from the judgments of Justices of the Peace.

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, 12th and 14th 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, 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 aforesaid.

Mr. Campbell, from the committee for Courts of Justice, to whom was referred the leave to bring in a bill to repeal the law abolishing the summer term of the Circuit Courts, asked to be discharged from the further consideration thereof.

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

The yeas and nays being required thereon by Messrs. Kalfus and Winfrey, were as follows:

Those who voted in the affirmative, were—
JAN. 6.]

HOUSE OF REPRESENTATIVES.

Chambers,           Holloway;  Stone, B.
Coleman,            Humphreys, Stone, S.
Collins,            Jenkins, Tevis,
Cox,                Johnson, Thomson, C.R.
Crow,               Kavanaugh, Thompson, H.
DeCourcy,           King,  Trumbo,
Dickey,             Lawless, Webb,
Ewing,              Lewis,  Wheeler,
Frazier,            Lowry,  Wilkinson,
Fry,                McLarning, Winfrey,
Gardner,            McRery,  Woosley,
Garnett,            Milam,  Wright,
Garrard,            Noll,  Yocum,
Gentry,             Noe,  Young—69.
Gilchrist,

Those who voted in the negative, were—

Messrs. Bryan,       Hobson,  Maupin,
Coffey,             Hogan, E.  Pogue,
Colly,              Hooe,  Porter,
Glenn,              Jones, D. E.  Price,
Core,               Jones, T. M.  Richardson,
Graves,             Kalfus,  Speed,
Gray,               Marshall,  Wickliffe
Hamblenon,          Martin,  Wooten—25.
Hobbs,

And then the House adjourned.

SATURDAY, JANUARY 6, 1844.

1. Mr. Buford presented the petition of sundry citizens of Madison, Laurel and Clay counties, praying the establishment of a State road.

2. Mr. Young presented the petition of Margaret Mitchell, praying that a sum of money paid by her deceased husband towards the erection of the Capitol of the State may be refunded to her.

3. Mr. Clark presented the petition of sundry citizens of Caldwell county, praying the division of said county and the formation of a new county.

4. Mr. Bryan presented the memorial of the Trustees of the Funk Seminary, in Oldham county, praying an amendment to the charter of said Seminary.

5. Mr. Hooe presented the petition of sundry citizens of Mercer county, praying that an additional Constable be allowed to said county.

6. Mr. Haskin presented the petition of sundry citizens of Mercer county, praying the establishment of a Turnpike road from McAfees landing, on 10
the Kentucky river, to the Turnpike leading from Salvisa to Harrodsburg.

Which petitions and memorial were severally received, the reading thereof, (except the 2d, which was read,) was dispensed with, and referred—the 1st and 6th to the committee on Internal Improvement; the 2d to Messrs. Young, Waddill and Groesbeck; the 3d and 5th to the committee on Propositions and Grievances, and the 4th to the committee on Education.

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

An act to establish additional precincts in the counties of Breckinridge and Clinton.

An act for the benefit of John M. Davis, of Clinton county.

An act to legalize the proceedings of the Ohio County Court, and for other purposes.

An act for the benefit of John M. Wilkinson, executor of William Young, deceased.

And that they had passed a bill, entitled, an act for the benefit of the devisees of Thomas Wallace, deceased.

Mr. Allen moved the following resolution, viz:

Resolved, That the Governor be, and he is hereby requested to cause a national salute to be fired on Monday morning next, at sunrise, in commemoration of the victory at New Orleans, on the 8th January, 1815.

Which being twice read, was adopted.

Mr. Garnett moved the following resolutions, viz:

Resolved, That the committee on Banks be instructed to propound such proper and necessary interrogatories to the President of the Bank of the Commonwealth of Kentucky as will be calculated to obtain satisfactory information upon the following points:

1. What amount of outstanding debts are due that Institution.
2. What proportion of those outstanding debts are likely to be available.
3. What amount of real estate does the Bank now own, discriminating possible, and noting that free from dispute, and that which is in suit; as also such other and general information in regard to the business of the Institution as will be calculated to shed light upon its affairs and condition, and report the interrogatories and answers thereto, to this House.

Which being twice read, were adopted.

Mr. Chambers, from the committee on Ways and Means, to whom was referred a bill to repeal the act of last session requiring tax on registered plats and certificates for vacant lands, 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 a 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. Chambers, from the same committee, to whom was referred a bill to repeal an act, entitled, an act to add to the resources of the Sinking Fund, 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 having been dispensed with, and the same being engrossed,

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

Mr. Heady, from the committee on Military Affairs, to whom was referred a bill for the benefit of the Union Fire Company, of the City of Lexington, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. DeCourcy, from the committee on Religion, to whom was referred the petition of Jeremiah Hocker, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Wright asked leave to withdraw said petition, which was granted, and the petition withdrawn.

Mr. DeCourcy, from the same committee, to whom was referred the petition of Henry Perkins, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Lewis asked leave to withdraw said petition, which was granted, and the same withdrawn.

Mr. DeCourcy, from the same committee, to whom was referred the petition of George Stinson, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. S. Stone asked leave to withdraw said petition, which was granted, and the same withdrawn.

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 Elisha Fortune.

By same—2. A bill for the benefit of the Sheriff of Laurel county.

By same—3. A bill for the benefit of Aaron Hodges.

By the committee on Education—4. A bill authorizing.
dent of Public Instruction to pay to the Trustees of districts Nos. 1 and 2, in Greene county, such money as is due them.

By same—5. A bill for the benefit of the Owen county Seminary.

By the committee on Religion—6. A bill to incorporate the 1st Presbyterian Church of Covington.

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, 5th and 6th were severally ordered to be engrossed and read a third time, and the 3d was referred to the committee on Ways and Means.

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 aforesaid.

Mr. DeCourcy, from the committee on Religion, who were appointed to prepare and bring in the same, reported a bill for the divorce of Catharine Withers, which was read the first time.

The question was then put on ordering said bill to be read a second time; and after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The amendments proposed by the Senate, to a bill from this House, entitled, an act for the benefit of the Sheriff of Clinton county, were twice read and concurred in.

Bills from the Senate of the following titles, viz:

An act for the benefit of Robert Baker, of Logan county.
An act for the benefit of Neal A. McMillen.
An act to enlarge the first Constables' District, in Oldham county.
An act to change the name of Read Hall Blanton to Samuel Theobald Blanton.
An act for the benefit of Julian and Eliza H. Green.
An act for the benefit of the devisees of Thomas Wallace, deceased.

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

A Resolution from the Senate, for the burning of State bonds, was taken up, twice read and concurred in.

Resolutions from the Senate to appoint a committee to examine Transylvania University and the Lunatic Asylum, were taken up, twice read and concurred in.

Whereupon, the Speaker appointed Messrs. Noe, Allen, Hambleton, Dickey and Blackburn a committee on the part of the House.
An engrossed bill, entitled, an act to suspend all laws authorizing the appointment of Commissioners of Tax, was read the third time.

And the question being taken on the passage of said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Pope, were as follows:

Those who voted in the affirmative, were—

Mr. Speaker, Given, Milam,
Mssrs. Alcorn, Gore, Nall,
Allen, Graves, Oldham,
Blackburn, Groesbeck, Penick,
Bryan, Hambleton, Price,
Buford, Hobson, Redd,
Campbell, Hogan, E. Tevis,
Chambers, Holloway, Thomson, C. R.
Clark, Humphreys, Thurston,
Cox, Kalls, Trumbo,
Crow, Kavanaugh, Waddill,
Cully, King, Webb,
Dickey, Lawless, Wickliffe,
Ewing, Lewis, Wooten,
Pry, McLarning, Wright,
Gilchrist, McRery, Young—48.

Those who voted in the negative, were—

Messrs. Bondurant, Haskin, Perrin,
Bowman, Haydon, Pogue,
Coffey, Head, Pope,
Coleman, Hogan, O. P. Porter,
DeCourcy, Hooe, Richardson,
Frazier, Jenkins, Rockhold,
Gardner, Johnson, Stewart,
Garnett, Jones, T. M. Stitt,
Garrard, Lowry, Stone, B.
Gentry, Marshall, Stone, S.
Glenn, Martin, Thompson, H.
Goble, Maupin, Wheeler,
Gray, Noe, Winfrey,
Griffin, Owens, Woolsey,
Hanna, Payne, Yocum—45.

Resolved, That the title thereof be as aforesaid.

Mr. Haskin moved the following resolution, viz:

Resolved, That when the House adjourns to day, it shall adjourn to meet again on Tuesday next.

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

The yeas and nays being required thereon by Messrs. Graves and Noe, were as follows, viz:
Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Alcorn, Gray,
Allen, Griffin,
Bowman, Grossbeck,
Bryan, Hambleton,
Buford, Haskin,
Campbell, Haydon,
Chambers, Heady,
Clark, Hobson,
Coleman, Hogan, E.
Collins, Holloway,
Crow, Hove,
Cully, Humphreys,
DeCourcy, Jenkins,
Frazier, Jones, T. M.
Gardner, Kallus,
Garrard, Kavanaugh,
Gentry, King,
Gilchrist, Lewis,
Given, Lowry,
Goble, Marshall,
Gore, Martin,
Maupin,
Milam,
Noe,
Payne,
Penick,
Perrin,
Porter,
Stitt,
Stone, B.
Stone, S.
Thompson, H.
Tully,
Waddell,
Webb,
Wheeler,
Wickliffe,
Wilkinson,
Wooley,
Wright,
Young—64.

Those who voted in the negative, were—

Messrs. Blackburn,
Coffey, Johnson,
Dickey, Lawless,
Ewing, McLarning,
Fry, McLary,
Garnett, Nall,
Graves, Oldham,
Hanna, Owens,
Hogan, O. P. Pogue,
Price,
Richardson,
Rockhold,
Stewart,
Tevis,
Thomson, C. R.
Trumbo,
Winfrey,
Wooten—27.

Mr. Crow moved the following resolution, viz:

Resolved, That the Governor direct the salute, on the 8th of January next, to be fired by the Brass Cannon captured by Gen. Harrison at the battle of the Thames.

Which being twice read, was concurred in.

Mr. Campbell, from the committee for Courts of Justice, to whom was referred a bill continuing in force the law providing for the appointment of Commonwealth's Attorneys, approved January 21, 1842, 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 said bill do pass, and that the title thereof be as aforesaid.

And then the House adjourned.
TUESDAY, JANUARY 9, 1844.

1. Mr. Wickliffe presented the petition of sundry citizens of Nelson county, praying to be added to the county of Spencer.

2. Mr. Maupin presented the petition of sundry citizens of Barren, Adair, Hart and Greene counties, praying the establishment of a new county out of parts of said counties.

3. Mr. Kalfus presented the petition of sundry citizens of Bullitt county, praying the passage of a law authorizing a sale of the Baptist Church and lot, in said county, called Little Flock.

4. Mr. Hobbs presented the petition of sundry citizens of the City of Louisville, praying to be stricken from said City.

5. Mr. Stone presented the petition of Lucinda Marcum, praying to be divorced from her husband, Alexander Marcum.

6. Mr. Redd presented the petition of Eliza A. Roman, praying the passage of a law authorizing the investment of a sum of money, devised to her, in real estate.

7. Mr. Price presented the petition of Absalom Quinn, praying the passage of a law releasing him from the payment of a sum of money claimed to be due from him to the Bank of the Commonwealth, and which he alleges has been paid.

8. Mr. McClarning presented the petition of James Allensworth, praying the passage of a law authorizing him to purchase and bring into this State, certain slaves.

9. Mr. S. Stone presented the petition of Charlotte T. Whitworth, praying to be divorced from her husband, Thomas Whitworth.

10. Mr. Garrard presented the petition of sundry citizens of Clay county, praying the passage of a law regulating the management of the State roads, and the tolls received thereon, in said county.

11. Mr. Young presented the petition of sundry citizens of Bourbon county, praying the passage of a law prohibiting Clerks of courts from practising in the counties in which they are Clerk.

12. Mr. Oldham presented the remonstrance of sundry citizens of Madison county against the establishment of a proposed State road through said county.

13. Mr. Wooten presented the petition of Peter Stephens, of Monroe county, praying the passage of a law permitting him to retail liquors without paying for a license.

14. Mr. Perrin presented the remonstrance sundry citizens of Harrison county, against adding a part of said county to the county of Bracken.
15. Mr. Hanna presented the petition of Mary Ann Scollin, praying to be divorced from her husband, John Scollin.

16. Mr. Hobbs presented the petition of Alexander H. Galbreath, Sheriff of Jefferson county, praying that further time be allowed him to return his delinquent lists of muster fines.

17. Mr. Fry presented the petition of P.B. Winn, Sheriff of Clarke county, praying the repeal of the act authorizing the appointment of a County Treasurer for said county.

18. Mr. Chambers presented the petition of Henry Waller and Letitia J. Herbert, praying the passage of a law authorizing the said Letitia to relinquish her right of dower in the lands of her husband, who has left the Commonwealth, and has been declared a bankrupt.

19. Mr. Porter presented the petition of James Herring, praying that permission be given him to erect a fish dam across Pond river.

Which petitions and remonstrances were severally received, the reading thereof dispensed with, (except the 10th and 11th which, were read,) and referred—the 1st, 2d, 4th, 8th and 14th to the committee on Propositions and Grievances; the 3d to Messrs. Kalfus, Hooe and Hambleton; the 5th, 9th and 15th to the committee on Religion; the 6th, 11th, 17th and 18th to the committee for Courts of Justice; the 7th to the committee on Claims; the 10th, 12th and 19th to the committee on Internal Improvement; the 13th to the committee on Ways and Means, and the 16th to the committee on Military Affairs.

Ordered, That the Public Printer forthwith print 150 copies of the 10th petition for the use of the members of the General Assembly.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act for the benefit of Sandford J. Paxton.

That they had passed bills from this House, of the following titles, viz: An act to establish a special chancery term in McCracken and Livingston counties.

An act for the benefit of Peter Blevins, Elizabeth Land and Louisa Flanagan.

An act to establish the town of Downingsville.

An act to allow an additional Constable to Hickman county.

An act allowing the County Court of Monroe to appropriate certain funds in the hand of the County Treasurer.

An act for the benefit of Mary D. Stewart, of Henry county, an infant.

An act for the benefit of Henry Horn.

An act to amend the law in relation to the town of Bowling green.

An act to allow an additional Justice of the Peace to the county of Casey.
An act to allow Hopkins county an additional Justice of the Peace.

With amendments to the three last named bills.

That they had passed bills of the following titles, viz:

An act to repeal the 8th and 9th sections of act, entitled, an act to add to the resources of the Sinking Fund, approved March 11, 1843.

An act for the benefit of the Collectors of the revenue tax of the county of Union.

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

An act for the benefit of Dorothy H. Irgan.

An act to provide for the appointment of Commissioners to select grand and petit Jurors.

An act for the benefit of William Pelfrey, and the widow and heir of Isaac Lemasters, deceased.

An act for the benefit of John Ricks.

An act concerning the vacant lands in the county of Johnson.

And had adopted a resolution requesting the Governor to cause a national salute to be fired on the 8th inst.

Mr. Fry, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in this House, of the following titles, viz:

An act for the benefit of the Sheriffs of Clinton, Monroe and Cumberland counties.

An act for the benefit of John M. Davis, of Clinton county.

An act to establish additional precincts in the counties of Breckinridge and Clinton.

An act to legalize the proceedings of the Ohio County Court, and for other purposes.

An act for the benefit of John M. Wilkinson, executor of William Young, deceased.

An act for the benefit of Edwin H. Read, of Ohio county.

An act to enlarge the Constable's district, in the county of Mercer, in which Samuel Alexander acts as Constable.

Also, enrolled bills and resolutions which originated in the Senate, of the following titles, viz:

An act to change the name of Read Hall Blanton to Samuel Theobald Blanton.

An act for the benefit of Julia Ann and Eliza H. Green.

An act to enlarge the first Constables' District, in Oldham county.

An act for the benefit of Robert Baker, of Logan county.

An act for the benefit of Neal A. McMillan.

A resolution for the burning of State bonds.
A resolution to appoint a committee to examine Transylvania University and the Lunatic Asylum.

And had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.

The Speaker laid before the House a report from the President of the Bank of the Commonwealth of Kentucky, which is as follows, viz:

COMMONWEALTH'S BANK OFFICE,  
January 8, 1844.

Sir:—During the past year, ending the first day of January, 1844, there has been collected of debts due the Bank of the Commonwealth, $9,603.75; and which sum, during the same period, has been applied as follows: To the Commissioners of Sinking Fund, $8,258.85; for the redemption of notes and refunding money over-paid, $122.15; to payment of costs of suits and incidental expenses, &c., $683.57; to payment of officers' wages, $524. Balance on hand, $14.84.

From the best information obtained since my last report, the State may confidently anticipate the reception of the further sum of $15,000 from this institution; and should pending suits result in favor of the Bank, the further sum of $10,000, in aid of the Sinking Fund.

The real estate owned and claimed by the Bank may be estimated at about $2,000. The outstanding debt due the Bank, as manifested by the books, is $223,000; but a small part of this sum (except as above stated) will ever be realized. The Bank owns turnpike stock, $908. The Bank has redeemed her notes in circulation, except the sum of $1,385.54. All of which is respectfully reported to the General Assembly.

With great respect, &c.

O. G. CATES, Pres't B'k Com.

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

Ordered, That said report be referred to the committee on Banks, and 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 Superintendent of Public Instruction, which is as follows, viz:

[For Report—see Legislative Documents.]

Ordered, That said report be referred to the committee on Education, and that the Public Printer forthwith print 150 copies thereof for the use of the members of the General Assembly.

The House again resumed the consideration of the bill to divorce Catharine Withers.

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,

Mr. Wickliffe moved an amendment.

Mr. Owens moved the previous question.
The question was then taken, shall the main question be now put? 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 yeas and nays being required thereon by Messrs. Wickliffe and Winfrey, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, 
Messrs. Alcorn, 
Blackburn, 
Bondurant, 
Bowman, 
Bryan, 
Buford, 
Campbell, 
Chambers, 
Clark, 
Coleman, 
Collins, 
Crow, 
Cully, 
Frazier, 
Gardner, 
Garrard, 
Gentry, 
Gilchrist, 
Glenn, 
Goode, 
Gore, 
Gray, 
Grosbeck, 
Hanna, 
Haskin, 
Haydon, 
Haley, 
Hobson, 
Hogan, E. 
Hogan, O. P. 
Holloway, 
Hooe, 
Humphreys, 
Jones, D. E. 
Kalfus, 
Kavanaugh, 
King, 
McLarneing, 
McRery, 
Milam, 
Noel, 
Oldham, 
Owens, 
Payne, 
Perrin, 
Pope, 
Porter, 
Price, 
Redd, 
Richardson, 
Stitt, 
Stone, B. 
Thompson, H. 
Thurston, 
Trumbo, 
Tully, 
Webb, 
Winfrey, 
Woosley, 
Wooten, 
Wright, 
Yocum—61.

Those who voted in the negative, were—

Messrs. Allen, 
Coffey, 
Cox, 
Dickey, 
Ewing, 
Fry, 
Garnett, 
Given, 
Griffin, 
Hambleton, 
Hobbs, 
Lawless, 
Lowry, 
Marshall, 
Manarin, 
Nail, 
Penick, 
Pogue, 
Rockhold, 
Smith, 
Speed, 
Stone, S. 
Tevis, 
Thomson, C. R. 
Waddill, 
Wheeler, 
Wickliffe, 
Young—28.
The yeas and nays being required thereon by Messrs. Maupin and Ewing, 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 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 town of Bowlinggreen.
An act to allow an additional Justice of the Peace to the county of Casey.
An act to allow Hopkins county an additional Justice of the Peace.

Were taken up, twice read, and concurred in.

Bills from the Senate, of the following titles, viz:

1. An act to repeal the 8th and 9th sections of an act, entitled, an act to add to the resources of the Sinking Fund, approved March 11, 1843.
2. An act for the benefit of the Collectors of the revenue tax of the county of Union.
3. An act to provide for the appointment of Commonwealth's Attorneys.
4. An act for the benefit of Dorothy H. Inman.
5. An act to provide for the appointment of Commissioners to select grand and petit jurors.
6. An act for the benefit of William Peltry, and the widow and heir of Isaac Lemaster, deceased.
7. An act for the benefit of John Ricks.
8. An act concerning the vacant lands in the county of Johnson.

WEDNESDAY, JANUARY 10, 1844.

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

An act to allow an additional Constable in the county of Boyle, and for other purposes.
An act to legitimize William Wilbourn Sparks, of Adair county, and to change his name to that of William Wilbourn Wooten.
That they had passed a bill and resolution of the following titles, viz:
An act for the benefit of Lewis Lowers.
A resolution providing for the examination of the Institution for the education of the Blind.

1. Mr. Trumbo presented the petition of Churchill J. Blackburn, praying
that compensation be allowed him for lands taken for the use of the Lexington and Ohio Railroad.

2. Mr. Cully presented the petition of sundry citizens of Hardin, Meade, Bullitt and Jefferson counties, praying the establishment of a new county out of parts of said counties.

3. Mr. Young presented the remonstrance of sundry citizens of Bourbon county, against the passage of a law prohibiting Clerks of County Courts from practising law in their counties.

4. Mr. Haydon presented the petition of William Rowlett, praying that compensation be made him for injury done to his lands by slack water in the Kentucky river.

5. Mr. McRery presented the petition of S. & S. F. Vaught, praying that compensation be made them for injuries sustained in the destruction of their mills, on Pond creek, by slack water in Green river.

6. Also, the petition of sundry citizens of Muhlenburg, Ohio, Butler and Logan counties, praying the passage of a law directing a lease of the water power at Lock and Dam No. 3, on Green river, for a term of years, free of charge.

7. Mr. Alcorn presented the petition of sundry citizens of Crittenden county, praying the passage of a law establishing an additional election precinct in said county.

8. Also, the petition of sundry citizens of Livingston county, praying the passage of a law allowing an additional Justice of the Peace to said county.

9. Mr. Speed presented the petition of sundry citizens of the City of Louisville, praying the passage of a law incorporating a company to be called the Louisville Coal Company.

10. Also, the petition of James Harrison and wife, and others, praying the passage of a law authorizing a sale of certain slaves, held in trust for the use of said Harrison's wife, and the investment of the proceeds of said slaves in other slaves.

11. Mr. B. Stone presented the petition of sundry citizens of Hickman county, praying a division of said county, and the establishment of a new county.

12. Mr. Chambers presented the petition of H. P. Peers, Ann Eliza Peers, W. W. Richardson and Lewis Collins, praying the passage of a law authorizing them to convey certain real estate, held in trust for the wife and children of said H. P. Peers.

Which petitions and remonstrance were severally received, the reading thereof dispensed with, (except the 3d and 4th, which were read,) and referred—the 1st, 5th and 6th to the committee on Internal Improvement; the 2d, 4th and 11th to the committee on Propositions and Grievances; the 2d...
Mr. Blackburn presented the report of the Commissioners of the Lunatic Asylum, which is as follows, viz:

[For Report—see Legislative Documents.]

Ordered, That said report be referred to the committee appointed to visit the Asylum, and 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 Trustees of the Deaf and Dumb Asylum, at Danville, which is as follows, viz:

Danville, January 6, 1844.

Sir:—I have the honor to transmit, through you, to the House of Representatives, the annual report of the Trustees of the Deaf and Dumb Asylum.

J. A. Jacobs, Secretary.

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

[For Report—see Legislative Documents.]

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 President and Directors of the Kentucky and Louisville Mutual Insurance Company, which is as follows, viz:

At a meeting of the President and Directors of the “Kentucky and Louisville Mutual Insurance Company,” at their office in the city of Louisville, on the 11th of December, 1843, “the President of the Company submitted to the Board a statement of the condition, progress and affairs of this Company, which, after being read, examined and approved by the Board, was adopted; and the President is directed to furnish a copy of the same to the General Assembly of this State, agreeably to the requisition of the 22d section of the Charter of this Company.”

Office of the Ky. and Louisville Mutual Insurance Co.
Louisville, 14th December, 1843.

Sir:—In obedience to the requisition of the 22d section of the Charter of this Company, and the order of the Board, I herewith transmit to you the following report of the condition, progress and affairs of this Company, from the commencement of their business up to, and including the 2d instant, and request that you will lay the same before the body over which you preside.

I have the honor to be,

Very respectfully, &c.,

Willis Stewart, Pres't.

To the Hon. John L. Helm,
Speaker of the House of Representatives.
Report of the condition, progress and affairs of the Kentucky and Louisville Mutual Insurance Company, up to the 2d of December, 1843, inclusive, viz:

Amount insured, 307 policies, $1,004,575.00

Amount of premium notes, $51,891.73
Deduct amount of premium notes discharged, by transfer of property and otherwise, $4,685.50

$47,206.23

Amount received on premium notes, $9,430.66
Amount received for 307 policies, 307.00

$9,737.66

PAID this amount of expense account, $6,478.77
PAID this amount for losses, 3,082.98
CASH, balance, 175.91

$9,737.66

BALANCES.

DEBITS.
To bills receivable, $37,519.28
To cash, 175.91
To expense account, 6,478.77
To profit and loss account, 3,082.98

$47,556.98

CREDITS.
By premium account, $47,206.23
By extra premium account, 43.75
By policy account, 307.00

$47,556.98

The Speaker laid before the House the annual report of the President and Directors of the Louisville and Portland Canal Company, which is as follows, viz:

In conformity to the notice given in the last annual report, the Board proceeded to purchase the shares from each stockholder, that had offered to sell, in proportion to the number of shares held by each, as near as could be done, to keep the shares entire, and have taken in and paid for 471 shares as stated in the account, which is as follows:
HOUSE OF REPRESENTATIVES.

Louisville and Portland Canal Company in General Account.

DEBITS.

Balance of cash in Treasury, January 1, 1843, - - $60,298 63

Received for Canal tolls in 1843, - - 107,274 65

$167,573 28

CREDITS.

Paid for 471 shares of the stock of the Company, - - $70,145 09

Paid expenses on the Canal, - - 18,097 03

Paid incidental expenses, office salaries, tax, law charges, &c., 2,238 13

Balance of cash in the Treasury, - - 77,093 12

$167,573 28

The balance on hand will enable the Board to purchase, immediately, upwards of 300 shares of the stock of the Company, according to the act of Assembly authorizing the same; which number, added to the shares already purchased, will make the United States, virtually, the owners of about two fifths of all the shares in the Company, and by the operation of the law, they will have a major part of the stock in two years.

The Canal and its appendencies are in good condition; new gates and drawbridge, with other necessary repairs, have increased the expenses of the past year. From the complaints made by the commercial community of the rates of toll, the board was induced to reduce the rate from sixty to fifty cents per ton; notwithstanding this reduction in the rate, it will be seen that the amount received the past year exceeds that of the preceding year in the sum of $12,269 55.

Respectfully submitted,

JAMES MARSHALL, President.


S. S. GOODWIN, Secretary.

Abstract of the Boats that have passed, and tolls received on the Louisville and Portland Canal.

<table>
<thead>
<tr>
<th>Year</th>
<th>Steam Boats</th>
<th>Flat and Keel Boats</th>
<th>Tons.</th>
<th>Amount received</th>
</tr>
</thead>
<tbody>
<tr>
<td>1831</td>
<td>406</td>
<td>423</td>
<td>76,323</td>
<td>$12,750 77</td>
</tr>
<tr>
<td>1832</td>
<td>453</td>
<td>179</td>
<td>70,109</td>
<td>25,756 19</td>
</tr>
<tr>
<td>1833</td>
<td>875</td>
<td>710</td>
<td>169,885</td>
<td>60,756 92</td>
</tr>
<tr>
<td>1834</td>
<td>938</td>
<td>623</td>
<td>162,000</td>
<td>61,848 17</td>
</tr>
<tr>
<td>1835</td>
<td>1,256</td>
<td>266</td>
<td>200,413</td>
<td>89,146 24</td>
</tr>
<tr>
<td>1836</td>
<td>251</td>
<td>455</td>
<td>182,220</td>
<td>89,146 24</td>
</tr>
<tr>
<td>1837</td>
<td>1,501</td>
<td>365</td>
<td>242,374</td>
<td>145,434 29</td>
</tr>
<tr>
<td>1838</td>
<td>1,058</td>
<td>478</td>
<td>201,750</td>
<td>121,107 16</td>
</tr>
<tr>
<td>1839</td>
<td>1,666</td>
<td>578</td>
<td>300,406</td>
<td>180,364 41</td>
</tr>
<tr>
<td>1840</td>
<td>1,381</td>
<td>392</td>
<td>234,841</td>
<td>124,304 45</td>
</tr>
<tr>
<td>1841</td>
<td>1,051</td>
<td>500</td>
<td>182,098</td>
<td>118,944 50</td>
</tr>
<tr>
<td>1842</td>
<td>933</td>
<td>183</td>
<td>172,755</td>
<td>95,005 10</td>
</tr>
<tr>
<td>1843</td>
<td>1,386</td>
<td>88</td>
<td>292,964</td>
<td>107,074 65</td>
</tr>
</tbody>
</table>

|       |             |                     | 3,495,367| $1,327,625 90 |

12
At a meeting of the stockholders of the Louisville and Portland Canal Company, at their office in the City of Louisville, January 1, 1844, the report of the President and Directors was received and ordered to be printed.

The following persons were then duly elected President and Directors for the present year:

JAMES MARSHALL, President.
SIMBON S. GOODWIN, JOHN HULME, RICH'D RONALDSON, THOMAS McEUEN, Directors.

Whereas, the individual stockholders in this Company have offered to sell and transfer to the Company, proportions of their stock, under the conditions of the amended Charter of the Company, as adopted by the stockholders at their meeting on the 4th of July, 1842:

Resolved, That the Board of President and Directors proceed to purchase the number of shares that the net income of the Company will warrant, by taking from each individual stockholder the number of shares that he is entitled to sell under the arrangement adopted by the stockholders.

Resolved, That the thanks of this Company be given to Thomas Hulme, Esq., of Philadelphia, for the very prompt and efficient services rendered by him to the stockholders in Philadelphia, and East of that City, in receiving and paying to them the dividends of the Company for ten years, without any other reward than the conscious discharge of an important trust.

JAMES MARSHALL, Chairman.

[Extract from the Minutes.]
S. S. GOODWIN, Secretary.

Mr. Coffey, from the committee on Claims, to whom was referred the petition of Thomas Brand, reported the same with the following resolution, viz:

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

Mr. Grousbeck, 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 resolution, viz:

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

The Speaker, in pursuance of the resolution for burning State bonds, appointed Messrs. Collins, Maupin, Price and Martin the committee on the part of this House.

Mr. Grousbeck, from the committee on Propositions and Grievances, who were appointed to prepare and bring in the same, reported a bill for the benefit of Rodes Woods, which was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Rodes Woods, of the county of Mercer, be, and he is hereby authorized to bring into this State, from the State of Missouri, his two slaves, named Nelson and Jim, without incurring the penalties of the law prohibiting the importation of slaves.
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,

Mr. Glenn moved the following amendment to said bill.

Be it further enacted, That John Halsell, of Todd county, be permitted to bring into this State, a negro girl named Ellen, without incurring the penalties of the act of 1833, against the importation of slaves.

And the question being taken on the adoption thereof, it was decided in the affirmative.

Mr. Smith proposed the following amendment, as a substitute for said bill, as amended, viz:

That the act of 1833, prohibiting the importation of slaves, be, and the same is hereby repealed, so far as it applies to resident citizens of the State, when such citizen shall import them, bona fide, for their own use and benefit, and not for sale or merchandise.

Mr. Ewing proposed the following as a substitute for the amendment proposed by Mr. Smith, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, from and after the passage of this act, that the citizens of this Commonwealth shall be, and they are hereby privileged to import into this State, from any one of the States of this Union, any slave or slaves for his or her own use: Provided, That the person or persons so importing said slave or slaves, shall, within forty days after said importation, make oath or affirmation before the Clerk of the County Court where said slaves are so imported, that the said slave or slaves were imported for his or her own private use and benefit, and not as merchandise or for speculation; and, also, make out a true and correct list of said slaves, in which, the person so importing, shall give the name, age, color, and sex of every such slave, and make affidavit, before said Clerk, that the same contains a true and correct list of the said slaves so imported; a copy of which said list and affidavit shall be recorded by said Clerk in the County Court Clerk's office of said county, who shall receive, as a fee for recording the same, one dollar, and twenty five cents for each slave embraced therein, twenty five per cent. of which, the said Clerk shall retain, and the balance to be paid to the Jury Fund.

Be it further enacted, That if any person or persons, so importing slaves, as aforesaid, shall sell within the State, any such slave or slaves, within five years after he shall have imported said slave or slaves, or shall make any contract, during said time, for the sale of said slave, or shall hire out said slave or slaves for a term of years, with the intent to evade this act, or shall use any device, whatever, to evade the same, by hiring, sale, or otherwise, that the person or persons so acting, shall, for each and every offence, and for each slave so sold, be subject to all penalties denounced by the law of 1833, prohibiting the importation of slaves into this Commonwealth.

Be it further enacted, That if any person or persons shall buy any such slave or slaves, knowing the same to have been imported within the said term of five years, that he, she, or they, for each slave so purchased, shall forfeit and pay the sum of $200.
Be it further enacted, That if any person shall falsely take the above oath, that he shall be deemed guilty of perjury, and shall be subject to indictment; and upon the proof thereof, shall undergo confinement in the jail and Penitentiary of this State for the term of two years.

Be it further enacted, That any slave or slaves so imported, shall not be subject to be sold under execution within the said term of five years, until all the real and personal property of the defendant in execution, which is now subject, shall first have been sold; and if the defendant shall suffer any such slave to be sold, when he has other property liable, within the said term, or if the Sheriff or his deputies shall sell the same, knowing that said slave is imported, and when there is other property within his knowledge, liable, they, and each of them, shall be subject to a fine of $200 for each slave so sold or permitted to be sold, recoverable by action of debt, or indictment.

Be it further enacted, That if any person, being owner of slaves in this Commonwealth, shall import other slaves, as aforesaid, in order to carry on traffic and speculation, by the sale and speculation of slaves he already has; and shall actually, within the said term of five years, go on to sell off and speculate in the old stock, by way of traffic, that the person so acting shall be deemed guilty of a violation of the 2d section of this act, and subject to all the penalties therein.

Be it further enacted, That all acts which come within the purview of this act, be, and the same is hereby repealed.

Mr. Hobbs moved to lay the bill and amendments 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. Smith and Wheeler, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Speaker, Griffin, Oldham, Payne, Penick, Ferrin,

Messrs. Alcorn, Hambleton, Allen, Harn, Blackburn, Haskin,
oath, and it shall not be indicted until any slave or negro is bound to service or labour for any term of years, and all said slaves and negroes in this Territory have been; and the question shall be now put? and it was decided in the affirmative.

Mr. Hooe 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 main question was then put, shall the bill as amended be engrossed and read a third time? and it was decided in the affirmative.

Mr. Fry, from the committee on Enrollments, reported that the committee had examined an enrolled bill from the Senate, entitled, and act for the benefit of the devisees of Thomas Wallace, deceased.

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

An act to legitimize William Wilbourn Sparks, of Adair county, and to change his name to that of William Wilbourn Wooten.

An act to allow an additional Justice of the Peace to Hopkins and Ballard counties, and for other purposes.

And had found the same duly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.

Mr. Lawless moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be instructed to enquire into the expediency of passing a law to lease out, to the highest bidder, the several turnpike roads within this Commonwealth, and that they report by bill or otherwise.

Which being twice read, was adopted.

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

On motion of Mr. Kavanaugh—1. A bill concerning the allowances of claims by the several County Courts.

On motion of Mr. Young—2. A bill to amend the penal laws of this Commonwealth.
On motion of Mr. McLarning—3. A bill to amend the law concerning the action of replevin.

On motion of Mr. Garrard—4. A bill to change the name of Martha Spurlock to that of Martha Gilbert.

On motion of same—5. A bill to amend the revenue laws.

On motion of Mr. DeCourcy—6. A bill to enable the voters of this Commonwealth to elect a Commissioner of Tax, at their annual elections.

On motion of Mr. Fry—7. A bill for the benefit of Sally Skinner, infant orphan of Isaac Skinner, deceased, of the State of Illinois.

On motion of Mr. Crow—8. A bill for the purpose of amending the laws concerning inquests in cases of idiocy and lunacy.


On motion of same—10. A bill to establish an additional precinct in the county of McCracken.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st, 2d, 7th and 8th; Messrs. McLarning, Graves and Ewing the 3d; Messrs. Garrard, Clark and Given the 4th; the committee on Ways and Means the 5th; Messrs. DeCourcy, Wheeler and Heady the 6th; Messrs. Crow, Tevis and Garnett the 9th, and Messrs. Crow, Campbell, Alcorn and Lewis the 10th.

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 change the election precinct held at the store of N. S. Strange, in the county of Warren.

By Mr. Kavanaugh—2. A bill concerning ferries on the Kentucky river, below the head of slack water navigation.

By Mr. Kallus—3. A bill for the benefit of the Baptist Church in Bullitt county.

By Mr. Hambleton—4. A bill for the benefit of the Sheriff of Breckinridge county.

By Mr. Trumbo—5. A bill allowing an additional Constable to the county of Bath, and for other purposes.

By Mr. Webb—6. A bill for the benefit of the heirs of Rebecca Hawkins, deceased.

By Mr. McLarning—7. A bill to amend the law concerning partial payments.

By same—8. A bill for the benefit of the late Sheriff of Christian county.

By Mr. T. M. Jones—9. A bill to incorporate the town of Murray, and for other purposes.

By Mr. Garrard—10. A bill for the benefit of Hiram Begley.
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, 5th, 6th, 9th and 10th were severally ordered to be engrossed and read a third time; the 4th and 8th were referred to the committee on Ways and Means, and the 7th to the committee for Courts of Justice.

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

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

Mr. DeCourcy, from the select committee to whom was referred the resolution to revise the rules of the House, made the following report, viz:

Strike out the 23d rule, and insert the following, viz:

The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate and bring the House to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question; on a motion for the previous question, and prior to the seconding of the same, a call of the house shall be in order, but after a majority shall have seconded such motion, no call shall be in order prior to the decision of the main question.

Strike out the 24th rule, and insert the following, viz:

On a previous question there shall be no debate; all incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether an appeal or otherwise, without debate.

And the question being taken on the adoption of said report, it was decided in the negative.

And then the House adjourned.

THURSDAY, JANUARY 11, 1844.

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

An act to suspend all laws authorizing the appointment of Commissioners of Tax.

An act to sever certain lots from the town of Russellville.
An act for the benefit of Glasgow.
An act to permit Samuel C. Flowers to import a slave.
An act to authorize John K. McClenden to import a slave.
With amendments to the four last named bills.
That they had passed bills of the following titles, viz:
An act giving further time to the several courts of this Commonwealth to procure the standard of Weights and Measures, as now prescribed by law.
An act authorizing the trustees of the town of Cadiz to sell and convey certain ground in said town.
An act for the relief of the heirs of Isaac Rust, deceased.
An act to authorize the several County Courts in this Commonwealth to alter the bounds of the Constable's districts, in their several counties.
And had received official information from the Governor that he had approved and signed enrolled resolutions, which originated in the Senate, of the following titles, viz:
A resolution for the burning of State bonds.
Resolution to appoint a committee to examine Transylvania University and the Lunatic Asylum.
Approved January 10, 1844.
1. Mr. Payne presented the petition of sundry citizens of Scott, Harrison and Owen counties, praying the establishment of new county out of parts of said counties.
2. Mr. Garrard presented the petition of Jacob Phips and Charles Hammons, praying that compensation be allowed them for apprehending Alexander Frazure, a fugitive from justice.
3. Also, presented the petition of sundry citizens of Letcher and Perry counties, praying a change in the dividing line between said counties.
5. Mr. Lewis presented the remonstrance of sundry citizens of Hickman county, against the division of said county, and the establishment of a new county out of part thereof.
6. Mr. McRory presented the petition of sundry citizens of Muhlenburg, Ohio and Daviess counties, praying the establishment of a new county out of parts of said counties.
7. Mr. Bowman presented the petition of sundry citizens of Adair county, praying to be added to the county of Casey.
8. Mr. Young presented the remonstrance of sundry citizens of Bourbon county, against the passage of a law preventing Clerks of Courts from practising law in the counties in which they are Clerks.
9. Mr. Speed presented the petition of sundry citizens of Louisville, praying an amendment to the law in relation to the inspection of salt.

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

Mr. Groesbeck, from the committee on Propositions and Grievances, reported a bill appropriating a sum of money to aid in the erection of a bridge across Mill creek, in Owen county—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 said bill was rejected.

Mr. Campbell, from the committee for Courts of Justice, to whom was referred a resolution directing them to enquire into the expediency of passing a law authorizing Constables to return executions, when directed, to the clerk of the County or Circuit Courts, and authorizing the Clerk to issue execution directed to the Sheriff, asked to be discharged from the further consideration thereof, which was granted.

Ordered, That said resolution be referred to Messrs. Wright, Tevis, Smith and Buford.

Mr. Campbell, from the same committee, to whom was referred the petition of Morgan and wife, and H. J. M. Thompson, 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 Propositions and Grievances—1. A bill to authorize the appointment of an additional Constable in the county of Mercer.

By the committee for Courts of Justice—2. A bill to repeal the charter of the Crab Orchard and Cumberland Gap Turnpike road.

By same—3. A bill to amend an act authorizing an inspection of Tobacco in this Commonwealth.

By same—4. A bill to amend the duelling law.

By same—5. A bill for the benefit of F. J. Gilbert, late Surveyor of 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 reading of said bills having been dispensed with, the 1st, 4th and 5th were severally ordered to be engrossed and read a third time; the 2d was referred to the
committee on Internal Improvement, and the 4th to the committee on Agriculture and Manufactures.

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

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

Mr. Campbell, from the committee for Courts of Justice, who were appointed to prepare and bring in the same, reported a bill to amend the law as to the conduct of slaves, which was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky,

That hereafter, if any slave shall cohabit with a white woman, as his wife, and the same shall be known to the owner or employer of said slave, the owner or employer shall be subject to be indicted by the grand jury; and upon conviction, shall forfeit and pay the sum of $100, to be collected as other fines, and paid to the County Treasury.

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.

Mr. Hooe moved to refer said bill to the committee for Courts of Justice, with the following instructions, viz:

To report a bill providing for the punishment of slaves, free negroes and white women, who shall be guilty of cohabiting together, and also for the punishment of the owner of slaves, who shall permit their slaves, with their knowledge, to cohabit with a white woman.

Mr. O. P. Hogan moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

Mr. DeCourcy called for a division of the question.

The question was first taken, Shall the bill be committed? and it was decided in the affirmative.

The question was then taken on the instructions proposed by Mr. Hooe, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker, Hambleton, Perrin,
Messrs. Alcorn, Hayden, Pope,
Allen, Heady, Porter,
Bowman, Hobbs, Price,
Buford, Hogan O. P., Richardson,
Coffey, Holloway, Rockhold,
Coleman, Hoe, Stewart,
Ewing, Johnson, Stone, B.
Mr. Campbell, from the same committee, to whom was referred a bill to limit the time of voting at the precincts, to one day, 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.

On motion,

Ordered, That the orders of the day be suspended for the present.

Mr. Collins, from the committee appointed on the part of this House, in relation to the burning of State bonds, made the following report, viz:

That in pursuance to said resolution, there was burnt and destroyed in the presence of the Executive, Secretary of State, Treasurer, 2d Auditor, and a committee of each House, one million seven hundred and fifty thousand dollars, of bonds of this State, bearing and interest of five per cent. per annum, originally issued to the Bank of Kentucky and Northern Bank of Kentucky, and surrendered to the Governor in pursuance to the 17th and 18th sections of the act of the last session, entitled, "an act to amend the charters of the Banks of Kentucky;" that is to say:
Of the bonds surrendered by the Bank of Kentucky, there were
10 bonds of $20,000 each, - - - - - - - - - - - - - - $200,000
40 bonds of $10,000 each, - - - - - - - - - - - - - - 400,000
60 bonds of $5,000 each, - - - - - - - - - - - - - - 300,000
100 bonds of $1,000 each, - - - - - - - - - - - - - - 100,000
Making, - - - - - - - - - - - - - - - - - - - - - - - - - $1,000,000
Of the bonds surrendered by the Northern Bank of Kentucky,
there were, 750 bonds of $1,000 each, - - - - - - - - - - $750,000
Making, in the whole, one million seven hundred and fifty thousand dollars, burnt in our presence, this 10th day of January, 1844.

J. D. COLLINS,
JOHN P. MARTIN,
R. D. MAUPIN,
JENNINGS PRICE.

Leave was given to bring in the following bills, viz:
On motion of Mr. Crow—1. A bill for the benefit of the Clerks, Sheriffs and Constables of this Commonwealth.
On motion of Mr. B. Stone—2. A bill to repeal a portion of the act establishing the county of Estill.
On motion of Mr. C. R. Thomson—3. A bill to amend the law relating to replevin bonds.
On motion of Mr. E. Hogan—4. A bill for the benefit of the Lexington Artillery Company.
On motion of same—5. A bill to revise, condense and publish the Statute Laws of this Commonwealth.
On motion of Mr. C. R. Thomson—6. A bill for the benefit of the estate of Daniel Riley, deceased.
On motion of Mr. Wilkenson—7. A bill for the benefit of sundry citizens of Graves county.
On motion of Mr. Collins—8. A bill to establish a new Judicial District.
On motion of Mr. Cully—9. A bill for the benefit of Lois Smallwood.
On motion of Mr. Stewart—10. A bill authorizing the Sheriff of Henry county to collect certain tax.
On motion of same—11. A bill to repeal the militia law of Kentucky.
On motion of Mr. Groesbeck—12. A bill to amend the charter of the city of Covington.
On motion of Mr. Ewing—13. A bill more effectually to suppress the practice of suffering slaves to hire their own time.
On motion of Mr. Alcorn—15. A bill for the benefit of the Sheriff of Livingston county.

Ordered, That Messrs. Crow, Null and Campbell prepare and bring in the 1st; Messrs. B. Stone, Fry and Oldham the 2d; Messrs. C. R. Thomson, Redd and Chambers the 3d; the committee on Claims the 4th; Messrs. E. Hogan, Cox, Gore, Webb, Speed, Winfrey and Lawless the 5th; Messrs. C. R. Thomson, Kavanaugh, Martin and E. Hogan the 6th; the committee for Courts of Justice the 7th and 13th; Messrs. Collins, Cox, Martin, Frazier, Garrard and Goble the 8th; Messrs. Cully, Wheeler and Richardson the 9th; the committee on Ways and Means the 10th and 15th; the committee on Military Affairs the 11th; Messrs. Groesbeck, Graves and Coffey the 12th, and the committee on Internal Improvement the 14th.

Mr. Goble, from the committee appointed on the memorial of John C. Mason, contesting the seat of John A. Trumbo, the member returned to serve in this House from the county of Bath, made the following report viz:

The select committee, to whom was referred the contested election of John A. Trumbo and John C. Mason, beg leave to make the following report, viz:

1st. It is not denied that Trumbo has his certificate of election, by the officers authorized to make the return; but Mason contends that illegal votes were cast for Trumbo, sufficient, when deducted from Trumbo's majority, to show that Mason is entitled to the seat now occupied by Trumbo, as the representative from the county of Bath.

The committee convened. Both parties being present in person. Mason's notices to Trumbo, that he would contest his election, and of the time and place he intended to take depositions, were produced, with returns thereon that they had been executed. The committee undertook to investigate the merits of the case. A large roll of depositions, that had been referred to the committee by an order or resolution of the House, containing 186 pages, were offered to be read as evidence by Mason; but, upon examination, the only authenticity of said depositions was a certificate, at the foot thereof, in the words and figures following, to-wit: "The Commissioners adjourned, sine die, this 1st day of December, 1843;" signed by two of the Commissioners.

After which followed two separate certificates, to-wit: "The foregoing depositions were taken, subscribed, and sworn to, by the deponents therein named, before the Commissioners of Depositions, in the contested election between John C. Mason and John A. Trumbo, for a seat in the House of Representatives of the Legislature of Kentucky, as member from Bath county, at the time and place, and for the purpose stated in the caption thereof. Given under my hand this first day of December, 1843."

(Signed) "FREDERICK RAND, c. c. n."

And then followed a second certificate, as follows, viz: "The Commissioners adjourning without giving me any directions as to certifying the depositions, the above certificate was made by me after their adjournment, sine die, and without their direction."

(Signed) "FREDERICK RAND, c. c. n."

The depositions having been objected to by Trumbo, the committee (i.e. a
majority, sustained the objections, and excluded said depositions, because they were not certified according to law. It will plainly be seen why the committee came to this conclusion, by reference to 592nd page, 1st volume of the Statute Laws of Kentucky, which, after speaking the mode, &c., of taking depositions in such a case as this, says—"The depositions, when taken, shall be certified to the Clerk of the Commissioners, under their direction, and safely transmitted by him, under seal, to the Secretary for the time being." And as the certificate of the Clerk, first written, does not show that it was done under the direction of the Commissioners; but, on the contrary, the second certificate states directly, it was not done under their direction, the committee (i.e., a majority) came to the conclusion that the law had not been complied with, and, therefore, rejected them. And afterwards, Mason moved to have leave to have the certificate amended by the Clerk, by leave of the Commissioners; the committee not believing they had the right to permit it, overruled the motion. No other steps having been taken by the parties, the committee report the above facts.

G. V. GOBLE, Chairman.

The undersigned, as Chairman of the committee in the above case, made out the above report, it being the instructions of a majority of the committee; but takes this mode of remarking that, although the facts are correctly stated in the above report, he did not concur with the majority of the committee in the conclusions (by them) arrived at, from the facts presented.

G. V. GOBLE.

Ordered, That said report be referred to a committee of the whole House, and made the special order of the day for Monday next.

Mr. Fry, from the committee on Enrollments, reported that the committee had examined enrolled bills from the Senate, of the following titles, viz:

An act for the benefit of Dorothy H. Inman.
An act concerning the vacant lands in the county of Johnson.
And enrolled bills from the House, of the following titles, viz:

An act for the benefit of Henry Horn.
An act allowing the County Court of Monroe to appropriate certain funds in the hands of the County Treasurer.
An act to amend the law in relation to the town of Bowlinggreen.
An act to allow an additional Justice of the Peace to the county of Casey, and one to the county of Muhlenburg.
An act to establish a special chancery term in McCracken and Livingston counties.
An act to allow an additional Constable in the county of Boyle, and for other purposes.
An act for the benefit of Peter Blevins, Elizabeth Land and Louisa Flanagan.
An act to allow an additional Constable to Hickman county.
An act to establish the town of Downingsville.
An act for the benefit of Mary D. Stewart, of Henry county, an infant.
And had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.

Mr. Goble moved the following resolution, viz:

Resolved, That the committee on the Sinking Fund be instructed to inquire into the propriety of selling scrip of the State to the amount of one, two, or three millions of dollars, bearing interest not to exceed four per cent. per annum, for the purpose of establishing a State Bank—the proceeds of which to be applied: 1st, to the payment of the interest on said bonds, and the expenses of said institution; and the residue of the dividends of said institution, annually to be paid into the Sinking Fund, to be applied to the payment of the interest on the State debt, if necessary for that purpose; if not necessary for that purpose, to the payment of the State Debt, so as to extinguish the State debt, without an increase of taxation—keeping the principal stock of said Bank for the purpose of redeeming said scrip when it falls due; and that they report by bill or otherwise.

Mr. Tevis moved to lay said resolution 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. Maupin and Goble, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Speaker, Messrs. Allen, Bondurant, Bryan, Buford, Coffey, Coleman, Gray, Griffin, Grossbeck, Hanna, Haskin, Haydon, Heady, Martin, Maupin, Owens, Payne, Perrin, Stewart, Stone, S.
Mr. Graves moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to enquire into the propriety of providing, by law, for the payment of the guard, ordered by Judge Brown, for the safe keeping of James McLaughlin, confined in the jail of Shelby county, on a charge of murder; and for compensating Nathaniel Woolf for his professional services in going from Louisville to Shelbyville to aid in the prosecution of said McLaughlin.

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. Price—1. A bill for the benefit of the Clerk of the Garrard Circuit Court.

By Mr. Marshall—2. A bill to repeal the 2d section of an act concerning the records and papers of Justices of the Peace, and to reduce the number of Justices of the Peace in Green county.

By Mr. Cully—3. A bill to allow the county of Larue one additional Justice of the Peace, and one additional Constable, and for other purposes.

By Mr. Hobbs—4. A bill to amend the penal laws.

By same—5. A bill to amend the law of 1841-42, establishing the town of Portland.

By Mr. Wright—6. A bill for the benefit of John, a slave.

By Mr. Alcorn—7. A bill establishing election precincts in the counties of Crittenden and Union.

By same—8. A bill allowing the county of Livingston an additional Justice of the Peace, and for other purposes.

By Mr. Graves—9. A bill to amend the charter of the city of Covington.

By Mr. Speed—10. A bill for the benefit of the mechanics and others of the city of Louisville and counties of Jefferson, Calloway and Marshall.

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, 3d, 7th, 8th, 9th and 10th were severally ordered to be engrossed and read a third time; the 4th and 5th were referred to the committee for Courts of Justice, and the 6th to the committee on Claims.

The rule of the House, constitutional provision and third reading of the
FRIDAY, JANUARY 12, 1844.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act to amend the law in relation to allowances made to appraisers of the estate of deceased persons.

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

- An act to establish an election precinct at Middleton, in Logan county, and to change the place of voting at the Rabbitsville precinct, and for other purposes.
- An act for the benefit of William T. Samuels.
- An act to enlarge the Lafayette precinct, in the county of Barren.
- An act to abolish an election precinct in the county of Casey.
- An act to establish an additional election precinct in Mercer county.
- An act to establish the town of Murry as the seat of Justice of Calloway county.
- An act to amend the law regulating appeals from the judgment of Justices of the Peace.
- An act for the benefit of the Sheriff of Laurel county.

That they had passed bills of the following titles, viz:

- An act to amend the law regulating the duties of the Clerk of the Court of Appeals, and for other purposes.
- An act to amend an act to reduce into one the several acts or parts of acts regulating conveyances.
- An act for the benefit of Peter Carter, an idiot.
- An act for the benefit of Peter Berry, coroner of Union county.
- An act to establish three election precincts in Johnson county.

1. Mr. Gentry presented the petition of sundry citizens of Madison and Estill counties, praying that the amount of a fine assessed against Isaac and William Todd of $500, as the appearance bail of Samuel Collins, charged with the burning of the barn of James Scrivner, may be appropriated to said Scrivner.

2. Mr. Young presented the petition of sundry citizens of Bourbon coun-
ty, praying the passage of a law prohibiting County Court Clerks from practising law in the counties in which they are Clerks.

3. Also, the remonstrance of sundry citizens of the same county, against the passage of a law prohibiting County Court Clerks from practising law in their counties.

4. Mr. Stitt presented the petition of sundry citizens of Nicholas county, praying to be added to the county of Bracken.

5. Also, the remonstrance of sundry citizens of the same county, against being added to the county of Bracken.

6. Mr. Campbell presented the petition of sundry citizens of Marshall and McCracken counties, praying the passage of a law establishing a State road from Paducah to Gray’s ferry, on the Tennessee river, and making an appropriation for erecting bridges over the streams crossed by such road.

7. Also, the petition of Ann McElya, administratrix of John McElya, deceased, praying the passage of a law authorizing a sale of the real estate of her intestate.

8. Mr. T. M. Jones presented the petition of the Sheriff of Henry county, praying that further time be allowed him to pay the balance of the revenue due from said county, for the year 1843.

9. Mr. Lewis presented the petition of Malinda Conn, praying to be divorced from her husband, Harry D. Conn.

10. Also, the petition of Irena Broach, praying to be divorced from her husband, John P. Broach.

11. Mr. Tevis presented the petition of John C. Eastin, praying that the office of Senator or Representative, and that of County Attorney be declared incompatible.

12. Mr. Waddill presented the memorial of the President and Managers of the Logan, Todd and Christian Turnpike Road Company, upon the subject of the State’s subscription to said road.

13. Mr. Groesbeck presented the remonstrance of sundry citizens of Kenton county against the repeal of the law exempting two hundred and fifty dollars worth of property from execution.

14. Mr. Fry presented the petition of Leonard Harmen, praying the passage of a law enabling him, in some manner, to pass the dower right of his wife, who is a lunatic, to certain lands.

15. Mr. Cally presented the petition of sundry citizens of Larue county, praying the establishment of an election precinct in said county.

Which petitions, remonstrances and memorial were severally received, the reading thereof dispensed with, (except the 12th, which was read,) and referred—the 1st and 8th to the committee on Ways and Means; the 2d, 3d, 7th, 11th, 12th and 14th to the committee for Courts of Justice; the 4th and 5th to the committee of Propositions and Grievances; the 6th and 12th
to the committee on Internal Improvement; the 9th and 10th to the committee on Religion, and the 14th to Messrs. Cully, Wheeler and Richardson.

Mr. Bryan moved a reconsideration of the vote rejecting the bill appropriating a sum of money to aid in the erection of a bridge across Mill Creek, in Owen county.

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

Mr. Fry, from the committee on Enrollments, reported that the committee had examined an enrolled bill from this House, entitled, an act to suspend all laws authorizing the appointment of Commissioners of Tax; and had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto. Ordered, That Mr. Fry inform the Senate thereof.

The House again resumed the consideration of the bill to limit the time of voting at the precincts to one day.

The said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That at all elections which shall hereafter take place in this State, the polls shall continue open only one day, except at the Court House of each county, at which place the polls shall continue open three days as heretofore.

Mr. Smith 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. Ewing and Coleman, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Alcorn, Allen, Blackburn, Bowman, Bryan, Buford, Campbell, Clark, Cully, DeCorrey, Dickey, Frazier, Gardner, Garnett, Garrard, Gentry,

Groesbeck, Hambleton, Hanna, Haydon, Heady, Hobbs, Hogan, E. Hogan, O. P. Hooe, Humphreys, Jenkins, Johnson, Jones, D. E. Jones, T. M. Kalfus, Kavanaugh, Kavanaugh, Lawless,

Noe, Oldham, Owens, Payne, Penick, Perrin, Pogue, Pope, Porter, Price, Richardson, Smith, Stone, B. Tevis, Trumbo, Tully, Waddill,
Those who voted in the negative, were—

Messrs. Chambers, Holloway, Thomson, C. R.
Collins, King, Thompson, H.
Crow, McLarning, Wilkenson, Winfrey,
Ewing, Nall, Woosley,
Fry, Rockhold, Young—19.
Griffin, Speed,

Mr. Campbell, from the committee for Courts of Justice, to whom was referred leave to bring in a bill to take the sense of the good people of this Commonwealth upon the propriety of calling a convention, asked to be discharged from the further consideration thereof.

And the question being taken on discharging the committee, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker, Haydon, Penick,
Messrs. Alcorn, Heady, Perrin,
Allen, Hobbs, Pogue,
Blackburn, Hobson, Porter,
Bryant, Hogan, E. Price,
Buford, Holloway, Redd,
Campbell, Hooe, Richardson,
Chambers, Humphreys, Smith,
Clark, Jenkins, Speed,
Collins, Jones, D. E. Stitt,
Crow, Kalfus, Stone, B.
Cully, Kavanaugh, Tevis,
Dickey, King, Trumbo,
Ewing, Lawless, Waddill,
Fry, Lowry, Webb,
Gentry, Marshall, Wickliffe,
Given, McLarning, Wooten,
Gore, McRery, Wright,
Graves, Milam, Yocum,
Gray, Nail, Young—63.
Hambleton, Oldham,
Those who voted in the negative, were—


Mr. Campbell, from the same committee, to whom was referred a bill to amend the attachment law, 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 thereof be as aforesaid.

Mr. Chambers, from the committee on Ways and Means, to whom was referred the petition of Peter Stephens, of Monroe county, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Chambers, from the same committee, to whom was referred a bill for the benefit of Aaron Hodges, 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 having been dispensed with, and the same being engrossed,

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

Mr. Chambers, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of the Collectors of the revenue tax, of the county of Union, 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.

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 Henry Gale, administrator of John Gale and Ann E. Gale, guardian, to convey part of lot No. 64, in Morganfield, to P. C. Holt.
By same—2. A bill for the benefit of Sally Skinner.

By same—3. A bill for the benefit of Jane Coffey, of Christian 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 said bills do pass, and that the titles thereof be as aforesaid.

Mr. Chambers, from the committee on Ways and Means, who were appointed to prepare and bring in the same, reported a bill to amend an act, entitled, an act to amend the law relating to Pedlars, and for other purposes, approved February 15, 1842.

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 put on engrossing and reading said bill a third time.

And after some discussion 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 whole, on the bill to authorize the purchase of Loughborough's Digest, Mr. Smith in the chair; and after some time spent therein, the Speaker resumed the chair, when Mr. Smith reported that the committee had, according to order, had under consideration the bill aforesaid, and had adopted an amendment thereto, which he handed in at the Clerk's table.

The said amendment was then twice read and concurred in.

Mr. Smith moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

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.

Mr. Graves moved that said bill have its third reading on this day.

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

The said bill was then read a third time as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That when Preston S. Loughborough shall deliver to the Secretary of State two thousand well bound and lettered copies of the Digest, published by him of the Statutes of this Commonwealth, enacted since 1834, the said Secretary shall give a receipt for the same, and certify to the 2d Auditor of Public Accounts the amount due to the said Loughborough therefor, at the price of three dollars and fifty cents for every six hundred pages of printing contained therein, tables and indexes being taken into consideration; and when said Loughborough shall deliver to the Secretary of State the aforesaid number of copies of said Digest of the laws, he shall give a receipt for the same and certify to the Auditor of Public Accounts the amount due for the same at the aforesaid price; and the Auditor of Public Accounts is thereupon di-
rected to issue a warrant upon the Treasury, in favour of said Loughborough, for the amount so certified, which shall be paid out of any money in the Treasury not otherwise appropriated.

2. Be it further enacted, That the Secretary of State shall distribute the said Digest in the following manner: one to each Justice of the Peace; one to the Clerk of the Court of Appeals; one to the Clerk of the General Court; one to each of the Circuit Court Clerks; one to each of the County Court Clerks; one to the Clerk of the Louisville Chancery Court; ten to the Clerk of the Senate, and thirty to the Clerk of the House of Representatives.

3. Be it further enacted, That when any of the officers entitled to a copy of said Digest shall have received the same, upon his or their going out of office, such officer shall deposit the said copy with the Clerk of the Court, when he or they shall have exercised the office, by virtue of which he becomes entitled to such copy, and on his failure so to do, he shall be subject to all the penalties now in force against any of the officers of this Government for failing to return the public books when they go out of office: Provided, however, That if the copies to be furnished in this bill should not amount to 2000, then there is to be a proportionable deduction in the amount to be paid to said Loughborough.

Mr. O. P. Hogan moved the previous question. The question was then taken, shall the main question be now put? and it was decided in the affirmative. The main question was then put, shall the bill pass? and it was decided in the negative; and so said bill was rejected. The yeas and nays being required thereon by Messrs. O. P. Hogan and Winfrey, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

A message was received from the Governor announcing that he had approved and signed enrolled bills, which originated in this House, of the following titles, viz:

An act to allow an additional Justice of the Peace to Hopkins and Ballard counties, and for other purposes. Approved January 11, 1844.

An act to legitimate William Wilbourn Sparks, of Adair county, and to change his name to that of William Wilbourn Wooten.

An act allowing the County Court of Monroe to appropriate certain funds in the hands of the County Treasurer.

An act for the benefit of Henry Horn.

An act for the benefit of the Sheriffs of Clinton, Monroe and Cumberland counties, and for other purposes.

An act for the benefit of John M. Davis, of Clinton county.

An act to establish additional precincts in the counties of Breckinridge and Clinton.

An act for the benefit of John M. Wilkinson, executor of William Young, deceased.

An act to legalize the proceedings of the Ohio County Court, and for other purposes.

An act for the benefit of Edwin H. Read, of Ohio county.

An act to enlarge the Constable's district, in the county of Mercer, in which Samuel Alexander acts as Constable.

An act to establish a special chancery term in McCracken and Livingston counties.

An act to allow an additional Constable in the county of Boyle, and for other purposes.

An act for the benefit of Mary D. Stewart, an infant.

An act to establish the town of Downingsville.

An act to allow an additional Constable to Hickman county.

An act for the benefit of Peter Blevins, Elizabeth Land and Louisa Flaniga.
An act to suspend all laws authorizing the appointment of Commissioners of Tax.
An act to amend the law in relation to the town of Bowlinggreen.

Approved January 12, 1844.

And then the House adjourned.

SATURDAY, JANUARY 13, 1844.

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 Union Fire Company in the city of Lexington.

An act allowing an additional Constable to the county of Bath, and for other purposes.

An act to amend the charter of the city of Covington.

And that they had passed bills from the Senate of the following titles, viz:
An act to amend the act, entitled, an act to amend the law concerning County Surveyors.

An act to authorize the city of Maysville to levy and collect a special tax to erect a public edifice in said city.

An act to attach the county of Bullitt to the fifth Judicial District, and for other purposes.

An act for the benefit of the Sheriff of Green county.

An act to amend an act, entitled, an act for the benefit of David A. Sayre, approved February 24, 1842, and for other purposes.

And 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 for the benefit of the devisees of Thomas Wallace, deceased.
An act for the benefit of Robert Baker, of Logan county.
Approved January 11, 1844.

An act to change the name of Read Hall Blanton to Samuel Theobald Blanton.

An act for the benefit of Julia Ann and Eliza H. Green.
An act for the benefit of Neal A. McMillan.
An act to enlarge the first Constables' District, in Oldham county.
An act concerning the vacant lands in the county of Johnson.
An act for the benefit of Dorothy H. Inman.
Approved January 12, 1844.
1. Mr. Young presented the remonstrance of sundry citizens of Bourbon county, against the passage of a law prohibiting County Court Clerks from practising law in the counties in which they act as Clerk.

2. Mr. Crow presented the remonstrance of sundry citizens of Daviess county, against the establishment of a new county out of part of said county and the counties of Ohio and Muhlenburg.

3. Mr. Chambers presented the petition of Hannah V. Coleman, praying to be divorced from her husband, William H. Coleman.

4. Mr. Nall presented the remonstrance of sundry citizens of Ohio county, against the establishment of a new county out of part thereof, and parts of the counties of Muhlenburg and Daviess.

5. Mr. Trumbo presented the petition of Robert T. Crooks, and Mary, his wife, who is under age, praying the passage of a law authorizing them to sell and convey certain lands.

6. Mr. Oldham presented the petition of sundry citizens of Madison county, praying the passage of a law establishing a State road from John Park’s in said county, to intersect the Estill road in Clay county.

7. Mr. Milam presented the petition of the Trustees of the town of Frankfort, praying the passage of a law giving them control over the public grounds in said town, and for other purposes.

8. Mr. Glenn presented the petition of Sarah Butler, praying the passage of a law authorizing her to sell certain lands of the estate of her deceased husband, Lewis Butler.

9. Mr. Groesbeck presented the petition of Charles C. Wolf, praying to be divorced from his wife, Sarah Wolf.

10. Mr. Holloway presented the remonstrance of sundry citizens of Henderson, Hopkins and Daviess counties, against the formation of a new county out of parts of Muhlenburg, Ohio, Daviess and Hopkins counties.

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

The Speaker laid before the House the annual report of the Board of Visitors of the Kentucky Institution for the education of the Blind, which is as follows, viz:

FRANKFORT, January 13th, 1844.

Sir:

Pursuant to the 1st section of the “act to establish the Kentucky Institution for the Education of the Blind,” approved February 5th, 1842, the Board of Education transmit, herewith, to the General Assembly, the second
annual report of the President and Visitors of the Kentucky Institution for
the Education of the Blind.

I have the honor to be,
Very respectfully, your ob'd't serv't,
R. T. DILLARD, Supt, &c.

HON. JOHN L. HELM,
Speaker of the House of Representatives.

[For Report—see Legislative Documents.]

Ordered, That the Public Printer forthwith print 1,000 copies of said
report, 800 copies of which for the use of the members of this House,
and 200 for the use of said Institution.

Mr. Chambers moved that the Public Printer forthwith print 1,000 copies
of the report of Superintendent of Public Instruction, for the use of the
members of this House.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Speaker, Messrs. Bowman, Bryan, Buford, Campbell, Coffey, Coleman, Cully,Dickey, Ewing, Frazier, Goble, Gore, Gray, Griffin, Hambleton, Haskin, Heady, Hogan, O. P. Jenkins, Johnson, Lawless, Pogue, Pope, Price, Richardson, Rockhold, Smith, Stitt, Stone, B. Stone, S. Thompson, H. Wickliffe,
Mr. Cox, from the committee appointed on the memorial of Richard Apperson, contesting the seat of Joseph Bondurant, the member returned to serve in this House from the county of Montgomery, made the following report, viz:

The select committee, to whom was referred the petition of Richard Apperson, contesting the right of Joseph Bondurant, the member returned to serve in this House from the county of Montgomery to his seat, have had the same under consideration, and a majority concurring, report: That, immediately after their appointment, they proceeded to the consideration of the questions growing out of said contest, nor did they relax their constant and almost unremitted attention to the investigation, until they have brought their labors to a close. They deemed it their imperative duty to bring the investigation to as speedy a close as practicable, for the purpose of enabling this House to determine the merits of the petitioner's claim to a seat as member thereof, so as to ensure the prompt and faithful execution of the law governing the election and return of its members, and to guarantee the right of contesting the election of a representative without the fear of an evasion of the law by delay, which converts that right into an abstraction, and the investigation into a mock trial. Your committee are of the opinion that the right of election should be regarded as one of the most valuable privileges guaranteed by the constitution; and that it should, by suitable and strict regulations, be guarded and preserved from abuse or violation: and, if assailed either by intrigue or corruption, should be rescued by this House, in the case of its members, from the hands of usurpation and outrage. The rebuke of the people to the usurper of their rights, is the most powerful and deterring restraint upon the unprincipled and licentious. The right of this House to determine the legality of the election and return of its members, is one of the greatest and surest preservatives of the electoral franchise. And your committee cannot forbear expressing their approbation of the patriotic spirit which, prompted by a devotion to the principles which sustain the beautiful order and harmony of our republican institutions, brings to light and exposes to public scorn and execration any actual or attempted violation of the sacred right of election. The right of a majority to govern, is a principle which lies at the foundation of our political edifice; and he who attempts to undermine and subvert this cornerstone of liberty and law, should be regarded as a traitor to his country. In order to the full exercise and enjoyment of the inestimable privileges and rights growing out of, and supported by the great republican principle of government by the majority, it is indispensably necessary that clear and definite rules, by which a majority can be ascertained, either for men or measures, should be established and rigidly applied in all elections by the people. It is equally obvious that any attempt to defeat or destroy those regulations, is tantamount to an attack upon the great principle itself. It will be observed, up
on the slightest reflection, that the exercise of the right of suffrage by those who are unqualified, and not entitled to this privilege, is one of the most daring outrages which can be perpetrated upon the elective franchise, and the most successful method which could be employed to overturn and destroy the foundation of our civil institutions. Whilst the committee entertain and express the foregoing sentiments and opinions, they would distinctly disavow any intention to impute any censure to either of the parties in this contest. To guard the right of suffrage from abuse and violation, the framers of the constitution have clearly defined and pointed out the qualifications of electors, whilst the laws, made in pursuance of the constitution, establish the mode by which a majority shall be ascertained, so clearly, that none but the reckless and daring would attempt the usurpation of this sacred right. The provisions of the constitution and laws in reference to elections and the right of suffrage, are, doubtless, familiar to every member of this House; your committee will not, therefore, detain the House by any detail of those provisions, but proceed directly to state the questions which have been presented for their consideration in this controversy, with their opinions thereon, in as brief and concise a manner as possible.

They would, however, first state the order which they have adopted in presenting those questions and opinions to the House. After deciding certain questions, which arose upon exceptions by Bondurant to the notice given by Apperson of his intention to contest his election, as also upon the execution of said notice, which will hereafter be enumerated, the committee proceeded to read the depositions taken by both parties, embracing a volume of about 800 pages of manuscript, in support of alleged disqualification of voters, and to make such notes of the evidence as would enable them to recur to any particular question of fact by reference to the depositions. The committee then took up the list of voters, alleged by the petitioner to be illegal, and decided upon their legality, one by one, allowing each party to make such remarks on the law and facts of each case as he thought proper. In the same manner, the list of voters challenged by Bondurant were taken up and disposed of. Upon the question of the legality of some of the voters, the committee were divided in opinion, upon others, unanimous. And being desirous to present the opinion of each member of the committee upon every question, they have annexed to the decision in each case the initial of the name of the members voting to sustain or reject the voter attacked.

It would extend this report beyond reasonable length to insert the grounds of decision upon all the questions which arose; and it is utterly impracticable to give even an abstract of the evidence, so great is its magnitude. They have, therefore, concluded to state the grounds, in concise terms, upon which the voters determined to be illegal, were stricken from the poll. They, also, present an index to the evidence which will enable the members of the House, who may desire to do so, to examine for themselves. Which index they herewith file as part of this report marked, A.

Having thus stated the order of their proceedings, and of this report, they will advert to the questions which were agitated by the parties and decided by the committee, with their opinions. The first questions presented to the committee arose upon exceptions taken by Bondurant to the notice given by Apperson of his intention to contest his election. The exceptions are herewith filed, marked, B. The Statute regulating elections, requires of
any person intending to contest the election of representative to this House, that he give notice to the person whose election he intends to contest, within ten days after the election: which notice shall be in writing, under the hand and seal of the party intending to contest the election, attested by two subscribing witnesses, and also shall set forth the grounds upon which he intends to rely in such contest. And it further provides, that no other grounds shall be alleged or relied on in such contest, than those set forth in the notice. The exceptions, it will be observed, are based upon the insufficiency of the notice for want of certainty, and the insufficiency of the service of the notice, being by delivery of a copy to Bondurant’s wife, as appears by the return thereon, he being absent from home. Both exceptions were overruled by a majority of the committee. The first, as a majority of the committee conceived, in accordance with the established and long settled principles of law which govern the service of notice in other cases. As there is no particular mode of service of the notice, in a contested election, pointed out by the law, the committee are of the opinion that the rules which govern the service of notice in other cases are equally applicable to this. This opinion receives additional strength, when the construction of the law, adopted in argument by Bondurant’s counsel, is considered, and the facility is observed with which the object and intention of the law might be defeated. If, as urged in argument, the notice can only be legally executed by a delivery of a copy to the person whose election is contested, he would have only to absent himself for ten days after the election, to prevent the contest, and ensure his seat, however illegally obtained. But the committee are not left alone to reason to support their opinion. The Senate of Kentucky, in 1828, in the contested election between Williams and Mason, decided that the delivery of a copy of the notice to the wife of the person whose seat was contested was sufficient. See Senate Journal, 1828, page 147.

The second exception was overruled by a majority of the committee, as they conceive, upon the principles of law and reason. It was urged, that as the notice contained a list of the names of all the persons who voted for Bondurant, it was not special and certain, but tantamount to a general notice, without specifying any particular vote or grounds of challenge. The position, in the opinion of a majority of the committee, cannot be seriously entertained. A reference to the report of the Senate, above alluded to, will satisfy the most skeptical on this subject of the sufficiency of the notice as well as its execution.

Bondurant also excepted to the reading of the depositions, because they were not lodged by the Secretary with the Clerk of this House on the first day of the Session, as directed by law. The Statute regulating contested elections, provides, that “the depositions, when taken, shall be certified by the clerk of the commissioners under their direction, and safely transmitted by him, under seal, to the Secretary, for the time being,” and when they relate to “a representative, they shall be lodged by the Secretary with the Clerk of the House of Representatives, on the first day of the succeeding session.” In this case, it appears by the letter of the Secretary, transmitting the depositions to the Clerk of this House, which letter is herewith filed, marked C, as well as by the statement of the Clerk of the House, who appeared before the committee, that the depositions were lodged with the Clerk
on the second day of the session. William Moore, the clerk of the commissioners, was introduced by Bondurant, who proved that the depositions were closed, or that Apperson announced that he was through and ready to close, on the 29th of December, the day before the meeting of the Legislature. That Apperson made this communication about 2 o'clock in the evening, and moved the commissioners to have the depositions duly certified, with a view to their immediate transmission to the Secretary, that he might lodge them with the Clerk of the House of Representatives on the first day of the Session. That the commissioners at first refused to direct the depositions to be certified, and the remainder of the evening was occupied in arguing the motion made by Apperson, and in taking the deposition of Thomas H. Hazlerigg to prove an agreement, between Apperson and Bondurant, that the names of the voters challenged by the parties corresponding with the names on the poll books, represented the same persons. The committee are of the opinion that the provisions of the law, that the Secretary shall lodge the depositions with the Clerk of the House of Representatives, as well as that requiring the certification by the clerk of the commissioners, are directory. And as the contestor cannot compel the commissioners to direct the certification of the depositions, nor control their transmission, either to hasten or retard it, it would be an extreme hardship, if he should be prejudiced by a default in others, over whom he had no control. Such a construction of the law would place it in the power of any of the officers, through whose hands the depositions have to pass, to prevent the success of the contestor, however meritorious his claims, by withholding the depositions beyond the first day of the session. The committee cannot indulge a construction which sacrifices substantial justice to the most rigid technicalities of special pleading. A majority of the committee are of the opinion, that the objection to Bondurant's election, because the polls were closed at one hour by sun on the third day of the election, is not well founded. They are of the opinion that, by the Statute regulating elections, the judges have the discretion to close the polls at, or any time after, one hour by sun on the third day of the election, but not before. They do, however, feel perfectly satisfied that the Statute is in strict accordance with the constitution. But on this point they reserve their opinion. Upon the exceptions taken by Bondurant to the notice of Apperson, and the insufficiency of the return, Mr. Coffey was of the opinion that the notice was sufficiently certain, but that the attesting and subscribing witnesses should have witnessed the service of the notice. He thought a delivery of a true copy to the wife of Bondurant, when he was absent from home, if in the presence of the subscribing witnesses, would have been good. On the exceptions of Bondurant to the reading of the depositions, because they were not lodged by the Secretary with the Clerk of this House on the first day of the session, he was of the opinion that the law requiring the filing of the depositions with the Clerk on the first day of the session was imperative, and the failure to have them filed, as required by law, was an irregularity which was good ground of exception; but that the committee, having the power to send for persons and papers, and having the depositions in their possession, ought to receive and read them in evidence. Mr. Haskin did not concur with the majority of the committee in overruling the exceptions of Bondurant to the notice given by Apperson.
Apperson excepted to the reading of the depositions taken after the meeting of the Legislature—which exception the committee overruled. The committee being desirous of obtaining all the evidence, and determining upon the justice of the petitioner's claims, determined to receive and read the depositions as evidence, leaving the question of the legality of that proceeding to be determined by the House. The Chairman of the committee would take the liberty to express his opinion upon the last exception. He is of the opinion that, depositions taken after the meeting of the Legislature, without leave of the House, or its committee, ought not to be received and read as evidence. But he was willing to relax the rule in this case, so far as to determine the questions which were raised by the depositions taken after the meeting of the Legislature, and submit them to the House for its action.

The following voters, who voted for Bondurant, have been successfully attacked by Apperson, in the unanimous opinion of the committee.

1. James Walker, non-resident.
2. William Pucket, under age and resided in Estill.
3. Levi Yeates, under age and mixed blood.
4. Thomas Howard, resided in Morgan.
5. Reuben Mancey, not two years in the State or one year in the county.
7. Joseph Donohew, not two years in the State or one year in the county.
8. Charles Dorman, same grounds, also an alien.
9. Dudley Young, under age.
10. William Weagle, under age.

The following voters, who voted for Bondurant, have been successfully attacked, in the unanimous opinion of the committee; the names of the members of the committee who sustained the charge of illegality, being annexed.

1. Allen Gilvin, C., S., R., not two years in the State or one year in the county.
2. William Centers, C., S., R., not resided two years in the State or one year in the county.
7. John Dillon, C., S., an alien.
8. William Jones, C., S., R., under 21 years of age.
9. Stephen Allen, C., S., R., not in the State two years or one year in the county.
10. Talton Powell, C., S., R., lived in Estill; not two years in the State or one in the county, if his residence had been in the county at the time of election.
11. Thomas Murphey, C., S., R., not two years in the State or one year in the county.
12. Lyman Porter, C., S., R., not two years in the State or one year in the county.
13. Milton Stephens, C., S., R., not two years in the State or one year in the county.
15. William Wilson, C., S., R., resided in Fleming.
17. John Ewing, C., S., R., voted for Congressmen first day, and on last
day for State representative.
The following voters, who voted for Bondurant, were unsuccessfully at-
tacked by Apperson, in the unanimous opinion of the committee.

1. George Johnson.
2. Samuel Riden.
4. William Martin.
6. George Webster.
7. Joel Elliott.
9. Willis Roberts.
10. Martin Rogers.
11. James Johnson.
The following voters, who voted for Bondurant, were, in the opinion of a
majority of the committee, successfully attacked. To which is annexed
the initials of the names of the members of the committee who overruled
the objections to the voters.

1. Thomas Ingram, S., H., Coffey.
4. Nathan Reid, S., R., H., Coffey.

The following voters, who voted for Apperson, have been successfully
attacked by Bondurant, in the unanimous opinion of the committee.

1. Henry Lloyd, under age.
2. William Maples, resided in Bourbon.
4. Archibald Tanner, not resident of the county.
5. Franklin Triplett, under age.
6. James E. Wills, not two years in the State or one year in the county.
8. Adam Carrogan, not two years in the State or one in the county.
9. Stephen Centers, same objection.
The following voters, who voted for Apperson, have been successfully at-
tacked by Bondurant, in the opinion of a majority of the committee.
1. John Deacon, C., S., Coffey, not two years in the State or one in the
county.
2. Lawrence Simpkins, C., R., H., Coffey, resided in Bath.
4. Addison Johnson, S., H., Coffey, under age.
5. John Centers, C., S., R., H.
The following voters, who voted for Apperson, were unsuccessfully at-
tacked by Bondurant, in the unanimous opinion of the committee.
1. George Robinson.
3. John M. Davis.
4. James Kitchen,
5. J. B. Thomas.
The following voters, who voted for Apperson, were, in the opinion of a majority of the committee, unsuccessfully attacked by Bondurant.
1. Mansfield Banton, S., H., Coffey.
2. Joseph Johns, C., S., R.
3. Samuel Q. Richardson, C., S., R.
4. Wm. Fraley, C., S., R.
5. John Sidener, C., S., R.
6. Uriah Williams, C., S., R.
7. James C. Davis, C., S., R.
8. David A. Wilson, C., S., R., H.
9. George Carter, C., S., R.
10. George R. Smith, C., S., R.
The foregoing decisions, when applied to the vote received by each party, produces the following results.
The poll books, upon their face, (which are correct and not called in question) give Apperson 632 votes. From which should be deducted the bad votes received by him, 14

Leaving 618 good votes,
The poll books, as they stand, on their face, give Bondurant 636 votes. From which should deducted the bad votes received by him, 28

Leaving 608 good votes

Leaving a majority in favor of Apperson, of 10 votes.

The foregoing is the true result, in the opinion of a majority of the committee, by which it appears that Mr. Apperson was duly elected by a majority of all the legal voters, at the last August election, a member of this House for the county of Montgomery. The committee, therefore, a majority concurring, report the following resolutions.

Resolved, That Joseph Bondurant, who has been returned by the Sheriff of Montgomery county, to have been duly elected a Representative for the county of Montgomery, at the last August election, to serve in this House, was not duly elected at the election aforesaid, a Representative for the said county, by the qualified voters of said county.

Be it further resolved, That the petitioner, Richard Apperson, was duly elected a Representative for the county of Montgomery, at the time aforesaid, by the qualified voters of said county, and that the said Richard Apperson is entitled to his seat as a member of this House.
The majority, at the request of the minority, present the following additional statement:

If the voters, which the committee unanimously decided to be illegal, be stricken from the poll of each party, Bondurant has a majority of three votes. If the votes, which the minority are of opinion are illegal, be stricken from the poll of each party, Bondurant has a majority of 13 votes.

Ordered, That said report be referred to a committee of the whole House, and made the special order of the day for Monday next.

Ordered, That Mr. Bondurant be permitted to take the deposition of Thomas I. Young, and Mr. Apperson to take the deposition of Andrew Trumbo.

Mr. Bondurant moved that he be permitted the aid of counsel before the committee of the whole, and that Mr. Apperson be permitted to appear before the committee in person or by counsel.

Mr. S. Stone moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

Mr. Graves moved a call of the roll, and the roll being called, some members were reported as absent.

Mr. Chambers moved to send for the absent members.

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

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

Those who voted in the affirmative, were—

Messrs. Buford, Campbell, Chambers, Coffey,Dickey, Ewing, Gilchrist, Graves, Hambleton, Hogan, E. Jenkins, Jones, D. E.


Those who voted in the negative, were—

Penick, Perrin, Pogue, Pope, Porter, Richardson, Smith, Speed, Stitt, Stone, B. Stone, S. Tevis, Thompson, H. Trumbo,
The main question was then put, shall the parties appear before the committee of the whole in person or by counsel? and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker, Goble, Penick,
Messrs. Allen, Griffin, Perrin,
Bowman, Groesbeck, Pope,
Bryan, Hanna, Smith,
Bulford, Haskin, Stitt,
Clark, Head, Stone, B.
Colley, Hogan, O. P. Thompson, H.
Coleman, Holloway, Webb,
Cully, Johnson, Wheeler,
DeCourcy, Jones, T. M. Wickliffe,
Dickey, Kavanaugh, Wilkerson,
Frazier, Marshall, Winfrey,
Gardner, Martin, Worcey,
Garrard, Maupin, Wright,
Gilchrist, McRery, Yocum,
Given, Owens, Young—50.
Glenn, Payne,

Those who voted in the negative, were—

Messrs. Alcorn, Hobbs, Pogue,
Blackburn, Hobson, Porter,
Campbell, Hogan, E. Price,
Chambers, Humphreys, Richardson,
Collins, Jenkins, Rockhold,
Cox, Jones, D. E. Speed,
Crew, Kalfus, Stone, S.
Ewing, King, Tavis,
Fry, Lawless, Thomson, C. R.
Gentry, McLarning, Trumbo,
Gore, Milam, Tully,
Graves, Nall, Waddill,
Gray, Noe, Wooten—41.
Hambleton, Oldham,
On motion of Mr. Allen, leave was given to bring in a bill for the benefit of the Kentucky Institution for the Education of the Blind, and that the committee on Education prepare and bring in the same.

And then the House adjourned.

MONDAY, JANUARY 15, 1844.

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

An act to enable the executor of William Buckner, Sr., deceased, to make certain deeds to lands.

An act for the benefit of the heirs of Rebecca Hawkins, deceased.

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

An act for the benefit of C. Nourse, administrator of J. Beam, deceased.

An act continuing in force the law providing for the appointment of Commonwealth's Attorneys, approved January 21st, 1842.

An act for the benefit of Martha Tate.

An act to provide for the partition of the real estate of Joseph McAlister, deceased.

An act to incorporate the town of Murray, and for other purposes.

An act to allow the county of Larue one additional Justice of the Peace, and one additional Constable, and for other purposes.

An act establishing election precincts in the counties of Crittenden and Union.

An act allowing the county of Livingston an additional Justice of the Peace, and for other purposes.

And had passed a bill entitled, act to prevent the fraudulent removal of property out of this Commonwealth.

1. Mr. Kallos presented the remonstrance of sundry citizens of Bullitt county, against the formation of a new county of parts of said county, and the counties of Hardin and Jefferson.

2. Mr. Owens presented the petition of sundry citizens of Hickman county, praying a division thereof, and the formation of a new county.

3. Mr. C. R. Thomson presented the petition of Thomas Calk, of Montgomery, praying the passage of a law permitting him to erect gates across the Howard's creek road, in said county.

4. Mr. Young presented the petition of sundry citizens of Bourbon coun-
ty, praying the passage of a law prohibiting County Court Clerks from practising law in the counties in which they are Clerks.

5. Mr. Campbell presented the petition of sundry citizens of McCracken and Marshall counties, praying the establishment of a State road from Paducah, to Gray's ferry, on the Tennessee river.

6. Mr. Cully presented the petition of Elizabeth Barton, praying to be divorced from her husband, Joshua Barton.

7. Mr. Groesbeck presented the petition of James A. Armstrong, praying that compensation be allowed him for apprehending three felons, fugitives from justice.

8. Mr. Stitt presented the petition of John E. Cord, one of the Trustees of Mount Taber church, in Nicholas county, praying the passage of a law authorizing a sale thereof.

9. Mr. Speed presented the petition of F. S. J. Ronald, praying an amendment to the act of last session in regard to executions.

10. Mr. Smith presented the petition of Uriah Gresham, praying that a settlement be made with him as overseer of the Wilderness turnpike road, and the amount found due him directed to be paid over to him.

11. Mr. Tully presented the petition of Richard D. Renoe, praying the passage of a law authorizing him to sell and convey certain lands, as guardian of his infant children.

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

On motion of Mr. O. P. Hogan, leave was given to bring in a bill to allow the County Court of Grant to lay an additional levy for the year 1844; and that Messrs. O. P. Hogan, Goble and Hanna prepare and bring in the same.

On motion of Mr. Cully,

Ordered, That he have leave to withdraw the petition of sundry citizens of Hardin, Meade, Ballard and Jefferson, praying for a new county, and the same was withdrawn.

A message was received from the Governor, by Mr. Harlan, Secretary of State, which is as follows, viz:

_Gentlemen of the Senate_

_and House of Representatives:

In pursuance to the request of the Governor of the State of Alabama, I transmit, herewith, to the General Assembly, a copy of a joint resolution adopted by the Legislature of that State “in regard to the controversy between New York and Virginia.”
In pursuance to a like request from the Governor of the State of Maine, I transmit copies of certain "resolves relating to the imprisonment of citizens of that State in other States."

January 15, 1844.

R. P. LETCHER.

JOINT RESOLUTION,

In regard to the controversy between New York and Virginia.

The committee on Federal Relations, to which was referred the Report and Resolutions of South Carolina, adopted at its recent session, in relation to the controversy between New York and Virginia, together with a copy of the act of the General Assembly of South Carolina, "To prevent the citizens of New York from carrying slaves out of said State, and to prevent the escape of persons charged with the commission of any crime," have had the subject under consideration, and beg leave to report the following resolutions, and ask their unanimous adoption.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the State of Alabama will sustain the State of Virginia, in all needful and proper measures to redress the wrongs complained of, and to prevent their recurrence.

Resolved further, That the Governor send copies of this report and resolve, to the Governors of the several States, and our Senators and Representatives in Congress.

JNO. ERWIN,
Speaker of the House of Representatives.

NATHPL. TERRY,
President of the Senate.

DEPARTMENT OF STATE,
Tuscaloosa, Ala., Feb. 28, 1843.

I certify the foregoing to be a true copy of the original Preamble and Resolutions, on file in this Department.

WM. GARRETT,
Secretary of State.

STATE OF MAINE.

EXECUTIVE DEPARTMENT,
Augusta, March 22, 1843.

Sir:

In pursuance of the request of the Legislature of this State, I have the honor herewith to transmit to your Excellency a copy of "Resolves relating to the imprisonment of Citizens of this State in other States," adopted by that body on the 20th instant.

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

EDWARD KAVANAGH.
Resolves relating to the imprisonment of citizens of this State in other States.

Resolved, That the imprisonment of any citizen of Maine, by the authority of any State in the Union, without the allegation of the commission of any crime, and solely on account of his color, is a gross violation of the federal constitution, as well as the principles of rational liberty.

Resolved, That whenever the Governor of this State shall be applied to in behalf of any citizen imprisoned as aforesaid, and it shall appear to him, by a representation under oath, made by any creditable person, that such person so imprisoned, is held in prison on account of his color only, it shall be the duty of the Governor, forthwith to take all suitable and proper measures to cause such citizen to be discharged from his imprisonment; and the legality of such imprisonment to be tried and determined by the Courts of the United States; and the Governor may draw his warrant on the Treasury of the State to defray any reasonable and necessary expenses thereby incurred.

Resolved, That the Governor be requested to transmit a copy of these resolves to the Governors of the several States to be communicated to the Legislatures thereof.

In the House of Representatives, March 18, 1843—read and passed.

DAVID DUNN, Speaker.

In Senate, March 21, 1843—read and passed.

VIRGIL D. PARRIS, President.

March 20, 1843. Approved.

EDWARD KAVANAGH.

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

The House again resumed the consideration of the bill to amend an act entitled, an act to amend the law in relation to Peddlers, and for other purposes, approved February 15, 1842.

Ordered, That said bill be referred to the committee on Ways and Means.

Mr. McLarling, from the committee on Internal Improvement, to whom was referred the petition of Joseph M. Bohannon, and the petition of John Mershon, asked to be discharged from the further consideration of said petitions; which was granted.

Mr. McLarling, from the same committee, to whom was referred the bill to repeal the charter to the Crab Orchard and Cumberland Gap turnpike road, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Heady, from the committee on Military Affairs, to whom was referred the petition of Lewis C. Roberts, reported the same, with the following resolution, viz:
Resolved, That said petition is unreasonable.
Which was concurred in.

On motion of Mr. Stitt,
Ordered, That he be permitted to withdraw said petition, and it was withdrawn.

Mr. DeCourcy, from the committee on Religion, to whom was referred the petition of J. C. Norman and others; the petition of F. Darnel and wife; the petition of Polly Haden; the petition of Mary Ann Phelps; the petition of William H. Wilson, and the petition of Isaac Wilson—reported the same, with the following resolution, viz:

Resolved, That said petitions be rejected.
Which was concurred in.

On motion of Mr. Stone,
Ordered, That he be permitted to withdraw the petition of F. Darnel and wife, which was granted, and the petition withdrawn.

On motion of Mr. Wickliffe,
Ordered, That he be permitted to withdraw the petition of Mary Ann Phelps, which was granted, and the petition was withdrawn.

Mr. Young asked leave to withdraw the petition of Thomas Brand, which was granted, and the petition was withdrawn.

Mr. Coffey, from the committee on Claims, to whom was referred the petition of Jesse McIntosh—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:

1. A bill for the benefit of the Kentucky Institution for the Education of the Blind.


3. A bill for the benefit of James Herring.

4. A bill for the benefit of Simeon Harris.

5. A bill for the benefit of the Sheriffs of Jefferson and Madison counties.

6. A bill for the benefit of Jacob Bowe.

7. A bill to incorporate the New Liberty Library Company.

8. A bill to amend an act, entitled, an act to incorporate the Funk Seminary.

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 a committee of the whole House, and made the special order of the day for Wednesday, the 24th inst., and the 2d, 3d, 4th, 5th, 6th, 7th, 8th and 9th were severally ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 2d, 3d, 4th, 5th, 6th, 7th, 8th and 9th bills having been dispensed with, and the same being engrossed,

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

Mr. Heady, from the committee on Military Affairs, who were appointed to prepare and bring in the same, reported a bill to amend the Militia laws, 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. Young moved an amendment to said bill.

Mr. Chambers 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 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 said bill having been dispensed with, and the same being engrossed,

Mr. Smith moved to amend said bill by adding an additional clause by way of engrossed reader.

Mr. Ewing moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill pass? and it was decided in the affirmative.

Resolved, That the title thereof be as aforesaid.

The House then resolved itself into a committee of the whole, on the report of the committee on the memorial of John C. Mason, contesting the seat of John A. Trumbo, the member returned to serve in this House from the county of Bath—Mr. Ewing in the chair, and after some time spent therein, the Speaker resumed the chair, when Mr. Ewing reported that the committee had, according to order, had under consideration the report 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 16, 1844.

1. Mr. Goble presented the petition of sundry citizens of the town of Grayson, in Carter county, praying the passage of a law incorporating said town.

2. Mr. Young presented the petition of sundry citizens of Bourbon county, praying an amendment to the laws upon the subject of usury.

3. Mr. Blackburn presented the remonstrance of sundry citizens of Woodford county, against the passage of a law prohibiting Clerks of County Courts from practising law in their counties.

Which petitions and remonstrance were received, the reading thereof dispensed with, and referred to the committee for Courts of Justice.

Mr. Wheeler moved the following resolution, viz:

Resolved, That the Board of Internal Improvement be required to state to this House, what amount, if any, has been allowed and paid to the Licking river Contractors, for damages on account of the suspension of their contracts, by the said Board, specifying the items, if any, upon which said damages or any part thereof have been allowed.

Which being twice read, was adopted.

The Speaker laid before the House the Annual Report of the Board of Internal Improvement, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,

January 13th, 1844.

I have respectfully, herewith, to lay before you the Annual Report of the Board of Internal Improvement, to the Legislature.

And have the honor to be,

Respectfully, your obedient servant,

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

[For Report—see Legislative Documents.]

Mr. Chambers moved to suspend the rules of the House to enable him to propose the following resolution, viz:

Resolved, That until the contested elections now before this House are finally disposed of, the Speaker shall, each day, at half past one o'clock or as soon thereafter as he may be able, announce a recess of the House until half past two, at which hour he shall again take the chair, call the House to order, and announce at once that the House stands resolved into a committee of the whole, when he shall yield up the chair to the Chairman of the committee.

And the question being taken thereon, it was decided in the negative, it requiring a majority of two-thirds to suspend the rule.

The yeas and nays being required thereon by Messrs. Graves and Cox, were as follows, viz:
Those who voted in the affirmative, were——

Messrs. Blackburn,  
Bowman,  
Buford,  
Campbell,  
Chambers,  
Coleman,  
Collins,  
Cox,  
Dickey,  
Ewing,  
Fry,  
Garnett,  
Gentry,  
Gilchrist,  
Glenn,  
Graves,  
Gray,  
Hambleton,  
Hobbs,  
Hobson,  
Hogan, E.  
Holloway,  
Humphreys,  
Jenkins,  
Johnson,  
Jones, D. E.  
Kalthus,  
Kavanaugh,  
King,  
Lawless,  
Lewis,  
Marshall,  
Maupin,  
McLarning,  
McRary,  
Milam,  
Nall,  
Oldham,  
Owens,  
Penick,  
Pogue,  
Porter,  
Price,  
Redd,  
Richardson,  
Rockhold,  
Speed,  
Stone, B.  
Tevis,  
Thomson, C. R.  
Thurston,  
Trumbo,  
Tully,  
Wickliffe  
Wooten,  
Wright,  
Young——57.

Those who voted in the negative, were——

Mr. Speaker,  
Messrs. Alcorn,  
Allen,  
Bondurant,  
Bryan,  
Clark,  
Coffey,  
Crow,  
Cully,  
DeCourcy,  
Frazier,  
Gardner,  
Garrard,  
Given,  
Gore,  
Griffin,  
Groesbeck,  
Hanna,  
Haskin,  
Haydon,  
Heady,  
Hogan, O. P.  
Hooe,  
Jones, T. M.  
Lowry,  
Martin,  
Nee,  
Payne,  
Perrin,  
Pope,  
Smith,  
Stitt,  
Thompson, H.  
Waddill,  
Webb,  
Wheeler,  
Winfrey,  
Woosley,  
Yocum——40.

The Speaker laid before the House a communication from the President of the Board of Internal Improvement, which is as follows, viz:

Office of the Board of Internal Improvement,  
January 16th, 1844.

Sir:

In continuation of the Annual Report of the Board of Internal Improvement, I have the honor to hand you, to be laid before the House of Representatives, the report of the Green and Barren river Commissioners.

I am, respectfully, your ob'dt serv't,

THOMAS METCALFE, P. B. I. I.

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

[For the Report——see Legislative Documents.]
Mr. Graves moved the following resolution, viz:

Resolved, That it shall be the duty of the Speaker of this House, at half past 1 o'clock, on each day during the pendency of the two contested election now before this House, on resuming the chair, to adjourn this House over for one hour, in pursuance of the resolution adopted by the committee of the whole.

Which being twice read, was adopted.

The House again resolved itself into a committee of whole, on the report of the committee appointed on the memorial of John C. Mason, contesting the seat of John A. Trumbo, the member returned to serve in this House, from the county of Bath—Mr. Ewing in the Chair, and after some time spent therein, the Speaker resumed the Chair, when Mr. Ewing reported that the committee had, according to order, had under consideration the report aforesaid, and had instructed him to report to the House the said report, accompanied by a resolution, which he handed in at the Clerk's table.

The said resolution reads as follows, viz:

Whereas, John C. Mason, who, by his petition contests the right of John A. Trumbo, the member returned to serve in this House, from the county of Bath, to his seat, appeared before the committee of the whole in proper person, and stated that he desired the committee to determine from the record of the proceedings before the commissioners, to take depositions in the contest between him and Trumbo, whether or not he had abandoned the contest, and waived his right to prosecute his claims before the House of Representatives: And whereas, it appears to the satisfaction of this committee, from said record, and from the statement of said contestor, that he did, because of what he regarded as obstructions thrown in the way by the commissioners appointed, proclaim his intention to abandon said contest—and that in consequence of his declared intention to abandon said contest, no further depositions were taken in the contest—therefore,

Resolved, That said Mason, in the opinion of this committee, did abandon and decline the further prosecution of his claims to a seat in the House of Representatives as a member thereof; and that he has thereby waived his right to prosecute his claims before the House, and that it is the sense of this committee, that the member returned to serve in this House, from the county of Bath, is entitled to his seat; and therefore this committee ought to be discharged from the further consideration of said contested election.

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

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

Those who voted in the affirmative, were—

Mr. Speaker, Hobbs, Price,
Messrs. Bowman, Hobson, Redd,
Hubert, Hogan, E., Richardson,
Campbell, Holloway, Rockhold,
Chambers, Humphreys, Speed,
Coleman, Jenkins, Stone, B.
Collins, Jones, D. E. Stone, S.
Cox, Kalfus, Tevis.
Crow, King, Thomson, C. R.
Ewing, Lawless, Thurston.
Fry, McLalning, Tully.
Garnett, McRery, Waddill.
Gentry, Milam, Webb.
Gileihrist, Milam, Winfrey.
Glen, Nall, Woosley.
Gore, Oldham, Wooten.
Graves, Pogue, Wright.
Gray, Porter, Young—54.

Those who voted in the negative, were—

Messrs. Bryan, Haskin, Owens,
Coffey, Haydon, Payne,
Cully, Heady, Perrin,
DeCourcy, Hogan, O. P. Pope,
Frazier, Hooe, Smith,
Gardner, Johnson, Stitt,
Garrard, Jones, T. M. Thompson, H.
Given, Kavanaugh, Wheeler,
Goble, Lowry, Wickliffe,
Griffin, Marshall, Wilkinson,
Crossbeck, Martin,
Hanna, Maupin, Yocum—35.

And then the House adjourned.

WEDNESDAY, JANUARY 17, 1844.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act to amend the attachment law.

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

An act to repeal the act of last session requiring tax on registering plats and certificates for vacant lands.
An act for the benefit of Wilson L. Biggerstaff, of Monroe county.
An act for the benefit of the Clerk of the Garrard Circuit Court.
An act for the benefit of Sally Skinner.
With amendments to the three last.
That they had passed bills of the following titles, viz:
An act providing for the location of the county seat of Owsley county.
An act for the benefit of the devisees and heirs of James Thornton, deceased.

An act to provide for a change of venue in the prosecution against Abraham Franklin.

An act for the benefit of John W. Price.

An act for the benefit of John Walden, of Allen county, and William King, of Henry county.

1. Mr. Haskin presented the petition of sundry citizens of Mercer and Boyle counties, praying for the construction of a turnpike road from Monday's Landing, on the Kentucky river, to intersect the Franklin and Crab Orchard Turnpike road.

2. Mr. Marshall presented the petition of Nancy Stewart, praying to be divorced from her husband, Alexander Stewart.

3. Mr. Tevis presented the petition of Richard D. Waters, William Jarvis, Ann C. Logan and Joseph Fore, praying that an exchange of lands made between said Waters and Nicholas Smith, verbally, may be ratified and confirmed.

4. Mr. Hobbs presented the petition of Dr. J.M. Jennings, of Maryland, praying that compensation be allowed him for time spent and expenses incurred in traveling from his residence in Maryland, to Louisville, Kentucky, as a witness for the Commonwealth against Joel Jones, on a charge of bigamy.

5. Also, the petition of Margaret Hunt, praying to be divorced from her husband, William Hunt.

6. Mr. Humphreys presented the remonstrance of sundry citizens of the city of Maysville, against the passage of a law authorizing the levy and collection of a special tax for the erection of a city Hall, in said city.

7. Mr. Lewis presented the remonstrance of sundry citizens of Hickman county, against the division of said county, and the formation of a new county out of part thereof.

8. Mr. Young presented the remonstrance of sundry citizens of Bourbon county, against the passage of a law prohibiting County Court Clerks from practicing law in the counties in which they are Clerks.

9. Mr. Webb presented the petition of Lucinda Lambert, praying to be divorced from her husband, John A. Lambert.

10. Mr. Campbell presented the petition of sundry citizens of Crittenden and Livingston counties, praying the establishment of a new county out of parts thereof.

11. Mr. Woosley presented the petition of Patsey Johnson, praying to be divorced from her husband, Hiram Johnson.

12. Mr. Alcorn presented the remonstrance of sundry citizens of Crittenden county, against the formation of a new county out of part thereof.
13. Mr. Smith presented the petition of Sophia Jeffries, praying to be divorced from her husband, John W. Jeffries.

14. Mr. Chambers presented the petition of sundry citizens of Mason county, praying the removal of a turnpike gate on the Maysville and Mountsterling turnpike road.

15. Mr. Perrin presented the remonstrance of sundry citizens of Harrison county, against the passage of a law prohibiting County Court Clerks from practising law in their counties.

16. Mr. Yocum presented the petition of sundry citizens of Washington county, praying a change in the place of voting in an election precinct in said county.

17. Mr. Trumbo presented the petition of sundry citizens of Bath county, praying that an additional Constable be allowed to said county.

18. Mr. Speed presented the petition of sundry citizens of the city of Louisville, praying an amendment of the charter of said city, in relation to the inspection of coal, &c.

19. Also, the petition of John H. Kerr, praying that compensation be allowed him for apprehending a fugitive from justice.

20. Mr. Redd presented the petition of James Weir, praying to be released from a responsibility incurred by him for the charges of the Lunatic Asylum for taking care of the Rev. Samuel Nelson for the past year.

21. Mr. Graves presented the memorial of James Barbour, upon the subject of his contract for the erection of Lock and Dam, No. 1, on the Kentucky river.

Which petitions, memorial and remonstrances were severally received, the reading thereof dispensed with, (except the 5th, which was read,) and referred—the 1st, 14th and 21st to the committee on Internal Improvement; the 2d, 5th, 9th, 11th and 13th to the committee on Religion; the 3d, 6th, 8th and 15th to the committee for Courts of Justice; the 4th and 19th to the committee on Claims; the 7th, 10th, 12th and 20th to the committee on Propositions and Grievances; the 16th to the committee on Privileges and Elections; the 17th to Messrs. Trumbo, Wooten and Tully, and the 18th to the committee on Agriculture and Manufactures.

Mr. Fry, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills from this House, of the following titles, viz:

An act to establish an additional election precinct in Mercer county.

An act to abolish an election precinct in the county of Casey.

An act to enlarge the Lafayette precinct in the county of Barren.

An act for the benefit of William T. Samuels.

An act to establish an election precinct at Middleton, in Logan county, and to change the place of voting at the Rabbitsville precinct, and for other purposes.
An act for the benefit of the Sheriff of Laurel county.
An act to amend the law regulating appeals from the judgments of Justices of the Peace.
An act to establish the town of Murray as the seat of Justice of Calloway county.
An act to provide for the partition of the real estate of Joseph McAlister, deceased.
An act to amend the charter of the city of Covington.
An act for the benefit of the Union Fire Company in the city of Lexington.
An act allowing an additional Constable to the county of Bath, and for other purposes.
An act to allow the county of Larue one additional Justice of the Peace, and one additional Constable, and for other purposes.
An act establishing election precincts in the counties of Crittenden and Union.
An act for the benefit of C. Nourse, administrator of J. Beam, deceased.
An act allowing the county of Livingston an additional Justice of the Peace, and for other purposes.
An act continuing in force the law providing for the appointment of Commonwealth's Attorneys, approved January 21st, 1842.
An act for the benefit of Martha Tate.
An act to incorporate the town of Murr11y, and for other purposes.
And an enrolled bill which originated in the Senate, entitled, an act for the benefit of the Collectors of the revenue tax of the county of Union.
And had found the same truly enrolled.
Whereupon, the Speaker affixed his signature thereto.
Ordered, That Mr. Fry inform the Senate thereof.
Mr. Wooten asked leave to withdraw the petition of Peter Stephens, which was granted, and the petition was withdrawn.
Leave was given to bring in the following bills, viz:
On motion of Mr. Hanna—1. A bill to amend the charter of Warsaw, in Gallatin county.
On motion of Mr. Crow—2. A bill to authorize a settlement to be made with the Green and Barren river Commissioners, and for other purposes.
Ordered, That the committee for Courts of Justice prepare and bring in the 1st, and Messrs. Crow, Campbell and McRery the 2d.
Mr. Campbell, from the committee for Courts of Justice, who were appointed to prepare and bring in the same, reported a bill for the benefit of Ira H. Sibley, a lunatic, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. King moved the following resolutions, viz:

Resolved, That the committee on Agriculture and Manufactures be requested to enquire into the expediency and propriety of introducing a bill authorizing the Governor to send a Commissioner to wait on the Legislature of Louisiana, and use his influence with that body to alter their laws in relation to the inspection of Tobacco, so as to dispense with the classification thereof.

Resolved, That if said committee should or not think proper to report for or against the first resolution, that they be requested to draw up a memorial and resolutions, to be sent to the Legislature of Louisiana.

Which being twice read, were adopted.

The House then took up for consideration the resolutions read and laid on the table by Mr. Hooe, on the 1st inst.

The said resolutions were then twice read and adopted.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the joint committee on Banks ought to be increased, by adding two additional members on the part of the House of Representatives, and one on the part of the Senate.

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

Mr. Redd moved a reconsideration of the vote rejecting the bill to authorize the purchase of Loughborough's Digest.

Mr. Hanna moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the vote be reconsidered? and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker, Groesbeck, Perrin,
Messrs. Alcorn, Hanna, Porter,
Bryan, Haskin, Redd,
Buford, Haydon, Smith,
Campbell, Heady, Speed,
Clark, Hobbs, Thomson, C. B.
Collins, Hogan, E. Thomson, H.
Cox, Hooe, Thurston,
The vote ordering said bill to be engrossed and read a third time, was then reconsidered.

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,

Mr. Speed moved the previous question.

The main question was then put, shall the bill pass? but before the same was taken, 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. Smith in the Chair, on the report of the committee appointed on the memorial of Richard Apperson, contesting the election of Joseph Bondurant, the member returned to serve in this House, from the county of Montgomery; and after some time spent therein, the Speaker resumed the chair, when Mr. Smith reported that the committee had, according to order, had under consideration the report aforesaid, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to set again, which was granted.

And then the House adjourned.
THURSDAY, JANUARY 18, 1844.

1. Mr. Maupin presented the petition of sundry citizens of Barren, Adair, Green and Hart counties, praying for the formation of a new county out of parts of said counties.

2. Mr. Haydon presented the memorial of William Rowlett, of Owen county, upon the subject of damages sustained by him, from slack water navigation in the Kentucky river.

3. Mr. Young presented the remonstrance of sundry citizens of Bourbon county, against the passage of a law prohibiting County Court Clerks from practicing law in the counties in which they are Clerks.

4. Mr. Crow presented the remonstrance of sundry citizens of Daviess county, against the formation of a new county out of parts of said county and the counties of Muhlenburg and Ohio.

5. Mr. Cox presented the remonstrance of sundry citizens of Bath, Nicholas, Bourbon and Montgomery counties, against the formation of a new county out of parts of said counties.

6. Mr. Hanna presented the petition of Benjamin H. Elliston, praying that additional compensation be allowed him as a Commissioner of Tax, in Gallatin county, for the year 1842.

7. Mr. Speed presented the petition of sundry citizens of Louisville, praying the passage of a law incorporating a company for the manufacture of Oil in said city.

Which petitions, remonstrances and memorial were received, the reading thereof dispensed with, and referred—the 1st, 2d, 4th, 5th and 6th to the committee on Propositions and Grievances; the 3d to the committee for Courts of Justice, and the 7th to the committee on Agriculture and Manufactures.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act for the benefit of F. J. Gilbert, late Surveyor of Clay county.

That they had passed a bill and resolutions from this House of the following titles, viz:

An act for the benefit of Mechanics and others, of the city of Louisville and counties of Jefferson, Calloway and Marshall.

Resolutions directing certain enquiries to be made of the Banks by the committee on Banks.

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

On motion of Mr. Payne—1. A bill authorizing the County Court of
Scott to make changes in the State road leading from Frankfort to the Georgetown and Covington turnpike road.

On motion of Mr. DeCourcy—2. A bill to amend the law for the benefit of John W. Flora.

On motion of Mr. Oldham—3. A bill to amend the several acts against unlawful gaming.

On motion of Mr. Gentry—4. A bill to authorize the publication of certain advertisements in the Kentucky Review, to be published in Richmond, by Jas. P. White.

On motion of same—5. A bill to amend the law more effectually to secure the freedom of the franchise in elections, &c.

On motion of Mr. Chambers—6. A bill to legalize the acts of Athelstan Owens, Surveyor of Mason county.

On motion of same—7. A bill to amend the charter of the Maysville Insurance Company.

On motion of Mr. Hooe—8. A bill to amend an act incorporating the town of Harrodsburg.

On motion of Mr. Wooten—9. A bill to reduce into one the several acts concerning administrators, executors and guardians.

On motion of same—10. A bill to prevent the institution of vexatious law suits.

On motion of same—11. A bill for the benefit of Peter Stevens.

On motion of Mr. Richardson—12. A bill to reduce the salaries of the several officers of this Commonwealth.

On motion of Mr. Frazier—13. A bill to regulate the Breathitt county line.


On motion of Mr. Campbell—15. A bill to add Tennessee Island to McCracken county.

On motion of same—16. A bill to amend the law relative to Jailers.

On motion of Mr. Wickliffe—17. A bill to regulate the working of roads, and the sitting of the County Court, in Nelson county.

On motion of Mr. Stitt—18. A bill for the benefit of T. & L. P. Holland, and others.

On motion of Mr. Wheeler—19. A bill to repeal the law, approved January 21, 1839, appointing a Treasurer in the county of Pendleton.

On motion of Mr. Smith—20. A bill for the benefit of the Rockcastle Seminary.

On motion of Mr. S. Stone—21. A bill to allow an additional Constable to Casey county.

On motion of Mr. Tevis—22. A bill for the benefit of Marion Williams.
On motion of Mr. Garnett—23. A bill to legalize the acts of Preston Owens, a Justice of the Peace for Shelby county.


On motion of Mr. Glenn—25. A bill to protect the rights of females.

On motion of same—26. A bill for the benefit of mechanics and others.

On motion of Mr. Johnson—27. A bill to provide for placing a slab, with suitable inscriptions, over the deceased officers of the Revolution and late war, who have died since that period, in Kentucky.


On motion of Mr. Blackburn—29. A bill the more effectually to protect the elective franchise of this Commonwealth.

On motion of Mr. Yocum—30. A bill to arrange and fix a Constable district for the town of Maxville, in Washington county.

Ordered, That Messrs. Payne, Jenkins and Heady prepare and bring in the 1st; Messrs. DeCourcy, Hanna and Cox the 2d; Messrs. Oldham, Wright, Gentry and Tevis the 3d; Messrs. Gentry, Oldham and Graves the 4th; the committee on Privileges and Elections the 5th; Messrs. Chambers, Humphreys and King the 6th; the committee for Courts of Justice the 7th, 9th, 10th, 16th and 24th; Messrs. Hooe, Haskin and Yocum the 8th; Messrs. Wooten, Pope and Lawless the 11th; Messrs. Richardson, Culy, Price and Hambleton the 12th; the committee on Propositions and Grievances the 13th; Messrs. Frazier, Garrard and Goble the 14th; Messrs. Campbell, Alcorn and Noe the 15th; Messrs. Wickliffe, Gore and Smith the 17th; the committee on Ways and Means the 15th; Messrs. Wheeler, Pope, Winfrey and Culy the 19th; Messrs. Smith, Buford and Griffin the 20th; Messrs. S. Stone, Bowman and Owens the 21st; Messrs. Tevis, Lewis and Campbell the 22d; Messrs. Garnett, Tevis and Waddill the 23d; Messrs. Glenn, Perrin and Dickey the 25th and 26th; Messrs. Johnson, Tully and Smith the 27th; Messrs. Hobson, Tevis and Garnett the 28th; Messrs. Blackburn, Graves, Allen, Campbell, Martin, Groesbeck, Humphreys and Chambers the 29th, and Messrs. Yocum, Hooe and Allen the 30th.

On motion of Mr. Stitt,

Resolved, That the editor of the Inquirer be permitted to take a seat in this House, as reporter for his paper.

Mr. Wheeler moved the following resolution, viz:

Resolved, That the committee on Banks be instructed to enquire of the Mayor and Councilmen of the city of Louisville, what arrangements, if any, can be made for the removal and location of the Seat of Government to said city, and if, in their opinion, advantageous arrangements can be made, that they report and bring in a bill for the removal of the same.
Resolved, That the committee on the Sinking Fund be instructed to report at as early a day of the session as practicable: 1st. The amount necessary to pay the interest due on State bonds issued for purposes of Internal Improvement, including the School Fund, (showing separately the amount due the School Fund:)

2d. To ascertain, as near as practicable, the amount due to contractors on public works; if that cannot be accurately ascertained, report the probable amount:

3d. To report the amount of the receipts of the Sinking Fund, from all sources, for the year 1844:

4th. If the receipts of the Sinking Fund are not equal to its necessary disbursement, report the most practicable and judicious plan, in their opinion, to supply the deficiency.

Which being twice read, was adopted.

Mr. Smith moved the following resolution, viz:

Resolved, That with a view to adopt permanently the plan of holding two Circuit Court terms in each year, the committee for Courts of Justice be instructed to prepare and bring in a bill extending the length of the common law terms in counties where it may be necessary, and to make it the duty of the judges, to hold in lieu of the middle term, a court for the trial of chancery causes and criminals, if any,

Which being twice read, was adopted.

Mr. Tevis moved the following resolution, viz:

Resolved, That the committee on Ways and Means be instructed to inquire what sum is annually paid to the clerks of this Commonwealth, for blank books necessary for the records of their respective offices; and further, to inquire whether the said books might not be more cheaply furnished by authorizing the Secretary of State to supply them; and that said committee report by bill or otherwise.

Which being twice read, was adopted.

Mr. Glenn moved the following resolution, viz:

Resolved, That the committee on Banks be instructed to inquire of the Bank of Kentucky, the Northern Bank of Kentucky, and the Bank of Louisville, the amount of dividends, per share, which have been declared by them from time to time, and also what amount of interest they have received from the Commonwealth of Kentucky, on loans for Internal Improvement or other purposes.

Which being twice read, was adopted.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the committees on Education in the Senate and House of Representatives be appointed a joint committee to revise, amend and compile the Common School Laws.

The rule of the House requiring joint resolutions to lie one day on the
Mr. Glenn moved the following resolution, viz:

Resolved. That the committee on Internal Improvement be requested to enquire into the propriety of donating the State's interest in the Logan, Todd and Christian Turnpike Road Company, to the several counties through which it passes; and also the propriety of authorizing the County Courts of said counties to purchase of private stockholders their several shares in the stock of said Company, and 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. Hooe—1. A bill for the benefit of the Sheriff of Bullitt county.

By same—2. A bill regulating the time of holding Justices' Courts.

By Mr. Humphreys—3. A bill to incorporate the town of Minerva, in the county of Mason.

By Mr. Richardson—4. A bill to amend the law establishing a road from Brandenburg to Bowling Green.

By Mr. Campbell—5. A bill to establish an election precinct in McCracken county, and for other purposes.


By Mr. Wheeler—7. A bill to extend the law, approved January 12, 1843, authorizing the Surveyors of Campbell and Pendleton to run and re-mark the lines between said counties.

By same—8. A bill to authorize the County Court of Pendleton to change the location of State roads.

By Mr. Tevis—9. A bill for the benefit of the Jailer of Shelby county.

By Mr. Johnson—10. A bill to change the Constables' districts in the county of Trimble.

By same—11. A bill to authorize Levi Elliott to erect two gates across the county road leading from Bedford, in Trimble county, to Carrollton, in Carroll county.

By same—12. A bill requiring the County Court of Trimble to lay off the county into Magistrates' districts, and for other purposes.

By same—13. A bill for the benefit of the heirs of Charles H. Davidge, deceased.

By Mr. Blackburn—14. A bill for the benefit of Frederick Junod.

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, 8th, 9th, 10th, 11th, 13th and 14th were severally ordered to be engrossed and read a third time.
the 21st and 12th were referred to the committee for Courts of Justice, and the 6th to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 1st, 3d, 4th, 5th, 7th, 8th, 9th, 10th, 11th, 13th 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 aforesaid.

Mr. Johnson moved the following resolution, viz:

Resolved, That the Board of Internal Improvement furnish this House with a copy of the written and legal authority which made M. R. Stealey the Agent of Joseph Barbour, Contractor for Lock and Dam No. 1, Kentucky river, to receive and disburse the funds, and superintend the work referred to in their special report on said Contractor's claims.

Which being twice read, was adopted.

Mr. Johnson moved the following resolution, viz:

Resolved, That the committee on Ways and Means enquire into the expediency of introducing a bill repealing or amending the law giving pay for wolf scalps; and if expedient, report a bill accordingly.

Which was adopted.

The House then took up the bill to authorize the purchase of Loughborough's Digest.

Mr. McLarning moved a reconsideration of the vote sustaining the previous question on the passage of said bill.

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

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

The House again resolved itself into a committee of the Whole, on the report of the committee appointed on the memorial of Richard Apperson, contesting the seat of Joseph Bondurant, the member returned to serve in this House from the county of Montgomery—Mr. Smith in the chair, and after some time spent therein, the Speaker resumed the chair, when Mr. Smith reported that the committee had, according to order, had under consideration the report 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.
FRIDAY, JANUARY 19, 1844.

1. Mr. Hobson presented the petition of Thomas L. Stephens and James Ford, praying that certain lands conveyed by them to the Commonwealth may be reconveyed to them.

2. Mr. Ewing presented the petition of John Hockersmith, praying an amendment to the laws in relation to taking up runaway slaves.

3. Mr. Kalfus presented the remonstrance of sundry citizens of Bullitt county, against the formation of a new county out of parts of said county and the counties of Meade, Hardin and Jefferson.

4. Mr. Haydon presented the petition of John Stackhouse, praying to be divorced from his wife, Pamela Stackhouse.

5. Mr. Maupin presented the petition of sundry citizens of Barren county, praying the formation of a new county out of part of said county and the counties of Adair, Green and Hart.

6. Mr. Lewis presented the petition of sundry citizens of the town of Columbus, praying an amendment to the laws in relation to said town.

7. Mr. T. M. Jones presented the memorial of Henry Hand and others, upon the subject of the establishment of a State road from Gray's ferry, on the Tennessee river, to Paducah, and in relation to the removal of the seat of justice of Marshall county.

8. Mr. Haydon presented the petition of sundry citizens of Owen county, praying that an additional Justice of the Peace be allowed said county.

9. Mr. Hanna presented the petition of Wesley Dean, praying that compensation be allowed him for injuries done him by slack water navigation in the Kentucky river.

10. Mr. Groesbeck presented the petition of sundry citizens of Kenton county, praying the passage of a law authorizing the polls at the Piner precinct, in said county, to be closed upon the first day of the election.

11. Mr. Groesbeck presented the petition of the Stockholders of the Covington and Lexington Turnpike Road Company, asking an appropriation to enable the Company to further prosecute and complete said road.

12. Mr. Smith presented the petition of Jesse Reynolds, praying that the Superintendent of Common Schools may be directed to pay him for teaching school in Rockcastle county, under the Common School System.

13. Mr. Martin presented the petition of sundry citizens of Pike county, praying the establishment of an additional election precinct in said county.

Which petitions, memorial and remonstrance were severally received, the reading thereof (except the 11th, which was read,) dispensed with, and
referred—the 1st, 7th, 9th and 11th to the committee on Internal Improvement; the 2d, 6th and 8th to the committee for Courts of Justice; the 3d and 5th to the committee on Propositions and Grievances; the 4th to the committee on Religion; the 10th to Messrs. Groesbeck, Webb and Wheeler; the 12th to the committee on Education, and the 13th to Messrs. Martin, Goble and Coffey.

A message was received from the Senate announcing their concurrence in a resolution from this House, for increasing the joint committee on Banks.

The Speaker laid before the House the Annual Report of the Trustees of the Cumberland Hospital, which reads as follows, viz:

**SMITHLAND, KENTUCKY,**

*January 12th, 1844.*

Sir:

Please lay the enclosed report of the Trustees of the Cumberland Hospital before the House over which you preside,

And oblige your obedient servant,

WM. GORDON.

---

**Report of the Trustees of the Cumberland Hospital to the Legislature of Kentucky, January 1st, 1844:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>By balance on hand at date of last report</td>
<td>$1,193 92</td>
</tr>
<tr>
<td>By Legislative appropriation for 1843</td>
<td>500 00</td>
</tr>
<tr>
<td>By cash from Treasury of United States</td>
<td>371 50</td>
</tr>
<tr>
<td>By cash received from persons who died in the Hospital</td>
<td>13 40</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,078 82</strong></td>
</tr>
</tbody>
</table>

**Dr.**

To cash paid Thomas McCormick for boarding and attendance of patients 426 weeks and six days, at $3 50 per week | $1,494 00 |
To cash paid same for 14 burials, at $6 00 | 84 00 |
To cash paid same for washing 214 dozen and ten twelfths, at fifty cents | 107 83 |
To cash paid same for beeswax, suet, flannel &c., | 5 02 |
To cash paid Gordon & Barnatt for sundries, as per bill | 69 74 |
To cash paid D. B. Sanders, M.D., for one years medical services | 300 00 |
| **Total** | **2,060 59** |

Balance on hand this date | **$18 23** |

From the foregoing statement of the accounts of the Cumberland Hospital, it will be perceived there is a balance of $18 23 remaining in the
hands of the Trustees, after defraying all expenses for the last year. The usual appropriation of fifteen hundred dollars will be required to answer the probable charges upon the Institution for the present year, together with the sum expected from the United States Treasury.

There have been admitted into the Hospital, since the last Annual Report, ninety three patients—out of which number fourteen have died—a portion of whom were nearly dead when they arrived at the Hospital from the boats. All of which is most respectfully submitted.

WM. GORDON,
B. HODGE,
T. W. MILLS,
W. B. KING,
Trustees.

The Speaker laid before the House a communication from the President of the Board of Internal Improvement, which is as follows, viz:

Office of the Board of Internal Improvement,
19th January, 1844.

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

Sir:—I have the honor to hand you the petition of Andrew Glenn, for compensation claimed by him for the services therein specified, and the report of the Board of Internal Improvement thereupon.

Very respectfully, yours &c.,

THOMAS METCALFE, P. B. I. I.

To the honorable General Assembly of the Commonwealth of Kentucky.

Your petitioner, Andrew Glenn, of the county of Muhlenburg, would respectfully represent:—That in 1841 he was employed by Jairius Livermore, Superintendent and Engineer on Green and Barren River, as lock-keeper and agent at Lock and Dam No. 3, on Green River. He was employed and engaged to remain at said Lock and superintend some little repairs, not as a regular lock-keeper, to remain for any certain length of time, but to discharge the duties until a regular agent could be obtained.

The undersigned, at the time of his employment, was engaged in other business for a private individual, and was receiving forty five dollars per month for his services, and his expenses all paid by his employer. Your petitioner states he remained in the employment of the State, at said Lock No. 3, from 2nd Nov., 1841, to the 25th March, 1842, being four months and twenty three days. During this time, he received, as lockage, the sum of one hundred and seventy-five dollars; and paid out, under the directions of Engineer, for labor, board and materials, the sum of sixty-four dollars and ninety cents—which leaves in his hands the sum of one hundred and ten dollars and ninety cents.

The undersigned not only discharged the duties of lock-keeper, but superintended work done. He had been engaged for a number of years about the locks and dams of Green River, and at the opening of navigation was engaged as an experienced hand. Petitioner charges that his services were worth forty-five dollars per month and board, five dollars per month—which will make the sum of $238 33. Deduct from this the amount received as lock-keeper, over payments made by him for work, &c., (under
the direction of Engineer,) and the sum of one hundred and twenty-eight dollars and twenty-three cents is yet due him, from the State. This sum will be equal to the amount which he was receiving from an individual in whose employment he was engaged, when, at the request of the Engineer, he took charge of the Lock at No. 3; and he is honestly and justly entitled to said sum.

Petitioner has in vain sought a settlement with the local Board, and he has determined to place his case in the hands of the Legislature. He has honestly and faithfully discharged his duty to the State, and now needs and asks payment for his services. He cannot for a moment believe that the legislators of his native State will "repudiate" a debt due one who has performed services at the request of her authorized agent, and therefore with confidence leaves his case in your hands, praying that your honorable body will make provision for the payment of the sum of $128 23 now due him.

ANDREW GLENN.

HOR. THOMAS METCALFE,
President of the Board of Internal Improvement:

DEAR SIR,—The foregoing petition, although addressed to the Legislature, was, I am convinced, intended to be presented to your Board. I have had frequent conversations with the petitioner on the subject, and advised him to present his claims to you in compliance with the resolution of the last session.

He has forwarded his petition to me, accompanied by a letter in which he places the whole matter in my hands. I therefore submit his petition and claim to your consideration, with a statement of the facts within my own knowledge, and respectfully ask you to examine them and report thereon.

The statement of Mr. Glenn in regard to the salary received by him previous to his employment by Mr. Livermore, is correct. The account given of his services and of the time of his employment, is also correct. I cannot state the precise day that he left the employment of the State, but I recollect well that he left our employment on the first day of November to take charge of the Lock, and that I was there late in March following and Mr. Glenn was still there, but expected to leave in a short time.

In regard to the manner of his employment, it is necessary that I should say something. The work had been originally built and afterwards repaired by my partner and myself, and during the whole time of the work at No. 3 was first completed, and that he was then allowed two dollars per day, and boarding, although nothing was said about his salary at the commencement of services. His employment then was superintending the removing
of snags from the river. I cannot state, of my own knowledge, that Mr. Glenn received the two dollars per day, as stated by him. I suppose the Board have the means of ascertaining that fact.

Very respectfully,
Your obedient servant,
R. M'RERY.

The Board of Internal Improvement beg leave to lay before the General Assembly the petition of Andrew Glenn, and the accompanying letter of R. M'Rery, Esq., in relation to services performed by said Glenn as keeper of the Lock No. 3, Green River, and the compensation due him therefor. The rendering of the services are sufficiently proven by the testimony of Mr. M'Rery. What he should be paid for these services, the Board don't feel willing to determine. There is no evidence in this office showing the sums received by Glenn, as lock-keeper, from boats, &c., passing the Lock, or from other sources, nor what amount he has paid out, as stated in his petition.

THOMAS METCALFE, P.B.I.I.

January 19, 1844.

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

The Speaker laid before the House a communication from the President of the Board of Internal Improvement, in response to a resolution of this House of the 16th inst., which is as follows, viz:

Office of the Board of Internal Improvement, January 19, 1844.

Sir:
In obedience to a resolution of the House of Representatives of the 16th instant, I have the honor, herewith, to submit the following report.

And have the honor to be,
Respectfully, your obedient servant,
THOMAS METCALFE, P.B.I.I.

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

That on the subject of damages to the Contractors on the Licking River Navigation, they have had no inconsiderable difficulty, as will, in part, appear by referring to their report of the 1st inst., page 26. After stating the aggregate and respective amounts allowed to those Contractors, in pursuance of the act of the last General Assembly, the following remarks are appended:

"That the whole of this sum was absolutely and fairly due, in pursuance of the letter and spirit of the several contracts, the Board do not maintain. But the Board deemed it their duty to make the allowances, conformably to the provisions of the late act, and the testimony of the witnesses herein before named."
"Were the Board at liberty to substitute their individual opinions, regardless of the provisions of the act of the last session, and of the new testimony advanced, even with all the light which has been shed upon the subject by that testimony, they might still decline to make those allowances; allowances which, in the opinion of the Board, are not only ample, but quite extravagant, unless the same shall be permitted to cover and silence all future claims to indemnity, on the part of the Contractors, for the suspension of their contracts, or for any other claim within the conception of the Board.

"It is believed, that prior to the passage of the late act, and to the introduction of the new testimony, the Contractors had no legal right to any considerable portion of the excess allowed them in the last settlement for work and labor done, and materials procured and furnished."

"In some cases an allowance was made upon an item in regard to which it was difficult to decide whether it should be placed under the head of 'work and labor done,' or whether it should not have remained as a claim for damages. In some cases an allowance was made for losses sustained by the Contractors, which, in strictness of construction, had been lost at their own proper risk, and not at the risk of the State.

"These allowances were made upon the most liberal construction of the law; the Board holding it to be their duty, in all cases susceptible of doubt and difficulty, to protect the Contractor against any possible wrong.

"Upon further and more mature reflection, the Board feel more than ever confirmed in the belief, that the Contractors have been fully protected against any wrong. In deciding upon questions of right between a sovereign State and individual Contractors, the Board held it to be their duty to be less rigid towards the latter, than if they had been referees between man and man; and they now give these explanations to that sovereign, in its representative capacity, not doubting that their conduct, in this behalf, will be approved of."

"In further elucidation of the views and intentions of the Board, in regard to this settlement and question of damages, they have the honor to submit the following copy of an order from their minute book, made and entered prior to the time of making payment to the Contractors, in June last, in liquidation of the allowances then made.

"June 22d, 1843.

"The Board of Internal Improvement left Frankfort on the 26th of May, for the Licking river, for the purpose of settling with the Contractors, under the provisions of the act of the late General Assembly, and were engaged from Monday the 29th of May, to Saturday the 3d of June, in taking testimony touching the claims of the said Contractors. From that time to this day, they have been engaged in carefully examining the testimony, and making out the estimates for work done, &c., and have now concluded the settlement." (See estimates.)

The Board hold it to be alike due to themselves and those concerned, to remark that, in making the settlement, they found it not only difficult, but impossible, to discriminate, with accuracy or precision, between allowances proper to be made to said Contractors, "for work and labor done," and materials furnished by them in the prosecution of their contracts up to the period of their suspension by State authority, and what might more appropriately come under the head of damages, within contemplation of law, to be laid before the General Assembly for the final action of that body thereafter.
Instead, therefore, of any such strict or exact discrimination, the Board determined, liberally, to make allowances in favor of the Contractors in all doubtful cases; believing that the allowances, so made, ought to have been satisfactory to them, not only "for work and labor done, and materials procured and furnished, or partly procured and furnished," but also for the greater part, if not the entire damages by them respectively sustained in consequence of said suspension. By reference to the original contract and the settlement made in October and November, 1842, under the supervision of this Board, it will appear that the entire claim of the Contractors, for work and labor done, and materials furnished, had been extinguished, and therefore a strict adherence to the provisions of the contract would have cut them off from the allowances now made, or the greater portion of them.

"The referees designated by the contracts, for deciding all differences or controversies that might arise, had been connected with the works from their commencement. They were skillful and competent—of unquestioned integrity, and without any possible motive to do injustice to the Contractors. The settlement was made under such restrictions as the then existing laws imposed, from data furnished by them.

"But the act of the last Legislature evidently conferred on the Board broader and more extensive powers; in pursuance of which, they have assumed in the settlement now made, a basis in accordance with the views, opinions and testimony of intelligent, well informed witnesses, introduced on the occasion; the Board reserving to itself the right of further reflection and examination, the result of which they contemplate more fully embodying in their report to the next General Assembly."

A copy—Attest,

AUSTIN P. COX, Secretary,
Board of Internal Improvement.

The law of 1843 gives the Board no authority to make allowances and payments for the "damages" sustained by the Contractors. But the Board had great difficulty in determining in their own minds what to denominate damages "sustained by said Contractors on account of the suspension of their works by the State," and what might have been considered as "materials partly procured and furnished." The Contractors themselves did not understand the Board as paying the damages authorized to be inquired into; but they did understand that they were fully estimated and paid "all claims for work and labor done, and materials procured and furnished, or partly procured and furnished," notwithstanding they have again set up claims of this character, (see report of the 1st inst., pages 27 to 39, inclusive, where their claims for additional pay are put forth in detail.)

When the Board paid to the Contractors the several sums allowed them, as mentioned on the 26th page of said report, they took from each a receipt of the following import—each receipt being precisely in the same words, viz:

"FRANKFORT, 22d June, 1843.

"The undersigned, Contractors on lock and dam No. 5, of the Licking River Navigation, agree to receive of the State of Kentucky, her bonds payable in thirty years, bearing an interest of six per centum per annum, for the sum of five thousand seven hundred and thirty two dollars forty one cents, at par, which, in addition to $43,345 16, heretofore received by them,
makes the aggregate sum of $49,077 57 received, as is shown by estimate No. 25, of work done on said lock, &c., which sum of $5,732 41, is in full satisfaction of all claims against the State of Kentucky, "for work and labor done, and materials procured and furnished, or partly procured and furnished," as ascertained by settlement this day completed, and shown, in detail, by the estimate alluded to above; which settlement and estimate are made under the provisions of an act of the General Assembly of Kentucky, entitled, "an act for the benefit of Contractors of the public works," approved 11th March, 1843.

JAMES S. LAW & CO."

The receipt was prepared by the Board and submitted to the Contractors, and altered or amended by the Hon. W. W. Southgate, their attorney at law, and finally agreed upon and signed as above copied. Each Contractor signed a receipt precisely similar, for the sum allowed him or them by the Board; and yet they come forward now with claims, for which, or a portion of which, they have given a clear and full acquittance.

The extracts from the report of the Board of the first of the present month, and the copy of the order of allowance, taken from the minute or order book of the Board, herein before set forth, go far to comply, in advance, with the requisitions of the resolution. But wishing to be more explicit, the Board will submit to the House of Representatives some of the difficulties which they had to encounter, in endeavoring to put a proper construction upon the law under which they acted, and in discriminating between what ought to be considered as "damages" for suspending the contracts, and what should be considered as due for "work and labor done, and materials procured and furnished, or partly procured and furnished." What is the correct interpretation of the act of March, 1843? What is meant by "damages sustained," &c.? Is it

1. Merely the loss or injury which the Contractors were supposed to have sustained in being stopped in the prosecution of their several contracts, having on hand carts, wagons, teams, tools and fixtures of every kind and description, with an abundance of laborers to carry on their works vigorously?

Or is it

2. The probable profits which they would have made, had they been permitted to go on with their several contracts to completion? Or does it

3. Embrace other preparations—such as the stripping of quarries, quarrying stone, and the building of boats for their transportation more than one hundred miles from the work?

If it means the first, the Board have had no testimony submitted to them conducing to show loss or injury sustained by the Contractors by the suspension of their contracts. It surely cannot mean the second, for the Board have received assurances from high legal sources, that no such principle as that of assuming as a criterion or basis of damages, the profits which might have been made, if the contracts had been permitted to progress to completion, was known or recognized by our system of jurisprudence. The Board do not profess to be familiar with the science of law, or the adjudication of our courts in analogous cases. Such, however, they understand to be the well settled principles entertained by the most eminent jurists.

If by the phrase "damages sustained," &c., the Legislature intended to embrace the third class of cases above referred to, then the Board have al-
ready paid the damages sustained, &c. For they have made the Contractors what they consider full and liberal allowances “for all work and labor done, and materials procured and furnished, or partly procured and furnished,” in conformity with the testimony introduced by them. If any thing was intended to be embraced by the phrase “damages sustained,” &c., other than the profits which the Contractors supposed they would have made upon the unfinished portion of their contracts, or the positive injury which they have sustained by reason of the suspension, then they have been paid their damages, for every thing else has been settled for.

But to be still more explicit in answer to the resolution, the Board will specify several items allowed and paid for as alluded to in their report of the 1st inst., which would have constituted no claim whatever upon the State, if the contracts had been prosecuted to completion. The allowance made, and sums paid upon such items, therefore, and to that extent, may be viewed in the light of damages: damages equal at least to the cost of preparing to carry on the contracts to completion; or in other words, an equitable allowance for making such preparation. The Board having determined to dispel the question of these nice and critical distinctions, lest possibly some wrong might be done to the Contractors, by withholding from them such equitable allowance, made it, in that spirit of liberality as stated in their former report.

For instance, at lock No. 1, there was allowed and paid for shanties, for which there could have been no just claim on the part of the Contractors, if they had been permitted to finish, the sum of $150; at lock No. 2, $75; at lock No. 3, $175; at lock No. 4, $200. For hauling and storing lime at lock No. 1, $87 50; at lock No. 2, $100; at lock No. 4, $225 50. For standing timber, purchased by the Contractor to carry on the work, and rent of land at lock No. 4, $410; for boats and stone up the Licking river, sunk or lost to the Contractors at lock No. 4, $1,737 75; at lock No. 5, $667 25. The hauling and storing of hydraulic lime was, by contract, to have been at the charge and expense of the Contractors; but as they were cut off, by the State’s agent, from all possibility of reaping any benefit from this portion of their labor, by a suspension of their works, the Board thought it right to pay for work, that, under other circumstances, would not have been a charge upon the State.

The standing timber was purchased by the Contractor at lock No. 4, without direction or authority from the State or her agents, years in
The boats and stone sunk in the Licking river—the stone lying in the quarries in Fleming county, and the stripping of those quarries, are paid for by the State, although she reaps no benefit or advantage from this work having been done, and although a great portion of it would have been of but little service in the further prosecution of the works.

The subject of the iron, for which the State has paid between eleven and twelve thousand dollars, was referred to in the former report of the Board. It is probably now worth about one third of that sum, showing a loss to the State of something like eight thousand dollars. It was purchased without direction of the State agents, and for the only purpose of affording the Contractors cash facilities in the prosecution of their works—they purchasing on time, at a price not greatly, if any, more than half of what the State paid them in hand. At any rate, the difference between what they agreed to pay on time, and that which they received in hand, was so great as to make it very desirable to them to make the purchase; and yet they are now asking more from the State for this very iron.

It is probable that the Board ought to have reported all of the foregoing items to the General Assembly, as constituting, in their opinion, the entire damages sustained by the Contractors because of the suspension of their contracts. They had, at one time, determined to so report them, but for the explanations and reasons already given, they changed that determination, made the allowances and liquidated the claims.

From the testimony, it appears that all the Contractors were about equally well prepared to prosecute their contracts vigorously. The Board were exceedingly anxious to satisfy them; and would have been willing to have gone somewhat beyond their own settled convictions of what was right and proper, in the way of recommendation to the Legislature, for allowances to each, to cover their supposed damages. They believed that it would have been to the interest of the State, to have made a sacrifice of a few hundred dollars, to silence all further claims for indemnity on the part of the Contractors. During the progress of the examination at Licking, the Board requested the Contractors to consult with each other, to see whether they could agree upon any specific sum, which, if paid by the Legislature, should put a stop to all future applications for damages consequent upon a suspension of the works upon the Licking river—to cover also, the several items herein before specified, as those about which the Board had great doubts in which of the two classes of claims, directed to be inquired into by them, they should be placed. They could not agree among themselves. One was willing to take $3,000. The others fixed on various sums, ranging far above.

Subtract from this $3,000 the doubtful items referred to several times, and some of them, one particularly, would have been left, very much as the Board believe all should be left.

There are other items besides those enumerated above, upon which the Contractors have gained a decided advantage over the State in their last settlement; for which see the report of this Board, bearing date the 1st inst. from page 39 to 44, inclusive, especially that part of said report commencing on page 42, and applicable to locks Nos. 3, 4 and 5. Every intelligent stone
mason in the land will at a glance recognize the advantage obtained by the Contractor in this instance, on account of the suspension of his contract; whether such advantage be denominated damages or not. Upon the whole, it would be more difficult to determine upon what item, contained in the late excessive allowances, the Contractors had not gained an advantage over the State, than by any process of reasoning known to the Board to establish their clear and undisputed right thereto.

If the Board may be permitted so to do, they will avail themselves of this occasion to return to the House of Representatives their very sincere acknowledgments for the call made upon them by the above resolution; and they beg leave, furthermore, to signify that they will be most thankful to be thus called upon by the Honorable Representatives of that sovereign in whose service they have been employed, authoritatively, as in the present instance, or individually, as may best suit their own pleasure and convenience.

It is not to be disguised, that the position of the Board is not only one of great responsibility, but a position at once exposed to the shafts of ignorance, selfishness and cupidity. Nay more: even that out of door bird of evil omen, the croaking demagogue, not content in his attempts to win the hearts of the credulous, by his assaults upon the friendless and retired ghost of Internal Improvement, is sometimes wont, by unmanly aspersions or insinuations, to cast reproach upon the humble and unpretending Board. That Board has no shield of protection, unless it be in the faithful discharge of their duty, and the firm determination of the Representatives of the people, to elicit the truth, the whole truth, and nothing but the truth.

With no desire whatever, on the part of any member of the Board, to provoke hostilities, or ungenerously to wound the feelings of any one, in a spirit of retaliation or otherwise, they, nevertheless, hope to be able to stand firm in the hour of trial, no matter whose interest may be affected by it, or whose sensibilities may be wounded. Assuming the ground they have heretofore at all times occupied, where pamphlets or other documents have been circulated among the members of your honorable body, having for their object to traduce the members of the Board, or to underrate the value of their laborious services, they will not deign to notice such pamphlets, or their authors, until they shall have attracted the attention of honorable members, so as to make it their duty to demand the proper explanations.

As intimated in a former report, the President of the Board is the more desirous, now, to meet any objections that may be made to any part of his official conduct, because of the near approach of that day when he intends to retire from the last public office he ever expects to fill. Now is the time, and now's the hour, if ever it has to be done, that he would rejoice to have an opportunity afforded him to vindicate himself against every ungenerous imputation, in the presence of that tribunal to whom he is happy to acknowledge his responsibility, and in whose just appreciation of all his actions and doings in this behalf he has the most unbounded confidence.

THOMAS METCALFE, P. B. I. I.
A. P. COX,
JAMES DAVIDSON.
Ordered, That said communication be referred to the committee on Internal Improvement, and that the Public Printer forthwith print 150 copies thereof for the use of the members of the General Assembly.

A bill from the Senate, entitled, an act for the benefit of Peter Berry, of Union 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 readings of said bill having been dispensed with,

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

The House again resumed the consideration of the bill to authorize the purchase of Loughborough’s Digest.

Mr. C. R. Thomson moved the previous question.

The question was then taken, shall the main question be now put? 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. Richardson and Johnson, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,

Messrs. Alcorn, Blackburn, Bryan, Campbell, Clark, Collins, Cox, Crow, Culy, DeCourcy, Garrard, Gilchrist, Goble, Gore, Graves, Groesbeck,

Hanna, Haskin, Haydon, Heady, Hobbs, Hogan, E., Holloway, Hooe, Humphreys, Johnson, Jones, D. E., Jones, T. M., Kalfus, Lewis, McLarning, McRery, Milam,


Those who voted in the negative, were—

Messrs. Bondurant, Bowman, Buford, Chambers, Coffey, Coleman, Dickey, Ewing,

Gray, Griffin, Hambleton, Hobson, Hogan, O. P., Jenkins, Kavanaugh, King,

Owens, Pogue, Pope, Price, Richardson, Rockhold, Stewart, Stitt.
Mr. Wickliffe moved a reconsideration of the vote by which said bill was passed.

Mr. Young moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the vote be reconsidered? and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Johnson and S. Stone, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bondurant, Griffin;
Bowman, Groesbeck,
Bryan, Hambleton,
Chambers, Hobson,
Coffey, Hogan, O. P.
Coleman, Jenkins,
Dickey, Johnson,
Ewing, Kavanaugh,
Frazier, King,
Fry, Lawless,
Gardner, Lowry,
Garnett, Marshall,
Gentry, Martin,
Given, Maupin,
Glenn, Nall,
Gray, Oldham,

Mr. Speaker,
Messrs. Alcorn, Haskin,
Blackburn, Haydon,
Butord, Heady,
Campbell, Hobbs,
Collins, Hogan, E.
Cox, Holloway,
Crow, Hooe,
Cally, Humphreys,
DeCourcy, Jones, D. E.
Garrard, Jones, T. M.
Gilechrist, Kalfus,
Goble, Lewis,

Those who voted in the negative, were—

Haskin, Perrin,
Haydon, Porter,
Heady, Redd,
Hobbs, Smith,
Hogan, E. Speed,
Holloway, Thomson, C. R.
Hooe, Thompson, H.
Humphreys, Trumbo,
Jones, D. E. Tully,
Jones, T. M. Waddill,
Kalfus, Webb,
Lewis, Wickliffe,
McLarning, Wilkinson,
A message was received from the Senate, by Mr. Woodson, asking leave to withdraw their report announcing their concurrence in a resolution from this House for increasing the joint committee on Banks.

And the question being taken on granting said leave, it was decided in the negative.

The House again resolved itself into a committee of the Whole—Mr. Smith in the Chair, on the report of the committee appointed on the memorial of Richard Apperson, contesting the seat of Joseph Bondurant, the member returned to serve in this House, from the county of Montgomery; and after some time spent therein, the Speaker resumed the chair, when Mr. Smith reported that the committee had, according to order, had under consideration the report aforesaid, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to set again, which was granted.

And then the House adjourned.

SATURDAY, JANUARY 20, 1844.

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 Owen County Seminary.
An act for the benefit of Hiram Begley.
An act to repeal the charter of the Crab Orchard and Cumberland Gap turnpike road.
An act to amend the Militia law.
An act for the benefit of Thomas Gore.
An act to for the benefit of Ira H. Sibley, a lunatic.
An act to repeal an act to add to the resources of the Sinking Fund.
An act authorizing the sale of the Old Church and lot in Ghent, called McCoul's Bottom.

With amendments to the three last named bills.

That they had passed bills of the following titles, viz:
An act to authorize Jordan Bass to build a fish dam on Pond river.
An act to allow an additional Justice of Peace to the county of Kenton.
An act for the benefit of Hiram S. Booten.
An act providing for a change of venue in the prosecution against Jacob Froman.
An act granting James Marcum a change of venue.
An act for the benefit of George Morris.
An act for the benefit of John Howard, of Logan county.
An act to change times of holding the Fayette and Scott Circuit Courts.
An act for the benefit of the town of Brandenburg.
An act to establish the county line between the counties of Hopkins and Christian.
An act authorizing the County Courts of Shelby and Oldham to make levy at their May Courts.
And had adopted a resolution directing the committee on Banks to receive certain scrip from the Northern Bank, at Lexington.
The said resolution was then taken up, twice read and concurred in.
1. Mr. Kalfus presented the remonstrance of sundry citizens of Bullitt county, against the formation of a new county out of parts of said county and the counties of Meade, Hardin and Jefferson.
2. Mr. Goble presented the petition of Elizabeth Ratliff, praying to be divorced from her husband, Daniel Ratliff.
3. Mr. Wright presented the petition of sundry citizens of Lincoln county, praying that an additional Constable be allowed to said county.
4. Mr. Marshall presented the petition of Jeremy Skaggs, praying to be divorced from his wife, Elizabeth Skaggs.
5. Mr. Perrin presented the petition of sundry citizens of Harrison, Grant and Pendleton counties, praying the formation of a new county out of parts of said counties.
6. Also, the remonstrance of sundry citizens of Harrison county, against the formation of a proposed new county out of parts of said county and the counties of Grant and Pendleton.
7. Mr. Wheeler presented the remonstrance of sundry citizens of Pendleton county, against the formation of a proposed new county out of parts of said county and the counties of Grant and Harrison.
8. Mr. Kavanaugh presented the petition of Martha B. Phelps, praying to be divorced from Josiah S. Phelps.
9. Mr. Hanna presented the petition of sundry citizens of Grant county, praying to be added to Gallatin county.
10. Mr. Stitt presented the petition of sundry citizens of Nicholas county, asking a change of a Constable’s district in said county, and for other purposes.
11. Mr. Hobbs presented the petition of sundry citizens of the city of Louisville, praying a repeal of the tax on Foreign Insurance Offices.
Which petitions and remonstrances were severally received, the reading thereof (except the 6th, which was read,) dispensed with, and referred—1st, 5th, 6th, 7th and 9th to the committee on Propositions and Grievances;
the 2d, 4th and 8th to the committee on Religion; the 3d to Messrs. Wright, Tevis and Garnett; the 10th to the committee for Courts of Justice, and the 11th to the committee on Ways and Means.

Mr. Wooten from the joint committee on Enrollments, reported that the committee had examined sundry enrolled bills and resolutions which originated in this House, of the following titles, viz:

An act for the benefit of Mechanics and others, of the city of Louisville and counties of Jefferson, Calloway and Marshall.

An act to repeal the act of last session requiring tax on registering plats and certificates for vacant lands.

An act for the benefit of Ira H. Sibley, a lunatic.

A resolution directing certain enquiries to be made of the Banks by the committee on Banks.

Also, a bill which originated in the Senate, entitled, an act for the benefit of Peter Berry, Coroner of Union county.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Wooten inform the Senate thereof.

A message was received from the Senate, by Mr. Morgan, asking leave to withdraw their report announcing the passage of a bill from this House, entitled, an act to repeal the charter to the Crab Orchard and Cumberland Gap turnpike road.

And the question being taken on granting said leave, it was decided in the negative.

Mr. Hooe moved the following resolution, viz:

Resolved, That when the Clerk of this House has completed the taxation of the cost in the case of the contested election of Mason and Trumbo, that he shall then, by some safe conveyance, transmit to the Clerk of the County Court of Batie county, the depositions and papers, to be kept by him, and subject to the same inspection as the records of his office.

Mr. Hooe moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the resolution be adopted? and it was decided in the negative.

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

<table>
<thead>
<tr>
<th>Those who voted in the affirmative, were—</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Speaker, Allen, Bondurant, Bryan, Clark, Coffey, Coleman, Groesbeck, Hanna, Haskin, Haydon, Heady, Hobson, Hogan, O. P. Noe, Owens, Penick, Perrin, Pope, Smith, Stitt</td>
</tr>
</tbody>
</table>
Those who voted in the negative, were:


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

On motion of Mr. Hobbs—1. A bill prescribing the terms on which the State will allow the use of the Jails for the confinement of the United State's prisoners, and for other purposes.

On motion of Mr. Alcorn—2. A bill to amend the law regulating the collection of the public revenue.

On motion of Mr. Wickliffe—3. A bill for the benefit of the heirs of aliens who die in this State.

On motion of Mr. Maupin—4. A bill to amend the law in relation to turnpike roads, and to provide for leasing out the same, and for other purposes.

Ordered, That the committee on the Penitentiary prepare and bring in the 1st: Messrs. Alcorn, Campbell, Lewis and Noe the 2d; Messrs. Wickliffe, Smith, Chambers and Graves the 3d, and Messrs. Maupin, Campbell and Lawless the 4th.

The Speaker, in pursuance of the joint resolution to add to the committee on Banks, appointed Messrs. Cox and Martin on said committee.

The House again resolved itself into a committee of the Whole, on the report of the committee appointed on the memorial of Richard Apperson.
contesting the seat of Joseph Bondurant, the member returned to serve in this House from the county of Montgomery—Mr. Smith in the chair, and after some time spent therein, the Speaker resumed the chair, when Mr. Smith reported that the committee had, according to order, had under consideration the report aforesaid, and had instructed him to report the same to the House, with the following preamble and resolution:

WHEREAS, A member of this committee, in his place, proposed to Messrs. Apperson and Bondurant that they should both withdraw their pretensions to a seat in this House, and Mr. Bondurant arose and said he would not resign voluntarily, but that if Mr. Apperson would decline he would: whereupon, Mr. Apperson consented, and he and Mr. Bondurant both acceded to the proposition, that they both withdraw as above proposed—therefore,

Resolved, That so soon as Mr. Bondurant shall have handed in his resignation to the Speaker of this House, a writ of election, to the county of Montgomery, to supply the vacancy occasioned by said resignation, shall issue from the proper authority, designating Thursday the first day of February next, as the day on which said election shall be held.

Resolved, As the sense of the committee, that the costs paid out to the officers of law and to witnesses by Richard Apperson and Joseph Bondurant, in taking depositions and in conducting their contested election, be paid out of the Treasury, out of any money not otherwise appropriated.

The Speaker laid before the House the following communication, viz:

FRANKFORT, January 20th, 1844.

I resign my seat in this House, as a member from the county of Montgomery.

Yours, &c.

JOSEPH BONDURANT.

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

The said preamble and resolutions reported by the committee of the Whole, were then twice read, and concurred in.

And then the House adjourned.

MONDAY, JANUARY 22, 1844.

1. Mr. Lewis presented the petition of sundry citizens of Hickman county, praying the establishment of a State road from Columbus, in said county, to Dresden, in Tennessee.

2. Mr. D. E. Jones presented the remonstrance of sundry citizens of Jefferson county against the formation of a proposed new county out of parts of Jefferson, Meade, Hardin and Bullitt counties.
3. Mr. Alcorn presented the remonstrance of sundry citizens of Livingston and Crittenden counties, against the formation of a new county out of parts thereof.

4. Mr. Chambers presented the petition of Joseph Batts, praying a change of venue in the prosecution now pending against him in the Bracken Circuit Court, for Kidnapping.

5. Mr. Trumbo presented the petition of Charles S. Graham, praying a divorce from his wife, Mary Graham.

6. Also, the petition of William Bowen, praying to be divorced from his wife, Elenor Bowen.

7. Mr. Lewis presented the petition of H. G. Black, praying the passage of a law permitting him to have free access to the books of Franklin T. Taylor, Surveyor, for the purpose of making a map of Military claims, &c.

8. Mr. Perrin presented the remonstrance of sundry citizens of Harrison, Grant, Pendleton and Scott, against the formation of a new county out of parts thereof.

9. Mr. Alcorn presented the petition of Thomas J. Phillips, executor of Wm. H. Phillips, deceased, and others, praying the passage of a law authorizing a sale of certain lands, devised by the testator, for the payment of his debts.

10. Mr. Cully presented the petition of sundry citizens of Harrold, Meade, Bullitt and Jefferson counties, praying the formation of a new county out of parts of said counties.

11. Also, the petition of sundry citizens of Hardin county, praying that an additional Constable be allowed to said county.

12. Mr. Nall presented the petition of Warren W. Hines, praying permission to increase the height of his mill dam, on Rough creek.

Which petitions and remonstrances were received, the reading thereof dispensed with, and referred—the 1st to the committee on Internal Improvement; the 2d, 3d, 8th, 10th and 12th to the committee on Propositions and Grievances; the 4th, 7th and 9th to the committee for Courts of Justice; the 5th and 6th to the committee on Religion, and the 11th to Messrs. Cully, Wheeler and Richardson.

On motion of Mr. Haydon,

Resolved, That the Sergeant-at-Arms cause a lantern to be placed at the front steps of the Capitol.

The Speaker laid before the House the following communication, viz:

PHILADELPHIA, Jan. 12, 1844.

Sir:

Allow me through you, to invite the patronage of the honorable body over which you preside, to "the United States Commercial and Statistical Register," of which I take the liberty of herewith forwarding a number. It has been regularly sent to the office of the Secretary of your State ever
since its publication, which commenced in 1839. Six volumes are now completed, at $3 per vol. bound. The object of the work is, to record all public documents, as well of the U. S. as of the individual States and of corporations, important for future reference, embracing messages, financial and other reports of the Federal and State Governments; banks, canals, and other improvement companies; schools, prisons, benevolent and literary institutions; commerce, agriculture, manufactures; in short, all matters useful for reference, pertaining to the past and present history and resources of this country. Many of the States have already patronized it, as well as Congress. Foreign governments and their consuls and ministers—the several departments at Washington, and many public libraries are subscribers. It is believed to be the receptacle of more information respecting this country, than can be found in any other work. I shall, therefore, be thankful for any aid towards its support, which your honorable body may deem it expedient to afford.

I have the honor to be, sir,
Your humble servant,

SAM. HAZARD, Editor.

Ordered, That said communication be referred to the committee on Agriculture and Manufactures.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the interest of a large and respectable portion of the citizens of this Commonwealth is identified with the production and profitable sale and disposition of the article of tobacco; that the city of New Orleans is the port to which almost the entire crop, of that article, grown in this Commonwealth, is shipped for transportation, or sale to those who purchase for foreign consumption; that from the mode of inspection and classification of that article, much injustice is often done, and serious losses incurred by our citizens; that the main competition in that article found in the market of New Orleans, is in the tobacco grown in the States of Tennessee, Missouri and Kentucky; and that justice to the planters of those several States, requires that the tobacco interest of each should be protected in the process of inspection and classification at said market, the most effectual means of doing which, in the opinion of this General Assembly, being by the selection and appointment of some person from each State, acquainted and skilled in the various qualities, and the merit and demerit of the different varieties of the articles grown in the several States, as inspectors of tobacco at the port of New Orleans.

Be it further resolved, That the Governor be requested to transmit to the Governor of the State of Louisiana a copy of the foregoing resolution, accompanied with such other suggestions as may be best calculated to enforce the matters embraced therein, with a request that he lay the same before the Legislature of his State.

Resolved, That the Governor be requested to transmit a copy of the foregoing resolutions to the Governors of the States of Tennessee and Missouri, with a request to present the same to their respective Legislatures, and requesting their co-operation in obtaining the object contemplated therein.
The rule of the House requiring joint resolutions to lie one day on the table having been dispensed with,

Ordered, That said resolutions be referred to the committee on Agriculture and Manufactures.

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act for the benefit of Jacob Bowe.

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

WHEREAS, in the opinion of the Legislature, an enlightened Judiciary is one of the greatest safeguards to liberty, and all the blessings of a free government; and as the Constitution of the United States, the acts of Congress and treaties made by authority of that Constitution are binding when made under the authority of that Constitution; and as the decisions of the Supreme Court of the United States on all questions involving the execution of the Constitution, and all treaties and acts of Congress is of binding authority in all the inferior tribunals of the United States, and in all the judicial tribunals of the States—therefore,

1st. Resolved by the General Assembly of the Commonwealth of Kentucky, That a more general diffusion of the Decisions of the Supreme Court ought to be provided for by law.

2nd. Resolved, That as the decisions of said Court are voluminous and cannot be now procured but at great expense, (if at all) that it is expedient that a Digest of said Decisions should be prepared by some competent person, at the public expense.

3rd. Resolved, That such a Digest, so prepared, should be published at public charge and distributed amongst all the Judicial officers of the United States, Appellate Judges and Judges of Courts possessing general jurisdiction, in the several States of this Union.

4th. Resolved, That the Governor of this Commonwealth be requested to furnish the President of the United States with a copy of these resolutions, with a request that he lay before each house of Congress a copy thereof.

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

The Speaker laid before the House the response of the Board of Internal Improvement, to a resolution from this House of the 18th inst., which is as follows, viz:

Office of the Board of Internal Improvement, January 20th, 1844.

Hon. John L. Helm,

Speaker of the House of Representatives.

Sir:—In obedience to a resolution of the House of Representatives of the 18th instant, the Board of Internal Improvement beg leave respectfully to report—

That in the last paragraph of the seventh page of their special report upon the claims of Joseph Barbour, Contractor, they use this language:
What was to be done? It was in this emergency that the plan was devised of carrying on the work by Barbour's agent, and not by an agent of the State. Barbour, by written and legal authority, made M. R. Stealey, Esq., his agent, to receive and disburse the funds, and superintend and control the work. The Board assented to this arrangement, as the best, under all the adverse circumstances, that could be adopted. What these “adverse circumstances” were, may be learnt, in part, by reference to the report of the Board, of S. Welch, Esq. Chief Engineer, and M. R. Stealey, Esq., Resident Engineer of the Kentucky River Navigation, of 1841-2.

On the thirteenth page of the report of the Board, before alluded to, this language is used: “In August, 1838, he (Barbour) wrote to the Board, requesting them to appoint an agent to receive his semi-monthly estimates, and pay his workmen, they having refused to work unless some arrangement was made by which they could be assured of getting their pay. George Stealey was appointed, and the work progressed. In April, 1841, at the instance, and upon the application of Col. Barbour, the Board consented to the appointment of M. R. Stealey, for the same purpose.”

For copies of the contract and specifications signed and sealed, by which Joseph Barbour & Co. bound themselves to construct Lock and Dam No. 1, of the Kentucky River Navigation, see H.J. of 1841-2, pages 271 and 287. The powers originally conferred therein, upon M. R. Stealey, Esq., to “superintend and control” the work—he being the Resident Engineer alluded to—will appear, by a careful examination of said contract and specifications.

The following is a correct copy of the original agreement entered into between said Barbour and the Board of Internal Improvement, and the same to which they refer in the last paragraph, but one, of the thirteenth page of the report before alluded to, by which he conferred upon M. R. Stealey, Esq., the authority to receive his estimates, and disburse the same in paying his laborers, and all other expenses incident to carrying on the work and completing the same.” This arrangement was made for Barbour’s benefit alone—proposed by him, and urged with his usual zeal and earnestness, and we might say, success, to induce the Board to advance him a portion of his retained per centage, to enable him to satisfy the pressing claims of a creditor, who had stood by him in the hour of need; and to lift executions then hanging over carts, wagons, teams, tools, &c.—indispensably necessary in the further prosecution of the work. As before stated, “the Board assented to this arrangement, as the best, under all the adverse circumstances, that could be adopted,” and made the advances asked for, and agreed upon; fearing at the same time that a sense of public duty would, ere long, compel them to forfeit and re-let the contract, in order to insure its completion that season:

Office of the Board of Internal Improvement,  
April 11th, 1841.

Present—
THOMAS METCALFE, President,
SAMUEL DAVIESS,
PETER DUDLEY.

“Upon the application of Jos. Barbour, the Contractor for the construction of Lock and Dam No. 1, of the Kentucky River Navigation, the Board of Internal Improvement, by his approbation and consent, have this day ap-
pointed M. R. Stealey, Resident Engineer, &c, agent for said Barbour, with authority to receive from this Board said Barbour's monthly estimates of work done on said Lock and Dam, and disburse the same in the payment of hands, and all other expenses incident to carrying on the work, and completing the same; and whatever balance may remain of said monthly estimates, after paying the aforesaid expenses, is to be paid over to said Barbour without delay. The said Barbour agrees that he will not, at any time, during the progress of the work referred to, do any act to prevent this arrangement from being carried into full and complete effect, according to its stipulations; and that he will receive, in payment of his estimates, such funds as have been, or will be provided for Internal Improvement purposes at their nominal amount.

In consideration of the above arrangement, this Board has this day agreed, at the request of said Barbour and Wm. Root, to advance the latter the sum of two thousand dollars of State Bonds, part of said Barbour's retained per centage; and upon the 1st of July next, the further sum of two thousand dollars of like funds, should the said Barbour, as soon as the state of the water permits, furnish a competent number of hands and materials of every description, to carry on said work expeditiously, so as to insure its completion the present season.

The said Wm. Root guarantees that the said Barbour will faithfully perform each and every of the foregoing stipulations on his part.

It is clearly understood that the payment of the second two thousand dollars to Wm. Root, is to depend upon the said Barbour's furnishing the number of hands and materials necessary, in the opinion of the Resident Engineer of the Kentucky River Navigation, to carry on said work to completion the present season.

In testimony whereof, the said Board of Internal Improvement, by Thomas Metcalfe, President thereof, and the said Wm. Root and Jos. Barbour have hereunto set their hands and seals this 17th day of April, in the year 1841.

THOMAS METCALFE, P. B. I. I. [SEAL]

J. BARBOUR, [SEAL]

WM. ROOT. [SEAL]

A true copy from the original.

AUSTIN P. COX, Sec'y: B. I. I.

It unfortunately happened, that no sum advanced by the Board to this Contractor, other than those he had a right to ask for by the terms of his contract—and there was not a few of them, seemed to be of any service to him in the prosecution of his work—for the reason, that they generally went to satisfy old liabilities, incurred by wild and visionary engagements, having but little, if any, connexion with the carrying on of his work, and not to silence the claims of those who were laboring for him. The last of the two sums, provided to be paid to Wm. Root, by the foregoing agreement, had scarcely been paid him, before it became necessary for the Board to adopt the most energetic measures to ensure the completion, or rendering secure, from the freshets of the winter of 1841-2, the public works at Lock and Dam No. 1, of the Kentucky River Navigation.

At their September meeting they adopted the following orders, and gave directions for their immediate execution:
WHEREAS, it is represented, by the Resident Engineer, that the estimate for work done on Lock and Dam No. 1, Kentucky River Navigation, will not be sufficient to pay the current month's disbursements for labor, materials, &c., on said work—therefore

Resolved, That any sum, in addition to the monthly estimate, which may be necessary to meet the disbursements for the present month, and not exceeding two thousand dollars of the retained percentage standing to the credit of the Contractor on said Lock, &c., be paid to his agent, M. R. Stealey, in the same manner that the ordinary estimates are now paid him; upon the express condition, that said Contractor shall, at all times, keep a force on the work equal to the requirements of the Chief or Resident Engineer; and especially, that said Barbour shall consent, at his own cost and expense, to the immediate employment, by the Chief or Resident Engineer, of a sufficient number of competent carpenters to put up and finish the Lock gates—which hands, so employed shall be under the sole and immediate control and management of the said Engineers.

Resolved, That P. Dudley, a member of this board, and the chief Engineer, be requested to proceed to Lock and Dam No. 1, Kentucky River, with full power and authority, should the same become necessary, to make a new contract for the prosecution of the work, or the employment of an agent to engage hands for that purpose, or to take such other steps, as in their discretion will best promote the public interest, by having the work rendered safe and useful the approaching season."

Truly copied.

AUSTIN P. COX, Sec'y. B. I. I.

Under the first of these orders, various sums of Barbour's retained per centage were advanced by the Board to carry on his work, upon the sole condition, that he should stand aloof—give no directions, or in any way interfere with the work or workmen. They were to be "under the sole and immediate management and control" of M. R. Stealey, Esq. Barbour has informed members of the present Board that he agreed to this arrangement as an alternative, rather than have his contract forfeited, which he feared would have been done under the last of said orders. One of the two measures was absolutely necessary to ensure the safety of the works. The reports before alluded to, of 1841-2, of the Board, Mr. Welch and Mr. Stealey, all show this. It was never questioned or denied, until recently, so far as the Board have knowledge, by any one, that Mr. Stealey acted as the agent of Barbour throughout the working season of 1841. It was proposed by the Contractor, in the first place, to the Board; and urged upon them as an inducement to get them to make the advance of $4,000 of his retained per centage to his creditor, Wm. Root. (See H.J. of 1841-2, page 175, report of M. R. Stealey, Esq.)

Although Barbour, in the claim presented by him, pages 3 and 4, charges that the agent of the State, while carrying on his work in the fall of 1841, absorbed $7,098 15 of his retained per centage, between the 1st of September and 1st of December, yet, on the 22nd of November, $2,000 was paid to Wm. Root upon his order, under the following circumstances: The said Root had purchased, under execution, all Barbour's teams, tools, &c.,

22
and agreed to let them remain until the completion of the work, in the Contractor’s possession, if the Board would advance the said sum of $2,000. The Board made the advance and took from Root a bond or obligation of the following tenor:

“Whereas, the undersigned, William Root, did, on the 23rd of October last, purchase at public sale, by the Sheriff of Carroll county; under an execution from the Jefferson Circuit Court, in favor of H. Smith against J. Barbour and A. Buckner, the following property, viz: Ten stoves and pipes; seventy wheel-barrows; twenty-five crow bars; seventy-five shovels; eighteen picks; two tarred ropes; three boats; eight yoke of oxen; one pair of truck wheels; twenty log chairs; thirty-six axes, and one wardrobe; being various tools, implements &c, then in possession of said Barbour, and necessary in carrying on the public works at Lock No. 1, of the Kentucky River. Now, the said Root obligates himself, that the above named articles shall remain at said Lock in the possession of said Barbour, or such other person as the Board of Internal Improvement may designate, until the entire completion of said Lock and Dam. Given under my hand this 22nd of November, 1841.

WM. ROOT.”

Test—Austin P. Cox.”

A true copy from the original. AUSTIN P. COX, Sect’y. B. I. I.

In making their former report upon the claims of this Contractor, the Board, not wishing to encumber it with all the details to be found among the records of their office; and entertaining the hope that members of the proper committees would occasionally call and examine for themselves, omitted to lay before the two Houses the contents of this paper, which they now deem it their duty to set forth.

In addition to what is hereinbefore stated, the following items, as estimated by M. R. Stealey, and paid for by the Board, did not receive the approval of S. Welch, the Revising Engineer. He either rejected or disapproved of them “on the ground that the price fixed to some of them is too high, and that others ought to be rejected altogether, for the reason, that the expenses were incurred in consequence of the neglect or inability of the Contractor to prosecute and carry on his work, according to the provisions of his agreement with the Commonwealth. The item of $500, for extra work on foundation course and walls, Mr. Welch remarks, “appears to me to be too high.” “I do not know of any extra work upon the lower course not provided for in the contract, except the fitting of the stone to receive the ends of the timber, and I do not recollect how these were fitted, whether bevelled or not.”

The item of $1,500 for extra work for angle in dam, sluice and wedge, Mr. Welch declines to sanction, and remarks: “There is an angle in the middle of the dam which was not represented in the original plan. The angle causes some additional labor in fitting the covering timber, and the range of timber upon which they rest. It also causes some inconvenience in forming the crib work. The wedge next to the Lock, or the slope below the wedge, required some labor in addition to the finish of a common dam, but the increase of expense was small. For the wedges on the end of the dam, the Contractor is entitled to the price fixed by the contract for the timber, and no more. The sluice through the dam is not described in the contract, and whatever it is worth, the Contractor should be paid. My opinion is, that
$1,000 would be ample compensation for all the labor and expense caused by this item."

The item of $7,691 02 for additional timber in dam, sluice and wedge, was not allowed by Mr. Welch; and upon this item he remarks: "I have measured the depth of the water where the dam is built—first before it was commenced, and frequently during the time the work was in progress. I did not make a record of the depth of the water myself; that duty was entrusted to the Resident Engineer. But the contract described a dam of a certain height, and no measurement of the depth of water, at any time, induced me to think that there would be an increase in the quantity of timber, &c., such as is represented in the final estimate."

Upon the item of $4,566 for stone filling, and upon the item of $1,764 for iron bolts and stone filling, the Revising Engineer assigns the same objection that is made by him to the item of $7,691 02 as above stated, as they are understood by him to depend upon the same measurements as the other, or nearly the same. If the one is too large, the others are also too large.

The item of pumping at Lock, from increased thickness of wall, amounting to $694—the item of pumps and horse machine at abutment, amounting to $2,000—the item for extra labor for sinking foundation for abutment, amounting to $1,000—and the item of men and horses at pumps, amounting to $1,120 are all rejected by Mr. Welch, "because they include the allowances for pumping water from the pits of the Lock and abutment."

Mr. Welch adds: "Now, according to my construction of the contract, the Contractor is not entitled to any allowance for pumping water out of the Lock pit; and he is entitled to compensation only for the pumping out the water necessary to enable him to do so much of the excavation, in the abutment pit, as was between a plane of eight feet below the surface of low water and the bottom of the pit: and all the pumping necessary to enable him to excavate down to the depth of eight feet below the plane of low water, should have been done at his own expense.

The fixtures necessary to pump out the water, to enable the Contractor to dig the pit to its present depth, were more expensive than they would have been, if he had only been required to dig the pit 8 feet deep. This excess of expense should be paid by the State, and also the other expenses attending the pumping below the level of the plane, above referred to. My opinion is, that with prudent management, this expense would not have exceeded $1,500 or $2,000. The latter sum is a large allowance."

The item of $9,120 for the excavation below water of 30,400 yards, at 30 cents, is objected to by Mr. Welch, "for the reason that a large portion of this item consists of sediment. When the sediment was deposited, in consequence of any fault or misfortune of the Contractor, the cost of removing it should fall upon him; but when such deposit occurs in consequence of any fault on the part of the State or its agents, the cost of removing it should not fall upon the Contractor; but he should be paid a full consideration for it. Now, I cannot say how much of this sediment was deposited, at any one point, for the books which have been submitted to me do not show it. From my knowledge of the condition of the work, obtained by personal examination, from time to time during its progress, I am of opinion that the greater part of the expense incurred in removing deposits of mud, sand, &c., was occasioned by the neglect of the Contractor;
or in consequence of his inability to prosecute the work according to the provisions of his agreement."

The item of "dam, per contract, 528 feet long, at $56.50, amounting to $29,682.50," Mr. Welch declines to approve, and remarks: "It is represented that clay has been put upon this dam, in part, instead of gravel, which was required by the contract. If this is the fact, a deduction should be made."

The difference in cost between clay and gravel, at that point, must be considerable. Clay soon rises and sweeps down the current, and small fragments of broken stone or gravel must supply its place, or the leaks of the dam will render it useless in times of low water.

The item of "cribs swept off by the flood," as estimated by M. R. Stealey at $1,260. Also, the item of "boats and timber lost by flood in 1841, and estimated by same at $500. Also, item "damage to dam by flood in 1841-2, estimated by same, at $2,000," were all rejected by Mr. Welch, for the reason that the loss was sustained on account of the neglect of the Contractor. Many of the foregoing items, as estimated and allowed for by M. R. Stealey—according to whose estimate Barbour has been paid in full—and others of them were rejected, because of his distrust of their accuracy and the extravagance, as he thought, of the allowance. It will be seen by a careful examination of these items, that Mr. Welch rejected $6,574, and thought many too high, yet the Board paid them all.

In the last paragraph of the second page of Barbour's claims, he speaks of cribs having been swept away by freshets, and the loss resulting, &c. Who suffered this loss? Not the Contractor. For upon page 9 of the special report of the Board upon his claim, it will be seen that the State paid him $1,260 for the sweeping away of these cribs. It may be proper now to remark, as it was omitted to be done in the former report of the Board, in regard to the washing away of these cribs, that they have been informed, but a short time since, by Barbour's foreman and others, that these cribs, in all probability, would not have been swept away had they been built according to the specifications of his contract: (see H. J. page 295, under caption, "Dam and Abutments") that they were built up eight or ten courses high, with scarcely an iron bolt, as was required, to fasten the logs where they crossed each other. This foreman remonstrated in vain against this course—warning him that a freshet might come before they were filled with stone, and carry them off. The freshet did come, and the predicted consequences ensued. And yet these cribs have been estimated and paid for, iron spikes and all, when there was but few, if any, iron spikes in them. In order to deceive and mislead those whose duty it was to see the work properly and faithfully executed, the Contractor had holes bored at the crossing of the logs of the cribs, six or more inches, into which he caused a small stone to be dropped, so that the Superintendent, in passing along with his rod, would feel in the hole and become satisfied that it was bolted home, as it should have been. Having no personal knowledge of the fraud alluded to, the Board do not undertake to vouch for its truth; but their information is derived from sources which they believe, and shall believe, until the contrary shall be made to appear. Having fully paid for these items, as estimated, believing that the work had been properly executed, they did not deem it necessary to take proof of this fraud. It is all close at hand, and can be procured at a short notice, by a committee of the Legislature, if they desire it.
If the Board had been apprized of all the acts of this Contractor, prior to the time of their final settlement of his accounts, much of what they have allowed and paid him upon the estimates, and in conformity with the opinion of M. R. Stealey, the Resident Engineer, would have been rejected, or postponed for further proofs; for, we are led to doubt whether he has not been paid for other items of work not herein enumerated, which he never performed.

Under ordinary circumstances it would have been most gratifying to the Board, to have permitted all the prominent derelictions of this Contractor to pass into swift oblivion, without further notice; but his persevering efforts, stimulated, perhaps, by his successes heretofore, to recover from the State large sums of money to which he has not a shadow of claim, founded upon justice, leaves the Board without an alternative between his expose, and downright concealment from the rightful authority, of information so indispensable to their correct action upon the claims of this individual.

THOMAS METCALFE, P. B. I. I.

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

Mr. Price moved the following resolution, viz:

Resolved, That all assemblages, unless directly connected with the Legislation of the country, be, and the same are hereby, prohibited in this Hall.

Ordered, That said resolution be laid on the table for the present.

Mr. Gray moved the following resolution, viz:

Resolved, That this House meet at 9 o'clock A. M., until the close of the present session of the General Assembly.

Mr. Young moved the following amendment as a substitute for said resolution, viz:

Resolved, That the House hereafter meet at 9 o'clock A. M., and set until half past 1, take a recess of one hour, and set until 5 o'clock P. M.

Mr. Alcorn moved to lay said resolution and amendment on the table.

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

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

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Alcorn,
Allen,
Bowman,
Bryan,
Campbell,
Clark,
Cully,
DeCourcy,
Dickey,
Ewing,
Frazier,
Gardner,
Garrard,
Gentry,
Given,
Glenn,
Core,
Griffin,
Groesbeck,
Haskin,
Haydon,
Heady,
Hogan, E.
Hogan, O. P.
Jones, T. M.
Lewis,
Lowry,
Maupin,
Noe,
Oldham,
Perrin,
Rockhold,
Speed,
Stitt,
Stone, B.
Thompson, H.
Webb,
Wickliffe,
Woosley—40.
Those who voted in the negative, were—


The question was then taken on the adoption of the amendment proposed by Mr. Young, and decided in the negative.

The question was then taken on the adoption of the resolution proposed by Mr. Gray, and decided in the affirmative.

Mr. Stewart moved the following resolution, viz:

Resolved, That the Rev. John Black be permitted the use of this Hall, on Sunday week, for divine service.

Which being twice read, was adopted.

Mr. Stewart, from the committee who were appointed to prepare and bring in the same, reported a bill to repeal the Militia law, 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.

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

On motion of Mr. Pope—1. A bill to regulate the roads in the county of Allen, and for other purposes.

On motion of same—2. A bill to repeal the law of last session, exempting two hundred and fifty dollars worth of property from execution.

On motion of Mr. Trumbo—3. A bill for the benefit of the Sheriff of Bath county.

On motion of Mr. Webb—4. A bill more effectually to prevent the escape of slaves from this Commonwealth.

On motion of Mr. Lawless—5. A bill to define and explain the law regulating equitable proceedings before Justices of the Peace.

On motion of Mr. Wheeler—6. A bill for the benefit of the heirs of Rebecca A. Anderson, deceased.

On motion of same—7. A bill to reduce certain salaries of the Clerks of this Commonwealth.
On motion of same—8. A bill to amend the revenue laws of this Commonwealth.
On motion of Mr. McLarning—9. A bill to regulate the terms of the several courts in the 7th Judicial District.
On motion of same—10. A bill to regulate the attendance of witnesses.
On motion of same—11. A bill to increase the resources of the Sinking Fund.
On motion of Mr. Garrard—12. A bill to incorporate the town of Manchester, in Clay county.
On motion of Mr. Winfrey—13. A bill for the benefit of Richard C. Taylor, late Sheriff of Cumberland county.
On motion of Mr. DeCourcy—14. A bill to amend the road law in Campbell county.
On motion of Mr. C.R. Thomson—15. A bill for the benefit of D. Howard Smith and his wife.
On motion of Mr. Milam—16. A bill to amend the act of 1839, concerning the town of Frankfort.
On motion of same—17. A bill to reduce the number of Justices of the Peace in Franklin county.
On motion of Mr. Wilkenson—18. A bill to repeal the act approved February 16th, 1841, allowing an additional Magistrate and Constable in Graves county.
On motion of Mr. Price—19. A bill for the benefit of Perry Reynolds, deputy Sheriff of Garrard county.
On motion of same—20. A bill to allow to Garrard county a special term for the trial of causes of a particular class.
On motion of Mr. O. P. Hogan—22. A bill to amend the execution laws.
On motion of Mr. Holloway—23. A bill for the benefit of the administrator of Iredell Hart, deceased, late of Hopkins county.
On motion of Mr. Stewart—24. A bill to allow to Henry county an additional Justice of the Peace.
On motion of Mr. Gardner—25. A bill to change the time of the meeting of the General Assembly.
On motion of Mr. Groesbeck—26. A bill to amend the law authorizing changes of venue in civil cases.
On motion of same—27. A bill to amend the Common School laws.
On motion of same—29. A bill to establish the Commercial and Agricultural Bank of Kentucky, to be located at Covington.
On motion of Mr. Pogue—30. A bill allowing further time to the Sheriff of Harlan county to pay in the balance of his revenue.

On motion of Mr. Gobble—31. A bill to regulate the appointment and pay of Collectors of the county levy, and for other purposes.

On motion of Mr. Ewing—32. A bill to amend the law in relation to summoning and attaching witnesses, to attend courts in civil cases.

On motion of Mr. Alcorn—33. A bill incorporating the Smithland Bridge Company.

On motion of Mr. T. M. Jones—34. A bill for the benefit of the Sheriff of Marshall county.

Ordered, That Messrs. Pope, Coleman and Winfrey prepare and bring in the 1st; the committee for Courts of Justice the 2d, 4th, 6th, 7th, 8th, 9th, 10th, 15th, 22d, 26th, 31st and 32d; the committee on Ways and Means the 3d, 30th and 34th; Messrs. Lawless, McLarning and Wooten the 5th; the committee on the Sinking Fund the 11th; Messrs. Garrard, DeCourcy and Goble the 12th; Messrs. Winfrey, Graves and Smith the 13th; Messrs. DeCourcy, Groesbeck and O. P. Hogan the 14th; Messrs. Milam, Trumbo and Blackburn the 16th and 17th; Messrs. Wilkinson, Clark and Johnson the 18th; Messrs. Price, Nall and Richardson the 19th; Messrs. Price, Redd and Chambers the 20th; Messrs. Marshall, Allen and B. Stone the 21st; the committee on Claims the 23rd; Messrs. Stewart, Campbell and T. M. Jones the 24th; Messrs. Gardner, Yocum, Gore and Heady the 25th; the committee on Education the 27th; Messrs. Groesbeck, Graves, Speed, Cox and Haskin the 28th; Messrs. Groesbeck, Graves and Young the 29th, and Messrs. Alcorn, Humphreys, Campbell and Gentry the 33rd.

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

By Mr. Kavanaugh—1. A bill to amend an act, entitled, an act concerning the estate of Daniel Riley, deceased.

By Mr. Young—2. A bill for the relief of Margaret Mitchell.

By Mr. McLarning—3. A bill to amend the law concerning the action of replevin.

By Mr. Garrard—4. A bill for the benefit of Martha Spurlock and Rachael Moore.

By same—5. A bill fixing the place for holding Courts in Owsley county, and for other purposes.

By Mr. Bowman—6. A bill to allow additional Constables to Casey and Bath counties.

By Mr. DeCourcy—7. A bill to provide for Commissioners of Tax, and to amend the revenue laws.

By Mr. B. Stone—8. A bill to repeal a portion of the act establishing the county of Estill.
By Mr. C. R. Thomson—9. A bill to amend the law regulating elections.
By Mr. E. Hogan—10. A bill to revise, condense and publish the laws of this Commonwealth.
By Mr. O. P. Hogan—11. A bill to allow a chancery and criminal term to the Grant Circuit Court.
By same—12. A bill permitting the County Court of Grant to lay an additional levy for said county.
By Mr. Cully—13. A bill for the benefit of Lois Smallwood.
By Mr. Lewis—14. A bill for the benefit of Marion Williams.
By Mr. Stewart—15. A bill for the benefit of the Sheriff of Henry county.
By Mr. Wright—16. A bill allowing to Lincoln county an additional Constable, and for other purposes.
By Mr. Ewing—17. A bill to apportion the representation.
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, 6th, 8th, 11th, 12th, 14th and 16th were severally ordered to be engrossed and read a third time; the 2d and 13th were referred to the committee on Claims; the 3d, 9th and 10th to the committee for Courts of Justice; the 7th and 15th to the committee on Ways and Means, and the 17th was referred to the committee of the Whole, and made the special order of the day for Thursday the 1st day of February.
The rule of the House, constitutional provision and third reading of the 1st, 4th, 5th, 6th, 8th, 11th, 12th, 14th 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. DeCourcy moved that the Public Printer forthwith print 150 copies of the 7th bill for the use of the members of the General Assembly.
And the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. DeCourcy and O. P. Hogan, were as follows, viz:
Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Chambers,
Clark,
DeCourcy,
Garrard,
Goble,
Groesbeck,
Haskin,
Haydon,
Heady,
Hogan, O. P.
Humphreys,
Kavanaugh,
Penick,
Stitt,
Thompson, H.
Tully,
Webb,
Wheeler—19.
Those who voted in the negative, were:


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

WHEREAS, The location of an Armory, in the Western States, has for some years been a subject to which the attention of the Congress of the United States has been directed, and Commissioners appointed to examine and select suitable points for its location, who, in the discharge of that duty, designated the Mouth of Cumberland river as a suitable point for such location; in which report the Legislature of Kentucky do most heartily concur. It is the opinion of the Legislature of Kentucky that it is alike important to the well being of the Union, as to the Valley of the Mississippi, that there should be established an Armory on the Western waters—therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives be requested to use their best exertions to procure the passage of a bill locating the Mouth of Cumberland river, as the point for the establishment of a Western Armory.

Resolved, That his Excellency, the Governor, be directed to forward a copy of the foregoing preamble and resolution to each of the Senators and Representatives in Congress.

The rule of the House requiring joint resolutions to lie one day on the table having been dispensed with, the said preamble and resolutions were referred to Messrs. Campbell, Alcorn, DeCourcy, Hobbs, Noe and Rockhold.

Mr. Given moved the following resolution, viz:

Resolved, That the committee on Ways and Means be instructed to enquire into the fact whether there is now any law in existence, making it the absolute duty of a Sheriff to give bond for the collection of the revenue,
and if none, that they report a bill providing for the appointment of a Collector, or making it the absolute duty of the Sheriff to execute bond for the collection of the revenue.

Which being twice read, was adopted.

And then the House adjourned.

TUESDAY, JANUARY 23, 1844.

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 appointment of an additional Constable to the county of Mercer.

An act to establish an election precinct in McCracken county, and for other purposes.

An act for the benefit of the Baptist Church in Bullitt county.

An act to incorporate the New Liberty Library Company.

With amendments to the two last.

That they had passed bills of the following titles, viz:

An act to repeal an act, entitled, an act to amend the revenue laws, approved March 10th, 1843.

An act for the benefit of John M. Hayden, of Pulaski county.

An act for the benefit of the Methodist Episcopal Church, of Richmond.

An act for the benefit of Julia Newhall.

An act to incorporate the Boyle County Mutual Insurance Company.

An act to allow an additional Constable to the county of Hardin, and for other purposes.

An act to enlarge the boundary of the town of Princeton, in Caldwell county.

An act for the benefit of St. Clair Roberts, of Lawrence county, and Archibald Weatherford, of Hickman county.

An act for the benefit of John Hockersmith, of Logan county.

An act to appropriate the vacant lands in Carter county to the erection of the public buildings in said county.

And that they had adopted a resolution to appoint a joint committee to examine the returns of taxable property.

1. Mr. Griffin presented the petition of sundry citizens of Pulaski county, praying an extension of the terms of the Circuit Court of said county.

2. Also, the petition of sundry citizens of Pulaski county, praying the establishment of a town on Cumberland river, to be called Waitsburg.
3. Mr. Marshall presented the petition of Elizabeth W. Sanders, praying to be divorced from her husband, Philomen Sanders.

4. Mr. Haydon presented the petition of sundry citizens of Owen county, praying a change in the State road from New Liberty to Marion, on the Kentucky river.

5. Mr. Allen presented the petition of Yelverton A. Booker and Sally B. Booker, praying to be divorced from each other.

6. Mr. Lawless presented the remonstrance of sundry citizens of Barren county, against the establishment of a new county out of parts of Barren, Hart, Green and Adair counties.

7. Mr. Hoee presented the petition of sundry citizens of Mercer county, praying that an additional Constable be allowed to said county.

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, 6th and 7th to the committee on Propositions and Grievances; the 3d, and 5th to the committee on Religion, and the 4th to the committee on Internal Improvement.

A bill from the Senate, entitled, an act to enlarge the boundary of the town of Princeton, in Caldwell 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 readings of said bill having been dispensed with,

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. Dickey—1. A bill for the benefit of securities, and for other purposes.

On motion of Mr. Hanna—2. A bill to incorporate the Warsaw Forum.

On motion of same—3. A bill to regulate the time of holding the several courts in the 4th Judicial District.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st and 3d, and the committee on Education the 2d.

Mr. Marshall, from the committee on Agriculture and Manufactures, reported a preamble and resolutions, in relation to the inspection and classification of Tobacco.

Which being twice read, were adopted.

Mr. Alcorn, from the same committee, to whom was referred a bill to amend an act authorizing an inspection of tobacco, in this Commonwealth, reported the same without amendment.

Ordered, That said bill be referred to Messrs. Kavanaugh, Young, Garnett, Alcorn and Speed.

Mr. Groesbeck, from the committee on Propositions and Grievances, to
whom was referred the petition of sundry citizens of Caldwell county, praying a division of said county, reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Clark 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 negative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


The said resolution was then twice read and concurred in.

Mr. Groesbeck, from the same committee, to whom was referred the petition of sundry citizens of Nicholas county, praying to be added to Bracken county, reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Groesbeck, from the same committee, to whom was referred the peti-
tion of Thomas Calk, reported the same, with the following resolution, viz:  
Resolved, That said petition be rejected.

Which was concurred in.

Mr. Groesbeck, from the same committee, to whom was referred the petition of James Allesworth, praying the passage of a law permitting him to purchase some slaves which had been imported into this State, in contravention of the law of 1833, prohibiting the importation of slaves, reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Groesbeck, from the same committee, to whom was referred the petition of William Rowlett, asked to be discharged from the further consideration thereof, which was granted.
Ordered, That said petition be referred to the committee on Internal Improvement.

Mr. Groesbeck, from the same committee, to whom was referred the petition of sundry citizens of the city of Louisville, praying to be stricken from said city, 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 Mr. DeCourcy—A bill to amend an act, entitled, an act for the benefit of John W. Flora, approved January 21, 1839.

By Mr. Dickey—A bill appointing Trustees for the town of Franklin, in Simpson county, and Boston, in Whitley county.

By the committee on Propositions and Grievances—A bill to amend an act, entitled, an act to amend the charter of the city of Louisville, and for other purposes, approved March 8th, 1843.

By same—A bill to incorporate the Kentucky Oil and Manufacturing Company.

By same—A bill to amend an act concerning the boundary line of Letcher county, approved January 27, 1843.

By same—A bill to add part of Adair county to Casey 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 said bills do pass, and that the titles thereof be as afore-said.

On motion of Mr. Speed,

Resolved, That the use of this Hall be tendered to W. F. Bullock Esq., on this and to-morrow evenings, for the exhibition of the Blind.

Mr. Garnett moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be requested to enquire into the expediency of reducing the tolls on the turnpike road leading from Maysville to Louisville, and report by bill.

Which being twice read, was adopted.

And then the House adjourned.
WEDNESDAY, JANUARY 24, 1844.

A message was received from the Senate, announcing the passage of bills and a resolution from this House, of the following titles, viz:

- An act to extend the law approved January 12, 1843, authorizing the Surveyors of Campbell and Pendleton to run and re-mark the lines between said counties.
- An act for the benefit of the jailer of Shelby county.
- An act to change the Constables' districts in the county of Trimble.
- An act for the benefit of the heirs of Charles H. Davidge, deceased.
- With amendments to the last.

Resolutions in relation to a Digest of the Decisions of the Supreme Court of the United States.

That they had passed bills of the following titles, viz:
- An act for the benefit of Willis S. Allen.
- An act to amend an act, entitled, an act for the benefit of the widow and heirs of Francis Hagan, deceased.
- An act to repeal a part of an act, entitled, an act to reduce into one the several acts for the better regulating certain officer's fees, approved December 22, 1798.
- An act to provide for a change of venue in the prosecution against James B. Spratts.
- An act for the benefit of William G. Loeban.

1. Mr. Garrard presented the petition of sundry citizens of Owsley county, praying an appropriation to improve the navigation of the Kentucky river at the Rock Shoals.
2. Mr. Haydon presented the remonstrance of sundry citizens of Owen county, against the formation of a new county out of parts of Scott, Harrison and Owen.
3. Mr. Chambers presented the remonstrance of sundry citizens of Mason county, against the removal of a turnpike gate on the Flemingsburg and Mountsterling road.
4. Also, the petition of sundry citizens of Maysville, praying the passage of a law authorizing the city council to levy a tax to build a city hall.
5. Mr. Price presented the petition of John Boozing, praying compensation for timbers lost by reason of the construction of Lock and Dam No. 5, in the Kentucky river.
6. Mr. D. E. Jones presented the remonstrance of sundry citizens of Jefferson county against the formation of a new county out of parts of Jefferson, Bullitt, Harcin and Meade.
7. Mr. Alcorn presented the petition of sundry citizens of the town of Smithland, praying an amendment to the act incorporating said town.

8. Mr. Smith presented the petition of James Cummings, praying compensation for timber furnished for building bridges on the Madison road.

Which petitions and remonstrances were received, the reading thereof dispensed with, and referred—the 1st, 3d and 8th to the committee on Internal Improvement; the 2d and 6th to the committee on Propositions and Grievances; the 4th and 5th to the committee for Courts of Justice, and the 7th to Messrs. Alcorn, Noe, Humphreys and Gentry.

Mr. B. Stone asked leave to withdraw the petition of Jesse McIntosh, which was granted, and the same was withdrawn.

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


On motion of Mr. Hobbs—2. A bill to change the time of laying the county levy in Jefferson county.

Ordered, That the committee on Internal Improvement prepare and bring in the 1st, and Messrs. Hobbs, D. E. Jones, Graves and Speed the 2d.

The Speaker laid before the House the Annual Report of the commissioners of the Sinking Fund, which is as follows, viz:

To the General Assembly of Kentucky:

The Commissioners of the Sinking Fund herewith transmit their Annual Report.

R. P. LETCHER, Chairman.

January 24, 1844.

[For Report—see Legislative Documents.]

Ordered, That the said report be referred to the committee on the Sinking Fund, and that the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

Mr. Chambers, from the committee on Ways and Means, reported a bill to alter and amend the laws relating to Commissioners of Tax, and for other purposes, which was read the first time.

Mr. O. P. Hogan 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. O. P. Hogan and Garrard, were as follows, viz:

Those who voted in the affirmative, were—

Ordered, That said bill be read a second time, and that the Public Printer forthwith print 300 copies of said bill for the use of the members of the General Assembly.

Mr. Groesbeck, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Hickman county, praying a division of said county, reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

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

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. Blackburn and Kavanaugh, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Speaker, Garnett, Garrard, Given, Hogia, O. P. Hoe, Jenkins, Johnson, Wheeler, Wilkinson, Winfrey, Woosley—30.
Those who voted in the negative, were—


The said resolution was then 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 on Propositions and Grievances—1. A bill for the benefit of Samuel Nelson, and for other purposes.

By the committee on Privileges and Elections—2. A bill to abolish certain precincts in Graves county, and to establish other precincts in said county, and for other purposes.

By same—3. A bill to abolish the Pleasant Hill precinct in Calloway county, and for other purposes.

By the committee for Courts of Justice—4. A bill to allow a special term of the Bullitt Circuit Court.

By same—5. A bill for the benefit of Travis Wilson, of Shelby county.

By same—6. A bill to explain the law in relation to turnpike gates.

By same—7. A bill to regulate chancery proceedings.

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 and 6th 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, 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 7th bill for the use of the members of the General Assembly.

Mr. Campbell, from the committee for Courts of Justice, reported a bill for the benefit of Nathaniel Wolf, of Louisville, which was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of two hundred dollars is hereby allowed to Nathaniel Wolf, the Commonwealth’s Attorney at Louisville, for his services and aid rendered in the Shelby Circuit Court, in prosecuting James McLaughlin, confined in the jail of Shelby county, and tried in the Shelby Circuit Court on a change of venue from the Louisville Criminal Court; and the Treasurer is hereby directed to pay the same out of any money not otherwise appropriated.

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.

Mr. Garnett moved to amend said bill by striking out the word “two” and inserting in lieu thereof, the word “one.”

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

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

Those who voted in the affirmative, were—

Messrs. Allen, 
Bowman, 
Bryan, 
Clark, 
Coffey, 
Cully, 
DeCourcy, 
Dickey, 
Gardner, 
Garnett, 
Garrard, 
Gentry, 
Given, 
Glenn, 
Goble, 
Gore, 
Grav, 
Griffin, 
Groesbeck, 
Hambleton, 
Hanna, 
Haskin, 
Hobson, 
Hogan, O. P. 
Hooe, 
Jenkins, 
Johnson, 
Jones, T. M. 
Kalfus, 
Kavanaugh, 
Lowry, 
Marshall, 
McLarning, 
Nall, 
Oldham, 
Payne, 
Penick, 
Pogue, 
Pope, 
Porter, 
Price, 
Richardson, 
Rockhold, 
Stewart, 
Stitt, 
Stone, B. 
Thompson, H. 
Webb, 
Winfrey, 
Woosley, 
Wooten, 
Wright, 
Young—53.
Those who voted in the negative, were—

Mr. Speaker, Mr. Hogan, E. 
Messrs. Blackburn, Holloway, Perrin,
Campbell, Humphreys, Redd,
Chambers, Jones, D. E. Smith,
Collins, King, Speed,
Ewing, Lawless, Thomson, C. R.
Frazier, Maupin, Tully,
Haydon, Milam, Waddill,
Headly, Noe, Wickliffe,
Hobbs, 

The blank in said bill was then filled with the sum of one hundred and fifty dollars.
Mr. Smith moved the previous question.
The question was then taken, shall the main question be now put? and it was decided in the affirmative.
The main question was then put, shall the bill, as amended, be engrossed and read a third time? and it was decided in the negative, and so said bill was rejected.
The yeas and nays being required thereon by Messrs. Kavanaugh and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Mr. Hobbs, Mr. McRery,
Messrs. Alcorn, Mr. Hobson, Milam,
Allen, Mr. Hogan, E. Nall,
Blackburn, Mr. Holloway, Noe,
Campbell, Mr. Humphreys, Perrin,
Chambers, Mr. Jones, D. E. Porter,
Collins, Mr. Jones, T. M. Redd,
Cully, Mr. Kalfus, Smith,
DeCourcy, Mr. Lawless, Speed,
Ewing, Mr. Lewis, Thomson, C. R.
Gore, Mr. Maupin, Tully,
Grosbeek, Mr. McLarning, Waddill,
Haydon, Mr. McRery, Webb—39.

Those who voted in the negative, were—

Messrs. Bowman, Mr. Haskin, Richardson,
Bryan, Mr. Hogan, O. P. Rockhold,
Colley, Mr. Hone, Stewart,
Dickey, Mr. Jenkins, Stitt,
Frazier, Mr. Johnson, Stone, B.
Garrett, Mr. Kavanaugh, Thompson, H.
Garrard, Mr. Lowry, Trumbo,
Gentry, Mr. Marshall, Wheeler,
Oldham, Mr. Oldham, Wickliffe,
Mr. O. P. Hogan then moved a reconsideration of the vote rejecting said bill.
And the question being taken thereon, it was decided in the affirmative.
Mr. Smith then moved a reconsideration of the vote filling the blank in said bill with the sum of one hundred and fifty dollars.
And the question being taken thereon, it was decided in the affirmative.
On motion of Mr. Smith the blank in said bill was then filled with the sum of one hundred dollars.
Ordered, That said bill, as amended, be engrossed and read a third time.

A message was received from the Governor, by Mr. Harlan, Secretary of State, which is as follows:

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

By the request of the Governor of the Commonwealth of Massachusetts, I transmit, herewith, copies of resolutions adopted by the Legislature of that State upon the following subjects:

1. Resolutions concerning an amendment of the Constitution of the United States.
2. Resolutions against the annexation of Texas to the Union, and
3. Resolutions concerning French depredations on American Commerce previous to the Convention of 1800.

*R. P. Letcher.*

*January 24, 1844.*

**COMMONWEALTH OF MASSACHUSETTS.**

**SECRETARY'S OFFICE.**

*Boston, April 17, 1843.*

Sir:

I have the honor to transmit to you, by order of His Excellency the Governor, the enclosed copies of certain Resolutions of the Legislature of this Commonwealth.

Very respectfully,

Your obedient Servant,

*JNO. A. BOLLES,*

*Secretary of the Commonwealth.*

**Resolves concerning an amendment to the Constitution of the United States:**

Resolved, That the following amendment to the Constitution of the United States be, and hereby is recommended to the consideration of Con-
Resolved, That the third clause of the second section of the first article shall read in the words following: Representatives and direct taxes shall be apportioned among the several states which are or may be included within this Union, according to their respective numbers of free persons, including Indians not taxed. The actual enumeration shall be made within two years from the date of the adoption of this amendment in the manner provided by the constitution, and within every subsequent term of ten years, in such manner as the Congress shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative.

Resolved, That His Excellency, the Governor, be requested to transmit a copy of the foregoing resolve, and the proposed amendment, to each of the Senators and Members of the House of Representatives of this Commonwealth in the Congress of the United States.

Resolved, That His Excellency the Governor be requested to transmit a copy of the same resolve and amendment to the Executive of the United States and of the several states.

House of Representatives, March 23, 1843—Passed.

In Senate, March 23, 1843—Passed,

DANIEL P. KING, Speaker.

FREDERICK ROBINSON, President.

A true copy—Attest:

JNO. A. BOLLES,
Secretary of the Commonwealth.

Resolves against the annexation of Texas to the Union.

Resolved, That, under no circumstances whatever, can the people of Massachusetts regard the proposition to admit Texas into the Union in any other light than as dangerous to its continuance in peace, in prosperity, and in the enjoyment of those blessings which it is the object of a free government to secure.

Resolved, That the Senators and Representatives of Massachusetts in the Congress of the United States be requested to spare no exertions to oppose, and if possible to prevent, the adoption of the proposition referred to.

Resolved, That His Excellency the Governor be requested to transmit one copy of these resolutions to the Executive of each of the United States, and a like copy to each Senator and Representative in Congress from Massachusetts.

House of Representatives, March 16, 1843—Passed.

In Senate, March 17, 1843—Passed,

DANIEL P. KING, Speaker.

FREDERICK ROBINSON, President.

A true copy—Attest:

JNO. A. BOLLES,
Secretary of the Commonwealth.
Resolves concerning French depredations on American Commerce previous to the Convention of eighteen hundred.

Resolved, by the Senate and House of Representatives, in General Court assembled, That the depredations on American Commerce, committed by the authority of the French Republic, previous to the month of September, eighteen hundred, were in violation of the law of nations, and of existing treaties, and created a claim which the government of the United States was bound, by its duty of affording protection to its peaceable citizens, to sustain and enforce.

Resolved, That the Government of the United States, having, by the ratification of the convention of September thirtieth, eighteen hundred, with amendments, released the French nation from said claim, for a valuable consideration, assumed the obligations of said claim upon itself, and is bound to discharge it, alike by the obligations of equity, and by the injunction of that provision of the federal constitution, which declares that "private property shall not be taken for public use without just compensation."

Resolved, That it is due alike to the honor of the American name, and to the support of that confidence which citizens should feel in the wisdom and rectitude of their rulers, that speedy provision should be made by act of Congress for the rendering of justice, so long delayed.

Resolved, That His Excellency the Governor be requested to transmit copies of these resolves, and of the accompanying report to the Senators and Representatives from this Commonwealth in Congress, and to the Executives of the several states.

House of Representatives, March 24, 1843—Passed,  
DANIEL P. KING, Speaker.

In Senate, March 24, 1843—Passed,  
FREDERICK ROBINSON, President.

A true copy—Attest:  
JNO. A. BOLLES,  
Secretary of the Commonwealth.

Mr. Campbell, from the committee for Courts of Justice, to whom was referred bills from the Senate, of the following titles, viz:  
1. An act to provide for the appointment of Commissioners to select grand and petit jurors.  
2. An act for the benefit of John Ricks.  
3. An act for the benefit of William Pelfry, and the widow and heir of Isaac Lemaster, deceased.  
Reported the 1st with, and the 2d and 3d without amendments.  
Which was concurred in.

Ordered, That said bill be read a third time.  
The rule of the House, constitutional provision and third reading of said bills having been dispensed with,  
Resolved, That said bills do pass, and that the titles of the 2d and 3d be as aforesaid, and the title of the 1st be amended by striking out "grand and:"

Mr. Campbell, from the same committee, to whom was referred a bill for
the benefit of Margaret Lewers and others, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Campbell, from the same committee, to whom was referred a bill to repeal an act, entitled, an act the better and more effectually to protect reversionary legatees, reported the same without amendment.

Ordered, That said bill be re-committed to the committee for Courts of Justice.

And then the House adjourned.

THURSDAY, JANUARY 25, 1844.

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

An act concerning ferries on the Kentucky river below the head of slack-water navigation.

An act to repeal the 2d section of an act concerning the records and papers of Justices of the Peace, and to reduce the number of Justices of the Peace in Green county.

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

An act for the benefit of Aaron Hodges.

An act to amend the duelling laws.

An act for the benefit of the Sheriff of Bullitt county.

An act for the benefit of Martha Spurlock and Rachel Moore.

An act for the benefit of Marion Williams.

An act allowing an additional Constable to Lincoln county, and for other purposes.

An act to change the election precinct held at the store of N. S. Strange, in the county of Warren.

An act to allow additional Constables to Casey and Bath counties.

An act to allow a chancery and criminal term to the Grant Circuit Court.

An act permitting the County Court of Grant to lay an additional levy for said county.

With amendments to the four last named bills.
That they had passed bills of the following titles, viz:

An act declaring certain deeds valid.

An act to repeal an act, entitled, an act prohibiting the reading of certain reports in this Commonwealth.

An act for the benefit of the heirs of Lydia Shults, deceased.

1. Mr. Payne presented the petition of John G. Morrison, praying the passage of a law permitting him to import certain slaves into this State.

2. Mr. S. Stone presented the petition of Lewis Parker and Elizabeth Franklin, praying the passage of a law authorizing a sale of certain lands of the estate of Elisha Franklin, deceased, to pay his debts.

3. Mr. Alcorn presented the remonstrance of sundry citizens of Crittenden county, against the formation of a new county out of parts of Crittenden and Livingston.

4. Mr. Young presented the petition of Silas Hedges, praying the passage of a law authorizing him to sell certain land belonging to Willis Hedges, an infant, for whom he is guardian.

5. Mr. T. M. Jones presented the petition of Thomas Ford, Sheriff of Marshall county, praying that further time be allowed him to pay over the revenue due from said county, and allowing him to execute bonds for the collection of revenue of said county for the year 1844, he having failed to execute the same at the time required by law.

6. Also, the petition of Jane Arant and Hugh A. Arant, administrator and administrator of the estate of Aaron Arant, deceased, praying the passage of a law authorizing them to sell a slave belonging to said estate to pay the debts.

7. Also, the petition of sundry citizens of Marshall county, praying the passage of a law allowing an additional Justice of the Peace to said county.

8. Mr. Price presented the petition of Thomas Vaughan, praying the passage of a law authorizing a change of venue in a suit in chancery now pending in the Fayette Circuit Court, wherein he is complainant and Jane Hann is defendant.

9. Mr. Garnett presented the petition of the Trustees of the Baptist Church, in Simpsonville, Shelby county, praying the passage of a law incorporating said Church.

10. Mr. Glenn presented the petition of Henry L. Atkins, praying the passage of a law authorizing him to remove certain slaves held by his wife, as dower, out of the State.

11. Mr. Smith presented the petition of James Henderson, praying that compensation be made him for losses sustained by him upon State bonds received for work done on turnpike roads.

12. Mr. Groesbeck presented the petition of sundry citizens of Kenton
county, praying an amendment to the charter of the Bank Lick turnpike road Company.

Which petitions and remonstrances were received, the readings thereof dispensed with, and referred—the 1st to Messrs. Payne, Jenkins and Hobson; the 2d, 4th, 6th, 7th, 8th and 9th to the committee for Courts of Justice; the 3d to the committee on Propositions and Grievances; the 5th to the committee on Ways and Means; the 10th to Messrs. Glenn, Porter and McRery; the 11th to the committee on Claims, and the 12th to the committee on Internal Improvement.

Mr. Campbell, from the committee for Courts of Justice, to whom was referred the petition of sundry citizens of Bourbon county, praying that a law may be passed prohibiting Clerks of County Courts from practicing law in the counties in which they are Clerks, asked to be discharged from the further consideration thereof.

Mr. O. P. Hogan moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the committee be discharged? and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker,
Those who voted in the negative, were—

Messrs. Alcorn, Headly, Payne,
Ewing, Hogan, O. P., Penick,
Fry, Johnson, Pope,
Gardner, Jones, T. M., Price,
Gentry, King, Stewart,
Gray, Lowry, Wootsey,
Griffin, Oldham, Wooten,
Hanna, Owens, Young—24.

Mr. Campbell, from the same committee, to whom was referred a resolution directing them to enquire into the expediency of paying grand jurors one dollar per day, asked to be discharged from the further consideration thereof.

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

The yeas and nays being required thereon, Messrs. Johnson and DeCourcy, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Hambleton, Owens,
Messrs. Alcorn, Haskin, Porter,
Blackburn, Headly, Price,
Bowman, Hobbs, Redd,
Bryan, Hobson, Richardson,
Campbell, Hogan, E., Speed,
Chambers, Holloway, Stitt,
Clark, Hooe, Stone, B.
Crow, Humphreys, Stone, S.
Cully, Jenkins, Thomson, C. R.
Dickey, Jones, D. E., Thompson, H.
Ewing, Kalfus, Thurston,
Fry, King, Trumbo,
Gardner, Humphreys, Tully,
Garnett, Lawless, Waddill,
Gentry, Lewis, Webb,
Given, Maupin, Wheeler,
Gore, McLarnin, Wilkinson,
Graves, McRery, Winfrey,
Gray, Milan, Wright—61.
Groesbeck, Nall,

Those who voted in the negative, were—

Messrs. Coffey, Johnson, Pogue,
DeCourcy, Jones, T. M., Pope,
Frazier, Lowry, Rockhold,
Garrard, Marshall, Smith,
Glenn, Martin, Stewart,
Goble, Oldham, Wickliffe
Mr. Campbell, from the same committee, to whom was referred a resolution instructing them to enquire into the expediency of repealing the act paying for slaves executed, asked to be discharged from the further consideration thereof, which was granted.

Mr. Campbell, from the same committee, asked to be discharged from bringing in a bill to increase the jurisdiction of Justices of the Peace, which was granted.

Mr. McLarning, from the committee on Internal Improvement, to whom was referred a bill to authorize a settlement with James R. Skiles, Henry Shanks, Simpson Stout, Dillis Dyer and Stephen Ashby, reported the same with an amendment, as a substitute for said 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.

Mr. McLarning, from the same committee, moved the following resolution, viz:

Resolved, That the Board of Internal Improvement be requested to send one of their Engineers to survey and examine into the practicability and probable cost of a turnpike road from McAfee's Warehouse and Landing, on the Kentucky river, near the head of the present slack water navigation, to the Louisville and Harrodsburg turnpike road, near the town of Salvisa, in Mercer county; and report to this House as soon as practicable.

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

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

The following bills were reported by the committee for Courts of Justice, viz:

A bill to authorise Letitia J. Herbst to convey her claims of dower in the estate of George Herbst, a bankrupt.

A bill for the benefit of Eliza A. Roman.

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

Mr. Hoos, from the committee for Courts of Justice, reported a bill to
amend an act regulating the time of holding Justices' Courts, 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 said bill was then amended, and after some discussion had therein, the hour of twelve 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. Ewing in the chair, on the bill for the benefit of the Kentucky Institution for the Education of the Blind; and after some time spent therein, the Speaker resumed the chair, when Mr. Ewing reported that the committee had, according to order, had under consideration the bill aforesaid, and had adopted an amendment thereto, which he handed in at the Clerk's table.

The said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of ten thousand dollars be, and the same is hereby appropriated for the erection of a suitable building for said Institution, which shall be paid out of any money in the Treasury not otherwise appropriated, subject to the order of the President and Visitors of said Institution: Provided, that not more than one half of said appropriation be drawn within twelve months from the passage of this act.

The amendment proposed by the committee of the Whole to said bill was, to fill the blank therein with the sum of ten thousand 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. Wickliffe and Noe, were as follows, viz:

Those who voted in the affirmative, were—

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

Mr. Coffey moved that said bill have its third reading now.

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

The said bill was then read a third time,

And the question being taken on the passage of said bill, it was decided in the affirmative.

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

**Those who voted in the affirmative, were—**

Mr. Speaker, Havdon, Penick, Messrs. Alcorn, Hobbs, Allen, Hogan, E. Blackburn, Holloway, Bryan, Humphreys, Campbell, Johnson, Chambers, Jones, D. E. Clark, Jones, T. M. Collins, Kalfus, Crow, Kavanaugh, Cully, King, Fry, Lewis, Ewing, McRery, Cly, Glenn, Milam, Gore, Noe, Graves, Owens, Groesbeck, Payne, Groesbeck, Pogue,

**Those who voted in the negative, were—**


Gray, Oldham,

Griffin, Pogue,
Resolved, That the title thereof be as aforesaid.

And then the House adjourned.

FRIDAY, JANUARY 26, 1844.

A message was received from the Senate, announcing their concurrence in the amendment proposed by this House, to a bill from the Senate, entitled, an act to provide for the appointment of Commissioners to select grand and petit jurors.

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

An act to amend an act, entitled, an act for the benefit of John W. Flora, approved January 21, 1839.

An act appointing Trustees for the town of Franklin, in Simpson county, and Boston, in Whitley county.

An act to amend an act, entitled, an act to amend the charter of the City of Louisville, and for other purposes, approved March 8, 1843.

An act to amend an act concerning the boundary line of Letcher county, approved January 27, 1843.

An act to add a part of Adair county to Casey county.

That they had passed bills of the following titles, viz:

An act to amend the laws against unlawful gaming.

An act to amend an act to incorporate the Kentucky and Louisville Mutual Insurance Company.

An act for the benefit of Francis Bledsoe.

An act concerning the road over Muldrow's Hill.

1. Mr. Chambers presented the petition of the President, Directors and Stockholders of the Maysville Insurance Company, praying an amendment to their charter.

2. Mr. McLaury presented the petition of George A. Thompson, jailer of Christian county, praying that compensation be allowed him for money expended in the apprehension of a fugitive from justice.
3. Mr. Groesbeck presented the petition of sundry citizens of Kenton county, praying the passage of a law incorporating the Commercial and Agricultural Bank of Covington.

4. Mr. S. Stone presented the petition of James Jones, praying a repeal of the law of last session reducing the fees of the Surveyor of Wayne county.

5. Mr. Nall presented the petition of James McConnell, praying compensation for work done on Green river.

Which were received, the reading thereof dispensed with, and referred—the 1st and 4th to the committee for Courts of Justice; the 2d to the committee on Claims; the 3d to Messrs. Groesbeck, Graves and Young, and the 5th to the committee on Internal Improvement.

Mr. Fry, from the joint committee on Enrollments, reported that the committee had examined sundry enrolled bills and a resolution which originated in this House, of the following titles, viz:

An act to extend the law approved January 12, 1843, authorizing the Surveyors of Campbell and Pendleton to run and re-mark the lines between said counties.

An act to authorize the appointment of an additional Constable to the county of Mercer.

An act to establish an election precinct in McCracken county, and for other purposes.

An act for the benefit of the Owen County Seminary.

An act for the benefit of Jacob Bowe.

An act for the benefit of Hiram Begley.

An act for the benefit of Thomas Gore.

An act to amend the Militia law.

An act to repeal the charter of the Crab Orchard and Cumberland Gap turnpike road.

An act allowing an additional Constable to Lincoln county, and for other purposes.

An act for the benefit of Aaron Hodges.

An act for the benefit of Marion Williams.

An act for the benefit of Martha Spurlock and Rachel Moore.

An act for the benefit of the Sheriff of Bullitt county.

An act to amend the duelling law.

An act to change the Constables' districts in the county of Trimble.

An act for the benefit of the jailer of Shelby county.

Resolutions in relation to a Digest of the Decisions of the Supreme Court of the United States.

Also, bills and a resolution which originated in the Senate of the following titles, viz:
An act to provide for the appointment of Commissioners to select petit jurors.
An act for the benefit of William Pellry, and the widow and heir of Isaac Lemaster, deceased.
An act for the benefit of John Ricks.
An act to enlarge the boundary of the town of Princeton, in Caldwell county.
A resolution directing the committee on Banks to receive certain scrip from the Northern Bank, at Lexington.
And had found the same truly enrolled.
Whereupon, the Speaker affixed his signature thereto.
Ordered, That Mr. Fry inform the Senate thereof.
Mr. Johnson moved a reconsideration of the vote passing the bill from this House, entitled, an act for the benefit of the Kentucky Institution for the education of the Blind.
Mr. Chambers moved the previous question.
The question was then taken, shall the main question be now put? and it was decided in the affirmative.
The main question was then put, shall the vote be reconsidered? and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. S. Stone and Alcorn, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Speaker, Groesbeck, Haydon, Hobbs, Milam, Noe, Penick,
Mr. Allen moved the previous question.
The question was then taken, shall the main question be now put? 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. Johnson and Pope, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Alcorn, Blackburn, Hogan, E. Powell, Petty, Porter,
Allen, Holloway, Redd, Perrin,
Blackburn, Humphreys, Speed, Thomason, C. R.
Campbell, Jones, D. E. Thurston,
Chambers, Jones, T. M. Trumbo,
Clark, Kalfus, Tully,
Collins, Kavanaugh, Webb,
Crow, King, Waddill,
Colly, Lewis, Webb,
Ewing, McLarning, Wooten—43.
Fry, McGee,
Glenn, McKerley,
Gore, McLearn,
Graves, Milam,
Grosbeck, Noe,

Those who voted in the negative, were—

Messrs. Bowman, Haskin, Pope,
Coffey, Headly, Price,
Coleman, Hobson, Richardson,
DeCourcy, Hooe, Rockhold,
Dickey, Jenkins, Stewart,
Dicker, Johnson, Stitt,
Gardiner, Lawless, Stone, B.
Garnett, Lowry, Stone, S.
Garrard, Marshall, Thompson, H.
Resolved, That the title thereof be as aforesaid.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills and resolutions, which originated in this House; of the following titles, viz:

An act to enlarge the Lafayette precinct in the county of Barren.
An act for the benefit of William T. Samuel.
An act to incorporate the town of Murray, and for other purposes.
An act to establish the town of Murray as the seat of Justice of Calloway county.
An act to amend the law regulating appeals from the judgments of Justices of the Peace.
An act to establish an election precinct at Middleton, in Logan county, and to change the place of voting at the Rabbitsville precinct, and for other purposes.
An act for the benefit of the Sheriff of Laurel county.
An act for the benefit of Martha Tate.
An act continuing in force the law providing for the appointment of Commonwealth's Attorneys, approved January 21st, 1842.
An act to establish an additional election precinct in Mercer county.
An act to abolish an election precinct in the county of Casey.
An act for the benefit of C. Nourse, administrator of J. Beam, deceased.
An act allowing the county of Livingston an additional Justice of the Peace, and for other purposes.
An act establishing election precincts in the counties of Crittenden and Union.
An act to allow the county of Larue one additional Justice of the Peace, and one additional Constable, and for other purposes.
An act for the benefit of the Union Fire Company in the city of Lexington.
An act allowing an additional Constable to the county of Bath, and for other purposes.
An act to amend the charter of the city of Covington.
An act to provide for the partition of the real estate of Joseph McCallister, deceased.
An act to allow an additional Justice of the Peace to the county of Casey, and one to the county of Muhlenburg.

Approved January 17, 1844,
An act to for the benefit of Ira H. Sibley, a lunatic.
An act to repeal the act of last session requiring tax on registering plats and certificates for vacant lands.
An act for the benefit of Mechanics and others, of the city of Louisville and counties of Jefferson, Calloway and Marshall.
A resolution directing inquiries to be made of the Banks by the committee on Banks.

Approved January 20, 1844.

A message was received from the Governor, by Mr. Harlan, Secretary of State, which is as follows, viz:

Gentlemen of the Senate
and House of Representatives:

In compliance with the request of the several Governors of the States hereafter mentioned, the following described papers are herewith transmitted to the General Assembly:

1. Resolutions of the Legislature of South Carolina, against the assumption of State debts, or the appropriation of the proceeds of the public lands to the payment of said debts.
2. Resolutions of the Legislature of Connecticut upon the subject of the tariff, French spoliations previous to the Convention of 1800, West Point Academy, and the franking privilege.
5. Resolutions of the Legislature of Missouri relative to tobacco, and
6. Resolutions of the Legislature of New Jersey, condemning "the novel doctrine of the repudiation of State debts."

R. P. LETCHER.

January 26th, 1844.

EXECUTIVE DEPARTMENT,
Columbia, South Carolina, 20th Dec. 1843.

Sir:—In obedience to the instructions of the Legislature of this State, I transmit you the following resolutions, which were passed at their last session.

I have the honor to be,
Very respectfully, your obd't. serv't.

J. H. HAMMOND.

The Governor of Kentucky.

The committee on Federal Relations, to whom were referred certain resolutions from Alabama, accompanying the Governor's Message, on the subject of the assumption of State debts by the General Government, have considered the same, and beg leave to report: that South Carolina cordially responds to the resolutions of Alabama on this subject. Nothing is more calculated to degrade the sovereignty of the States, than dependence upon the funds of the General Government for the payment of their debts. It is
acknowledging their own inability. The States thus admit their degradation. As one of those States, South Carolina admits no such inability to meet her own engagements; and she is not willing that her sister States should be degraded by any such imputations. From what fund could the United States pay the debts of the States? The only sources are—the National Domain, or the revenue from taxation. The opinion, herefore, expressed by this Legislature, in relation to the public domain, is unaltered. It is a National fund, bestowed for National purposes, and to divert it to the payment of the debts of such unfurlity States as have got in debt beyond what prudence will sanction, is an unauthorized disposition of this source of National income. The example would be peculiarly pernicious—the best security against extravagance, is the duty of paying the debts contracted, either by States or individuals. Every State is able, by a manly and honorable resort to State taxation, to pay all its debts; and the lesson, thus taught to the people, will be a wholesome restriction on future extravagance. Your committee, therefore, beg leave to report the following resolutions:

Resolved, That the assumption of the debts of the States, by the United States, would degrade the sovereignty of the States, and be a precedent fatal to their rights and independence.

Resolved, That the diversion of the National Domain to the payment of State debts, would be a perversion of the expressed object for which it was ceded to the Union—would be bad faith to the States who ceded it, and a dereliction of the trust reposed in the National Government.

Resolved, That the above resolutions be communicated to the Governors of the States, and to our representatives in Congress, requesting them to lay the same before that body.

STATE OF CONNECTICUT.

EXECUTIVE DEPARTMENT,

Hampton, July 8th, 1843.

Sir:—In compliance with a request of the General Assembly of this State, I have the honor to transmit to you the accompanying resolutions.

Very respectfully,

Your obedient servant,

C. F. CLEVELAND.

Resolutions in relation to the Tariff.

At a General Assembly of the State of Connecticut, held at Hartford, in said State, on the first Wednesday in May, in the year of our Lord one thousand eight hundred and forty-three:—

Whereas, the adjustment of a Tariff on the part of the General Government, affects the interests of the people of all the States, requires calm deliberation, and such candid examination, and friendly interchange of opinion with a view to the best interests of all, as shall produce the most harmonious counsels, and lead to the most beneficial and permanent results; and whereas, the present Tariff is unwise in its details, objectionable in its provisions, and of doubtful efficacy as a revenue measure—therefore,

Resolved by the General Assembly of the State of Connecticut, That the welfare of this country requires the passage of a Tariff Act, raising such an
Resolved, That the amount of revenue, as with the other means of the Government shall suffice to pay its debts, and meet its annual expenditures.

Resolved, That in the adjustment of such Tariff, the duties should be so arranged as to be most conducive to the interests of all sections of the country; and that we deprecate any laws intended, or calculated to foster any one interest, by placing unjust burthens upon another.

Resolved, That we regard the Tariff Act, passed by the last Congress, as unequal, and unjust; and that our Senators in Congress are hereby instructed, and our Representatives requested to vote for such modifications of said Act as shall make it most consistent with the letter and spirit of the Constitution, adapt it to the wants of the government, and commend it to the good sense of the people, by the justice of its provisions, and the prospect of its permanence.

Resolved, That His Excellency, the Governor be, and he is hereby requested to transmit a copy of the foregoing preamble and resolutions to the Governors of the several States, and to our Senators and Representatives in the Congress of the United States.

STATE OF CONNECTICUT.

Office of the Secretary of State.

I hereby certify that the foregoing is a true copy of record in this office.

NOAH A. PHELPS.
Secretary of State.

Resolutions in relation to the French spoliations.

At a General Assembly of the State of Connecticut, holden at Hartford, in said State, on the first Wednesday in May, in the year of our Lord one thousand eight hundred and forty-three:

Resolved by the Senate and House of Representatives in General Assembly convened, That the depredations on the property of American citizens, committed by the authority of the French Government previous to the Convention of 1800, were in violation of the laws of nations, and of existing treaties, and imposed upon the French Government the unquestionable obligation of making adequate indemnity for said depredations.

Resolved, That the long delay which has taken place on the part of the Government of the United States in making provision for said claims since it assumed the obligation thereof as aforesaid, has been the occasion of great inconvenience and damage to the claimants, and in many instances of actual distress; and said delay ought not to be permitted longer to continue.
Resolved, That the Senators and Representatives in Congress from this State be and they hereby are requested to use their exertions to procure the adoption by the Government of the United States of such measures of relief in relation to the premises, as will do justice to the claimants and bring the subject to an early and honorable termination.

Resolved, That assistance in obtaining just rights is a duty the States of this confederacy owe their own citizens, and in the clear discharge of this duty, this State presents the claims of an enterprising and long suffering portion of her inhabitants, and asks of the National Government an allowance and discharge at an early day of those undoubted claims.

Resolved, That His Excellency the Governor be requested to transmit a copy of these Resolves to the President of the United States, and to the Executives of the several States, and to the Senators and Representatives in Congress from this State.

STATE OF CONNECTICUT, ss.
Office of the Secretary of State.

I hereby certify that the foregoing is a true copy of record in this office.

NOAH A. PHELPS,
Secretary of State.

Resolutions in relation to West Point Academy.

At a General Assembly of the State of Connecticut, held at Hartford in said State, on the first Wednesday in May, in the year of our Lord one thousand eight hundred and forty three:

WHEREAS the National Military Academy at West Point, is generally obnoxious to the republican citizens of the United States—is aristocratic in its character and tendencies, and wholly different in all its features from what it was designed to be originally—therefore,

Resolved, That it is wholly unnecessary to the government or people, as a means of filling the offices in the army, military instruction being now furnished to the youth of our country at institutions of learning, in different States of the Union, whose prosperity is only retarded by the overshadowing influence of a government monopoly.

Resolved, That the expense of maintaining the institution at West Point up to the year 1834, exceeded the sum of three millions of dollars, the average cost of educating each cadet being upwards of four thousand dollars, a sum worse than thrown away on the recipients of the government bounty, for it is believed it has no other effect than to create a military aristocracy in the country.

Resolved, That as the sense of this Assembly, the West Point Academy, supported and maintained at the expense of the people of the United States, ought to be abolished, and that our Senators in Congress be instructed, and our Representatives requested to oppose any further appropriations for the continuance of that Academy.
Resolved, That a copy of these resolutions be transmitted to the Governors of the several States, and that our Senators and Representatives in Congress be furnished with a like copy of the same.

STATE OF CONNECTICUT, ss.
Office of the Secretary of State.

I hereby certify that the foregoing is a true copy of record in this office.

NOAH A. PHELPS,
Secretary of State.

Resolved, That Postmasters, Members of Congress, and Officers of the General Government, ought not to have or enjoy the right and privilege of transmitting by mail at public expense, letters or papers of a private character, which are in no wise connected with a discharge of official duties, and that the "franking privilege" ought to be so far restricted as to forbid the future enjoyment of such right and privilege.

Resolved, That a reduction of the rates of postage on letters would tend to secure a more equal and general participation in the benefits incident to the mail establishment, without decreasing the revenue, and that a subject so obviously identified with the best interests of the people ought to receive the early attention of Congress.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their exertions to carry into effect the sentiments expressed in the foregoing Resolutions.

Resolved, That His Excellency the Governor be requested to transmit copies of the foregoing Resolutions to our Senators and Representatives in Congress, and to the Executive of the several States.

STATE OF CONNECTICUT, ss.
Office of the Secretary of State.

I hereby certify that the foregoing is a true copy of record in this office.

NOAH A. PHELPS.
Secretary of State.

STATE OF INDIANA.
EXECUTIVE DEPARTMENT.
Indianapolis, July 14, 1843.

Sir:—I have the honor herewith to transmit a preamble and joint resolution of the General Assembly of the State of Indiana, "in reference to the Mississippi trade," to which you are respectfully requested to direct the attention of the Legislature of the State of Kentucky.

I am, sir, most respectfully,
Your obedient servant,

SAMUEL BIGGER.

His Excellency the Governor of Kentucky.
Preamble and joint resolution in reference to the Mississippi trade.

WHEREAS, The General Assembly of the State of Indiana, appreciating as become the Representatives of a sovereign State, the independence of the States respectively, are nevertheless impressed with the belief, that the attributes of sovereignty appertaining to a member of the Federal Union may be, and sometimes are, perverted and abused; especially may this be the case, when any portion of those attributes are delegated to corporations and municipalities. Instances of such abuses, arising out of actual or pretended delegation of power to municipalities and corporations, have been made known to this General Assembly, by the unanimous report and complaint of that numerous class of citizens of Indiana, who habitually or occasionally engage in the exportation of articles, the produce of Indiana, to the markets of the Mississippi, and who allege against the municipal and corporation regulations which they find practically in force at all the principal landings and marts on the Mississippi river, that the same are little, if any, better than systematic schemes to fleece and despoil them. The citizen of Indiana landing his boat at Vicksburg, Memphis, Natchez, or Bayou Sara, finds himself subjected to the payment of wharfage, where there is no wharf except the natural banks of the Great River, and the use of which he has a right to esteem as an appendage to his undoubted right to navigate the waters thereof, which by principles of natural law, are, and by organic and fundamental laws, are declared to be a public highway. At Vicksburg and New Orleans, moreover, he finds his boat and cargo subjected to the payment of an ad valorem tax before he dare make market thereof, or make his boat stationary with a view to trade; and, further, at New Orleans he finds himself assessed for the wharfage of his boat, one dollar per diem, and compelled to pay thirty dollars for a license to sell his cargo, or employ a commission merchant to sell for him, and pay him his charges and commissions.

Considering the character of the products with which boats hailing from Indiana are uniformly freighted, and the character of the boats—the ordinary river flat boat—these assessments and restrictions are extremely onerous and illiberal, and the regulations at New Orleans do, in the opinion of the General Assembly, smack too pungently of monopolizing selfishness. The General Assembly understand that these restrictions are imposed altogether by city and corporate authority, and are not authorized by any acts of State Legislation, and that their enforcement might be effectually resisted by an appeal from the decision of the city authorities to the proper State tribunals. But a resort for redress to such a tedious process would be ruinous, and our citizens being strangers, cannot give the requisite security for such redress.

The General Assembly cannot believe that the legislative power of the States of Mississippi, Tennessee and Louisiana, representing a constituency composed of consumers of Indiana produce, will suffer the trade upon which those consumers depend for supplies, to be hampered with such unreasonable restrictions as those above recited, to gratify individual and city cupidity; nor in truth do they fear to submit the matter to the consideration of the municipalities by whose authority the restrictions complained of exist. It is inconceivable that they will persist in restrictions which have led many veteran “river men” to speak with complacency of the state of trade at New Orleans and on the Lower Mississippi, as the same was when in the hands of a foreign power, and to compare the same favorably with existing regulations, adopted by Americans against their fellow-countrymen.
The Congress of the United States hold the power "to regulate commerce among the several States," and the grievances above call for the exercise of that power.

The General Assembly make a common appeal to the Supreme Legislative power of the Confederacy, and pray that National Legislation may find a remedy for the evils above complained of. They also appeal to the justice and magnanimity of the Legislatures of the States of Tennessee, Mississippi and Louisiana, and of the municipal authorities at Memphis, Vicksburg, Natchez, Bayou Sara and New Orleans. Therefore,

Resolved by the General Assembly of the State of Indiana, That His Excellency the Governor, be requested to transmit a copy of the foregoing preamble, and of this and the following resolution, to each of our Senators and Representatives in Congress, to the Governors of the States of Tennessee, Mississippi, Louisiana, Ohio, Kentucky, Illinois and Missouri, and to the chief officer of each of the cities above named, requesting the same to be brought to the notice of the Legislatures of said States, and of the municipalities above named.

Resolved, further, That the Governor invite a correspondence with the Governors of the States of Tennessee, Mississippi and Louisiana, respectively, with a view to a friendly negotiation and arrangement, and that he communicate the same hereafter to the Legislature of this State.

THOMAS J. HENLEY,
Speaker of the House of Representatives.

THOMAS D. WALPOLE,
President pro tem. of the Senate.

Approved February 9th, 1843.

SAM. BIGGER.

STATE OF ALABAMA.

Joint resolutions on the subject of the assumption of State debts by the General Government, and against the repudiation of State debts.

WHEREAS, the subject of the public and foreign indebtedness of the States of this Union, has created great interest and excitement throughout the United States, and a deep sensation in foreign countries, to the prejudice of the States, to the General Government, and to American credit abroad. And whereas, the agitation of this subject in Congress, has drawn the attention of the world to that body, as the source whence is to come the payment of the State debts, and the relief of the creditors of the States. And whereas, many gigantic schemes of assuming the States' debts by the General Government, in various shapes and under various names have been, and are still in contemplation. And whereas, Alabama is one of the States so indebted, it is a proper time for the Representatives of the people of the State of Alabama, to declare their opinions and sentiments fully, on said subjects, and on the mode and manner suggested, for the payment of the said State debts. Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the State of Alabama is fully able to meet her own debts and liabilities; her faith and honor are pledged for the redemption of her Bonds. The idea of repudiation is repugnant to
her, and she recognizes her great Seal, as binding every foot of soil belonging to her citizens.

Resolved further, That while she spurns the idea of forfeiting her credit abroad, she will never consent to become tributary to the General Government. She holds the principle to be true, that to force a favor upon a State, without her consent, is as much a violation of her sovereignty, as to force her to yield a right which is reserved to her by the Constitution; and her right to reject a proffered service, is co-existent and co-extensive with her right to receive it.

Resolved further, That the assumption of the State debts by Congress, directly or indirectly, would be a violation of the Constitution of the Union, and the sovereignty of the States.

Resolved further, That we instruct our Senators, and request our Representatives in Congress, to use all needful and proper means, to prevent the passage of any act which contemplates, either directly or indirectly, the assumption of State debts.

Resolved further, That the Governor of this State be requested to transmit a copy of these resolutions and preamble to each of our Senators and Representatives in Congress, and to the Legislature of each of the States.

JOHN ERWIN,
Speaker of the House of Representatives.

NATH'L. TERRY,
President of the Senate.

DEPARTMENT OF STATE,
Tuscaloosa, Ala, Feb. 28th, 1843,

I certify the foregoing to be a true copy of the original Preamble and Resolutions, on file in this department.

W. GARRETT,
Secretary of State.

STATE OF MISSOURI

OFFICE OF SECRETARY OF STATE,
City of Jefferson, July 15, 1843,

Sir:—I have the honor herewith to inclose to you a copy of a series of resolutions relative to tobacco, passed by the last General Assembly of this State.

I am, very respectfully,
Your obedient servant,

JAS. L. MINOR,
Sec'y of State.

Resolutions on the subject of Tobacco.

WHEREAS, Tobacco is one of the principal staple productions of the State of Missouri, and is subject to excessively high duties, in the ports of Great Britain, and of all other nations of Europe with whom we carry on commercial intercourse—and whereas, the power to regulate commerce and to form commercial treaties with foreign governments, is vested in Congress, therefore,
Resolved by the General Assembly of the State of Missouri, as follows:

1. Our Senators in Congress are hereby instructed, and our Representatives requested, to call the serious attention of Congress to the subject of the excessive duties and burdens imposed by foreign governments, upon our Tobacco carried into their ports, in order that proper steps may be taken to effect a speedy reduction of said excessive duties to a fair and equitable scale of commercial reciprocity.

2. The Secretary of State shall transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

3. The Secretary of State shall transmit a copy of these resolutions to the Governors of Ohio, Kentucky, Tennessee, North Carolina, Maryland and Virginia; and those States are respectfully requested, through their respective Legislatures, and their members of Congress, to co-operate with us in endeavoring to effect an object so desirable as the reduction of the duties on Tobacco in foreign countries.

STERLING PRICE,
Speaker of the House of Representatives.

M. M. MARMADUKE,
President of the Senate.

Approved February 17, 1843.

TH. REYNOLDS.

STATE OF NEW JERSEY.

EXECUTIVE OFFICE,
Trenton, New Jersey, March 15th, 1843.

Sir:

I have the honor to transmit a copy of a Preamble and Joint Resolutions, adopted by the Legislature of the State of New Jersey, at its recent session, and to request that you will cause the same to be laid before the Legislature of the State over which you preside.

With highest consideration,
Your obedient servant.

WM. PENNINGTON,
Governor of New Jersey.

To His Excellency, the Governor of the State of Kentucky.

Joint Resolutions.

WHEREAS an un tarnished reputation, based upon strict integrity and a rigid adherence to good faith in all our public transactions, is not only of inestimable importance, but indispensably necessary to the well-being, prosperity, and happiness of our common country:

And whereas we have hitherto preserved inviolate our plighted faith, and cherished with enthusiasm our unblemished honor, regarding it as a precious heritage from noble sires, earned by the toil, purchased by the blood, and endured by us as the sufferings of the patriots of the Revolution:

And whereas it is not only highly dishonourable, but directly conflicting with every principle of justice and morality, for any state, nation, or people to repudiate or disown obligations contracted in good faith and with
mutual concurrence, because such contracting power is not legally responsible, or such obligation may not be legally enforced:

And whereas, in a portion of our Union, doctrines have been promulgated tending to degrade the national honor, destroy the national credit, and degrade the national character, unjustly involving in a common odium the other portions of this Union, and causing our name to be a by-word and reproach throughout the civilized world:

And whereas a belief extensively prevails that these odious doctrines meet with a silent assent, if not general approbation, throughout our confederation, thereby tarnishing, by implication, our country's fair fame, and rendering it not only expedient, but highly necessary and proper, that the voice of the people, in their primary assemblies and in their legislative halls, should be universally, fully, and unequivocally expressed—therefore,

1. Resolved, by the Council and General Assembly of the State of New Jersey, That we heartily deprecate, indignantly repel and utterly condemn the novel doctrine of repudiation of state debts, and desire now, and for all time, distinctly and unequivocally, to declare that New Jersey not only disavows any and all participation in such sentiments, but will not suffer the moral sense of her people to be outraged by their avowal in any part of our Union, by any portion of its citizens, without an expression of her open, thorough, and decided condemnation.

2. Resolved, That we should be recreant to every virtuous principle and honest impulse, and faithless to all moral obligation, did we hesitate to take a firm and unwavering stand, and exert the utmost energies of our state and people in vindication of the probity and untarnished reputation transmitted by our fathers; which form the ground-work of that just pride and veneration with which their honored names are associated, and a broad basis of national integrity, which all should delight to emulate and defend.

3. Resolved, That public credit is one of the vital principles, and a main-spring of national prosperity, and indissolubly associated, as it is, with an unimpeachable character for strict honesty, must be greatly impaired, if not utterly destroyed, by any disregard of this indispensable requisite in the formation of national, as well as of individual good character.

4. Resolved, That the same laws of retributive justice govern nations as individuals, and that no country or people can swerve with impunity from the straight-forward path of uprightness and integrity; when the quick sense of honor becomes blunted, and the shame of merited reproach is unfelt or unheeded, the public morals will deteriorate, and public virtue decline, and, in their downward course, bear with them national respectability and national worth, and, finally, whom the work and pride of ages in irretrievable ruin.

5. Resolved, That it is our earnest hope and belief that the doctrine of repudiation has obtained but a partial foothold on the soil of our Union, and a limited portion of its citizens for advocates and defenders; and we are proud to assert, that the mass of our people are, and ever have been, firm in their adherence to all the maxims of probity, unwavering in their acknowledgment of all the exactions of good faith, honorable in the discharge of all the obligations which mutual contracts impose, or the conventional usages of society imply, and proudly sensitive to the aspersion of national disgrace.
6. Resolved, That considerations, above and distinct from party, reaching far beyond our day and generation, and intimately affecting, as we solemnly believe, the future character, varied interests, and permanent prosperity of our beloved country, solemnly impel us to speak fearlessly and unhesitatingly on this subject; and, in a spirit of patriotism, which should look beyond state limits, we beseech our fellow citizens, throughout the length and breadth of this Union, to join with us in reprobating all violations of good faith, and in vindicating the honor and reputation of our common country.

7. Resolved, That the Governor of this State be requested to transmit a copy of the foregoing preamble and resolutions, certified under the Great Seal of the State, 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 thereof.

House of Assembly, February 1, 1843.

This joint resolution 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.

SAML. B. HALSEY, Speaker.

In Council, February 17, 1843.

This joint resolution having been three times read in Council,

Resolved, That the same do pass.

By order of Council.

WILLIAM PENNINGTON,
President of Council.

STATE OF NEW JERSEY.

I, Charles G. McChesney, Secretary of State of the State of New Jersey, do hereby certify, that the foregoing is a true copy of a Preamble and Joint Resolutions, passed by the Legislature of this State, February 17, 1843, 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 the Great Seal of the State of New Jersey, at Trenton, in said State, this fifteenth day of March in the year of our Lord one thousand eight hundred and forty-three, and of the Independence of the United States the sixty-seventh.

CHARLES G. MCHESNEY,
Secretary of State.

Mr. Wickliffe moved that a message be sent to the Senate asking leave to withdraw the report of this House, announcing the passage of a bill entitled, an act to authorize the purchase of Loughborough's Digest.

And the question being taken thereon, it was decided in the affirmative. The yeas and nays being required thereon by Messrs. Owens and S. Stone, were as follows, viz:
Those who voted in the affirmative, were—


Those who voted in the negative, were—


After a short time the messenger returned with said bill. A message was received from the Senate, by Mr. Harris, asking leave to withdraw their report announcing the passage of a bill from this House, entitled, an act to allow additional Constables to Casey and Bath counties, with an amendment.

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

Mr. Bryan moved the following resolution, viz:

Resolved, That a select committee be appointed to enquire into the expediency of purchasing two or three Kentucky Marble Mantles, of Kentucky manufacture, for the purpose of furnishing the Governor's house, and confer with the Governor on the subject; and that said committee also enquire of the manufacturer, Mr. John White, of Oldham county, who is now present, as to the price for which they may be obtained.

Which being twice read, were adopted.

Whereupon Messrs. Bryan, Johnson, E. Hogan, Hobbs and Given were appointed said committee.
The House again resumed the consideration of the bill to amend the act regulating the time of holding Justices' Courts.

Mr. Wooten proposed an amendment to said bill.

Mr. Hooe moved the previous question.

The question was then taken, shall the main question be now put? 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 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. C.R. Thomson, from the committee for Courts of Justice, to whom was referred a bill to amend the law concerning partial payments, reported the same with an amendment, as a substitute for said bill, which was concurred in.

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

Mr. Thomson moved that said bill have its third reading now, and it was decided in the affirmative.

The said bill was then read a third time.

Resolved, That said bill do pass, and that the title thereof be amended to read, "an act to amend the law concerning partial payments, and partial failure of consideration."

Mr. C.R. Thomson, from the same committee, to whom was referred the petition of George Bagott, Sr., reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Noe, from the committee appointed to examine the Lunatic Asylum, made the following report, viz:

[For Report—see Legislative Documents.]

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

By Mr. Coleman—1. A bill to change the place of voting in Bracken county, and for other purposes.

By the committee for Courts of Justice—2. A bill regulating the return of peace warrants in the county of Jefferson.

By same—3. A bill to amend the penal laws.

By same—4. A bill to authorize the appointment of an additional Magistrate, to the county of Owen, and for other purposes.

By same—5. A bill for the benefit of the widow and heirs of James W. Buchanan, deceased.
By same—6. A bill to incorporate the town of Grayson, in the county of Carter.

By same—7. A bill for the benefit of the widow and heirs of Daniel McCoy, deceased.

By Mr. Noe—8. A bill to provide for the government of the Lunatic Asylum.

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, and the 8th was referred to the committee on Education.

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

Mr. Chambers, from the committee on Ways and Means, reported a bill for the benefit of the Sheriff of Livingston 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 bill having been dispensed with,

Mr. Lawless moved an amendment to said bill.

Mr. Hooe, at ½ of 2 o'clock, P. M. moved an adjournment.

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

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

Those who voted in the affirmative, were—

Mr. Speaker,
JAN. 27.]

HOUSE OF REPRESENTATIVES.

Those who voted in the negative, were—

Messrs. Chambers, Coffey, Coleman, Fry, Gardner, Garnett, Glenn, Gray, Kavanaugh,

Lawless, Lowry, Maupin, Payne, Pogue, Pope, Porter, Price, Richardson,

Rockhold, Stewart, Sittt, Wickliffe, Woosley, Wooten, Wright, Yocum, Young,—27.

SATURDAY, JANUARY 27, 1844.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act for the benefit of Margaret Lewers and others.

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

An act to establish a Warehouse on the Cumberland river, in Monroe county.

An act for the benefit of the Sheriffs of Jefferson and Madison counties.

An act to abolish the Pleasant Hill precinct in Calloway county, and for other purposes.

An act to allow a special term of the Bullitt Circuit Court.

An act for the benefit of Travis Wilson, of Shelby county.

With amendments to the last.

That they had passed bills of the following titles, viz:

An act repealing, in part, and amending an act, entitled, an act regulating the time of holding Justices' Courts.

An act for the benefit of the widow and heirs of Joseph Leibfred, dec'd.

An act for the benefit of the wife of James D. Anderson.

An act to amend the laws in relation to public roads.

An act for the benefit of the devisees of Carter Tadlock, deceased.

And 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 for the benefit of the Collectors of the revenue tax of the county of Union.

Approved January 17, 1844.
An act for the benefit of Peter Berry, coroner of Union county.

Approved January 20, 1844,

Mr. Haskin asked leave to withdraw the petitions of sundry citizens of Mercer county, praying for a road from McAfee's Warehouse, to intersect the Louisville and Harrodsburg turnpike, which was granted and petitions withdrawn.

Ordered, That Messrs. Groesbeck, Speed and Goble be added to the committee on Internal Improvement.

Ordered, That the select committee to whom was referred the petitions &c., of the Contractors on Licking river, and the Contractor of Lock and Dam No. 1, on the Kentucky river, be discharged from the further consideration thereof, and that they be referred to the committee on Internal Improvement.

1. Mr. Goble presented the petition of John Colvin, praying an appropriation of a sum of money to discharge a judgment which he holds against the Owingsville and Big Sandy turnpike road company.
2. Also, the petition of Thomas Coburn, praying to be divorced from his wife, Elizabeth Coburn.
3. Mr. Graves presented the remonstrance of sundry citizens of Louisville, against the repeal of the law creating an inspection of salt.
4. Also, the petition of sundry citizens of Oldham county, praying to be added to the county of Jefferson.
5. Mr. Hooe presented the petition of sundry citizens of Mercer county, praying an amendment of the law in relation to pedlers.
6. Also, the petition of Samuel Owens, praying that permission be granted him to import into this State two slaves.
7. Mr. Holloway presented the petition of M. N. Teviss and John Underwood, of Illinois, praying compensation for arresting and delivering to the Keeper of the Penitentiary, Henry Walden, convicted in Henderson county, but made his escape by jumping from a steamboat into the Ohio river.
8. Mr. McKery presented the petition of sundry citizens of Muhlenburg county, praying an extension of the terms of said court.
9. Mr. Ewing presented the petition of George W. Norton and Nimrod Long, praying the passage of a law incorporating the United Baptist Church, in the town of Russellville.
10. Also, the petition of Joseph G. McCleland, praying the passage of a law allowing him to sell town lots in the town of New Market.
11. Mr. Trumbo presented the remonstrance of sundry citizens of Bath county, against the division of said county.

Which petitions and remonstrances were severally received, the reading dispensed with, and referred—the 1st and 7th to the committee on Claims; the 2d to the committee on Religion; the 3d to the committees on Agriculture.
On motion of Mr. Young,  

Ordered, That a message be sent to the Senate, asking leave to withdraw the report of this House, announcing the passage of a bill, entitled, an act for the benefit of the Kentucky Institution for the education of the Blind.

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

OFFICE OF THE SECRETARY OF STATE,  

January 27th, 1844.

Pursuant to the act of the 18th of February, 1841, entitled, "an act prescribing the mode of preserving the evidence of the payment of interest on certain State bonds," the Secretary of State has the honor to transmit, herewith to the House of Representatives, a tabular statement showing the monthly payments of interest from the first of January to the 31st of October, 1843, inclusive, on six years' bonds.

JAMES HARLAN, Secretary of State.

Abstract from the monthly receipts of the Auditor of Public Accounts, made to the Secretary of State, of interest paid on one hundred dollars six per cent. six years' bonds for the year 1843, prepared in pursuance to the act of the 18th of February, 1841, entitled, "an act prescribing the mode of preserving the evidence of the payment of interest on certain State Bonds;"

For January, $1,361 91
For February, 578 83
For March, 201 61
For April, 9,713 39
For May, 4,641 66
For June, 2,860 08
For July, 807 95
For August, 1,075 30
For September, 9,002 65
For October, 53,243 38

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

An act to authorize John K. McClenden to import a slave.
An act to permit Samuel C. Flowers to import a slave.
An act for the benefit of the town of Glasgow.
An act to sever certain lots from the town of Russellville.
An act for the benefit of Wilson L. Biggerstaff, of Monroe county.
An act for the benefit of the Clerk of the Garrard Circuit Court.
An act for the benefit of Sally Skinner.
An act authorizing the sale of the old Church and lot in Ghent, called McCouls’s bottom.
An act for the benefit of the Baptist Church in Bullitt county.
An act to incorporate the New Liberty Library Company.
An act for the benefit of the heirs of Charles H. Davidge, deceased.
An act to change the election precinct held at the store of N. S. Strange, in the county of Warren.
An act to allow a criminal and chancery term to the Grant Circuit Court.
An act for the benefit of Travis Wilson, of Shelby county.
Were taken up, twice read, and concurred in.
Ordered, That the amendment proposed by the Senate to a bill from this House, entitled, an act to repeal an act, entitled, an act to add to the resources of the Sinking Fund, be referred to the committee on Ways and Means.

Bills from the Senate of the following titles, viz:
1. An act for the benefit of Lewis Lowers.
2. An act authorizing the several County Courts in this Commonwealth to alter the bounds of the Constables’ Districts in the several counties.
3. An act for the benefit of the heirs of Isaac Rust, deceased.
4. An act authorizing the trustees of the town of Cadiz to sell and convey certain ground in said town.
5. An act giving further time to the several County Courts of this Commonwealth to procure a standard of weights and measures, as now prescribed by law.
6. An act to amend the law regulating the duties of the Clerk of the Court of Appeals, and for other purposes.
7. An act to amend an act to reduce into one the several acts or parts of acts regulating conveyances.
8. An act for the benefit of Peter Carter, an Idiot.
10. An act to amend the act, entitled, an act to amend the law concerning County Surveyors.
11. An act for the benefit of the Sheriff of Green county.
12. An act to amend an act, entitled, an act for the benefit of David A. Sayre, approved February 24, 1842, and for other purposes.
13. An act to authorize the city of Maysville to levy and collect a special tax to erect a public edifice in said city.
14. An act to prevent the fraudulent removal of property out of this Commonwealth.
15. An act providing for the location of the county seat of Owsley county.
16. An act for the benefit of the devisees and heirs of James Thornton, deceased.
17. An act to provide for a change of venue in the prosecution against Abraham Franklin.
18. An act for the benefit of John W. Price.
20. An act authorizing the County Courts of Shelby and Oldham to make their levy at their May 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 said bills having been dispensed with, the 1st, 2d, 3d, 4th, 6th, 7th, 10th, 12th, 14th and 17th were referred to the committee for Courts of Justice; the 5th, 9th and 16th were severally ordered to be read a third time; the 11th, 13th, 19th and 20th were referred to the committee on Ways and Means; the 15th to the committee on Propositions and Grievances, and the 18th to the committee on Claims.

The rule of the House, constitutional provision and third reading of the 5th, 8th, 9th and 16th bills having been dispensed with,

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

At a quarter past 2 o'clock, P. M., Mr. Owens moved an adjournment.

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

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

Those who voted in the affirmative, were—

Messrs. Alcorn, Gore, Smith,
Allen, Graves, Stewart,
Blackburn, Heady, Stitt,
Bowman, Hoze, Thomson, C. R.
Bryan, Jones, T. M. Thomson, H.
Campbell, Kalms, Thurston,
Clark, Lewis, Tully,
Crow, Marshall, Webb,
Cully, Noe, Wheeler,
Frazier, Owens, Winfrey,
Garrard, Payne—33.

Those who voted in the negative, were—

Mr. Speaker, Haskin,
Messrs. Chambers, Hobson,
Coffey, Holloway,
Coleman, Humphreys,
Dickey, Johnson,
Ewing, King.

Pogue,
Pope,
Porter,
Price,
Richardson,
Rockhold,
A bill from the Senate, entitled, an act to attach the county of Bullitt to the fifth Judicial District, and for other purposes, was read the first time as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Bullitt, be, and the same is hereby attached to the 5th Judicial District.

Sec. 2. Be it further enacted, That hereafter the fall term of the Nelson Circuit Court shall commence on the second Monday in August, in each year and continue eighteen juridical days, if the business of the court shall require it; and that the Circuit Court in the county of Hardin shall continue eighteen juridical days at each term, if the business shall require it.

And the question being taken on reading said bill a second time, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker, Blackburn, Bowman, Bryan, Campbell, Chambers, Coffey, Coleman, Crow, Cully, Ewing, Fry, Gardner, Garnett, Garrard, Given, Glenn, Gore, Gray, Hambleton, Lawless, Maupin, McLarning, McRery, Nall, Oldham, Penick, Stone, B. Waddill, Wickliffe, Wooten, Wright, Yocum, Young—40.

Those who voted in the negative, were—

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 29, 1844.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act for the benefit of Eliza A. Roman. That they had passed bills from this House of the following titles, viz:

An act fixing the place for holding courts in Owsley county, and for other purposes.

An act to authorize Letitia J. Herbst to convey her claim of dower in the estate of George Herbst, a bankrupt.

An act to authorize Henry Gale, administrator of John Gale, and Ann E. Gale, guardian, to convey part of lot No. 64, in Morganfield, to Peter C. Holt.

An to incorporate the town of Minerva, in the county of Mason.

With amendments to the two last.

And that they had passed a bill and adopted a resolution of the following titles, viz:

An act to enlarge the powers of the Trustees of the town of Morganfield, and for other purposes.

Preamble and resolution for ascertaining the situation of the Old Bank of Kentucky.

1. Mr. C. R. Thomson presented the petition of sundry citizens of the city of Lexington, praying an act of incorporation to the Theatre erected in said city.

2. Mr. Alcorn presented the remonstrance of sundry citizens of the town of Smithland, against a proposed amendment to the act incorporating said town.

3. Mr. Garrard presented the petition of sundry citizens of Clay county, praying the establishment of a State road through Madison, Laurel and Clay counties.
4. Mr. Bryan presented the remonstrance of sundry citizens of Oldham county, against being added to Jefferson county.

5. Mr. B. Stone presented the petition of Morton M. Price, Sheriff of Estill county, asking further time to pay in the revenue due from said county.

6. Mr. Redd presented the petition of Julia Ann Chism, Guardian of Francis Head, an infant, praying the passage of a law authorizing her to invest certain funds of her ward in real estate.

Which petitions and remonstrances were severally received, the reading thereof dispensed with, and referred—the 1st to Messrs. C. R. Thomson, Redd and E. Hogan; the 2d and 4th to the committee on Propositions and Grievances; the 3d to the committee on Internal Improvement; the 5th to the committee on Ways and Means, and the 6th to the committee for Courts of Justice.

Mr. Wickliffe moved that a message be sent to the Senate, asking leave to withdraw the report announcing the passage of a bill from this House, entitled, an act to authorize the purchase of Loughborough's Digest.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Speaker, Messrs. Alcorn, Blackburn, Campbell, Clark, Collins, Crow, Cully, Heady, Holloway, Hoos, Humphreys, Jones, T. M., Kallus, Lewis, McLarning, Penick, Porter, Redd, Smith, Thomson, C. R., Thompson, H., Thurston, Trumbo,
On motion of Mr. Alcorn,

Ordered, That the select committee to whom was referred the petition of sundry citizens of Smithland, praying an amendment to the charter of said town, be discharged from the further consideration thereof, and that it be referred to the committee on Propositions and Grievances.

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

1. An act to authorize Henry Gale, administrator of John Gale, and Ann E. Gale, guardian, to convey part of lot No. 64, in Morgantown, to P. C. Holt.

2. An act to incorporate the town of Minerva, in the county of Mason.

3. An act concerning the road over Muldrow's Hill.

4. An act to establish the county line between the counties of Hopkins and Christian.

5. An act for the benefit of the town of Brandenburg.

6. An act to change the times of holding the Fayette and Scott Circuit Courts.

7. An act for the benefit of John Howard, of Logan county.

8. An act for the benefit of George Morris.


10. An act for the benefit of Jacob Froman.

11. An act for the benefit of Hiram S. Booten.

12. An act to grant an additional Justice of Peace to the county of Kenton.

13. An act to authorize Jordan Bass to build a fish dam on Pond river.

14. An act to repeal an act, entitled, an act to amend the revenue laws, approved March 10, 1843.

15. An act for the benefit of John M. Hayden, of Pulaski county.

16. An act for the benefit of the Methodist Episcopal Church, in Richmond.

17. An act for the benefit of Julia Newhall.

18. An act to incorporate the Boyle County Mutual Insurance Company.

19. An act to allow an additional Constable to the county of Hardin, and for other purposes.

20. An act for the benefit of St. Clair Roberts, of Lawrence county, and Archibald Weatherford, of Hickman county.
19. An act for the benefit of John Hockersmith, of Logan county.
20. An act to appropriate the vacant lands in Carter county, to the erection of the public buildings in said county.
22. An act to provide for a change of venue in the prosecution against James B. Spratts.
23. An act to repeal a part of an act, entitled, an act to reduce into one the several acts for the better regulating certain officer’s fees, approved December 22, 1798.
25. An act for the benefit of Willis S. Allen.
27. An act to repeal an act, entitled, an act prohibiting the reading of certain reports in this Commonwealth.
28. An act for the benefit of the heirs of Lydia Shultz, deceased.
29. An act to amend the laws against unlawful gaming.
30. An act to amend an act to incorporate the Kentucky and Louisville Mutual Insurance Company.
31. An act for the benefit of Francis Bledsoe.
32. An act repealing in part and amending an act, entitled, an act regulating the time of holding Justices’ Courts.
33. An act for the benefit of the widow and heirs of Joseph Liebfried, deceased.
34. An act for the benefit of the wife of James D. Anderson.
35. An act to amend the laws in relation to public roads.
36. An act for the benefit of the devisees of Carter Tadlock, deceased.
37. An act to enlarge the powers of the Trustees of the town of Morganfield, and for other purposes.

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 and 35th were referred to the committee on Internal Improvement; the 2d, 3d, 6th, 10th, 14th, 17th, 20th, 25th and 36th were severally ordered to be read a third time; the 4th, 5th, 7th, 8th, 9th, 15th, 16th, 21st, 22d, 23d, 24th, 26th, 27th, 28th, 29th, 30th, 32d, 33d, 34th and 37th were referred to the committee for Courts of Justice; the 12th to the committee on Ways and Means, and the 13th, 18th, 19th and 31st to the committee on Claims.

The rule of the House, constitutional provision and third reading of the 2d, 3d, 6th, 10th, 14th, 17th, 20th, 25th and 36th bills having been dispensed with,
Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

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

An engrossed bill, entitled, an act for the benefit of Rodes Woods, was read the third time as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Rodes Woods, of the county of Mercer, be, and he is hereby, authorized to bring into this State, from the State of Missouri, his two slaves, named Nelson and Jim, without incurring the penalties of the law prohibiting the importation of slaves.

Be it further enacted, That John Halsell, of Todd county, be permitted to bring into this State a negro girl named Ellen, without incurring the penalties of the act of 1833, against the importation of slaves.

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. Price and Crow, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Allen, Nall, Richardson, Bowman, Penick, Stone, B. Coleman, Pogue, Thurston,
Resolved, That the title of said bill be amended to read “an act for the benefit of Rodes Woods and John Halsell.”

Mr. Fry, from the joint committee on Enrollments, reported that the committee had examined enrolled bills from the Senate, of the following titles, viz:

An act giving further time to the several County Courts of this Commonwealth to procure the standard of weights and measures, as now prescribed by law.

An act for the benefit of Peter Carter, an idiot.

An act to establish three election precincts in Johnson county.

An act for the benefit of the devisees and heirs of James Thornton, deceased.

And enrolled bills which originated in this House, of the following titles, viz:

An act to abolish the Pleasant Hill precinct in Calloway county, and for other purposes.

An act to allow a special term of the Bullitt Circuit Court.

An act for the benefit of the Sheriffs of Jefferson and Madison counties.

An act to change the election precinct held at the store of N. S. Strange, in the county of Warren.

An act to establish a Warehouse on the Cumberland river, in Monroe county.

An act to amend an act concerning the boundary line of Letcher county, approved January 27, 1843.
An act to amend an act, entitled, an act for the benefit of John W. Flora, approved January 21, 1839.

An act to add a part of Adair county to Casey county.

An act appointing Trustees for the town of Franklin, in Simpson county, and Boston, in Whitley county.

An act to amend an act, entitled, an act to amend the charter of the City of Louisville, and for other purposes, approved March 8, 1843.

And had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.

The House again resumed the consideration of the bill for the benefit of the Sheriff of Livingston county.

The said bill was then amended, and as amended, reads as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James C. Leach, Sheriff of Livingston county, be, and he is hereby allowed until the first day of April next, to settle with the Auditor, and pay into the Treasury the balance of the revenue due from him as collector of the same, for the year 1843: Provided, James L. Alcorn, one of the securities of said Sheriff shall appear before the Auditor, on or before the first day of February next, and file his written consent to said indulgence: And provided further, That at least three of the securities of said Sheriff shall appear before the Clerk of the Livingston County Court, on or before the first Monday in February next, and file their written consent with said Clerk to said indulgence, a copy of which shall be forwarded to the Second Auditor of Public Accounts, on or before the 15th of February next.

Sec. 2. Be it further enacted, That Schuyler H. Murrell, Sheriff of Barren county, be allowed the further time until the 20th day of next June, to pay over to the Auditor the balance of the revenue: Provided, That the securities of said Murrell, shall enter their assent to the same by the 20th day of February next, or within ten days thereafter, which is to be entered of record in the County Court Clerk's office for the county of Barren, and a copy of said record be forwarded to the Second Auditor; on or before the 10th day of next March.

Sec. 3. Be it further enacted, That the Sheriff of Trimble county, shall be allowed until the 10th day of June next to pay into the Treasury the balance of the revenue due from him for the year 1843: Provided, His securities shall appear before the Clerk of the County Court of said county, on or before the 10th day of February next, and file their written consent to such indulgence, a copy of which shall be forwarded to the Auditor of Public Accounts.

Sec. 4. Be it further enacted, That Quintus C. Shanks, late Sheriff of Ohio county, be allowed until the 1st day of June next to pay the balance of the revenue due from said county for the year 1843: Provided, His securities appear before the Clerk of the Ohio County Court, and assent to the same in writing, and a copy thereof be filed with the Second Auditor, on or before the 1st day of April next.

Sec. 5. Be it further enacted, That Brent Wade, Sheriff of Todd county
be, and he is hereby, allowed until the 1st day of June next to pay into the Treasury the balance of the revenue of said county, for the year 1842. Provided, The securities of the said Wade, shall, at the February or March term of the County Court for the said county, enter upon the record of said Court, their assent to the extension hereby given.

Sec. 6. Be it further enacted, That the Sheriff of Henry county, be allowed until the 1st day of June next, to pay eight hundred dollars of the revenue of said county, upon his securities signifying their assent thereto.

Sec. 7. Be it further enacted, That the Sheriff of Meade county, shall have until the 1st day of June next, to pay five hundred dollars of the revenue due from his county, for the year 1843: Provided, He shall appear in court with his securities, at the March term of the said court, and give their consent to the same.

Sec. 8. Be it further enacted, That the Sheriff of Breckinridge county, be allowed until the 1st day of June next, to pay five hundred dollars of the revenue for the year 1843.

Sec. 10. Be it further enacted, That said Sheriffs pay six per cent. interest, from the time the revenue was first due from said Sheriffs.

Sec. 11. Be it further enacted, That indulgence shall be granted to the different Sheriffs named in the foregoing act, only upon condition that their securities agree to the same, by appearing before the different County Courts, in the counties in which they reside, and enter their consent to said indulgence upon the records of said Courts.

Mr. Redd moved to lay said bill, as amended, on the table.

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

The yea and nay's being required thereon by Messrs. Redd and Fry, were as follows, viz:

Those who voted in the affirmative, were—

N.C. 29th Session 1843-44

Jan. 30.]

HOUSE OF REPRESENTATIVES.

Those who voted in the negative, were—

Messrs. Alcorn, Blackburn, Gray, Hambleton,
Bryan, Jenkins, Johnson,
Clark, Jones, T. M.
Coffey, Kalfus,
Coleman, Lawless,
Crow, Maupin,
Coffey, McLarning,
Jenkins, McRery,
T. M. Nall,
Coffey, Noe,
Coffey, Penick,
Pogue,
Porter,
Richardson,
Smith,
Stewart,
Stitt,
Stone, B.
Wheeler,
Wickliffe
Wilkinson,
Winfrey,
Woosley—38.

Mr. Alcorn moved to re-commit said bill, as amended, to the committee on Ways and Means, with the following instructions, viz:—
To strike from said bill all the amendments thereto, and report the original bill back to the House.

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

And then the House adjourned.

TUESDAY, JANUARY 30, 1844.

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 appointment of an additional Magistrate to the county of Owen, and for other purposes.

An act to amend an act, entitled, an act to incorporate the Funk Seminary.

An act allowing additional Constables to Casey and Bath counties, with amendments to the two last.

That they had passed bills of the following titles, viz:

An act for the benefit of the widow and heirs of James Frazer, deceased.

An act to amend the law in relation to the appointment of Constables.

1. Mr. Wheeler presented the petition of Mrs. Ellen Frazer, of Pendleton county, praying the passage of a law authorizing her to invest certain funds in her hands, as guardian of her infant children, in lands and slaves.

2. Mr. Stitt presented the petition of the heirs of John and William Conway, deceased, praying the passage of a law authorizing the exchange and conveyance of certain lands.
3. Mr. Glenn presented the petition of John C. Andrews, guardian of the heirs of James P. Wimms, praying the passage of a law authorizing him to sell a slave belonging to his wards.

4. Mr. C. R. Thomson presented the petition of Lloyd K. Goodwin and John C. Alberti, praying the passage of a law regulating and defining the powers of the Lexington and Winchester turnpike road Company in relation to charging tolls to persons residing on and near said road.

5. Mr. Bowman presented the remonstrance of sundry citizens of Casey county, against being added to Boyle county.

6. Mr. Kavanaugh presented the petition of James P. Sparks, praying that additional compensation be allowed him as a Commissioner of Tax in the county of Anderson, for the year 1843.

Which petitions and remonstrance were received, the reading thereof dispensed with, and referred—the 1st, 2d and 3d to the committee for Courts of Justice; the 4th to the committee on Internal Improvement; the 5th to the committee on Propositions and Grievances, and the 6th to the committee on Claims.

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

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky, that the steamboat Shepherdess, went to the bottom in the Mississippi river, near St. Louis, on the night of the 4th of January, by which disaster more than forty persons lost their lives: and whereas, it is further represented, that while the boat was sinking, in the midst of a scene of the most agonizing distress and imminent danger, Robert B. M. Bullock, a native and citizen of Mason county, in this Commonwealth, manifested the most disinterested and magnificent heroism in devoting himself to the preservation of the helpless women and children on board, when every other male person had abandoned the cabin, going from state room to state room, and wherever he heard a cry of distress, rushing to the rescue of the miserable sufferer: therefore—

Resolved, That the Secretary of State be, and he is hereby directed to have prepared a suitable medal of gold to be presented to Robert B. M. Bullock, the heroic philanthropist, from the people of Kentucky.

Resolved, That the Governor be, and he is hereby, requested to transmit a copy of the above preamble and resolution to R. B. M. Bullock, at Maysville, in Mason county.

Mr. Chambers moved the following resolution, viz:

Resolved, That to day, and each day hereafter, during the present session, this House will take a recess from ½ past 1 o'clock, P. M. until 3 o'clock, P. M., at which time the House will again proceed to business.

Mr. Noe moved to lay said resolution on the table.

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

The yeas and nays being required thereon by Messrs. Chambers and Noe, were as follows, viz:
Those who voted in the affirmative, were—

<table>
<thead>
<tr>
<th>Mr. Speaker,</th>
<th>Gore,</th>
<th>Noe,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Messrs. Alcorn,</td>
<td>Groesbeck,</td>
<td>Oldham,</td>
</tr>
<tr>
<td>Allen,</td>
<td>Haskin,</td>
<td>Perick,</td>
</tr>
<tr>
<td>Bowman,</td>
<td>Heady,</td>
<td>Smith,</td>
</tr>
<tr>
<td>Bryan,</td>
<td>Hobson,</td>
<td>Stitt,</td>
</tr>
<tr>
<td>Campbell,</td>
<td>Jenkins,</td>
<td>Stone, B.</td>
</tr>
<tr>
<td>Clark,</td>
<td>Jones, T. M.</td>
<td>Tevis,</td>
</tr>
<tr>
<td>Collins,</td>
<td>Kallus,</td>
<td>Thomson, C. R.</td>
</tr>
<tr>
<td>Crow,</td>
<td>Lewis,</td>
<td>Thompson, H.</td>
</tr>
<tr>
<td>Cully,</td>
<td>Lowry,</td>
<td>Waddill,</td>
</tr>
<tr>
<td>Frazier,</td>
<td>Marshall,</td>
<td>Wickliffe,</td>
</tr>
<tr>
<td>Gardner,</td>
<td>McLearing,</td>
<td>Wilkenson,</td>
</tr>
<tr>
<td>Garrard,</td>
<td>McRery,</td>
<td>Woosley,</td>
</tr>
<tr>
<td>Given,</td>
<td>Milam,</td>
<td>Young—44.</td>
</tr>
</tbody>
</table>

Those who voted in the negative, were—

| Messrs. Blackburn, | Hoee, | Richardson, |
| Chambers, | Humphreys, | Rockhold, |
| Colley, | Johnson, | Stewart, |
| Dickey, | Kavanaugh, | Trumbo, |
| Fry, | King, | Tully, |
| Garnett, | Lawless, | Webb, |
| Gobble, | Maupin, | Wheeler, |
| Graves, | Payne, | Winfrey, |
| Gray, | Pogue, | Wooten, |
| Griffin, | Pope, | Wright, |
| Hambleton, | Porter, | Yocum—35. |
| Hogan, E. | Price, | |

On motion of Mr. Nall,

Resolved, That the committee on Internal Improvement be instructed to enquire into the propriety of releasing to the county of Ohio the stock owned by the State in the Hartford bridge, and that they report by bill otherwise.

Mr. Nall moved the following resolution, viz:

Resolved, That the board of Education be instructed to report to this House, in such form as will exhibit the amount of interest annually arising upon the funds set apart for Common School purposes, the amount to which each county would be entitled per annum, provided they had complied with the provisions of said law.

Which was adopted.

On motion of Mr. Smith,

Resolved, That the committee on Internal Improvement be instructed to enquire into the expediency of expending the unexpended balance of an appropriation of $40,000 heretofore made to the Wilderness turnpike road to the improvement of said road.
On the motion of Mr. Wickliffe,

Resolved, That the use of this hall be tendered to the Rev. J. McGill, a Catholic Priest of Louisville, on Sunday next, at 6 o'clock, P.M., for divine service.

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

On motion of Mr. Oldham—1. A bill for the benefit of the heirs of Thomas Burgen, deceased.

On motion of same—2. A bill to change the time of holding the County Court of Madison.

On motion of Mr. Chambers—3. A bill to amend the law in relation to Commissioners and Receivers in Chancery.

On motion of same—4. A bill to amend the law authorizing infants’ estates to be sold under decrees in chancery, on the petition of their guardians.

On motion of same—5. A bill to amend and reduce into one the several road laws of Mason county.

On motion of Mr. Hooe—6. A bill to amend the act regulating the sale of slaves under execution.

On motion of Mr. Haskin—7. A bill to regulate the terms of the Washington Circuit Court.

On motion of Mr. Wooten—8. A bill to allow Josiah Newman to import from the State of Tennessee, a slave.

On motion of Mr. Richardson—9. A bill for the benefit of John G. Denton.

On motion of same—10. A bill to regulate the weight of oats.

On motion of Mr. Frazier—11. A bill for the benefit of the counties of Morgan and Breathitt.

On motion of Mr. Campbell—12. A bill to regulate the fees of the Police Judge of the town of Paducah.


On motion of same—15. A bill to give Justices of the Peace concurrent jurisdiction in all cases in equity under fifty dollars.

On motion of Mr. Stitt—16. A bill to give an additional Justice of the Peace to Greene county.

On motion of Mr. Haydon—17. A bill for the benefit of the Sheriff of Owen county.

On motion of Mr. Smith—18. A bill to amend the laws regulating the management of the Wilderness turnpike road, and for other purposes.

On motion of same—19. A bill to amend the penal laws of this Commonwealth.
On motion of Mr. Payne—20. A bill to permit the County Court of Scott to receive and appropriate certain money.


On motion of same—22. A bill for the benefit of Physicians.

On motion of Mr. Glenn—23. A bill for the benefit of the Contractors on the Logan, Todd and Christian turnpike road.

On motion of Mr. Johnson—24. A bill requiring the Register of the Land Office to record all deeds in his office made to persons for lands, forfeited for taxes, when sold for the same.

On motion of Mr. Blackburn—25. A bill to add to the resources of the Common School Fund.


On motion of Mr. Rockhold—27. A bill to regulate the time of holding the several courts in the 15th Judicial District.

On motion of same—28. A bill to run and mark the line between the counties of Knox and Whitley.

On motion of Mr. Speed—29. A bill to incorporate the Louisville St. Cecelia Society.

On motion of same—30. A bill giving the Judge of the City Court of Louisville concurrent jurisdiction with the Judge of the Circuit Court, in cases of idiots and lunatics.

On motion of Mr. Young—31. A bill for the benefit of Elias Darnall, late Sheriff of Bourbon county.

On motion of same—32. A bill to provide for appeals from the Circuit Courts in certain criminal cases.

On motion of same—33. A bill so to amend the criminal laws as to make the seduction of a female a felony.

On motion of Mr. Trumbo—34. A bill for the benefit of America Oakley, an idiot.

On motion of Mr. Webb—35. A bill for the benefit of Joseph A. Graves, late Sheriff of Boone county.

On motion of Mr. Lawless—36. A bill to change the 8th and 18th Judicial district, and to establish a chancery term in the county of Barren.

On motion of Mr. Coleman—37. A bill for the benefit of the citizens of the town of Augusta, in Barren county.

On motion of same—38. A bill to amend the militia laws.

On motion of Mr. Waddill—39. A bill for the benefit of James Bishop.

On motion of Mr. T. M. Jones—40. A bill to modify an act, entitled, an act divorcing sundry persons, approved March 4, 1843.

On motion of Mr. Garrard—41. A bill to change the time of holding the Letcher County Court, and for other purposes.
On motion of same—42. A bill for the benefit of the Surveyor of Clay county, and for other purposes.

On motion of Mr. Clark—43. A bill to incorporate the Wharf Company, in the town of Eddyville, and for other purposes.

On motion of Mr. Crow—44. A bill to authorize Sheriffs, &c., to leave a copy of any subpoena at the house of the person so summoned.

On motion of same—45. A bill to authorize the County Court of Daviess to change any part of the State roads running through said county.

On motion of Mr. C. R. Thomson—46. A bill to regulate the allotment of hands to work on public roads in Fayette county.

On motion of Mr. Milam—47. A bill to establish a warehouse on the Kentucky river, near the mouth of Glenn's creek, in Franklin county.

Ordered, That Messrs. Oldham, Wright and Kavanaugh prepare and bring in the 1st; Messrs. Oldham, Gentry and Gray the 2d; the committee for Courts of Justice the 3d, 4th, 5th, 19th, 24th, 27th, 32d, 33d, 42d and 44th; Messrs. Chambers, Humphreys and Oldham the 5th; Messrs. Hone, Coffey and Groesbeck the 6th; the committee on Propositions and Grievances the 8th and 23d; Messrs. Richardson, Nall, Price and Hambleton the 9th; Messrs. Richardson, Cully, Price and Hambleton the 10th; the committee on Internal Improvement the 11th and 18th; Messrs. Campbell, Alcorn and T. M. Jones the 12th; Messrs. Campbell, Noe and Lewis the 13th; Messrs. Gore, Wickliffe, Redd and Kafus the 14th; Messrs. Gore, Wickliffe, Nall and Crow the 15th; Messrs. Stitt, Marshall and Allen the 16th; Messrs. Haydon, Penick and Hanna the 17th; Messrs. Payne, Jenkins and Hobson the 20th; Messrs. Noe, Campbell, Clark, Alcorn, Porter, Lewis, T. M. Jones and Gliehrst the 21st; the committee on Education the 22d and 25th; Messrs. Glenn, Ewing and Waddill the 23d; Messrs. Blackburn, Kavanaugh and Humphreys the 26th; Messrs. Speed, Young, Ewing and Wickliffe the 29th; Messrs. Speed, Ewing and Chambers the 30th; the committee on Ways and Means the 31st; the committee on Claims the 34th, 35th and 39th; Messrs. Lawless, Ewing, McLarning and Wooten the 36th; Messrs. Coleman, Chambers and Humphreys the 37th; the committee on Military Affairs the 38th; Messrs. T. M. Jones, Noe and Lewis the 40th; Messrs. Garrard, Smith and Goble the 41st; Messrs. Clark, Campbell and Noe the 43d; Messrs. Crow, Nall and Garnett the 45th; Messrs. C. R. Thomson, Redd, E. Hogan and Young the 46th, and Messrs. Milam, Trumbull and Blackburn the 47th.

Mr. Wickliffe, the messenger sent to the Senate to ask leave to withdraw the report of this House, announcing the passage of a bill providing for the purchase of Loughborough's Digest, returned said bill.

Whereupon, Mr. Chambers moved the following resolution, viz:
Resolved, That the Clerk of this House be, and he is hereby directed not to report the bill providing for the purchase of Loughborough’s Digest before the 10th day of June.

Mr. Hooe moved the following as a substitute for said resolution, which was accepted by Mr. Chambers, viz:

Resolved, That in the opinion of this House, the bill providing for the purchase of Loughborough’s Digest, should not at this time become a law, and that the Clerk of this House is hereby instructed not to report said bill to the Senate, unless hereafter directed, by a majority of this House.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


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

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on Friday, the 2d day of February next, proceed to the
Mr. Kalfus moved the following resolution, viz:

Resolved, That after the call of the counties shall have been gone through, this House will proceed to take up the revenue bill, and continue action thereon, from day to day, until said bill is finally disposed of; and thereafter, at 12 o'clock on each day, the House will take up the apportionment bill, and continue action thereon, until it is finally disposed of, in order to fix an early day of adjournment.

On motion, 

Ordered, That said resolution be laid on the table.

Mr. Trumbo moved the following resolution, viz:

Resolved, That the committee on Ways and Means be instructed to inquire into the expediency of imposing a revenue tax on each and every person who may hereafter be permitted to import slaves into this Commonwealth; and report by bill or otherwise.

On motion, 

Ordered, That said resolution be laid on the table.

Mr. Glenn, from the committee appointed to prepare and bring in the same, reported a bill to establish a State Bank, which was read the first time, as follows, viz:

WHEREAS, it is deemed expedient to establish a State Bank for the purpose of raising revenue to pay off the State debt, and thereby relieve the people from oppressive taxation: therefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a Bank shall be, and the same is hereby established, in the name and on behalf of the State of Kentucky, in the town of Frankfort, under the direction of a President and eight Directors, to be chosen by joint ballot of both houses of the General Assembly, who shall continue in office until the next stated session of the same, and until their successors, chosen in like manner, are appointed to act; and the said President and Directors shall appoint a Cashier and Clerk, and other persons necessary to aid in conducting the same; and they shall take from the said Cashier, annually, bond with sufficient security, in the penalty of not less than one hundred thousand dollars, payable to the Commonwealth of Kentucky, for his good behavior, and for the faithful discharge of the duties of his office.

Sec. 2. The President and Directors of the said Bank, elected in the manner aforesaid, and their successors in office, shall be, and are hereby made a corporation and body politic, in law and in fact, by the name and style of the President and Directors of the State Bank of Kentucky, and shall so continue until the first day of January one thousand eight hundred and sixty four; and by the name and style aforesaid, they shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain to themselves and their successors, lands, rents, tenements, hereditaments, goods and chattels, of what kind, nature or quality soever; and the same to sell, grant, alien, devise and dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place whatsoever; and also, make, have and
use a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish and put in execution, such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of the said corporation, not being contrary to the constitution or law hereby established, and generally to do and execute all and singular, such acts, matters and things which to them it shall and may appertain to do, subject nevertheless, to the rules, regulations, restrictions and provisions in this act.

Sec. 3. The whole capital stock of said Bank shall be exclusively the property of the State, and no individual or corporation shall be permitted to own or pay for any part of the capital of said Bank.

Sec. 4. That said President and Directors shall have power to issue notes, signed by the President and countersigned by the Cashier, not under the denomination of one dollar nor over one hundred dollars, on behalf of said corporation, for such sums and with such devices as they may deem most expedient and safe; they shall also be capable of exercising such other powers and authorities as may be necessary for the well governing and ordering the affairs of the said corporation, and of promoting its interest and credit.

Sec. 5. The capital stock of said Bank shall be three millions of dollars, to be raised and paid in the following manner, to-wit: The Governor shall sell, or cause to be sold, the State bonds or scrip, now held by the Board of Education, (amounting to nine hundred and seventeen thousand, five hundred dollars,) and shall issue bonds, payable in thirty years, for the full amount of interest due on the above, which is one hundred and fifty one thousand eight hundred and eighty dollars; the bonds so issued, shall bear an interest of five per cent. per annum, which bonds shall also be sold: Provided however, That none of said bonds shall be sold for less than their nominal amount, and the said Bank shall pay over, annually, to the Superintendent of Common Schools, the full amount of interest said bonds may draw, and the Superintendent shall receipt therefor, and pay it out to the School Commissioners of the different counties as heretofore. To raise the balance of the capital stock of said Bank, the Governor shall, with the advice and consent of the Senate, appoint some suitable person to negotiate a loan of one million nine hundred and thirty thousand six hundred and twenty dollars, at an interest not to exceed five per cent. per annum, payable semi-annually, at any place in the United States, to suit purchasers; the person so appointed shall, if necessary, pledge the stock owned by the State of Kentucky in the Bank of Kentucky, Northern Bank and Louisville Bank, together with the profits thereof, to meet the interest and pay the principal of said loan: Provided, That said loan shall not be for a shorter period than twenty years: Provided, further, That if the agent so appointed, can dispose of bonds upon better terms than he can obtain the loan, the Governor is hereby authorized to issue bonds to the full amount of the loan before mentioned; said bonds to be signed by himself and countersigned by the Secretary of State, and certified by the Treasurer, bearing an interest not exceeding five per cent. per annum, and payable at any time after twenty years, the interest payable at any place in the United States, to suit purchasers: Provided, Said bonds shall not be sold for less than their nominal amount; and the person so appointed, shall be fully authorized by the Governor, to sell and dispose of the one million ninety thousand three hundred and eighty dollars, it being the amount now due and belonging to the school fund, and the same bonds mentioned in the first part of this section.
Sect. 6. The Bank hereby established shall pay all moneys that may be required to meet interest that may become due on the bonds or loan mentioned in the fifth section of this act, and shall, at all times, redeem its notes in gold and silver.

Sect. 7. Be it further enacted, That if the Bank of Kentucky shall hereafter refuse to redeem its notes in gold and silver, the Attorney General for the State is hereby expressly directed, upon the application of the President and Directors of the State Bank, to cause to be issued a scire facias against said Bank, for a forfeiture of its charter; and if, upon the trial of the cause, which shall take place at the second term of the General Court, it shall be held that the said President, Directors and Company have forfeited their chartered privileges, the President of the State Bank shall receive from the Bank of Kentucky all sums that may be due to the State of Kentucky, the Board of Education or the Commissioners of the Sinking Fund, either for stock subscribed or purchased, or for dividends due; it shall be and is hereby declared the duty of the President of the State Bank, to demand of the Attorney General the suing out a scire facias, unless the President and Directors of the State Bank shall believe it is most prudent, in reference to the interest of the State, and the condition of the Bank of Kentucky, to agree upon terms by which the President, Directors and Company of the Bank of Kentucky, shall pay over to the President and Directors of the State Bank, all sums as aforesaid, to which the State is entitled; and on failure to pay, may institute suit and recover the same, in law or equity; and such payment, evidenced by the receipt of the President of the State Bank, shall be a full and complete discharge for the amount so received of the Bank of Kentucky; that the foregoing shall apply to the Northern Bank and the Bank of Louisville. The President and Directors of the State Bank may, subject to the confirmation of the succeeding Legislature, make terms with the Bank of Kentucky, the Northern Bank, and Bank of Louisville, for the withdrawal of the funds of the State, whether the charters be forfeited or not: Provided, That if the President and Directors of the State Bank shall make terms with the aforesaid Banks, then, and in that case, the President and Directors of the State Bank shall loan out said funds, and keep the principal and profits thereof sacred, as a pledge for the payment of the principal and interest of the loan mentioned in the fifth section of this act.

Sect. 8. Be it further enacted, That the notes taken by the Bank from individuals, which may remain unpaid, together with all the profits arising from the operations of the institution, except so far as may be necessary to defray the expenses thereof, shall be held as a fund hereby sacredly pledged for the redemption of the notes issued by said Bank, and the said profits shall not be used for any purpose, except so far as necessary to defray expenses, until they shall amount to the sum of five hundred thousand dollars, which sum shall then be considered as capital stock, and held as a safety fund for the redemption of the issues of said Bank. The remaining portion of the profits of said Bank shall be annually re-invested as capital stock, and loaned out.

Sect. 9. In case of the death, resignation, removal, or refusal to act, of the said President or either of the Directors, a majority of those remaining in office, shall fill up such vacancy; and the persons so appointed, shall hold their offices during the remainder of the term for which the President or Director so dying, resigning, removing or refusing to act, had to serve.
Sec. 10. None of the said officers shall become security, or be bound for any debt contracted for on behalf of said Bank, except his or their own accommodation; and each and every officer concerned in said Bank, shall, before he enters on the duties of his said office, take the following oath before some Circuit Judge, or Justice of the Peace: I, A B, do solemnly swear, that I will faithfully discharge the duties assigned me, according to the best of my skill and abilities, and that I will not directly or indirectly, for myself or others, loan the funds of said Bank at a greater interest than is allowed by law, during my continuance in office: so help me God.

Sec. 11. That said Bank shall be a place of deposit for all the public monies received by the Treasurer of State, and other public officers: it may receive money on deposit from individuals and corporations, on such terms as may be agreed upon; discount bills of exchange, current money, and notes with two or more good securities, who shall be jointly and severally bound, at a rate of interest not exceeding one per cent. for sixty days: the Directors, for the time being, shall always give the preference, in loans, to persons satisfying them that such loan is intended to pay existing debt or debts, for the purchase of stock or produce: and the said President and Directors shall not call in more than one tenth of each loan, at the time the same shall become due, without giving sixty days notice; and all and every person failing to make payment on the amount of his loan, and the advance interest on the remainder, at the expiration of each one hundred and twenty days, shall be deprived of future credit in said Bank, and shall be liable to suit, immediately, for the sum due.

Sec. 12. The total amount of debts which said Bank shall at any time owe, whether by bond, bill, note or contract, shall not exceed double the amount of capital; and in case of excess, the Directors, under whose administration it shall happen, shall be liable for the same in their individual capacities, except those who were absent at the time, or entered their protest against the same, on record; and an action of debt may, in such cases, be brought against them, or any of them, their heirs, executors or administrators, in any court in this State having jurisdiction, by any creditor or creditors of said corporation, and may be prosecuted to judgment and execution.

Sec. 13. Five Directors shall constitute a Board to do business, of whom the President shall be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other Director who may be present, chosen by the Board, or a majority of them.

Sec. 14. It shall be the duty of the President and Directors of said Bank, to make such arrangements and regulations as will secure to the citizens of each county in the State, a just proportion of the loans aforesaid; which proportion shall be ascertained agreeable to the population of each county, to be ascertained by the number of voters in each county as returned by the tax books for the year one thousand eight hundred and forty three; and when any payment shall be made into the Bank hereby established, it shall be the duty of the President and Directors thereof, so to conduct the proceedings as not to re-loan to the citizens of any other county: but the sum or sums thus paid in, may, from time to time, be re-loaned to the citizens of the same county, so long as may be consistent with the interest and safety of the Institution hereby established. And with a view to carry this section into effect, the principal Bank and branches may appoint agents in each
county, whose duty it shall be to cause to be executed, in his presence, all
notes to be given by principal and security to said Bank, and to receive the
calls and discounts, and safely convey them to the Bank or Branch in the
district where such agent shall reside; and upon making such appointment,
and security shall be executed in the County Court where such agent
may reside, in the penalty of twenty-five thousand dollars, and payable to the
Commonwealth of Kentucky, and conditioned for the payment to the Presi­
dent and Directors of the State Bank or branch in the district where said
agent may reside, of all such sums as may come to his hands by virtue of
said appointment: the form of all such bonds to be prescribed by the Pre­
sident and Directors of the principal Bank; and for breach thereof, suit may
be instituted in any court having jurisdiction; and said President and Di­
rectors shall make to such agent, such compensation as may be just and rea­
sable, either by the payment of money, or the loan of money without in­
terest, not to exceed the amount herein prescribed; and the said President
and Directors shall not receive, in discharge of loans made by them, any
thing but the notes hereby created, specie, or the notes of specie paying
Banks in Kentucky.

Sec. 15. No person who may be a President or Director of any other
Bank, shall be eligible to the office of President or Director of the Bank
hereby created.

Sec. 16. It shall be the duty of said Bank to cause an accurate and detail­
ed report of their proceedings and situation to be made to each session of
the General Assembly, and during the first week thereof, setting forth in
said report the residence of persons borrowing money, the amount borrow­
ed, and the manner in which the same is secured.

Sec. 17. The President of said Bank shall be allowed, out of the money
of said Bank, the sum of ——— per annum, and the Cashier the sum of
———; and the President and Directors shall make such allowance to
the Clerk, and others in their employ, as they may think right, not to ex­
ceed ———; the expenses of the principal Bank, and each Branch, sepa­
rately, and all officers' salaries, shall be reported to the Legislature, in the
first annual report. The Directors of the principal Bank and Branches,
may be compensated for their services by a loan of money, not exceeding
half the amount of loans fixed to individuals, without the payment of inter­
est during their continuance in office; but for each failure to attend the
Board of Directors, at its stated or regular meetings, unless for some un­
avoidable reason, such delinquent Director shall be charged with the sum of
one dollar, to be noted by the Cashier, and collected with the debt. And,
upon any Director's going out of office, his death, resignation or refusal to
act, such Director, his or their executor or administrator, shall pay interest
on the sum then due, as other debtors. Directors appointed out of the
county where the Branch is located, shall not be required to attend, except
on days when notes may be presented for discount or renewal, from the citi­
zens of the county where such Director resides. The officers of the Bank
shall not be the security of each other, or for individuals, in notes presented
for loans, or bills of exchange.

Sec. 18. The President and Directors shall keep fair and legible entries,
in a book or books to be kept for that purpose,) of their proceedings; and
on any question where two Directors shall require it, the yeas and nays of
the Directors shall be duly inserted on the minutes, and those minutes to be
at all times, on demand, produced to the Legislature, or any committee thereof who may be legally authorized to receive the same.

Sec. 19. The Sheriffs and other collectors of the revenue tax and levies, shall receive the notes of the State Bank, or any other specie paying Bank in this Commonwealth. All officers or creditors of the State, or several counties, who are, or may hereafter be entitled to draw their salaries or demands from the Public Treasury, or county levy, shall receive the sums to which they are entitled, in the paper of the Bank hereby established; and any officer of the State, who shall either directly or indirectly purchase the notes of the State Bank at a discount, shall be subject to a fine of five hundred dollars, to be recovered by indictment in any court of record having jurisdiction of the cause, one fourth of which shall go to the informer, the balance to the principal Bank or Branch most convenient to the place where the offence was committed; and said officer shall, moreover, be dismissed from office by the person from whom he received his appointment; and the Judges of the Circuit Courts shall give such offence in charge to the Grand Jury.

Sec. 20. It shall be in the power of the President and Directors of the principal Bank, to withdraw any branch, at any time when its concerns may be mismanaged or the profits thereof may not be sufficient to defray expenses; Provided however, The causes of such withdrawal shall be reported to the succeeding General Assembly.

Sec. 21. The bills or notes, under the seal of said corporation, which may be made to any person or persons, shall be assignable, by endorsement thereon, under the hand or hands of such person or persons, of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof, in each and every assignee or assignees, to bring and maintain actions thereupon, in his, her or thei! own name or names; and bills or notes which may be issued, by order of the said corporation, signed by the President and countersigned by the Cashier, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of said corporation, shall be binding and obligatory upon the same, in the like manner, and with the like force and effect as foreign bills of exchange now are; and those which are or shall be payable to bearer, shall be negotiable and payable by delivery only.

Sec. 22. No President, Director, Officer or Servant of the said Bank, shall be concerned, either directly or indirectly, in the practice of advancing or loaning out the funds of the Institution, at an illegal rate of interest, whether the same be done or effected under the form or color of a purchase or exchange of notes, acceptances or due bills, checks on Banks, acknowledgments, or any other way or manner whatsoever; and all and every such President, Director, Officer, Clerk or Servant of said Bank, who shall be concerned as aforesaid, in any such practices, shall forfeit and pay, for each offence, one thousand dollars, to be recovered by an action of debt, in any court of record having jurisdiction of the offence, one fourth to the informer, the balance to the use of the State.
SEC. 3. No loan shall be made by said Bank, to any corporation, Government or State, except the Commonwealth of Kentucky, nor to any person or persons residing in any other Government, State or Territory.

SEC. 4. The President and Directors of the principal Bank, shall prescribe the form of the notes to be executed by persons borrowing money of said Bank or the branches thereof; and whenever a loan may be made to any person or persons, the person whose name is first subscribed to the note of hand, shall have the right to control the amount loaned, by his check or otherwise, and the note so executed may be put in suit by said Bank, at any time they may think proper, after they become due; and all such notes of hand shall be debts of superior dignity, and shall be paid first by executors and administrators.

SEC. 5. The President and Directors of the principal Bank, shall cause to be engraved and printed, notes with a view to circulation, as soon as may be after the passage of this act; and the Auditor of Public Accounts is hereby directed to issue his warrant in favor of the President of said Bank, upon the Treasurer, for a sum not exceeding to defray the expenses in having the notes engraved: that so soon as three hundred thousand dollars of capital shall have been received in the manner prescribed in the fifth section of this act, the President and Directors shall notify the Governor of the same, and on such appearing to be the fact, he shall issue his proclamation that the amount hereby required to be paid in as stock, has been received, and the said Bank is authorized to commence operations as a banking Institution, and from and after the first proclamation, it shall be lawful for said Bank to commence business: that so soon as one million of dollars shall have been received, the President and Directors shall establish two branches of said Bank, one on the north and the other on the south side of Green river; and that so soon as two millions of dollars shall have been received, the President and Directors shall establish two other branches, as aforesaid, and in like manner, when the third million is received; said branches to be established at points where they will be most profitable to the State, and most convenient to the different sections of country where situated: after the location of any branch or branches, it shall be the duty of the President and Directors of the principal Bank, to appoint six Directors, three of whom shall reside in the county where the branch is located: the Directors so appointed, shall, upon acceptance, take an oath before a Justice of the Peace, well and truly, faithfully and impartially, to execute the duties of Director of said Branch Bank: after taking such oath, said Directors shall elect a President, the President and Directors shall then proceed to elect a Cashier, Clerk, and other necessary officers, for the conduction of said branch. The President and Directors of the principal Bank shall allow to the officers of the branches adequate salaries for the first year, and report to the next Legislature the amount allowed, at which time the General Assembly shall set fixed salaries for the officers of said branches: the President and Directors of the principal Bank may, if they deem it expedient, appoint an agent in each county: each Director may be appointed an agent; and each agent shall be a Director; and upon accepting his office, shall execute, in the County Court, a bond to the President and Directors of the State Bank in the penalty of twenty five thousand dollars, conditioned faithfully to discharge all moneys which may be placed in his hands to be loaned, and all that may be paid over to him to be paid into said Bank. The Directors appoint-
ed by the principal Bank, shall hold their offices until, for good cause, the President and Directors of the principal Bank, or the Legislature, may deem it necessary to appoint others or vacate the offices: the President and Directors of the several branches shall conform to all the by-laws prescribed by the President and Directors of the principal Bank; it shall be the duty of each Branch Bank, to transmit to the President and Directors of the principal Bank, at the end of each sixty days, the names and amount of each debtor, his or her security or securities, and shall, on or before the first day of December, in each year, report the expenses and profits of their respective branches, exhibiting each item of expense, verified by the oath of the Cashier. It shall, in like manner, be the duty of the President and Directors of the principal Bank, to report to the General Assembly the profits and expenses of the principal Bank and each branch, and at all times have the bill of items ready to be exhibited to any committee that may be appointed by each branch of the General Assembly; each branch Bank shall be furnished with at least two hundred thousand dollars of capital stock.

Sec. 26. If any officers of the principal Bank or either of the branches, shall be guilty of embezzling, purloining or reserving any of the funds of said Bank or branches, for their own private purposes, or shall make, or cause to be made, any false entries, in any of the books of said Bank or branches, or shall defraud or attempt to defraud the said Bank or either of the branches, in any way whatever, such person or persons shall be held and deemed a felon, and may be indicted by a Grand Jury, in the county where the same accrued; and if convicted, shall be sentenced to undergo confinement in the jail and penitentiary house, for a term not to exceed ten nor less than five years.

Sec. 27. Be it further enacted, That the President and Directors of the State Bank, shall be, and they are hereby constituted Commissioners of the Sinking Fund, and the financial agents for and on behalf of the State of Kentucky, to receive from the Treasurer, on the warrant of the Auditor, all sums of money arising from any source, which is now, or may hereafter be set apart as resources of the Sinking Fund, to be used as other capital, taking care to be provided, at all times, with funds to pay the interest on Internal Improvement bonds, in the manner prescribed by law. They shall disburse all sums due to persons holding bonds of the State, issued for Internal Improvement or other purposes, and shall, whenever necessary, advance money for the State, free of interest or charge; they shall have the power to buy and sell bills of exchange, to command Eastern funds, with a view to discharge the various demands on the Sinking Fund.

Sec. 28. Be it further enacted, That the President and Directors of said Bank shall pay, semi-annually, to the President of the Kentucky Institution for the Education of the Blind, the sum of dollars, which sum shall be used by him to further advance the interest of said Institution, and promote the happiness of its pupils.

Mr. Chambers moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill be read a second time? and it was decided in the negative, and so said bill was rejected.
The yeas and nays being required thereon by Messrs. Campbell and Chambers, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Blackburn, from the select committee to whom was referred the petition of Ernst Herringen, in relation to milk sickness, made the following report, viz:

The select committee, to whom was referred the petition of Ernst Herringen, who professes to have discovered the true cause of milk sickness, have had the same under consideration, and after a careful and thorough investigation of all the points set forth, beg leave to report that they believe them to be neither new nor satisfactory: some of the statements, if corroborated by satisfactory experiments would certainly go to strengthen the theory as set forth; but the committee being deprived of the materials necessary to the performance of such experiments, beg leave to be discharged from the further consideration of the subject, with an earnest wish that Dr. Herringen will continue his investigation of this intricate and fatal malady, and that success may ultimately crown his efforts.

LUKE P. BLACKBURN, C. S. C.
Mr. Glenn, from the committee who were appointed to prepare and bring in the same, reported a bill for the benefit of mechanics and others, 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.

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

My Mr. Oldham—1. A bill to amend the several acts against unlawful games.

By Mr. Campbell—2. A bill to prevent usury.

By Mr. Chambers—3. A bill to legalize the acts of Athelstan Owens, as Deputy Clerk of Mason county.

By Mr. Wooten—4. A bill for the benefit of Peter Stevens.

By Mr. Richardson—5. A bill for the benefit of the Sheriff of Meade county.

By same—6. A bill to reduce the salaries of various officers of this Commonwealth.

By Mr. Campbell—7. A bill to amend the charter of the Paducah Dry Dock, and for other purposes.

By same—8. A bill to attach the Tennessee Island, opposite Paducah, to McCracken county.

By Mr. Wickliffe—9. A bill to regulate the working of roads, and sitting of the County Court of Nelson county.

By same—10. A bill for the benefit of the heirs of aliens, and others, who may die in this State.

By Mr. Wheeler—11. A bill to repeal an act, approved January 21, 1839, appointing a Treasurer in the county of Pendleton.

By Mr. Smith—12. A bill for the benefit of the Rockcastle Seminary, and for other purposes.

By same—13. A bill to amend the laws regulating the management of the Wilderness road, and Madison Fork.


By same—15. A bill to improve the state road leading from Frankfort to the Georgetown and Covington turnpike road, in Scott county.

By Mr. Garnett—16. A bill for the benefit of Preston Owens, a Justice of the Peace for Shelby county.

By Mr. Glenn—17. A bill for the benefit of H. L. Atkins.

By same—18. A bill further to protect the rights of females.


By same—20. A bill to establish a warehouse in Warren county.
By Mr. Yocum—21. A bill to establish a Constable’s district for the town of Maxville, in Washington county.

By Mr. Pope—22. A bill authorizing the County Court of Allen county to appoint overseers on the road called the Turnpike road.

By Mr. Lawless—23. A bill to explain and define the law regulating equitable proceedings before Justices of the Peace.

By Mr. Garrard—24. A bill to incorporate the town of Manchester, in Clay county.

By Mr. Winfrey—25. A bill for the benefit of Richard C. Taylor, late Sheriff of Cumberland county.

By Mr. Crow—26. A bill for the benefit of the Clerks, Sheriffs and Constables of this Commonwealth.

By Mr. C. R. Thomson—27. A bill to incorporate the Lexington Theatre Company.

By Mr. Milam—28. A bill to improve the Capitol square.

By same—29. A bill to reduce the number of Justices of the Peace in Franklin county.

By same—30. A bill to amend an act, entitled, an act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes, approved February 16, 1839.

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, 10th, 18th, 19th, 23d, 26th, 29th and 30th were referred to the committee for Courts of Justice; the 3d, 7th, 8th, 9th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 20th, 21st, 22d, 24th, 25th and 27th were severally ordered to be engrossed and read a third time; the 4th and 5th were referred to the committee on Ways and Means; the 6th to the committee on Claims, and the 28th to the committee on Public Offices.

The rule of the House, constitutional provision and third reading of the 3d, 7th, 8th, 9th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 20th, 21st, 23d, 24th, 25th and 27th bills having been dispensed with, and the same being engrossed,

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

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

An act to amend an act, entitled, an act concerning the estate of Daniel Riley, deceased.

An act to amend the penal laws.

That they had passed bills of the following titles, viz:

An act to repeal a portion of the act establishing the county of Estill.

An act for the benefit of the widow and heirs of James W. Buchanan, deceased.

An act for the benefit of Eliza A. Roman.

An act to change the place of voting in Bracken county, and for other purposes.

With amendments to the last.

That they had passed bills of the following titles, viz:

An act for the benefit of William Salyers, of Mercer county.

An act to modify an act, entitled, an act to invest the Craddock fund.

An act to legalize the proceedings of the Johnson County Court in the appointment of an administrator of the estate of George W. Mays, deceased.

An act to amend the charter of the Owingsville and Big Sandy turnpike road company.

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

1. Mr. Haskin presented the petition of sundry citizens of the town of Danville, praying an extension of its limits, and power to increase the amount of its tax.

2. Mr. Graves presented the petition of the Kentucky and Louisville Mutual Insurance Company, praying an amendment to their charter.

3. Mr. Martin presented the petition of sundry citizens of Morgan county, praying to be added to Johnson.

4. Also, the petition of sundry citizens of the county of Lawrence, praying to be added to the county of Johnson.

5. Mr. Groesbeck presented the petition of C. A. McLaughlin and others, of Kenton county, praying the passage of a law authorizing the sale of certain lands belonging to the heirs of E. P. Ball, deceased.

6. Also, the petition of sundry citizens of Gallatin county, praying the passage of a law to establish the Commercial and Agricultural Bank of Kentucky, at Covington.

7. Mr. Hobson presented the petition of sundry citizens of the town of Bowling green, praying the passage of a law in relation to said town.
8. Mr. Hanna presented the petition of William Haydon, praying to be divorced from his wife, Lucinda Haydon.

9. Also, the petition of sundry citizens of the town of Ghent, in Carroll county, praying that an additional Constable be allowed to reside in said town.

Which petitions were severally received, the reading thereof dispensed with—and referred: the 1st, 3rd, 4th and 7th to the Committee on Propositions and Grievances; the 2nd, 5th and 9th to the Committee for Courts of Justice; the 6th to Messrs. Groesbeck, Graves, Young and Coffey, and the 8th to the committee on Religion.

On motion of Mr. Goble,

Ordered, That the committee on Claims be discharged from the further consideration of the petition of John Colvin, and that the same be referred to the committee on Internal Improvement.

The Speaker laid before the House an amendment to the standing rule.

Ordered, That the same be referred to Messrs. Graves, Chambers, C. R. Thomson and Coffey.

On motion of Mr. Lewis,

Ordered, That the committee on Internal Improvement be discharged from the further consideration of the petition of sundry citizens of Hickman county, in relation to a State road, and that the same be referred to Messrs. Lewis, Campbell and T. M. Jones.

The Speaker laid before the House the response of the Superintendent of Public Instruction to a resolution of the House of yesterday, which is as follows, viz:

In compliance with a resolution of the House of Representatives, calling upon the Board of Education for a statement of the amount of interest annually arising from the School Fund—as well as the proportion to which each county in the State is entitled, the undersigned, members of the said Board, beg leave to make the following report:

The amount of interest annually accruing upon the School Fund, (independent of the seven hundred and thirty five shares of Bank Stock, the dividends on which are appropriated for the benefit of the School in Louisville for the Education of the Blind,) is $46,550.00
This amount, when distributed among the counties of the Commonwealth, will stand thus, viz:

<table>
<thead>
<tr>
<th>County</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adair</td>
<td>$472 20</td>
</tr>
<tr>
<td>Allen</td>
<td>388 50</td>
</tr>
<tr>
<td>Anderson</td>
<td>400 50</td>
</tr>
<tr>
<td>Boyle</td>
<td>375 30</td>
</tr>
<tr>
<td>Bracken</td>
<td>430 80</td>
</tr>
<tr>
<td>Bellott</td>
<td>416 10</td>
</tr>
<tr>
<td>Bourbon</td>
<td>452 70</td>
</tr>
<tr>
<td>Bourbon</td>
<td>950 10</td>
</tr>
<tr>
<td>Bourbon</td>
<td>601 30</td>
</tr>
<tr>
<td>Braxton</td>
<td>525 00</td>
</tr>
<tr>
<td>Bath</td>
<td>696 10</td>
</tr>
<tr>
<td>Ballard</td>
<td>263 50</td>
</tr>
<tr>
<td>Butler</td>
<td>316 50</td>
</tr>
<tr>
<td>Campbell</td>
<td>445 50</td>
</tr>
<tr>
<td>Caldwell</td>
<td>661 20</td>
</tr>
<tr>
<td>Christian</td>
<td>710 10</td>
</tr>
<tr>
<td>Clark</td>
<td>592 00</td>
</tr>
<tr>
<td>Carroll</td>
<td>304 50</td>
</tr>
<tr>
<td>Casey</td>
<td>367 10</td>
</tr>
<tr>
<td>Clinton</td>
<td>330 90</td>
</tr>
<tr>
<td>Cumberland</td>
<td>329 70</td>
</tr>
<tr>
<td>Crittenden</td>
<td>307 20</td>
</tr>
<tr>
<td>Crittenden</td>
<td>463 50</td>
</tr>
<tr>
<td>Clay</td>
<td>381 60</td>
</tr>
<tr>
<td>Daviess</td>
<td>551 80</td>
</tr>
<tr>
<td>Edmonson</td>
<td>374 20</td>
</tr>
<tr>
<td>Elliott</td>
<td>372 60</td>
</tr>
<tr>
<td>Franklin</td>
<td>513 90</td>
</tr>
<tr>
<td>Fayette</td>
<td>429 60</td>
</tr>
<tr>
<td>City of Covington</td>
<td>222 40</td>
</tr>
<tr>
<td>Ford</td>
<td>175 50</td>
</tr>
<tr>
<td>Fleming</td>
<td>263 60</td>
</tr>
<tr>
<td>Gallatin</td>
<td>257 30</td>
</tr>
<tr>
<td>Graves</td>
<td>672 90</td>
</tr>
<tr>
<td>Greenup</td>
<td>366 90</td>
</tr>
<tr>
<td>Grant</td>
<td>373 90</td>
</tr>
<tr>
<td>Grayson</td>
<td>409 30</td>
</tr>
<tr>
<td>Garrard</td>
<td>589 50</td>
</tr>
<tr>
<td>Greene</td>
<td>974 40</td>
</tr>
<tr>
<td>Hopkins</td>
<td>717 00</td>
</tr>
<tr>
<td>Jessup</td>
<td>483 50</td>
</tr>
<tr>
<td>Johnson</td>
<td>165 00</td>
</tr>
<tr>
<td>Henry</td>
<td>650 40</td>
</tr>
<tr>
<td>Harlan</td>
<td>280 80</td>
</tr>
<tr>
<td>Holt</td>
<td>498 30</td>
</tr>
<tr>
<td>Harlan</td>
<td>735 30</td>
</tr>
<tr>
<td>Hickman</td>
<td>505 20</td>
</tr>
<tr>
<td>Jefferson</td>
<td>371 80</td>
</tr>
<tr>
<td>City of Louisville</td>
<td>$1,000 00</td>
</tr>
<tr>
<td>Jessamine</td>
<td>469 30</td>
</tr>
<tr>
<td>Kenton</td>
<td>345 00</td>
</tr>
<tr>
<td>City of Covington</td>
<td>165 00</td>
</tr>
<tr>
<td>Knox</td>
<td>417 30</td>
</tr>
<tr>
<td>Laurel</td>
<td>238 80</td>
</tr>
<tr>
<td>Letcher</td>
<td>120 30</td>
</tr>
<tr>
<td>Lincoln</td>
<td>515 40</td>
</tr>
<tr>
<td>Lewis</td>
<td>548 70</td>
</tr>
<tr>
<td>Lawrence</td>
<td>482 10</td>
</tr>
<tr>
<td>Logan</td>
<td>630 00</td>
</tr>
<tr>
<td>Madison</td>
<td>840 30</td>
</tr>
<tr>
<td>Maysville</td>
<td>537 00</td>
</tr>
<tr>
<td>Mercer</td>
<td>663 20</td>
</tr>
<tr>
<td>Marion</td>
<td>627 20</td>
</tr>
<tr>
<td>Marshall</td>
<td>363 30</td>
</tr>
<tr>
<td>McCracken</td>
<td>249 30</td>
</tr>
<tr>
<td>Meade</td>
<td>337 20</td>
</tr>
<tr>
<td>Monroe</td>
<td>516 30</td>
</tr>
<tr>
<td>Morgan</td>
<td>301 50</td>
</tr>
<tr>
<td>Mason</td>
<td>559 50</td>
</tr>
<tr>
<td>City of Maysville</td>
<td>352 30</td>
</tr>
<tr>
<td>Nicholas</td>
<td>615 00</td>
</tr>
<tr>
<td>Nelson</td>
<td>616 00</td>
</tr>
<tr>
<td>Owen</td>
<td>592 30</td>
</tr>
<tr>
<td>Oldham</td>
<td>357 30</td>
</tr>
<tr>
<td>Ohio</td>
<td>519 70</td>
</tr>
<tr>
<td>Perry</td>
<td>195 30</td>
</tr>
<tr>
<td>Pulaski</td>
<td>841 40</td>
</tr>
<tr>
<td>Pike</td>
<td>283 20</td>
</tr>
<tr>
<td>Pendleton</td>
<td>334 20</td>
</tr>
<tr>
<td>Rockcastle</td>
<td>348 60</td>
</tr>
<tr>
<td>Russell</td>
<td>349 50</td>
</tr>
<tr>
<td>Simpson</td>
<td>406 50</td>
</tr>
<tr>
<td>Shelby</td>
<td>732 69</td>
</tr>
<tr>
<td>Scott</td>
<td>594 50</td>
</tr>
<tr>
<td>Spencer</td>
<td>363 00</td>
</tr>
<tr>
<td>Todd</td>
<td>543 00</td>
</tr>
<tr>
<td>Trigg</td>
<td>456 30</td>
</tr>
<tr>
<td>Trimble</td>
<td>230 60</td>
</tr>
<tr>
<td>Union</td>
<td>351 60</td>
</tr>
<tr>
<td>Woodford</td>
<td>375 30</td>
</tr>
<tr>
<td>Wayne</td>
<td>550 10</td>
</tr>
<tr>
<td>Warren</td>
<td>755 40</td>
</tr>
<tr>
<td>Whitley</td>
<td>387 30</td>
</tr>
<tr>
<td>Washington</td>
<td>611 40</td>
</tr>
</tbody>
</table>

The fraction of a cent is not calculated in the above sums. Thirty cents per child is made the apportionment, instead of twenty nine and nearly three fourths. All of which is respectfully submitted.

R. T. Dillard, P. B. E.
J. Harlan, Sec'y. of State.

January 31, 1844.

Ordered, That the Public Printer forthwith print 150 copies of said response for the use of the members of the General Assembly.
Leave was given to bring in the following bills, viz:

On motion of Mr. O. P. Hogan—1. A bill for the benefit of John Thomas, of the county of Grant.

On motion of Mr. Cully—2. A bill for the benefit of Joseph Larue.

On motion of Mr. Lewis—3. A bill to incorporate the town of Blanville, in Ballard county.


On motion of Mr. Holloway—5. A bill for the benefit of Ann Porter.

On motion of Mr. Stewart—6. A bill to amend the law relating to the duties and liabilities of Constables.

On motion of Mr. Hobbs—7. A bill to amend the law regulating the disposition of Militia fines in the City of Louisville and Jefferson county.

On motion of Mr. Groesbeck—8. A bill to partition the seminary lands belonging to Campbell county, and to appropriate them equally between Campbell and Kenton counties.

On motion of same—9. A bill to incorporate the Covington Hotel Company.

On motion of same—10. A bill to repeal the 2d section of an act, entitled, an act to amend the act incorporating the town of Independence, approved March 11, 1843.

On motion of same—11. A bill to authorize Albert M. Carlisle to dispose of a tract of land belonging to his son, an infant.

On motion of Mr. Pogue—12. A bill for the benefit of the Sheriff of Harlan county.

On motion of Mr. Goble—13. A bill for the benefit of David Gusten, of Lawrence county.


On motion of same—15. A bill for the benefit of the citizens of Lawrence county.

On motion of same—16. A bill to give further time to the Sheriff of Pike county to return his delinquent list.

On motion of Mr. Given—17. A bill to allow the county of Lewis one additional Justice of the Peace.

Ordered, That the committee on Ways and Means prepare and bring in the 1st, 12th and 16th; Messrs. Cully, Richardson and Winfrey the 2d; Messrs. Lewis, Campbell and T. M. Jones the 3d; the committee on Internal Improvement the 4th; Messrs. Holloway, Lewis and Crow the 5th; the committee for Courts of Justice the 6th, 9th, 11th, 14th and 15th; Messrs. Hobbs, Graves, Speed and D. E. Jones the 7th; the committee on Education the 8th; Messrs. Groesbeck, Webb and Coffey the 10th; the committee on Claims the 13th, and Messrs. Given, Yocum and Lowry the 17th.
Mr. Fry, from the committee on Enrollments, reported that the committee had examined enrolled bills from the Senate, of the following titles, viz:

An act for the benefit of the town of Brandenburg.
An act to establish the county line between the counties of Hopkins and Christian.
An act for the benefit of the devisees of Carter Tadlock, deceased.
An act for the benefit of George Morris.
An act to allow an additional Justice of the Peace in the county of Kenton.
An act to allow an additional Constable to the county of Hardin, and for other purposes.
An act for the benefit of the Methodist Episcopal Church, in Richmond.
An act to appropriate the vacant lands in Carter county to the erection of the public buildings in said county.
An act for the benefit of Willis S. Allen.

And enrolled bills which originated in this House, of the following titles, viz:

An act to authorize Henry Gale, administrator of John Gale, and Ann E. Gale, guardian, to convey part of lot No. 64, in Morganfield, to P. C. Holt.
An act to incorporate the town of Minerva, in the county of Mason.
An act fixing the place of holding courts in Owsley county, and for other purposes.
An act to authorize Letitia J. Herbst to convey her claim of dower in the estate of George Herbst, a bankrupt.

And had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.

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

By Mr. Martin—1. A bill to establish an additional precinct in Pike county.

By Mr. Wilkenson—2. A bill to repeal the law allowing a Magistrate and Constable to Graves county, approved February 16, 1841.

By Mr. Collins—3. A bill to establish the nineteenth Judicial District.

By Mr. Marshall—4. A bill extending the limits of the town of Campbellsville.

By same—5. A bill to allow an additional Justice of the Peace in Greene county.

By Mr. Cully—6. A bill to regulate ferries on Salt river.
By Mr. Lewis—7. A bill to authorize the establishment of a public warehouse at the landing of Henry Wright, in Hickman county.

By Mr. Stewart—8. A bill allowing an additional Justice of the Peace in Henry county.

By Mr. Hobb's—9. A bill to authorize the County Court of Jefferson to lay their county levy at their October, November or December term.

By Mr. Grosebeck—10. A bill limiting the time of voting at the Piner precinct, in Kenton county, to one day.

By Mr. Wright—11. A bill more effectually to regulate civil proceedings.

By Mr. Alcorn—12. A bill to modify the law regulating the collection of the public revenue.

By the committee on Ways and Means—13. A bill for the benefit of the Sheriff of Bath county.

By same—14. A bill for the relief of the Sheriff of Whitley county, and for other purposes.

By same—15. A bill for the benefit of Jacob Phipps and Charles Harnons.

By same—16. A bill for the benefit of James Scrivner.

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, 5th, 6th, 7th, 8th, 9th, 10th, 13th, 14th, 15th and 16th were severally ordered to be engrossed and read a third; the 3d and 11th were referred to the committee for Courts of Justice, and the 12th 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, 13th, 14, 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 before said.

The yeas and nays being required on the passage of the 16th bill by Messrs. Wheeler and Dickey, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,        Hasty,        Null,
Messrs. Bryan,      Hobson,       Nee,
Chambers,          Hogan, E.      Oldham,
Clark,             Hogan, O. P.    Payne,
Coleman,           Humphreys,     Pogue,
Collins,           Jones, D. E.    Rockhold,
Cox,               Jones, T. M.    Speed,
Crow,              Kallus,        Sitt,
Pry,               Kavanaugh,    Stone, B.
Garrard,           King,          Thomson, C. R.
Given,             Lawless,       Thompson, H.
Glenn,             Lewis,
Mr. Kavanaugh, from the select committee to whom was referred a bill to amend an act authorizing an Inspection of Tobacco in this Commonwealth, reported said bill with an amendment, as a substitute, which was adopted.

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 amended to read as follows: "an act to amend the inspection laws."

Mr. Allen moved a reconsideration of the vote concurring in the resolution of the committee on Propositions and Grievances rejecting the petition of sundry citizens of Caldwell county, praying for a division of said county.

Mr. Johnson moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the vote be reconsidered? and it was decided in the affirmative.

The yea and nays being required thereon by Messrs. Nall and Crow, were as follows, viz:

Those who voted in the affirmative, were—

Those who voted in the negative, were—

Messrs. Alcorn, Chambers, Collins, Crow, Dickey, Fry, Gore, Hambleton, Hobbs, Hobson,

Hogan, E., Holloway, Humphreys, Jones, D. E., Kalfus, King, Lewis, Lowry, Martin,


Mr. Young then moved the following resolution, viz:

Resolved, That said petition be referred back to the committee on Proposi­tions and Grievances, with instructions to ascertain and report to this house the amount of revenue the contemplated new county will pay into the Treasury, and what will be the cost to the Commonwealth in establishing said new county.

Mr. Wickliffe moved to lay said resolution on the table.

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

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

Those who voted in the affirmative, were—

Messrs. Blackburn, Bowman, Bryan, Campbell, Chambers, Clark, Coffey, Coleman, Collins, Cox, Cully, Frazier, Fry, Gardner,

Gray, Griffin, Hanna, Haskin, Haydon, Heady, Hobbs, Hogan, O. P., Hoce, Humphreys, Jenkins, Johnson, Lawless, Marshall,

Owens, Payne, Penick, Pogue, Pope, Price, Richardson, Stewart, Stitt, Stone, B., Stone, S., Thompson, H., Trumbo, Wickliffe,
Garnett,    Martin,    Winfrey,
Garrard,   Maupin,   Woosley,
Given,     McRery,   Wooten,
Glenn,     Noe,      Wright,
Goble,     Oldham,   Yocum—58.

Those who voted in the negative, were—

Messrs. Alcorn,     Kalfus,    Speed,
        Allen,      Kavanaugh, Tevis,
        Crow,       King,      Thomson, C. R.
        Dickey,    Lewis,     Thurston,
        Graves,    Lowry,     Tully,
        Humbleton, McLarning, Waddill,
        Hobson,    Milam,     Webb,
        Hogan, E.  Nall,      Wheeler,
        Holloway,  Redd,     Young—29.
        Jones, D. E. Rockhold,

The question was then taken on amending the resolution of the commit­
tee on Propositions and Grievances, by striking out the words “be rejected,”
and inserting “is reasonable,” and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Blackburn,     Gray,    Pogue,
        Bowman,     Griffin,  Pope,
        Bryan,      Hanna,    Price,
        Campbell,   Haskin,   Stewart,
        Clark,      Haydon,   Stitt,
        Coffey,     Heady,    Stone, B.
        Coleman,    Hogan, O. P. Stone, S.
        Cox,        Hooe,     Trumbo,
        Cully,      Jenkins,  Tully,
        DeConrey,   Johnson,  Webb,
        Frazier,    Kavanaugh, Wheeler,
        Gardner,    Marshall,  Wilkinson,
        Garnett,    Manpin,   Winfrey,
        Garrard,    McRery,   Woosley,
        Given,      Oldham,   Wooten,
        Glenn,      Payne,    Wright,
        Goble,      Penick,   Yocum—51.

Those who voted in the negative, were—

Mr. Speaker,   Hogan, E.    Nall,
Messrs. Alcorn, Holloway,  Owens,
        Allen,      Humphreys, Redd,
        Chambers,   Jones, D. E. Richardson,
        Collins,    Jones, T. M. Rockhold,
Ordered, That the committee prepare and bring in a bill in accordance with the prayer of said petition.

Mr. Chambers, from the committee on Ways and Means, to whom was referred bills from the Senate of the following titles, viz:

An act to authorize the city of Maysville to levy and collect a special tax to erect a public edifice in said city.

An act for the benefit of the Sheriff of Greene county.

An act for the benefit of John Walden, of Allen county, and William King, of Henry county.

An act authorizing the County Courts of Shelby and Oldham to make their levy at their May terms.

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

Mr. Chambers, from the same committee, to whom was referred bills of the following titles, viz:

1. A bill for the benefit of the late Sheriff of Greene county.
2. A bill for the benefit of the Sheriff of Henry county.

Reported the 1st without, and the 2d with an amendment, which was 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 said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act for the benefit of Hiram Begley.

An act for the benefit of Thomas Gore.

An act for the benefit of Martha Spurlock and Rachel Moore.
An act for the benefit of Marion Williams.
An act to amend the duelling law.
An act for the benefit of the Sheriff of Bullitt county.
An act to amend the militia law.
An act to repeal the charter to the Crab Orchard and Cumberland Gap turnpike road.
An act to establish an election precinct in McCracken county, and for other purposes.
An act to authorize the appointment of an additional constable to the county of Mercer.
An act to extend the law, approved January 12, 1843, authorizing the surveyors of Campbell and Pendleton to run and re-mark the lines between said counties.
An act for the benefit of Jacob Bowe.
An act for the benefit of the Owen County Seminary.
An act for the benefit of Aaron Hodges.
An act allowing an additional constable to Lincoln county, and for other purposes.
An act for the benefit of the jailer of Shelby county.
An act to change the constables’ districts in the county of Trimble.
Approved January 27, 1844.
Resolutions in relation to a digest of the decisions of the Supreme Court of the United States.
Approved January 27, 1844.
An act for the benefit of the heirs of Charles H. Davidge, deceased.
An act for the benefit of Wilson L. Biggerstaff, of Monroe county.
An act for the benefit of Glasgow.
An act authorizing the sale of the old church and lot in Ghent, called McCoul’s Bottom.
An act to sever certain lots from the town of Russellville.
An act to incorporate the New Liberty Library Company.
An act for the benefit of the Baptist Church in Bullitt county.
An act to authorize John K. McClenden to import a slave.
An act for the benefit of the Clerk of the Garrard Circuit Court.
An act to permit Samuel C. Flowers to import a slave.
An act for the benefit of Sally Skinner.
An act to add a part of Adair county to Casey county.
An act to amend an act, entitled, an act for the benefit of John W. Flora, approved January 21, 1839.
An act to establish a Warehouse on the Cumberland river, in Monroe county.
An act to amend an act concerning the boundary line of Letcher county.
Approved January 27, 1843.
An act to change the election precinct held at the store of N. S. Strange, in the county of Warren.

An act for the benefit of the Sheriffs of Jefferson and Madison counties.

An act for the benefit of Travis Wilson, Jesse McIntosh and R. H. Perry.

An act to allow a chancery and criminal term to the Grant Circuit Court.

An act to abolish the Pleasant Hill precinct, in Calloway county, and for other purposes.

An act to allow a special term of the Bullitt Circuit Court.

An act appointing Trustees for the town of Franklin, in Simpson county, and Boston, in Whitley county.

An act to amend an act, entitled, an act to amend the charter of the City of Louisville, and for other purposes, approved March 8, 1843.

Approved January 29, 1844.

And then the House adjourned.

THURSDAY, FEBRUARY 1, 1844.

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act regulating the return of peace warrants in Jefferson county.

And 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 to enlarge the boundary of the town of Princeton, in Caldwell county.

An act for the benefit of John Ricks.

An act to provide for the appointment of Commissioners to select petit jurors.

An act for the benefit of William Pelfry, and the widow and heirs of Isaac Lemaster, deceased.

Approved January 27, 1844.

A resolution directing the committee on Banks to receive certain scrip from the Northern Bank, at Lexington.

Approved January 27, 1844.

An act for the benefit of the devisees and heirs of James Thornton, deceased.

An act to establish three election precincts in Johnson county.
An act for the benefit of Peter Carter, an idiot.

An act giving further time to the several County Courts of this Commonwealth to procure the standard of weights and measures, as now prescribed by law. Approved January 29, 1844.

Mr. C. R. Thomson presented the petition of the members of the Lyon Fire Company, in the city of Lexington, praying an exemption from the performance of militia duty; which was received, the reading thereof dispensed with, and referred to the committee on Military Affairs.

Mr. Hambleton, from the minority of the committee appointed to visit the Lunatic Asylum, made the following report, viz:

The undersigned, who were members of the joint committee appointed to visit the Kentucky Lunatic Asylum, beg leave to state their disagreement to, and dissent from a portion of a report of the Chairman of said committee, as presented to the Legislature. The undersigned were not impressed with any necessity for the purchase of a farm for the use of said Institution; and in the present low state of the finances of the Commonwealth, and necessary suffering of the people, view as rash and highly improper, a large expenditure for such object. During the last year the farm was rented for $350, and it is presumed that this or some other, if found necessary for the Institution, could be again rented for about the same price. The report of the committee proposes a purchase of this farm for the price of $15,000, which, at simple interest, would amount to $900 per annum—a strange plan of economy indeed. The undersigned believe the situation of our State, and the just expectations of the people require, that strict and rigid economy in the conduct and management of all our Institutions, and they are unwilling that it may appear that they were not opposed to such measures, as they do not sanction, in any manner, the recommendation of the committee on this subject. They respectfully ask that this, their report and dissent, may be entered on the Journal of this House.

CHARLES HAMBLETON,
LEVI Dickey.

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

On motion of Mr. B. Stone—1. A bill for the benefit of Owsley county.

On motion of Mr. DeCourcy—2. A bill for the relief of the bona fide occupants of lands.

On motion of Mr. Speed—3. A bill authorizing the Governor to dispose of the Railroad and fixtures lying between Louisville and Portland, and for other purposes.

On motion of Mr. Haskin—4. A bill to change the time of holding the Circuit Courts of Boyle and Lincoln.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st and 4th; Messrs. DeCourcy, Coffey and Campbell the 2d, and Messrs. Speed, Groesbeck and Hobbs the 3d.

Mr. Chambers, from the committee on Ways and Means, to whom was referred a bill from the Senate, entitled, an act to repeal the 8th and 9th
sections of an act, entitled, an act to add to the resources of the Sinking Fund, approved March 11, 1843, reported the same without amendment.

The said bill was then amended, and as amended reads as follows, viz:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,*

That the 8th and 9th sections of an act, entitled, an act to add to the resources of the Sinking Fund, approved March 11, 1843, imposing a tax on collateral inheritances and devisees, be, and the same are hereby repealed; and any property that may have come to the agent, or other officer under the provisions of the above recited law, shall be refunded to the proper owner.

*Be it further enacted,* That whenever a commissioner or agent, on behalf of the State, has been acting under the sections repealed by this act, and entitled thereby to compensation, he shall retain it out of the amount which the State would have been entitled to, and so much thereof is not to be refunded to the proper heirs or devisees.

Mr. Kavanaugh moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

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. Kavanaugh and Garrard, were as follows, viz:

Those who voted in the affirmative, were—

<table>
<thead>
<tr>
<th>Mr. Speaker,</th>
<th>Hanne,</th>
<th>Payne,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Messrs. Alcorn,</td>
<td>Haskin,</td>
<td>Penick,</td>
</tr>
<tr>
<td>Allen,</td>
<td>Haydon,</td>
<td>Perrin,</td>
</tr>
<tr>
<td>Blackburn,</td>
<td>Heady,</td>
<td>Pogue,</td>
</tr>
<tr>
<td>Bowman,</td>
<td>Hobbs,</td>
<td>Pope,</td>
</tr>
<tr>
<td>Bryar,</td>
<td>Hobson,</td>
<td>Price,</td>
</tr>
<tr>
<td>Buford,</td>
<td>Hogan, E.</td>
<td>Richardson,</td>
</tr>
<tr>
<td>Campbell,</td>
<td>Hogan, O. P.</td>
<td>Rockhold,</td>
</tr>
<tr>
<td>Chambers,</td>
<td>Holloway,</td>
<td>Smith,</td>
</tr>
<tr>
<td>Clark,</td>
<td>Hooe,</td>
<td>Speed,</td>
</tr>
<tr>
<td>Coleman,</td>
<td>Humphreys,</td>
<td>Stitt,</td>
</tr>
<tr>
<td>Collins,</td>
<td>Jenkins,</td>
<td>Stone, B.</td>
</tr>
<tr>
<td>Cox,</td>
<td>Johnson,</td>
<td>Stone, S.</td>
</tr>
<tr>
<td>Crow,</td>
<td>Jones, D. E.</td>
<td>Tevis,</td>
</tr>
<tr>
<td>Cuilly,</td>
<td>Jones, T. M.</td>
<td>Thomson, C. R.</td>
</tr>
<tr>
<td>DeCourcy,</td>
<td>Kalfus,</td>
<td>Thomson, H.</td>
</tr>
<tr>
<td>Dickey,</td>
<td>Kavanaugh,</td>
<td>Thurston,</td>
</tr>
<tr>
<td>Ewing,</td>
<td>King,</td>
<td>Trumbo,</td>
</tr>
<tr>
<td>Frazier,</td>
<td>Lawless,</td>
<td>Tully,</td>
</tr>
<tr>
<td>Fry,</td>
<td>Lewis,</td>
<td>Wad dell,</td>
</tr>
<tr>
<td>Gardner,</td>
<td>Lowry,</td>
<td>Webb,</td>
</tr>
<tr>
<td>Garnett,</td>
<td>Marshall,</td>
<td>Wheeler,</td>
</tr>
<tr>
<td>Garrard,</td>
<td>Martin,</td>
<td>Wickliffe,</td>
</tr>
<tr>
<td>Given,</td>
<td>Maupin,</td>
<td>Wilkinson,</td>
</tr>
</tbody>
</table>
Mr. Fry, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in this House of the following titles, and had found the same truly enrolled, viz:

An act to repeal a portion of the act establishing the county of Estill.
An act regulating the return of peace warrants, in Jefferson county.
An act to authorize the appointment of an additional Magistrate in the county of Owen, and for other purposes.
An act for the benefit of the widow and heirs of James W. Buchanan, deceased.

And bills which originated in the Senate, of the following titles, viz:

An act to authorize the city of Maysville to levy and collect a special tax to erect a public edifice in said city.
An act for the benefit of the Sheriff of Greene county.
An act for the benefit of John Walden, of Allen county, and William King, of Henry county.
An act authorizing the County Courts of Shelby and Oldham to make their levy at their May courts.

Whereupon, the Speaker affixed his signature thereto.

Resolved, That Mr. Fry inform the Senate thereof.

Mr. McLarning, from the committee on Internal Improvement, to whom was referred a bill from the Senate, entitled, an act concerning the road over Mudrow's Hill, reported the same without amendment.

Resolved, 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. Coleman, from the committee appointed to prepare and bring in the same, reported a bill for the benefit of the town of Augusta, 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 said bill do pass, and that the title thereof be as aforesaid.
The House then resolved itself into a committee of the Whole, on the bill to apportion the representation—Mr. Noe in the chair. And after some time spent therein, the Speaker resumed the chair, when Mr. Noe 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. Tully moved a reconsideration of the vote concurring in the resolution of the committee on Propositions and Grievances, rejecting the petition of sundry citizens of Hickman county, praying for a division of said county.

And then the House adjourned.

FRIDAY, FEBRUARY 2, 1844.

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 Rodes Woods and John Halsell.
An act for the benefit of the Sheriff of Henry county.
An act to legalize the acts of Athelstan Owens, as Deputy Clerk of Mason county.
An act to establish a Constable's district in the town of Maxville, in Washington county.
An act to incorporate the town of Manchester, in Clay county.
An act to authorize the County Court of Jefferson to lay their county levy at their October, November or December term.
An act to regulate the terms of the Circuit Courts in the 16th Judicial District, and the Trigg Circuit Court, and for other purposes.
An act for the benefit of Preston Owen, a Justice of the Peace for Shelby county.

With amendments to the two last named bills.

That they had passed bills of the following titles, viz:

An act to authorize the sale of the real estate of deceased persons.
An act concerning the Northern Bank and Bank of Kentucky.

1. Mr. C. R. Thomson presented the remonstrance of sundry citizens of Boyle county, against the extension of the limits of the town of Danville.

2. Mr. Perrin presented the petition of S. B. & J. H. Curran, praying that compensation be made them for losses sustained in consequence of obstructions to the navigation of Licking river, made by the Contractors for locking and damming the same.
3. Also, the petition of Robert H. Garner, praying that he be released from a penalty incurred by importing certain slaves into this State.

4. Mr. Frazier presented the remonstrance of sundry citizens of Morgan county, against the formation of a new county out of parts of said county and other adjoining counties.

Which petitions and remonstrances were severally received, the reading thereof dispensed with, and referred—the 1st, 3d and 4th to the committee on Propositions and Grievances, and the 2d to the committee on Claims.

Mr. Fry, from the committee on Enrollments, reported that the committee had examined an enrolled bill which originated in the Senate, entitled, an act concerning the road over Muldrow's Hill.

And had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.

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

On motion of Mr. Bryan—1. A bill to establish the fees of the Clerks of the County Courts for taking lists of taxable property, when not listed with the Commissioners.

On motion of Mr. Waddill—2. A bill for the benefit of the 76th Regiment of Kentucky Militia.

Ordered, That the committee on Ways and Means prepare and bring in the 1st, and the committee on Military Affairs the 2d.

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

By Mr. Buford—1. A bill to provide for the improvement of the Moore road, in the counties of Laurel and Knox.

By Mr. Bryan—2. A bill providing for the purchase of marble mantles for the Governor's house.

By the committee on Ways and Means—3. A bill to compel Sheriffs to execute bond to collect county levy and revenue tax.

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 severally ordered to be engrossed and read a third time, and the 2d was referred to the committee on Ways and Means.

The rule of the House, constitutional provision and third reading of the 1st 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 House then took up the motion of Mr. Tully to reconsider the vote concurring in the resolution of the committee on Propositions and Grievan-
ces, rejecting the petition of sundry citizens of Hickman county, praying for a division of said county.

Mr. Speed moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the vote be reconsidered? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Alcorn and S. Stone, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Blackburn, Groesbeck, Pope,
Bowman, Hambleton, Price,
Bryan, Hanna, Richardson,
Clark, Haskin, Rockhold,
Coffey, Heady, Smith,
Coleman, Hogan, O. P. Stitt,
Cox, Hooe, Stone, B.
Cully, Jenkins, Stone, S.
DeCourcy, Johnson, Thurston,
Dickey, Kavanaugh, Trumbo,
Frazier, King, Tully,
Gardner, Lawless, Winfrey,
Garnett, McRery, Woosley,
Given, Owens, Wooten,
Glenn, Payne, Wright,
Gray, Penick, Yocum—50.
Griffin, Fogue,

Those who voted in the negative, were—

Mr. Speaker, Hobson, Noe,
Messrs. Alcorn, Hogan, E. Oldham,
Allen, Holloway, Perrin,
Buford, Humphreys, Reid,
Campbell, Jones, D. E. Speed,
Collins, Jones, T. M. Stewart,
Crow, Kalfus, Tevis,
Ewing, Lewis, Thomson, C. R.
Fry, Lowry, Thompson, H.
Garrard, Marshall, Waddill,
Goble, Martin, Webb,
Gore, Maupin, Wheeler,
Graves, McLarning, Wickliffe,
Haydon, Milam, Wilkinson,
Hobbs, Null, Young—45.

The question was then taken on amending the resolution of the committee on Propositions and Grievances, by striking out the words “be rejected” and inserting “is reasonable,” and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Young and Alcorn, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Blackburn, Hambleton, Pogue,
Bowman, Hanna, Pope,
Bryan, Haskin, Price,
Clark, Heady, Richardson,
Cohey, Hogan, O. P., Rockhold,
Coleman, Hoe, Smith,
Cox, Jenkins, Stitt,
Cully, Johnson, Stone, B.
DeCourcy, Kavanaugh, Stone, S.
Dickey, King, Trumbo,
Gardner, Lawless, Tully,
Garnett, Maupin, Winfrey,
Given, McKery, Woosley,
Glenn, Owens, Wooten,
Gray, Payne, Wooten,
Griffin, Penick, Wright,
Grosbeek.

Those who voted in the negative, were—

Mr. Speaker, Hobson, Oldham,
Messrs. Alcorn, Hogan, E. Perrin,
Allen, Holloway, Redd,
Buford, Humphreys, Speed,
Campbell, Jones, D. E. Stewart,
Collins, Jones, T. M. Tavis,
Crow, Kalclus, Thomson, C. R.
Ewing, Lewis, Thompson, H.
Fry, Lowry, Waddill,
Garrard, Marshall, Webb,
Gable, Martin, Wheeler,
Gore, McLarling, Wickliffe,
Graves, Milam, Wilkinson,
Haydon, Nail, Young—44.

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

A message was received from the Senate, by Mr. Vance, asking leave to withdraw the report announcing their disagreement to a bill from this House, entitled, an act for the benefit of Margaret Lewers and others, which was granted, and the bill withdrawn.

And then the House adjourned.
SATURDAY, FEBRUARY 3, 1843.

A message was received from the Senate, announcing their disagreement to bills from this House, of the following titles, viz:
An act authorizing the County Court of Allen to appoint overseers on the road called the Turnpike road.
An act to abolish certain precincts in Graves county, and establish other precincts in said county, and for other purposes.
That they had passed bills from this House, of the following titles, viz:
An act to amend the charter of the Paducah Dry Dock, and for other purposes.
An act to incorporate the town of Grayson, in the county of Carter.
An act for the benefit of John G. Morrison.
An act to establish an additional precinct in Pike county.
An act extending the limits of the town of Campbellsville.
An act allowing an additional Justice of the Peace to Henry county.
An act to incorporate the 1st Presbyterian Church of Covington.
An act to authorize Levi Elliott to erect two gates across the county road leading from Bedford, in Trimble county, to Carrollton, in Carroll county.
With amendments to the two last.
That they had passed bills of the following titles, viz:
An act for the benefit of Agnes Anderson.
An act for the benefit of Fielding Neal and wife, and their children.
An act for the benefit of the estate of Sarah C. McLaughlin, deceased.
An act for the benefit of Sidney H. Robertson.
An act for the benefit of the Surveyor of the county of Union.
And had adopted resolutions of the following titles, viz:
A resolution for destroying certain Railroad and Internal Improvement scrip.
Preamble and resolutions relative to the improvement of the Mississippi river, and its tributaries.

Mr. Gray presented the petition of sundry citizens of Grayson county, praying that an additional Justice of the Peace be allowed to said county.
Which was received, the reading thereof dispensed with, and referred to Messrs. Gray, Gardner and Woosley.

Mr. Trumbo moved to discharge the select committee from the further consideration of the petition of sundry citizens of Bath county, in relation to a turnpike gate on the Maysville and Mountsterling turnpike road.
And the question being taken thereon, it was decided in the affirmative.
Ordered, That said petition be referred to the committee on Internal Improvement.

Mr. Hanna moved the following resolution, viz:

WHEREAS, It is represented to the present General Assembly of the Commonwealth of Kentucky, that the citizens of the town of Carrollton are willing to grant to the Institution for the Education of the Blind one acre of land in said town, or more if necessary; and that buildings of the same quality could be erected there for much less than in Louisville; boarding could be procured cheaper; and that the site is far more suitable and convenient to the State at large, it being on the Ohio, and at the mouth of the Kentucky river, and near the centre of the State from the Eastern to the Western boundary; a very healthy and beautiful situation, and bids fair, at no distant day, to be a town of distinction in this Commonwealth—therefore,

Resolved, That the committee on Education be instructed to enquire into the propriety of locating the Institution for the Education of the Blind in said town, and that they report by bill or otherwise.

The following amendment was proposed to said resolution, viz:

Resolved, That said committee further enquire into the expediency of connecting the Institution for the Blind with the Deaf and Dumb Asylum.

Mr. Speed moved to lay said resolution and amendment 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. Hanna and DeCourcy, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Alcorn,
Allen,
Blackburn,
Bowman,
Bryan,
Biford,
Campbell,
Chambers,
Clark,
Coleman,
Cox,
Crow,
Cully,
Dickey,
Ewing,
Frazier,
Fry,
Garnett,
Given,
Gore,
Graves,
Hobbs,
Hobson,
Hogan, E.
Holloway,
Humphreys,
Jones, D. E.
Jones, T. M.
Kalfus,
King,
Lawless,
Lewis,
Maupin,
McRory,
Milam,
Nall,
Noe,
Perrin,
Price,
Redd,
Speed,
Stone, B.
Stone, S.
Tevis,
Thomson, C. R.
Thompson, H.
Trumbo,
Tully,
Waddill,
Webb,
Wilkenson,
Winfrey,
Wooten—54.
Those who voted in the negative, were—


A message was received from the Senate, by Mr. Drake, asking leave to withdraw their report announcing their disagreement to a bill from this House, entitled, an act to amend an act, entitled, an act concerning the estate of Daniel Riley, deceased, which was granted, and the bill withdrawn.

Mr. Allen, from the committee on Education, to whom was referred a bill to provide for the government of the Lunatic Asylum, reported the same, without amendment.

On motion of Mr. C. R. Thomson the said bill was then amended.

Mr. Wickliffe moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

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 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.

On motion of Mr. O. P. Hogan,

Ordered, That he be permitted to withdraw, from the committee on Internal Improvement, the petition of Wesley Dean, and the same was withdrawn.

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

WHEREAS, From the present exorbitant rate of postage on letters, periodicals, journals, &c., the facilities which were intended to be afforded to the citizens of these United States, by the mails, are, to a very considerable extent, denied them. And, whereas, we believe if a reduction should be made that it would not only be of vital interest and importance to the American people, but would also increase the revenue of the Post Office Department—therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives re-
quested to use every means in their power to bring about such reductions as to them shall seem just and reasonable.

Resolved, That the Governor be requested to transmit to our Senators and Representatives a copy of the foregoing preamble and resolutions.

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

A bill from the Senate, entitled, an act to authorize the sale of real estate of deceased persons, 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.

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

On motion of Mr. Hobbs—1. A bill to incorporate the Frankfort Cemetery Company.

On motion of Mr. Tevis—2. A bill to incorporate the "Dialectic Society of Shelby College."

On motion of Mr. S. Stone—3. A bill for the benefit of the late Sheriff of Russell county.

On motion of Mr. Kavanaugh—4. A bill for the benefit of the Sheriff of Anderson county.

On motion of Mr. DeCourcy—5. A bill to direct in what manner and in what court suits may be brought against the Commonwealth.

On motion of same—6. A bill to locate the Institution for the Education of the Blind in Newport or vicinity, and to connect therewith an Asylum for the Blind.

On motion of Mr. Cox—7. A bill authorizing the County Court of Fleming to give further time to Henry S. Powers, and his securities, to pay a judgment against them for failure to pay over the county levy.

On motion of Mr. Redd—8. A bill to alter the mode of taking depositions in chancery cases.

On motion of Mr. Goble—9. A bill for the benefit of Isaac Bolt, late Sheriff of Lawrence county.

On motion of Mr. Buford—10. A bill for the benefit of the Commissioners of the Lunatic Asylum, for the year 1843.

On motion of same—11. A bill to regulate the Crab Orchard and Cumberland Gap turnpike road.

On motion of Mr. Alcorn—12. A bill to incorporate the town of Marion, and for other purposes.

On motion of same—13. A bill to amend an act, entitled, an act for the benefit of the mechanics of Smithland, and for other purposes.

On motion of same—15. A bill to amend an act, entitled, an act to amend an act regulating divorces, approved January 31, 1809, approved March 2, 1843.

On motion of Mr. Humphreys—16. A bill for the benefit of the mechanics of Mason county.

On motion of Mr. Richardson—17. A bill to amend the law incorporating the Jefferson county Pond Draining Company.

On motion of Mr. Frazier—18. A bill for the benefit of the town of Breathitt.

On motion of Mr. Campbell—19. A bill to incorporate the Paducah Cotton Factory.

On motion of Mr. Garnett—20. A bill for the benefit of the mechanics of Shelby county.

On motion of Mr. Johnson—21. A bill to modify and change an act of last session, approved March 10, 1843, divorcing sundry persons.

On motion of same—22. A bill to remove the seat of Government from the town of Frankfort, to some more convenient point in the State:

Ordered, That Messrs. Hobbs, Milam, Hooe and Allen prepare and bring in the 1st; Messrs. Tevis, Hobbs and Speed the 2d; the committee on Claims the 3d and 10th; the committee on Ways and Means the 4th; Messrs. DeCourcy, Goble and Graves the 5th; Messrs. DeCourcy, Goble and Groesbeck the 6th; the committee for Courts of Justice the 7th, 8th, 9th and 19th; Messrs. Buford, Pogue, Smith and Oldham the 11th; Messrs. Alcorn, Noe, Humphreys and T. M. Jones the 12th; Messrs. Alcorn, Noe and T. M. Jones the 13th; Messrs. Chambers, Redd, Hobbs, Humphreys, Allen and Blackburn the 14th; Messrs. Chambers, Cox and Fry the 15th; Messrs. Humphreys, Chambers and King the 16th; Messrs. Hobbs, D. E. Jones, Speed and Fry the 17th; Messrs. Frazier, Garrard and Smith the 18th; Messrs. Garnett, Tevis and Humphreys the 20th; Messrs. Johnson, Given and Clark the 21st, and Messrs. Johnson, Ewing, Lawless and Coffey the 22d.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, that it is the bounden and constitutional duty of the Congress of the United States to provide a national currency, by the establishment of a National Bank, upon the funds of the General Government and the States; the Bank to be located in the District of Columbia, with branches in the States by their assent.

Resolved, That in the opinion of the General Assembly of Kentucky, that the people of Kentucky do solemnly protest against the repeal of the act of Congress proposing a distribution of the proceeds of the public lands; and they could but hear with deep concern any move, by Congress,
indicating a disposition to abandon the just and constitutional right of the States to an equal distribution of the proceeds of the public domain.

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

Mr. Hoee moved the following resolution, viz:

WHEREAS, an appropriation of $10,000 is asked of the Legislature, at its present session, to erect a building for the benefit of the Institution for the education of the Blind, in the City of Louisville: and whereas, it is thought, by connecting said Institution with the Deaf and Dumb Asylum, in the town of Danville, there will be no necessity to erect a building, or to make a heavy appropriation like that now asked to erect a building in Louisville: therefore—

Resolved, That the committee on Education enquire into the propriety of connecting the Institution for the education of the Blind with that of the Deaf and Dumb Asylum, at Danville, and report to this House by bill or otherwise.

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

WHEREAS, the constituency of the members of the General Assembly of the Commonwealth of Kentucky are anxious and very solicitous that the present session be brought to a speedy close:

Resolved, therefore, That the General Assembly adjourn on Thursday the 16th instant, sine die.

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

By Mr. T. M. Jones—1. A bill to modify an act divorcing sundry persons.
By Mr. Garrard—2. A bill to change the time of holding the Letcher and Pike County Courts, and for other purposes.
By Mr. DeCourcy—3. A bill for the relief of the bona fide occupants of lands.
By Mr. C. R. Thomson—4. A bill to regulate the allotment of hands to work on public roads in Fayette county.
By Mr. Holloway—5. A bill for the benefit of Ann Porter.
By Mr. Stewart—6. A bill to amend the law relating to the duties and liabilities of Constables and their securities.
By Mr. Gardner—7. A bill to change the time of the annual meeting of the General Assembly.
By Mr. Groesbeck—8. A bill to repeal the 2d section of an act to amend an act, entitled, an act to incorporate the town of Independence, approved March 11, 1843.
By Mr. Ewing—9. A bill to amend the law in relation to the emancipation of slaves.
By Mr. Oldham—10. A bill to change the time of holding the court in Madison county, and for other purposes.
By same—11. A bill for the benefit of the heirs of Thomas Burgan, deceased.
By Mr. Humphreys—12. A bill to amend the road law of Mason county.
By Mr. Richardson—13. A bill to regulate the weight of oats.
By same—15. A bill further prescribing the fees of the Police Judges of Paducah and Smithland.
By Mr. Haydon—16. A bill for the benefit of the Sheriff of Owen county.
By Mr. Smith—17. A bill for the benefit of Uriah Gresham.
By same—18. A bill for the benefit of Benjamin F. Pew, of Rockcastle county.
By Mr. Tevis—19. A bill to incorporate the Dialectic Society of Shelby county.
By Mr. Nce—20. A bill to establish the 20th Judicial District.
By Mr. Blackburn—22. A bill for the benefit of Joel Thomasson.
By same—23. A bill for the benefit of the Midway Highland Guards.
By Mr. Yocum—24. A bill to allow additional Justices of the Peace to Lewis and Grayson counties.
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, 5th, 8th, 10th 11th, 12th, 15th, 16th, 17th, 18th, 22d and 24th were severally ordered to be engrossed and read a third time; the 3d was referred to a committee of the Whole for Thursday the 8th inst.; the 6th, 14th and 20th were referred to the committee for Courts of Justice; the 7th was referred to a committee of the Whole for Friday the 9th inst.; the 9th was referred to a committee of the Whole for Saturday the 10th inst.; the 13th was referred to the committee on Agriculture and Manufactures; the 19th to the committee on Education; the 21st to the committee on Internal Improvement, and the 23d to the committee on Military Affairs.
The rule of the House, constitutional provision and third reading of the 1st, 2d, 4th, 5th, 8th, 10th, 11th, 12th, 15th, 16th, 17th, 18th, 22d and 24th 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 3d and 9th bills for the use of the members of the General Assembly.
Mr. Stitt moved the following resolution, viz:
Resolved, That the Board of Internal Improvement report to this House
the manner in which the money appropriated for repairing the Ohio and Lexington railroad has been applied; and the causes, if any, which have prevented the completion of the end of the road at Portland, and the part from the foot of the hill in Frankfort to the river, and if the latter part has been finished, if due notice has been given to the lessees thereof; and whether there has been any expenditure of said fund for any other purpose than repairing said road; and, also, what abatement exists in the rent of said road by reason of not having it repaired, and the present state of the contract with the lessees; and furnish an account of all items for which the money set apart to fulfill the contract on the part of the State has been expended.

Which being twice read, was adopted.

And then the House adjourned.

MONDAY, FEBRUARY 5, 1844.

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

An act to incorporate the Lexington Theatre Company.
An act to repeal the law allowing a Magistrate and Constable to Graves county, approved February 16, 1841.
An act to regulate ferries on Salt river.
An act for the benefit of Jacob Phipps and Charles Hammons.
That they had passed bills from this House of the following titles, viz:
An act for the benefit of the Sheriff of Bath county.
An act for the relief of the Sheriff of Whitley county, and for other purposes.
An act for the benefit of H. L. Atkins.
An act for the benefit of Richard C. Taylor, late Sheriff of Cumberland county.
With amendments to the two last.
That they had passed bills of the following titles, viz:
An act to regulate the terms of the Circuit Courts in the 7th Judicial District.
An act for the benefit of Catharine Withers and her children.
An act for the benefit of John Newten Bennett.
An act for the benefit of Mary P. Elston, James P. Elston, Fanny Elston and Charles M. Elston, infant children of A. P. Elston.
An act to incorporate the Frankfort Savings Institution.
An act adding certain lots to the town of Cadiz.
1. Mr. Coffey presented the memorial of the School Commissioners and sundry other citizens of Wayne county, in relation to the Common School system, and the vacant lands in said county.

2. Mr. Price presented the petition of A. Skinner, praying the passage of a law permitting —— Middleton to import into this State a slave.

3. Mr. Groesbeck presented the petition of the Trustees of the Regular Baptist Church, at Bank Lick, in Kenton county, praying the passage of a law incorporating said Church.

Which petitions and memorial were severally received, the reading thereof dispensed with, and referred—the 1st to the committee on Education, and the 2d and 3d to the committee for Courts of Justice.

Richard Apperson, the member returned to serve in this House from the county of Montgomery, appeared, and having produced a certificate of his election, and having taken the oath prescribed by the constitution of the United States and the constitution and laws of this State, took his seat.

The amendments proposed by the Senate, to a bill from this House, entitled, an act to regulate the terms of the Circuit Courts in the 16th Judicial District, and the Trigg Circuit Court, and for other purposes, were taken up, twice read, and concurred in.

Bills from the Senate of the following titles, viz:

1. An act to regulate the terms of the Circuit Courts in the 7th Judicial District.

2. An act for the benefit of John Newton Bennett.


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 ordered to be 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 bill having been dispensed with,

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 Mr. Lawless—1. A bill to change the 8th and 18th Judicial Districts.

By Mr. Speed—2. A bill giving the Judge of the City Court of Louisville concurrent jurisdiction with the circuit Judges in cases of idiots and lunatics.

By same—3. A bill to incorporate the Louisville St. Cecelia Society.

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 ordered to be engrossed and read a third time.

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

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

On motion of Mr. Price, leave was given to bring in a bill regulating the recording and delivery of deeds, and for other purposes.

Ordered, That Messrs. Price, Wickliffe, Gore and Campbell prepare and bring in the same.

Mr. Haskin, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to attach the county of Bullitt to the 5th Judicial District, and for other purposes, reported the same with an amendment, as a substitute for said bill, which was concurred in.

Mr. Oldham moved the following resolution, viz:

Resolved, That we deeply lament the death of Thomas J. Gentry, late a member of this body.

Resolved, That the deceased, by his strength of mind, unsullied integrity, untiring devotion to the interest of his constituents, and warmth and courtesy of manners, secured to himself the esteem and good-will of all who knew him, and that in his death, society has been deprived of one of its most useful citizens, and this House of one of its most valuable members.

Resolved, That the members of this House, in token of their high regard for the deceased, will, at the hour of ½ past 1, meet at the house of William Mathews, and accompany the corpse to the Depot of the Railroad.

Resolved, That in testimony of our respect for the deceased, we will wear the usual badge of mourning for the space of 30 days, and that a copy of the foregoing resolutions be transmitted to the family of the deceased.

Resolved, That this House do now adjourn.

Which being twice read, were unanimously adopted.

TUESDAY, FEBRUARY 6, 1844.

A message was received from the Senate, announcing their concurrence in the adoption of a preamble and resolution from this House, in relation to the reduction of postage.

That they had passed bills of the following titles, viz:

An act for the benefit of Johnathan Hathaway, of Kenton county.

An act to incorporate the town of Keene, in the county of Jessamine.
An act to extend a road from the western termination of Pine street, in the town of Danville, to the turnpike road.

1. Mr. Graves presented the petition of sundry merchants of the city of Louisville, praying a reduction in the charges for inspecting tobacco.

2. Mr. Wright presented the petition of James C. Skidmore, praying to be divorced from his wife, Nancy Skidmore.

3. Mr. Campbell presented the petition of Miranda Owen, praying to be divorced from her husband, William N. Owen.

4. Also, the petition of Phineas Pomeroy, praying that compensation be allowed him for services rendered on the Owingsville and Big Sandy turnpike road.

5. Mr. C. R. Thomson presented the petition of James Devore and E. L. Devore, praying the passage of a law authorizing their trustees to exchange certain lands held by him, in trust for them, for other lands.

6. Mr. Apperson presented the petition of sundry citizens of Montgomery, Clarke and Estill counties, praying the formation of a new county out of parts thereof.

7. Mr. Glenn presented the petition of Burnley D. Smith, praying that he be permitted to import certain slaves into this State.

8. Mr. McRery presented the petition of sundry citizens of Greenville, praying the passage of an act to extend the powers of the trustees of said town.

9. Mr. Allen presented the petition of Josiah Brummal, of Greene county, praying that provision be made for paying him certain claims against the Elizabethtown and Manfordsville Turnpike Road Company.

10. Mr. E. Hogan presented the memorial of R. Somerby, of Louisville, G. W. Evans, of Lexington, and J. Taylor, of Maysville, Kentucky, upon the subject of Dental Surgery.

Which petitions and memorial were received, the reading thereof dispensed with, and referred—the 1st to Messrs. Graves, Hobbs, D. E. Jones and Speed; the 2d and 3d to the committee on Religion; the 4th and 9th to the committee on Internal Improvement; the 5th to the committee for Courts of Justice; the 6th to the committee on Propositions and Grievances; the 7th to Messrs. Glenn, Ewing and McRery; the 8th to Messrs. McRery, Bowman and Glenn, and the 10th to the committee on Education.

Ordered, That Mr. Apperson be added to the committee for Courts of Justice.

Mr. Oldham moved the following resolution, viz:

Resolved, That the Speaker of the House issue a writ of election to the Sheriff of Madison county, directing him to hold an election on the 13th inst., in said county, for a representative to this House, to fill the vacancy
occasioned by the death of Thomas J. Gentry, late a member of this House from said county.

Which was adopted.

Mr. Fry, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in this House, of the following titles, viz:

An act allowing an additional Justice of the Peace to Henry county.
An act for the benefit of John G. Morrison.
An act to authorize the County Court of Jefferson to lay their county levy at their October, November or December term.
An act to establish a Constable's district for the town of Maxville, in Washington county.
An act to incorporate the town of Grayson, in the county of Carter.
An act to amend the charter of the Paducah Dry Dock, and for other purposes.
An act extending the limits of the town of Campbellsville.
An act to establish an additional precinct in Pike county.
An act to legalize the acts of Athelstan Owens, as Deputy Clerk of Mason county.
An act to incorporate the town of Manchester, in Clay county.
An act for the benefit of Rodes Woods and John Halsell.
An act for the benefit of the Sheriff of Henry county.
An act for the benefit of the Sheriff of Bath county.
An act for the relief of the Sheriff of Whitley county, and for other purposes.

And had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.

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

Mr. Wickliffe moved the previous question.

The question was then taken, shall the main question be now put? 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.

Mr. Alcorn moved that said bill have its third reading on this day.

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

The said bill was then read a third time.

Mr. Alcorn moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.
The main question was then put, shall the bill pass? and it was decided in the affirmative.

Resolved, That the title of said bill be as aforesaid.

Mr. Chambers, from the same committee, to whom was referred the amendments proposed by the Senate, to a bill from this House, entitled, an act to repeal an act to add to the resources of the Sinking Fund, reported the same without amendment.

The said amendments of the Senate were then twice read and concurred in.

Mr. Chambers, from the same committee, to was referred the petition of Brent Wade, Sheriff of Todd county, reported the same, with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Glenn 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 negative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Chambers, from the same committee, to whom was referred the petition of Quintus C. Shanks, and the petition of the Sheriff of Estill county, reported the same, with the following resolution, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

Mr. Chambers, from the same committee, to whom was referred bills of the following titles, viz:

A bill for the benefit of Peter Stevens.
A bill for the benefit of the Sheriff of Meade county.
A bill for the benefit of the Sheriff of Breckinridge county.

Reported the same without amendment.

And the question being taken on engrossing and reading said bills a third time, it was decided in the negative, and so said bills were rejected.

Mr. Chambers, from the same committee, to whom was referred a bill for the benefit of the Sheriff of Caldwell county, reported the same without amendment.

On motion of Mr. Clark, Ordered, That said bill be laid on the table.

Mr. Chambers, from the same committee, who were appointed to prepare and bring in the same, reported a bill for the benefit of the Sheriff of Barren county, which was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Schyler H. Murrell, Sheriff of Barren county, be, and he is hereby allowed until the 20th day of June next, to pay over the balance of the revenue due from said county, for the year 1843: Provided, however, that the securities of said Schyler H. Murrell shall enter their assent to the same, which is to be entered of record in the County Court Clerk's office of said county, on or before the 1st day of March next, and a copy thereof transmitted to the 2d Auditor, on or before the 1st day of April next.

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 yeas and nays being required thereon by Messrs. Redd and Kavanaugh, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alcorn, Hanna, Nall,
Bryan, Hayden, Pogue,
Buford, Hogan, O. P. Rockhold,
Mr. Campbell, from the committee for Courts of Justice, who were appointed to prepare and bring in the same, reported a bill to regulate the terms of the courts in the 4th Judicial District, 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, it was referred to Messrs. Graves, Bryan and Hanna.

Mr. Chambers, from the committee on Ways and Means, who were appointed to prepare and bring in the same, reported a bill for the benefit of N. M. Bacon, administrator of John C. Bacon, deceased, which was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon N. M. Bacon, administrator of John C. Bacon, deceased, late of Owen county, and late Clerk of the County and Circuit Courts of said county, paying into the Treasury of this Commonwealth, within four months after the passage of this act, the sum of one hundred and forty three dollars, the Treasurer of this Commonwealth shall receive the said sum in full of sundry judgments against said John C. Bacon and his securities, in his off-
cial bond, and against said N. M. Bacon as his administrator, recovered in the General Court by the Commonwealth of Kentucky; and the 2d Auditor of Public Accounts shall issue his quietus of said judgments to the said N. M. Bacon, as administrator of John C. Bacon, deceased.

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.

Mr. Haydon proposed the following amendment, as a substitute for said bill, viz:

WHEREAS, Nathaniel Bacon, administrator of the estate of his father, John C. Bacon, paid to Jacob W. Dellinger, former Deputy Sergeant of James C. Coleman, Sergeant of the Court of Appeals, one hundred and forty three dollars, the amount of a judgment obtained by the Commonwealth against said John C. Bacon, and his securities, on his official bond as Clerk of the Owen Circuit Court, under the impression, at the time, that said Dellinger, was at that time a legally qualified deputy under said Coleman—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said payment shall go in full discharge and satisfaction of said judgment, and that said Bacon’s estate and his securities, shall, and they are hereby exempted from all further liability for the same, including the damages recovered by the Commonwealth.

And the question being taken on the adoption thereof, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker,
Mr. Alcorn,
Mr. Apperson,
Mr. Blackburn,
Mr. Bowman,
Mr. Bryan,
Mr. Buford,
Mr. Campbell,
Mr. Clark,
Mr. Coffey,
Mr. Coleman,
Mr. Crow,
Mr. Cully,
Mr. DeCourcy,
Mr. Gardner,
Mr. Garnett,
Mr. Garrard,
Mr. Given,
Mr. Goble,
Mr. Groesbeck,
Mr. Hanna,
Mr. Haskin,
Mr. Haydon,
Mr. Heady,
Mr. Hobbs,
Mr. Hogan, E.
Mr. Hogan, O. P.
Mr. Holloway,
Mr. Jenkins,
Mr. Johnson,
Mr. Jones, D. E.
Mr. Jones, T. M.
Mr. Kaffes,
Mr. King,
Mr. Lawless,
Mr. Lowry,
Mr. Marshall,
Mr. Maupin,
Mr. Noe,
Mr. Payne,
Mr. Perrin,
Mr. Pope,
Mr. Smith,
Mr. Speed,
Mr. Stitt,
Mr. Stone, B.
Mr. Stone, S.
Mr. Tevis,
Mr. Thompson, H.
Mr. Trumbo,
Mr. Tully,
Mr. Webb,
Mr. Wheeler,
Mr. Wickliffe,
Mr. Wilkenson,
Mr. Winfrey,
Mr. Woosley,
Those who voted in the negative, were—


Collins, Hooe, Humphreys, Martin, Richardson, Rockhold, Stewart, Thomson, C. R., Wadell, Wright—23.

Cox, Oldham, Owens, Price.

Ewing, Martin, Oldham, Owens, Price.

Frazier, Stewart, Pogue, Wright—23.

Fry, Stewart, Pogue, Wright—23.

Gray, Pogue.

Hambleton, Price.

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. C. R. Thomson asked leave to withdraw the petition of James Devoe and E. L. Devore, presented by him this morning, which was granted, and the petition withdrawn.

The Speaker laid before the House a communication from the President of the Board of Internal Improvement, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, February 6, 1844.

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

In the table of R. H. Crittenden, Collector, accompanying the annual report of the Board of Internal Improvement, on the 13th ultimo, the tons of ascending freight is set down at 40,290, and descending freight at 74,490, instead of something near 4,029 and 7,449. These items were added in a hurry, and were ascertained by dividing the gross amount paid for ascending freight by 60 cents, the sum paid for passing through four locks; and the gross sum paid for descending freight by 40 cents, the amount paid for passing through four locks; but inasmuch as a portion of said freight passed through five locks, the number of tons, as corrected herein, would not be precisely correct—sufficiently so, however, to give the General Assembly an idea of the business done.
The amount received in January, 1843, from tolls, is $287 53, instead of $237 53. The gross sum received is correctly stated, viz: $7,552 49.

On the 4th February, 1843, paid into Treasury, $310 72.

23d May, do 1,150 00
21st June, do 639 28
11th July, do 300 00
11th August, do 700 00
3d October, do 800 00
28th October, do 660 75
1st December, do 1,224 31
9th January, 1844, do 409 17

Total paid $6,194 23

Paid gate keepers, collector, &c. $1,658 26

All which is respectfully submitted,

THOMAS METCALFE, P. B. I. I.

The House again resolved itself into a committee of the Whole—Mr. Noe in the Chair, on the bill to apportion the representation; and after some time spent therein, the Speaker resumed the Chair, when Mr. Noe 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.

At 15 minutes past 2 o'clock, P. M., Mr. Payne moved an adjournment.

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

The yeas and nays being required thereon by Messrs. O. P. Hogan and Young, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Hanna, Redd,
Messrs. Alcorn, Haskin, Smith,
Bowman, Haydon, Speed,
Bryan, Heady, Stewart,
Campbell, Hoe, Stitt,
Clark, Jenkins, Tevis,
Collins, Jones, T. M.
Cully, Kalius, Thomson, C. R.
DeCourcy, Marshall, Thurston,
Frazier, Martin, Wheeler,
Gardner, M'cRery, Wickliffe,
Goble, Noe, Winfrey,
Gore, Payne, Wooten,
Graves, Perrin, Wright,
Gray, Pope, Yocum,
Hambleton,
Those who voted in the negative, were—


WEDNESDAY, FEBRUARY 7, 1844.

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

An act to establish a warehouse in Warren county.
An act to authorize the establishment of a public warehouse at the landing of Henry Wright, in Hickman county.
An act for the benefit of Ann Porter.
An act for the benefit of the Sheriff of Owen county.
An act for the benefit of Joel Thomasson.
An act for the benefit of Uriah Gresham.
With an amendment to the last.
That they had passed bills of the following titles, viz:
An act to establish the 19th Judicial District.
An act to authorize the construction of a road from the present Franklin and Crab Orchard turnpike, near Salvisa, to the Kentucky river, at McAfee's warehouse.
An act to establish a warehouse and Tobacco Inspection in the City of Covington, and at McAfee's landing, in Mercer county.
1. Mr. Redd presented the petition of James B. Coliner, praying that a fine assessed against, and paid by him, may be refunded.
2. Mr. Young presented the petition of Wesley Berry, praying a change of venue in a prosecution now pending against him in the Harrison Circuit Court, for a felony.
3. Also, the petition of sundry citizens of Bourbon county, praying an amendment to the laws upon the subject of usury.

4. Mr. Lewis presented the petition of sundry citizens of Hickman county, praying an appropriation for the purpose of raising a levee upon the banks of the Mississippi river.

Which petitions were severally received, the reading thereof (except the 4th, which was read,) dispensed with, and referred—the 1st and 4th to the committee on Propositions and Grievances, and the 2d and 3d to the committee for Courts of Justice.

Mr. Haskin, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act for the benefit of James D. Anderson, 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.

Mr. Coffey, from the committee on Claims, asked to be discharged from the further consideration of the petition of S. B. and J. H. Curran, which was granted.

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

Mr. Graves, from the select committee to whom was referred a bill to regulate the terms of the courts in the 4th Judicial District, reported the same without amendment.

The said bill was, on the motion of Mr. Bryan, amended.

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 thereof be as aforesaid.

Mr. DeCourcy, from the committee, asked to be discharged from bringing in a bill to direct by law in what manner and in what courts suits may be brought against the Commonwealth, which was granted.

Ordered, That the committee on Internal Improvement prepare and bring in the same.

A message was received from the Senate by Mr. Peyton, asking leave to withdraw their report announcing their disagreement to a bill from this House, entitled, an act to incorporate the Lexington Theatre Company, which was granted, and the bill withdrawn.

Mr. Speed moved a reconsideration of the vote rejecting the bill for the benefit of the Sheriff of Barren county.
And the question being taken thereon, it was decided in the affirmative.

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,

The said bill was then amended by adding the following, viz:

That the Sheriff of Marshall county be allowed until the 1st of May next, to pay the balance of his revenue over, and return his delinquent list: Provided, The securities of said Sheriff shall appear before the County Court of said county and give their assent to such indulgence at the March term of said County Court: And provided further, That the said Sheriff shall cause to be filed with the Auditor of Public Accounts a copy of such assent, as soon thereafter as may be.

Be it further enacted, That the Sheriff of Marshall county may execute, and the County Court of Marshall county may receive, the official bonds of said Sheriff, at their next or any subsequent term; and said bonds shall be as affectual and binding upon said Sheriff and his securities as if they had been executed at the time prescribed by law.

Be it further enacted, That the Sheriff of Anderson county be allowed until the 1st day of May next to settle with the Auditor and pay the balance due from him, as collector of the revenue of said county, for the year 1843: Provided, Said Sheriff shall cause the assent of his securities to be given to such indulgence, before the Clerk of the County Court of said county; which assent shall be certified by said Clerk, and filed with the Second Auditor, on or before the 1st day of March next.

Mr. Johnson moved to amend said bill by adding the following section, viz:

Be it further enacted by the General Assembly of the Commonwealth of Kentucky, That Wesley Porter, Sheriff of Grant county, Daniel S. Lane, Sheriff of Trimble county, O. M. DeCourcy, Sheriff of Campbell county, shall have until the first day of June next, to pay into the Treasury the balance of the revenue tax due from their respective counties, and for which the said Sheriffs have not accounted; and the Second Auditor shall receive and credit the delinquent list of said Sheriffs in the same manner as if returned at the time now required by law: Provided, That the above named Sheriffs shall at the March or April court of their respective counties, appear in court with their securities, and enter on the record of said court, their assent to the extension of the time for the payment of the balance of the revenue due by such Sheriff: but if either of the above named Sheriffs shall fail to appear in the County Court, as aforesaid, and have the consent of their securities entered for the indulgence hereby granted, such Sheriff shall be liable for the damages now allowed by law, for failing to pay into the Treasury the revenue due by them.

Mr. Smith moved the following amendment as a substitute for said bill and amendment, viz:

That all judgments rendered at the present term of the General Court against any Sheriff and his securities, they shall have until the 1st of June next to pay and discharge the amount of the respective judgments against them: Provided, That each Sheriff, with his securities, or any three of his
securities, shall, on or before the 10th of March next, go before the Clerk of the County Court in which they executed bond, and acknowledge themselves indebted to the Commonwealth, for the payment of the judgment and costs, binding themselves to pay the same into the Treasury on or before the 1st day of June next, with six per cent. per annum, from the time the same should have been paid; which bond the Clerk shall transmit to the Second Auditor of Public Accounts: And provided further, The Clerk shall certify that the securities are good and solvent.

Mr. Chambers moved to lay said bill, amendment 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. Chambers and Smith, 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 proposed by Mr. Smith, and decided in the affirmative.
The yeas and nays being required thereon by Messrs. Chambers and Nall, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Hambleton, Noe,
Messrs. Alcorn, Hanna, Perrin,
Blackburn, Haydon, Pogue,
Bryan, Hobbs, Pope,
Bulard, Hogan, O. P. Rockhold,
Coffey, Johnson, Smith,
Coleman, Jones, D. E. Stitt,
Cully, Kalfus, Stone, B.
DeCourcy, Kavanaugh, Stone, S.
Frazier, Lawless, Thompson, H.
Gardner, Maupin, Webb,
Garrard, McLarning, Wickliffe,
Glenn, McRery, Wilkinson,
Gray, Milam, Winfrey,
Griffin, Nall, Woosley—45.

Those who voted in the negative, were—

Messrs. Allen, Haskin, Redd,
Apperson, Heady, Richardson,
Bowman, Hobson, Stewart,
Campbell, Hogan, E. Tevis,
Chambers, Holloway, Thomson, C. R.
Clark, Humphreys, Thurston,
Collins, Jones, T. M. Trumbo,
Cox, King, Tully,
Crow, Lewis, Waddill,
Ewing, Marshall, Wheeler,
Fry, Martin, Wooten,
Goble, Oldham, Wright,
Gore, Owens, Yocum,
Graves, Payne, Young—44.
Grossbeck, Price,

On motion of Mr. Ewing, 
Ordered, That said bill, as amended, be referred to the committee for Courts of Justice.

The Speaker laid before the House a communication from the President of the Board of Internal Improvement, which is as follows, viz:

Office of the Board of Internal Improvement, February 7, 1844.

Sir:

The Board of Internal Improvement have the honor, herewith, to present to the House of Representatives, the petitions of John Hoy and William Chamberlain, for the amount of losses sustained by them, upon the bonds of
the State: together with the views and opinions of the Board, upon the
justice and validity of said claims, as provided by a joint resolution of the
two Houses, approved 11th March, 1843.
I have the honor to be,
With great deference and respect,
THOS. METCALFE, P. B. I. I.

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

[For Report—see Legislative Documents.]

Ordered, That said communication be referred to the committee on In-
ternal Improvement, and that the Public Printer forthwith print 150 copies
thereof for the use of the members of the General Assembly.

The Speaker laid before the House the response of the Board of Internal
Improvement to a resolution from this House of the 3d inst., which is as fol-

Office of the Board of Internal Improvement,
February 7, 1844.

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

The Board of Internal Improvement beg leave, in answer to a resolution
of the House of Representatives of the 3d instant, to report:
That the Lexington and Ohio Railroad has been thoroughly repaired
from the city of Lexington to the town of Frankfort, "and extended to the
western terminus of Market street, in Frankfort, on the Kentucky River."
The Board has not given due notice to the lessees of the completion of
the Portland division of said road—the same not having been completed
for the causes stated in their annual report of the 13th ultimo, pages 6, 7
and 8. Neither have they given the lessees due notice of the extension,
through Frankfort, to the Kentucky River, because the law did not require
them to give such notice; neither was there any necessity for it, one of the
lessees having been the superintendent of repairs, whose duty it was to
make every estimate upon which money was paid.
As stated by the Board in their annual report, page 7, "the amount here-
after to be paid by the lessees will be $17,000 per annum, payable half year-
ly, until the Portland division of the road shall be repaired, (if ever,) and de-
livered to them.
There has been paid by the Board, upon the estimates of the
Superintendent of repairs, for grading, timber, laying track,
&c. &c., - $64,610 00
There has been paid to John Tilford, Esq. and W. R. McKee,
to pay for Locomotives, cars, iron, spikes, &c. &c., this sum, - 35,390 00

$100,000 00
The sums placed in Major Tilloid's and Major M'Kee's hands, were expended as follows:

- For Locomotive Engines, and ten tons of iron, $21,731 18
- To Engineers and Rodmen, 1,698 84
- To laborers, hauling and distributing timber, and doing other work, which from its nature could not be put under contract, 3,271 87
- Paid freight, commissions and insurance on Engines, Iron, &c., from Philadelphia and Louisville to Frankfort and Lexington, 3,921 71
- Paid for iron, steel and Railroad timber, 4,448 28
- Paid for making and repairing cars and water stations, 1,317 32
- Paid for construction of Railway and houses, 1,261 30

**Total Expenditure:** $37,645 20

Paid by the Board, as before stated, 64,610 00

**Surplus:** $2,255 20

The surplus of $2,255 20, has been paid by the lessees, and they have an interest to that extent in one of the Engines, unless reimbursed by the State.

It will thus be seen that there has not "been any expenditure of said fund for any other purpose than repairing said road," as contemplated by the act of 1842, predicated upon "the cost of repairing the same, and shown by estimates accompanying the Governor's message of that year."

All which is respectfully submitted.

THOMAS METCALFE,
Pres't. Board Int. Imp't.

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

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

- On motion of Mr. Tevis—1. A bill to amend the criminal laws.
- On motion of Mr. Lewis—2. A bill for the benefit of the widow and heirs of Thomas Terrell, deceased, of Ballard county.

Ordered, That Messrs. Tevis, Waddill and Cox prepare and bring in the 1st, and Messrs. Lewis, Campbell and Noe the 2d.

Mr. Chambers, from the committee on Ways and Means, reported a bill to provide for the purchase of blank books and stationery, to supply the Clerks and other offices of this Commonwealth, which was read the first time as follows, viz:

**Sec. 1.** Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the 1st day of June next, no Clerk of any court, or any officer of this Commonwealth, shall be paid any money out of the Treasury for any blank books or any stationery of any kind, where the value thereof exceed five dollars.

**Sec. 2.** Be it further enacted, That it shall be the duty of the Second Auditor to purchase and keep on hand, in the town of Frankfort, a sufficient
number of well bound books and stationery, of all descriptions, which are, by existing laws, furnished the several officers of this Commonwealth, and paid for out of the public Treasury; and, upon a proper requisition being made, it shall be his duty, and he is required and directed, from time to time, to furnish the said officers with such books and stationery as may be necessary for the use of their respective offices: Provided, That no officer shall receive more or other books and stationery, under this act, than now allowed by law to be paid for out of the public Treasury.

Sec. 3. Be it further enacted, That it shall be the duty of said Auditor to contract with one or more persons, to furnish him at such times, as circumstances may require, a sufficient number of books and stationery, for the purposes in the act mentioned; first, advertising, by weekly insertions, in one or more of the several newspapers published in Frankfort, Lexington and Louisville, the time and place he will receive proposals for the delivery of such books and articles of stationery requisite to carry into effect the provisions of this act; and upon the delivery of such books and stationery to the Auditor, he shall, forthwith, draw his warrant on the Treasury for the amount due such Contractor.

Sec. 4. Be it further enacted, That the said Auditor shall, upon the delivery of any book or books, or articles of stationery to the several officers of this Commonwealth, entitled to receive the same, take his receipt therefor, describing the articles thus received, and the costs of the same; and that he report, annually, to the General Assembly, the aggregate amount for books, &c. delivered, and also the amount on hand.

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.

The question was then taken on engrossing and reading said bill a third time, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker, Haydon, Pope,
Messrs. Alcorn, Heady, Price,
Allen, Hobbs, Redd,
Apperson, Hobson, Rockhold,
Blackburn, Hogan, E. Speed,
Bowman, Hogan, O. P. Stitt,
Budford, Holloway, Stone, B.
Campbell, Humphreys, Tevis,
Chambers, Jones, D. E. Thomson, C. R.
Clark, King, Thomson, H.
Coleman, Lawless, Thurston,
Collins, Lewis, Trumbo,
Cox, Martin, Trumbo,
Crow, Maupin, Tully,
Ewing, McLarning, Waddill,
Fry, Milam, Webb,

Gardner,       Null,          Winfrey,
Goble,        Noe,           Wooten,
Gore,         Oldham,        Wright,
Graves,       Payne,         Young—62.
Hambleton,    Pogue,

Those who voted in the negative, were—

Messrs. Bryan,  Griffin,       Smith,
Coffey,        Groesbeck,     Stone, S.
Cully,         Haskin,        Wickliffe,
DeCourcy,      Jones, T. M.    Wilkenson,
Frazier,       Marshall,      Wooley,
Garrard,       Owens,         Yocum—20.
Given,

At 40 minutes past 1 o'clock, P. M., Mr. Wickliffe moved an adjournment.

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

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

Those who voted in the affirmative, were—

Messrs. Garrard,  Marshall,       Stone, S.
Given,           Martin,        Thompson, H.
Groesbeck,       Perrin,        Thurston,
Hanna,           Stewart,       Wickliffe,
Haskin,          Stitt,
Haydon,

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Alcorn,  Gore,           Oldham,
Allen,          Graves,         Owens,
Apperson,       Gray,           Payne,
Blackburn,      Griffin,       Pogue,
Bowman,         Hendy,          Pope,
Bryant,         Hobbs,         Price,
Buford,         Hobson,        Redd,
Campbell,       Hogan, E.      Richardson,
Chambers,       Hogan, O. P.    Smith,
Clark,          Humphreys,     Stone, B.
Coffey,         Johnson,       Tevis,
Coleman,        Jones, D. E.    Thomson, C. R.
Collins,        Jones, T. M.    Trumbo,
Cox,            Kallus,        Tully,
Cully,          Kavanaugh,    Waddill,
DeCourcy,       King,           Webb,
Ewing,          Lawless,       Wheeler,
Frazier,        Maupin,        Winfrey,
Fry,            McLarning,    Wooley,

Wooten,
Mr. Ewing moved to suspend the rules to enable him to move the following resolution, viz:

Resolved, That this House will, until the apportionment bill is disposed of, take a recess at half past 1, and meet again at 3.

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

Those who voted in the affirmative, were—

Mr. Speaker, Gray, Pope,
Messrs. Alcorn, Griffin, Price,
Apperson, Heady, Redd,
Blackburn, Hobbs, Richardson,
Bowman, Hobson, Smith,
Buford, Humphreys, Stitt,
Campbell, Jones, D. E. Stone, B.
Chambers, Jones, T. M. Stone, S.
Coffey, Kalfus, Tevis,
Coleman, Kavanaugh, Thomson, C. R.
Collins, Kavanaugh, Trumbo,
Cox, King, Tully,
Cully, Lawless, Waddill,
Ewing, Maupin, Webb,
Fry, McLarning, Wheeler,
Gardner, McKery, Wilkinson,
Garnett, Milam, Winfrey,
Given, Milam, Wooten,
Glenn, Nall, Wright,
Gore, Oldham, Young—62,
Graves, Pogue,

Those who voted in the negative, were—

Messrs. Allen, Haskin, Perrin,
Bryan, Haydon, Stewart,
Clark, Hogan, O. P. Thompson, H.
DeCourcy, Johnson, Thurston,
Frazier, Marshall, Wickliffe,
Garrard, Martin, Woosley,
Groesbeck, Payne, Yocum—22.
Hanna,

The said resolution was then twice read and adopted.

The House again resolved itself into a committee of the Whole—Mr. Noe in the Chair, on the bill to apportion the representation; and after some time spent therein, the Speaker resumed the Chair, when Mr. Noe 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.

At 15 minutes of 5 o'clock, P. M., Mr. Young moved an adjournment.

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

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

Those who voted in the affirmative, were—

Mr. Speaker,

Those who voted in the negative, were—

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

- An act to regulate the working of roads and sitting of the County Court in Nelson county.
- An act limiting the time of voting at the Piner precinct, in Kenton county to one day.

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

- An act for the benefit of Benjamin F. Pew, of Rockcastle county.
- An act giving the Judge of the City Court of Louisville concurrent jurisdiction with the Circuit Judges in cases of idiots and lunatics.

That they had passed bills of the following titles, viz:

- An act to fix the ratio and apportion the representation in the House of Representatives and Senate, for the next four years.
- An act for the benefit of Eli Rogers.
- An act to amend an act for the benefit of George R. H. Clark, and the heirs at law of William P. Clark, deceased.
- An act to incorporate the Big Spring Seminary.

1. Mr. Payne presented the petition of sundry citizens of Owen and Scott, praying the formation of a new county out of parts thereof, and part of Harrison county.

2. Mr. Martin presented the petition of sundry citizens of the town of Paintville, praying an amendment to the act establishing said town.

Which were received, the reading thereof dispensed with, and referred to the committee on Propositions and Grievances.

A bill from the Senate, entitled, an act to fix the ratio and apportion the representation in the House of Representatives and Senate, for the next four years, 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 of the Whole House for this day.

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

Mr. Apperson, from the committee for Courts of Justice, reported a bill to change the venue of Joseph Botts, 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. Coleman moved to lay said bill on the table for the present.

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

Mr. Chambers, from the committee on Ways and Means, reported a bill for the benefit of T. and L. P. Holliday, which was read the first time as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That T. and Lewis P. Holliday be, and they are hereby authorized to set up, and keep for the purpose of playing thereon, from the 15th day of May, in each year, until the 1st day of October, billiard tables, not to exceed two in number, on their premises at the Lower Blue Lick, in Nicholas county: Provided, That said T. and Lewis P. Holliday shall pay into the public Treasury, prior to the erection of such billiard table or tables, in the year in which such tables may be erected, and in each year which the said tables continue to be used for playing on, the sum of one hundred dollars for each of said tables, on or before the 15th day of May, in each year; and shall file with the Second Auditor of Public Accounts the receipt of the Treasurer as evidence of the payment of the said tax of one hundred dollars on each table, as aforesaid, and obtain from the Second Auditor his certificate of the filing of said receipt.

Sec. 2. Be it further enacted, That should said T. and L. P. Holliday erect any such table or tables without first having obtained the certificate of the Second Auditor, as above required, they shall incur all the penalties prescribed in an act, entitled, "an act repealing all laws allowing licenses to billiard tables, and for other purposes, approved January 15, 1831."

Sec. 3. Be it further enacted, That should any person or persons, at any time, bet, wager, win or lose any money or property upon any game of billiards played upon said table or tables, he, she or they, so offending, shall, for each offence, incur all the penalties of the several acts prescribing penalties against setting up faro tables or E. O. tables, to be recovered and applied in the manner prescribed in the said acts against unlawful gaming; and the said T. and L. P. Holliday, for suffering or permitting any money or property to be bet, staked or played for, lost or won upon any game of Billiards played upon said table or tables, shall incur all the penalties prescribed in the several acts for suffering unlawful gaming, to be recovered and applied in the manner prescribed and set forth in said acts.

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.

Mr. Redd 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. Kalfus and Wright, were as follows, viz:
Those who voted in the affirmative, were—

Mr. Speaker, graves, oldham,
Messrs. Alcorn, gray, owens,
Allen, griffin, payne,
Apperson, groesbeck, penick,
Bowman, hambleton, perrin,
Bryan, haskia, fogue,
Bulford, haydon, pope,
Campbell, heady, price,
Clark, hobbs, redd,
Coffey, hogan, e. richardson,
Coleman, hogan, o. p. rockhold,
Collins, jones, d. e. smith,
Cox, jones, t. m. stone, b.
Cully, kalfus, stone, s.
DeCourcy, king, tevis,
Ewing, lawless, thompson, h.
Frazier, lewis, trumbo,
Fry, marshall, waddill,
Gardner, martin, webb,
Garnett, maupin, wheeler,
Garrard, mclarning, woosley,
Given, mcRery, wooten,
Glenn, milam, wright,
Goble, nall, yocum—74.
Gore, noe,

Those who voted in the negative, were—

Messrs. Blackburn, speed, tully,
Chambers, stewert, wickliffe,
Hanna, stitt, wilkenson,
Humphreys, thomson, c. r. winfrey—14.
Kavanaugh, thurston,

Mr. Chambers, from the same committee, to whom was referred the bill to establish a warehouse and inspection of Tobacco at Paducah, reported the same without amendment.

The question was then put on engrossing and reading said bill a third time. 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 resolved itself into a committee of the Whole—Mr. Noe in the Chair, on the bill to apportion the representation, and also the bill from the Senate, entitled, an act to fix the ratio and apportion the representation in the House of Representatives and Senate, for the next four years, and after some time spent therein, the Speaker resumed the Chair, when Mr. Noe reported that the committee had, according to order, had under consid-
oration 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.

FRIDAY, FEBRUARY 9, 1844.

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 Margaret Lewers and others.
An act for the benefit of the Sheriff of Livingston county.
That they had passed bills from this House of the following titles, viz:
An act for the benefit of the Sheriff of Christian county.
An act for the benefit of James Herring.
An act to authorize the County Court of Pendleton to change the location of the State roads.
An act to change the time of holding the Letcher and Pike County Courts, and for other purposes.
An act to change the time of holding a County Court in Madison county, and for other purposes.
An act for the benefit of N. M. Bacon, administrator of John C. Bacon, deceased.
An act to improve the State road leading from Frankfort, to the Georgetown and Covington turnpike road, in Scott county.
An act to compel Sheriffs to execute bond to collect county levy and revenue tax.
An act to allow additional Justices of the Peace to Lewis and Grayson counties.
With amendments to the three last.
That they had passed bills of the following titles, viz:
An act for the benefit of Lewis V. Wernwag.
An act for the benefit of the Methodist Episcopal Church, in New Castle.
An act allowing a change of venue to Mary McClary, of the county of Allen.
An act for the benefit of the Rev. J. C. Young and Dr. E. H. Watson.
An act to limit the number of Constables in the town of Springfield.
1. Mr. Collins presented the petition of Samuel Seaton, praying permission to bring into this State certain slaves from the State of Missouri.

2. Mr. Pogue presented the petition of Rebecca Kelly, praying to be divorced from her husband, William Kelly.

3. Also, the petition of sundry citizens of Knox county, praying the passage of a law compelling Clay county to comply with the laws of this Commonwealth, upon certain subjects.

4. Mr. Smith presented the petition of John A. Moore, praying the passage of a law directing the County Court of Rockcastle to appoint commissioners to ascertain the amount of damages sustained by him, by locating a road through his land, and to provide for the payment thereof.

5. Also, presented the petition of Jack, and other free persons of color, praying a change of venue in the several suits now pending in the Knox Circuit Court, in their names, against Charles Gatliff's administrator.


Which petitions were severally 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 on Religion; the 4th to the committee on Internal Improvement, and the 6th to Messrs. Kavanaugh, C. R. Thomson, Tevis and Garnett.

Mr. Colley, from the committee on Claims, asked to be discharged from the further consideration of the petition of James Henderson and Brother, which was granted.

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

A bill from the Senate, entitled, an act for the benefit of the Sheriff of Garrard 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. Fry, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of the wife of James D. Anderson.

An act to regulate the terms of the Circuit Courts in the seventh Judicial District.
Also, bills and a preamble and resolution which originated in this House, of the following titles, viz:

An act for the benefit of Ann Porter.
An act for the benefit of Joel Thomasson.
An act for the benefit of the Sheriff of Owen county.
An act for the benefit of Benjamin F. Pew, of Rockcastle county.
An act giving the Judge of the City Court of Louisville concurrent jurisdiction with the Circuit Judges, in cases of idiots and lunatics.
An act to authorize the establishment of a public warehouse at the landing of Henry Wright, in Hickman county.
An act to establish a warehouse in Warren county.
An act to regulate the terms of the Circuit Courts in the 16th Judicial District.
An act to amend an act to add to the resources of the Sinking Fund.
Preamble and resolution in relation to the reduction of Postage.
And had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.

Mr. Cox moved the following resolution, viz:

Resolved, That the Board of Internal Improvement report to this House whether, in estimating the value of the public works, and adjusting and settling the accounts of Contractors, or any one or more of them, any allowance has been made for depreciation upon the bonds of the State, and if so, how much, and to whom paid.

Which being twice read, was adopted.

Mr. Groesbeck, from the committee appointed to prepare and bring in the same, reported a bill to incorporate the Commercial and Agricultural Bank of Kentucky, in the city of Covington, 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, it was referred to the committee on Banks.

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

On motion of Mr. C. R. Thomson—1. A bill to amend an act to establish the Mechanics Institute and Savings Institution of the city of Lexington.
On motion of Mr. DeCourcy—2. A bill to amend an act, entitled, an act to restrict the County Courts in laying their levies.
On motion of Mr. Chambers—3. A bill to repeal an act relating to the town of Washington.
On motion of Mr. Wickliffe—4. A bill more effectually to secure the administration of Justice by Circuit Judges.
On motion of Mr. Apperson—5. A bill to establish Orphan’s Courts in this Commonwealth.
Ordered, That Messrs. C. R. Thomson, E. Hogan and Redd prepare and bring in the 1st; the committee for Courts of Justice the 2d and 5th; Messrs. Chambers, Humphreys and Redd the 3d, and Messrs. Wickliffe, Heady, Ewing and Hobbs the 4th.

Mr. Campbell, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act for the benefit of John Newton Bennett, reported the same without amendment.

Ordered, That said bill be read a third time.

On motion,

Ordered, That said bill have its third reading on this day.

The said bill was then read a third time.

Mr. Haskin moved to amend said bill by adding an engrossed clause by way of rider,

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

Resolved, That said bill do pass, and that the title thereof be amended to read, "An act for the benefit of Thomas Newton Bennett."

The House again resumed the consideration of the bill to establish a Warehouse and Inspection of Tobacco at Paducah.

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 resolved itself into a committee of the Whole, on the bill to apportion the representation, and the bill from the Senate, entitled, an act to fix the ratio, and apportion the representation in the House of Representatives and Senate for the next four years—Mr. Noe in the Chair, and after some time spent therein, the Speaker resumed the Chair, when Mr. Noe 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.

A bill from the Senate, entitled, an act for the benefit of Lewis V. Wernwag, 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 Internal Improvement.

And then the House adjourned.
A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act for the benefit of James Scrivener.

That they had passed a bill from this House, entitled, an act for the benefit of Samuel Nelson, and for other purposes, with an amendment.

That they had passed bills of the following titles, viz:

An act for the benefit of John Tillord, of the city of Lexington.
An act to regulate the duties and fees of the sealer of weights and measures, in the county of Jefferson.

1. Mr. Marshall presented the petition of William Jones, of Greene county, and Jeremiah Wilson, of Hart county, and others in their behalf, praying compensation for apprehending and bringing to justice, three felons.

2. Mr. Speed presented the petition of George W. May, praying to be released from the penalty of a bond given by him and his securities for the safe keeping and return of public arms.

Which petitions were received, the reading thereof dispensed with, and referred—the 1st to the committee on Claims, and the 2d to the committee on Military Affairs.

Mr. Hobbs moved the following resolution, viz:

Resolved, That the use of this Hall, on Monday evening next, be granted to the Rev. Mr. Schon, for the purpose of delivering a lecture on the Bible cause.

Which was adopted.

On motion of Mr. Haydon, leave was given to bring in a bill for the benefit of the town of New Liberty, in Owen county.

Ordered, That Messrs. Haydon, Clark, Penick and Graves prepare and bring in the same.

Mr. Payne moved to suspend the rules in order to enable him to propose a resolution reducing the number of Senators and Representatives.

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

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

Those who voted in the affirmative, were—

Mr. Speaker, Griffin, Noe,
Messrs. Alcorn, Groesbeck, Owens,
Allen, Hanna, Payne,
Campbell, Haskin, Perrin,
Coffey, Haydon, Pogue,
Cully, Heady, Stitt,

And the yeas and nays being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Graves and Noe, were as follows, viz:
FRAZIER,  
GARDNER,  
GARRARD,  
GIVEN,  
GOBLE,  
HOGAN, O. P.  
JONES, T. M.  
LAWLESS,  
LEWIS,  
MARSHALL,  
STONE, B.  
THOMPSON, H.  
WILKENSON,  
YOCUM—32.  

Those who voted in the negative, were—  

Messrs. Apperson,  
Bowman,  
Buford,  
Chambers,  
Clark,  
Coleman,  
Collins,  
Cox,  
Crow,  
DeCourcy,  
Ewing,  
Fry,  
Garnett,  
Gore,  
Graves,  
Gray,  
Hambleton,  
Hobbs,  
Hobson,  
Hogan, E.  
Humphreys,  
Jenkins,  
Jones, D. E.  
Kalfus,  
King,  
McLarney,  
McRery,  
Milam,  
Nall,  
Oldham,  
Penick,  
Pope,  
PRICE,  
REDD,  
RICHARDSON,  
ROCKHOLD,  
SMITH,  
SPEED,  
STEWART,  
TEVIS,  
THOMSON, C. R.  
TRUMBO,  
WEBB,  
WHEELER,  
WINFREY,  
WOOTEN,  
WRIGHT,  
YOUNG—48.  

A message was received from the Senate, by Mr. W. P. Boyd, asking leave to withdraw their report, announcing the passage of a bill from this House, entitled, an act to allow additional Justices of the Peace to Lewis and Grayson counties, with an amendment, which was granted, and the bill was withdrawn.  

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

On motion of Mr. Gardner—1. A bill to change the time of holding the Hart Circuit Court.  

On motion of Mr. Coleman—2. A bill for the benefit of Hudson M. Rice, of Bracken county.  

On motion of Mr. Alcorn—3. A bill for the benefit of William Stewart, late Sheriff of Livingston county.  


A resolution from the Senate, for destroying certain Railroad and Internal Improvement Scrip, was taken up.  

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

Mr. Wickliffe presented the petition of Joseph Foreman and Catharine Foreman, praying the passage of a law empowering the Nelson Circuit Court to sell a tract of land, and vest the proceeds in other lands.
Which was received, the reading thereof dispensed with, and referred to committee for Courts of Justice.

The House again resolved itself into a committee of the Whole, on the bill to apportion the representation, and the bill from Senate, entitled, an act to fix the ratio and apportion the representation in the House of Representatives and Senate, for the next four years—Mr. Noe in the Chair, and after some time spent therein, the Speaker resumed the Chair, when Mr. Noe reported that the committee had, according to order, had under consideration the bills aforesaid, and had instructed him to report the bill from the Senate to the House, with two amendments, which he handed in at the Clerk's table.

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 twelve hundred and fifty one votes for each Representative; and the representation for that period, shall be, and the same is hereby apportioned among the several counties of this Commonwealth, for the House of Representatives, in the following manner, to-wit: The county of Adair shall be entitled to one Representative; Allen one; Anderson one; Boyle one; Bracken one; Bullitt one; Bourbon two; Barren two; Breckinridge one; Boone one; Breathitt and Morgan one; Bath one; Ballard and McCracken one; Butler and Grayson one; Campbell one; Caldwell one; Christian two; Clarke one; Carroll and Gallatin one; Casey one; Clinton and Cumberland one; Carter and Lawrence one; Crittenden one; Calloway and Marshall one; Clay, Letcher and Perry one; Daviess one; Estill and Owsley one; Franklin one; Fayette two; Floyd, Pike and Johnson one; Fleming two; Graves one; Greenup one; Grant one; Garrard one; Green two; Hopkins one; Hickman one; Henderson one; Hardin two; Hancock one; Henry one; Harlan and Knox one; Hart and Edmonson one; Harrison two; Jefferson two; Louisville city two; Jessamine one; Kenton one; Larue one; Laurel and Rockcastle one; Lincoln one; Lewis one; Logan two; Livingston one; Muhlenburg one; Madison two; Montgomery one; Mercer one; Marion one; Meade one; Monroe one; Mason two; Nicholas one; Nelson two; Owen one; Oldham one; Ohio one; Pulaski one; Pendleton one; Russell one; Simpson one; Shelby two; Scott one; Spencer one; Trimble one; Todd one; Trigg one; Union one; Woodford one; Wayne one; Warren two; Whitley one; Washington one.

Sec. 2. That for the purpose of apportioning the representation in the Senate, this State is hereby laid off into thirty eight Senatorial Districts, as follows, to-wit: The counties of Ballard, Hickman and Graves, shall compose the first Senatorial District: Union, Hopkins and Crittenden the second; Christian and Todd the third; Logan and Simpson the fourth; Daviess and Henderson the fifth; Warren, Allen and Edmonson the sixth; Barren and Monroe the seventh; Green and Hart the eighth; Clinton, Cumberland, Russell and Wayne the ninth; Casey, Adair and Boyle the tenth; Livingston, Caldwell and McCracken the eleventh; Breckinridge, Grayson and Hancock the twelfth; Ohio, Muhlenburg and, Butler, the thirteenth; Hardin and Meade the fourteenth; Jefferson and Louisville City the fif
teenth; Henry, Oldham and Trimble the sixteenth; Shelby and Franklin
the seventeenth; Nelson and Larue the eighteenth; Washington and Mari­
on the nineteenth; Mercer and Anderson the twentieth; Calloway, Trigg
and Marshall the twenty first; Lincoln and Garrard the twenty second;
Madison and Rockcastle the twenty third; Whitley, Pulaski, Laurel and
Knox the twenty fourth; Boone and Kenton the twenty fifth; Campbell,
Pendleton and Bracken the twenty sixth; Bourbon and Nicholas the twenty
seventh; Owen, Gallatin, Carroll and Grant the twenty eighth; Harrison
and Scott the twenty ninth; Spencer and Bullitt the thirtieth; Fayette the
thirty first; Woodford and Jessamine the thirty second; Clarke and Mont­
gomery the thirty third; Carter, Greenup, Lawrence and Johnson the thirty
fourth; Fleming and Lewis the thirty fifth; Morgan, Floyd, Pike and Bath the thirty sixth; Breathitt, Clay, Letcher, Perry, Harlan, Estill and Ow­sley the thirty eighth.

Sec. 3. That in order to ascertain
the state of the polls, where two or
more counties compose a Senatorial District, or two or more counties are
attached to elect a Representative, the Sheriffs of such counties shall meet at
the Court house of the county first named, to compare the polls, on the first
Monday next after the commencement of the election; and after having
ascertained, by faithful comparison and addition, the number of their res­
pective polls, shall make return of the persons elected, in the manner pre­
scribed by law: Provided, That when a writ of election may be issued by
the Governor, or either branch of the Legislature, an earlier day may be
ordered in such writs for comparing the polls, if it should be deemed expedi­
tant.

Sec. 4. That if any new county should be established before the next
enumeration and apportionment of representation, it shall be considered as
a part or parts of the county from which it was taken, for the purpose of
representation.

The first amendment proposed to said bill by the committee of the
Whole, was to strike out the second section, and insert in lieu thereof, the
following, viz:

That for the purpose of apportioning the representation in the Senate,
this State is hereby laid off into thirty eight Senatorial Districts, as follows,
viz: The counties of Ballard, Hickman and Graves shall compose the first
Senatorial District; Union, Crittenden and Hopkins the second; Christian
and Todd the third; Logan and Simpson the fourth; Daviess and Henderson
the fifth; Warren, Allen and Edmonson the sixth; Barren the seventh;
Hart and Green the eighth; Grant, Owen and Pendleton the ninth; Adair,
Casey and Russell the tenth; Cumberland, Monroe and Clinton the eleven­
th; Breckinridge, Hancock and Grayson the twelfth; Ohio, Muhlenburg
and Butler the thirteenth; Hardin and Meade the fourteenth; Louisville
City and Jefferson the fifteenth; Trimble, Oldham and Henry the sixteenth;
Shelby and Anderson the seventeenth; Spencer and Bullitt the eighteenth;
Marion and Washington the nineteenth; Garrard and Mercer the twentieth;
Marshall, Calloway and Trigg the twenty first; Lincoln, Boyd and Pulaski
the twenty second; Madison and Rockcastle the twenty third; Laurel,
Whitley, Knox and Wayne the twenty fourth; Boone, Carroll and Callin
the twenty fifth; Kenton and Campbell the twenty sixth; Harrison and
Bracken the twenty seventh; Livingston, Caldwell and McCracken the
twenty eighth; Bourbon and Scott the twenty ninth; Nelson and Lavi
the thirtieth; Fayette the thirty first; Woodford, Franklin and Jessamine
the thirty second; Clarke and Montgomery the thirty third; Lewis, Green-
up, Carter and Lawrence the thirty fourth; Mason and Nicholas the thirty
fifth; Fleming and Bath the thirty sixth; Morgan, Johnson, Floyd and
Pike the thirty seventh and Estill, Owsley, Breathitt, Clay, Letcher, Perry and
Harlan the thirty eighth.

The second amendment proposed by the committee of the Whole to said
bill, was to give to "Livingston and Crittenden one, Butler and Edmonson
one, Grayson one."

Mr. Coffey moved to re-commit said bill and amendment, with the follow-
ing instructions, viz:

WHEREAS, from the long session of the Legislature, and nothing of im-
portance of late years having been done to promote the interest and pros-
perity of the great laboring class of the people, by those who have been
trusted with their confidence; and as the sessions are protracted to great
lengths, and at enormous and serious expense, which the citizens pay in the
way of taxes, for which they sweat and toil through summer's heat and win-
ter's cold; and, whereas, the number of Representatives in both branches
of the General Assembly are certainly a great barrier (from the quantity of
long and unprofitable speeches and declamations that are usual and always
inevitable,) to the speedy despatch of business of the session; and for the
purpose of saving to the tax payer a large amount of the money paid by
him in the way of taxes, and bring more economy in the administration of
the State Government, and to prevent the lavish waste of the public money;
for the purpose of bringing about these desired objects and results, and mak-
ing short sessions of the Legislature, the number of Representatives and
Senators ought to be reduced—for remedy thereof, be it

Resolved, That the Apportionment Bill, giving to the State one hundred
Representatives in the lower branch of the General Assembly, and thirty
eight members in the Senatorial branch of the General Assembly, be re-
committed to a select committee of this House, with instructions to prepare
and report a bill apportioning the State, and reducing the number of Repre-
sentatives to at least seventy five, and the number of Senators to twenty
nine, and fix the ratio accordingly.

Mr. Lawless called for a division of the question.

The question was then taken on re-committing said bill, and it was deci-
ded in the negative.

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

Those who voted in the affirmative, were—

Messrs. Alcorn, Haskin, Pogue,
Coffey, Haydon, Stewart,
Frazier, Headly, Stitt,
Garrard, Hogan, O. P. Thompson, H.
Glenn, Jones, T. M. Wickliffe,
Griffin, Marshall, Yocum—20.
Hanna, Payne,
Those who voted in the negative, were—

Mr. Speaker,

Mr. Wheeler moved to amend the first amendment of the committee of the Whole, as follows: "the counties of Pendleton, Campbell and Grant the ninth; the counties of Owen, Gallatin and Carroll the twenty-fifth; the counties of Kenton and Boone the 26th."

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

The yea and nay being required thereon by Messrs. O. P. Hogan and Wheeler, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Those who voted in the negative, were—


Mr. Cox moved to amend the first amendment of the committee of the Whole, as follows: "Fleming and Lewis the thirty fifth; Bath, Morgan, Floyd and Pike the thirty seventh; Greenup, Carter, Lawrence and Johnston the thirty fourth."

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

At 15 minutes of 2 o'clock, P. M., Mr. Noe moved an adjournment.
And the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Blackburn and Fra-
sier, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alcorn,          Haydon,          Payne,
Garrard,                Jones, T. M.     Smith,
Hanna,                  Noe,             Young—9.

Those who voted in the negative, were—

Mr. Speaker,            Griffin,         Perrin,
Messrs. Apperson,        Groesbeck,      Pogue,
Blackburn,              Hambleton,      Pope,
Bryan,                  Haskin,         Price,
Buford,                 Heady,          Redd,
Chambers,               Hobbs,          Richardson,
Clark,                  Hobson,         Rockhold,
Coffey,                 Hogan, E.       Speed,
Coleman,                Hogan, O. P.     Stewart,
Collins,                Holloway,       Stitt,
Cox,                    Humphreys,      Stone, B.
Crow,                   Jenkins,        Stone, S.
Cully,                  Johnson,        Tevis,
DeCourcy,               Jones, D. E.     Thomson, C. R.
Ewing,                  Kalfus,         Thompson, H.
Fraizer,                King,            Trumbo,
Pry,                    Lawless,        Waddill,
Gardner,                Mappin,         Webb,
Given,                  McLerning,      Wheeler,
Glenn,                  McRery,         Wickliffe,
Goble,                  Milam,          Winfrey,
Gore,                   Nall,           Woosley,
Graves,                 Oldham,         Wooten,
Gray,                   Owens,          Wright,
        Young—75.
Mr. Price moved to amend the first amendment of the committee of the Whole, as follows: "Lincoln and Garrard the twenty second, in lieu of Garrard the 20th."

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

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

Those who voted in the affirmative, were—

Mr. Speaker, Gray, Noc, 
Messrs. Allen, Groesbeck, Payne, 
Bryan, Hanna, Penick, 
Clark, Haskin, Perrin, 
Colley, Haydon, Pope, 
Cully, Heady, Price, 
DeCourcy, Hogan, O. P. Stewart, 
Frazier, Johnson, Stitt, 
Gardner, Jones, T. M. Thompson, H. 
Garrard, Lewis, Wheeler, 
Given, Marshall, Wickliffe, 
Glenn, Martin, Wright, 
Goble, Maupin, Yocum—39.

Those who voted in the negative, were—

Messrs. Alcorn, Hobbs, Redd, 
Apperson, Hobson, Richardson, 
Blackburn, Hogan, E. Rockhold, 
Bowman, Holloway, Smith, 
Buford, Humphreys, Speed, 
Campbell, Jenkins, Stone, B. 
Chambers, Jones, D. E. Stone, S. 
Coleman, Kalfus, Tavis, 
Collins, King, Thomson, C. R. 
Cox, Lawless, Thurston, 
Crow, McLarning, Trumbo, 
Ewing, McRery, Webb, 
Fry, Milam, Wilkinson, 
Gore, Nall, Winfrey, 
Graves, Oldham, Wooley, 
Griffin, Owens, Wooten, 
Hambledon, Pogue, Wooten—51.

Mr. Smith moved to amend the first amendment of the committee of the Whole, as follows: Mercer and Anderson the twentieth; Pulaski and Lincoln the twenty second; Madison and Garrard the twenty third; Laurel, Rockcastle, Knox and Whitley the twenty fourth; Wayne, Clinton and Cumberland the eleventh; Adair, Casey, Russell and Boyle the tenth; Barren and Monroe the seventh."
And the question being taken on adopting the same, it was decided in the negative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


The question was then taken on concurring in the first amendment proposed by the committee of the whole to said bill, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker, Hambleton, Perrin, Messrs. Alcorn, Hobbs, Pogue, Allen, Hobson, Pope,

Those who voted in the negative, were—


The question was then taken on concurring in the second amendment proposed by the committee of the Whole to said bill, and decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Martin moved to amend the first section of said bill by striking from Bourbon one, and giving to Morgan and Johnson one; Laurel and Clay one; Breathitt, Perry and Letcher one; Floyd and Pike one.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Speaker, Messrs. Alcorn, Apperson, Blackburn, Bowman, Buford, Campbell, Chambers, Coleman, Griffin, Hambleton, Hobbs, Hobson, Hogan, E., Holloway, Humphreys, Jenkins, Jones, D. E., Owens, Pogue, Price, Redd, Richardson, Rockhold, Speed, Stone, S., Tevis.
Mr. Goble moved to amend the first section of said bill by striking out the word "two" after the word "Bourbon," and insert "one"; and after the word "Carter" insert "one"; and after the word "Lawrence" insert the words "and Johnson one."

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

The yeas and nays being required thereon by Messrs. Goble and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Buford moved a reconsideration of the vote concurring in the second amendment proposed by the committee of the Whole to said bill.

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

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

Those who voted in the affirmative, were—

Messrs. Alcorn, Griffen, Redd,
Apperson, Hobson, Rockhold,
Buford, Hogan, E., Smith,
Campbell, Hogan, O. P., Stone, S.
Coffey, Holloway, Thomson, C. R.
Ewing, King, Thurston,
Frazier, Lewis, Trumbo,
Fry, McLarning, Wickliffe,
Gore, Noe, Wright—29.
Graves, Pogue,

Those who voted in the negative, were—

Mr. Speaker, Hambleton, Owens,
Messrs. Allen, Hanna, Payne,
Blackburn, Haskin, Penick,
Bowman, Haydon, Perrin,
Bryan, Head, Pope,
Chambers, Hobbs, Price,
Clark, Humphreys, Richardson,
Coleman, Johnson, Speed,
Cox, Jones, D. E., Stewart,
Crow, Jones, T. M., Stitt,
Cully, Kalfus, Stone, B.
DeCourcy, Lawless, Tevis,
Gardner, Marshall, Waddill,
Garrard, Martin, Webb,
Given, Maupin, Wheeler,
Glenn, McIver, Winfrey,
Goble, Milam, Woosley,
Gray, Nall, Wooten,
Groesbeck, Oldham, Yocum—57.

And then the House adjourned.
MONDAY, FEBRUARY 12, 1844.

A message was received from the Senate, announcing their concurrence in the amendment proposed by this House, to a bill from the Senate, entitled, an act for the benefit of John Newton Bennett.

That they had disagreed to a bill from this House, entitled, an act for the benefit of the heirs of Thomas Burgin, deceased.

That they had passed bills from this House of the following titles, viz:
- An act for the benefit of the Rockcastle Seminary, and for other purposes.
- An act to repeal the second section of the act to amend an act, entitled, an act to incorporate the town of Independence, approved March 11, 1843.
- An act to regulate the terms of the Courts in the 4th Judicial District.
- An act to allow an additional Justice of the Peace to Greene county.
- An act for the benefit of the widow and heirs of Daniel McCoy, deceased.

With amendments to the two last.

That they had concurred in the adoption of preamble and resolutions from this House, in relation to the inspection and classification of tobacco.

That they had passed bills of the following titles, viz:
- An act to attach the county of Wayne to the 8th Judicial District.
- An act authorizing John P. Smith, of Warren county, to import a slave into this State.
- An act for the protection of the bridges in the town of Cloverport and Stephensport, in Breckinridge county.
- An act for the benefit of John Morris and John A. Raine.
- An act for the benefit of the Presbyterian church of Morganfield.

1. Mr. Blackburn presented the petition of sundry citizens of the town of Midway, praying that a lot of ground in said town, owned by the State, may be donated for the purpose of erecting a church thereon.

2. Mr. Speed presented the petition of sundry citizens of the city of Louisville, praying an amendment to the inspection laws in relation to the inspection of salt.

3. Mr. Gore presented the petition of James M. Doom and others, praying the passage of a law confirming the sale and conveyance of certain lands to William Richardson.

Which petitions were received, the reading thereof dispensed with, and referred—the 1st to the committee on Religion; the 2d to the committee on Agriculture and Manufactures, and the 3d to the committee for Courts of Justice.
A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills and a preamble and resolution which originated in this House, of the following titles, viz:

An act to authorize Letitia J. Herbst to convey her claim of dower in the estate of George Herbst, a bankrupt.

An act fixing the place of holding courts in Owsley county, and for other purposes.

An act to authorize Henry Gale, administrator of John Gale, and Ann E. Gale, guardian, to convey part of lot No. 64, in Morganfield, to P. C. Holt.

An act to incorporate the town of Minerva, in the county of Mason.

An act to repeal a portion of the act establishing the county of Estill.

An act regulating the return of peace warrants, in Jefferson county.

An act to authorize the appointment of an additional Magistrate in the county of Owen, and for other purposes.

An act for the benefit of the widow and heirs of James W. Buchanan, deceased.

An act to authorize the county Court of Jefferson to lay their county levy at their October, November or December term.

An act allowing an additional Justice of the Peace for Henry county.

An act for the benefit of John G. Morrison.

An act to amend the charter of the Paducah Dry Dock, and for other purposes.

An act to incorporate the town of Manchester, in Clay county.

An act to incorporate the town of Grayson, in the county of Carter.

An act giving the Judge of the City Court of Louisville concurrent jurisdiction with the Circuit Judges, in cases of idiots and lunatics.

An act to amend an act to add to the resources of the Sinking Fund.
An act to regulate the terms of the Circuit Courts in the 16th Judicial District.
An act for the benefit of Benjamin F. Pew, of Rockcastle county.
An act to authorize the establishment of a public warehouse at the landing of Henry Wright, in Hickman county.
An act for the benefit of Ann Porter.
An act for the benefit of Joel Thomasson.
An act to establish a warehouse in Warren county.
An act for the benefit of the Sheriff of Owen county.
Preamble and resolution in relation to the reduction of Postage.
Approved February 9, 1844.

The amendments proposed by the Senate, to bills from this House, of the following titles, viz:
An act allowing additional Constables to Casey and Bath counties.
An act to amend an act, entitled, an act to incorporate the Funk Seminary.
An act for the benefit of Eliza A. Roman.
An act to change the place of voting in Bracken county, and for other purposes.
An act for the benefit of Preston Owen, a Justice of the Peace for Shelby county.
An act to authorize Levi Elliott to erect two gates across the county road leading from Bedford, in Trimble county, to Carrollton, in Carroll county.
An act for the benefit of H. L. Atkins.
An act for the benefit of Richard C. Taylor, late Sheriff of Cumberland county.
An act for the benefit of Uriah Gresham.
An act to improve the State road leading from Frankfort, to the Georgetown and Covington turnpike road, in Scott county.
An act for the benefit of Samuel Nelson, and for other purposes.
An act to allow an additional Justice of the Peace to Greene county.
An act permitting the County Court of Grant to lay an additional levy for said county.

Were taken up, twice read, and concurred in.

On motion of Mr. Stitt,
Ordered, That Mr. Apperson be added to the committee on Internal Improvement.

On motion of Mr. Thurston, leave was given to bring in a bill for the benefit of the wife of Samuel Hedges and her children.
Ordered, That the committee for Courts of Justice prepare and bring in the same.

Mr. Gardner, from the committee appointed to prepare and bring in the
same, reported a bill to change the time of holding the Spring and Fall terms of the Hart Circuit Court, 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 and third readings of said bill having been dispensed with, and the same being engrossed,

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

The amendments proposed by the Senate, to bills from this House of the following titles, viz:
1. An act to compel Sheriffs to execute bonds to collect county levy and revenue tax.
2. An act for the benefit of the widow and heirs of Daniel McCoy, deceased.

Were taken up and referred, the 1st to the committee on Ways and Means, and the 2d to the committee for Courts of Justice, with instructions to report to-morrow morning.

Bills from the Senate of the following titles, viz:
1. An act to amend the law relative to the appointment of Constables.
2. An act for the benefit of the widow and heirs of James Frazier, deceased.
3. An act for the benefit of William Salyers, of Mercer county.
4. An act to modify an act, entitled, an act to invest the Craddock fund.
5. An act to legalize the proceedings of the Johnson County Court in the appointment of an administrator of the estate of George W. Mayo, dec'd.
6. An act to amend the charter of the Owingsville and Big Sandy turnpike road company.
7. An act concerning the Northern Bank and Bank of Kentucky.
8. An act for the benefit of Sidney H. Robertson.
9. An act for the benefit of the estate of Sarah C. McLaughlin, deceased.
10. An act for the benefit of Fielding Neal and wife, and their children.
11. An act for the benefit of Agnes Anderson.
12. An act to incorporate the Frankfort Savings Institution.
13. An act for the benefit of Catharine Withers and her children.
14. An act adding certain lots to the town of Cadiz.
15. An act for the benefit of Jonathan Hathaway, of Kenton county.
16. An act to incorporate the town Keene, in the county of Jessamine.
17. An act to extend a road from the western termination of Pine street, in the town of Danville, to the turnpike road.
18. An act to establish the 19th Judicial District.
19. An act to authorize the construction of a road from the present Franklin and Crab Orchard turnpike, near Salvisa, to the Kentucky river, at McAfee's warehouse.
20. An act to establish a warehouse and Tobacco Inspection in the City of Covington, and at McAfee's landing, in Mercer county.
22. An act to incorporate the Big Spring Seminary.
23. An act to amend an act, entitled, an act to authorize the entry of vacant land west of the Tennessee river, and for other purposes.
25. An act for the benefit of the Methodist Episcopal Church, in New Castle.
26. An act allowing a change of venue to Mary McClary, of the county of Allen.
27. An act for the benefit of the Rev. J. C. Young and Dr. E. H. Watson.
28. An act to limit the number of Constables in the town of Springfield.
29. An act to regulate the duties and fees of the sealer of weights and measures, in the county of Jefferson.
30. An act for the benefit of John Tillford, of the city of Lexington.
31. An act to attach the county of Wayne to the 8th Judicial District.
32. An act authorizing John P. Smith, of Warren county, to import a slave into this State.
33. An act for the protection of the bridges in the town of Cloverport and Stephensport, in Breckinridge county.
34. An act for the benefit of John Morris and John A. Raine.
35. An act for the benefit of the Presbyterian church of Morganfield.

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, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd and 34th were referred to the committee for Courts of Justice; the 6th, 17th and 19th to the committee on Internal Improvement; the 7th to the committee on Banks; the 14th, 20th, 22nd, 24th, 28th, 33d and 35th were severally ordered to be read a third time; the 15th and 30th were referred to the committee on Claims, and the 29th to the committee on Agriculture and Manufactures.

The rule of the House, constitutional provision and third reading of the 14th, 20th, 22d, 24th, 28th, 33d and 35th bills having been dispensed with, Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A bill from the Senate, entitled, an act for the benefit of the Surveyors of the county of Union, 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 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 amended to read, "An act for the benefit of the Surveyor of Union county, and to allow an additional Constable to Christian county."

A bill from the Senate, entitled, an act to repeal the 8th and 9th sections of an act, entitled, an act to add to the resources of the Sinking Fund, approved March 11, 1843, was read the third time.

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

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

An act for the benefit of the Sheriff of Garrard county.
An act for the benefit of Thomas Newten Bennett.
And bills which originated in this House, of the following titles, viz:
An act for the benefit of the late Sheriff of Christian county.
An act for the benefit of James Herring.
An act to authorize the County Court of Pendleton to change the location of State roads.
An act to change the time of holding the Letcher and Pike County Courts, and for other purposes.
An act to change the time of holding a County Court in Madison county, and for other purposes.
An act for the benefit of N. M. Bacon, administrator of John C. Bacon, deceased.

And had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.

The preamble and resolutions from the Senate, relative to the improvement of the Mississippi river and its tributaries, were taken up.

Mr. Martin proposed an amendment to said resolutions.

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 from the Senate, entitled, an act to fix the ratio and apportion the representation in the House of Representatives and Senate, for the next four years.

Mr. T. M. Jones moved to amend the first section of said bill to read as follows: "Bourbon one; Marshall one; Calloway one."

Mr. Young 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. T. M. Jones and Wickliffe, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Alcorn moved to amend the amendment of Mr. T. M. Jones by striking out the words “Marshall one; Calloway one;” and insert in lieu thereof, “Crittenden one; Livingston one.”

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

The question was then taken on adopting the amendment of Mr. Jones, as amended, and it was decided in the negative.

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

Those who voted in the affirmative, were—

Mr. Speaker, Messrs. Alcorn, Allen, Hanna, Haskin, Haydon, Noe, Perrin, Penick, Perrin,
Mr. Smith moved to amend the first section of said bill as follows: "Warren one."

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Those who voted in the negative, were—

<table>
<thead>
<tr>
<th>Mr. Speaker,</th>
<th>Hogan, E.</th>
<th>Redd,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Messrs. Apperson,</td>
<td>Humphreys,</td>
<td>Richardson,</td>
</tr>
<tr>
<td>Blackburn,</td>
<td>Jenkins,</td>
<td>Speed,</td>
</tr>
<tr>
<td>Bowman,</td>
<td>Jones, D. E.</td>
<td>Stone, B.</td>
</tr>
<tr>
<td>Chambers,</td>
<td>King,</td>
<td>Thomson, C. R.</td>
</tr>
<tr>
<td>Coleman,</td>
<td>Lawless,</td>
<td>Thurston,</td>
</tr>
<tr>
<td>Cox,</td>
<td>McLemore,</td>
<td>Trumbo,</td>
</tr>
<tr>
<td>Crow,</td>
<td>McRory,</td>
<td>Waddill,</td>
</tr>
<tr>
<td>Ewing,</td>
<td>Milam,</td>
<td>Webb,</td>
</tr>
<tr>
<td>Fry,</td>
<td>Nall,</td>
<td>Winfrey,</td>
</tr>
<tr>
<td>Glenn,</td>
<td>Oldham,</td>
<td>Woosley,</td>
</tr>
<tr>
<td>Gray,</td>
<td>Perrin,</td>
<td>Wooten,</td>
</tr>
<tr>
<td>Hambleton,</td>
<td>Pope,</td>
<td>Young—40.</td>
</tr>
<tr>
<td>Hobson,</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Mr. Garrard moved to amend the first section of said bill as follows:

“Morgan one; Breathitt, Perry and Letcher one; Clay and Laurel one.”

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

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

Those who voted in the affirmative, were—

<table>
<thead>
<tr>
<th>Mr. Speaker,</th>
<th>Goble,</th>
<th>Martin,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Messrs. Allen,</td>
<td>Griffin,</td>
<td>Owens,</td>
</tr>
<tr>
<td>Bowman,</td>
<td>Groesbeck,</td>
<td>Perrin,</td>
</tr>
<tr>
<td>Bryan,</td>
<td>Hanna,</td>
<td>Smith,</td>
</tr>
<tr>
<td>Clark,</td>
<td>Haskin,</td>
<td>Stitt,</td>
</tr>
<tr>
<td>Coffey,</td>
<td>Haydon,</td>
<td>Stone, B.</td>
</tr>
<tr>
<td>Crow,</td>
<td>Heady,</td>
<td>Stone, S.</td>
</tr>
<tr>
<td>DeCourcy,</td>
<td>Hoce,</td>
<td>Thompson, H.</td>
</tr>
<tr>
<td>Frazier,</td>
<td>Lowry,</td>
<td>Wheeler,</td>
</tr>
<tr>
<td>Garrard,</td>
<td>Marshall,</td>
<td>Yocum—31.</td>
</tr>
<tr>
<td>Given,</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Those who voted in the negative, were—

| Messrs. Alcorn,            | Hogan, E.       | Price,          |
| Apperson,                 | Holloway,       | Redd,           |
| Blackburn,                | Humphreys,      | Richardson,     |
| Buford,                   | Jenkins,        | Rockhold,       |
| Chambers,                 | Jones, D. E.    | Speed,          |
| Coleman,                  | Jones, T. M.    | Tevis,          |
| Collins,                  | Kafkas,         | Thomson, C. R.  |
| Cox,                      | King,           | Thurston,       |
| Cully,                    | Lawless,        | Trumbo,         |
| Ewing,                    | McLemore,       | Waddill,        |
| Fry,                      | McRory,         | Webb,           |
| Gardner,                  | Milam,          | Wickliffe,      |
| Glenn,                    | Nall,           | Wilkinson,      |
| Gore,                     | Noe,            | Winfrey,        |
Mr. Chambers moved to amend the first section of said bill to read as follows: "Livingston one; Crittenden one."

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


At 4 past 4 o'clock, P. M., Mr. C. R. Thomson moved an adjournment.

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

The yeas and nays being required thereon by Messrs. Garrard and Frazier, were as follows, viz:
Those who voted in the affirmative, were—

Mr. Speaker, 
Messrs. Chambers, 
Collins, 
Cox, 
Crow, 
Ewing, 
Fry, 
Hanna, 
Hobbs, 
Hobson, 
Holloway, 
Humphreys, 
Jenkins, 
McRery, 
Nall, 
Noe, 
Oldham, 
Perrin, 
Redd, 
Tevis, 
Thomson, C.R. 
Trumbo, 
Webb, 
Young—24.

Those who voted in the negative, were—

Messrs. Alcorn, 
Allen, 
Apperson, 
Blackburn, 
Bowman, 
Bryan, 
Buford, 
Clark, 
Cooley, 
Coleman, 
Cully, 
DeCourcy, 
Frazier, 
Gardner, 
Garnett, 
Garrard, 
Given, 
Glenn, 
Goble, 
Gray, 
Griffin, 
Groesbeck, 
Hambleton, 
Haskin, 
Haydon, 
Heady, 
Hogan, E. 
Hooe, 
Johnson, 
Jones, D. E. 
Jones, T. M. 
Kalfus, 
King, 
Lawless, 
Martin, 
McLarling, 
Milam, 
Owens, 
Penick, 
Pogue, 
Pope, 
Price, 
Richardson, 
Rockhold, 
Smith, 
Speed, 
Sitt, 
Stone, B., 
Stone, S. 
Thompson, H. 
Thurston, 
Waddill, 
Wheeler, 
Wickliffe, 
Wilkinson, 
Winfrey, 
Woosley, 
Wooten, 
Wright, 
Yocum—60.

Mr. Cox moved to postpone the further consideration of said bill until tomorrow at 12 o'clock.

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

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

Those who voted in the affirmative, were—

Mr. Speaker, 
Messrs. Alcorn, 
Apperson, 
Blackburn, 
Bowman, 
Buford, 
Chambers, 
Coleman, 
Collins, 
Cox, 
Crow, 
Hambleton, 
Hobbs, 
Hobson, 
Hogan, E. 
Holloway, 
Humphreys, 
Jenkins, 
Kalfus, 
King, 
Lawless, 
McLarling, 
Penick, 
Perrin, 
Redd, 
Richardson, 
Smith, 
Speed, 
Stone, B., 
Tevis, 
Thomson, C.R. 
Thurston, 
Trumbo,
Those who voted in the negative, were—

Messrs. Allen, Groesbeck, Pogue,
Bryan, Hanna, Pope,
Clark, Haskan, Price,
Coffey, Haydon, Rockhold,
Cully, Head, Stone, S.
DeCourcy, Hooe, Thompson, H.
Frazier, Johnson, Wheeler,
Frazier, Jones, D. E. Wickliffe,
Gardner, Jones, T. M. Wilkerson,
Garnett, Lowry, Winfrey,
Garrard, Marshall, Woosley,
Given, Martin, Wooten,
Goble, Noe, Yocum—39.

And then the House adjourned.

TUESDAY, FEBRUARY 13, 1844.

A message was received from the Senate, announcing their concurrence in the amendment proposed by this House, to a resolution from the Senate for destroying certain Railroad and Internal Improvement scrip.

That they had passed a bill from this House, entitled, an act for the benefit of James Nichols, of Muhlenburg county.

That they had passed bills and adopted resolutions of the following titles, viz:

An act to amend the law concerning Pedlers.
An act for the benefit of the Surveyor of Spencer county.
A resolution for an adjournment of the General Assembly.
A resolution fixing a day for the election of public officers.

And had received official information from the Governor, announcing that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of George Morris.
An act to allow an additional Justice of the Peace in the county of Kenton.
An act for the benefit of Willis S. Allen.
An act to appropriate the vacant lands in Carter county to the erection of the public buildings in said county.
An act for the benefit of the town of Brandenburg.
An act to establish the county line between the counties of Hopkins and Christian.
An act for the benefit of the Methodist Episcopal Church, in Richmond.
An act to allow an additional Constable to the county of Hardin, and for other purposes.
An act for the benefit of the devisees of Carter Tadlock, deceased.
Approved January 31, 1844.
An act to authorize the city of Maysville to levy and collect a special tax to erect a public edifice in said city.
An act for the benefit of the Sheriff of Greene county.
Approved February 1, 1844.
An act for the benefit of John Walden, of Allen county, and William King, of Henry county.
An act authorizing the County Courts of Shelby and Oldham to make their levy at the May Courts.
An act concerning the road over Muldrow's Hill.
Approved February 2, 1844.
An act to regulate the terms of the Circuit Courts in the seventh Judicial District.
An act for the benefit of the wife of James D. Anderson.
Approved February 9, 1844.

1. Mr. Coffey presented the petition of Sarah Bates, praying the passage of a law permitting her to keep and raise her infant child, free from the control of her late husband, from whom she has been divorced.
2. Mr. Pope presented the petition of Charles Stamps and others in his behalf, praying that a donation be made to said Stamps, of a tract of land in Allen county.
3. Mr. Bowman presented the petition of Louisa Sneed, praying to be divorced from her husband, Madison A. Sneed.

Which petitions were 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 Religion.

On motion of Mr. Campbell,

Ordered, That Mr. Gilchrist have leave of absence for the remainder of the session.

On motion of Mr. Wheeler, leave was given to bring in a bill to amend the act incorporating the town of Falmouth, in Pendleton county.
Ordered, That Messrs. Wheeler, Coleman and Pope prepare and bring in the same.

Mr. Chambers, from the committee on Ways and Means, to whom was referred the amendments proposed by the Senate to a bill from this House, entitled, an act to compel Sheriffs to execute bond to collect county levy and revenue tax, reported the same without amendment.

Mr. Garrard moved to amend the amendment of the Senate by adding the following, viz:

_Be it further enacted, That if any County Court shall fail to appoint a collector of the revenue until the 10th of February next succeeding the time such Collector should have been appointed, all persons living in said counties may be allowed to pay their revenue into the Treasury, and shall be allowed the same deductions as collectors are allowed for collecting the revenue._

Mr. Young 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. Garrard and Young, were as follows, viz:

**Those who voted in the affirmative, were—**


**Those who voted in the negative, were—**

Messrs. Bryan, Clark, Coffey, DeCourcy, Frazier, Gardner, Haydon, Hogan, O. P. Hooe, Johnson, Jones, T. M. Kavanaugh, Owens, Penick, Pope, Smith, Stone, B. Thompson, H.
The main question was then put, shall the amendments be concurred in? and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker, 
Messrs. Alcorn, 
Allen, 
Apperson, 
Blackburn, 
Bowman, 
Bryan, 
Buford, 
Campbell, 
Chambers, 
Clark, 
Coleman, 
Collins, 
Cox, 
Crow, 
Cully, 
Ewing, 
Garnett, 
Glenn, 
Goble, 
Gore, 
Gray, 

Hambleton, 
Heady, 
Hobbs, 
Hobson, 
Hogan, E., 
Holloway, 
Humphreys, 
Jenkins, 
Johnson, 
Jones, D. E., 
Jones, T. M., 
Kaltus, 
Kavanaugh, 
King, 
Lawless, 
Lewis, 
Maupin, 
McLarning, 
McRery, 
Mallam, 
Nall, 
Noe, 

Oldham, 
Penick, 
Perrin, 
Pogue, 
Price, 
Redd, 
Richardson, 
Rockhold, 
Speed, 
Stitt, 
Stone, B. 
Tevis, 
Thomson, C. R. 
Thurston, 
Trumbo, 
Tully, 
Waddill, 
Webb, 
Wilkinson, 
Wooten, 
Wright, 
Young—66.

Those who voted in the negative, were—

Messrs. Coffey, 
DeCourcy, 
Frazier, 
Gardner, 
Garrard, 
Given, 
Griffin, 
Groesbeck, 
Hanna, 

Haydon, 
Hogan, O. P., 
Hooe, 
Lowry, 
Marshall, 
Martin, 
Owens, 
Pope, 

Smith, 
Stone, S. 
Thompson, H. 
Wheeler, 
Wickliffe, 
Winfrey, 
Woosley, 
Yocum—25.

Mr. Campbell, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to establish the 19th Judicial District, reported the same without amendment.
Mr. Speed moved the previous question.
The question was then taken, shall the main question be now put? 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. E. Hogan and Price, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Gore, Groesbeck, Noe, Groesbeck, Groesbeck,
Messrs. Alcorn, Hanna, Perrin, Hanna, Hanna,
Allen, Haskin, Pogue, Haskin, Haskin,
Blackburn, Hayden, Redd, Hayden, Hayden,
Bryan, Hobbs, Rockhold, Hobbs, Hobbs,
Campbell, Hooe, Speed, Hooe, Hooe,
Chambers, Humphreys, Stitt, Humphreys, Humphreys,
Clark, Jones, T. M. Stone, B. Jones, T. M., Jones, T. M.
Collins, Kavanaugh, Tevis, Kavanaugh, Kavanaugh,
Cox, King, Thomson, C. R. King, King,
Cully, Lewis, Thurston, Lewis, Lewis,
DeCourcy, Martin, Trumbo, Martin, Martin,
Ewing, Maupin, Trumbo, Maupin, Maupin,
Frazier, McLarning, Webb, McLarning, Webb,
Fry, McReny, Wheeler, Fry, Fry,
Garnett, Milam, Wilkenson, Garnett, Garnett,
Garrard, Null, Young—55. Garrard, Null,
Given, Gable,

Those who voted in the negative, were—

Messrs. Bowman, Hogan, O. P. Pope, Bowman,
Buford, Holloway, Price, Coffey, Jenkins, Richardson,
Coleman, Jones, D. E. Stewart, Gardner, Kalfus, Stone, S.
Gardner, Lawless, Thompson, H. Glenn, Lowry, Wickliff,
Glenn, Marshall, Winfrey, Gray, Lawless, Wooten,
Griffin, Lowry, Wright, Hambleton, Marshall, Yocum—33.
Head, Oldham, Hogan, E. Owens, Penick,
The yeas and nays being required thereon by Messrs. Hoee and Smith, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,  
Messrs. Alcorn,  
Allen,  
Blackburn,  
Bryan,  
Campbell,  
Chambers,  
Clark,  
Collins,  
Cox,  
Crow,  
Cully,  
DeCourcy,  
Ewing,  
Frazier,  
Fry,  
Garnett,  
Garrard,  
Given,  

Goble,  
Gore,  
Groesbeck,  
Hanna,  
Haskin,  
Hayden,  
Hobbs,  
Hobson,  
Hooe,  
Humphreys,  
Jones, D. E.,  
Jones, T. M.,  
Kavanaugh,  
King,  
Lewis,  
Martin,  
McLarning,  
McKery,  
Milam,  
Noe,  
Payne,  
Perrin,  
Pogue,  
Redd,  
Rockhold,  
Speed,  
Stitt,  
Stone, B.,  
Tevis,  
Thomson, C. R.,  
Thurston,  
Trumbo,  
Tully,  
Waddill,  
Webb,  
Wilkinson,  
Young—56.

Those who voted in the negative, were—

Messrs. Apperson,  
Bowman,  
Buford,  
Coffey,  
Coleman,  
Gardner,  
Glenn,  
Gray,  
Griffin,  
Hambleton,  
Heady,  
Hogan, E.,  
Hogan, O. P.,  

Holloway,  
Jenkins,  
Johnson,  
Kalins,  
Lawless,  
Lowry,  
Marshall,  
Maupin,  
Nall,  
Oldham,  
Owens,  
Penick,  
Pope,  
Price,  
Richardson,  
Smith,  
Stewart,  
Stone, S.,  
Thompson, H.,  
Wheeler,  
Wickliffe,  
Winfrey,  
Wooley,  
Wooten,  
Wright,  
Yocum—39.

Resolved, That the title thereof be as aforesaid.

Mr. Fry, from the committee on Enrollments, reported that the committee had examined enrolled bills and a resolution which originated in the Senate, of the following titles, viz:

An act to amend an act for the benefit of George R. H. Clark, and the heirs at law of William P. Clark, deceased.

An act to incorporate the Big Spring Seminary.

An act for the benefit of the Presbyterian church of Morganfield.

An act adding certain lots to the town of Cadiz.

An act to limit the number of Constables in the town of Springfield.
An act for the protection of the bridges in the towns of Cloverport and Stephensport, in Breckinridge county.

An act establishing a Warehouse and Tobacco Inspection in the City of Covington, and at McAfee's landing, in Mercer county.

A resolution for destroying certain Railroad and Internal Improvement scrip.

And bills and resolutions which originated in this House, of the following titles, viz:

An act for the benefit of Eliza A. Roman.

An act to change the place of voting in Bracken county, and for other purposes.

An act for the benefit of the Rockcastle Seminary, and for other purposes.

An act to repeal the 2d section of the act to amend an act, entitled, an act to incorporate the town of Independence, approved March 11, 1843.

An act to allow additional Constables to Casey, Fleming and Bath counties.

An act to amend an act, entitled, an act to incorporate the Funk Seminary.

An act to regulate the terms of the courts in the 4th Judicial District.

An act for the benefit of Preston Owen, a Justice of the Peace for Shelby county, and Alexander Harcourt, of Spencer county.

An act to authorize Levi Elliptt to erect two gates across the county road leading from Bedford, in Trimble county, to Carrollton, in Carroll county.

An act for the benefit of Richard C. Taylor, late Sheriff of Cumberland county, and John Hodges, Sheriff of Calloway county.

An act for the benefit of H. L. Atkins.

An act permitting the County Courts of Grant and Greenup to lay an additional levy for said county.

An act for the benefit of Uriah Gresham.

An act to improve the State road leading from Frankfort, to the Georgetown and Covington turnpike road, in Scott county.

An act for the benefit of Samuel Nelson, and for other purposes.

An act to allow an additional Justice of the Peace to Green county, and one to Barren county.

A preamble and resolutions in relation to the inspection and classification of tobacco.

And had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.

The House again resumed the consideration of the bill from the Senate, entitled, an act to fix the ratio and apportion the representation in the House of Representatives and Senate, for the next four years.
Mr. Buford moved a reconsideration of the vote of yesterday, taking one from Warren.

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

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

Those who voted in the affirmative, were—

Mr. Speaker, Griffin, Pope,
Messrs. Apperson, Hambleton, Price,
Bowman, Hobson, Redd,
Buford, Jenkins, Speed,
Chambers, Johnson, Stone, B.
Coleman, Jones, D. E. Trumbo,
Collins, King, Waddill,
Cox, Lawless, Webb,
Crow, Maupin, Wilkerson,
DeCourcy, Mclarning, Winfrey,
Ewing, McRery, Wooten,
Garnett, Milam, Wright,
Glenn, Owens, Young—39.

Those who voted in the negative, were—

Messrs. Alcorn, Headv, Wilkerson,
Allen, Allen, Rockhold,
Bryan, Hobbs, Smith,
Campbell, Hogan, O. P. Stewart,
Coffey, Holloway, Stitt,
Cully, Humphreys, Stone, S.
Frazier, Jones, T. M. Tevis,
Fry, Kalfus, Thomson, C. R.
Gardner, Kavanaugh, Thompson, H.
Garrard, Lewis, Thurston,
Given, Lowry, Tully,
Goble, Marshall, Wheeler,
Gore, Martin, Wickliffe,
Gray, Nall, Woosley,
Groesbeck, Noe, Yocum—53.
Ganna, Oldham,
Haskin, Penick,
Haydon,

Mr. Cox 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. E. Hogan and Chambers, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Hobbs, Redd,
Messrs. Alcorn, Hobson, Richardson,
Allen, Hogan, E. Rockhold.

Those who voted in the negative, were—


The main question was then put, shall the bill, as amended, be read a third time? and it was decided in the affirmative.

Mr. Chambers moved that said bill have its third reading now.

And it was decided in the affirmative.

The said bill was then read a third time.

Mr. Garrard moved to amend said bill by adding the following engrossed clause, by way of Ryder, viz:

Be it further enacted, That the Clerk shall, after the number of Representatives is stated as allowed from each county or counties, city or cities, that immediately thereafter, the number of voters contained in said county or counties, city or cities, shall be noted so as to show the equality or inequality of Representation, and the Clerk shall refer to the Auditor's report for information.

Mr. Speed 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. DeCourcy and Frazier, were as follows, viz:
Those who voted in the affirmative, were—

Mr. Speaker, 
Messrs. Alcorn, 
Allen, 
Apperson, 
Blackburn, 
Bowman, 
Bryan, 
Campbell, 
Chambers, 
Clark, 
Coleman, 
Collins, 
Cox, 
Crow, 
DeCourcy, 
Ewing, 
Fry, 
Garnett, 
Given, 
Gore, 
Gray, 
Hambleton, 
Haydon, 
Heady, 
Hobbs, 
Hobson, 
Hogan, E. 
Holloway, 
Humphreys, 
Jenkins, 
Jones, D. E. 
Kalfus, 
King, 
Lawless, 
Maupin, 
McLarning, 
McRery, 
Milam, 
Nall, 
Noe, 
Oldham, 
Owens, 
Penick, 
Perrin, 
Pogue, 
Pope, 
Price, 
Redd, 
Richardson, 
Speed, 
Stone, B. 
Stone, S. 
Tevis, 
Thomson, C. R. 
Thompson, H. 
Thurston, 
Trumbo, 
Tully, 
Waddall, 
Webb, 
Winfrey, 
Woosley, 
Wooten, 
Wright, 
Young—65.

Those who voted in the negative, were—

Messrs. Buford, 
Colley, 
Cully, 
Frazier, 
Garrard, 
Glenn, 
Goble, 
Griffin, 
Groesbeck, 
Hanna, 
Haskin, 
Hogan, C. P. 
Hooe, 
Johnson, 
Jones, T. M. 
Kavanaugh, 
Lewis, 
Lowry, 
Marshall, 
Martin, 
Smith, 
Stewart, 
Wheeler, 
Wicklife, 
Wilkinson, 
Yocum—26.

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. Buford and DeCourcy, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, 
Messrs. Alcorn, 
Apperson, 
Blackburn, 
Bowman, 
Bryan, 
Campbell, 
Chambers, 
Hobbs, 
Hobson, 
Hogan, E. 
Holloway, 
Humphreys, 
Jenkins, 
Jones, D. E. 
Kalfus,
HOUSE OF REPRESENTATIVES.

Resolved, That the title thereof be as aforesaid.

At 4 past 1 o'clock, P. M., Mr. Smith moved an adjournment.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Young moved to suspend the rules in order to enable him to move to take up the resolution from the Senate fixing a day for the final adjournment.

And the question being taken thereon, it was decided in the negative, it requiring two-thirds to suspend the rules.

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

Those who voted in the affirmative, were—

HOUSE OF REPRESENTATIVES.

Those who voted in the negative, were—

Mr. Speaker, Mr. Apperson, Mr. Bryan, Mr. Campbell, Mr. Clark, Mr. Coleman, Mr. Crow, Mr. Cully, Mr. DeCourcy, Mr. Gardner, Mr. Garrard, Mr. Gore, Mr. Groesbeck, Mr. Hanna, Mr. Haydon, Mr. Hogan, O. P., Mr. Johnson, Mr. Jones, T. M., Mr. Lowry, Mr. Martin, Mr. McKery, Mr. Milam, Mr. Noe, Mr. Perrin, Mr. Price, Mr. Smith, Mr. Speed, Mr. Sitt, Mr. Tevis, Mr. Thompson, H., Mr. Wickliffe, Mr. Yocum—33.

Mr. Chambers moved the following resolutions, viz:

Resolved, That a committee be appointed to enquire into the subject of the tolls on the turnpike roads and rivers, and report to this House such information as they may be able to collect, with a bill to regulate said tolls, if they deem it proper to legislate on the subject.

Resolved, That said committee have power to send for persons and papers.

Which were adopted.

And then the House adjourned.

WEDNESDAY, FEBRUARY 14, 1844.

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, viz:

An act to repeal the 8th and 9th sections of an act, entitled, an act to add to the resources of the Sinking Fund, approved March 11, 1843.

An act for the benefit of the Surveyor of the county of Union.

That they had disagreed to a bill from this House, entitled, an act to repeal an act, approved January 21, 1839, appointing a Treasurer in the county of Pendleton.

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

An act for the benefit of Elisha Fortune.

An act to amend the law establishing a road from Brandenburg to Bowling Green.

An act for the benefit of the town of Augusta.

An act to improve the Moore road in the counties of Laurel and Knox.
An act to allow additional Justices of the Peace to Lewis and Grayson counties.

That they had passed bills of the following titles, viz:

An act to amend the act incorporating the town of Columbia.

An act for the benefit of James Devore and Elizabeth L. Devore and their children.

An act for the benefit of Susan A. Boyce, of Logan county.

An act for the benefit of foot passengers on the Wilderness turnpike road.

An act for the benefit of the Buck Run Academy.

1. Mr. Apperson presented the petition of sundry citizens, praying the formation of a new county out of parts of Clarke, Estill and Montgomery.

2. Mr. Stitt presented the petition of Jonathan Crouch, praying to be divorced from his wife, Emily Crouch.

3. Mr. McMurry presented the petition of L. M. Wilkins and others, praying for permission to erect a fish dam on Pond river.

4. Mr. T. M. Jones presented the petition of sundry citizens of Marshall county, praying the establishment of a State road from Paducah, by way of Benton, to Gray's ferry, on the Tennessee river.

5. Mr. Holloway presented the petition of F. Posey, praying permission to import into this State certain slaves.

6. Mr. Humphreys presented the petition of sundry citizens of Mason county, praying an amendment to the road laws of said county.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st and 5th to the committee on Propositions and Grievances; the 2d to the committee on Religion; the 3d to Messrs. McMurry, Glenn and Bowman; the 4th to the committee on Internal Improvement, and the 6th to Messrs. Humphreys, Chambers and E. Hogan.

The Speaker read before the House a communication from the President of the Board of Internal Improvement, enclosing the petition of William DeCourcy, praying that a sum of money which had been handed to him by the Board of Internal Improvement, and of which he was robbed, may be refunded.

Ordered, That said communication and petition be referred to the committee on Internal Improvement.

The Speaker, in pursuance of a resolution moved by Mr. Chambers on yesterday, appointed Messrs. Chambers, Cox, Humphreys, Coleman and Stitt said committee.

Mr. Redd moved a reconsideration of the vote passing the bill from the Senate, entitled, an act to establish the 19th Judicial District.

Mr. Garrard moved the previous question.
The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the vote be reconsidered? and it was decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


On motion of Mr. Redd,

Ordered, That said bill be referred to the committee for Courts of Justice, with instructions to report the same to this House on Friday next.

Mr. Apperson, from the committee for Courts of Justice, to whom was referred the amendment proposed by the Senate, to a bill from this House, entitled, an act for the benefit of the widow and heirs of Daniel McCoy, deceased, reported the same without amendment.
The amendment of the Senate was then twice read and concurred in.

Mr. Smith moved the following resolution, viz:

Resolved, That the committee for Courts of Justice be instructed to make report to this House, on Saturday next, upon a resolution to them submitted, in the early part of the Session, to enquire whether the election of Keepers of the Penitentiary, at the last session, was by authority of law, and whether a bond executed by them, under said election, could for a breach thereof, be enforced at law.

Which was adopted.

Mr. Chambers moved to suspend the rules in order to take up for consideration, the bill to alter and amend the laws relating to Commissioners of Tax, and for other purposes.

Said bill reads as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judge of the Circuit Court of each county in this Commonwealth shall, at the fall term of such court, appoint three competent persons to act as "Commissioners of Nomination and Equalization," who shall take an oath, before said Judge, faithfully to discharge the duties hereinafter imposed upon them.

Sec. 2. It shall be the duty of said Commissioners, on or before the first Monday in November, 1844, and whenever it may be necessary thereafter, to nominate to the County Court, five persons well qualified to discharge the duties of Commissioners of Tax.

Sec. 3. The County Courts of this Commonwealth shall, at their December or January term, in each year, elect one of the five persons nominated as above provided, to act as Commissioner of Tax for the county for a term of four years, who, before entering upon the duties of his office, shall give bond, with good security, in the penalty of two thousand dollars, for the faithful performance of the duties of said office; said bond to be taken by the County Court, payable to the Commonwealth of Kentucky, (a copy of the same to be forwarded by the Clerk of said court, to the Second Auditor) and to be renewed, from time to time, as may be required by the County Court.

Sec. 4. The rate of compensation of the Commissioners of Tax shall be fixed by the County Court, at least one month before his election, and not to be changed during his continuance in office; and in fixing said compensation, the court shall have reference to the number of lists returned by said Commissioner, instead of a per diem allowance; but in no case shall said compensation exceed twelve cents per list returned, one third of which shall be paid by the county, and the balance shall be certified to the Second Auditor and paid out of the Treasury.

Sec. 5. The Commissioner of Tax may appoint four competent officers, (or a less number,) to act as Assistant or Deputy Commissioners, for whose acts and omissions he shall be responsible, and who shall be liable to removal at the pleasure of said Commissioner, or by a majority of the County Court, for neglect of duty or malversation in office.

Sec. 6. Be it further enacted, That any Commissioner of Tax shall forfeit the sum of one dollar, (to be deducted out of his pay,) for each list that he shall fail to report; and for the purpose of giving time for the examination of the books of the Commissioners, twenty five per cent, of the
amount due them in each year, shall be withheld by the County Court, until the December term of said court, on or before which time the Sheriff shall report, on oath, to the court, a list of all the persons, with the amount of their taxable property, that the Commissioners may have failed to return, then the amount withheld, after deducting the forfeitures incurred under this section, shall be certified to the Second Auditor, and paid as above directed: Provided, also, That the amount forfeited, as aforesaid, shall go to the county Treasury, and be applied towards lessening the county levy.

Sec. 7. That the Commissioners of Tax or their assistants, shall, in all cases, swear the person giving in a list of taxable property, not made visible to them; and in no case shall he or his assistants, fail to swear every individual to the amount given in under the equalizing law; he or his deputies shall have power to require of any two discreet and worthy housekeepers of any neighborhood, town or city, to state, on oath, the average rates and value of any lands, with the character and value of the improvements thereon, and the value of any town or city property; and any person failing or refusing to perform this duty, (as above described,) when requested by the Commissioner, as aforesaid, shall, upon presentation by said Commissioner, (or his deputy,) to the County Court, be fined by said court in any sum not exceeding twenty nor less than five dollars.

Sec. 8. The Commissioner of Tax listing for taxation the stock in dry goods, groceries and all other stores, shall require of the party giving the list, the amount imported, (or purchased to sell again,) during the year, that is, from the 10th day of January to the 10th day of January again.

Sec. 9. Be it further enacted, That all that portion of the act, entitled, "an act to equalize taxation," approved February 23d, 1837, as exempts the first three hundred dollars in value from taxation, be, and the same is hereby repealed.

Sec. 10. Be it further enacted, That the three persons designated in the first section of this act, as "Commissioners of Nomination and Equalization," shall, within ten days after the return of the books of the Commissioner of Tax to the County Court Clerk's office, meet and carefully examine said books, list by list, and if, in their opinion, or in the opinion of any two of them, any item of property on any list is valued improperly, it shall be their duty to correct such valuation, and any person who shall feel aggrieved thereby, may appear before the said Commissioners of Equalization, and said Commissioners shall have power to remedy it if they think proper; their decision, in all cases, being subject to revision and correction by the County Court. The Commissioner of Tax shall attend the Commissioners of Equalization during their examinations, and give them such information as they may require. The Commissioners of Equalization, for their services rendered under this act, shall be allowed $1 per day, and shall be exempt from serving on juries, mustering and working on the roads.

Sec. 11. It shall be the duty of the several County Court Clerks of this Commonwealth, to furnish to the Commissioners of Tax, on the first day of January in each year, a certified and accurate statement, showing the transfers of real property, by deed of absolute sale recorded in his office, that have taken place in his county during the year preceding said first day of January, showing, in such statement, in whom is vested the legal title to
any real estate that may have changed owners during that year, and up to
the time such statement is delivered.

Sec. 12. In fixing the value of property under the provisions of this act,
the Commissioner of Tax, shall put it at a valuation equal in all cases to the
market price of such property, (real or personal,) at the time of the valu-
ation; sales at the usual credit, with six per cent. interest, for property in
each neighborhood, town or city, shall be considered the market price;
Provided, however, That in the valuation of real estate, the value shall in
all cases be deemed the market price, if sold for one third in hand and the
balance in one and two years.

Sec. 13. It shall be the duty of each County Court Clerk to transmit to
the Second Auditor, a certified copy of the order of court making the ap-
pointment of Commissioners of Tax, as hereinafter directed, and the Sec-
ond Auditor shall report, each and every year to the General Assembly,
by the tenth day of the session, a list of all the Commissioners so appointed,
showing the time that each one has to serve from the date of his report.

Sec. 14. The Commissioners of Tax shall be liable, upon their bonds, by
motion in the General Court, for any failure of duty; upon the information
of any person competent to testify in a court of justice, said Commissioners
having received notice of the same twenty days before such motion is made.

Sec. 15. Be it further enacted, That in case any Commissioner of Tax,
appointed under the provisions of this act, should die, resign, or otherwise
vacate his office, the Commissioners of Nomination, appointed under this
act, shall forthwith proceed to nominate fit persons to the County Court, to
fill such vacancy for the unexpired time of such Commissioner of Tax, as
may vacate his office, to be governed by the same rules and regulations as
prescribed by this act, in the original appointments; and the Circuit Judges
shall, from time to time, appoint Commissioners of Nomination and Equali-
zation, so that a standing board shall always be ready to attend to the duties
devolving upon them; and it shall be the duty of the County Court Clerks
to inform the Circuit Court Judges when any vacancies may take place.

Sec. 16. Be it further enacted, That the Commissioners of Tax appoint-
ed under this law, shall be governed by the laws upon the subject of revenue
and taxation now in force, where they are not incompatible with the pro-
visions of this act; and it is hereby made the duty of the Attorney General
and Secretary of State, to digest the said laws by the first day of June,
1844, and they shall deliver a copy of the same, as digested, to the Second
Auditor, who shall send a printed circular of the same to each County Court
of this Commonwealth, and to the Commissioners appointed under the pro-
visions of this law.

Sec. 17. Be it further enacted, That the Commissioners of Tax appoint-
ed under this law, shall not commence their duties until the 10th day of
January, 1845, and their term of service shall commence at that time.

Sec. 18. Be it further enacted, That if any Circuit Judge should fail to
hold a fall term, or from any other cause he shall fail to appoint Com-
misioners of Nomination, then, and in that case, he shall make the appoint-
ment out of term time, and certify the same to the Circuit Court Clerk,
who shall furnish the Commissioners of Nomination, so appointed, with a
copy of the same. And in the event of the County Court, from any cause
whatever, failing to appoint Commissioners of Tax, at the December or
January Terms, as contemplated by this act, then, and in that event, the
presiding Justice of the court shall call a Special Term immediately thereafter, for the purpose of electing Commissioners of Tax, and carrying this law fully into effect.

Sec. 19. Any officer failing to comply with the requisitions of this act, shall be subject to a fine of five hundred dollars, recoverable by motion in the General Court, as in other cases.

Sec. 20. Be it further enacted, That all laws and parts of laws incompatible with the provisions of this act, be, and the same are hereby repealed.

And the question being taken thereon, it was decided in the negative, it requiring a majority of two-thirds.

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

Those who voted in the affirmative, were—

Mr. Speaker, Hogan, E. Penick, Perri,
Messrs. Alcorn, Holloway, Perrin, Price,
Apperson, Humphreys, Redd,
Blackburn, Jenkins, Richardson, Speed,
Buford, Kallus, Tevis,
Campbell, King, Thurston,
Chambers, Lawless, Trumbo,
Cox, Lewis, Waddill,
Cully, McLarning, Webb,
Ewing, McReny, Wickliffe,
Fry, Milam, Wooten,
Graves, Nall, Young—42.
Hambleton, Noe,
Hobson, Oldham,

Those who voted in the negative, were—

Messrs. Allen, Groesbeck, Payne,
Bowman, Hanna,
Bryan, Haskin,
Clark, Haydon,
Coffey, Hogan, O. P.
Coleman, Hoee,
DeCourcy, Jones, T. M.
Frazier, Kavanagh,
Gardner, Lowry,
Garnett, Marshall,
Garrard, Martin,
Given, Maupin,
Goble, Owens,
Gray,

Mr. Redd moved to discharge the committee of the Whole from the bill for the relief of the bona fide occupants of land.
Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if any occupant of land within this Commonwealth, has or shall have been in the peaceable possession thereof, claiming the same bona fide as his own land, by written contract or deed from and under any person claiming title by deed, recorded in any Clerk's Office of the county in which the land lies, or in the Clerk's Office of the Court of Appeals or General Court, (without any other title,) for and during the period of seven years, and another claimant shall obtain the decision of any court, for the recovery of the possession thereof, the defendant shall not be evicted until payment is made to him for all valuable and lasting improvements made by him upon the premises recovered, or by any other person or persons under whom he claims, to be ascertained after the manner prescribed by the act, entitled, "an act to amend an act, entitled, an act to revive and amend the Champerty and Maintenance Law, and more effectually to secure the bona fide occupant of land within this Commonwealth," approved January 12th, 1825; and judgment or decree shall be entered therefor, and execution may issue accordingly; and the defendant shall have a lien upon the land recovered, until he is paid the value of his improvements aforesaid: Provided, That a ventre facias shall not issue in any case, unless the defendant shall file in the Clerk's Office of the court in which the decision may have been had, an affidavit to be made before a Justice of the Peace, that he or she, and those under whom he claims, have held, in good faith, a continued possession of the land recovered, for seven years prior to the institution of the suit: And provided, further, That the provisions of this section shall not apply to any occupant who shall not have been in the adverse possession of the land seven years next preceding any suit instituted against any such occupant, for the recovery of the land or the possession thereof from such occupant nor to any occupant who may have, at any time, entered under or taken a lease, or who may have rented, or who may have at any time resided on the land, by the permission of the person or persons claiming the land, or of any person or persons under whom such claimant or claimants who may seek to dispossess such occupant, derives title.

Sec. 2. Be it further enacted, That no ejectment or other action shall be maintained to recover the possession of land, unless the claimant, if required by the defendant, shall make affidavit in writing, and file the same in court, that he or they have not employed any person or persons to institute, prosecute, maintain, or carry on said suit, for any part or parts of the land, or of the proceeds thereof, subject to be recovered, nor for any part of the proceeds on any compromise made, or to be made with any occupant or occupants, as a compensation for his or their service or agency; and if required by the defendant, the claimant or claimants shall produce satisfactory evidence, under a rule of the court in which the suit may be depending, that the taxes upon the land, subject to be recovered, have been by him or them paid up to the period of the institution of the suit; and on his or their failure to produce such evidence, the suit shall be dismissed.

Sec. 3. Be it further enacted, That after judgment in ejectment, it shall be lawful for any defendant or defendants, or any tenant or tenants in possession, to file a bill in Chancery, setting forth that the claimant or claimants have no title to the land in equity, but that the title in equity is in some other person or persons, setting forth in the bill the name or names of such
person or persons holding the equity, and also charging that the ejectment has been prosecuted without the knowledge or consent of the holders of the equitable title, who also shall be made defendants to the bill, upon which bill, verified by affidavit, the court shall grant an injunction, staying further proceedings upon the judgment in ejectment, until the final hearing of the cause; and if, upon final hearing, the facts set forth in the bill shall be sustained by proof or admission, or the defendants suffer the bill to be taken for confessed, then the court shall perpetuate the injunction, and render such further decree as shall be necessary to quiet the possession of the occupant: Provided, That this act shall not apply to any case where suit is now depending, or in which judgment has been recovered.

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

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

Those who voted in the affirmative, were—

Messrs. Bowman, Hooe, Perrin,
Campbell, Humphreys, Price,
Chambers, Jenkins, Reid,
Ewing, Jones, D. E., Speed,
Garnett, Kallus, Tevis,
Gray, King, Thomson, C. R.,
Grossbeck, McLarning, Thurston,
Hobbs, Milam, Waddill,
Hogan, E., Nall, Young—29.
Holloway, Penick,

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Alcorn, Gore, Payne,
Allen, Griffin, Pogue,
Apperson, Griffin, Pope,
Blackburn, Hambleton, Richardson,
Bryan, Hanna, Rockhold,
Buford, Haskin, Stewart,
Clark, Haydon, Stitt,
Coffey, Hobson, Stone, B.,
Coleman, Hogan, O. P., Stone, S.,
Collins, Johnson, Thompson, B.,
Cox, Jones, T. M., Trumbo,
Cully, Kavanaugh, Tully,
DeCourcy, Lawless, Webb,
Frazier, Lowry, Wheeler,
Fry, Marshall, Wickliffe,
Gardner, Martin, Winfrey,
Garrard, Maupin, Woosley,
Given, McKinley, Wooten,
Glen, Noel, Wright,
Goble, Oldham, Yocum—62.
The House then resolved itself into a committee of the Whole, on the
bill for the relief of the bona fide occupants of land—Mr. Lawless in the
Chair; and after some time spent therein, the Speaker resumed the Chair,
when Mr. Lawless 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.

And the question being taken on granting the leave, it was decided in the
negative.

Mr. DeCourcy moved the following amendment to said bill, viz:

Bei it further enacted, That nothing in this act shall be so construed as to
abridge or lessen any of the rights secured to occupants by the several oc-
cupant laws now in force.

Which was adopted.

Mr. Goble moved to amend said bill by adding thereto the following, viz:

Be it further enacted, That in all actions or writs of right, hereafter to
be tried in this Commonwealth, twenty years shall be the time calculated as
the statute of limitations; and in all actions of ejectment ten years shall be
calculated as the time of limitations; to be expounded by the courts trying
such suits, under the rules as now settled by law: Provided, however, Noth-
ing herein shall be construed so as to change the present exceptions, for the
benefit of feme coverts and infants.

Mr. Young 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. O. P. Hogan and
Smith, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bowman, McLarning, Speed,
Campbell, Milam, Stone, B.
Ewing, Nall, Stone, S.
Garnett, Penick, Thomson, C. R.
Graves, Price, Thurston,
Holloway, Redd, Wooten,
Hooe, Richardson, Wright,
Jenkins, Roekhold, Young—26.
Kavanaugh, Smith,

Those who voted in the negative, were—

Messrs. Alcorn, Griffin, Maupin,
Allen, Groesbeck, McRery,
Boford, Hambleton, Noe,
Chambers, Hanna, Oldham,
Coffey, Haskin, Owens,
Coleman, Haydon, Perrin,
Cox, Hobbs, Pogue,
Cully, Hobson, Pope,

Hogan, E.
Stewart,
Mr. Speed moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill, as amended, be engrossed and read a third time? and it was decided in the negative, and so the said bill was rejected.

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

Those who voted in the affirmative, were—

Mr. Speaker,  Groesbeck,  Owens,  Payne,
Messrs. Buford,  Hambleton,  Hanna,  Pope,
Coffey,  Haskin,  Haydon,  Stewart,
Coleman,  Hogan, O. P.  Johnson,  Thompson, H.  Webb,
Collins,  Hogan, E.  Holloway,  Price,
DeCourcy,  Cocke,  Humphreys,  Redd,
Frazier,  Jenkins,  Jones, D. E.  Richardson,
Gardner,  Jones, T. M.  Kalfus,  Rockhold,
Garrard,  Kavanaugh,  King,  Smith,
Given,  Lawless,  Maupin,  Speed,
Gore,  McLearning,  McRery,  Stitt,
Gray,  Milam,  Pogue,  Stone, B.

Those who voted in the negative, were—

Messrs. Alcorn,  Hogan, E.  Price,  Stone, S.
Allen,  Holloway,  Redd,  Tevis,
Apperson,  Hooe,  Richardson,  Thomson, C. R.
Bryan,  Humphreys,  Rockhold,  Thurston,
Campbell,  Jenkins,  Smith,  Waddill,
Chambers,  Jones, D. E.  Speed,  Winfrey,
Clark,  Jones, T. M.  Tevis,  Yocum,
Cox,  Kalfus,  Thompson, H.  Yocum—35.
Cally,  Kavanaugh,  Webb,  Yocum—56.
Ewing,  King,  Wickliffe,
Fry,  Lawless,  Wickliffe,
Garnett,  Maupin,  Winfrey,
Given,  McLearning,  Woosley,
Gore,  McRery,  Yocum,
Gray,  Milam
Mr. Graves moved a suspension of the rules of the House to enable him to propose the following resolution, viz:

Resolved, That during the remainder of the session, each day, this House will take a recess at half past one o'clock, P. M., and meet again at 3 o'clock, P. M., and that when the hour of half past 1 o'clock arrives, each day, it shall be the duty of the Speaker or Chairman to announce the fact to the House.

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

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

Those who voted in the affirmative, were:

- Mr. Speaker,
- Messrs. Apperson,
- Bowman,
- Buford,
- Campbell,
- Chambers,
- Clark,
- Coleman,
- Collins,
- Cox,
- Cully,
- Ewing,
- Frazier,
- Gardner,
- Garnett,
- Given,
- Glenn,
- Goble,
- Gore,
- Graves,
- Gray,
- Groesbeck,
- Hambleton,
- Haskin,
- Haydon,
- Hobbs,
- Hobson,
- Holloway,
- Hooe,
- Humphreys,
- Jenkins,
- Jones, D. E.
- Kallis,
- Kavanaugh,
- King,
- Lawless,
- Lowry,
- Marshall,
- Maupin,
- McLarney,
- McKery,
- Milam,
- Nall,
- Oldham,
- Owens,
- Penick,
- Perrin,
- Pogue,
- Pope,
- Price,
- Redd,
- Richardson,
- Rockhold,
- Speed,
- Sitt,
- Stone, B.
- Stone, S.
- Thomson, C. R.
- Thompson, H.
- Trumbo,
- Tully,
- Waddill,
- Webb,
- Winfrey,
- Woosley,
- Wooten
- Wright,
- Yocum—68.

Those who voted in the negative, were:

- Messrs. Allen,
- Bryan,
- Coffey,
- DeCourcy,
- Gurrard,
- Hanna,
- Hogan, O. P.
- Johnson,
- Jones, T. M.
- Noe,
- Smith,
- Stewart,
- Wheeler,
- Wickliffe,
- Young—15.

The said resolution was then twice read and adopted.

On motion,

Ordered, That the committee of the Whole be discharged from the fur-
Further consideration of the bill to change the time of the annual meeting of
the General Assembly.

The said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky,
That, hereafter, the annual meeting of the General Assembly shall commence
on the 1st Monday in November, instead of the last day of December, as
now provided by law.

Mr. Smith moved to amend said bill by striking out the word "November"
and insert "December."

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

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

Those who voted in the affirmative, were—

Mr. Speaker, Griffin, Nos,
Messrs. Alcorn, Groesbeck,
Allen, Haney,
Apperson, Haskin,
Bowman, Hobbs,
Campbell, Hogan, E.
Chambers, Howe,
Coffey, Humphreys,
Collins, Jones, D. E.
Cox, Kalius,
Cully, King,
Ewing, Lowry,
Frazier, Maupin,
Fry, McLarning,
Garnett, McRory,
Goble, Milam,
Gore, Nall,
Graves,

Those who voted in the negative, were—

Messrs. Bryan, Hogan, O. P.
Buford, Jenkins,
Clark, Johnson,
Coleman, Jones, T. M.
DeCourcy, Kavanaugh,
Gardner, Lawless,
Garrard, Lewis,
Given, Marshall,
Glenn, Owens,
Gray, Payne,
Hambleton, Penick,
Haydon, Perrin,
Hobson, Pogue,

On motion of Mr. S. Stone,
Ordered, That said bill be laid on the table.

And then the House adjourned.
THURSDAY, FEBRUARY 15, 1844.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act to incorporate the Lexington Theatre Company.

That they had passed a bill from this House, entitled, an act to change the time of holding the spring and fall terms of the Hart Circuit Court, and for other purposes.

1. Mr. Trumbo presented the petition of sundry citizens of Bath county, praying an amendment to the charter of the town of Wyoming, and for other purposes.

2. Mr. Collins presented the petition of sundry citizens of Greenup county, praying an amendment to the road laws.

3. Mr. Trumbo presented the petition of sundry citizens of Bath county, praying that an additional Constable be allowed to said county.

Which petitions were received, the reading thereof dispensed with, and referred—the 1st to the committee for Courts of Justice; the 2d to the committee on Internal Improvement, and the 3d to Messrs. Trumbo, Apperson and Cox.

Mr. Garrard moved a call of the House.

The roll being called twice the following members were reported as absent, viz: Blackburn, Gardner, Graves, Holloway, Maupin and Waddill.

Resolved, That a fine of one dollar be imposed upon each absentee.

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

WHEREAS, That extensive country belonging to the United States west of the Rocky Mountains, commonly called the Territory of Oregon, lying between the 42° of north latitude on the south, and the Russian possessions on the north, is larger in extent of territory than the thirteen original States of this Union, and is now uninhabited, except by a few tribes of wondering Indians, and the agents, factors, hunters, trappers, &c., of the Hudson Bay Fur Company: And whereas, it is represented by those who have explored said territory, that it contains a great extent of the most productive and fertile lands on the earth; that its numerous rivers afford every facility for the application of water power; that the climate of a large portion of it is the most healthful and delicious of almost any other in the world; that it is capable of sustaining a population of many millions; and possessing these advantages, presents a vast field, the most inviting to American enterprise of any other upon this continent: And whereas, the occupation and settlement of said Territory by our citizens, would open to us an easy, safe and direct communication with the Pacific Ocean, and over its waters, to the trade and commerce of the eastern world: And whereas,
the reclamation of the wilderness, from its wild and untamed condition, is one of the most laudable works of civilized men; therefore—

1. Resolved by the General Assembly of the Commonwealth of Kentucky, That the occupation and settlement of the Territory of Oregon, by the citizens of the United States, is of the highest importance to the people of this nation, and especially so in their commercial relations.

2. That we regard it as the irremissible duty of the Federal Government to throw her protection over the property and persons of her citizens who may migrate to said Territory, and for that purpose to extend her laws and jurisdiction throughout the same.

3. That adequate inducements should be offered to the daring and enterprising sons of the west, to stimulate them to direct their march thitherwards; and that the bill which passed the Senate of the United States at its last session, offering and guaranteeing ample grants of land to all who may bona fide settle in the country, meets with our cordial and hearty approbation.

4. That we remember with pleasure and approbation the able efforts of the talented Senators from this State in support of said bill.

5. That inasmuch as by treaty stipulations, said Territory, together with its harbors, bays and creeks, and the navigation of all rivers within the same, is now free and open alike to the vessels, citizens and subjects, both of Great Britain and the United States; and inasmuch as sheltering under the provisions of said treaty, Great Britain has, through her Hudson Bay Fur Company, extended her laws and jurisdictions over the country, so far as relates to her own subjects, has been and is now reaping a rich harvest of profit from her fur trading establishments; is felling and shipping large quantities of lumber, and establishing permanent settlements and military forts in the Territory, and that the influence of her Fur Company effectually overshadows and sweeps away all individual competition: all to the great prejudice of such of our citizens as may desire to direct their industry and capital in that channel; and also, to the rights of the American people as a nation: And whereas, said treaty stipulations are subject to be annulled by either of the contracting powers, twelve months notice thereof having been given; therefore—

Resolved, That we cordially approve the resolution offered by Mr. Owen, of Indiana, to the House of Representatives of the United States, requesting the President to put a period to these undue advantages now enjoyed by the British, by notifying their government, according to treaty stipulations, that after the expiration of the notice, said treaty will be regarded by the United States as annulled and abrogated.

6. Resolved, That our Senators in Congress are hereby instructed, and our Representatives requested, on all fit occasions, to use their influence and give their aid in the furtherance and promotion of the views and objects of these resolutions.

7. Resolved, That the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress, and also to the President of the United States.

Mr. Kavanaugh moved to dispense with the rule requiring joint resolutions to lie one day on the table.

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

Those who voted in the affirmative, were—

Messrs. DeCourcy, Frazier, Garrard, Goble, Grossbeck, Hana, Hogan, O. P. Hooe,

Johnson, Jones, T. M. Kavanaugh, Martin, Maupin, Noe, Payne,

Smith, Speed, Stewart, Stone, B. Thompson, H. Wickliffe, Yocum—22.

Those who voted in the negative, were—

Mr. Speaker, Gray, Penick,

Messrs. Alcorn, Griffin, Perrin,

Allen, Hambleton, Pogue,

Apperson, Haskin, Pope,

Blackburn, Haydon, Price,

Bowman, Hobson, Redd,

Bryan, Hogan, E. Richardson,

Buford, Holloway, Rockhold,

Campbell, Humphreys, Stitt,

Chambers, Jenkins, Stone, S.

Clark, Jones, D. E. Tevis,

Coffey, Kalfus, Thomson, C. R.

Coleman, King, Thurston,

Collins, Lawless, Trumbo,

Cox, Lewis, Tully,

Cully, Lowry, Webb,

Ewing, Marshall, Wheeler,

Fry, McLarning, Wilkinson,

Garnett, McRary, Winfrey,

Given, Milam, Woosley,

Glenn, Nall, Wooten,

Gore, Oldham, Wright,

Graves, Owens, Young—69.

Mr. Lawless moved the following resolution, viz:

Resolved, That the committee on Courts of Justice be instructed to report, on to-morrow, a bill referred to them from a select committee, repealing a law of last session, exempting from execution two hundred and fifty dollars worth of property of a man of family, and one hundred dollars worth of property of a man without family, and reviving the former laws upon that subject, with additional specified articles of property, to be exempted from execution.

And the question being taken on the adoption thereof, it was decided in the negative.

Mr. Lawless moved the following resolution, viz:

Resolved, That the several absentees be excused from the fine inflicted this day under the rules of this House.
Mr. Chambers moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the resolution be adopted? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garrard and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Haskin, Pogue, 
Messrs. Alcorn, Haydon, Pope, 
Allen, Hobson, Price, 
Apperson, Hogan, E. Redd, 
Bowman, Hogan, O. P. Richardson, 
Bryan, Hooe, Rockhold, 
Buford, Humphreys, Smith, 
Campbell, Jenkins, Speed, 
Chambers, Jones, D. E. Stitt, 
Clark, Jones, T. M. Stone, B. 
Coleman, Kalfus, Stone, S. 
Collins, Kavanaugh, Tevis, 
Cox, King, Thompson, H. 
Cully, Lawless, Thurston, 
DeCourcy, Lewis, Trumbo, 
Ewing, Lowry, Tully, 
Fry, Marshall, Webb, 
Gannett, Martin, Wheeler, 
Given, McLarnie, Wickliffe, 
Glenn, McKery, Wilkinson, 
Goble, Milan, Winfrey, 
Gore, Nall, Woosley, 
Gray, Noe, Wootten, 
Griffin, Owens, Wright, 
Groesbeck, Payne, Yocum, 
Hambleton, Penick, Young—50. 
Hanna, Perrin, 

Those who voted in the negative, were—

Messrs. Cofley, Johnson, Stewart, 
Garraud, 

Mr. Winfrey moved the following resolution, viz:

Resolved, That the committee on Education be required to report a bill to dispense with the office of Superintendent of Public Schools; it will be a saving to the State of the amount of his salary, and in no wise injure the Common Schools, and that his duties be discharged by the 2d Auditor.

And the question being taken on the adoption thereof, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Winfrey and Coffey, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Fry moved the following resolution, viz:

Resolved, That the committee on Internal Improvement bring in a bill defining the privileges of the President and Directors or other officers of the different turnpike roads in which the State is interested; whether or not the President, Directors, or other officers, with the white portion of their families, shall or shall not pass through the toll gates, free of charge.

Which was adopted.

Mr. Cox moved the following resolution, viz:

Resolved, That the committee for Courts of Justice enquire into the expediency of providing, by law, for the punishment of Justices of Courts who willfully and corruptly refuse to carry into effect the law of 1842, requiring them, in their appointment of Judges of elections, to select one from each
of the political parties that divide the country, and that they report by bill
otherwise.

Which was adopted.

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

On motion of Mr. Young—1. A bill to amend the laws in relation to the
proving of deeds by non-resident witnesses.

On motion of same—2. A bill to amend the attachment law.

On motion of Mr. Webb—3. A bill for the benefit of Ethan A. Hughes.

On motion of Mr. Woosley—4. A bill declaring Welch's creek, in Butler
county, a navigable stream.

On motion of Mr. Garrard—5. A bill to furnish Owsley and Letcher
counties with the laws passed since the date of Morehead & Brown's digest,
and for other purposes.

On motion of same—6. A bill to regulate the courts in the 15th Judicial
District, and for other purposes.

On motion of same—7. A bill to run and mark the line between the coun­
ties of Estill and Owsley, and for other purposes.

On motion of Mr. Nall—8. A bill to establish a Tobacco Inspection in
the town of Owensboro', in Daviess county.

On motion of Mr. Cox—9. A bill to permit the depositions of practising
lawyers to be taken in certain cases.

On motion of Mr. E. Hogan—10. A bill for the benefit of the mechanics
and others of the county of Fayette.

On motion of Mr. C. R. Thomson—11. A bill to amend the Militia laws.

On motion of Mr. Groesbeck—12. A bill to amend the charter of the
Louisville and Portland Canal Company.

On motion of Mr. Stewart—13. A bill to dispose of some town lots in
the town of Port Royal.

On motion of same—14. A bill more effectually to provide for the liabili­
ties of Sheriffs and their securities.

On motion of Mr. Pogue—15. A bill to declare Stinking creek a navigable
stream.

On motion of Mr. Wright—16. A bill for the benefit of the late Sheriff
of Lincoln county.

On motion of Mr. Price—17. A bill to change the time of holding the
August term of the Garrard Circuit Court.

On motion of Mr. Young—18. A bill to change the time of holding the
Bourbon Circuit Court, and for other purposes.

On motion of Mr. Alcorn—19. A bill allowing County Courts to be held
on the 1st Monday in those months in which no Circuit Courts are held.

On motion of Mr. Speed—20. A bill to reduce the number of Magistrates
and Constables in Graves county.
On motion of Mr. Oldham—21. A bill for the benefit of the widow and heirs of Thomas J. Gentry, deceased, late a member of this House.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st, 2d, 9th, 13th, 14th and 15th: Messrs. Webb, Groesbeck and Coffey the 3d; Messrs. Woosley, Gardner and Yocum the 4th; Messrs. Garrard, B. Stone and DeCourcy the 5th; Messrs. Garrard, Buford, Smith, Pogue and Rockhold the 6th; Messrs. Garrard, Wheeler and Culley the 7th; Messrs. Nall, Crow and Tevis the 8th; Messrs. E. Hogan, Redd and C. R. Thomson the 10th; the committee on Military Affairs the 11th; Messrs. Groesbeck, Speed, Hobbs and D. E. Jones the 12th; Messrs. Pogue, Rockhold and Cox the 15th; Messrs. Wright, Buford and Oldham the 16th; Messrs. Price, Nall and Collins the 17th; Messrs. Alcorn, S. Stone and H. Thompson the 19th; Messrs. Speed, Wilkenson and Mr. E. the 20th; the committee on Military Affairs the 21st.

Mr. O. P. Hogan moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be instructed to report the bill, to-morrow, which provides that all persons having claims against the State may bring suit for the same.

And the question being taken on the adoption of said resolution it was decided in the negative.

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

By Mr. Kavanaugh—1. A bill for the benefit of the heirs of James L. Gill, deceased, and others.

By Mr. Clark—2. A bill to incorporate a Wharf Company in the town of Eddyville.

By same—3. A bill to incorporate the Eddyville Free Church.

By Mr. DeCourcy—4. A bill to provide county and probate commissioners for each county in this Commonwealth, and for other purposes.

By Mr. Nall—5. A bill to authorize the County Courts of Daviess and Logan to change the State roads in said counties, and for other purposes.

By Mr. C. R. Thomson—6. A bill to amend an act to establish the Mechanics' Institute and Savings Institution of the City of Lexington, approved February 20, 1840.

By same—7. A bill to amend the law relating to replevin bonds.

By Mr. Milam—8. A bill to incorporate the Frankfort Cemetery Company.


By Mr. Lewis—10. A bill to establish a State road from Columbus to Moscow, and for other purposes.

By Mr. D. E. Jones—11. A bill to amend the charter of the Jefferson Pond Draining Company.

By Mr. Groesbeck—12. A bill for the benefit of Ethan A. Hughes.
By Mr. Wright—13. A bill for the benefit of the late Sheriff of Lincoln county.

By Mr. Price—14. A bill to change the time of the sitting of the Garrard Circuit Court, and for other purposes.

By Mr. Alcorn—15. A bill to incorporate the town of Marion, in Crittenden county, and for other purposes.

By same—16. A bill to amend an act, entitled, an act for the benefit of the mechanics of the town of Smithland.

By same—17. A bill for the benefit of William Stewart, late Sheriff of Livingston county.

By same—18. A bill authorizing the County Court of Livingston to hold courts on the Mondays in those months in which no Circuit Courts sit.

By Mr. Speed—19. A bill to amend an act, entitled, an act to amend the charter of the Louisville and Portland Canal Company, approved January 21, 1842.

By same—20. A bill to incorporate the Louisville and Portland Railroad Company.

By Mr. Humphreys—21. A bill to amend the act, entitled, an act to amend the law in relation to the working of the public highways in the county of Mason, approved February 10, 1841.

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, 6th, 8th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th and 21st bills were severally ordered to be engrossed and read a third time; the 2d, 3d, 4th, 7th and 9th were referred to the committee for Courts of Justice, and the 20th to the committee of the Whole for Monday next.

The rule of the House, constitutional provision and third reading of the 1st, 5th, 6th, 8th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th and 21st 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. Hobbs, from the committee appointed to prepare and bring in the same, reported a bill to amend the laws regulating militia fines, 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 said bill was amended.

Ordered, That said bill, as amended, be referred to Messrs. Chambers, Graves, Hobbs, Maupin, Young, Speed, Campbell and Smith.

Mr. Buford moved the following resolution, viz:

Resolved, That the Second Auditor be requested to notify (forthwith) the various County Court Clerks to proceed to have Commissioners appointed to take in the list of taxable property for the present year.
And the question being taken on the adoption of said resolution, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker, Haskin, Pope,
Messrs. Alcorn, Haydon, Price,
Allen, Hobson, Redd,
Blackburn, Hogan, E., Richardson,
Bowman, Hogan, O. P., Rockhold,
Bryan, Hooe, Smith,
Buford, Humphreys, Speed,
Chambers, Jenkins, Stitt,
Clark, Jones, D. E., Stone, B.,
Coleman, Jones, T. M., Stone, S.,
Cox, Kalius, Tevis,
Culy, Lawless, Thompson, H.,
Frazier, Lewis, Thurston,
Fry, Lowry, Trumbo,
Garnett, Marshall, Tully,
Garrard, Martin, Waddill,
Given, Maupin, Webb,
Glenn, McLerning, Wheeler,
Goble, McRery, Wilkinson,
Gore, Milam, Winfield,
Graves, Nall, Woosley,
Gray, Oldham, Wooten,
Griggs, Owens, Wright,
Groesbeck, Payne, Yocum,
Hambleton, Penick, Young—77,
Hanna, Pogue,

Those who voted in the negative, were—

Messrs. DeCourcy, Noe, Wickliffe—5.
Gardner, Perrin,

Mr. Humphreys, from the committee appointed to prepare and bring in the same, reported a bill for the benefit of the mechanics of Mason and other 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 said bill having been dispensed with, the said bill was then amended.

Mr. Chambers moved the previous question,

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

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 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.

A message was received from the Governor, by Mr. Harlan, Secretary of State, which is as follows, viz:

Gentlemen of the Senate
and House of Representatives:

I received, previous to the commencement of the present session, from the General Government, a set of standard measures, made of brass, consisting of a half bushel, gallon, half gallon, quart, pint, and half pint—those articles having been furnished by the Federal Government under that clause of the Constitution which gives to Congress the power of fixing a uniform standard of weights and measures. I recommend the passage of a law by which each county of the Commonwealth may be furnished with a set of these measures, made of such material as the wisdom of the General Assembly may deem most proper.

R. P. LETCHER.

February 15, 1844.

Ordered, That said message be referred to the committee on Agriculture and Manufactures.

Mr. Chambers, from the committee appointed to prepare and bring in the same, reported a bill to amend the law regulating divorces, which was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the 4th section of an act, entitled, "an act to amend an act regulating divorces in this Commonwealth," approved January 31, 1809, approved March 2, 1843, be, and the same is hereby repealed.

Be it further enacted, That, hereafter, in all applications for divorce to any Court of Chancery in this Commonwealth, it shall be the duty of the Chancellor, upon hearing of the cause, to decree, as he may deem consistent with the rules and principles of equity and the existing laws, a divorce to either or both of the parties between whom the suit is pending: Provided, however, That in all cases, where a divorce shall be decreed to any husband or wife by any Court of Chancery, without releasing the other party to the marriage contract, and restoring him or her to the rights and privileges of an unmarried person, the party not released may, at any time, file his or her bill in any Court of Chancery in this Commonwealth, praying a divorce, to be restored to the rights of an unmarried person; and the Chancellor is hereby authorized and directed, where the party so sueing shall make out a case authorizing and requiring relief under the rules and principles of equity, and the existing laws, to grant the prayer of the bill filed, as above prescribed.

Mr. S. Stone 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. Chambers and Alcorn, were as follows, viz:
 Those who voted in the affirmative, were—

Mr. Speaker, 
Mr. Alcorn, 
Mr. Allen, 
Mr. Bowman, 
Mr. Bryan, 
Mr. Buford, 
Mr. Campbell, 
Mr. Clark, 
Mr. Coffey, 
Mr. Coleman, 
Mr. DeCourcy, 
Mr. Frazier, 
Mr. Gardner, 
Mr. Garnett, 
Mr. Garrard, 
Mr. Glenn, 
Mr. Gore, 
Mr. Graves, 
Mr. Gray, 
Mr. Griffin, 
Mr. Hambleton, 
Mr. Haskin, 
Mr. Haydon, 
Mr. Hogan, O. P. 
Mr. Holloway, 
Mr. Hoee, 
Mr. Johnson, 
Mr. Jones, T. M. 
Mr. Kallus, 
Mr. Lowry, 
Mr. Martin, 
Mr. Maupin, 
Mr. Noc, 
Mr. Owens, 
Mr. Penick, 
Mr. Pope, 
Mr. Price, 
Mr. Richardson, 
Mr. Rockhold, 
Mr. Smith, 
Mr. Speed, 
Mr. Stitt, 
Mr. Stone, B. 
Mr. Stone, S. 
Mr. Waddill, 
Mr. Webb, 
Mr. Wheeler, 
Mr. Winfrey, 
Mr. Woosley, 
Mr. Wright, 
Mr. Yocum, 

Those who voted in the negative, were—

Messrs. Apperson, 
Mr. Blackburn, 
Mr. Chambers, 
Mr. Cox, 
Mr. Cully, 
Mr. Ewing, 
Mr. Fry, 
Mr. Goble, 
Mr. Groesbeck, 
Mr. Hanna, 
Mr. Hobson, 
Mr. Hogan, E. 
Mr. Humphreys, 
Mr. Jenkins, 
Mr. Jones, D. E. 
Mr. Kavanaugh, 
Mr. King, 
Mr. Lawless, 
Mr. Marshall, 
Mr. McLarning, 
Mr. Meltrey, 
Mr. Miam, 
Mr. Nall, 
Mr. Oldham, 
Mr. Payne, 
Mr. Perrin, 
Mr. Pogue, 
Mr. Redd, 
Mr. Stewart, 
Mr. Tevis, 
Mr. Thomson, C. R. 
Mr. Thompson, H. 
Mr. Trumbo, 
Mr. Tully, 
Mr. Wickliffe, 
Mr. Wooten—36.

And then the House adjourned.

FRIDAY, FEBRUARY 16, 1844.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act further to prescribe the fees of the Police Judges of Paducah and Smithland.

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

An act to attach the Tennessee Island, opposite Paducah, to McCracken county.
FEB-16.]

HOUSE OF REPRESENTATIVES.

An act to amend an act, entitled, an act concerning the estate of Daniel Riley, deceased.
With an amendment to the last.
That they had passed bills of the following titles, viz:
An act for the benefit of Nathaniel Wolf, of the city of Louisville.
An act to alter the time of holding the February term of the Caldwell Circuit Court, in 1844.
An act to incorporate the town of Lewisport, in the county of Hancock, and to authorize the appointment of one additional Justice of the Peace and Constable to said county.
An act for the benefit of the town of Marion, in the county of Scott.

Mr. Thompson Burnam, the member returned to serve in this House from the county of Madison, (in the place of the late Thomas J. Gentry,) appeared, produced a certificate of his election, and having taken the several oaths required by the Constitution of the United States, and the Constitution and Laws of this State, took his seat.

1. Mr. O. P. Hogan presented the petition of Amos Morehead, praying that the county line between Grant and Pendleton be so changed as to include him in Grant.

2. Mr. Owens presented the petition of William Harmn, praying the passage of a law authorizing the County Court of Adair to make an allowance for the support of his son without requiring him to be taken to the poor house.

3. Mr. Tevis presented the petition of Meriel A. DeNeale, praying the passage of a law authorizing Lewis H. Bascom, her trustee, to apply certain funds in his hands to the redemption of certain slaves in which her life estate has been sold.

4. Mr. Hanna presented the petition of sundry citizens of Gallatin county, praying the passage of a law authorizing a change of a State road passing through said county.

Which petitions were received, the reading thereof (except the 2d, which was read,) dispensed with, and referred—the 1st to the committee on Propositions and Grievances; the 2d to the committee on Ways and Means; the 3d to the committee for Courts of Justice, and the 4th to Messrs. Hanna, O. P. Hogan and Goble.

Mr. C. R. Thomson presented the memorial of T. Grant and Jacob Ashton, which was received and read as follows, viz:

To the Honorable Legislature of Kentucky, assembled:

GENTLEMEN—We, the undersigned, have learned from highly respectable authority, that we, as Commissioners of the Lunatic Asylum, have been charged with highly immoral and ungentlemanly conduct, which conduct has been specifically in some particulars, and if true, ought to disgrace us in the estimation of all honorable men. These charges have been, as
we have reason to believe, to a great extent, the foundation of anxious solicitude on the part of some of the members of your honorable body, and justly, if true, for reorganizing the law relative to this Institution, and of placing other Commissioners over it, to our exclusion. Now we most respectfully and urgently ask your honorable body to do us the justice to investigate, by committee or otherwise, our whole conduct as Commissioners and gentlemen in every particular, relative to our official and moral conduct during our connection with the Lunatic Asylum.

This Institution is a noble and distinguished benefaction of the State, and her object in founding it was not merely to alleviate the physical and intellectual condition of those who are or may be its inmates, but equally to promote, sustain and inculcate that purity of morals and piety of religion which are so essential to its success and eminent usefulness to unfortunate fellow men, and honor and renown of our generous Commonwealth.

If, then, as Commissioners and guardians of the inmates of this Institution, and of the honor of our renowned State of Kentucky, we have not discharged our duty with fidelity as it regards its management, and have betrayed the high trust reposed in us as gentlemen of morality, virtue and honor, and have degraded the honor of our State, by prostituting virtue and disregarding the precepts of religion, we deserve the condemnation of the world.

But if, on the other hand, we have faithfully, to the best of our abilities, discharged our duty in managing the Institution to the honor of the State, and its high consideration abroad, and have, from principle, inculcated virtue, both by precept and example, and have introduced religious instruction and the preaching of the Gospel into this Institution, and done all in our power, with the means we possessed, to promote its interest and its honor, as we solemnly aver we have, we repeat, that it is just to us that you should, as the representatives of the State, afford us an opportunity to exculpate ourselves as public officers in a public way, and of obtaining that reward which our conduct may justly deserve.

We confidently appeal to your justice and magnanimity, as Kentuckians, to afford us the desired opportunity, at the earliest period possible, to remove the personal injury and official dishonor attempted to be cast upon us.

And we remain, with due consideration and respect,

Your obedient servants,

T. GRANT,

JACOB ASHTON.

LEXINGTON, KY., February 15th, 1844.

Mr. C. R. Thomson moved the following resolution, viz:

Resolved, That the Speaker appoint three members of this House, to act in conjunction with two to be appointed from the Senate, as a committee to investigate the conduct of Thomas Grant and Jacob Ashton, as Commissioners of the Lunatic Asylum, and that they have power to send for persons and papers.

Mr. Smith moved to lay said memorial and resolution on the table.

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

The yeas and nays being required thereon by Messrs. Smith and Young, were as follows, viz:
Mr. Fry, from the 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 for the benefit of the town of Augusta.
- An act to improve the Moore road in the counties of Laurel and Knox.
- An act to allow additional Justices of the Peace to Lewis and Grayson counties.
- An act to amend the law establishing a road from Brandenburg to Bowlinggreen.
- An act for the benefit of Elisha Fortune.
- An act for the benefit of James Nichols, of Muhlenburg county.
- An act to compel Sheriffs to execute bond to collect county levy and revenue tax.

Those who voted in the affirmative, were—

Mr. Speaker,

Those who voted in the negative, were—

An act to change the time of holding the Spring and Fall terms of the Hart Circuit Court, and for other purposes.

An act for the benefit of the widow and heirs of Daniel McCoy, deceased.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.

Mr. Wooten moved the following resolution, viz:

Resolved, That for the remainder of the session, no member of this House shall speak more than once upon any subject, nor longer than fifteen minutes, unless by the consent of the House.

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

On motion of Mr. Gore,

Resolved, That the use of the Representative Hall be tendered to the Rev. Mr. Spaulding on the evenings of the 23rd and 24th, and on Sunday the 25th instant.

Leave was given to bring in the following bills, to-wit:

On motion of Mr. Hoos—1. A bill to legalize the proceedings of Commissioners of Tax, appointed for the year 1844, and for other purposes.

On motion of Mr. Haskin—2. A bill to regulate the mode of adding and comparing the polls in State and Presidential elections.

On motion of Mr. Penick—3. A bill for the benefit of William Robinson, of Marion county.

On motion of same—4. A bill to change the place of voting at the Haysville precinct, in Marion county.

On motion of Mr. Richardson—5. A bill to incorporate the Kentucky Horticultural Society.

On motion of Mr. Frazier—6. A bill for the benefit of Samuel Prater, of Morgan county.

On motion of Mr. Apperson—7. A bill the better to protect the freedom of elections.

On motion of same—8. A bill to amend the laws now in force relative to the limitation of certain actions and suits.


On motion of Mr. Gore—10. A bill to incorporate the Bardstown Female Seminary.

On motion of same—11. A bill to legalize the proceedings of the Hopkins County Court.

On motion of same—12. A bill for the benefit of William M. Young, Constable of Hopkins county.

On motion of Mr. Wickliffe—13. A bill for the benefit of Lewis W. Kincheloe.

On motion of Mr. S. Stone—15. A bill for the benefit of the widow and heirs of Solomon McKinley, deceased.

On motion of Mr. Garnett—16. A bill to establish a road from Bloomfield, in Nelson county, through Spencer, Shelby, Anderson and Franklin, to intersect the Franklin turnpike at John Mayhall’s.

On motion of Mr. Payne—17. A bill for the benefit of the children of Hezekiah J. Logan, deceased.

On motion of Mr. Glenn—18. A bill to regulate, in the county of Todd, tolls upon the Logan, Todd and Christian turnpike road.

On motion of Mr. Johnson—19. A bill for the benefit of William Redd, and others.

On motion of same—20. A bill to amend the charter of the Bardstown and Louisville turnpike road, and for other purposes.

On motion of same—21. A bill to prevent lawyers from collecting fees unless they have a written agreement with their clients, and a license to practice law.

On motion of Mr. Blackburn—22. A bill for the benefit of livery stable keepers.

On motion of Mr. Coffey—22. A bill to amend the law processioning lands.

On motion of Mr. Yocum—24. A bill to assist in raising a revenue for this Commonwealth.

Ordered, That the committee for Courts of Justice prepare and bring in the 1st, 7th, 8th, 9th, 13th, 14th, 15th and 23d; Messrs. Haskin, Hooe, Heady, Coffey, Cox, S. Stone and Redd the 21st; Messrs. Penick, Haydon and Glenn the 3rd; Messrs. Penick, H. Thompson and Glenn the 4th; the committee on Agriculture and Manufactures the 5th; Messrs. Frazier, Martin and Goble the 6th; the committee on Education the 10th; Messrs. Gore, Porter and Kalins the 11th and 12th; Messrs. Garnett, Given, Kavanaugh and Heady the 16th; Messrs. Payne, Graves, Maupin and Coffey the 17th; the committee on Internal Improvement the 18th, 19th and 20th; Messrs. Johnson, O. P. Hogan and Maupin the 21st; Messrs. Blackburn, Humphreys and Maupin the 22d, and Messrs. Yocum, Haskin, Gray, Griffin and Gardner the 24th.

Mr. Wickliffe moved the following preamble and resolutions, viz:

WHEREAS, That branch of the great Anglo-American family, invited originally by the Mexican Government to settle its unoccupied territories, has peopled the fertile wilderness of Texas, and converted its wastes, the haunts of wild beasts and roving tribes of Indians, into an abode of civilization, intelligence and freedom; established an independent republican Government, acknowledged and recognized as such by most of the great powers of Europe, as well as our own Government: And whereas, Texas, physical.
ly considered, is a part of the Mississippi Valley, and the territory now embraced by that Republic of right did belong to the United States, having been originally embraced within the limits of Louisiana, as ceded to us by France; And whereas, the inhabitants of Texas are mostly emigrants or descendants of emigrants from the United States, connected with us by an identity of origin, language, literature, political and social institutions, and it may be said that no two nations on earth have a stronger bond of union between them than the people of Texas and the United States; And whereas, Texas, yet unrecognized by the Government of Mexico as an independent nation, may be compelled, in view of a suitable economy to throw herself on the protection of some European Government; she has not now, and probably will not have for years to come, the population and resources to justify her in assuming an equal rank among the powerful nations of the earth; and it becomes the people of the United States seriously to consider the consequences which may proceed from the establishment of a dependence of Texas on some foreign State; the people of Texas, now our natural allies and friends, might thus be induced to afford succor to our enemies in time of war, and might themselves become our foes; the establishment of a hostile influence so immediately in our neighborhood, and on a rather defenceless frontier, and near the great outlet of our Southern and Western trade, the mouth of the Mississippi, is to be most earnestly deprecated; And whereas, the people of Texas have, on a former occasion, manifested a desire to be incorporated with the American Union: Wherefore—

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, That, should the Republic of Texas express a desire to be incorporated into the Union of these States as a part thereof, the President of the United States, and the other functionaries of the General Government, ought to contribute their aid to the consummation of such union, on just and equitable principles.

Resolved, That in the event of such a desire being manifested by Texas, our Senators in the Congress of the United States are hereby instructed and our Representatives be requested to aid, as far as practicable, in the establishment of such union, on terms alike satisfactory and honorable to both parties, and consistent with the Constitution of the United States.

Resolved, That the Governor be requested to forward a copy of the foregoing preamble and resolutions to the President of the United States, to the Governors of the several States, to our Senators and Representatives in Congress, and to the President of the Republic of Texas.

Mr. Graves moved to lay said preamble and resolutions on the table.

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

Those who voted in the affirmative, were—

Messrs. Alcorn, Humphreys, Rockhold,
Apperson, Jenkins, Speed,
Blackburn, Jones, D. E. Stone, B.
Bowman, Kallus, Stone, S.
Baford, King, Tevis,
Those who voted in the negative, were—

Mr. Speaker, 

Messrs. Allen, 

Goble, 

Lowry, 

Mr. Speaker, 

Messrs. Allen, 

Goble, 

Lowry, 

Mr. Speaker, 

Messrs. Allen, 

Goble, 

Lowry, 

Bryan, 

Gore, 

Marshall, 

Bryan, 

Gore, 

Marshall, 

Clark, 

Griffin, 

Martin, 

Clark, 

Griffin, 

Martin, 

Coffey, 

Groesbeck, 

Maupin, 

Coffey, 

Groesbeck, 

Maupin, 

Coleman, 

Hanna, 

Noe, 

Coleman, 

Hanna, 

Noe, 

Cox, 

Haskin, 

Payne, 

Cox, 

Haskin, 

Payne, 

Cully, 

Haydon, 

Pope, 

Cully, 

Haydon, 

Pope, 

DeCourcy, 

Hogan, O. P. 

Stewart, 

DeCourcy, 

Hogan, O. P. 

Stewart, 

Frazier, 

Hoee, 

Stitt, 

Frazier, 

Hoee, 

Stitt, 

Garrard, 

Johnson, 

Thompson, H. 

Garrard, 

Johnson, 

Thompson, H. 

Given, 

Jones, T. M. 

Wickliffe, 

Given, 

Jones, T. M. 

Wickliffe, 

Glenn, 

Kavanaugh, 

Woods, 

Glenn, 

Kavanaugh, 

Woods, 

A message was received from the Senate, by Mr. Rodes, announcing the adoption of a resolution to appoint a joint committee on the memorial of T. Grant and Jacob Ashton.

The Speaker laid before the House the response of the Board of Internal Improvement to a resolution from this House, of the 9th inst., which is as follows, viz:

Office of the Board of Internal Improvement, 

February 16, 1844.

I have the honor, herewith, to present to the House of Representatives, a report of this Board, in obedience to a resolution of that House of the 9th instant, on the subject of depreciation upon State bonds, in connection with a response to the resolution of the Senate, demanding the information therein given, all of which is respectfully reported to each House, by

Your obedient servant,

THOMAS METCALFE, P. B. I. I.

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

[For Report—see Legislative Documents.]

Ordered, That the Public Printer forthwith print 150 copies of said response for the use of the members of the General Assembly.
On motion of Mr. Tevis,
Ordered, That the Public Printer forthwith print 150 copies of the bill to incorporate the Louisville and Portland Railroad Company, 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 Mr. McRery—1. A bill to extend the powers of the trustees of the town of Greenville, and for other purposes.

By same—2. A bill to authorize S. M. Wilkins and others to erect a fish dam and trap on Pond river.

By Mr. Gore—3. A bill prescribing the duty of Circuit Courts in certain cases.

By Mr. Wickliffe—4. A bill more effectually to secure the administration of justice by Circuit Judges.

By Mr. Haydon—5. A bill to amend the several acts concerning the town of New Liberty, in Owen county.

By Mr. Wheeler—6. A bill to amend the charter of the town of Flemington, in Pendleton county, approved February 29, 1836.

By same—7. A bill to provide for running and marking the division line between the counties of Owsley and Estill.

By Mr. Tevis—8. A bill to amend the criminal laws.

By Mr. Garnett—9. A bill for the benefit of the mechanics of Shelby county.

By Mr. Payne—10. A bill for the benefit of the County Court of Scott county.

By Mr. Glenn—11. A bill for the benefit of B. D. Smith, of Todd county.

By same—12. A bill to change the place of voting in the Haysville election precinct, in Marion county, and for other purposes.

By same—13. A bill to change the name of William Robinson to that of William Bell.

By Mr. Johnson—14. A bill to provide for placing slabs over the graves of certain officers of this Commonwealth.

By same—15. A bill to remove the Seat of Government.

By Mr. Rockhold—16. A bill to change the time of holding the Whitley Circuit Court.

By same—17. A bill declaring Stinking creek, in Knox county, a navigable stream.

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, 5th, 6th, 7th, 9th, 10th, 12th, 13th, 14th, 16th and 17th were severally ordered to be engrossed and read a third time; the 3d, 4th, 8th and 11th were referred to the committee for
COURTS OF JUSTICE, and the 15th was made the special order of the day for Friday, the 23d inst.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 5th, 6th, 7th, 9th, 10th, 12th, 13th, 14th, 16th and 17th 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. Glenn moved the following resolution, viz:

WHEREAS, It is important that the citizens of the State should be correctly informed upon all subjects, and concerning all matters and things pertaining to, or in any way connected with the transactions of the public officers of this Commonwealth—therefore, be it

Resolved, That the Secretary of State furnish this House with a true list of all persons or corporations to whom State bonds have been sold; the date of such sale; the amount each bond sold for, and the amount made for or lost to the State, by each and every transaction or sale.

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

The yeas and nays being required thereon by Messrs. Glenn and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Allen, Bryan, Burnam, Colley, Cully, Gardner, Garnett, Garrard, Given, Glenn, Goble, Griffin, Groesbeck, Hambleton, Haskin, Hobson, Hogan, O. P.

Hooe, Jenkins, Jones, T. M., Lawless, Lewis, Lowry, Marshall, Martin, Maupin, Noe, Oldham, Payne, Penick, Perrin, Pogue, Pope,


Those who voted in the negative, were—

Mr. Speaker, Messrs. Alcorn, Apperson, Blackburn, Bowman, Boford, Chambers, Coleman,

Gray, Hanna, Hobbs, Hogan, E., Holloway, Humphreys, Jones, D. E., Kalfus,

Null, Price, Redd, Speed, TAVIS, Thomson, C. R., Thurston, Trumbo,
Mr. Coffey, from the committee appointed to prepare and bring in the same, reported a bill for the benefit of the widow and children of H. J. Logan, deceased.

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.

The question was then taken on the passage of said bill, and it was decided in the negative, and so the said bill was rejected.

And then the House adjourned.

SATURDAY, FEBRUARY 17, 1844.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act to regulate the allotment of hands to work on public roads in Fayette county.

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

An act to amend an act, entitled, an act to amend the law in relation to working the public highways in the county of Mason, approved February 10, 1841.

An act to authorize a settlement with James R. Skiles, Henry Shanks, Simpson Stout, Dillis Dyer and Stephen Ashley.

An act for the benefit of John S. Eves and H. W. McNary.

An act for the benefit of Simeon Harris.

That they had passed bills and adopted a preamble and resolutions of the following titles, viz:

An act for the benefit of the Shelbyville and Louisville Turnpike Company.

An act for the benefit of A. Harvey and J. B. Thomas, of Allen county.

An act for the benefit of James M. George, of Meade county.

An act to incorporate the Marion and Georgetown Turnpike Road Company.

An act regulating the times of performing certain duties in the Auditor's Office.
Preamble and resolutions concerning an appropriation, by Congress, of a portion of the public lands for the use of the Kentucky Institution for the education of the Blind.

1. Mr. Winfrey presented the petition of Serenity Emily Campbell, praying to be divorced from her husband, Darius Campbell.

2. Mr. Pope presented the petition of A. Payne, praying that he be permitted to import into this State a slave.

3. Mr. Marshall presented the petition of Jeremiah and Elizabeth Skaggs, praying to be divorced from each other.

4. Mr. Perrin presented the petition of the widow and heirs of John Eades, deceased, praying the passage of a law authorizing a sale of certain real estate belonging to the estate of said deceased.

5. Mr. Hanna presented the petition of sundry citizens of Carroll county, praying the passage of a law authorizing the County Court of said county to levy and collect an additional tax on the property in said county.

6. Mr. Given presented the petition of Christopher Moore and others, praying the passage of a law providing for the support of Michael Oxyer, a pauper.

7. Mr. Hobson presented the petition of J. R. Underwood, praying that certain obstructions to the navigation of Big Barren river may be removed.

8. Mr. Yocum presented the petition of Cornelius Royalty, praying the passage of a law directing a survey of certain lands in which he is interested.

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

A bill from the Senate, entitled, an act to alter the time of holding the February term of the Caldwell Circuit Court in 1844, 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, the bill was passed, and that the title thereof be as aforesaid.

Mr. Blackburn moved a reconsideration of the vote laying on the table the memorial of T. Grant and Jacob Ashton, and the resolution proposed by Mr. C. R. Thomson.

Mr. Speed moved the previous question.

The question was then taken, shall the main question be now put! and it was decided in the affirmative.

The main question was then put, shall the vote be reconsidered? and it was decided in the negative.

48
The yeas and nays being required thereon by Messrs. Allen and Blackburn, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Messrs. Apperson, Blackburn, Buford, Campbell, Collins, Cox, Glenn, Hogan, E. Hogan, O. P. Johnson, Martin, Maupin, Owens, Payne, Penick, Redd, Smith.

Those who voted in the negative, were—


Mr. Chambers asked leave to withdraw the petition of sundry citizens of Harrison, Grant and Pendleton counties, praying the formation of a new county out of parts of said counties, which was granted and the petition withdrawn.

Mr. Groesbeck moved a reconsideration of the vote passing the bill from this House, entitled, an act for the benefit of the Kentucky Institution for the education of the Blind.

Mr. Blackburn moved the previous question,

The question was then taken, shall the main question be now put? and it was decided in the affirmative.
The main question was then put, shall the vote be reconsidered? and it was decided in the affirmative.

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

<table>
<thead>
<tr>
<th>Those who voted in the affirmative, were—</th>
</tr>
</thead>
<tbody>
<tr>
<td>Messrs. Apperson,</td>
</tr>
<tr>
<td>Bowman,</td>
</tr>
<tr>
<td>Bryan,</td>
</tr>
<tr>
<td>Bulord,</td>
</tr>
<tr>
<td>Coffey,</td>
</tr>
<tr>
<td>Coleman,</td>
</tr>
<tr>
<td>Collins,</td>
</tr>
<tr>
<td>DeCourcy,</td>
</tr>
<tr>
<td>Dickey,</td>
</tr>
<tr>
<td>Gardner,</td>
</tr>
<tr>
<td>Garnett,</td>
</tr>
<tr>
<td>Garrard,</td>
</tr>
<tr>
<td>Given,</td>
</tr>
<tr>
<td>Goble,</td>
</tr>
<tr>
<td>Gray,</td>
</tr>
<tr>
<td>Griffin,</td>
</tr>
<tr>
<td>Hambleton,</td>
</tr>
<tr>
<td>Haskin,</td>
</tr>
<tr>
<td>Hobson,</td>
</tr>
<tr>
<td>Hogan, E.</td>
</tr>
<tr>
<td>Hogan, O. P.</td>
</tr>
<tr>
<td>Hoee,</td>
</tr>
<tr>
<td>Humphreys,</td>
</tr>
<tr>
<td>Jenkins,</td>
</tr>
<tr>
<td>Johnson,</td>
</tr>
<tr>
<td>Kavataugh,</td>
</tr>
<tr>
<td>King,</td>
</tr>
<tr>
<td>Lawless,</td>
</tr>
<tr>
<td>Lowry,</td>
</tr>
<tr>
<td>Marshall,</td>
</tr>
<tr>
<td>Martin,</td>
</tr>
<tr>
<td>McLarning,</td>
</tr>
<tr>
<td>Nall,</td>
</tr>
<tr>
<td>Oldham,</td>
</tr>
<tr>
<td>Owens,</td>
</tr>
<tr>
<td>Pogue,</td>
</tr>
<tr>
<td>Pope,</td>
</tr>
<tr>
<td>Richardson,</td>
</tr>
<tr>
<td>Rockhold,</td>
</tr>
<tr>
<td>Smith,</td>
</tr>
<tr>
<td>Stewart,</td>
</tr>
<tr>
<td>Stitt,</td>
</tr>
<tr>
<td>Stone, B.</td>
</tr>
<tr>
<td>Stone, S.</td>
</tr>
<tr>
<td>Wheeler,</td>
</tr>
<tr>
<td>Wickliffe</td>
</tr>
<tr>
<td>Winfrey,</td>
</tr>
<tr>
<td>Wooley,</td>
</tr>
<tr>
<td>Wooten,</td>
</tr>
<tr>
<td>Yocum,</td>
</tr>
<tr>
<td>Young—51.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Those who voted in the negative, were—</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Speaker,</td>
</tr>
<tr>
<td>Messrs. Alcorn,</td>
</tr>
<tr>
<td>Allen,</td>
</tr>
<tr>
<td>Blackburn,</td>
</tr>
<tr>
<td>Burnam,</td>
</tr>
<tr>
<td>Campbell,</td>
</tr>
<tr>
<td>Chambers,</td>
</tr>
<tr>
<td>Clark,</td>
</tr>
<tr>
<td>Cox,</td>
</tr>
<tr>
<td>Crow,</td>
</tr>
<tr>
<td>Cully,</td>
</tr>
<tr>
<td>Ewing,</td>
</tr>
<tr>
<td>Fry,</td>
</tr>
<tr>
<td>Glenn,</td>
</tr>
<tr>
<td>Gore,</td>
</tr>
<tr>
<td>Graves,</td>
</tr>
<tr>
<td>Groesbeck,</td>
</tr>
<tr>
<td>Hanna,</td>
</tr>
<tr>
<td>Hobbs,</td>
</tr>
<tr>
<td>Holloway,</td>
</tr>
<tr>
<td>Jones, D. E.</td>
</tr>
<tr>
<td>Jones, T. M.</td>
</tr>
<tr>
<td>Kalfus,</td>
</tr>
<tr>
<td>Lewis,</td>
</tr>
<tr>
<td>Maupin,</td>
</tr>
<tr>
<td>McRery,</td>
</tr>
<tr>
<td>Milan,</td>
</tr>
<tr>
<td>Noe,</td>
</tr>
<tr>
<td>Payne,</td>
</tr>
<tr>
<td>Penick,</td>
</tr>
<tr>
<td>Perrin,</td>
</tr>
<tr>
<td>Price,</td>
</tr>
<tr>
<td>Redd,</td>
</tr>
<tr>
<td>Speed,</td>
</tr>
<tr>
<td>Tevis,</td>
</tr>
<tr>
<td>Thomson, C. R.,</td>
</tr>
<tr>
<td>Thompson, H.</td>
</tr>
<tr>
<td>Thurston,</td>
</tr>
<tr>
<td>Trumbo,</td>
</tr>
<tr>
<td>Tully,</td>
</tr>
<tr>
<td>Waddill,</td>
</tr>
<tr>
<td>Webb—42.</td>
</tr>
</tbody>
</table>

Mr. Graves moved a reconsideration of the vote ordering said bill to be engrossed and read a third time.

Mr. Wickliffe moved the previous question.

The question was then taken, shall the main question be now put? and it decided in the affirmative.

The main question was then put, shall the vote ordering said bill to be engrossed and read a third time be reconsidered? and it was decided in the affirmative.
Mr. Graves moved to amend said bill by striking out “ten thousand dollars” and insert “five thousand dollars,” and to strike out the “proviso” to said bill.

Mr. Young 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. Ewing and Graves, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Apperson, Hogan, E. 
Bowman, Hooc, 
Colley, Jenkins, 
Coleman, Johnson, 
Dickey, King, 
Gardner, Lawless, 
Garnett, Lowry, 
Garrard, Marshall, 
Given, Martin, 
Goble, McLarning, 
Gray, Oldham, 
Griffin, Owens, 
Hambleton, Pogue, 
Haskin, Pope, 
Hobson, 

Those who voted in the negative, were—

Mr. Speaker, Gore, 
Messrs. Alcorn, Graves, 
Allen, Groesbeck, 
Blackburn, Hanna, 
Bryan, Hobbs, 
Buie, Hogan, O. P. 
Bunam, Holloway, 
Campbell, Humphreys, 
Chambers, Jones, D. E. 
Collins, Jones, T. M. 
Cox, Kalfus, 
Crow, Kavanaug, 
DeCourcy, Lewis, 
Ewing, Maupin, 
Fry, McRery, 

The question was then taken on the adoption of the amendment proposed by Mr. Graves, and decided in the affirmative.

Mr. Wickliffe moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

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. Young and Winfrey, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Graves, Noe,
Messrs. Alcorn, Groesbeck, Payne,
Allen, Hobbs, Penick,
Blackburn, Hogan, E., Perrin,
Bryan, Hogan, O. P., Redd,
Bornam, Holloway, Speed,
Campbell, Humphreys, Sitt,
Chambers, Johnson, Tavis,
Clark, Jones, D. E., Thomson, C. R.
Collins, Jones, T. M., Thurston,
Cox, Kalfus, Trumbo,
Cully, Kavanaugh, Tully,
DeCourcy, Lewis, Waddill,
Ewing, Maupin, Webb,
Fry, McRery, Wheeler,
Glenn, Milam, Wickliffe,
Gore, Nall, Wilkinson—51.

Those who voted in the negative, were—

Messrs. Apperson, Haskin, Price,
Bowman, Hobson, Richardson,
Butler, Hoee, Rockhold,
Coffey, Jenkins, Smith,
Coleman, King, Stewart,
Dickey, Lawless, Stone, B.
Garnett, Lowry, Stone, S.
Garrard, Marshall, Thompson, H. I
Given, Martin, Winfrey,
Goble, McLarning, Woosley,
Gray, Oldham, Wooten,
Griffin, Owens, Yocum,
Hambleton, Pogue, Young—41.
Hanna, Pope,

Mr. Speed moved that said bill have its third reading now.
And the question being taken thereon, it was decided in the affirmative.

The said bill was then read a third time.

Mr. Chambers moved to amend said bill by adding thereto the following engrossed clause, by way of rider, viz:

"Provided, however, That this appropriation shall not be expended otherwise than in the completion of a convenient building for the present accommodation of the pupils of said Institution; and said directors are hereby directed to contract for the erection and completion of said building, so that it shall not cost beyond the amount of means fully within their power, at the time such contract shall be made."
And the question being taken on the adoption thereof, it was decided in the affirmative.

The question was then taken on the passage of said bill, as amended, and decided in the affirmative.

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

**Those who voted in the affirmative, were—**

| Mr. Speaker, | Graves,          | Noe,               |
| Messrs. Alcorn, | Groesbeck,      | Payne,             |
| Allen,          | Hobbs,          | Penick,            |
| Blackburn,      | Hobson,         | Perrin,            |
| Bryant,         | Hogan, E.       | Redd,              |
| Burnam,         | Hogan, O. P.    | Speed,             |
| Campbell,       | Holloway,       | Stitt,             |
| Chambers,       | Humphreys,      | Tevis,             |
| Clark,          | Jones, D. E.    | Thomson, C. R.     |
| Collins,        | Jones, T. M.    | Thurston,          |
| Cox,            | Kaltus,         | Trumbo,            |
| Colly,          | Kavanaugh,      | Tully,             |
| DeCourcy,       | King,           | Waddill,           |
| Ewing,          | Lewis,          | Webb,              |
| Fry,            | Maupin,         | Wheeler,           |
| Garnett,        | Milam,          | Wickliffe,         |
| Glenn,          | Nall,           | Wilkenson—53.      |
| Gore,           |                |                    |

**Those who voted in the negative, were—**

| Messrs. Apperson, | Hashin,         | Richardson         |
| Bowman,           | Hoe,            | Rockhold,          |
| Buford,           | Jenkins,        | Smith,             |
| Coffey,           | Lawless,        | Stewart,           |
| Coleman,          | Lowry,          | Stone, B.          |
| Dickey,           | Marshall,       | Stone, S.          |
| Garrard,          | Martin,         | Thompson, H.       |
| Given,            | McLarning,      | Winfrey,           |
| Goble,            | Oldham,         | Wooten,            |
| Gray,             | Owens,          | Woosley,           |
| Griffin,          | Pogue,          | Yocum,             |
| Hambleton,        | Pope,           | Young—38.          |
| Hanna,            | Price,          |                    |

Resolved, That the title of said bill be as aforesaid.

On motion of Mr. Chambers,

Ordered, That Mr. Burnam be added to the committee on Ways and Means.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:
An act to authorize the County Court of Pendleton to change the location of State roads.

An act for the benefit of N. M. Bacon, administrator of John C. Bacon, deceased.

An act to change the time of holding a County Court in Madison county, and for other purposes.

An act to change the time of holding the Letcher and Pike County Courts, and for other purposes.

An act for the benefit of the Sheriff of Christian county.

An act for the benefit of James Herring.

Approved February 12, 1844.

An act to allow an additional Justice of the Peace to Green county, and one to Barren county.

An act for the benefit of Samuel Nelson, and for other purposes.

An act to improve the State road leading from Frankfort, to the Georgetown and Covington turnpike road, in Scott county.

An act to authorize Levi Elliott to erect two gates across the county road leading from Bedford, in Trimble county, to Carrollton, in Carroll county.

An act for the benefit of Preston Owen, a Justice of the Peace for Shelby county, and Alexander Harcourt, of Spencer county.

An act for the benefit of Eliza A. Roman.

An act to change the place of voting in Bracken county, and for other purposes.

An act for the benefit of the Rockcastle Seminary, and for other purposes.

An act to amend an act, entitled, an act to incorporate the Funk Seminary.

An act to allow additional Constables to Casey, Fleming and Bath counties.

An act to permit the County Courts of Grant and Greenup to lay an additional levy for said counties.

An act for the benefit of Uriah Gresham.

An act for the benefit of Richard C. Taylor, late Sheriff of Cumberland county, and John Hodges, Sheriff of Calloway county.

An act for the benefit of H. L. Atkins.

An act to repeal the 2d section of the act to amend an act, entitled, an act to incorporate the town of Independence, approved March 11, 1843.

An act to regulate the terms of the courts in the 4th Judicial District.

Approved February 13, 1844.

A preamble and resolutions in relation to the inspection and classification of tobacco.

Approved February 13, 1844.

An act for the benefit of the town of Augusta.

An act to improve the Moore road in the counties of Laurel and Knox.
An act for the benefit of Elisha Fortune.
An act for the benefit of James Nichols, of Muhlenburg county.
An act to compel Sheriffs to execute bond to collect the county levy and revenue tax, and more effectually to secure the collection of the revenue tax.
An act to change the time of holding the Spring and Fall terms of the Hart Circuit Court, and for other purposes.
An act for the benefit of the widow and heirs of Daniel McCoy, deceased.
An act to amend the law establishing a road from Brandenburg to Bowling green.
An act to allow additional Justices of the Peace to Lewis and Grayson counties. Approved February 16, 1844.

Mr. Speed moved a reconsideration of the vote laying on the table the resolutions proposed by Mr. Wickliffe in relation to the annexation of Texas to the United States.

And then the House adjourned.

MONDAY, FEBRUARY 19, 1844.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:
An act to reduce the price of vacant-lands in certain counties.
An act for the benefit of Ethan A. Hughes.
An act for the benefit of the Sheriff of Lincoln county.
An act authorizing the County Court of Livingston to hold their courts on the first Monday in those months in which no Circuit Court sits.
An act for the benefit of William Stewart, late Sheriff of Livingston county.

With an amendment to the last.

That they had passed bills of the following titles, viz:
An act to legalize the acts of the Surveyor of Harlan county, and the proceedings of the County Court of Harlan county at their September term, 1843.
An act to change the time of holding the August term of the County Court of Carroll.
An act for the benefit of Lewis Vinmont.
An act to establish a road from Canton, in Trigg county to Mills' Point, in Hickman county.
An act to establish a Warehouse and Tobacco and Pork Inspection in Cumberland county.

1. Mr. Glenn presented the petition of sundry citizens of Todd county, praying the establishment of a Warehouse and Tobacco Inspection at Mills' Point, in Hickman county.

2. Mr. Apperson presented the petition of sundry citizens of Clarke county, praying the establishment of a new county out of parts of Clarke, Montgomery and Estill counties.

3. Mr. Penick presented the petition of sundry citizens of Marion county, praying that the Haysville election precinct in said county be abolished.

4. Mr. Yocum presented the petition of Ann Dorsey's heirs, praying the passage of a law reinstating a certain suit in chancery lately pending in the Washington Circuit Court, on the docket thereof.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st to the committee on Agriculture and Manufactures; the 2d to the committee on Propositions and Grievances; the 3d to Messrs. Penick, Haydon and Marshall, and the 4th to the committee for Courts of Justice.

Mr. O. P. Hogan moved the following resolution, viz:

Resolved, That the Board of Internal Improvement report to this House the names of all persons in their employment, as Lock-keepers, Superintendents, Clerks, or otherwise, since the date of last year's annual report, and the amount paid or expected to be paid to each and every such person or person, designating the services rendered by them, and also the expenses of the Board of Internal Improvement for the last year, including stationery, &c.; also the amount of tolls collected at each lock upon the Kentucky and Green rivers, and the amount expended at each for repairs.

Which was adopted.

Mr. Oldham moved a reconsideration of the vote on Friday last, adopting the resolution proposed by Mr. Glenn, and the question being taken thereon, it was decided in the affirmative.

Mr. Glenn moved the following as a substitute for said resolution, viz:

Resolved, That the Secretary of State furnish this House with the names of all persons and corporations to whom State bonds have been sold, when the same was sold for less than their nominal amount; the date of sale; the amount for which said bonds did sell, and the amount lost to the State by such sale.

Mr. Yocum moved to amend said substitute by adding the following, viz:

WHEREAS, It is represented to the present General Assembly that doubts exist as to the amount of the State debt and liabilities—

Resolved, That the Secretary, aided by the 1st Auditor, at an early day as possible, report to this House a transcript, showing the amount of bonds that have been issued by the State since 1834; to whom sold; at what date and rate, including the school fund, and all the other liabilities of the State,
in a condensed form, that the people of the State can see the aggregate amount of the State liabilities.

Mr. Young moved to lay said substitute and amendment 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. Glenn and Yocum, 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 amendment proposed by Mr. Yocum, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Yocum and Wheeler, 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 proposed by Mr. Glenn, for the resolution moved by him on Friday last, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Apperson, Gray, Hambleton, Hobbs, Hogan, E. Holloway, Humphreys, Jones, D. E. Kaflo, King, McLarning, McRery, Milam, Nall, Oldham, Gore,

The House resumed the consideration of the bill from the Senate, entitled, an act to attach the county of Bullitt to the 5th Judicial District, and for other purposes.

The said bill was then amended.

Ordered, That the same, as amended, be recommitted to the committee for Courts of Justice.

The House then resolved itself into a committee of the Whole—Mr. Maupin in the Chair, on the bill to amend the law in relation to the emancipation of slaves, and after some time spent therein, the Speaker resumed the Chair, when Mr. Maupin reported that the committee had, according to order, had under consideration the bill aforesaid, and had instructed him to report the bill back to the House, without amendment.

The said bill reads as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, no person or persons shall manumit or set at liberty, any slave or slaves, in this State, either by deed, will, or otherwise, unless such person or persons, or his executors or administrators, shall first pay to the Clerk of the County Court fifty dollars for each and every slave so manumitted or liberated as aforesaid, to be applied as is hereinafter directed, for the removal of said slave or slaves to some colony beyond the limits of the United States.
SEC. 2. Be it further enacted, That if any person shall attempt to manumit any slave or slaves, without having first paid the said sum as aforesaid, that said deed or will, as to such slaves, shall be null and void, and the said slave or slaves so liberated thereby, shall still remain in servitude and slavery, to all intents and purposes, and as fully as though said deed or will had not been made: Provided, however, That if any person shall attempt to manumit any such slave or slaves, without having paid said sum of fifty dollars, as aforesaid, it shall be the duty of the Commissioner to be appointed by the Judge of the Circuit Court, to take charge of said slave or slaves forthwith, (unless it shall be necessary for the executor or administrator to retain such slave or slaves for the payment of the debts of the decedent,) and hire out said slave or slaves for the best possible price, for the term of two years, with good security, to be approved of by such Commissioner.

SEC. 3. Be it further enacted, That if the hire of said slave or slaves shall not amount to fifty dollars each, it shall be the duty of said Commissioner, to institute suit forthwith, against the person or persons manumitting said slave or slaves, if living, if not, against his executors, administrators, or heirs, or against either of them, jointly or severally, for any deficiency the said hire falls below fifty dollars, for each and every such slave so hired as aforesaid, and the whole of the property of the original owner of said slaves, shall be liable to said judgment.

SEC. 4. Be it further enacted, That it shall be the duty of the Judge of the Circuit Courts, who preside in the county in which said deed or will may be recorded, to appoint a Commissioner to attend the hiring out, exportation, and collecting the money arising from the hire of any such slave or slaves, and also the money which may be paid the Clerk as aforesaid, to be applied, when so collected by said Commissioner, in the exportation of such slave or slaves as aforesaid.

SEC. 5. Be it further enacted, That it shall be the duty of said Commissioner, so soon as he shall have collected said money, to make out a concise, intelligible statement of the amount he has so collected, and for the benefit of what slaves the same is collected; upon the presentation of which, the said Judge shall order that said slaves shall be exported, and shall, also, designate the manner and mode of said exportation, and the colony to which said slave or slaves shall be carried, in such manner and in such mode as to him shall seem most just and reasonable; which shall be entered of record in the Circuit Court Clerk's office.

SEC. 6. Be it further enacted, That the said Commissioners shall be appointed during good behavior, subject however, to be removed at any time, by said Court, for cause.

SEC. 7. Be it further enacted, That so soon as the said Judge shall receive satisfactory evidence that said slaves are beyond the limits of the United States, he shall have it entered of record, that such slaves are free, but not until he is fully satisfied as aforesaid; and no slave shall be entitled to his freedom, or shall have the same entered of record, until he shall have been first exported as aforesaid.

SEC. 8. That it shall be the duty of the Commissioner to enter into bond, in the Clerk's office of the Circuit Court, before entering on the duties of Commissioner, with good and sufficient security, to be approved of by said Clerk, in the penalty of twenty thousand dollars, payable to the Commonwealth, for the faithful discharge of his duties.
SEC. 9. Be it further enacted, That the said court shall allow said Commissioner such reasonable compensation for his services, as to him shall seem just and equitable; for the payment of which, the property of the original owner of said slaves shall be liable; and the said court shall, also, when to him it may seem necessary, appoint one or more persons to assist in said exportation, who shall be allowed and compensated as aforesaid.

Mr. Chambers moved to amend said bill by adding thereto the following proviso, viz:

Provided, That the provisions of this act shall not apply to slaves sought to be liberated when said slaves are over the age of forty five years.

Mr. Young moved to lay said bill and amendment 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. Ewing and E. Hogan, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Apperson, Bowman, Bryan, Buford, Burnam, Campbell, Coffey, Coleman, Cox, Cully, DeCourcy, Dickey, Gardner, Garnett, Goble, Gore,
Graves, Gray, Griffin, Groesbeck, Hambleton, Hanna, Haskin, Haydon, Hobson, Hooe, Jenkins, Kalus, King, McLeroy, Milam, Oldham, Penick,

Those who voted in the negative, were—

Messrs. Alcorn, Allen, Blackburn, Chambers, Collins, Crow, Ewing, Garrard, Given, Glenn, Heady, Hobbs, Hogan, E.
Hogan, O. P., Holloway, Humphreys, Johnson, Jones, D. E., Jones, T. M., Lawless, Lewis, Lowry, Marshall, Maupin, McLeroy, McLeroy, Nall,
Mr. Campbell, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act for the benefit of Julia Newhall, 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.

The House then resolved itself into a committee of the Whole—Mr. Cox in the Chair, on the bill to incorporate the Louisville and Portland Railroad Company, and after some time spent therein, the Speaker resumed the Chair, when Mr. Cox reported that the committee had, according to order, had under consideration the bill aforesaid, and had adopted sundry amendments thereto, which he handed in at the Clerk's table.

The said amendments were then twice read and concurred in.

Mr. Jenkins moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

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.

Mr. Chambers moved that said bill have its third reading on to-morrow at 12 o'clock.

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

And then the House adjourned.

TUESDAY, FEBRUARY 20, 1844.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act for the benefit of the mechanics of Mason and other counties.

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

An act to amend an act to establish the Mechanic's Institute and Savings Institution of the city of Lexington, approved February 20, 1840.

An act to incorporate the Frankfort Cemetery Company.

An act incorporating the town of Marion, in Crittenden county, and for purposes.
An act to amend an act, entitled, an act for the benefit of the mechanics of the town of Smithland.

An act to amend an act, entitled, an act to amend the charter of the Louisville and Portland Canal Company, approved January 21, 1842.

An act to amend the charter of the town of Falmouth, in Pendleton county, approved February 29, 1836.

An act to change the place of voting in the Haysville election precinct, in Marion county, and for other purposes.

An act to change the name of William Robinson to that of Wm. Bell.

An act to change the time of holding the Whitley Circuit Court.

An act declaring Sulking Creek, in Knox county, a navigable stream.

An act to incorporate the Kentucky Oil and Manufacturing Company.

An act to amend the charter of the Jefferson Pond Draining Company.

An act to change the time of the sitting of the Garrard Circuit Court, and for other purposes.

With amendments to the three last.

That they had passed bills of the following titles, viz:

An act to change the terms of certain courts in the 17th Judicial District, and for other purposes.

An act for the benefit of David E. Bullock.

An act directing special terms of the Circuit Courts to be held in the counties of Meade and Breckinridge, for the trial of criminal and chancery causes.

An act for the benefit of C. J. Blackburn.

And 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 for the benefit of the Sheriff of Garrard county.

An act for the benefit of Thomas Newton Bennett.  
Approved February 12, 1844.

An act adding certain lots to the town of Cadiz.

An act to limit the number of Constables in the town of Springfield.

An act establishing a Warehouse and Tobacco Inspection in the City of Covington, and at McAfee's landing, in Mercer county.

An act for the protection of the bridges in the towns of Cloverport and Stephensport, in Breckinridge county.

An act to incorporate the Big Spring Seminary.

An act to amend an act for the benefit of George R. H. Clark, and the heirs at law of William P. Clark, deceased.

An act for the benefit of the Presbyterian Church of Morganfield.  
Approved February 13, 1844.

A resolution for destroying certain Railroad and Internal Improvement scrip.  
Approved February 13, 1844.
Mr. Kavanaugh presented the petition of Enoch S. Taber, and Sarah, his wife, praying a change of venue in the prosecution now pending against said Sarah, in the Anderson Circuit Court.

Mr. McLarning presented the petition of Polly P. Gaines, praying to be divorced from her husband, Edmund P. Gaines.

Which petitions 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 Religion.

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

- An act to repeal the 8th and 9th sections of an act, entitled, an act to add to the resources of the Sinking Fund, approved March 11, 1843.
- An act for the benefit of the Surveyor of the county of Union.
- An act for the benefit of Julia Newhall.
- An act to alter the time of holding the February term of the Caldwell Circuit Court, in 1844.

Also, enrolled bills which originated in this House, of the following titles, viz:

- An act to amend the act, entitled, an act to amend the law in relation to working the public highways in the county of Mason, approved February 10, 1841.
- An act authorizing the County Court of Livingston to hold their courts on the first Monday in those months in which no Circuit Court sits.
- An act for the benefit of the Sheriff of Lincoln county.
- An act for the benefit of Ethan A. Hughes.
- An act to attach the Tennessee Island, opposite Paducah, to McCracken county.
- An act to reduce the price of vacant lands in certain counties.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Collins inform the Senate thereof.

Leave was given to bring in the following bills, to-wit:

- On motion of Mr. Heady—1. A bill for the benefit of the infant heirs of James Heady, deceased.
- On motion of Mr. Kavanaugh—2. A bill for the benefit of the children of John and Susan Whip, of Anderson county.
- On motion of Mr. Stewart—3. A bill to change the State road in Henry county, and for other purposes.
- On motion of Mr. Hambleton—4. A bill to amend the execution laws of this Commonwealth.
On motion of Mr. B. Stone—5. A bill to dissolve the counties of Clay and Owsley.

Ordered. That Messrs. Heady, Hanna and Garnett prepare and bring in the 1st; the committee for Courts of Justice the 2d and 4th; the committee on Internal Improvement the 3d, and Messrs. B. Stone, Cox and Apperson the 5th.

Mr. Campbell, from the committee for Courts of Justice, made the following report, viz:

The committee on Courts of Justice, to whom a resolution was referred, directing them to inquire "whether the election of Keepers of the Penitentiary, at the last session of the Legislature, was by authority of law, and whether the bond executed by those Keepers could be enforced for a breach thereof," beg leave to report: That the election of Keepers of the Penitentiary on the 25th day of February, 1843, was in pursuance of a joint resolution of the Senate and House of Representatives, approved by the Governor. The committee are of opinion, that if the right to fill the office of Keepers can properly be exercised by the joint action of the Senate and House of Representatives, then a joint resolution, such as was passed and approved by the Governor, previous to the election of Craig & Henry, and their election to fill the office of Keepers, was valid, and they have been properly and legally elected to that office. The act relating to the Penitentiary, passed at the last session, was not approved until after the election, but that act is almost a literal copy of the act of 1839, and there can be no question the office of Keepers existed without the act of March 8, 1843. That act limits the tenure of the office like the preceding laws.—It is true, the act of March 8, 1843, provides that Keepers shall be elected by a joint vote of the Legislature; but the Legislature of the State, the same power that enacted the law, under a joint resolution approved by the Governor, having filled the office by the election of Craig & Henry, so much of the act of March 8, 1843, as required an election, was anticipated.

The committee are fully satisfied, that a bond executed by Craig & Henry, as Keepers of the Penitentiary, could be enforced at law for a breach of its conditions. So far as the exercise of the right to elect Keepers of the Penitentiary may be called in question, the committee are fully impressed with the importance and delicacy of the inquiry. It is a right that must be tested by the Constitution, and had the question to be settled for the first time, the committee would have less difficulty in arriving at a just and satisfactory conclusion. The right to elect and appoint a Keeper of the Penitentiary has been exclusively with the Legislature for near twenty years—conceded by the different Chief Magistrates of the State during that period of time, and concurred in by the people; and the long continued exercise of that power, submitted to without censure, affords a strong argument in favor of the right of the Legislature to fill the office; it is true, an unconstitutional assumption of power by either or both branches of the Government, however sanctioned by time, could not repeal the principles of the Constitution, or render an act void, good or valid. Still, in cases of doubt, it should be treated with great respect by the people and by the councils of the State, as embodying the construction placed upon the Constitution by portions of our most
The committee could here, if necessary, refer to several instances where practice and continued usage have been regarded as settling and defining the extent of Constitutional power. Entertaining these views, and being fully impressed with the conviction that the question of right, as between the Governor and the Legislature to fill the office of Keeper, is purely a legal question, they do not perceive how any opinion of the committee can be made to bear upon that question; succeeding Legislatures will, no doubt, continue to claim and exercise that power, so long as they conceive its exercise sanctioned by the fundamental law, and the policy of the State. Had this investigation been made previous to the election, then the action of the Legislature might have been influenced by a report of your committee. The office of Keeper of the Penitentiary, and the institution, are unknown to the Constitution—not mentioned, or alluded to, or in contemplation by the framers of that instrument; consequently, no provision exists relative to the office of Keeper or Agent. And the committee have arrived at the conclusion in their minds, that the Penitentiary, being the mere creature of Legislative enactment, the same power that made the office, would have the right to provide, by law, for filling the office. The majority of the committee submit the foregoing, as the result of their conclusions upon the important questions embodied in the resolution.

Mr. Apperson, from the minority of the committee for Courts of Justice, made the following report, viz:

The undersigned, a minority of the committee of Courts of Justice, to whom was referred the resolution relative to the election of Keepers of the Penitentiary, and the regularity and legality of that election, would report: That the Penitentiary was established in 1798, and besides the Keeper there was another office connected with it called the Agent, and this Agent was continued in several subsequent acts until 1815, when the office of Agent was abolished, and all his duties, by the act of 1815, were thrown upon "The Keeper."

The Keeper of the Institution was appointed by the Governor, by and with the advice and consent of the Senate, from the year 1798 till 1825, when a law was passed, and the name of the Keeper was incorporated in it. This act was approved by Gov. Desha. This individual named in this last act continued in office until the year 1834, when another act was passed, by the third section of which, it was provided that "a Keeper or Keepers, and Agent or Agents, shall be elected by a joint vote of the Legislature," and "to continue in office as such until the 1st of March, 1839;" and his compensation for his services and liabilities in the management of the Institution was fixed at "one equal moiety of the net profits thereof, after defraying all the expenses."—See 2 vol. Statutes, page 1315. This act was approved by Acting Governor Morehead.

The next law upon the subject of Keeper was passed in 1834, (see 3 vol. Statutes, page 484,) in the 21st sec. of which it was provided, that twenty-five thousand dollars in raw materials, stock, &c., belonging to the State, should be loaned to the Keeper at six per cent. interest per annum, "for and during the time he may be in office;" and that the Keeper should be elected "at that session" by a joint vote of the Legislature, "who should continue in office until the 1st of March, 1844." By the sixth section of
this act, it is provided, "that all machinery" erected by the Keeper, should, "at the expiration of the time" he should "continue in office, be the sole property of the State." His compensation is provided for in the 8th section of the same act, and in the following section he is required to take an oath and execute a bond before he should "enter upon the discharge of the duties of the office." The 12th section provides, in a certain event, for the appointment of a Keeper, by the Governor, and when his office shall terminate. The 13th section provides for the appointment, by the Governor, by and with the advice and consent of the Senate, of a Clerk, "to continue in office two years," and give bond for the faithful discharge "of the duties of his office, as Clerk." The 14th and 16th sections again speak of the office of Clerk, and the 18th of office of Keeper. This act was approved by Gov. Clark. That on the 24th of February, 1843, a resolution was approved by the Governor, providing on the following day for the election of "a Keeper or Keepers of the Penitentiary," on which day an election was held by a joint vote of the two Houses, and Craig & Henry were elected. (See session acts of 1843, page 283.)

On the 8th of March, 1843, another act was approved by the Governor, which is almost a literal transcript of the one passed in 1839, except it provides that the compensation of the Keeper or Keepers should be one third of the net profits. This act was not enrolled and signed by the presiding officers of the two Houses until March 2, 1843. (See session acts of 1843, page 38.)

It thus appears that the act of 1839 only provided for the election of Keeper of the Penitentiary to serve until the 1st of March, 1844, and no other provision was made, by law, for the election or appointment of a Keeper until the 8th of March, 1843. The resolution approved on the 24th of February, 1843, did not have any force, as to the office of Keeper, inasmuch as it was not a law, nor could an election under that resolution have any effect without some law to authorize it.

By the resolution referred to your committee, it would appear, that this House designed the committee to report their opinion as to the legality or constitutionality of the Keeper of the Penitentiary being elected by the Legislature. This task was not a pleasant one, but one from which the undersigned will not shrink. The advanced stage of the present session, and the press of business before the committee and the House, and the necessity of constant attendance in the House during its sessions, by the members of the committee, necessarily preclude an examination into the constitutional question as thorough and satisfactory as could be desired. It will be remembered that until 1825, the Keeper of the Penitentiary was appointed by the Governor, and with the advice and consent of the Senate. In the latter year, there was a reorganization of the laws relative to the Institution, and the name of the Keeper was, that year, incorporated in the law. In 1834, for the first time, a law was passed, providing amongst other things, for the election, by joint vote of the Legislature, of a Keeper until the 1st of March 1839; and under this law the Keeper was elected. In February, 1839, so far as the appointment of this officer was concerned, a similar law passed for the election, by the Legislature, of a Keeper to serve until the 1st of March 1844, but no provision for the election of this officer, to serve after that date. It will also be perceived that, from 1825, to this time, the Keeper has been a partner with the State in the profits of the Penitentiary.
The power of the Governor in appointments to office are defined by the 9th section of the 3d article of the Constitution of Kentucky.

The officers of State Treasurer and Public Printer are excepted in the Constitution, and the other offices otherwise provided for, and all county officers who are to be appointed by courts.

As the Governor then, has the appointment of all other officers, the inquiry arises, whether the Keeper of the Penitentiary is an officer? An office is an incorporeal hereditament, and may be defined to be a duty and a charge or place of trust of such duty; that one who exercises power or authority over another's affairs against his will and without his leave, is an officer, and such power or authority is an office. Every man is a public officer who has any duty concerning the public—it is the duty of his office, and the nature of that duty which makes him a public officer, and not the extent of his authority. See Bacon's Abridgment, title, offices.

A prisoner is put under the Keeper's charge, to be kept at labor for a given time by the judgment of a court—he has to carry into effect that judgment, and has no discretion to limit its operation. The law provides that he shall administer corporal punishment to prisoners in a certain event. He has to obey the law, in doing which he executes an office, which none can do but an officer.

But another question may also arise, whether the exercise of the power by the Legislature of electing the Keeper of the Penitentiary since 1834, or perhaps since 1825, should not put at rest the propriety of now calling in question the constitutionality of such an election, if made under an act passed by the constituted authorities.

In the case of McCullough against the State of Maryland, 4 Wheaton's Reports, 316, the Supreme Court of the United States, in discussing the constitutionality of the Bank of the United States, say: "That this can scarcely be considered as an open question, entirely unprejudiced by the former proceedings of the Nation respecting it. The principle now contested was introduced at a very early period of our history, has been recognized by many successive Legislatures, and has been acted upon by the judicial department, in cases of peculiar delicacy, as a law of undoubted obligation. It will not be denied that a bold and daring usurpation might be resisted, after an acquiescence still longer and more complete than this. But it is conceived that a doubtful question, one on which human reason may pause, and the human judgment be suspended, in the decisions of which the great principles of liberty are not concerned, but the respective powers of those who are equally the representatives of the people, are to be adjusted, if not put at rest by the practice of the Government, ought to receive a considerable impression from that practice. An exposition of the Constitution, deliberately established by legislative acts, on the faith of which an immense property has been advanced, ought not to be lightly disregarded.

The power now contested was exercised by the first Congress elected under the present Constitution. The bill for incorporating the Bank of the United States did not steal upon an unsuspecting Legislature, and pass unobserved. Its principle was completely understood and was opposed with equal zeal and ability, after being resisted, first in the fair and open field of
debate, and afterwards in the Executive Cabinet, with as much persevering talent as any measure has ever experienced, and being supported by arguments which convinced minds as pure and as intelligent as this country can boast, it became a law; the original act was permitted to expire; but a short experience of the embarrassments to which the refusal to revive it exposed the Government, convinced those who were most prejudiced against the measure, of its necessity, and induced the passage of the present law. It would require no ordinary share of intrepidity to assert, that a measure, adopted under these circumstances, was a bold and plain usurpation, to which the constitution gave no countenance.

Those observations belong to the cause; but they are not made under the impression, that, were the question entirely new, the law would be found irreconcilable with the Constitution."

This decision has been referred to because it has been said that it tends strongly to prove that Legislative authority or power, whether rightfully and constitutionally exercised or not, if acquiesced in, for a long time, should not be disturbed by the Judicial Department of the Government: we would deny the position if it were applicable to the case now under consideration. The court goes no farther than to say that such long acquiescence under legislative authority "ought to receive a considerable impression from that practice," and "ought not to be lightly disregarded." That case presented the question when the authority was claimed and exercised coeval with the Constitution and the law, supported by many of the framers of the Constitution itself; that it had been subsequently re-enacted, and had been recognized by the Judicial Department as effective and operative.

The reasons given in that case do not exist in the one now under consideration; nor should that decision be looked upon as having any bearing upon the present question. Testing the case under consideration by the foregoing principles it seems, 

1. That the Keeper of the Penitentiary is an office within the meaning of the Constitution, and, consequently, the Legislature had no authority to elect him, but he should have been appointed by the Executive, by and with the advice and consent of the Senate.

2. That whether the Legislature, by joint vote, had or not the right to elect the Keeper. In the present case there was no law for such an election at the time it was had, and consequently there is no Keeper of the Penitentiary to take the superintendance and management thereof after the 1st of March next.

The committee were directed by said resolution to enquire into one other question, and that is, if the appointment or election of Craig & Henry was unconstitutional, or otherwise, without the authority of law, would their securities in the bond, required of the Keeper of the Penitentiary, be bound to the Commonwealth for the faithful discharge of the Keepers' duties and responsibilities? We answer that the securities would be responsible. They would be estopped to deny the fact that Craig & Henry's being Keeper, because that fact is admitted in the bond. The following principles have been settled by the Court of Appeals of Kentucky.

When the condition of a bond recites a particular fact, or has reference to a particular thing, the obligor shall be estopped to say, that there is no
such thing—3 Marshall, 303, Jones, &c. vs. Previtt, &c. The defendants in a suit on a prison bounds bond are estopped to say, that the person to whom it was given was not jailor—2 Littell, 211.

A party who has executed a note, will be estopped to deny the existence of the payee—1 J. J. Marshall, 380. A party executing a supersedeas bond cannot plead there was no supersedeas, although it may be tried; he is estopped by his bond—2 J. J. Marshall, 280. One who executes an injunction bond is not permitted to say there was no injunction obtained—the doctrine of estoppel applies, and the statement in the bond that there was an injunction will bind him whether true or not, unless obtained by fraud—1 Littell, 418. Many other authorities might be referred to, but it is deemed unnecessary.

The undersigned would also call the attention of the House to make enquiry, if all the foregoing obstacles to the legality of the election of Craig and Henry should be overcome or overruled, what portion of the profits of the Penitentiary would these Keepers be entitled to—one half or one third?

R. APPERSON,
S. A. YOUNG.

On motion of Mr. O. P. Hogan.
Ordered, That said reports be laid on the table.

The House again resumed the consideration of the bill to establish a Warehouse and Inspection of Tobacco at Paducah.

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

On motion of Mr. Campbell,
Ordered, That the bill to regulate chancery proceedings be referred to a committee of the Whole, and made the special order of the day for to-morrow.

Mr. Campbell moved the following resolution, viz:
Resolved, That each morning of the present session, immediately after petitions are through, the standing committees of the House shall commence reporting in order, and shall continue through each day until their reports are made.

Which was adopted.

Mr. Campbell, from the committee for Courts of Justice, reported a bill for the benefit of Rebecca A. Anderson, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Chambers, from the committee on Ways and Means, reported a bill to provide for the execution of the revenue laws, which was read the first time.

The question was then put on ordering said bill to be read a second time,
and after some discussion had thereon, the hour of 12 o'clock arrived, when
the House proceeded to the orders of the day.

An engrossed bill, entitled, an act to incorporate the Louisville and
Portland Railroad Company, was read a third time as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of
Kentucky, That William F. Bullock, John J. Jacob, Samuel Casseday, T. S.
Bell, James Pickert, David L. Beaty, Fred. A. Kaye, Elisha Applegate,
Wm. E. Glover, Wm. H. Field, E. G. McGinnis, Brie M. Patten, Andrew
Graham, Reuben Dawson, Garnett Duncan, Jabez Baldwin, J. W. Knight,
Charles J. Clark, and their successors, be, and they are hereby created
a body politic and corporate, by the name and style of The Louisville and
Portland Railroad Company, and by that name shall have succession for
the full term of thirty years from the first day of April, one thousand eight
hundred and forty four; and capable, in law, to contract and be constituted
with, sue and be sued, defend and be defended, in all courts in law or equity,
and elsewhere, as natural persons; and have and use a common seal,
and alter and renew the same at pleasure; and generally to do and perform
every act and thing necessary and proper to carry into effect the provisions
of this act, and to promote the design of this corporation.

Sec. 2. The management and control of the prudential affairs and con-
cerns of the Louisville and Portland Railroad Company shall be under the
directions of a President and five Directors, and the persons herein named,
or a majority of them, shall meet on the tenth day of April, at some desig-
nated place in the City of Louisville, of which notice shall be given in the
Louisville Journal and Public Advertiser, or other newspapers printed in
Louisville, at which meeting there shall be chosen, by a vote, a President
and five Managers, a Treasurer and Secretary—the same individual may hold the last named offices. The persons named in the first
section of this act may name as many other persons as they please, not exceed-
ing one hundred, and at each annual meeting of such persons as are herein
named, and those added to the list, those present may add others to the list
of the names, who shall be members of the association. The President
and Directors elected shall proceed to make by-laws, rules and regulations,
for the government of the institution, not incompatible with the laws and con-
stitution of the State of Kentucky: they shall fix a time and place for an-
ual meetings of the members of the association to elect a President
and five Directors, who shall have the right to exercise all the powers and
authority conferred by this act, subject to the by-laws, rules and regulations
which may, from time to time, be made by the President and Directors.
They shall keep an office in the City of Louisville, or within its vicinity, for
the transaction of business, where a record of their proceedings shall be
made and kept.

Sec. 3. Be it further enacted, That the capital stock of said company
shall not exceed the sum of $100,000; and, with a view to raise the capital,
said President and Directors are authorized to receive donations by devise,
or otherwise, any chose in action, money, or property of any kind or de-
scription; deeds for the conveyance of lands, or houses and lots, may be
made to said President and Directors, and their successors in office, which
shall pass the title to the property conveyed, in as full and ample a manner,
as though they were natural persons; and in like manner, when it may be

JOURNAL OF THE [FEB. 20]
thought proper, for the purpose of promoting the interests and carrying out the designs of the institution, said President and Directors, for the time being, shall have, and they are hereby vested with full power and authority to sell and dispose of any property donated to said institution, except such as may be hereafter donated by the State of Kentucky. Deeds of conveyance made to or from said President and Directors, shall be recorded in the office of the County Court of the county in which the lands lie.

Sec. 4. Be it further enacted, That the State of Kentucky hereby subscribes, for and on behalf of the State, the Railroad now constructed in the City, and between the City of Louisville and Portland, terminating in Portland; and hereby vests in said corporation, the title which the Commonwealth has in and to the right of way, land in fee, improvements, fixtures, appurteances and houses, belonging or attached to said Railroad, to which the Commonwealth has, in any manner, the right, or title, in law or equity: Provided, Should the individuals hereby incorporated refuse to accept, or comply with the provisions of this act, all the property hereby donated and subscribed by that act shall again vest in the Commonwealth.

Sec. 5. That with a view to render said Railway available, said President and Directors shall have power to expend any funds in their hands for the purpose of putting and keeping in repair said Railway, and extending the same to any point or points within the City or on the Ohio river, which they are hereby vested with full power to do, by and with the advice and consent of the City Counsel elected next after it shall be made known through the newspapers published in said City, that an application will be made to the City Counsel for an extension of said Railway, setting forth in such publication, the extent, beginning and terminus, of the contemplated extension: Provided, however, If an extension should be desired to reach beyond the City, and passing through private property, it shall only be done by the purchase of the right of way, or by an application for a writ of *ad damnum* under the laws now in force on that subject, and the payment of the damages assessed. The President and Directors shall, also, have the right to purchase and hold passenger and burden cars, and to furnish themselves with the means of transportation, and shall have the right to charge and exact the tolls and fees from passengers, and for transporting any baggage or thing; but a list of the charges shall be printed in one or more of the newspapers in the City, and posted up at the door of their business office.

Sec. 6. That the corporation hereby created, is for the purpose of educating, instructing and maintaining blind persons who may be received at the Kentucky Institution for the Education of the Blind, located at the City of Louisville; and for that purpose, and that alone, under the provision of this act, does the State of Kentucky hereby donate and subscribe the Railroad as stock, provided for in the 4th section of this act; and the same, together with lands and appurteances purchased by said corporation, or which they may receive by devise or voluntary donation, and all money or other thing devised or donated to said institution or corporation, no matter for the words of the writing, if the intent thereof can be ascertained by the language employed, shall be held in trust as a sacred fund, to be used for that purpose alone.

Sec. 7. That with a view to carry out the design of this institution, the President and Directors are hereby authorized to purchase, in the name of
the corporation, any lot or lots in the City of Louisville, or lands within the vicinity of Louisville, and erect thereon any buildings which may be deemed necessary to effect the purposes of the institution, and otherwise improve and cultivate any grounds held by said corporation.

Sec. 8. The President and Directors shall have power to employ one or more Clerks, Superintendents and Instructors, provide for the maintenance and comfort of the inmates of the institution, regulate the duty and salaries of the officers employed, and take from them bonds, with approved security, conditioned for the faithful discharge of the duties assigned them. They shall keep a record of all moneys received by them, stating the sources from whence received, the names of all donors, of all purchases and gifts of property and sales made of property, and of all expenses attending the institution; all of which facts, with a complete statement of the financial condition of the institution, its progress, and the number of its inmates, shall be laid before the Legislature at each session.

Sec. 9. This corporation is created upon the express condition, that the Legislature reserves the right, at all times, to examine into the condition of the corporation, and ascertain whether the purposes of the trust have been faithfully carried out; and, if thought necessary for the benefit of the institution, change the mode of selecting the officers, prescribe rules for its government, or do any other act necessary to carry out the purposes for which the corporation is created.

Sec. 10. That at the expiration of the time limited for the existence of this act of incorporation, all the right, title, interest and claim in and to the property, real and personal, which is hereby vested in said company, as also, all property of whatever description which may hereafter be purchased or in any manner acquired by said Company, be, and the same is hereby vested in the Commonwealth of Kentucky, in consideration of the grant herein made for its exclusive use and ownership, in as full and ample a manner as if the same were conveyed by said company to the State, by deed or otherwise, to be held by the State in trust, for the education of the Blind, except the Railroad to the extent now and hereby vested in said corporation, which shall revert to the State, subject to the will of the Legislature.

Sec. 11. That whenever said corporation shall have erected suitable buildings for the education of the Blind, they shall pay into the Treasury of this Commonwealth, on the first day of January in each year, all of the proceeds arising from said road over the amount necessary to the support and education of the inmates of said institution, after deducting all necessary expenses consequent upon the using of said road.

Mr. Young moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill pass? and it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Kavanaugh, were as follows, viz:
Those who voted in the affirmative, were—


Mr. Ewing moved a reconsideration of the vote rejecting said bill.

Mr. Goble moved the previous question.

The question was then taken, shall the main question be now put? and it decided in the affirmative.

The main question was then put, shall the vote rejecting said bill be reconsidered? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Garrard, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Gore, Milam, Graves, Nall, Groesbeck, Noe,
Bryan, Bryan, Bryan, Bryan, Bryan, Bryan, Bryan,
Buford, Buford, Buford, Buford, Buford, Buford, Buford,
Burnam, Burnam, Burnam, Burnam, Burnam, Burnam, Burnam,
Campbell, Campbell, Campbell, Campbell, Campbell, Campbell, Campbell,
Chambers, Chambers, Chambers, Chambers, Chambers, Chambers, Chambers,
Clark, Clark, Clark, Clark, Clark, Clark, Clark,
Collins, Collins, Collins, Collins, Collins, Collins, Collins,
Cox, Cox, Cox, Cox, Cox, Cox, Cox,
Crow, Crow, Crow, Crow, Crow, Crow, Crow,
Cully, Cully, Cully, Cully, Cully, Cully, Cully,
DeCourcy, DeCourcy, DeCourcy, DeCourcy, DeCourcy, DeCourcy, DeCourcy,
Ewing, Ewing, Ewing, Ewing, Ewing, Ewing, Ewing,
Garnett, Garnett, Garnett, Garnett, Garnett, Garnett, Garnett,
Given, Given, Given, Given, Given, Given, Given,
Glenn, Glenn, Glenn, Glenn, Glenn, Glenn, Glenn,
Haydon, Haydon, Haydon, Haydon, Haydon, Haydon, Haydon,
Heady, Heady, Heady, Heady, Heady, Heady, Heady,
Hobbs, Hobbs, Hobbs, Hobbs, Hobbs, Hobbs, Hobbs,
Hobson, Hobson, Hobson, Hobson, Hobson, Hobson, Hobson,
Hogan, E. Hogan, E. Hogan, E. Hogan, E. Hogan, E. Hogan, E.
Holloway, Holloway, Holloway, Holloway, Holloway, Holloway, Holloway,
Humphreys, Humphreys, Humphreys, Humphreys, Humphreys, Humphreys, Humphreys,
Jenkins, Jenkins, Jenkins, Jenkins, Jenkins, Jenkins, Jenkins,
Kalfus, Kalfus, Kalfus, Kalfus, Kalfus, Kalfus, Kalfus,
King, King, King, King, King, King, King,
Lewis, Lewis, Lewis, Lewis, Lewis, Lewis, Lewis,
Maupin, Maupin, Maupin, Maupin, Maupin, Maupin, Maupin,
McLarnung, McLarnung, McLarnung, McLarnung, McLarnung, McLarnung, McLarnung,
McRery, McRery, McRery, McRery, McRery, McRery, McRery,
Oldham, Oldham, Oldham, Oldham, Oldham, Oldham, Oldham,
Payne, Payne, Payne, Payne, Payne, Payne, Payne,
Porter, Porter, Porter, Porter, Porter, Porter, Porter,
Redd, Redd, Redd, Redd, Redd, Redd, Redd,
Smith, Smith, Smith, Smith, Smith, Smith, Smith,
Speed, Speed, Speed, Speed, Speed, Speed, Speed,
Stone, S. Stone, S. Stone, S. Stone, S. Stone, S. Stone, S.
Tevis, Tevis, Tevis, Tevis, Tevis, Tevis, Tevis,
Thurston, Thurston, Thurston, Thurston, Thurston, Thurston, Thurston,
Trumbo, Trumbo, Trumbo, Trumbo, Trumbo, Trumbo, Trumbo,
Tully, Tully, Tully, Tully, Tully, Tully, Tully,
Wooten, Wooten, Wooten, Wooten, Wooten, Wooten, Wooten,
Wocum, Wocum, Wocum, Wocum, Wocum, Wocum, Wocum,
 prices. E. Hogan and
On motion of Mr. Campbell, the said bill was then amended by adding
an engrossed clause by way of Ryder, which is as follows, viz:

Sec. 12. That should the State hereafter make any arrangement with the
City authorities of Louisville, permitting the State to construct said Rail-
road into or through said City, and the State should desire for said road to
be again vested in the Commonwealth, then said road and right of way,
and all the engines and apparatus on the road, if of any value, shall vest in
the State absolutely, and the right of said corporation to the same shall
cease: Provided, however, Should the State determine to take back said
road, the State shall pay to said corporation the value of any additional
improvement to said road, by increasing the length of the same, and of all the
engines, cars and appurtenances connected with said road; and the value of
the same shall be determined upon by three Commissioners, one to be
chosen by the Governor of the State, one by said corporation and one shall
be chosen by the two Commissioners, and they shall report the value to the
next Legislature after the same is made.

The question was then taken on the passage of said bill, as amended, and
decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and
Garrard, were as follows, viz:
Those who voted in the affirmative, were—

Mr. Speaker, Gray, Noe, 
Messrs. Alcorn, Groesbeck, Oldham, 
Apperson, Hayden, Payne, 
Blackburn, Head, Porter, 
Bryan, Hobbs, Redd, 
Burnam, Hobson, Smith, 
Campbell, Hogan, E. Speed, 
Chambers, Holloway, Stone, S. 
Clark, Humphreys, Tevis, 
Collins, Jones, D. E. 
Cox, Kellus, 
Crow, King, 
Culley, Lawless, 
DeCourcy, Lewis, 
Ewing, Maupin, 
Garnett, McLarning, 
Given, McRery, 
Glenn, Milam, 
Gore, Nall, 
Graves, 

Those who voted in the negative, were—

Messrs. Bowman, Hogan, O. P. Pope, 
Buford, Hooe, Price, 
Coffey, Jenkins, Rockhold, 
Coleman, Johnson, Stewart, 
Dickey, Jones, T. M. Stitt, 
Frazier, Kavanaugh, Stone, B. 
Gardner, Lowry, Thompson, H. 
Garrard, Marshall, Wickliffe, 
Goble, Martin, 
Griffin, Owens, Winfrey, 
Hamberton, Perrin, Woosley, 
Haskin, Pogue, Yocum—35.

Resolved, That the title of said bill be as aforesaid.

Mr. Campbell, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to establish the 19th Judicial District, reported the same without amendment.

Mr. Garrard moved the previous question.

The question was then taken, shall the main question be now put? 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. E. Hogan and Noe, were as follows, viz:

[Names of individuals who voted in the affirmative and negative]
Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Alcorn,
Allen,
Apperson,
Blackburn,
Burnam,
Campbell,
Chambers,
Clark,
Collins,
Cox,
Crow,
Cully,
DeCourcy,
Dickey,
Frazier,
Garnett,
Garrard,
Given,
Gore,
Groesbeck,
Hanna,
Haskin,
Haydon,
Heady,
Hobbs,
Hobson,
Hooe,
Humphreys,
Jones, D. E.
Jones, T. M.
Lewis,
Martin,
McRery,
Milam,
Payne,
Perrin,
Speed,
Stewart,
Stitt,
Stone, B.
Tevis,
Thompson, H.
Thurston,
Trumbo,
Tully,
Webb,
Wilkinson,
Yocum,
Young—51.

Those who voted in the negative, were—

Messrs. Bowman,
Bryan,
Bulford,
Coffey,
Coleman,
Ewing,
Glenn,
Gray,
Griffin,
Hambleton,
Hogan, E.
Hogan, O. P.
Holloway,
Jenkins,
Johnson,
Kalus,
Kavanaugh,
King,
Lawless,
Lawry,
Marshall,
Maupin,
McLarning,
Nall,
Noe,
Oldham,
Owens,
Penick,
Pogue,
Pope,
Price,
Reed,
Rockhold,
Stone, S.
Thomson, C. R.
Waddill,
Wheeler,
Wickliffe,
Winfrey,
Woosley,
Wooten,
Wright—42.

And then the House adjourned.

WEDNESDAY, FEBRUARY 21, 1844.

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 L. Gill, deceased, and others.
An act to extend the powers of the trustees of the town of Greenville, and for other purposes.
An act to amend the several acts concerning the town of New Liberty, in Owen county.
With an amendment to the last.
That they had passed bills of the following titles, viz:
An act to amend the Common School laws.
An act vesting the Circuit Courts of this Commonwealth with power to decree the sale of real estate owned by non-resident infants.
An act concerning the Winchester Academy.
An act to establish an election precinct at the house of Martin Landreth, in Butler county.
An act to incorporate the Danville and Hustonville Turnpike Road Company.
An act requiring the Judge of the 7th Judicial District to hold chancery terms of the Christian, Caldwell and Hopkins Circuit Court.

1. Mr. Payne presented the petition of sundry citizens of the town of Georgetown and Scott county, praying the passage of a law allowing the county levies collected from the citizens of said town to be paid over to the trustees thereof, for the use of said town.

2. Mr. Perrin presented the petition of Ralph P. Babcock, praying that his name be changed to that of Ralph P. Austin.

3. Mr. C. R. Thomson presented the petition of J. A. Grinstead, praying an amendment to the law regulating chancery proceedings in certain cases.

4. Mr. Frazier presented the petition of William Rose, praying to be divorced from his wife, Nancy Rose.

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

The House then took up for consideration the motion made by Mr. Speed, on Saturday last, to reconsider the vote laying on the table the preamble and resolutions proposed by Mr. Wickliffe, in relation to the annexation of Texas to the United States.

Mr. Wheeler moved the previous question.
The question was then taken, shall the main question be now put? and it was decided in the affirmative.
The main question was then put, shall the vote be reconsidered? and it was decided in the negative.
The yeas and nays being required thereon by Messrs. Wickliffe and S. Stone, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Messrs. Bryan, Clark, Haskin, Hayden, Heady, Noe, Payne, Pope,
Mr. Hobbs moved to dispense with the rules in order to take up for consideration the resolution from the Senate for an adjournment of the General Assembly.

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

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

Those who voted in the affirmative, were—

Messrs. Alcorn, Allen, Blackburn, Bowman, Buford, Burnam, Campbell, Chambers, Coffey, Gore, Graves, Heady, Hobbs, Hobson, Hogan, E., Hogan, O. P., Holloway, Hooe, Humphreys, Jenkins, Payne, Penick, Perrin, Pogue, Pope, Porter, Price, Redd, Richardson,

Those who voted in the negative, were—

Mr. Speaker, DeCourcy, Thomson, C. R. Messrs. Apperson, Garrard, Thompson, H. Bryan, Groesbeck, Thurston, Clark, Haskin, Wickliffe, Coleman, Stewart, Yocum—15.

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

The House then took up for consideration the resolution from the Senate fixing a day for the election of public officers.

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

The House resumed the consideration of the bill to provide for the execution of the revenue laws.

Ordered, That said bill be read a second time.

The said bill was then read a second time, as follows, viz:

Whereas, It has been represented to the present General Assembly that citizens of this Commonwealth frequently fail or refuse to give in their lists of taxable property to the Commissioners of Tax when called on—for remedy whereof

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Commissioners of Tax to call on each and every citizen of the county in which he may be appointed, for a full and fair list of his or her taxable property, and in case any such person should fail or refuse to render to such Commissioner a full schedule of his or her property, as aforesaid, and according to the laws now in force, it shall be the duty of such Commissioner to report such person or persons to the Clerk of the County Court of his county, who shall immediately forward to the 2d Auditor a list of all such persons as have been reported by the Commission—
er of Tax; and said Clerk shall also notify such person or persons to come forward within twenty days thereafter, and enter with him his property for taxation; and if any person shall fail to come forward, and list his or her property, according to the laws now in force, it shall then be the duty of said Clerk to report all such persons to the Circuit Court of his county, at its next term thereafter; and it shall be the duty of the Commonwealth's Attorney to proceed, by motion, in said court, and obtain judgments against such persons for a fine of one hundred dollars, for failing to give in their lists of taxable property, as aforesaid; and said person shall also be triple taxed by the judgment of said court: the notices hereby authorized to be given by the County Court Clerks shall be served by the Sheriff or any Constable of the county to whom this may be delivered, who shall be allowed the same fees as are allowed for similar services, to be paid by the party in default.

2. Be it further enacted, That it shall be the duty of the County Court Clerks to forward to the 2d Auditor lists of all the taxable property received by him under the notices or otherwise, and also a list of all the persons reported to the Circuit Court; and it shall also be his duty to give to the Sheriff or Collector of the revenue a copy of all such lists of taxable property, that said Sheriff or Collector may collect the tax due thereon.

3. Be it further enacted, That it shall be the duty of the Circuit Court Clerks to forward to the 2d Auditor a copy of all judgments obtained under the provisions of this law, and shall also furnish the Sheriff or Collector with a copy of the same, for collection.

4. Be it further enacted, That the Sheriffs or Collectors of the revenue shall be chargeable with the lists or judgments obtained under the provisions of this law, as other revenue, and be liable for a failure of his duty, in collecting and accounting for the same, as now provided for by law.

5. Be it further enacted, That any officer failing to perform his duty according to the provisions of this law, shall be subject to a fine of one hundred dollars, recoverable by motion in the General Court, as now provided for by law.

6. Be it further enacted, That any person failing or refusing to comply with the provisions of an act, entitled an act to equalize taxation, approved February 23, 1837, shall be deemed subject to the penalties of this act, as fully as if said person had failed to give in any list whatever.

7. Be it further enacted, That in giving lists of taxable property hereafter, no person or persons, in estimating the amount of his or their estate, exclusive of articles specifically listed for taxation, shall take into such estimate any liabilities of his, hers, or theirs, as security or securities for any other person or persons, except in cases where the principal shall be insolvent, or where the party giving in said lists shall make oath that he, she, or they verily believe that their said principal or principals are insolvent.

Mr. Chambers moved to amend said bill by adding thereto the following sections, viz:  

Be it further enacted, That it shall be the duty of the several Commissioners of Tax, in this Commonwealth, in listing real estate for taxation, to value the same at the price for which said real estate would probably sell, if exposed to sale in the usual manner, (after being advertised,) upon the following terms, to wit: that one third of the purchase money shall be paid in
hand, one third at the expiration of one year, and the balance in two years
from the date of the sale, to bear interest from the day; and where the
Commissioner shall have any difficulty in fixing the value of said real estate,
he shall require any two respectable householders of the neighborhood,
(neither of whom shall be connected with the owner of said real estate,) to
fix the same, as above prescribed, on oath.

Be it further enacted, That any householder who shall fail or refuse to
comply with the requisition of the Commissioners of Tax, to value any
real estate, as prescribed in the preceding section of this act, shall forfeit and pay
into the Treasury the sum of five dollars, to be collected by the Sheriff with
the revenue; after judgment against the party refusing to comply as aforesaid, before any Justice of the Peace, who shall give such judgment upon
the information of the Commissioner of Tax, and issue execution for the
same, with costs not to exceed one dollar in any case, which execution shall
be placed in the hands of the Sheriff for collection.

Mr. Winfrey moved to lay said bill and amendment 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. Winfrey and
O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Allen,  Hanna,  Payne,
Bowman,  Haskin,  Penick,
Bryan,  Haydon,  Perrin,
Coile,  Heady,  Pope,
Colly,  Hogan, O. P.,  Pope,
DeCourcy,  Hooc,  Smith,
Dickey,  Jenkins,  Stewart,
Frazier,  Jones, T. M.,  Stitt,
Gardner,  Kallus,  Stone, S.,
Garnett,  Kavanaugh,  Thompson, H.,
Garraud,  Lowry,  Wheeler,
Given,  Marshall,  Wilkenson,
Glenn,  Martin,  Winfrey,
Goble,  Mauplin,  Woosley,
Griffin,  Owens,  Yocum—46.

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Alcorn,
Apperson,  Gray,  Porter,
Ashburn,  Hambleton,  Price,
Beford,  Hobbs,  Redd,
Burnam,  Hobson,  Richardson,
Campbell,  Hogan, E.,  Rockhold,
Chambers,  Holloway,  Speed,
Clark,  Humphreys,  Stone, B.,
Coleman,  Jones, D. E.,  Tevis,
Groom,  Lawless,  Thomson, C. R.,
Groesbeck,  Lewis,  Thurston,
The question was then taken on the adoption of the amendment proposed by Mr. Chambers, and decided in the negative.

The yeas and nays being required thereon by Messrs. Hooe and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Hogan, E. Oldham, Hogan, E. O.

Messrs. Alcorn, Holloway, Porter, Hollo.

Apperson, Humphreys, Redd, way, Porter,

Burnam, Jones, D. E. Speed,

Chambers, Lawless, Thomson, C. R.

Collins, McLarning, Thurston,

Crow, McLarning, Trumbo,

Ewing, Milam, Wilkenson,

Fry, Nall, Wright—29.

Graves, Noe,

Those who voted in the negative, were—

Messrs. Allen, Hambleton, Pogue,

Blackburn, Hanna, Pope,

Bowman, Haskin, Price,

Bryan, Headly, Richardson,

Buford, Hobbs, Rockhold,

Clark, Hobson, Smith,

Coffey, Hogan, O. P. Stewart,

Coleman, Hooe, Stitt,

Cox, Jenkins, Stone, B.

Cully, Johnson, Stone, S.

DeCourcy, Jones, T. M. Tevis,

Dickey, Kalfus, Thompson, H.

Frazier, Kavanaugh, Tully,

Gardner, Lewis, Waddill,

Garrard, Lowry, Webb,

Given, Marshall, Wheeler,

Glenn, Martin, Wickliffe,

Goble, Maupin, Winfrey,

Gore, Owens, Woosley,

Gray, Payne, Wright

Griffin, Penick, Wooten,

Groesbeck, Perrin, Yocum,

Young—66.
Mr. Wheeler moved to amend said bill by adding the following section, viz:

That the Commissioners of Tax shall be allowed ten cents for each list they may take in, where the County has not the number of qualified voters equal to the ratio now fixed by law in apportioning the representation of this State: Provided, That it shall apply to the Commissioners to be appointed for the year 1845.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

The said bill was then amended.
Mr. Stewart moved to lay said bill, as amended, on the table.
And the question being taken thereon, it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Chambers and Collins, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Allen, Haydon, Penick,
Bowman, Heady, Perrin,
Bryan, Hobson, Pogue,
Coffey, Hogan, O. P. Pope,
Dickey, Hoee, Richardson,
Frazier, Jenkins, Smith,
Gardner, Johnson, Stewart,
Garnett, Jones, T. M. Stitt,
Garrard, Kallus, Stone, B.
Given, Kavanaugh, Stone, S.
Glenn, Lowry, Thompson, H.
Goble, Marshall, Webb,
Gore, Martin, Wheeler,
Gray, Maupin, Wilkinson,
Griffin, Noe, Winfrey,
Hambleton, Owens, Woosley,
Hanna, Payne, Yocum—52.

Those who voted in the negative, were—

Mr. Speaker, Ewing, Porter,
Messrs. Alcorn, Fry, Price,
Apperson, Groesbeck, Redd,
Blackburn, Hobbs, Speed,
Buford, Hegan, E. Tevis,
Burnam, Holloway, Thomson, C. R.
Campbell, Humphreys, Thurston,
Chambers, Jones, D. E. Trumbo,
Clark, Lawless, Tully,
Coleman, Lewis, Waddill,
Collins, McLarnig, Wickliffe
Cox, McRery, Wooten,
Crow, Milam, Wright,
Cully, Nall, Young—44.
DeCourcey, Oldham,

Mr. Chambers, from the committee on Ways and Means, to whom was referred a bill from the Senate, entitled, and act to repeal an act, entitled, an act to amend the revenue laws, approved March 10, 1843, 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 the act, entitled, an act to amend the revenue laws, approved March
FEB. 21.]  HOUSE OF REPRESENTATIVES.  415

10, 1843, imposing a tax on Carriages, Watches, Spectacles and Pianos, be, and the same is hereby repealed.

Mr. Chambers moved the following amendment to said bill, viz:

That all that portion of the act, entitled, an act to equalize taxation, approved February 23, 1837, that exempts from taxation, under the provisions of said law, the first three hundred dollars in value, be, and the same is hereby repealed.

Mr. S. Stone moved the previous question.

The question was then taken, shall the main question be now put? 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 negative, and so said bill was disagreed to.

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

Those who voted in the affirmative, were—

Messrs. Allen, Haskin, Oldham,
Apperson, Haydon, Payne,
Blackburn, Heady, Pope,
Bryan, Hobbs, Price,
Burnam, Hogan, E., Redd,
Coleman, Hoe, Speed,
Cox, Humphreys, Stewart,
Crow, Jenkins, Tevis,
Cully, Jones, D. E., Thomson, C. R.
Dickey, Jones, T. M. Thurston,
Ewing, Lawless, Tully,
Pry, Lowry, Webb,
Garnett, Marshall, Wickliffe,
Gore, Milam, Winfrey,
Hanna, Nall, Young—45.

Those who voted in the negative, were—

Mr. Speaker, Griffin, Perrin,
Messrs. Alcorn, Groesbeck, Pogue,
Bowman, Hambleton, Porter,
Buford, Hobson, Richardson,
Campbell, Hogan, O. P., Rockhold,
Chambers, Holloway, Stitt,
Clark, Johnson, Stone, B.
Coffey, Kallus, Stone, S.
Collins, Kavanaugh, Thompson, H.
DeCourcy, Lewis, Trumbo,
Frazier, Martin, Waddill,
Gardner, Maupin, Wheeler,
Garrard, McLearning, Wilkenson,
Given, McRery, Woosley,
Glenn, Noe, Wooten,
Mr. Chambers, from the committee on Ways and Means, reported a bill to increase the revenue, which was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the several Sheriffs of this Commonwealth to collect and pay into the Public Treasury, in addition to the taxes now imposed by law, a tax of one cent upon every hundred dollars worth of property liable, (or hereafter made liable,) to be assessed for taxation under the existing laws of this State. And the said tax shall be levied on the lands, and taxable value of non-residents at the same rate: Provided, That the additional tax hereby authorized and directed to be levied, shall, whenever paid into the Treasury, be carried to the credit of the Sinking Fund, to be applied to the payment of the principal and interest of the debts now owing by this Commonwealth for works of Internal Improvement.

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. Heady moved a reconsideration of the vote rejecting said bill.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Allen, Haskin, Haydon, Holloway, Hooe, Jenkins, Johnson, Jones, T. M., Kavanaugh, Payne, Pogue, Pope, Porter, Richardson, Smith, Stewart, Stitt,
Mr. McLarning asked that the committee on Internal Improvement be discharged from the further consideration of the petition of William Rowlett, and that the petition be withdrawn, which was granted.

Mr. Chambers, from the committee on Ways and Means, to whom was referred a bill to provide for Commissioners of Tax, and to amend the revenue law, 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 the several officers whose duty it shall be to conduct elections in the several counties of this Commonwealth, shall open a poll at each place of voting in their respective counties, at the next annual election, and at each succeeding annual election thereafter, for a suitable person or persons (as the case may be,) to take lists of the taxable property of their respective counties for this Commonwealth, whose qualifications shall be the same as that of a Representative to the Legislature; and the person or persons (as the case may be,) having the greater number of legal votes shall be Commissioner for one year, and until his successor shall be elected and qualified, that he will well and truly do and perform all the duties of Commissioner of Tax, required of him by law, and also shall have entered into bond, together with such security as the County Court may approve.

Sec. 2. Be it further enacted, That the several Sheriffs shall advertise said elections, and give certificates to those elected, as now required by law in case of Representative to the General Assembly; and they shall also transmit a certificate to the Clerk of their respective County Courts, who shall file the same in his office, and certify and transmit a true copy thereof to the 3d Auditor, on or before the last day of September in each year.

Sec. 3. Be it further enacted, That the County Courts of each county, shall, in the months of May or March next, or as soon thereafter as practicable, shall divide their respective counties into as many districts as they are entitled to Representatives, for the time being; and shall from time to time increase or reduce the number of districts so as to correspond with the representation from each county, and it shall also be the duty of the County Court to fill all vacancies that may occur.

Sec. 4. Be it further enacted, That each County Court in the aforesaid months of February or March next, or as soon thereafter as practicable, appoint, as heretofore directed by law, one Commissioner in each district, who shall do and perform all the duties required by law, until the next annual election and no longer; Provided, nevertheless, That each county shall be entitled to one Commissioner, although it may not be entitled to a separate representative in the General Assembly: And further, That the compensation of said Commissioner shall be the same as now provided by law.
SEC. 5. Be it further enacted, That the Commissioners elected by this act, to take lists of taxable property and assess the value thereof in the several counties, shall, in fixing the value of each species of property subject to taxation, be governed by the current estimate of the value in the county, and not by its cash value, as if offered for sale at public auction.

SEC. 6. Be it further enacted, That all laws or parts of laws coming within the purview of this act is hereby repealed.

Mr. Buford 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. DeCourcy and Smith, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,


Those who voted in the negative, were—


A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:
An act to attach the Tennessee Island, opposite Paducah, to McCracken county.

An act to amend the act, entitled, an act to amend the law in relation to working the public highways in the county of Mason, approved February 10, 1841.

An act for the benefit of the Sheriff of Lincoln county.

An act authorizing the County Court of Livingston to hold their courts on the first Monday in those months in which no Circuit Court sits.

An act to reduce the price of vacant lands in certain counties.

An act for the benefit of Ethan A. Hughes.

Approved February 20, 1844.

Mr. Chambers, from the committee on Ways and Means, reported a bill to amend the revenue laws, which was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all laws now in force prohibiting Constables in this Commonwealth from being appointed or acting as Commissioners of Tax, be, and the same are hereby repealed.

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.

Mr. Wickliffe moved the following amendment to said bill, viz:

Be it further enacted, That so much of the act as imposes a specific tax on spectacles, be, and the same is hereby repealed.

Mr. Buford moved to lay said bill and amendment on the table.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Speaker, Messrs. Alcorn, Allen, Apperson, Blackburn, Groesbeck, Hambleton, Haskin, Hayden, Hobson, Owens, Perrin, Pogue, Redd, Smith,
Mr. Heady 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. Wickliffe and Hanna, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Heady, Payne, Speed
Messrs. Allen, Hobbs, Pebnick, Stitt
Blackburn, Hobson, Perrin, Stone, B.
Bowman, Hogan, E. Pogue, Tevis
Bryan, Hogan, O. P. Pope, Thomson, C. R.
Buford, Holloway, Thomson, H.
Campbell, Humphreys, Trumbo
Clark, Jenkins, T. M. Tully
Coffey, Johnson, Webb
Coleman, Smith, Wheeler
Cully, Speed, Wickliffe
DeCourcy, Stewart, Wilkeson
Dickey, Lowry, Winfrey
Ewing, Marshall, Wooten
Frazier, Martin, Wright
Garnett, McRery, Yocum—63.
Gable, Milan, Wright
Gore, Nall, Yocum
Graves, Speed, Yocum

Those who voted in the negative, were—

Messrs. Alcorn, Glenn, Richardson
Apperson, Graves, Thomson, C. R.
Burnam, Groesbeck, Thurston
Chambers, Hambleton, Trumbo
The main question was then put, shall the bill be engrossed and read a third time? and it was decided in the affirmative.

Mr. Chambers, from the same committee, reported a bill to amend the revenue laws, which was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, that all that portion of the act, entitled, an act to equalize taxation, approved February 23, 1837, which exempts from taxation, under said law, the first three hundred dollars in value, be, and the same is hereby repealed.

Mr. Garrard 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. Garrard and Chambers, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. C. R. Thomson moved the following resolution, viz:

Resolved, That the Governor be requested to cause a National salute to be fired on to-morrow, the 22d of February, at 12 o'clock, in honor of the birthday of the immortal Washington, the father of this Nation.

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. Heady—1. A bill for the benefit of the heirs of James and Matthew Wakefield.

By Mr. Porter—2. A bill for the benefit of William M. Young, of Hopkins county, and for other purposes.

By same—3. A bill to legalize the proceedings of the Hopkins County Court, and for other purposes.

By the committee on Ways and Means—4. A bill for the benefit of Henry Harman, of Adair county.

By same—5. A bill for the benefit of the Sheriff of Harlan county.

By same—6. A bill for the benefit of the Sheriffs of Bourbon, Grant, Todd and Anderson counties.

By same—7. A bill for the benefit of the Sheriff of Russell 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 said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Governor, by Mr. Harlan, Secretary of State, which is as follows, viz:

Gentlemen of the Senate
and House of Representatives:

There are deposited in one of the warehouses in this town, ninety three boxes of documents relating to the last census or enumeration of the inhabitants of the United States. These documents were sent by the General Government for the use of this Commonwealth, and I recommend the passage of an act or joint resolution, directing the manner of their distribution.

R. P. LETCHER.

February 21, 1844.

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

And then the House adjourned
A message was received from the Senate, announcing that they had passed bills and adopted a resolution of the following titles, viz:

An act authorizing the exchange of State bonds.

An act to repeal so much of an act, entitled, an act to amend the revenue laws, approved January 18, 1842, as declares the office of Commissioner of Tax and Constable incompatible.

An act for the benefit of Clinton county.

A resolution declaring certain acts of the Commissioners of Tax valid.

1. Mr. Haskin presented the petition of sundry citizens of Mercer county, praying the passage of a law imposing a tax on dogs.

2. Also, the petition of sundry citizens of Boyle county, praying for the same object.

Which petitions were received, the reading thereof dispensed with, and referred to the committee on Agriculture and Manufactures.

Mr. Fry, from the committee on Enrollments, reported that the committee had examined an enrolled bill which originated in the Senate, entitled, an act to establish the 19th Judicial District.

Also, bills which originated in this House, of the following titles, viz:

An act to amend an act, entitled, an act for the benefit of the mechanics of the town of Smithland.

An act to amend an act, entitled, an act to amend the charter of the Louisville and Portland Canal Company, approved January 21, 1842.

An act to change the time of holding the Whitley Circuit Court.

An act to provide for running and marking the division line between the counties of Owsley and Estill.

An act incorporating the town of Marion, in Crittenden county, and for other purposes.

An act to amend the charter of the town of Falmouth, in Pendleton county, approved February 29, 1836.

An act to amend an act to establish the Mechanic’s Institute and Savings Institution of the city of Lexington, approved February 20, 1840.

An act declaring Stinking Creek, in Knox county, a navigable stream.

An act to change the place of voting in the Haysville election precinct, in Marion county, and for other purposes.

An act to change the name of William Robinson to that of Wm. Bell.

An act for the benefit of the heirs of James L. Gill, deceased, and others.

An act to extend the powers of the trustees of the town of Greenville, and for other purposes.
And had found the same truly enrolled.
Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.

Mr. McLarning, from the committee on Internal Improvement, to whom was referred a bill from the Senate, entitled, an act to amend the charter of the Owingsville and Big Sandy Turnpike Road Company, reported the same without amendment.

Mr. Apperson moved an amendment to said bill.

Mr. McLarning moved the previous question.

The question was then taken, shall the main question be now put? 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 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. McLarning, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of Lewis V. Wernwag, 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. McLarning, from the same committee, to whom was referred a bill to amend the charter of the Lexington and Georgetown Turnpike Road Company, reported the same without amendment.

The said bill reads as follows, viz:

Whereas, It is represented to the General Assembly that there is a distance of about eight miles between the two gates now erected upon the Lexington and Georgetown turnpike road; and that within said eight miles there are sundry sh unpikes, which enable persons to use five or six miles of said turnpike road with wagons, &c., greatly to the injury of said road, without paying toll—for remedy whereof,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said company, by their President and Directors, shall be, and they are hereby authorized and empowered to erect a third toll gate at such point between said two gates as they may deem best.

Sec. 2. That if any traveller or passenger shall produce a ticket from the Keeper of the other gates now erected, in evidence that such traveller or passenger has paid toll at either of said gates, he shall be at liberty to pass said middle gate free of toll; but if such evidence is not produced, he or she, and each of them shall be required and compelled to pay full toll at said middle gate; and it shall be the duty of the toll gate Keepers to furnish said tickets to travellers.
Sec. 3. That if any person or persons not producing such evidence of having paid toll at either of the extreme gates, as aforesaid, shall refuse or fail to pay at the middle gate, he, she or they shall be subject to the same fine and penalties as are now provided for at the other gates.

Sec. 4. That it shall be the duty of the Keeper of the middle gate to furnish a ticket to any person paying toll at said gate, which shall exempt him, her or them from paying toll at the other gate to which he, she or they may be traveling; and nothing herein shall restrain the Legislature from repealing this act.

Mr. E. Hogan moved to amend the bill by adding the following, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the privilege granted to said Lexington and Georgetown Turnpike Road Company, as specified in said bill, to erect a third gate on said road, at such point as they may deem proper, with the power to collect toll, shall only apply to transient or itinerant travel, and shall not apply to persons owning farms on said road, or living in the vicinity of said 3d gate.

Mr. O. P. Hogan moved to lay said bill and amendment 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. O. P. Hogan and Haydon, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. C. R. Thomson moved the previous question.

The question was then taken, shall the main question be now put? 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.

Mr. C.R. Thomson moved that said bill have its third reading now.

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

The said bill was then read a 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. E. Hogan and Blackburn, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Fry, Milam,
Messrs. Alcorn, Gore, Nall,
Allen, Graves, Oldham,
Apperson, Gray, Pogue,
Bryan, Groesbeck, Porter,
Buford, Hambleton, Richardson,
Burnam, Heady, Smith,
Campbell, Hobbs, Stone B.
Chambers, Holloway, Thomson, C. R.
Clark, Humphreys, Trumbo,
Collins, Jones, D. E., Tully,
Cox, King, Waddill,
Crow, Lewis, Webb,
Cully, Marshall, Wilkinson,
Dickey, McLarning, Wooten,
Ewing, McRery, Wright—48.

Those who voted in the negative, were—

Messrs. Blackburn, Haydon, Payne,
Bowman, Hobson, Perrin,
Coffey, Hogan, E., Pope,
Coleman, Hogan, O. P., Price,
DeCourcy, Hooc, Redd,
Frazier, Jenkins, Rockhold,
Gardner, Johnson, Stewart,
Garnett, Jones, T. M., Stitt,
Garrard, Kallus, Thompson, H.
Resolved, That the title of said bill be as aforesaid.

Mr. McLarning, from the same committee, reported a bill to establish a State road from the town of Paducah, to Grays's ferry, on the Tennessee river, and for other purposes, which was read the first time as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That George Dun and Mathew Markland, of McCracken county, and William Rice and John McElrath, of Marshall county, and John Kidd, of Calloway county, or any three of them, after being first duly sworn, shall proceed to the town of Paducah, and view a way from thence, across Island creek, to Clark's river, at H. Smedley's ferry, across Clark's river, near its mouth, and from thence on the east side of Clark's river, the nearest and best way to Gray's ferry, on the Tennessee river, and when they are satisfied as to the best route for a road from and to the points aforesaid, that they cause the route so selected by them to be staked and identified that there will be no difficulty in finding and pursuing the same; and it shall be the duty of said Commissioners to make a report, in writing, to the County Courts of McCracken and Marshall, designating therein, fully and explicitly, the route and ground over which said road shall pass.

Sec. 2. Be it further enacted, That upon the before mentioned report being made to the said County Courts, the route designated shall be, and the same is hereby established a State road: Provided, That said County Courts, a majority concurring therein, shall deem the establishment of said road right and proper; and it shall be the duty of said County Courts to lay off said road into convenient precincts, and appoint Surveyors of the same, and allot a sufficient number of hands to each to clear out and improve said road within each of their respective counties; and that said Surveyors shall cause said road to be cleared out at least twenty feet wide or such width over that and under thirty feet as said County Court shall prescribe, and the same shall be cleared so as to admit of safe and convenient passage.

Sec. 3. Be it further enacted, That said Commissioners shall be paid the sum of two dollars for every day they may be necessarily employed in the discharge of the duties herein assigned them, to be paid equally by the counties of McCracken and Marshall, out of the county levy of said counties, to be allowed by said County Courts.

Sec. 4. Be it further enacted, That it shall not be lawful for the County Courts of said counties, through which said road passes, to alter or change the location of the same, in any way, after the same shall have been reviewed and reported, as aforesaid, but it shall be their duty at all times thereafter to appoint Surveyors or Overseers of all the precincts of said road, and allot to each Surveyor a sufficient number of hands to keep the same in good repair; and the said Surveyors and hands thereof shall be governed by the same laws and regulations as are now or hereafter may be in force in this State in relation to working and improving public roads.
Sec. 5. Be it further enacted, That any person or persons over whose
land said road may pass shall have the right to obtain from the County
Court of the county in which said land lies, a writ of *ad quod damnum*
under the provisions of the general laws of this State; and the damages assess-
ed under such writ shall be levied by said County Court, as is directed by
the provisions of the general road laws of this State.

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,

Mr. T. M. Jones moved to amend said bill by adding the following, viz:

*Be it further enacted, That it shall be the duty of said Commissioners,
so soon as they shall have discharged the duties assigned them by the
above act, to proceed forthwith to Benton, the seat of Justice of Marshall
county, and survey and mark the nearest and best route for a road from
said town to intersect said State road, at some convenient point.*

*Be it further enacted, That all the duties assigned the Commissioners and
the County Court of Marshall county, in regard to said State road, shall
apply with equal force to the road leading from Benton, to intersect said road.*

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

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,

The question was then taken on the passage of said bill, and it was de-
cided in the affirmative.

The yeas and nays being required thereon by Messrs. T. M. Jones
and Alcorn, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Graves, Penick,
Messrs. Allen, Hambleton, Pogue,
Apperson, Haydon, Porter,
Blackburn, Hobbs, Price,
Bowman, Hobson, Redd,
Buford, Hogan, E., Richardson,
Burnam, Hogan, O. P., Rockhold,
Campbell, Holloway, Speed,
Chambers, Humphreys, Thurston,
Clark, Johnson, Trumbo,
Coleman, Jones, D. E., Tully,
Cox, Kavanaugh, Waddill,
Crow, King, Webb,
Cully, Lawless, Wilkenson,
DeCourcy, Lewis, Winfrey,
Dickey, Marshall, Wooten,
Fry, Maupin, Wright,
Garrard, McLarning, Yocum,
Given, Oldham, Young—59.
Gore, Owens,
Those who voted in the negative, were—


Resolved, That the title thereof be as aforesaid.

Mr. Hobbs, from the committee on the Penitentiary, made the following report, viz:

The committee on the Penitentiary, having examined that Institution, and had its condition and affairs under consideration, beg leave to submit the following report:

It appears from former reports made to the Legislature, that the Keeper of the Penitentiary has paid over to the State, all the profits coming to her, except those of the last year. The amount of the earnings of the last year cannot be ascertained until the valuers, who by law, are to be appointed by the Commissioners of the Sinking Fund, make their report of the value of raw materials, stock, manufactures, &c. &c. The Keeper estimates the amount of the profits of the last year, at about twenty thousand dollars, one half of which sum, will be payable to the State; and he made such exhibits of means and assets as convinced the committee of his readiness and ability to pay over to the State whatever may be due her on a settlement, according to law.

The financial affairs of the Penitentiary, so far as the State is interested therein, are, by law, confided to the superintendency of the Commissioners of the Sinking Fund. It is their duty to settle with the Keeper and receive from him whatever may be due to the State. The Governor, who is Chairman of the Commissioners of the Sinking Fund, in his late annual message, gave the Legislature the confident assurance that the Keeper would be ready to settle and pay over to the State her share of the profits of the Institution; and the Keeper, in his late annual report to the General Assembly, announced his readiness to settle according to law, promptly, on the first day of March, when his term of office expires. Having no reasons to doubt the assurances of the Governor and the Keeper, and not thinking it expedient to take up the time of the committee and the Legislature, with the investigation of affairs confided by law to the Commissioners of the Sinking Fund, the committee did not deem it an incumbent duty to inquire more minutely into the fiscal concerns of the Institution.

In the investigation of other affairs of the Penitentiary, the committee came to the conclusion that it is important to the interests of the State, as connected with its prosperity and safety, that the State should own a Keeper's house and more ground adjacent to the prison, whereon to build a warehouse, in which to store the manufactures, &c. The ground enclosed within the walls, is now too small to admit a further extension of the bagging and rope business, which is the largest branch, and should, in the opinion of the
committee, be almost the sole business conducted in the Penitentiary. It is
a safe and profitable business, and its products do not, like those of other
branches, come in competition with the industry of the mechanics of the
country. Should the State authorize the erection of a warehouse, near the
office, which may be done by the labor of the prisoners themselves, the
manufacture of rope and bagging may be so extended as to employ the
labor of nearly all the prisoners, and those other branches, which conflict
with the interests of honest industry, may then be conveniently and pru-
dently suspended. There is a feeling of repugnance to the employment of
convicts in branches of industry conflicting with the interests of honest
citizens, which the Legislature should respect. The complaints in the com-
munity against that disposal of the labor of the inmates of the Penitentiary,
which brings its productions into rivalry with those of the virtuous me-
chanics of the country, are daily becoming more loud and frequent; and the
grounds of these complaints, so far as may be done compatibly with the
public interests, should be removed by seasonable legislation. And in this
connexion, it is fortunate for the interests of the State, that she is so cir-
cumstanced that she can conduct a branch of industry in the Penitentiary,
which, without conflicting with the rights and interests of the worthy me-
chanics of the State, will not only prevent that Institution, like so many
similar ones, from becoming a serious burden on the Treasury, but produce
a handsome annual income to the State. The business of manufacturing
bagging and rope, is the only one which can be carried on profitably with-
out injury to the mechanics of the State, it being conducted in private fac-
tories solely by the aid of slave labor.

But no matter whether the Legislature be disposed to provide for the en-
largement of the space in the prison, with a view to increasing the bagging
and rope business, the building of a warehouse outside of the walls, is deem-
ed necessary upon other cogent reasons. The greatest danger to which the
establishment is exposed, is that of fire; and this is a danger which it is
immediately and necessarily exposed daily, should the work shops generally
get afire. And to say nothing of the danger of such a contingency by cau-
sality, frequent attempts are made by the prisoners to fire them. No human
efforts could extinguish the flames, for no human being could, in such a ca-
tastrophe, remain within the walls. The work shops, filled with vast quan-
tities of the most combustible and inflammable materials, run round three
of the four sides of the square; and the interior space is so small, that no efforts
from that quarter could be made available in the extinguishing of the
flames; for that area would, in such case, be as fatal to life as a glowing fur-
nace. Nor could any efforts from without avail to subdue a conflagration,
unless the walls were first torn down. The inevitable result would be the
destruction of the buildings, materials, manufactures, &c., comprising the
entire active avails of the institution. The pecuniary distress from such a dis-
aster, though it would scarce be less than the sum of one hundred thousand
dollars, would not be its gravest calamity. The lives of many prisoners
and others, would be greatly endangered, if not actually destroyed. Many of
the prisoners, in the confusion of the conflagration, and the insecurity of the pri-
son, under such direful calamity, would inevitably make their escape; and the
great difficulty, if not utter inability of preserving subordination, when the
buildings were consumed, would add to the frightfulness of the disaster. The
dangers of fire have hitherto been encountered, and fortunately been avoid-
ed. Many attempts, however, have been made to burn down the buildings, and they will doubtless be repeated. Should these persevering efforts of the remorseless felons at length prove disastrously effectual, the damage, actual and consequential, could not be repaired by an expenditure much short of two hundred thousand dollars.

If a warehouse were built outside the walls, (which it is supposed would not cost more than $1,700,) the frightful danger of loss of lives and property from fires, would be greatly diminished; and the extension of the hemp business would be another valuable advantage gained by it.

The interests of the State, connected with the Penitentiary, require not only the erection of a warehouse convenient to the office, through which access is gained to the work shops, but that she should own a house for the residence for the Keepers. It is not right that the Keepers of the Penitentiary should be compelled to live at an inconvenient distance from the prison.

The present Keeper, whose term of office expires on the first of March next, owns a house and grounds very convenient, and suitable for the residence of the Keepers, and on which a warehouse could be built with a convenient location. He found himself compelled, by considerations of personal convenience, as well as guarding the interests of the State, to buy the house and grounds referred to; and no Keepers can conveniently and probably conduct the institution, who are not in the possession of this or some other suitably located property. These are cogent and urgent considerations, in favor of the purchase of this property, or some other, suitably located. The new Keepers ought to be put in possession of the property which may be purchased, to enable them to do full justice to themselves and the State, in the discharge of their responsible and important duties. The present Keeper, the Committee learn, is willing to sell his property to the State, upon just and equitable terms, at a valuation to be assessed by honest and disinterested property holders of the city of Frankfort, and will take manufactured articles belonging to the Penitentiary, in payment. Should the Legislature authorize the purchase of this or any other property, provision should be made, to the effect, that the new Keepers should preserve it in good repair, and that they should individually pay to the State six per centum on its cost, (that is, on the cost of the dwelling house and appurtenances,) in the nature of rent. Every other State, it is believed, furnishes a dwelling house for its Penitentiary Keeper, and it should be done in Kentucky, upon every consideration of convenience and interest.

The committee would further recommend and suggest, both for the convenience of the prison and the comfort of the citizens of Frankfort, the great importance of constructing a covered sewer, from the prison to the river, as a conveyance of all filth accumulating therein, as they understand the good citizens of this city are greatly annoyed, in consequence of the want of an outlet of this sort. The committee would further report, that since writing the above, they understand that the prisoners of the Penitentiary are frequently permitted to work out in the city, and do work in the various branches of labor and business, in direct contact and competition with the honest labor of the neighborhood. The committee deem this practice highly improper and earnestly recommend that it should be suppressed, except for the Penitentiary or the Commonwealth.

EDW. D. HOBBs,
Chairman committee of Penitentiary.
Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Commissioners of the Sinking Fund be, and they are hereby authorized and directed to purchase such property, improved or unimproved, as they may deem most suitable for the residence of the Keepers of the Penitentiary, and such a lot as they may deem most eligible and suitable, whereon to build a warehouse for the use of the Penitentiary, and such as they may be enabled to purchase, on terms the most advantageous to the interests of the State; and they shall, as soon as possible, have a warehouse, suitable for the purposes of the Penitentiary, erected on said lot; and should they purchase a dwelling house, they shall immediately give possession thereof to the Keepers of the Penitentiary, for their residence; Provided, That said Commissioners shall be authorized to purchase the whole or a part of the property necessary for the purposes aforesaid; And provided further, That they shall purchase no residence or lot, or authorize the building of a warehouse, unless they can do so with the manufactures of the Penitentiary now on hand, or by agreement with the Keepers of the Penitentiary to pay for the same out of the State's share of profits in said Penitentiary, so that no portion of said purchase money, or the erection of the warehouse, shall, in any case, be drawn from the Treasury; And provided further, That if said Commissioners shall purchase a residence for the Keepers of the Penitentiary, said Keepers shall give bond and satisfactory security to said Commissioners, to keep said property in good order, except natural wear and tear, and moreover, to pay annually to the said Commissioners, out of their individual pockets, for the use of the State, interest at the rate of six per centum per annum, upon the cost of said residence or dwelling house.

Sec. 2. In future, the Keepers of the Penitentiary shall not allow any prisoner to work without the walls of the prison, unless upon work for the State or Penitentiary.

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

Mr. Coffey moved a reconsideration of the vote rejecting the engrossed bill, entitled, an act for the benefit of the widow and children of H. J. Logan, deceased.

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

The question was then taken on the passage of said bill, and it was decided in the affirmative.

Resolved, That the title thereof be as aforesaid.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That for the purpose of abolishing the sinecure offices of Presidents of the local Boards of Internal Improvement, and effecting a saving to the State of some twenty or thirty thousand dollars annually, a joint committee of six from the House of Representatives and three from the Senate be appointed for the purpose of examining and reporting to the Legislature, by bill, a plan for the leasing out of all the turnpike roads in this Commonwealth, in which the State owns stock.

Resolved further, That the Board of Internal Improvement co-operate with said joint committee in the preparing of the said bill mentioned in the first resolution.
Leave was given to bring in the following bills, viz:

On motion of Mr. Coffey—1. A bill to amend the law establishing the Board of Internal Improvement.


On motion of Mr. Crab—3. A bill for the benefit of Jo Ann Helm, of Daviess county.

Ordered, That the committee on Claims prepare and bring in the 1st and 2d, and the committee for Courts of Justice the 3d.

Mr. McLarilyn, from the committee on Internal Improvement, reported a bill to amend an act, entitled, an act for the benefit of the Contractors of the public works, approved March 11, 1843, which was read a 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.

Mr. Buford moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill pass? and it was decided in the affirmative.

Resolved, That the title thereof be as aforesaid.

Mr. McLarilyn, from the same committee, to whom was referred a bill appropriating a sum of money to aid in the erection of a bridge across Mill creek, in Owen county, 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 the sum of two hundred dollars be, and the same is hereby appropriated, for the purpose of aiding in the erection of a bridge across Mill creek, in Owen county, which sum shall be paid to the order of the County Court of said county whenever the said court shall certify to the 2d Auditor of Public Accounts that said bridge has been erected, and upon the production of such certificate to the said Auditor, he is hereby directed to issue his warrant upon the Treasurer for said sum of two hundred dollars, to be paid out of any money in the Treasury not otherwise appropriated.

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 it was decided in the negative, and so the said bill was rejected.

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

55
Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Blackburn, Bryan, Clark, Crow, Cully, DeCourcy, Garrard, Gore, Groebeck, Haydon,

Heady, Hogan, E. Hogan, O. P. Lowry, Martin, Milam, Noe, Payne, Perrin, Smith, Speed,

Heady, Hogan, E. Hogan, O. P. Lowry, Martin, Milam, Noe, Payne, Perrin, Smith, Speed,

Those who voted in the negative, were—

Messrs. Alcorn, Allen, Apperson, Bowman, Buford, Burnam, Campbell, Chambers, Coffey, Coleman, Collins, Cox, Dickey, Ewing, Frazier, Fry, Gardner, Garnett, Given, Glenn,

Goble, Gray, Griffin, Hambleton, Haskin, Hobbs, Hobson, Holloway, Hoee, Humphreys, Jenkins, Johnson, Jones, D. E. Jones, T. M. Kaltus, Kavanaugh, King, Lawless, Marshall, Maupin,

Goble, Gray, Griffin, Hambleton, Haskin, Hobbs, Hobson, Holloway, Hoee, Humphreys, Jenkins, Johnson, Jones, D. E. Jones, T. M. Kaltus, Kavanaugh, King, Lawless, Marshall, Maupin,

Mr. McLarnig, from the same committee, reported a bill to remove a turnpike gate on the Maysville and Mountsterling road, 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. McLarnig, from the same committee, to whom was referred a bill for the benefit of the Contractors on the Logan, Todd and Christian turnpike road, reported the same without amendment.

On motion of Mr. Glenn,

Ordered, That said bill be laid on the table.

Mr. McLarnig, from the same committee, to whom was referred the petition of C. J. Blackburn; and the petition of sundry citizens of Clay, Madison and Laurel counties, praying for a State road, asked to be discharged from the further consideration, which was granted.
A bill from the Senate, entitled, an act for the benefit of C. J. Blackburn, 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 Internal Improvement.

Mr. McLarming, from the committee on Internal Improvement, reported a bill to improve the Bardstown and Louisville turnpike road, 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,

On motion of Mr. Heady said bill was amended.

Mr. Cox moved to lay said bill, as amended, on the table until the 1st day of June next.

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

The following bills were reported by the committee on Internal Improvement, viz:

1. A bill authorizing an alteration in the State road from New Liberty to Marion, on the Kentucky river, in Owen county.
2. A bill to repeal in part the law declaring the Bayou de Chein a navigable stream.
3. A bill for the benefit of John Allen and Daniel Faulkner.
4. A bill to amend an act to incorporate the Bank Lick Road Company.
5. A bill to authorize the use of a portion of the surplus water at Dam No. 3, on Green river, on certain conditions.
6. A bill to release to Ohio county the interest of the State in the Hartford Bridge 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 the 1st, 2d, 3d, 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.

Mr. McLarming, from the committee on Internal Improvement, to whom was referred bills from the Senate, of the following titles, viz:

1. An act to amend the laws in relation to public roads.
2. An act to authorize the construction of a road from the present Franklin and Crab Orchard turnpike, near Salvisa, to the Kentucky river, at McAfec's Warehouse.

Reported the 1st without, and the 2d 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 said bills do pass, and that the titles thereof be as aforesaid.

And then the House adjourned

FRIDAY, FEBRUARY 23, 1844.

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

An act to amend the inspection laws.
An act for the benefit of Rebecca A. Anderson, and others.
That they had passed bills of the following titles, viz:
An act prescribing the terms on which the use of the jails, and the jail and Penitentiary house of this State may be allowed to the authorities of the United States.
An act for the benefit of the jailer of Hopkins county.
An act to establish an election precinct at the House of Solomon Yorks, in the county of Harlan.

And had adopted preambles and resolutions of the following titles, viz:
Preamble and resolutions in relation to the public arms.
Preamble and resolutions in response to certain resolutions of the State of Massachusetts Legislature, relative to an amendment of the Constitution of the United States.
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 for the benefit of Julia Newhall.
An act to alter the time of holding the February term of the Caldwell Circuit Court, in 1844.
An act for the benefit of the Surveyor of the county of Union, and to allow an additional Constable to Christian county.

An act to repeal the 8th and 9th sections of an act, entitled, an act to add to the resources of the Sinking Fund, approved March 11, 1843.

Approved February 20, 1844.
1. Mr. Apperson presented the petition of Fanny Beall, praying that her name be changed to that of Fanny Gore.

2. Also, the petition of sundry citizens of Montgomery county, praying a change in the place of voting in an election precinct in said county.

3. Mr. Lawless presented the petition of L. P. Crenshaw, and others, praying the passage of a law incorporating the Literary Club of Glasgow.

4. Mr. Heady presented the petition of Paulina S. D. Myers, praying the passage of a law authorizing a sale of certain real estate of her deceased husband.

Which petitions were severally received, the reading thereof dispensed with, and referred—the 1st and 4th to the committee for Courts of Justice; the 2d to the committee on Privileges and Elections, and the 3d to the committee on Education.

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.

Mr. Campbell, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to attach the county of Bulitt to the 5th Judicial District, and for other purposes, reported the same with amendments, which were concurred in.

Mr. Redd moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill be read a third time, as amended? and it was decided in the affirmative.

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

Mr. Wickliffe moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill pass? and it was decided in the affirmative.

Resolved, That the title of said bill be amended to read, “an act authorizing chancery terms of certain Circuit Courts to be held, and for other purposes.”

Mr. Cox moved that a message be sent to the Senate, asking leave to withdraw the report of this House, announcing the passage of a bill, by this House, entitled, an act to provide for placing slabs over the graves of certain officers of this Commonwealth.

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

Ordered, That Mr. Cox bear said message.

In a short time the messenger returned with said bill.

Mr. Campbell, from the committee for Courts of Justice, to whom was
referred a bill to amend an act, entitled, an act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes, approved February 16, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Groesbeck, from the committee on Propositions and Grievances, reported a bill to add a part of the county of Harrison to Bracken county, 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 and third readings of said bill having been dispensed with.

Mr. Graves moved to amend said bill by adding thereto the following engrossed clause by way of Ryder, viz:

"Be it further enacted, That the line separating the counties of Oldham and Jefferson, so far as the same lies between the Ohio river and Harrod's creek, shall be so changed as to begin at the landing of W. J. Graves, and run thence with the line of Madison's survey, to Harrod's creek."

Mr. Bryan 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. Graves and Noe, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Griffin, Noe,
Messrs. Allen, Groesbeck, Oldham,
Bowman, Hambleton, Payne,
Bryan, Haskin, Perrin,
Campbell, Hobson, Pope,
Clark, Hogan, E. Price,
Coffey, Hogan, O. P. Speed,
Coleman, Hove, Stewart,
Cox, Johnson, Stitt,
Frazier, Jones, D. E. Stone, B.
Fry, Jones, T. M. Tevis,
Gardner, Kalfus, Thompson, H.
Garnett, Kavanaugh, Tully,
Garrard, Kavanagh, Waddill,
Given, King, Wheeler,
Glenn, Lowry, Woosley,
Goble, Marshall, Wright,
Gore, Martin, Yocum,
Gray, McRery, Young—57.

The main question was then put, shall the bill pass? and it was decided in the affirmative.

Resolved, That the title thereof be as aforesaid.

Mr. McLarnig, from the committee on Internal Improvement, to whom was referred bills from the Senate, of the following titles, viz:

An act to extend a road from the western termination of Pine street, in the town of Danville, to the turnpike road.

An act to authorize Jordan Bass to build a fish dam on Pond river.

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

Mr. McLarnig, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of C. J. Blackburn, reported the same without amendment.

The said bill was then amended.

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

Mr. Heady moved a reconsideration of the vote laying on the table, until the 1st day of June next, to bill to improve the Louisville and Bardstown turnpike road.

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

The said bill was amended, and as amended was ordered to 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 thereof be as aforesaid.
Mr. McLarning, from the committee on Internal Improvement, reported the following bills, viz:
A bill for the benefit of Andrew Glenn.
A bill for the benefit of John Colvin.
Which were read the first time.
Ordered, That said bills be laid on the table.
Mr. Fry, from the committee on Enrollments, reported that the committee had examined enrolled bills and a resolution which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:
An act to amend the laws in relation to public roads.
An act for the benefit of Lewis V. Wernwag.
An act to amend the charter of the Owingsville and Big Sandy Turnpike Road Company.
A resolution fixing a day for the election of Public Officers.
Whereupon, the Speaker affixed his signature thereto.
Ordered, That Mr. Fry inform the Senate thereof.
On motion of Mr. Groesbeck,
Ordered, That the committee on Internal Improvement be discharged from the further consideration of the petition of the Stockholders of the Lexington and Covington Turnpike Road Company.
On motion of Mr. Marshall, leave was given to bring in a bill to restore the summer term of the Green Circuit Court.
Ordered, That Messrs. Marshall, Allen, Penick and Stitt prepare and bring in the same.
A message was received from the Senate, announcing their concurrence in the amendments proposed by this House to the 1st section, and their disagreement to the amendment of this House to the 2d section of a bill from the Senate, entitled, an act to fix the ratio and apportion the representation in the House of Representatives and Senate for the next four years.
And that they had passed a bill, entitled, an act to attach the counties of Estill and Fleming to the 11th Judicial District, and for other purposes.
On motion of Mr. Ewing,
Ordered, That Mr. King have leave of absence for the remainder of the session.
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 add a portion of the county of Nicholas to Bracken county.
By the committee on Ways and Means—2. A bill for the benefit of the Sheriff of Marshall county.
Which were read the first time, and ordered to be read a second time.
The rules of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,
Resolved, That said bills do pass, and that the titles thereof be as afore­said.

Mr. McRery, from the committee on Internal Improvement, reported a bill to direct in what manner and in what court suits may be brought against the Commonwealth, which was read the first time as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Circuit Court for the county of Franklin, is hereby vested with original power, to try all suits and matters of controversy, both in law and equity, wherein any person or persons or company of persons claim to have a cause of action against the State, on any account whatever.

Sec. 2. A suit at common law shall be commenced by a summons to be issued by the Clerk of said Court, and a suit in chancery shall be commenced by a subpoena issued as aforesaid, either of which processes shall be served upon the Attorney General.

Sec. 3. The Circuit Court aforesaid is hereby invested with full power to make all preliminary orders at common law or chancery, as the case may require, for a speedy adjustment of the same, as prescribed by the present settled rules of law in other cases.

Sec. 4. It shall be the duty of the Attorney General and the President of the Board of Internal Improvement, to conduct and defend said suits on the part of the Commonwealth.

Sec. 5. When any person or persons obtain a judgment or decree against the State upon any subject matter growing out of the Internal Improvement system of the State, upon a copy of said judgment or decree, properly certified by the Clerk of the court aforesaid, being lodged with the Auditor, it shall be his duty to issue an order upon the Treasurer of the State, for the same, to be paid out of the Internal Improvement Fund: Provided, however, That nothing herein contained shall be so construed as to authorize the necessary amount to meet the interest on the public debt, to be drawn from the Treasury, but in all cases the necessary amounts shall be withheld for that purpose: And, provided further, That when any judgment or decree shall be obtained, as aforesaid, and it shall be found that the Internal Improvement Fund is exhausted, the plaintiff in such case, shall be entitled to legal interest from the date of said judgment or decree, but in no case shall execution issue against the Commonwealth.

Sec. 6. When a judgment or decree shall be obtained against the State on any claim not growing out of the Internal Improvement system, the same shall be drawn agreeably to the provisions of the 5th sections of this act, except that it shall be paid out of any money in the Treasury, not otherwise appropriated.

Sec. 7. In all cases of common law, suits authorized by this act, the said court shall be governed by the known principles of the common and statute laws, and in chancery cases by the equitable rules that now govern courts of equity in this Commonwealth.

Sec. 8. No summons or subpoena shall be issued by the Clerk of said court in any suit authorized by this act, unless the plaintiff or complainant shall give bond with approved security, for the payment of the costs of such suit.

Sec. 9. The Sheriffs of this Commonwealth shall be the officers to perform the ministerial offices as in suits between individuals, and either of the
parties to any suit that may be adjudicated under the provisions of this act, shall be entitled to an appeal as in other cases.

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

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

Those who voted in the affirmative, were—

Mr. Speaker, Messrs. Allen, Apperson, Blackburn, Bryan, Chambers, Clark, Coleman, Collins, Cully, DeCourcy, Garrard, Given, Glenn,

Goble, Gore, Graves, Groesbeck, Hanna, Haskin, Haydon, Hobson, Hogan, O. P., Hooe, Jenkins, Johnson, Jones, D. E., Jones, T. M.,


Those who voted in the negative, were—

Messrs. Alcorn, Bowman, Buford, Burnam, Campbell, Coffey, Crow, Dickey, Ewing, Frazier, Fry, Gardner, Garnett, Gray, Griffin, Hambleton, Heady, Hobbs,

Hogan, E., Holloway, Humphreys, Kalfus, Kavanaugh, King, Lawless, Maupin, McLarning, Milam, Nall, Oldham, Owens, Penick, Pogue, Pope, Porter,


Mr. Speed moved a reconsideration of the vote rejecting said bill, and 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. Gardner and S. Stone, 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 vote be reconsidered? and it was decided in the affirmative.

Mr. Campbell moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill be read a second time? and it was decided in the negative, and so the said bill was rejected.

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

Those who voted in the affirmative, were—

Mr. Speaker, Messrs. Alcorn, Apperson, Groesbeck, Hanna, Haskin, Kalfus, Lewis, Lowry,
THOSE WHO VOTED IN THE NEGATIVE, WERE—

Messrs. Bowman, Haydon, Marshall,
Buford, Hobbs, Martin,
Burnam, Hobson, McRery,
Campbell, Hogan, E., Payne,
Coffey, Hogan, O. P., Smith,
Crow, Holloway,
Cully, Hooe,
Dickey, Humphreys,
Ewing, Jenkins,
Frazier, Johnson,
Fry, Jones, D. E.
Gardner, Jones, T. M.
Garnett, Kavanaugh,
Given, Stewart,
Gray, Stone,
Pope, Stone, S.
Griffin, Tully,

On motion of Mr. Coffey,
Ordered, That the committee on Claims be permitted to sit during the session of the House.

And then the House adjourned

SATURDAY, FEBRUARY 24, 1844.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this House, to a bill and a resolution from the Senate, of the following titles, viz:

An act to authorize the construction of a road from the present Franklin and Crab Orchard turnpike, near Salvisa, to the Kentucky river, at McAfee's Warehouse.
A resolution for an adjournment of the General Assembly.
That they had passed a bill from this House, entitled, an act for the benefit of Henry Harmon, of Adair county.
That they had passed a bill, entitled, an act for the benefit of John Gilkerson, &c.

1. Mr. Gray presented the remonstrance of sundry citizens of Grayson and Ohio counties, against the erection of a Mill dam across Rough creek, at Hayn's mill, at a height greater than is now permitted.
Which was received, the reading thereof dispensed with, and referred to the committee on Propositions and Grievances.

Mr. Yocum, from the committee appointed to prepare and bring in the same, reported a bill to assist in raising a revenue for this Commonwealth, which was read the first time as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Commissioners of Tax in this Commonwealth, shall require every tax payer in their several counties to list with said Commissioner of Tax, all the cash notes that they have purchased at a greater discount than six per cent., or for money loaned at a greater rate of interest than six per cent., which amount shall be entered by said Commissioner on his book in a separate column, to be kept by him for that purpose.

Sec. 2. Be it further enacted, That all such funds shall hereafter be taxed at the rate of ten per cent. per annum, which shall be paid to the tax Collectors, as other taxes are now paid, and paid over by them to the Treasury, as in other cases of revenue.

Sec. 3. Be it further enacted, That this act shall apply to all notes as described in the first section of this bill, and to all judgments and executions that any tax payer may be the owner of on the 10th day of January, in each year, obtained on notes, as described in the 1st section of this bill, which list shall be made on the oath of each individual, if the Commissioner is so disposed.

Sec. 4. This act shall not be so construed as to change any of the revenue laws of this Commonwealth, except so far as is set out in this bill, and for a failure of any person to comply with the provisions of this act, they shall be fined by a Circuit Court not exceeding five hundred dollars by indictment.

Mr. Chambers 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. Yocum and Bryan, were as follows, viz:

Those who voted in the affirmative, were—

Missrs. Allen, Graves, Pope,
Apperson, Gray, Porter,
Blackburn, Hambleton, Price,
Bowman, Bobbs, Redd,
Bryan, Hobson, Richardson,
Buford, Hogan, E. Rockhold,
Burnam, Hogan, O. P. Speed,
Those who voted in the negative, were—

Mr. Speaker, Hanna, Marshall,
Messrs. Alcorn, Haskin, McCarty,
Clark, Haydon, Penick,
Gardner, Heady, Stitt,
Garrard, Hoce, Wheeler,
Given, Jenkins, Wickliffe,
Goble, Kallus, Woosley,
Griffin, Lowry, Yocum—25.
Gore, Groesbeck,

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

An act to incorporate the first Presbyterian Church of Covington.
An act to amend an act, entitled, an act concerning the estate of Daniel Riley, deceased.
An act for the benefit of Simeon Harris.
An act for the benefit of John S. Eaves and H. W. McNary.
An act to change the time of the sitting of the Garrard Circuit Court, and for other purposes.
An act to amend the charter of the Jefferson Pond Draining Company.
An act to incorporate the Kentucky Oil and Manufacturing Company.
An act for the benefit of William Stewart, late Sheriff of Livingston county.
An act to amend the several acts concerning the town of New Liberty, in Owen county.

Were taken up, twice read, and concurred in.
A bill from the Senate, entitled, an act for the benefit of Susan A. Bayse, 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 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 be amended to read, "an act for the benefit of Susan A. Boyce, of Logan county, and James M. Doom, and others."

A bill from the Senate, entitled, an act for the benefit of Nathaniel Woolf, of the city of Louisville, 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. Graves moved to amend said bill by striking out "one hundred dollars" and inserting "two hundred dollars."

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

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,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker,

Messrs. Alcorn, Allen, Apperson, Blackburn, Bryan, Buford, Burnam, Campbell, Chambers, Clark, Coleman, Collins, Crow, Cutty, DeCourcy, Dickey, Ewing, Fry, Garnett, Garrard,


Those who voted in the negative, were—

Messrs. Bowman, Coffey, Frazier, Gardner, Given, Goble, Gray, Griffin, Hambleton,

Hogan, O. P. Hooe, Jenkins, Johnson, Kavanaugh, Marshall, Noe, Payne, Pogue,

Price, Richardson, Rockhold, Stewart, Stitt, Thompson, H. Wheeler, Wooley, Wright—27.

Resolved, That the title thereof be as aforesaid.

A bill from the Senate, entitled, an act to legalize the acts of the Surveyor of Harlan county, and the proceedings of the County Court of Harlan county, at their September term, 1843, 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 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 be amended by adding 
"and for other purposes." 
A bill from the Senate, entitled, an act to amend the laws concerning ped-
lers. 
Was read the first time. 
Ordered, That said bill be laid on the table for the present. 

A message was received from the Senate, by Mr. Rodes, announcing that they were then ready to proceed with the election of Public Officers. 
Mr. Wright nominated Mr. James Davidson as a proper person to fill the office of Treasurer; and after interchanging nominations between the two Houses, this House proceeded to the election. 
Messrs. Young and Maupin were appointed a committee on the part of this House, to meet a similar committee on the part of the Senate, to compare the joint vote, and report the result. 
After a short time Mr. Young reported that Mr. James Davidson had re-
ceived a majority of both Houses. 
Whereupon he was declared duly elected Treasurer of this Common-
wealth for the ensuing year. 
The House then proceeded to the election of Public Printer. 
Mr. Crow nominated Mr. Albert G. Hodges, and Mr. O. P. Hogan nomi-
nated Mr. William Tanner; and the vote being taken it stood thus: 

<table>
<thead>
<tr>
<th>Mr. Speaker</th>
<th>Gray</th>
<th>Porter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Messrs. Alcorn</td>
<td>Hambleton</td>
<td>Price</td>
</tr>
<tr>
<td>Apperson</td>
<td>Hobbs</td>
<td>Redd</td>
</tr>
<tr>
<td>Blackburn</td>
<td>Hobson</td>
<td>Richardson</td>
</tr>
<tr>
<td>Bowman</td>
<td>Hogan, E.</td>
<td>Rockhold</td>
</tr>
<tr>
<td>Buford</td>
<td>Holloway</td>
<td>Smith</td>
</tr>
</tbody>
</table>
| Burnam | Humphreys | Smith, 

| Chambers | Jones, D. E. | Speed |
| Coleman | Kalfus | Stone, B. |
| Collins | Lawless | Stone, S. |
| Crow | Lewis | Tevis |
| Dickey | McLanning | Thurston |
| Ewing | McRery | Tully |
| Fry | Milam | Waddill |
| Garnett | Nall | Webb |
| | Oldham | Wilkinson |
| | | Winfrey |

57
Those who voted for Mr. Tanner, are as follows:


The same committee were appointed 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. Young reported that the joint vote stood thus:
For Mr. A. G. Hodges, - - - - 81
For Mr. Wm. Tanner, - - - - 44

Mr. 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.

Mr. Graves nominated Mr. George A. Robertson, and Mr. Coleman nominated Mr. A. G. Taylor; and the vote being taken it stood thus:

Those who voted for Mr. Robertson, are as follows—

Glenn, Owens, Yocum,  
Gore, Penick, Young—61.  
Graves,  

Those who voted for Mr. Taylor, are as follows—  

Messrs. Bryan,  
Hanna,  
Maupin,  
Clark,         Haskin,      Payne,  
Haskin,       Haydon,     Pope,  
Coffey,       Heady,      Stewart,  
Coleman,      Hogan, O. P.  Stitt,  
Cully,        Hooe,       Thompson, H.  
Praizer,       Jenkins,    Wheeler,  
Gardner,      Johnson,    Winfrey,  
Given,        Lowry,      Woosley,  
Griffin,      Grossbeck,  

The same committee were appointed 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. Young reported that the joint vote thus:  
For Mr. G. A. Robertson, - - - - - 89  
For Mr. A. G. Taylor, - - - - - 37  
Whereupon Mr. Robertson was declared duly elected Librarian for the ensuing year.  

The House then proceeded to the election of a President and Directors of the Bank of the Commonwealth.  

Mr. Campbell nominated Mr. Owen G. Cates as a proper person to fill the office of President of said Bank, and Mr. James Davidson and Thomas S. Page as proper persons to fill the office of Directors of said Bank; and they received the unanimous vote of this House.  

The same committee were appointed on the part of this House to compare the joint vote, and report the result.  

After a short time Mr. Maupin reported that Mr. Cates had received the unanimous vote of both Houses as President, and Mr. James Davidson and Thomas S. Page as Directors of said Bank.  

Whereupon they were declared duly elected for the ensuing year.  

Mr. Campbell, 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 Fielding Neal and wife, and their children.  
An act for the benefit of the widow and heirs of James Frazier, deceased.  

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.

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 for the benefit of Julian Chism and Francis Head.

By same—a bill for the benefit of the widow and heirs of David Böhr, deceased.

By the committee on Ways and Means—A bill for the benefit of the Representatives of Thomas J. Gentry, deceased.

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

Mr. Ewing moved the following resolution, viz:

Resolved, That no standing committee, after they have commenced reporting, shall hereafter report any bill which shall have been acted upon by said committee, after they shall have so commenced as aforesaid, without the unanimous consent of this House: Provided, That the standing committee now reporting and the committee on Claims, as to the appropriation bill, may report any bill which they may have acted upon, up to the 24th inst., inclusive.

Be it resolved further, That during the remainder of the session no member shall speak more than once on any one subject, nor longer than 15 minutes at one time, without the consent of the House.

Which was adopted.

A bill from the Senate, entitled, an act to change the terms of certain Circuit Courts in the 17th Judicial District, and for other purposes, was read the first time, and ordered to be read a second.

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

The said bill was amended, and as amended was ordered to 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.

Bills from the Senate of the following titles, viz:

An act concerning the Winchester Academy.

An act requiring the Judge of the 7th Judicial District to hold chancery terms of the Christian, Caldwell and Hopkins 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, said bills were amended.

Ordered, That said bills, as amended, be read a third time.

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

Resolved, That said bills do pass, and that the titles be amended by adding to each the words “and for other purposes.”

A bill from the Senate, entitled, an act to establish an election precinct at the house of Martin London, in Butler 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 amended.

Mr. Garrard moved further to amend said bill by adding the following, viz:

Be it further enacted, That an election precinct is hereby established at the house of Shelah Bailey, in the county of Franklin, to be governed by the election laws now in force.

Mr. Redd 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. O. P. Hogan and Hanna, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Bryan, Haskin, Payne, Clark, Hayden, Pope, Coffey, Heady, Stewart, Gardner, Hogan, O. P. Stitt, Garrard, Hooe, Thompson, H. Given, Jones, T. M. Wheeler,

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,

Resolved, That said bill do pass, and that the title be amended by adding "and for other purposes."

A bill from the Senate, entitled, an act to establish an election precinct at the house of Solomon Yorks, in the county of Harlan, 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 amended.

Mr. Garrard moved an amendment to said bill.

Mr. Redd moved the previous question.

The question was then taken, shall the main question be now put? 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 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 amended by adding "and for other purposes."

Bills from the Senate, of the following titles, viz:
1. An act for the benefit of the Surveyor of Spencer county.
2. An act to amend the act incorporating the town of Columbia.
3. An act for the benefit of James Devore and Elizabeth L. Devore and their children.
4. An act for the benefit of foot passengers on the Wilderness turnpike road.
5. An act for the benefit of the Buck Run Academy.
6. An act for the benefit of the town of Marion, in the county of Scott.
7. An act to incorporate the town of Lewisport, in the county of Hancock, and to authorize the appointment of an additional Justice of the Peace, and Constable to said county.
8. An act to incorporate the Marion and Georgetown Turnpike Road Company.
9. An act for the benefit of the Shelby and Louisville Turnpike Company.
10. An act for the benefit of James M. George, of Meade county.
11. An act for the benefit of A. Harvey and J. B. Thomas, of Allen county.
12. An act regulating the times of performing certain duties in the Auditor's Office.
15. An act for the benefit of Lewis Vimont.
16. An act to change the time of holding the August term of the County Court of Carroll.
17. An act for the benefit of David E. Bullock.
18. An act directing special terms of the Circuit Courts to be held in the counties of Meade and Breckinridge, for the trial of criminal and chancery causes.
19. An act to incorporate the Danville and Hustonville Turnpike Road Company.
20. An act vesting the Circuit Courts of this Commonwealth with power to decree the sale of real estate owned by non-resident infants.
21. An act to amend the Common School laws.
22. An act authorizing the exchange of State bonds.
23. An act to repeal so much of an act, entitled, an act to amend the revenue laws, approved January 18, 1842, as declares the office of Commissioner of Tax and Constable incompatible.
25. An act prescribing the terms on which the use of the jails, and the jail and Penitentiary house of this State may be allowed to the authorities of the United States.
26. An act for the benefit of the jailer of Hopkins county.
27. An act to attach the counties of Estill and Fleming to the 11th Judicial District, and for other purposes.

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, 5th, 6th, 7th, 10th, 12th, 13th, 16th, 17th, 18th, 23d, 24th, 25th and 26th were severally ordered to be read a third time; the 3d, 20th and 27th were referred to the committee for Courts of Justice; the 8th, 9th, 14th, 15th and 19th to the committee on Internal Improvement; the 11th to the committee on Claims; the 21st to the committee on Education, and the 22d to the committee on the Sinking Fund.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 4th, 5th, 6th, 7th, 10th, 12th, 13th, 16th, 17th, 18th, 23d, 24th, 25th and 26th bills having been dispensed with.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.
A bill from the Senate, entitled, an act for the benefit of John Gilkerson, &c., 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.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker, Groesbeck, Milam,
Messrs. Allen, Hambleton, Noe,
Blackburn, Hanna, Payne,
Bryan, Haskin, Pope,
Buford, Haydon, Porter,
Campbell, Heady, Rockhold,
Clark, Hobbs, Smith,
Coffey, Hobson, Speed,
Coleman, Hogan, O. P. Stewart,
Crow, Hoee, Stitt,
Cully, Jenkins, Thompson, H.
DeCourcy, Jones, D. E. Webb,
Dickey, Jones, T. M. Wheeler,
Ewing, Kalfus, Wickliffe,
Gardner, Kavanaugh, Wilkenson,
Garnett, Lawless, Winfrey,
Garrard, Lewis, Woosley,
Given, Marshall, Wooten,
Glenn, Maupin, Wright,
Gray, McKery, Yocum—61.
Griffin,

Those who voted in the negative, were—

Messrs. Apperson, Humphreys, Redd,
Bowman, Nall, Richardson,
Burnam, Oldham, Stone, B.
Fry, Penick, Thurston,
Gore, Thurston, Waddill—17.
Holloway, Pogue, Waddill.

The House then took up for consideration the amendments proposed by the Senate, to a bill from this House, entitled, an act to authorize a settlement with James R. Skiles, Henry Shanks, Simpson Stout, Dillis Dyer and Stephen Ashby.

The said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor be, and he is hereby authorized to appoint three competent persons to state and settle the accounts of James R. Skiles, Henry Shanks, Simpson Stout, Dillis Dyer and Stephen Ashby, as agents of the
State, for the improvement of Green and Barren rivers; which Commissioners, so appointed, shall be authorized to allow to said Agents, severally, compensation adequate to the services performed by them, and each of them: Provided, That after full investigation, the said Commissioners shall be of opinion that the said Agents have not heretofore received sufficient compensation for their said services, and it shall be the duty of said Commissioners to take the necessary steps to collect or secure any unexpended balance that may be found due the Commonwealth of Kentucky, from said Agents, or any one of them.

The 1st amendment of the Senate was to strike from said bill the words "Governor be, and he is hereby authorized to appoint three competent persons," printed in italics, and insert in lieu thereof the following, "Board of Internal Improvement be, and they are hereby authorized."

The 2d amendment of the Senate was to strike out the words "Commissioners so appointed," and insert "Board of Internal Improvement."

The 3d amendment of the Senate was to strike out the words "Commissioners" and insert the word "Board," occurring in the latter part of said bill.

And the question being taken on concurring in said amendments, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker, Graves, Payne,
Messrs. Allen, Gray, Penick,
Blackburn, Griffin, Pogue,
Bowman, Hambleton, Pope,
Bryan, Heady, Porter,
Bulford, Hobbs, Price,
Burnam, Hogan, E., Redd,
Campbell, Humphreys, Richardson,
Chambers, Johnson, Rockhold,
Clark, Jones, D. E., Stone, B.
Colley, Jones, T. M., Stone, S.
Coleman, Kalfus, Thurston,
Colly, Lawless, Tully,
Dickey, Lowry, Webb,
Ewing, Marshall, Winfrey,
Frazier, Maupin, Woosley,
Fry, Noe, Wooten,
Gardner, Oldham, Yocum,
Garnett, Owens, Young—58.

Those who voted in the negative, were—

Messrs. Alcorn, Haydon, Nall,
Apperson, Hobson, Smith,
Crow, Hogan, O. P., Speed,
At 5 o'clock P. M., Mr. Marshall moved an adjournment.

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

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

Those who voted in the affirmative, were—

Mr. Speaker, Mr. Hambleton, Mr. Payne, Mr. Hobbs, Mr. Hobson, Mr. Penick, Mr. Holloway, Mr. Porter, Mr. Humphreys, Mr. Redd, Mr. Jenkins, Mr. Richardson, Mr. Jones, D. E. Mr. Rockhold, Mr. Jones, T. M. Mr. Speed, Mr. Kalfus, Mr. Stone, B. Mr. Lewis, Mr. Thompson, H. Mr. Marshall, Mr. Thurston, Mr. Milam, Mr. Waddill, Mr. Nall, Mr. Webb, Mr. Noe, Mr. Wilkenson, Mr. Oldham, Mr. Winfrey—44.

Those who voted in the negative, were—

Messrs. Bryan, Mr. Haskin, Mr. Pope, Mr. Coffey, Mr. Haydon, Mr. Price, Mr. DeCourcy, Mr. Heady, Mr. Smith, Mr. Dickey, Mr. Hogan, O. P. Mr. Stewart, Mr. Ewing, Mr. Hogan, O. P. Mr. Stitt, Mr. Fry, Mr. Kavanaugh, Mr. Wheeler, Mr. Gardner, Mr. Lawless, Mr. Wickliffe, Mr. Garnett, Mr. Maupin, Mr. Woosley, Mr. Glenn, Mr. McLarning, Mr. Wooten, Mr. Gray, Mr. McRery, Mr. Wright, Mr. Hanna, Mr. Pogue, Mr. Yocum—33.
MONDAY, FEBRUARY 26, 1844.

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 to incorporate the Bank Lick Turnpike Road Company.

An act to amend the charter of the Lexington and Georgetown Turnpike Road Company.

An act to amend the laws regulating the management of the Wilderness road and Madison fork.

With amendments to the last named bill.

That they had passed bills of the following titles, viz:

An act for the benefit of William Rowlett, of the county of Owen.

An act authorizing the County Courts of Christian, Hopkins and Daviess counties to establish roads to Coal Banks in their respective counties, and from one Coal Bank to another.

An act to incorporate the Union Pond Draining Company.

An act for the benefit of L. B. Hollifield, of Graves county.

An act to amend an act, entitled, an act incorporate the Louisville Gas Company, approved February 15, 1838.

An act for the benefit of the Library room.

That they had adopted a resolution authorizing the cancelment of certain State bonds.

And had received official information from the Governor, that he had approved and signed enrolled bills and a resolution which originated in the Senate, of the following titles, viz:

An act to amend the laws in relation to public roads.

An act for the benefit of Lewis V. Wernwag.

An act to amend the charter of the Owingsville and Big Sandy Turnpike Road Company.

A resolution fixing a day for the election of Public Officers.

Approved February 23, 1844.

Mr. Gardner, from the committee on Privileges and Elections, made the following report, viz:

The committee on Privileges and Elections have had under consideration the returns from the several counties, and beg leave to report: That the following named gentlemen have been duly elected Representatives from the counties annexed to their respective names, that is to say:

From the county of Adair—Hamilton N. Owens.

From the county of Allen—Nathan K. Pope.

From the county of Anderson—George W. Kavanaugh.
From the county of **Barren**—Robert D. Maupin and Burwell Lawless.
From the county of **Bath**—John A. Trumbo.
From the county of **Boone**—Lewis Webb.
From the county of **Bourbon**—Ezekiel Thurston and Samuel A. Young.
From the county of **Bracken**—Daniel Coleman.
From the county of **Breckenridge**—Charles Hambleton.
From the county of **Bullitt**—Henry F. Kalfus.
From the counties of **Butler and Edmonson**—Samuel Woosley.
From the county of **Campbell**—William DeCourcy.
From the county of **Casey**—Winston Bowman.
From the county of **Christian**—John McLarning and Robert L. Waddill.
From the county of **Clarke**—George Fry.
From the counties of **Clay, Perry and Letcher**—Theophilus T. Garrard.
From the counties of **Cumberland and Clinton**—Francis H. Winfrey.
From the county of **Daniels**—Warner Crow.
From the county of **Estill**—Berry Stone.
From the county of **Fayette**—Thomas S. Redd, Elihu Hogan and Clifton R. Thomson.
From the county of **Fleming**—Leander M. Cox and Leonard Tully.
From the counties of **Floyd and Pike**—John P. Martin.
From the county of **Franklin**—James Milam.
From the counties of **Gallatin and Carroll**—Philip P. Hanna.
From the county of **Garrard**—Jennings Price.
From the county of **Grant**—Overton P. Hogan.
From the county of **Graves**—Joseph R. E. Wilkinson.
From the county of **Grayson**—William M. Gray.
From the county of **Green**—William Marshall and John R. Allen.
From the county of **Greenup**—Joseph D. Collins.
From the counties of **Hancock and Ohio**—Larkin G. Nall.
From the counties of **Hardin and Larue**—John L. Helm and John S. Cully.
From the counties of **Harlan and Knox**—A. G. W. Pogue.
From the county of **Harrison**—Lewis Perrin and Henry Thompson.
From the county of **Hart**—James M. Gardner.
From the county of **Henderson**—John G. Holloway.
From the county of **Henry**—James M. Stewart.
From the county of **Hickman**—Robert N. Lewis.
From the county of **Hopkins**—Bradford L. Porter.
From the county of **Jefferson**—Edward D. Hobbs and Daniel E. Jones.
From the county of **Jessamine**—James H. Lowry.
From the county of **Kenton**—Herman J. Groesbeck.
From the city of **Louisville**—William J. Graves and James S. Speed.
From the county of **Laurel**—Thomas J. Buford.
From the counties of **Lawrence, Carter, and part of Johnson**—Green V. Goble.
From the county of **Lewis**—Benjamin Given.
From the county of **Lincoln**—John E. Wright.
From the counties of **Livingston and Crittenden**—James L. Alcorn.
From the county of **Logan**—George W. Ewing and David King.
From the county of Marion—Buford N. Penick.
From the county of Mason—Francis T. Chambers and Robert Humphreys.
From the county of McCracken and part of Ballard—James Campbell.
From the county of Meade—Orla C. Richardson.
From the county of Mercer and part of Boyle—William A. Hooe and Joseph Haskin.
From the county of Monroe—William H. Wooten.
From the counties of Morgan and Breathitt—Thomas J. Frazier.
From the county of Muhlenburg—Russell McRery.
From the county of Madison— and Abner Oldham.
From the county of Nelson—Henry Gore and R. Logan Wickliffe.
From the county of Nicholas—James Stitt.
From the county of Oldham—John Bryan.
From the county of Owen—Benjamin Haydon.
From the county of Pendleton—John Wheeler.
From the county of Pulaski—John Griffin.
From the county of Rockcastle—Elisha Smith.
From the county of Russell—Shelby Stone.
From the county of Scott—Newton Payne.
From the county of Shelby—Lloyd Tevis and Fleming H. Garnett.
From the county of Simpson—Levi Dickey.
From the county of Spencer—Stilwell Heady.
From the county of Todd—Robert E. Glenn.
From the county of Trigg—Allen T. Noe.
From the county of Trimble—Daniel B. Johnson.
From the county of Union—Charles C. P. Gilchrist.
From the county of Warren—Jonathan Hobson and Charles W. Jenkins.
From the county of Washington—John Yocum.
From the county of Wayne—Shelby Coffey.
From the county of Whitley—Thomas Rockhold.
From the county of Woodford—Lake P. Blackburn.
From the county of Montgomery, Joseph Bondurant was returned as the member, and took his seat at the commencement of the session, but his right thereto having been contested by Richard Apperson, and the House not being able to decide to whom the seat rightfully belonged, and the parties resigning their claims, declared the seat vacant, and ordered a writ of election; a special election was held, and said Richard Apperson was returned as duly elected and took his seat accordingly.
From the county of Madison, Thomas J. Gentry was duly elected and took his seat as such, but on the 5th day of the present month he died; the House thereupon ordered a writ of election to fill the vacancy, and Thompson Burnam was returned as duly elected, and took his seat accordingly.
All of which is respectfully submitted.

JAMES M. GARDNER, Chm.

February 17, 1844.

On motion of Mr. Haydon, leave was given to bring in a bill to repeal the law passed at the present session, authorizing the Lexington and Georgetown Turnpike Road Company to erect a third gate on said road.
Ordered, That Messrs. Hayden, Penick and Gray prepare and bring in the same.

Mr. DeCourcy, from the committee appointed to prepare and bring in the same, reported a bill to amend the road law, in Campbell county, which was read the first time.

On motion of Mr. Graves,

Ordered, That said bill be laid on the table.

Mr. Chambers moved to suspend the rules of the House to take up the amendments proposed to a bill from the Senate, entitled, an act to fix the ratio and apportion the representation in the House of Representatives and Senate for the next four years.

And the question being taken thereon, it was decided in the negative, it requiring a majority of two-thirds.

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

Those who voted in the affirmative, were—

<table>
<thead>
<tr>
<th>Messrs.</th>
<th>Hobson,</th>
<th>Porter,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcorn</td>
<td>Hogan, E.</td>
<td>Price,</td>
</tr>
<tr>
<td>Allen</td>
<td>Holloway,</td>
<td>Redd,</td>
</tr>
<tr>
<td>Blackburn</td>
<td>Humphreys,</td>
<td>Richardson,</td>
</tr>
<tr>
<td>Bowman</td>
<td>Jenkins,</td>
<td>Rockhold,</td>
</tr>
<tr>
<td>Bryan</td>
<td>Jones, D. E.</td>
<td>Stone, B.</td>
</tr>
<tr>
<td>Buford</td>
<td>Kallus,</td>
<td>Stone, S.</td>
</tr>
<tr>
<td>Burnam</td>
<td>Lawless,</td>
<td>Tevis,</td>
</tr>
<tr>
<td>Chambers</td>
<td>Lowry,</td>
<td>Thomson, C.R.</td>
</tr>
<tr>
<td>DeCourcy</td>
<td>Maupin,</td>
<td>Trumbo,</td>
</tr>
<tr>
<td>Dickey</td>
<td>McLarning,</td>
<td>Waddill,</td>
</tr>
<tr>
<td>Ewing</td>
<td>McRery,</td>
<td>Webb,</td>
</tr>
<tr>
<td>Fry</td>
<td>Mikani,</td>
<td>Wilkinson,</td>
</tr>
<tr>
<td>Graves</td>
<td>Nall,</td>
<td>Winfrey,</td>
</tr>
<tr>
<td>Gray</td>
<td>Oldham,</td>
<td>Wooten,</td>
</tr>
<tr>
<td>Hambleton</td>
<td>Penick,</td>
<td>Wright—48</td>
</tr>
<tr>
<td>Hobbs</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Those who voted in the negative, were—

| Mr. Speaker,            | Gore,        | Noe,         |
| Messrs. Apperson,       | Griffin,     | Owens,       |
| Campbell,               | Groesbeck,   | Payne,       |
| Clark,                  | Hanna,       | Pope,        |
| Coffey,                 | Haskin,      | Smith,       |
| Coleman,                | Haydon,      | Speed,       |
| Collins,                | Heady,       | Stewart,     |
| Cox,                    | Hogan, O. P. | Stitt,       |
| Crow,                   | Hooe,        | Thompson, H. |
| Cully,                  | Johnson,     | Tully,       |
| Gardner,                | Jones, T. M. | Wheeler,     |
| Garrard,                | Kavanaugh,   | Wickliffe,   |
Mr. Campbell, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to attach the counties of Estill and Fleming to the 11th Judicial District, and for other purposes, reported the same with amendments, which were concurred in.

Mr. Garrard moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill, as amended, 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,

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

Mr. Fry, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills which originated in this House, of the following titles viz:

An act for the benefit of Rebecca A. Anderson, and others.
An act to amend the inspection laws.
An act to authorize a settlement with James R. Skiles, Henry Shanks, Simpson Stout, Dillis Dyer and Stephen Ashby.
An act for the benefit of Henry Harmon, of Adair county.
An act for the benefit of William Stewart, late Sheriff of Livingston county.
An act to change the time of sitting of the Garrard Circuit Court.
An act to incorporate the Frankfort Cemetery Company.
An act to incorporate the first Presbyterian Church of Covington.
An act for the benefit of Simeon Harris.
An act for the benefit of John S. Eaves and H. W. McNary.
An act to amend an act, entitled, an act concerning the estate of Daniel Riley, deceased.
An act to incorporate the Kentucky Oil and Manufacturing Company.
An act to amend the charter of the Jefferson Pond Draining Company.
An act to amend the several acts concerning the town of New Liberty, in Owen county.

Also, enrolled bills which originated in the Senate, of the following titles, viz:

An act to amend the act incorporating the town of Columbia.
An act for the benefit of foot passengers on the Wilderness turnpike road.
An act for the benefit of Nathaniel Woolf, of the city of Louisville.
An act for the benefit of James M. George, of Meade county.

An act regulating the times of performing certain duties in the Auditor's Office.

An act for the benefit of the Buck Run Academy.

An act for the benefit of John Gilkerson, &c.

An act for the benefit of the town of Marion, in the county of Scott.

An act to incorporate the town of Lewisport, in the county of Hancock, and to authorize the appointment of one additional Justice of the Peace and Constable to said county.

An act for the benefit of Clinton county.

An act for the benefit of the jailer of Hopkins county.

An act to change the time of holding the August term of the County Court of Carroll.

An act to establish a Warehouse and Tobacco and Pork Inspection, in Cumberland county.

An act for the benefit of David E. Bullock.

An act directing special terms of the Circuit Courts to be held in the counties of Meade and Breckinridge, for the trial of criminal and chancery causes.

An act prescribing the terms on which the use of the jails, and the jail and penitentiary house of this State may be allowed to the authorities of the United States.

An act to repeal so much of an act, entitled, an act to amend the revenue laws, approved January 18, 1842, as declares the office of Commissioner of Tax and Constable incompatible.

An act for the benefit of Fielding Neal and wife, and their children.

An act for the benefit of the widow and heirs of James Frazier, deceased.

An act for the benefit of the Surveyor of Spencer county.

An act to authorize Jordan Bass to build a fish dam on Pond river.

An act to extend a road from the western termination of Pine street, in the town of Danville, to the turnpike road.

An act to authorize the construction of a road from the present Franklin and Crab Orchard turnpike, near Salvisa, to the Kentucky river, at McAlley's Warehouse.

And had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.

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

By Mr. Wilkenson—A bill to reduce the number of Justices and Constables in Graves county.
By Mr. Garrard—A bill authorizing the Secretary of State to furnish books to the officers of Letcher, Johnson and Owsley counties.

By the committee on Propositions and Grievances—A bill for the benefit of Isham Boling and William P. Payne.

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

Mr. Lawless, from the committee on Internal Improvement, reported a bill requiring the Board of Internal Improvement to investigate the claims of every character, growing out of the Internal Improvement system, and report to the next General Assembly, which was read the first time as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement be, and they are hereby instructed to enquire into, and investigate all claims that may be presented to their consideration by the Contractors upon the respective roads and rivers, within this Commonwealth, or by any of the Turnpike Road Companies, and by any and all other persons having claims against the State, of whatever character and description the said claims may be, growing out of the Internal Improvement system; and that said Board report thereupon to the next Legislature, at an early day of that session, together with the views and opinions of said Board.

Sec. 2. Be it further enacted, That said Board shall be required to take into consideration any claim or claims which may be presented for damages by any of the Contractors on account of a suspension of the works upon the rivers or roads, contrary to the contract between the Commonwealth and the several Contractors.

Sec. 3. Be it further enacted, That the criterion of damages shall be according to the general principles of law, wherein actual damages have been sustained by workmen, builders or mechanics, who have been prevented from finishing or performing work or contracts.

Sec. 4. Be it further enacted, That it shall be the duty of the Attorney General to give said Board his opinion, in writing, of what is the criterion of damages in such cases, and they shall be governed in estimating such damages accordingly; Provided, That said Board shall not be required to investigate or take under consideration any claim or claims upon which awards have been rendered by the Engineer according to the stipulations of such contract or contracts, or any claim or claims heretofore had under consideration by them, and report thereon agreeably to any act or resolution heretofore passed.

Mr. O. P. Hogan moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.
The main question was then put, shall the bill be read a second time? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Winfrey and Young, 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 second reading of said bill having been dispensed with, Mr. Ewing 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. Garrard and Alcorn, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bowman, Bryan, Bulord, Haskin, Haydon, Heady, Payne, Penick, Pogue,
The main question was then put, shall the bill be engrossed and read a third time? and it was decided in the negative, and so said bill was rejected.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Those who voted in the negative! were—

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Allen,
Apperson,
Bowman,
Campbell,
Coffey,
Collins,
Crow,
Cully,
Gardner,
Garrard,
Given,
Griffin,
Heady,
Holloway,
Jones, T. M.
Lewis,
Marshall,
Milam,
Nall,
Noe,
Oldham,
Owens,
Panick,
Pogue,
Pone,
Porter,
Price,
Redd,
Richardson,
Rockhold,
Speed,
Stewart,
Stitt,
Stone, B.
Stone, S.
Tevis,
Thomson, C. R.
Trumbo,
Tully,
Wilkinson,
Winfrey,
Wooten,
Wright,
Yocum,
Young—46.

A message was received from the Governor, by Mr. Harlan, Secretary of State, which is as follows, viz:

Gentlemen of the Senate
and House of Representatives:

In compliance with the 22d section of the act of the 9th of March, 1843, entitled, "an act to amend the charters of the Banks of Kentucky," authorizing the sale of five per cent. State bonds, and the investment of the proceeds in the stocks of the Banks of this State, I caused to be issued, during the last year, one hundred thousand dollars of five per cent. bonds, and the same were sold during the present winter, upon the advantageous terms of ninety seven for each one hundred dollars, and the proceeds deposited in the Bank of America. The Agent employed for that purpose, has purchased two hundred and thirty one shares of stock in the Bank of Louisville, at an average within the limit prescribed by said act, and he has instructions to invest the balance, so soon as it can be effected, on the terms which the law authorizes.

The communication of the above facts it was deemed advisable to postpone until the latter part of the session, as the purchase of the stocks under the aforesaid section being in progress, might be thereby affected to the injury of the State. The advancement in price of the Bank stocks now renders very doubtful the investment of the proceeds of the whole of the one hundred thousand dollars, under the restrictions and conditions of the act referred to. The whole subject is therefore submitted to the Legislature, that such action may be had upon it as may be deemed expedient.

R. P. LETCHER.

February 26, 1844.

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

Mr. Apperson, from the committee on Internal Improvement, reported a bill providing for the settlement with Contractors on the public works, which was read the first time as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor, by, and with the advice on consent of the
Senate, shall nominate and appoint two fit and competent persons, neither of whom shall have been a Contractor, Engineer or Superintendent of any of the public works of this Commonwealth, who, together with the President of the present Board of Internal Improvement, are hereby constituted a Board of Commissioners, to hear, adjudge and determine all claims against the Commonwealth, in favor of the several Contractors for the public works, including the roads and rivers.

Sec. 2. Before entering upon the duties of said office the Commissioners shall take an oath to do impartial justice between the State and the several Contractors on the public works in any settlement or adjudication so to be made; and should any one of said Commissioners die or refuse to serve, his place shall be filled by the Governor’s appointing some one immediately.

Sec. 3. That it shall be the duty of said Board to take into consideration as well the damages sustained, and what may in justice and equity be due said Contractors, by reason of any stoppage or suspension of their said contracts, or for, or on account of any work done and unpaid for, or work partly done, or materials partly or wholly furnished or procured for said works, as by reason of the discount sustained upon State bonds paid to said Contractors, instead of money for their work; and in investigating all loss or claims for loss on said bonds, they shall carefully consider whether, by the terms of the contracts made with the Contractors for doing the work, any allowance or advanced price was agreed upon or considered as equivalent to the depreciation in value of the State bonds; and said Board shall further inquire, whether, in any payments heretofore made to any Contractor in said bonds, adequate allowance has been made for the depreciation thereof, and in case of such original or subsequent agreement to take said bonds at par, when such Contractor was not bound so to have received them by his contract, but par funds were due to him, said Commissioners shall ascertain and report the difference, at the time of payment, between such bonds, and the currency in which the Contractor should have been paid. Should any adequate allowance have been made any Contractor for the difference between the currency paid and that promised, no further allowance shall be made, nor shall any allowance be made to any Contractor for any such bonds received by him, which he may have passed off at par, or upon which he sustained no loss. And said Board shall have power, and they are hereby required to examine any Contractor applying for depreciation, and require him to disclose on oath the amount of bonds passed off by him, or any person for him, at par, and the actual loss sustained by him on the bonds received from the State.

Sec. 4. The said Commissioners shall hold their settings at such times and places as they may choose, but in every instance giving reasonable public notice of such time and place; they shall severally have power to issue subpoenas for witnesses, administer oaths and receive evidence by deposition or orally, in as full and ample a manner as Circuit Courts now have, and any false oath feloniously and willfully taken before them shall be perjury.

Sec. 5. If any Contractor shall allege that injustice has been done him in any settlement heretofore made by the Board of Internal Improvement or Engineer, it shall be the duty of the Board, hereby created, to correct such settlement and allow such Contractor what may be justly due him upon such correction, and also ascertain and report any instance in which any Contrac-
tor may have been paid too much; and when any estimate or settlement has been made, it shall be presumed to be correct, and the party complaining of the error shall prove or show that error.

Sec. 6. That it shall be the duty of the Commissioners, so soon as they shall have completed the examination and settlement of the claims hereby authorized to be made, to report the same to the Governor, whether favorable or unfavorable; in all cases where such report shall be unfavorable the same shall be final, and an absolute bar to such claim; and any Contractor desiring an examination of his claims by the Commissioners, shall make a written agreement or statement setting forth that he abandons all claims against the State which shall not be allowed by said Commissioners. In every case in which the Board shall report in favor of a Contractor the sum or sums shall be under three separate heads, and in three classes: first, for work and labor done, materials furnished and procured, or partly so, and unpaid for, and the amount, if any, that may be allowed on account of any mistake or error in any former settlement; second, for damages for any stoppage or suspension of the works embraced in any contract; third, for the depreciation on bonds; giving in each class the items of allowance.

Sec. 7. Be it further enacted, That the Governor shall, within the first five days after the organization of the next General Assembly, transmit to said Assembly a condensed statement of facts embraced in the report of said Commissioners. That said Board may appoint a Clerk, who shall be allowed two dollars per day whilst engaged at business by order of the Board. And the services of the Board of Green River Commissioners is hereby dispensed with, and the Board created by this act are vested with full authority to settle all accounts of moneys received and paid out by that Board, and they are required to make a full settlement of all their accounts with the Board, hereby created.

Sec. 8. The Commissioners appointed under this act shall receive three dollars per day each, during the time of their actual attendance on the business hereby directed, and also twelve and a half cents per mile in travelling to and from their place of setting. And the Commissioners may authorize depositions to be taken wherever they may deem it proper, as when the witness is at a considerable distance, or in bad health or for other good cause; but in every instance said Board, or one of them, shall designate the Justice, Commissioner or other person, who shall take such deposition.

Sec. 9. The Commissioners are also authorized and directed to make inquiry into damages sustained by all persons by reason of the Internal Improvement system, so far as such persons may make a demand for such investigation, and report to the Governor.

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

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

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

Those who voted in the affirmative, were—

Messrs. Bowman, Hobson, Price,
Bulford, Jones, T. M., Richardson,
Burnam, Lawless, Rockhold,
Campbell, Maupin, Stewart,

Mr. Stone moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill be read a second time? and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker, Graves, Groesbeck, Hanna, McRery, Payne, Redd, Smith, Speed, Stitt, Stone, B., Stone, S., Tevis, Tully, Waddill, Wilkinson, Winfrey, Wooten, Wright, Young—43.

Mr. Stone moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill be read a second time? and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker, Graves, Groesbeck, Hanna, McRery, Payne, Redd, Smith, Speed, Stitt, Stone, B., Stone, S., Tevis, Tully, Waddill, Wilkinson, Winfrey, Wooten, Wright, Young—43.
Mr. Apperson moved to dispense with the second reading of said bill, and it was decided in the negative, it requiring a majority of four-fifths.

The yeas and nays being required thereon by Messrs. Heady and S. Stone, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Alcorn,
Allen,
Apperson,
Blackburn,
Bryan,
Chambers,
Clark,
Coleman,
Collins,
Cox,
Crow,
Cully,
DeCourcy,
Dickey,
Garrard,
Glenn,

Those who voted in the negative, were—

Messrs. Bowman,
Buford,
Burnam,
Campbell,
Mr. Groesbeck, from the committee on Propositions and Grievances, reported a bill to allow Alfred Payne, of Allen county, to bring into this State a slave, 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. Ewing moved the previous question.

The question was then taken, shall the main question be now put? 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.

Mr. Graves, from the committee on Banks, made the following report, viz:

The joint committee on Banks, to whom was referred a resolution of the House of Representatives directing them to ascertain of the Mayor and Council of the City of Louisville, the terms on which suitable buildings can be procured in that place for the accommodation of the Legislature, and other officers of the Government, beg leave to report:

That on arriving at the City of Louisville, they visited the new Court House in that place, and found it to be a large capacious building, containing apartments sufficiently numerous, and of ample dimensions for the accommodation of the Legislature, the Courts and other officers of the Government. The committee then addressed a note to the Mayor and Council of Louisville, forwarding to them a copy of the resolution of the House of Representatives on the subject: A meeting of the Mayor and Council was called, for the purpose of taking into consideration the resolution, and have responded by the adoption of the following resolution:

Resolved, That the Mayor and Council of the City of Louisville, hereby tender to the State of Kentucky, the buildings, &c. as set forth in a bill to remove the Seat of Government introduced in the session of 1842-3, with the necessary changes of dates to adopt the bill to the present time.

The committee refer to the documents of the last session for all the information upon this subject, both as to the description of the house and the grounds proposed to be ceded, and the terms of the cession.

If it should be the pleasure of the Legislature to remove the Seat of Government to Louisville, this committee believe the buildings and grounds proposed to be ceded are very eligible for the purposes contemplated, and that the terms of the proposed cession are liberal on the part of the City of Louisville.
Louisville and county of Jefferson; and that the terms of the proposed session will be promptly complied with.

In pursuance of the resolution, adopted by the House of Representatives, the committee would have reported a bill for the removal of the seat of Government, but in their absence at Louisville, leave had been granted to another person to bring in a bill for the same purpose, which has been reported, and made the special order for Friday, the 22d February. The provisions of the bill are the same with those of the bill reported for the same purpose at the last session of the Legislature, and are such as would have been embraced by a bill which this committee would have reported, had not they found the bill alluded to before the Legislature.

All which is respectfully submitted.

WM. R. VANCE, Ch'n S. Com'tee,
W. J. GRAVES, Ch'm H. R. Com'tee.

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

Mr. Graves, from the committee on Banks, made the following report, viz:

[For Report—see Legislative Documents.]

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 response of the Secretary of State to the resolution of Mr. Glenn, which is as follows, viz:

Office of the Secretary of State,
February 26th, 1844.

Pursuant to a Resolution of the House of Representatives of the 19th inst., the Secretary of State has the honor to transmit, herewith, the enclosed papers, as an answer thereto.

J. HARLAN.

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

Gentlemen of the House of Representatives:

I was furnished with a copy of a Resolution adopted by the House the 16th instant, requiring me to furnish "a true list of all persons or corporations to whom State bonds have been sold, the date of such bond, the amount each bond sold for, and the amount made or lost to the State by each and every transaction or sale." According to my construction of the Resolution, a report upon it would occupy two hundred pages, and it was impossible to prepare it before the adjournment of the Legislature, without the employment of extra Clerks, and so informed the House in a note addressed to the Speaker the 17th inst. Two days afterwards, I was furnished with a copy of another Resolution which I understood was a modification and in substitution of the one first adopted by the House. This last Resolution is in the following words:

February 19th, 1844.

"Resolved, That the Secretary of State furnish this House with the names of all persons and corporations to whom State bonds have been sold where the same was sold for less than their nominal value; the date of sale; the amount for which said bonds did sell, and the amount lost to the State by such sale."
Though this Resolution seems only to require a list of bonds which have been sold under par value, I have supposed it would not be unacceptable to the House to have also a list of bonds which have been sold above par value. I therefore, respectfully submit to the House, the following table and the explanatory notes which follow, as an answer to the last named Resolution.

Table showing the sales of such bonds as were sold for more or less than par value.

<table>
<thead>
<tr>
<th>DATE</th>
<th>SALES MADE FOR MORE THAN PAR VALUE,</th>
<th>Net Proceeds Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>1835, Aug. 1</td>
<td>106,000 dollars of 5 per cent. bonds to Prime, Ward &amp; King, of New York, $100,000 00</td>
<td>$103,334 89</td>
</tr>
<tr>
<td></td>
<td>At a premium of 3.10 per cent. - - - - - 3,100 00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Two days interest, - - - - - 207 50</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Exchange, - - - - - - - 627 39</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Half per cent. commission to Agent, on $103,127 39, $515 63</td>
<td>$103,707 50</td>
</tr>
<tr>
<td></td>
<td>Expenses of advertising and numbering bonds, - - - 111 76</td>
<td>$507,450 00</td>
</tr>
<tr>
<td>1835, Sept. 15</td>
<td>500,000 dollars 5 per cent. scrip to Northern Bank Kentucky, $500,000 00</td>
<td>$510,800 00</td>
</tr>
<tr>
<td></td>
<td>Two per cent. premium, - - - - - 19,000 00</td>
<td>507,450 00</td>
</tr>
<tr>
<td></td>
<td>Half per cent. commission to E. I. Winter, - - - 2,550 00</td>
<td></td>
</tr>
<tr>
<td>1838, July 1</td>
<td>1,250,000 dollars 6 per cent. bonds to American Life Insurance and Trust Company, New York, $1,250,000 00</td>
<td>$1,294,609 50</td>
</tr>
<tr>
<td></td>
<td>Premium of sale, exchange and interest realized upon the negotiation, - - - 44,609 50</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Expenses of negotiation, - - - - - 4,508 13</td>
<td>$1,290,101 37</td>
</tr>
<tr>
<td>1840, Nov. 4</td>
<td>235,000 dollars 6 per cent. bonds issued to the Northern Bank of Kentucky for money borrowed for Internal Improvement purposes, and paid in pursuance to the act of February 27, 1840, $235,000 00</td>
<td>$243,907 75</td>
</tr>
<tr>
<td></td>
<td>Premium realized after paying all expenses of the negotiation, - - - 8,207 75</td>
<td></td>
</tr>
<tr>
<td>1846, July 1</td>
<td>500,000 dollars of 5 per cent. to Northern Bank of Kentucky, $500,000 00</td>
<td>$507,450 00</td>
</tr>
<tr>
<td></td>
<td>Premium 1% per cent. - - - - - 7,500 00</td>
<td>$507,450 00</td>
</tr>
<tr>
<td></td>
<td>Amount carried forward, - - - - - - - 2,650,966 62</td>
<td></td>
</tr>
</tbody>
</table>
The foregoing table presents a list of all bonds which have been sold for more or less than par value, with the exceptions hereafter to be noticed.

A list of the various issues of State bonds containing a statement of the State debt was communicated by the Governor in his annual message at the commencement of the present session, to which I refer.

The two issues of $500,000 each to the Northern Bank of Kentucky, on which a premium of $14,950 was realized, were issued for stock subscribed by the State, in pursuance to the provisions of the charter of said Bank; and $750,000 thereof were cancelled and burnt since the commencement of the present session; the remaining $250,000 are still held as stock, upon which the State receives semi-annually the excess of dividends over five per cent. per annum.

Under the act of March 3rd, 1842, authorizing the exchange of thirty years bonds for six years bonds, a premium of one per cent. has generally been charged to cover the expenses of issuing new bonds, and making the interest payable in New York, instead of at the State Treasury. The premium thus charged, has, in most instances, been absorbed in the interest due on the six years bonds, when the exchanges were made, but when not settled in that mode, the premium has been paid into the Treasury, to the credit of the Sinking Fund. The amount of premium thus received and adjusted, is not included in the foregoing table.

In compliance with the act of the 9th of March last, to amend the charters of the Banks of Kentucky, one hundred thousand dollars of five
percent. Bonds were sold during the present winter at 97 for 100, and part of the proceeds invested in stock in the Bank of Louisville, as explained in the message of the Governor communicated this day to the General Assembly.

These are the exceptions above alluded to. All the other State bonds not herein enumerated, were sold at par value. But it may be remarked, that a sale of bonds, bearing an interest of five per cent., at less than their nominal amount, is not necessarily a sale under par. The difference between a bond bearing five per cent., and one six per cent. per annum, is estimated at sixteen per cent. The sales therefore, of $165,000 to the War Department, at 98, and $100,000 at 97, each bearing an interest of five per cent., were in fact, sales above par, estimating six per cent. as the fair rate of interest.

It will be seen from the foregoing table, that instead of a loss being sustained, a considerable profit has been realized from the sale of State bonds.

J. HARLAN,
Secretary of State.

Office of the Secretary of State, February 26th, 1844.

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

The House took up the amendment proposed by this House to the second section of the bill from the Senate, entitled, an act to fix the ratio and apportion the representation in the House of Representatives and Senate for the next four years.

Mr. Garrard moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, will this House insist on their amendment to said bill? and it was decided in the affirmative.

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

Those who voted in the affirmative, were:

Given, Gore, Graves, Hobbs,
Oldham, Penick, Pogue, Porter,
Winfrey, Wooten, Young—50.

Those who voted in the negative, were—

Mr. Speaker, Gray, Graves, Oldham, Penick, Porter
Bowman, Groesbeck, Hambleton, Hanna, Haskin, Haydon, Heady, Hogan, O. P., Stitt
Bryan, Hambleton, Hanna, Haskin, Haydon, Heady, Hogan, O. P., Stitt
Buford, Haskin, Haydon, Heady, Hogan, O. P., Stitt
Clark, Haydon, Heady, Hogan, O. P., Stitt
Clark, Heady, Hogan, O. P., Stitt
Coffey, Hogan, O. P., Stitt
Cully, Hogan, O. P., Stitt
DeCourcy, Hogan, O. P., Stitt
Frazier, Hogan, O. P., Stitt
Gardner, Johnson, Jones, T. M.
Garnett, Johnson, Jones, T. M.
Garrard, Johnson, Jones, T. M.
Glenn, Lewis, Lowry, Yocum—45.
Goble, Lewis, Lowry, Yocum—45.

Resolved, That the House appoint a committee of Conference on their part, and request the appointment of a similar committee on the part of the Senate, in relation to the disagreement between the two Houses on said bill.

Mr. Graves, from the committee on Banks, to whom was referred a bill from the Senate, entitled, an act concerning the Northern Bank and Bank of Kentucky, 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,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker,  Graves,  Penick,  Pogue,  Porter,  Price,  Redd,  Richardson,  Rockhold,  Speed,  Stitt,  Stone, B.
Resolved, That the title thereof be as aforesaid.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act to provide for running and marking the division line between the counties of Owsley and Estill.

An act to change the place of voting in the Haysville election precinct, in Marion county, and for other purposes.

An act declaring Stinking Creek, in Knox county, a navigable stream.

An act to incorporate the town of Marion, in Crittenden county, and for other purposes.

An act establishing the Mechanic's Institute and Savings Institution of the city of Lexington, approved February 20, 1840.

Approved February 22, 1844.

Mr. McLarming, from the committee on Internal Improvements, reported a bill defining the privileges of President, Directors, &c., of turnpike roads, which was read the first time as follows, viz:
Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, it shall not be lawful for the President, Directors, Treasurer, Secretary or Superintendant of any of the turnpike roads in this Commonwealth, in which the State is interested as a stockholder, to pass through the toll gates upon any of said roads in which they are the managers, free of toll, except when called on business pertaining to said roads, and in all other respects to stand in the same attitude as other travelers upon said roads, which is to take effect on the first day of April next. 

Ordered, That said bill be read a third 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 said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill by Messrs. Payne and Young, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

The Speaker laid before the House the following communication, viz:

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

Sir:

I hereby resign my seat as a Representative from the counties of Lawrence and Carter, in the Kentucky Legislature.

Respectfully,
GREEN V. GOBLE.

And then the House adjourned

TUESDAY, FEBRUARY 27, 1844.

A message was received from the Senate, announcing their disagreement to the amendments proposed by this House, to a bill from the Senate, entitled, an act to change the terms of certain Circuit Courts in the 17th Judicial District, and for other purposes.

That they had concurred in the amendments proposed by this House to bills from the Senate, of the following titles, viz:

An act to attach the counties of Estill and Fleming to the 11th Judicial District, and for other purposes.
An act requiring the Judge of the 7th Judicial District to hold Chancery terms of the Christian, Caldwell and Hopkins Circuit Courts.
An act to establish an election precinct at the house of Solomon Yorks, in the county of Harlan.
An act for the benefit of Susan A. Boyce, of Logan county.

That they had disagreed to a bill from this House, entitled, an act for the benefit of the Sheriff of Russell county.

That they had passed bills from this House, of the following titles, viz:
An act to authorize the Superintendent of Public Instruction to pay to the Trustees of Districts Nos. 1 and 2, in Greene county, such money as is due them.
An act for the benefit of the Kentucky Lunatic Asylum.
An act for the divorce of Catharine Withers.
An act for the benefit of Jane Coffey, of Christian county.
An act for the benefit of the Sheriffs of Bourbon, Grant, Todd and Anderson counties.

With amendments to the three last named bills.
That they had passed bills of the following titles, viz:
An act to incorporate the American Indian Mission Association.
An act providing for the safe investment of the Common School Fund.
An act authorizing the appointment of Commissioners of Tax at the
March County Courts, and prescribing the duties of Commissioners in
certain cases.

And had adopted a report and resolution for the distribution of the census
documents.

The House then took up the preamble and resolutions from the Senate, in
response to certain resolutions of the Massachusetts Legislature, relative to
an amendment to the Constitution of the United States.

Mr. Campbell moved the following preamble and resolutions as an amend-
ment thereto:

WHEREAS, by the sole action of the House of Representatives of the
Congress of the United States, the second section of the act of Congress
for the apportionment of representatives among the several States, according
to the sixth census, has been declared null and void, and the good people of
this Commonwealth having a deep and abiding interest, not merely in the
maintenance of the validity of that section, but in the power of Congress
to adopt it, and there being no appeal from, or revision of, the decision of
the House of Representatives but at the great bar of national public opinion,
we deem it our duty to make that appeal, and in behalf of the people of
Kentucky, to make the most solemn and formal protest against the recent
action of that House on this subject.

The second section of the act which the House of Representatives has
thus attempted to amend, provides, that representatives in Congress shall be
elected by single districts, composed of contiguous territory. The necessity
of this provision on the part of Congress had become not merely obvi-
ous, but very urgent. Further delay in the exercise of this necessary and
important power would have put in extreme peril the permanency of the funda-
mental structure of the General Government. The whole theory of the
Constitution clearly demonstrates that the States, in their aggregate or cor-
porate capacity, were to be represented, as States, in the Senate, whilst the
people were to be represented in the other House, as one nation, on fair
principles of popular representation. What was considered a fair popular
representation by the framers of the Constitution, may be learned from the
practice in the election of members to the various State Legislatures at the
period of its adoption, from the election of members of the Colonial Legis-
latures and of the English House of Commons; as also, from all contempo-
ranous exposition and discussion. None of the sources of information
authorize the presumption, that it was at all within the contemplation of
the framers of the Constitution that the principle of a fair popular represen-
tation could be secured by a general ticket system, requiring the whole
population of a State, amounting to three or four millions, to vote for an
entire delegation, consisting of thirty or forty members. On the contrary,
they all imply that the principle of fair popular representation requires such
a subdivision of the constituent body as will bring the representative as near
as may be within the personal acquaintance of those he represents, and
subject him to an available accountability. They also all strongly imply, that the true principles of Republican Government require that minorities, among political parties in a State, should have some chance of a voice in the national councils. The wise founders of our institutions did not lack the sagacity to perceive the great importance, as well to the majority as the minority; of having the conduct of those to whom the people's rights were confided, watched and reported on by one or more vigilant and interested sentinels from the opposing party.

This equal, just and truly republican principle of representation had been not merely violated, but that equipoise of the whole Constitutional fabric which is based upon it, had been put in peril by the action of several of the States. Six of them had already adopted the general ticket system, thereby giving to some of the smaller States more actual strength in the councils of the nation than the largest States. This gross inequality and injustice had justly become the subject of general comment and complaint. It induced, some years back, the serious agitation of the question in our own Legislature, as to the propriety of adopting the general ticket system; and nothing but deference to the sanctity due even to the inferential theory of the Constitution prevented the dominant party from remedying the injustice, as to our State, by seizing the political party advantage which would have ensued from that system. Its adoption by one such State as Kentucky, in the heated temper of the public mind at that time, would have insured its speedy adoption, on plain principles of justifiable self-defense, by every other State in the Union. Once adopted by the large States, all chance for correcting the evil, either by Constitutional amendment or Congressional Legislation, would have been lost forever, and there would have ensued a most pernicious, radical and irremediable revolution in the whole structure of the Government.

In view of this point, and in avoidance of this great national calamity, Congress acted in prescribing the district system. The act received not merely our hearty approval, but we had supposed that, as was its due, it had met with the great sanction of the national approbation. It rested for its validity on the plainest and most indisputable of the undisputed powers of Congress, and on a policy whose wisdom was conceded even by those who opposed the passage of the law. Self-respect, not that which may be supposed to be due to those who are abusing the powers of a co-ordinate department of the government, induces us to forbear from a full expression of the surprise, the alarm, the indignation we felt at finding a majority of the House of Representatives daring to treat this law as a nullity; so treating it too, under circumstances calculated to induce the suspicion, that it is done for the purpose of accomplishing a party advantage, and on reasons so flimsy, as not to be worthy of the designation of plausible pretexts.

In seeking for these reasons we have gone to what may be deemed the highest authority, the report of the committee to whom the subject was referred, upon whose recommendation the House acted, and who have, no doubt, brought into requisition, for the purpose of glossing over the proceeding, all the most plausible pretexts that could be invented. The question as to the power of Congress to pass this act, depends on the proper construction of the following clause of the Constitution:

"The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State, by the Legislature thereof;
"but the Congress may, at any time, by law, make or alter such regulations, "except as to the place of choosing Senators." There needs no juster comment on this section than the following, taken from the report of this committee.

"It will be observed that the two clauses of this section differ materially "in the tone in which they address the different governments. The one "is commanded and the other permitted to act. The State Legislature shall "prescribe the times, places and manner of holding elections; Congress "may make or alter such regulations. An imperative duty rests upon the "State Legislatures, whilst a mere privilege is granted to Congress. If the "Legislatures of the States fail or refuse to act in the premises, or act in "such a manner as will be subversive of the rights of the people and the "principles of the Constitution, then this conservative power interposes, "and, on the principle of self-preservation, authorizes Congress to do that "which the State Legislatures ought to have done."

Holding, as we do, that the general ticket system is subversive of the rights of the people and the principles of the Constitution, the occasion had occurred which called for the exercise of this discretionary power, by Congress, to put an end to that system. This opinion is not controverted by the committee and cannot be successfully controverted by any one. As the Constitution confers on Congress the power to substitute an entire system of its own, or merely to alter that of the States, the inference is irresistible, that Congress may, at its own discretion, legislate upon a part only, without entailing the whole subject. This is so obvious that the committee has not even ventured to deny it, but fully admits it in this unambiguous language.

"It does not necessarily follow that Congress is compelled to exert all the "power conferred in that section, or to refrain from exercising every portion of it. We insist upon no such principle. Congress may prescribe "the time, the place, the manner, or either of them, in its discretion." But "says the committee further, "if it attempts to control the time, it must des "ignate the day by law, and so with each other branch of the subject. "Whenever Congress assumes the power over one branch of the subject, "its legislation must be complete to that extent, so as to execute itself with- "out the intervention of the State Legislatures." The committee also admits "that, "so much of the power as shall not be embraced in the legislation of "Congress, the Constitution makes it the imperative duty of the States to "carry into effect."

Having conceded that Congress may legislate upon a part, without exercising the whole power, by what principle or rule of construction does the committee make the broad and bold assumption, that if Congress assumes the power over one branch of the subject, its legislation must be complete to that extent, so as to execute itself without the intervention of the State Legislatures? The Constitution does not say so, but leaves it entirely in the discretion of Congress to exert the whole or any part, however large or small, of the power conferred, and at the same time makes it the imperative duty of the State Legislatures to supply any deficiencies. "Congress may alter such regulations," says the Constitution. Which regulations? The whole or any. How alter them? In whole or in part. The power wholly to change or abolish must necessarily include the authority to modify in any; the smallest particular. The greater must, in the nature of things, include the less. If Congress be authorized to alter the regulations adopted by the
States, as the committee is constrained to admit, that authority must of necessity embrace the power to adopt the slightest modification of those regulations which the wisdom of Congress may suggest. It may alter the time in part, the places in part, and the manner in part; either or all. Any such partial alteration necessarily leaves the remainder of the subject to be acted on by State Legislation. To prescribe the whole mode of electing representatives is the entirety of the subject, over any and every part of which Congress has discretionary control. In the exercise of that control there is no limitation, it is not confined to any arbitrary classification or subdivision of the whole, as times, places and manner, but may exert just so much of its authority as it may deem fit. If it touches the subject at all, it is as much bound to carry out the whole subject and leave nothing for State legislation to fill up, as it is to carry out that particular part when it does touch. There is nothing in the language of the Constitution, or the nature of the subject requiring or authorizing a distinction between them. Thus, Congress may say, that all the elections shall be held in the month of November, or in any-week of that or any other month, without designating on what particular day of the week or month, or whether the election shall be held once only or on several days. So it may say, that every voter shall vote in the county in which he resides, without designating at what particular place or places in the county the election shall be held; or that the election shall be held by general ticket or by single districts. Each of these alterations of existing modes is as much within the competency of Congress as either of the others, or any that can be devised; they all alike requiring State Legislation to carry them out and make a complete mode of election. Indeed there is no conceivable mode of partial legislation on this subject by Congress, which can "execute itself" in the sense of the committee. With the forced concessions of the committee, it is not even open to dispute, that Congress has the power to declare that all the elections shall be held by general ticket. Yet such a law could no more execute itself than the present one. There would still be many necessary provisions which would have to be added by State Legislation; such as, by whom the elections should be held, how the votes should be given, what evidence of the qualifications of voters should be admitted, how returns should be made, &c., &c. The States could with as much propriety in the one case as the other, say, that as Congress had undertaken to interfere in the matter, let it perfect its own legislation, we will not submit to its mandate to finish by our legislation its incomplete work. The unavoidable concession being made, that Congress may legislate in part, leaving the remainder of the subject untouched, it is worse than ridiculous to contend that it is not necessarily and entirely within its discretion how much shall be left for State Legislation, or that there are particular parts of the subject which may be left to such legislation, whilst there are others that cannot be so left. There being however no manner of partial Congressional Legislation which can "execute itself," the argument of the Committee is reduced to the palpable absurdity of admitting a power, but denying that it can be exercised.

So far from there being any incongruity growing out of the nature of the subject in this partial exercise of its power by Congress, leaving the remainder to be exerted by the States, there is a peculiar fitness and propriety in its so acting, which strongly persuade us to believe that such was the intention of the framers of the Constitution. Every principle of justice and
equality inculcates that, whatever be the mode, whether by single districts or general ticket, the system should be uniform throughout the Union. Mr. Madison, who, more appropriately than any other man, may be termed the Father of the Constitution, declared in the Virginia Convention, that one of the leading objects of vesting this power in Congress was to produce uniformity in the mode of election. This uniformity, whether by single district or general ticket, can be produced by Congressional Legislation only. It cannot be effected by State Legislation, because of the improbability of twenty-six different States voluntarily and without concert adopting the same measures. Yet of the two, State Legislation is much the most appropriate for laying off the districts. Indeed, except in the case of a State, wildly neglecting to form districts for itself, it would be an abuse of this discretionary power for Congress to undertake to form the districts. The local information necessary to the correct performance of that duty would be measurably confined to the sitting members from each State, and they are precisely the persons to whom such a power should not be confided, as they would have the greatest personal interest in the adjustment of the question. It has already been sufficiently ascertained that the local Legislatures, with all the direct and immediate responsibility of their members to the people, are not only not free from the bias of partisanship, but that they actually control by that influence in the adjustment of such questions. It is much to be feared, that in Congress the formation of districts would be made solely with a view to party advantage, the majority of those making the map being free from any direct responsibility to those more particularly affected by them. Whilst one political party has an undisputed majority of fifteen thousand votes in this State, it is nevertheless true that a set of districts might be formed in Congress which would give to the opposite party two-thirds or three-fourths of our Congressional delegation. This too could be done on the information and at the instigation of some of the delegation, whilst they would screen themselves from responsibility, by publicly voting against such a law. Whether the present majority of the House would be capable of perpetrating such an outrage for party purposes, we are not called upon to say. But we are free to declare, that their recent conduct, in regard to the subject under consideration, affords any thing but a guaranty that they would not. Be that however as it may, for many obvious reasons, the people will never consent, except in cases of absolute necessity, that Congress shall exercise the power of laying off the districts. The power must therefore forever remain a mere dead letter, and never be brought into practical exercise, except in the manner it was used in the last Congress; and, if that mode of its use be surrendered, the general ticket system must become the universal system in a few years. If the question were now to be settled de novo, all men would concur in the opinion, that Congress ought to have the power of producing uniformity, by declaring that the elections should be held by districts, and that the States ought to have the power of laying off the districts. There is, therefore, as already said, a natural fitness, instead of any incongruity, in this mode of exercising the power. The contrary assumption is authorized by neither the language nor the spirit of the Constitution, and is based upon nothing that can be perceived but the urgency of the necessity for some pretext to justify the course resolved on.

But, the committee says, Congress has no power to issue a mandamus to the States, commanding what legislation they shall adopt. This truism sure-
The committee, in the absence of all argument drawn from the language of the Constitution, attempts to assimilate this to two other cases, to neither of which does it bear the slightest analogy. First, they say, that Congress, by partial legislation on the subject of bankruptcy, could not compel the States to legislate on the remainder of that subject. Certainly not, for the Constitution nowhere says that the States shall legislate on any part of that subject; but it does say they shall legislate on the subject of the times, places and manner of electing representatives. Second, the committee says, that if Congress should pass a law requiring all the elections to be held on one day, without designating that day, such law would be nugatory, because there would be no certain day to which all the States would conform. This is true, and the analogy would be just, if Congress, in the absence of all pertinency or application. It being conceded, that Congress may not only entirely change, but alter, in part, the modes of the States, surely the States must be bound to conform to the alteration; for, as the committee says, "so much of the power as shall not be embraced in the legislation of Congress, the Constitution makes the imperative duty of the States to carry into effect." Congress having the right to exercise the power in part, and having exercised it as far as was deemed proper, the mandate for the after legislation of the States comes not from Congress, but from the Constitution.

The committee, in the absence of all argument drawn from the language of the Constitution, attempts to assimilate this to two other cases, to neither of which does it bear the slightest analogy. First, they say, that Congress, by partial legislation on the subject of bankruptcy, could not compel the States to legislate on the remainder of that subject. Certainly not, for the Constitution nowhere says that the States shall legislate on any part of that subject; but it does say they shall legislate on the subject of the times, places and manner of electing representatives. Second, the committee says, that if Congress should pass a law requiring all the elections to be held on one day, without designating that day, such law would be nugatory, because there would be no certain day to which all the States would conform. This is true, and the analogy would be just, if Congress had said there should be one uniform manner without designating that manner, whether by single districts or general ticket. But in the case under consideration, the manner is designated, and a general rule given, to which the States can as easily conform as they could to a particular day.

There is one and but one completely analogous precedent in the whole complex system of our Government, which, though it could not have escaped attention, is left wholly unnoticed by the committee. The Constitution, after declaring that each State shall appoint Presidential Electors in the manner its Legislature may direct, goes on to say that "Congress may determine the time of choosing the Electors." In pursuance of this provision, Congress, in 1792, passed an act, that Electors shall be chosen within the thirty four days next preceding the first Wednesday in December, without designating any particular day or days for holding the elections, but leaving it to each Legislature to designate its own day within those limits. This law was passed by the framers of the Constitution, acquiesced in and confirmed to by the Legislatures of all the States; it is in form to this day, and its validity has never been called in question. Here the Constitution left discretionary with Congress to determine the time of holding the elections; Congress received only a part of the power, and, contrary to the rule laid down by the committee, its legislation was not only not complete, but could not execute itself without the intervention of the State Legislatures; for, if the Legislatures had not intervened to fix a certain day, the law would have been a mere nullity from uncertainty. The parallel between the two cases is therefore perfect, and the astute intellect cannot detect the slightest available distinction between them. That law was as much in the nature of a mandamus from Congress to the States, commanding them to legislate upon the subject so as to supply the omission of a precise day for holding the elections, as this can be for forming the required district.
That case is even stronger than this, for it is not absolutely beyond dispute that Congress had a right there to act only on a part of the subject.

As to the value of this precedent and its incontrovertible sanctity, we cannot do better than cite the following language of this same committee: "It is said that in the exercise of doubtful powers under the Constitution, "the safest rule of construction is to be found in the practical exposition of "the Government itself, in all its various branches and departments, where "the practice has been uniform and the acquiescence of the people general. "Indeed, it has been judicially determined by the highest tribunal, that in "such a case the practice establishes the construction so firmly and inflexibly "that the court will not consider the question open for discussion or inquiry. "If this rule should be deemed sound and incontrovertible, with what "irresistible form does it apply to a case where the practice of the two "Governments has been uniform, the one affirming and the other conceding, "by every act of legislation, the correctness of this principle, and when the "people have yielded a universal acquiescence without a murmur or remon- "strance, and have sanctioned it at the polls as often as the period of election "has recurred." Tested either by the literal import of the language, by the "spirit of the Constitution, or by the only analogous case to be found in our "system, it is perfectly clear and free from all doubt, that the power in ques- tion belongs to Congress, and has been properly exercised in the only approp- riate manner. If the language used in the Constitution in regard to this subject does not confer on Congress the power claimed and exercised in the apportionment act of 1842, then the English language is not capable of conferring such a grant of power in unambiguous terms. That the occasion for its exercise did not sooner occur, or that Congress forborne to exercise it at an earlier day, does by no means establish the fact that the power is not to be found in the Constitution. The language of the Constitution is express, that "Congress may, at any time, by law, make or alter such regula- tions," and of course no lapse of time could, in any degree, impair or lessen the power conferred.

In 1798, when Kentucky was one of the youngest and smallest States of the Union, our fathers took the lead in denouncing the alien and sedition laws as unconstitutional, though they had received the sanction of all the departments of the Federal Government. A greater outrage has now been perpetrated against republican institutions, and a more flagrant violation of the Constitution been consummated by its chosen guardians. Under these circumstances we feel constrained, by a sense of duty to ourselves, to our country, and to posterity, solemnly to protest against the recent action of the House of Representatives of Congress, by which the law and the Constitution have been violated and set at nought; and to call on our sister States to aid us in an appropriate manner to rebuke this most reprehensible and un- precededent conduct: wherefore—

1. Resolved by the General Assembly of the Commonwealth of Kentucky, That the adoption, by a majority of the States, of the general ticket system of electing representatives to Congress, would be subversive of the true republican principle of popular representation, of the theory of the Constitution, and inflict an irremediable national calamity.

2. That at the time of the adoption of the apportionment act of 1842, there was urgent need of the interposition of Congress, by prescribing the district system, to prevent the further spread of a great national evil.
3. That the manner in which Congress did interpose by the second section of that act, was not merely within its undoubted competency, but was in the only rightful manner in which Congress should ever exercise its discretionary power over that subject, except in the case of a State wilfully neglecting to adopt the necessary legislation.

4. That Congress having prescribed the general rule, it is the plain duty of the States, under the imperative mandate of the Constitution, to conform thereto by all needful legislation.

5. That the power in Congress to produce uniformity in the mode of elections, by prescribing the district system as the only mode, is vitally important to the well-being of the republic; and it is the duty of the Senators and Representatives of Kentucky to resist all attempts to amend or abrogate that power, as exercised in the second section of the apportionment act of 1842.

6. That in behalf of the people of this Commonwealth, we do solemnly protest against the recent action of the House of Representatives in Congress, in nullifying that law, as a flagrant abuse of the power of that House, and an outrage of the violation of the Constitution and the law.

7. That the aid of all the States of this Union is hereby invoked to bring down upon that action appropriate censure and correction.

8. That the Governor of this State be requested to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

Mr. Wickliffe 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. Speed and Chambers, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Speaker, Messrs. Alcorn, Apperson, Bowman, Buford, Burnam, Campbell, Chambers, Coffey, Coleman, Gray, Griffin, Groshock, Hambleton, Hanna, Hobbs, Hobson, Hogan, E., Hogan, O. P., Holloway, Penick, Pope, Porter, Price, Redd, Richardson, Rockhold, Speed, Stone, B., Stone, S.
Mr. O. P. Hogan moved to amend the amendment of Mr. Campbell, by adding the following, viz:

*Be it further resolved, That this Legislature has seen with great regret the course pursued by our Senators, and a portion of our Representatives in Congress, in voting to print the "Hartford Convention" resolution, and in voting for a motion by J. Q. Adams, to suspend the rules to give them precedence over all other business. This course has met our entire condemnation, and we think is positive against the will of the people of Kentucky.*

Mr. Hanna moved to lay said preamble and resolutions and amendments on the table.

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

The yeas and nays being required thereon by Messrs. Kavanaugh and Noe, 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 amendment proposed by Mr. O. P. Hogan, to the amendment of Mr. Campbell, and decided in the negative.

The yeas and nays being required thereon by Messrs. Johnson and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Groesbeck moved the following amendment to the amendment of Mr. Campbell, viz:

WHEREAS, That branch of the great Anglo-American family, which was invited originally by the Mexican Government to settle its unoccupied terri-
JOURNAL OF THE

[February 27, 1845]

... has peopled the fertile wilderness of Texas, and converted its wastes, the haunts of wild beast and roving tribes of Indians, into an abode of civilization, intelligence and freedom; established an independent republican government, acknowledged and recognized as such by most of the great powers of Europe, as well as our own country, and was originally a part of Louisiana, as ceded by France to the United States, and improperly yielded to Spain by treaty. And whereas, Texas, physically considered, is a part of the Mississippi Valley, being watered in part by Red river, which is navigable for steam boats almost to the foot of the mountains in which it rises; and it is important to the Government of the United States that Texas should be united to it as a protection to our Southern States, and to extend our sugar and cotton planting, the culture of coffee and other southern staples: And whereas, The inhabitants of Texas are mostly descendants or emigrants from the United States, connected with us by an identity of origin, language, literature, political and social institutions. And as Texas, if left to maintain its own independence and build up its own power, must inevitably, from the geographical position between the United States and Mexico, and presence of rival or superior powers, become a great Military Government, and in alliance with one or more of the powers of Europe, may give the United States much trouble and annoyance by reason of its proximity to the great outlet of our Southern and Western trade, the mouth of the Mississippi: And whereas, The people of Texas have manifested a desire to be incorporated with the American Union, and though deterred by a commendable sensibility from renewing an offer which has been once declined, are still, as we believe, willing and desirous to be united with us—wherefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That, in their opinion, a negotiation should be opened by the United States with Texas, for the purpose of annexing Texas to this Union. Resolved, That in the event of the annexation of Texas to this Union, should war with Mexico or any other Government arise, as has been threatened by the Mexican Government, we pledge the faith and power of the State to sustain the Executive and Congress of the United States in whatever they may resolve or propose in the premises.

Resolved, That in our opinion, the conduct of the Government of the United States, in its official correspondence with the Government of Mexico, has been firm, dignified and proper, and that it has shown a becoming disregard of the arrogant pretensions of that power, in attempting to menace the deliberations and trammel the legislation of the Congress of the United States.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use every proper effort to secure the annexation of Texas to this Union.

Resolved, That the Governor of this State be requested to forward copies of the foregoing preamble and resolutions to the President of the United States, Governors of the several States of the Union, and to our Senators and Representatives in Congress.

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

The yeas and nays being required thereon by Messrs. Groesbeck and O. P. Hogan, were as follows, viz:
Mr. Coffey moved the following as an amendment to the amendment proposed by Mr. Campbell, viz:

Resolved: further, That the foregoing preamble and resolutions shall not be construed to indicate that the Congress of the United States has the power to pass any law commanding or compelling the States to enact laws at the will of Congress, or in any wise construed to infer that Congress has any right to dictate to the State Legislatures; that both governments have reserved delegate and specified powers, and each should act in their separate and distinct capacities.

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

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

**Those who voted in the affirmative, were—**

| Messrs. Allen, | Hanna, | Marshall, |
| Bryan, | Haskin, | Noe, |
| Clark, | Haydon, | Payne, |
| Coffey, | Head, | Pope, |
| Colly, | Hogan, O. P. | Smith, |
| DeCourcy, | Hooe, | Stitt, |
| Frazier, | Johnson, | Thompson, H. |
| Gardner, | Jones, T. M. | Wheeler, |
| Garrard, | Kavanaugh, | Wickliffe, |
| Given, | Lewis, | Willkison, |
| Griffin, | Lowry, | Yocum—34. |
| Groesbeck, | | |

**Those who voted in the negative, were—**

| Mr. Speaker, | Graves, | Price, |
| Messrs. Alcorn, | Gray, | Redd, |
| Apperson, | Hambleton, | Richardson, |
| Blackburn, | Hobbs, | Rockhold, |
| Bowman, | Hobson, | Speed, |
| Buford, | Hogan, E. | Stewart, |
| Burnam, | Holloway, | Stone, S. |
| Campbell, | Humphreys, | Tevis, |
| Chambers, | Jenkins, | Thomson, C. R. |
| Coleman, | Jones, D. E. | Trumbo, |
| Collins, | Kilmanus, | Tully, |
| Cox, | Lawless, | Waddill, |
| Crow, | McLarman, | Webb, |
| Dickey, | McRery, | Winfrey, |
| Ewing, | Milam, | Wooten, |
| Fry, | Nall, | Wright, |
| Garnett, | Oldham, | Young—56. |
| Glenn, | Penick, | |
| Gore, | Porter, | |
Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Hooe moved the following as an amendment to the amendment proposed by Mr. Campbell, viz:

Resolved, That it is with deep regret we had witnessed the course of a portion of our delegation in the Congress of the United States, who have countenanced John Q. Adams in his abolition movements, and who have voted to receive abolition petitions presented by him at the last and present session of Congress to that body, and that we believe that such a course is in direct violation of the will of the people of Kentucky.

Be it further resolved, That John Q. Adams, in presenting in Congress, in 1841, the petition of sundry citizens of Massachusetts, praying a dissolution of the union of States, merited the unmitigated censure and condemnation of the people of this Union, and the Congress of the United States.

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

The yeas and nays being required thereon by Messrs. Noe and Hooe, were as follows, viz:
Those who voted in the affirmative, were—

Mr. Speaker,       Hanna,       Marshall,  
Messrs. Allen,     Haskin,      Martin,    
Bryan,            Haydon,      Noe,        
Clark,            Heady,       Payne,      
Coffey,           Hogan, O. P.  Pope,       
DeCourcy,         Hooe,        Stewart,    
Frazier,          Johnson,     Stitt,       
Gardner,          Jones, T. M.  Thompson, H.  
Garrard,          Kavanaugh,  Wheeler,    
Given,            Lewis,       Wickliffe,  
Griffin,          Lowry,       Yocum—34.
Gruesbeck,            

Those who voted in the negative, were—

Messrs. Alcorn,     Graves,    Price,       
Apperson,          Gray,       Redd,        
Blackburn,         Hobbs,      Richardson,  
Bowman,            Hobson,     Rockhold,    
Buford,            Hogan, E.   Smith,       
Burnam,            Holloway,   Speed,       
Campbell,          Humphreys,  Stone, B.    
Chambers,          Jenkins,    Stone, S.    
Coleman,           Jones, D. E.  Tevis,       
Collins,           Kalfus,     Thomson, C. R.
Cox,              McLarling,  Tully,       
Crow,             McRery,     Waddill,     
Dickey,           Milam,      Webb,        
Ewing,            Nah,        Winfrey,     
Fry,              Oldham,     Wooten,      
Garnett,           Penick,     Wright,      
Glenn,            Porter,     Young—52.  
Gore,  

Mr. Haskin moved the following as an amendment to the amendment proposed by Mr. Campbell, viz:

Resolved, That the veto power, as contained in the Constitution of the United States, framed by the Sages of the Revolution, and exercised by the illustrious Washington and other Presidents after him, and its exercise sustained by the people, is a safe and salutary restraint upon the impulses of excited or imprudent majorities in Congress—necessary for preserving the freedom of the people and the union of the States, and that the sacred instrument in which it is contained ought not to be mutilated, to destroy or lessen it in order to elect a President, or for any other purpose.

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

The yeas and nays being required thereon by Messrs. Hanna and Haskin, were as follows, viz:
Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Haskin moved to postpone the further consideration of said preamble and resolution and amendment until Saturday, the 2d of March next, at 9 o'clock, A. M.

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

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

Those who voted in the affirmative, were—

Messrs. Allen, Bryan, Clark, Coffey, Cully, DeCourcy, Hanna, Haskin, Haydon, Heady, Hogan, O. P., Hoee, Martin, Maupin, Noe, Payne, Pope, Stewart,

Mr. Kavanaugh moved to amend the amendment proposed by Mr. Campbell, by adding the following, viz:

WHEREAS, The right of Congress to direct the State Legislatures to divide their respective States into Congressional Districts, is a question involving deep constitutional principles, and which will therefore require much time and reflection in their consideration: And whereas, The present session is now nearly closed, while much of the business of the same is not yet disposed of, and that to the great disappointment of the good people of this Commonwealth, who are looking to this House for speedy and efficient action on the same—wherefore,

Resolved by this present General Assembly, That we will either decline all further action on the aforesaid resolutions, or that if the majority in this House are determined to prolong the session in the discussion of national politics, we will proceed regularly in the discussion and disposition of the several resolutions offered at the present session, in relation to national affairs, commencing first with those concerning the annexation of Texas, and proceed regularly through, disposing of those relating to the power of Congress to direct the several Legislatures to district the States, after all other business of the session has been acted upon.

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

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

63
Those who voted in the affirmative, were—

Messrs. Allen, Bryan, Coffey, DeCourcy, Frazier, Gardner, Garrard, Given, Griffin, Groesbeck,

Hanna, Haskin, Haydon, Head, Hogan, O. P. Hoos, Jones, T. M. Kavanaugh, Lewis,


Those who voted in the negative, were—


Mr. Wickliffe moved the following as an amendment to the amendment proposed by Mr. Campbell, viz:

Be it further resolved, That while we deplore the pecuniary embarrassments of the States of this Union, we look upon the support of the National Government as matter of the highest importance, and it is now the sense of the people of Kentucky that the doctrine advanced by our great statesman, the Hon. H. Clay, in 1832, in which he contended that the proceeds of the public lands should be held sacred for great national purposes, was correct, and especially would the people of Kentucky oppose distribution, as aforesaid, among the several States with an embarrassed National Treasury.

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

The yeas and nays being required thereon by Messrs. Wickliffe and Groesbeck, were as follows, viz:
Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Frazier moved the following as an amendment to the amendment proposed by Mr. Campbell, viz:

Resolved, further, That the course of Henry Clay in the Senate of the United States, whilst our member in that body, on the bankrupt law passed by Congress, was in violation of the will of the people of Kentucky, and that it was his duty to have voted for the repeal of the bankrupt law in obedience to the will of his constituents, well known and expressed by the House of Representatives in the Kentucky Legislature; and his vote against the United States Bank, in 1811, was a good vote.

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

The yeas and nays being required thereon by Messrs. Frazier and Haydon, were as follows, viz:
Those who voted in the affirmative, were—

Messrs. Allen,
Bryan,
Clark,
Coffey,
Cully,
DeCourcy,
Frazier,
Gallard,
Given,
Griffin,
Grosbeck,
Hanna,

Haskin,
Haydon,
Heady,
Hogan, O. P.
Hooe,
Johnson,
Jones, T. M.
Kavanaugh,
Lewis,
Lowry,
Marshall,

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Alcorn,
Apperson,
Blackburn,
Bowman,
Buford,
Burnam,
Campbell,
Chambers,
Coleman,
Collins,
Cox,
Crow,
Dickey,
Ewing,
Fry,
Garnett,
Glenn,
Gore,

Graves,
Gray,
Hambleton,
Hobbs,
Hobson,
Hogan, E.
Holloway,
Humphreys,
Jenkins,
Jones, D. E.
Kalfus,
Lawless,
McLarning,
McRery,
Milam,
Oldham,
Owens,
Penick,

Martin,
Maupin,
Maue,
Payne,
Pope,
Stewart,
Stitt,
Thompson, H.
Wheeler,
Wilkinson,
Yocum—34.

Mr. Haskin moved to amend the amendment proposed by Mr. Campbell, by adding the following, viz:

Resolved, That although this Legislature has the right to instruct our Senators and request our Representatives in Congress, yet, as the Representatives from the several States are responsible to their respective constituency, and not to this Legislature, it is not the duty of this Legislature to pass a vote of censure upon them in the exercise of their functions as Representatives in Congress.

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

The yeas and nays being required thereon by Messrs. Haskin and Martin, were as follows, viz:
Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. DeCourcy moved to amend the amendment proposed by Mr. Campbell, by adding the following, viz:

Resolved, That Congress have the power, by law, at any time, to make or alter any regulations in the time, places and manner of holding elections for Representatives in Congress, but have no power to compel any State to have any particular action on said subject, contrary to their wish; therefore the late law of Congress is unconstitutional and improper, and that the Representatives of those States electing by general ticket are entitled to their seats in Congress.

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

The yeas and nays being required thereon by Messrs. DeCourcy and Garrard, were as follows, viz:
Those who voted in the affirmative, were—

Messrs. Allen, Bryan, Coffey, Cully, DeCourcy, Frazier, Gardner, Garvard, Given, Griffin, Groesbeck, Hanna, Haskin, Haydon, Hogan, O. P., Hooe, Johnson, Jones, T. M.

Those who voted in the negative, were—


Mr. Yocum moved to amend the amendment proposed by Mr. Campbell, by adding the following, viz:

Be it resolved, by this House, That we highly approve of the conduct of our Representatives in Congress, when they act in conformity to the Constitution of the United States, and disapprove any act in violation to that rule, and that this Legislature reserve sacred her State Constitution, and act in conformity thereto, not claiming any of the powers given to the General Government.

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

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

Those who voted in the affirmative, were—

Mr. T. M. Jones moved to amend the amendment proposed by Mr. Campbell, by adding the following, viz:

Resolved, That this Legislature deprecate any motion or movement presented to Congress or any other assembly, which would be in the least calculated to impair the bonds that cement the union of these States, or to divide the Union.

Resolved, That the people have a right to instruct their immediate Representatives, and the Legislatures of the States, severally, have a right to instruct their Senators in Congress and request their Representatives.

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

The yeas and nays being required thereon by Messrs. T. M. Jones and Haskin, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Messrs. Allen, Bryan, Clark, Coffey, Cully, DeCourcy, Groesbeck, Hanna, Haskin, Haydon, Heady, Hogan, O. P. Hooe, Lowry, Marshall, Martin, Noe, Payne, Pope, Thompson, H.

Those who voted in the negative, were—

Mr. Johnson moved to amend the amendment proposed by Mr. Campbell by adding the following, viz:

1st. Resolved, That Congress have the constitutional right at any time, to alter the regulations prescribed by the several States, as to the times, places and manner of holding elections therein, respectively, for Senators and Representatives in the Congress of the United States, except as to the place of choosing Senators.

2d. Resolved, That the Congress is destitute of any constitutional power to compel the Legislatures to divide the several States into Congressional Districts.

3d. That the mandamus act which passed the last Congress is unconstitutional, and should be regarded as a dead letter upon the Statute book.

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

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

Those who voted in the affirmative, were—

Messrs. Allen, Bryan, Coffey, Cully, DeCourcy, Frazier, Garrard, Given, Grosebeck, Hanna, Haskin, Haydon, Hogan, O. P., Hooe, Johnson, Jones, T. M.


Those who voted in the negative, were—

Those who voted in the negative, were—

Mr. Speaker, Graves, Porter,
Messrs. Alcorn, Gray, Price,
Apperson, Hambleton, Redd,
Blackburn, Hobbs, Richardson,
Bowman, Hobson, Rockhold,
Buford, Hogan, E., Speed,
Burnam, Holloway, Stone, B.
Campbell, Humphreys, Stone, S.
Chambers, Jenkins, Tevis,
Clark, Jones, D. E. Trumbo,
Coleman, Kavanaugh, Waddill,
Collins, Lawless, Webb,
Cox, Lewis, Wheeler,
Crow, Maupin, Wickliffe,
Dickey, McLarning, Winfrey,
Ewing, McRery, Wooten,
Fry, Milam, Wright,
Garnett, Owens, Young—56.
Gore, Penick,

And the question was then taken on the adoption of the amendment proposed by Mr. Campbell, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker, Gore, Owens,
Messrs. Alcorn, Penick, Porter,
Apperson, Graves, Price,
Blackburn, Gray, Redd,
Bowman, Hambleton, Richardson,
Buford, Hobbs, Rockhold,
Burnam, Hobson, Speed,
Campbell, Hogan, E., Stone, B.
Chambers, Holloway, Stone, S.
Clark, Humphreys, Tevis,
Coleman, Jenkins, Trumbo,
Collins, Jones, D. E. Waddill,
Cox, Kaffus, Webb,
Crow, Lawless, Wheeler,
Dickey, McLarning, Wickliffe,
Ewing, McRery, Winfrey,
Fry, Milam, Wooten,
Garnett, Nall, Wright,
Gore, Oldham, Young—54.

Those who voted in the negative, were—

Messrs. Allen, Hanna, Martin,
Bryan, Haskin, Maupin,
Clark, Haydon, Noe,
Coffey, Heady, Payne,

64
The question was then put on concurring in the preamble and resolution from the Senate, as amended.

Mr. Haskin called for a division of the question.

The question was then taken on concurring in the preamble and resolution from the Senate, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Campbell, 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 widow and heirs of Francis Hagan, deceased.

An act providing for a change of venue in the prosecution against Jacob Froman.

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 said bills do pass, and that the titles thereof be as aforesaid.
Mr. Campbell, from the same committee, to whom was referred a bill to amend the act of 1841-2, establishing the town of Portland, 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.

The yeas and nays being required on the passage thereof by Messrs. Speed and Jenkins, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Hambleton, Oldham, 
Messrs. Apperson, Hanna, Payne, 
Bowman, Haskin, Penick, 
Buford, Haydon, Pope, 
Campbell, Heady, Porter, 
Coffey, Hobbs, Price, 
Cox, Hogan, E. Rockhold, 
Crow, Hogan, O. P. Speed, 
Cully, Heoe, Stewart, 
Dickey, Humphreys, Stitt, 
Frazier, Jenkins, Trumbo, 
Fry, Johnson, Tuly, 
Gardner, Jones, D. E. Webb, 
Garnett, Jones, T. M. Wheeler, 
Garrard, Kalfus, Wickliffe, 
Given, Lowry, Winfrey, 
Glenn, McRery, Wooten, 
Gore, Milam, Wright, 
Gray, Nall, Yocum—59. 
Griffin, Noe, 

Those who voted in the negative, were—

Messrs. Alcorn, Hobson, Thomson, C. R. 
Bryan, Lewis, Waddill, 
Burnam, Maupin, Wiltkinson, 
Clark, Tevis, Young—12. 

A bill from the Senate, entitled, an act for the benefit William Rowlett, of the county of Owen, 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 Propositions and Grievances.

The following bills were reported by the committee for Courts of Justice, viz:

A bill for the benefit of Merial De Neal, of Spencer county.
A bill granting a change of venue in the prosecution against Anderson Hill.

A bill for the benefit of the Trustees of the town of Columbus, and for other purposes.

A bill to incorporate the Maysville Manufacturing Company, 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 and third readings of said bills having been dispensed with, and the same being engrossed.

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

A message was received from the Senate, announcing that they had appointed a committee on their part, to act in conjunction with a similar committee on the part of this House, in relation to the disagreement between the two Houses, on the bill from the Senate, entitled, an act to fix the ratio and apportion the representation in the House of Representatives and Senate for the next four years.

Whereupon, the Speaker appointed Messrs. Lawless, Hobbs, Campbell, Saigh and Haskin the committee on the part of this House.

Mr. O. P. Hogan moved that Mr. Coffey be added to the said committee. And the question being taken thereon, it was decided in the affirmative.

Mr. Holloway moved a reconsideration of the vote adding Mr. Coffey to said committee.

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

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

Those who voted in the affirmative, were—

Messrs. Alcorn,
Apperson,
Burnam,
Campbell,
Chambers,
Cox,
Dickey,
Ewing,

Fry,
Graves,
Hogan, E.
Holloway,
Humphreys,
Kallos,
Lawless,
McLarning,

Milam,
Penick,
Porter,
Richardson,
Thomson, C. R.,
Trumbo,
Waddill,
Webb—24.

Those who voted in the negative, were—

Messrs. Allen,
Blackburn,
Bowman,
Bryan,
Buford,
Clark,
Crow,

Hanna,
Haskin,
Haydon,
Heady,
Hobbs,
Hogan, O. P.,
Hoee,

Oldham,
Owens,
Payne,
Pope,
Price,
Rockhold,
Speed,
Mr. Lawless moved that Mr. McLarning be added to said committee.

At a quarter of 7 o'clock, P. M., Mr. Kavanaugh moved an adjournment.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

The question was then taken on adding Mr. McLarning to said committee, and it was decided in the affirmative.

Mr. Coffey moved to be excused from serving on the committee of Conference.

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

At 10 minutes past 7 o'clock, P. M., Mr. C. R. Thompson moved an adjournment.

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

The yeas and nays being required thereon by Messrs. O. P. Hogan and Garmard, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Glenn, Nall,
Messrs. Alcorn, Gore, Noe,
Allen, Graves, Oldham,
Apperson, Gray, Owens,
Blackburn, Hambleton, Penick,
Bowman, Hobbs, Porter,
Bryan, Hogan, E., Redd,
Buford, Holloway, Richardson,
Burnam, Humphreys, Rockhold,
Campbell, Jenkins, Speed,
Chambers, Jones, D. E. Tevis,
Clark, Jones, T. M. Thomson, C. R.
Collins, Kallus, Trumbo,
Cox, Lawless, Tully,
Cully, Lowry, Waddill,
DeCourcy, Marshall, Webb,
Ewing, Martin, Wheeler,
Fry, McLarning, Winfrey,
Given, Milam,

Those who voted in the negative, were—

Messrs. Coffey, Hogan, O. P.
Dickey, Hooe, Stewart,
Frazier, Johnson, Stitt,
Gardner, Kavanaugh, Stone, S.
Garrard, Maupin, Wickliffe,
Haskin, Payne, Wright,
Haydon, Pope, Yocum,
Heady, Price, Young—23.
WEDNESDAY, FEBRUARY 28, 1844.

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 concerning the Winchester Academy.

That they had disagreed to bills from this House, of the following titles, viz:

An act for the benefit of the Sheriff of Marshall county.
An act for the benefit of the mechanics of Shelby county.

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

An act for the benefit of the Kentucky Institution for the Education of the Blind.
An act to amend an act, entitled, an act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes, approved February 16, 1839.
An act to modify an act, entitled, an act divorcing sundry persons.
An act for the benefit of the widow and children of H. J. Logan, deceased.
An act for the benefit of the heirs of James and Matthew Wakefield.
An act for the benefit of Wm. M. Young, Constable of Hopkins county, and for other purposes.
An act to establish a State road from Paducah to Gray's ferry, on the Tennessee river, and for other purposes.
An act to authorize the use of a portion of the surplus water at Dam No. 3, on Green river, on certain conditions.
An act to add a portion of the county of Nicholas to Bracken county.
An act to add a part of the county of Harrison to Bracken county, and for other purposes.
An act for the benefit of Julian Chism and Francis Head.
An act for the benefit of the widow and heirs of David Bibb, dec'd.
An act for the benefit of the representatives of Thomas J. Gentry, dec'd.
An act for the benefit of the County Court of Scott county.
An act to legalize the proceedings of the Hopkins County Court, and for other purposes.
An act authorizing an alteration in the State road from New Liberty to Marion, on the Kentucky river, in Owen county.
An act to improve the Bardstown and Louisville turnpike road.
With amendments to the four last.
That they had passed bills of the following titles, viz:
An act regulating the General Court.
An act for the benefit of Blair and Beverly Hereford.
An act authorizing the trustees of the Brownsville School, in the county of Edmonson, to fill vacancies in their body.
An act to incorporate the Cloverport Seminary, and for other purposes.
An act to establish the town of Blandville, in Ballard county.
An act for the benefit of Calvin Collins.
An act to amend the election laws.
An act authorizing the raising of Lock and Dam No. 5, upon the Kentucky river, under the direction of the Board of Internal Improvement.
An act to establish a State road from Frankfort to Lebanon, in Marion county.

And had received official information from the Governor that he had approved and signed an enrolled bill which originated in the Senate, entitled, an act to establish the 19th Judicial District.

Mr. Marshall presented the petition of J. M. V. Shreve, of Green county, asking authority to sell a negro, as guardian.

Which was received, the reading dispensed with, and referred to Messrs. Marshall, Allen, Haskin and Groesbeck.

Mr. Fry, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles viz:

- An act to amend the charter of the Lexington and Georgetown Turnpike Road Company.
- An act to amend an act to incorporate the Bank Lick Road Company.
- An act authorizing the Superintendent of Public Instruction to pay to the Trustees of Districts Nos. 1 and 2, in Green county, such money as is due them.
- An act for the government of the Lunatic Asylum.
- And bills which originated in the Senate, of the following titles, viz:
  - An act to attach the counties of Estill and Fleming to the 11th Judicial District, and for other purposes.
  - An act concerning the Northern Bank and Bank of Kentucky.
  - An act for the benefit of Susan A. Boyce, of Logan county, and James M. Doom and others.
  - An act to establish an election precinct at the house of Solomon Yorks, in the county of Harlan, and for other purposes.
  - An act requiring the Judge of the 7th Judicial District to hold chancery terms of the Christian, Caldwell and Hopkins Circuit Courts, and for other purposes.
  - An act concerning the Winchester Academy, and for other purposes.

And had found the same truly enrolled.
Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.

Mr. Wright, from the committee on Internal Improvement, to whom was referred a bill from the Senate, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, 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.

A bill from the Senate, entitled, an act authorizing the raising of Lock and Dam No. 5, upon the Kentucky river, under the direction of the Board of Internal Improvement, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision 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.

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

By Mr. Crow. 1. A bill to establish a Tobacco Inspection in Owensboro, in Daviess county, and for other purposes.

By the committee on Internal Improvement. 2. A bill for the benefit of William DeCourcy.

By the committee for Courts of Justice. 3. A bill to repeal the second section of an act, entitled, an act to reduce the price of vacant lands in the county of Wayne, and the Surveyor's fees of said county.

By same. 4. A bill for the benefit of Rebecca Hedges, of Bourbon county.

By same. 5. A bill to amend the law regulating the duty of the county Treasurer of the county of Clark.

By the committee on Propositions and Grievances. 6. A bill for the benefit of Warren W. Hynes, of Ohio county, and for other purposes.

By same. 7. A bill to change the Owlsley county line, 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 and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.
Mr. DeCourcy, from the committee on Religion, reported a bill to incorporate the Christian Church at Midway, 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,

The said bill was then amended.

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.

The question was then taken on the passage of said bill, and it it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Heady and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,

Those who voted in the negative, were—


Mr. Kavanaugh moved a reconsideration of the vote rejecting said bill.
And the question being taken thereon, it was decided in the affirmative. The said bill was then amended.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

Resolved, That the title thereof be as aforesaid.

Mr. Speed moved a reconsideration of the vote rejecting the bill requiring the Board of Internal Improvement to investigate the claims of every character growing out of the Internal Improvement system, and report to the next General Assembly.

Mr. Kavanaugh moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the vote be reconsidered? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Young and O. P. Hogan, were as follows, viz:

**Those who voted in the affirmative, were—**


**Those who voted in the negative, were—**

Messrs. Apperson, Bowman, Buford, Burnam, Campbell, Cox, Frazier, Fry, Gardner, Humphreys, Jones, T. M. Kavanaugh, Martin, Nall, Noe, Oldham, Owens, Penick, Rockhold, Stone, B. Stone, S. Tevis, Trumbo, Waddill, Webb, Wilkenson, Winfrey,
The question was then taken on engrossing and reading said bill a third time, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Alcorn moved that said bill have its third reading now.

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

The said bill was then read a third time.
On motion of Mr. Campbell, said bill was then amended by adding an engrossed clause, by way of ryder.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Speaker,                        Groesbeck,                        Marshall,
Messrs. Alcorn,                      Hanna,                                Maupin,
Allen,                              Haskin,                                 McLarning,
Blackburn,                          Haydon,                                 McRery,
Chambers,                           Hobbs,                                  Milam,
Clark,                              Hogan, E.,                               Redd,
Coleman,                            Hogan, O. P.,                             Smith,
Collins,                            Holloway,                                Speed,
Crow,                               Humphreys,                               Stitt,
Cully,                              Johnson,                                 Thomson, C. R.
DeCourcy,                           Jones, D. E.,                             Thompson, H.
Ewing,                              Kallus,                                  Thurston,
Garrard,                            Kavanaugh,                              Tully,
Given,                              Lawless,                                 Webb,
Graves,                             Lewis,                                   Wheeler,
Gray,                               Lowry,                                   Wickliffe—49.

Those who voted in the negative, were—

Messrs. Apperson,                    Hamblton,                               Price,
Bowman,                             Heady,                                   Richardson,
Bryan,                              Hobson,                                  Rockhold,
Buford,                             Hooe,                                    Stewart,
Burnam,                             Jenkins,                                 Stone, B.
Campbell,                           Jones, T. M.,                              Stone, S.
Coffey,                             Martin,                                  Tevis,
Cox,                                Nall,                                    Waddell,
Frazier,                            Noe,                                     Wilsonson,
Fry,                                Owens,                                   Wimfrey,
Gardner,                            Payne,                                   Woosley,
Garnett,                            Penick,                                  Wooten,
Gore,                               Pope,                                    Wright,
Griffin,                            Porter,                                  Young—42.

Resolved, That the title thereof be as aforesaid.

Mr. Payne reported a bill to allow a Justice of the Peace to Scott 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,

Mr. Kavanaugh moved to amend said bill by adding thereto the following engrossed clause, by way of ryder, viz:
Be it further enacted, That an election precinct is hereby established at
the town of Bridgeport, in the county of Franklin, which shall be subject
to all the rules and regulations of law now governing elections in this Com-
monwealth.

Mr. Alcorn moved to lay said bill and amendment on the table.
And the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Kavanaugh and
Griffin, were as follows, viz:

Those who voted in the affirmative, were—

| Messrs. Alcorn, | Hambleton, | Price, |
| Apperson, | Hobbs, | Richardson, |
| Blackburn, | Hogan, E. | Rockhold, |
| Bowman, | Holloway, | Speed, |
| Buford, | Jenkins, | Stone, B. |
| Burnam, | Jones, D. E. | Stone, S. |
| Campbell, | Lawless, | Tevis, |
| Collins, | Lewis, | Thomson, C. R. |
| Cox, | McLerning, | Thurston, |
| Crow, | McRery, | Tully, |
| Ewing, | Mitam, | Webb, |
| Fry, | Nall, | Woaten, |
| Gore, | Oldham, | Wright, |
| Graves, | Peniek, | Young—44 |
| Gray, | Porter, | |

Those who voted in the negative, were—

| Messrs. Allen, | Hanna, | Noe, |
| Bryan, | Haskin, | Owens, |
| Chambers, | Hayden, | Payne, |
| Clark, | Heady, | Pope, |
| Coffey, | Hobson, | Smith, |
| Coleman, | Hogan, O. P. | Stewart, |
| Cully, | Hooe, | Stitt, |
| DeCourcy, | Humphreys, | Thompson, H. |
| Frazier, | Johnson, | Trumbo, |
| Garnett, | Jones, T. M. | Wheeler, |
| Garrard, | Kavanaugh, | Wilkenson, |
| Given, | Lowry, | Winfrey, |
| Glenn, | Marshall, | Woosley, |
| Griffin, | Martin, | Young—44 |
| Groesbeck, | Maupin, | Yocum |

The question was then taken on adopting the engrossed copy proposed by
Mr. Kavanaugh, and it was decided in the negative.
The yeas and nays being required thereon by Messrs. Blackburn and
Kavanaugh, were as follows, viz:
Those who voted in the affirmative, were—


Those who voted in the negative, were—


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

Mr. Graves, from the committee on Banks, to whom was referred a bill to incorporate the Commercial and Agricultural Bank of Kentucky, in the City of Covington, 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 there shall be, and is hereby established, in the City of Covington, a Bank, by the name of the Commercial and Agricultural Bank of Kentucky, with a capital stock of one million of dollars, to be divided into shares of one hundred dollars each, and subscribed and paid by individuals, companies or corporations, in the manner hereinafter mentioned and specified; which subscribers, shareholders, their successors and assigns, shall be, and hereby created a body politic and corporate, by the name and style of the President, Directors and Company of the Commercial and Ag-
ricultural Bank of Kentucky; and shall so continue a body politic and corpo-
rate until the first day of January, 1864; and by that name shall be com-
petent to contract and be contracted with, to sue and be sued, plead and be
impeaded, answer and be answered unto, defend and be defended, in all
courts or places, and in all matters whatsoever, as natural persons, with full
power and authority to acquire, hold, possess, use, occupy and enjoy, the
same and; to sell, convey and dispose of all such real estate, goods, effects
and chattels, as shall be necessary and convenient for the transaction of its
business, or which may be conveyed to said Bank as collateral security for,
or received in payment of, any debt which may become due or owing to the
same, or which may be conveyed or purchased in satisfaction of any judg-
ment of a court of law, or any order or decree of a court of equity, in their
favor; and may have and use a common seal, and alter, change or renew
the same at pleasure; and may make, ordain and establish, and put in execu-
tion, such by-laws, ordinances, rules and regulations, as may be necessary
and proper for the good government of said Bank, and the prudent and ef-
cient management of its affairs: Provided, The same shall not be in any-
wise contrary to the Constitution and laws of this State, or of the United
States.

Sec. 2. That said Bank shall have and keep an office of discount and
deposit, in the City of Covington, where its banking business shall be trans-
acted, and its books of accounts, journals and records shall be kept; and it
shall be lawful for said Bank to loan money, deal in bills of exchange, checks
and promissory notes, and to discount, upon banking privileges and usages,
bills of exchange, promissory notes and other negotiable paper, for the pay-
ment of a sum of money certain; also, to issue bills or bank notes, payable
to bearer on demand, at its office of discount and deposit; also, to draw bills
of exchange on individuals, companies or corporations, payable to order,
and at such place and at such time or days as the Directors, for the time be-
ing, may deem expedient; Provided, That it shall not be lawful for said
Bank to issue any bank notes, promissory notes, checks or orders, payable
to bearer, or to any individual or individuals, companies or corporations, of
a less denomination than five dollars; nor shall it issue any bills, notes,
checks or orders, payable to bearer, other than such as are made payable on
demand, at its office of discount and deposit. The promissory notes, made
payable to any person or persons, and negotiable and payable at the Bank
of Covington, and endorsed to, and discounted by said Bank, shall be, and
they are hereby placed on the same footing as foreign bills of exchange, so
that the like remedy may be had, jointly or severally, against the drawer
or drawers, and endorser or endorsers, and with like effect, except as to
damages, and except that, in a regular course of administration, they shall
have no other or greater dignity or priority of payment than other promis-
soory notes. The Bank shall not, directly or indirectly, deal or trade in any
thing except bills of exchange, gold or silver bullion, or in the sale of goods
and chattels, rights and credits, really and truly pledged for money lent and
not redeemed in due time, or goods which shall be the proceeds of its lands.

Sec. 3. That said Bank shall not, at any time, owe, whether by bond, bill,
note, or other contract, an amount exceeding twice the amount of capital
stock actually paid in, exclusive of sums due on deposit; and in cases of excess,
the President and Directors, under whose administration it shall have ac-
rued, shall be liable for all or any of the debts of said Bank in their natural
and private capacities, by a joint or several actions of debt against them, their or any of their respective heirs, executors or administrators, in any court having jurisdiction thereof; by any creditor or creditors of said Bank, and may be prosecuted to judgment and execution, any condition or agreement to the contrary notwithstanding: Provided, Said Bank, or the lands, tenements, goods, chattels and funds of the same, be inadequate to satisfy the excess; and if the President or any Director shall be absent when the excess may be contracted or created, or being present, shall dissent from the resolution or act by which the excess is about to be contracted or created, he or they shall not be liable, under this section, if he or they shall, within ten days from the creation or discovery thereof, make affidavit of their absence or dissent, and file the same for record, with the proper recording officer for the county or city; and shall, moreover, within the said ten days, give notice thereof in one of the public newspapers in the City of Covington, and said notice shall call a meeting of the shareholders, which they are hereby authorized and required to do.

Sec. 4. That said Bank shall not, at any time, suspend, fail or refuse payment, in gold or silver, of any of its notes, bills or other obligations, due and payable, or any moneys received on deposit; and in case the officers, in the usual banking hours, at the office of discount and deposit of said Bank, shall fail, refuse, or unreasonably delay payment, in gold or silver, of any note or bill of said Bank there presented for payment; or the payment of any money previously deposited therein, and there demanded by any person or persons entitled to receive the payment of the same, said Bank shall be liable to pay, as additional damage, at the rate of twelve per cent, per annum on the amount thereof, from the time of such failure, refusal or delay, until the payment thereof; and for such failure or refusal, as well as for violation of any of the provisions of this charter, the same shall be forfeited, and a scire facias sued out in the name of the Commonwealth of Kentucky, on the motion of the Attorney for the Commonwealth or Attorney General, and such proceedings had as to declare such forfeiture by the judgment of the court; and from and after the rendition of said judgment of forfeiture, said corporation shall cease to exercise any of the powers or privileges granted in this charter: Provided, That such forfeiture shall not be so construed as to prevent said Bank from suing and being sued, and continuing said corporation for the purpose of closing its concerns, and from making all contracts that may be necessary and proper for that purpose.

Sec. 5. That the real and personal estate, business, property, funds and prudential concerns of said Bank, and the administration of its affairs, shall be under the direction, management and control of a Board of nine Directors, who shall be stockholders three months previous to the election, after the first election, and residents of this State, and citizens of the United States; and after the first election, they shall be elected, annually, on the first Monday in May, by the stockholders, at such time and place, in the city of Covington, as the President and Directors for the time being may prescribe. They shall hold their offices for the term of one year, and until their successors shall be chosen; and notice of every such election shall be published in at least two public newspapers, printed in the City of Covington, for at least sixty days preceding the same, and shall be by ballot and plurality of votes, to be read in public, and counted, after all the ballots are taken, by and under the inspection of three stockholders.
under oath, and not Directors at the time, and previously appointed by the President and Directors for that purpose. At every election and meeting of the stockholders, held under the provisions of this charter, each and every shareholder shall be entitled to one vote for each and every share he may hold in his own right, up to fifty; and for every five shares over fifty, every stockholder shall be entitled to one vote, up to one hundred; and for every twenty shares in addition, each shareholder shall be entitled one vote; and after the first election, no shareholder shall confer the right of suffrage which shall not have been held by the then owner thereof, and so appear on the books of said Bank, at least three calendar months previous to the election. Any stockholder not personally attending such election or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder actually attending the election or meeting; and no Director of any other Bank shall be eligible to the office of Director of this Bank, notwithstanding he may be stockholder therein; and any Director of this Bank, accepting an office in another Bank, shall be deemed to have vacated his place in this Bank; nor shall two partners in trade be eligible as Directors in this Bank at one and the same time. And if it shall so happen that an election of Directors shall not be made on any day, when, by this act it ought to, the corporation shall not, for that cause, be dissolved; but it shall be lawful for the stockholders to make an election of Directors on any other day that may be designated by their by-laws; and if the President, Cashier or any Director shall fail or become insolvent, after his election or appointment, he shall thereby become incapable to serve in that capacity, and his place shall be supplied in the manner prescribed in the sixth section, nor shall he again be eligible until those debts be paid, and a discharge obtained; nor shall any person who may have ever failed in business hold the office of President, Director or Cashier, unless he has paid off the debts for which he failed, or obtains an acquittal or discharge from all liability upon such debts.

Sec. 6. That the Directors, chosen under the provisions of this charter, shall, as soon as may be, after the first and every annual or other election, elect a President from their own body, who shall preside at the Board until the next election; and in case of the death, absence or resignation of the President, the Board shall choose a President pro tempore; they shall fill all vacancies that may occur in their own body during the time for which they shall have been elected, and appoint a Cashier and subordinate officers, Clerks, Agents and Servants of said Bank, fix their compensation, define their powers and prescribe their duties; and shall require of them such bonds, and in such penalties and with such conditions and sureties as they shall deem right, which bonds shall be laid, monthly, before the Directory, who may then, and at such other times as deemed proper, require the same to be altered or amended, and demand other and additional security; such officers shall remain during the pleasure of the Board, under such regulations, restrictions and limitations, as the President and Directors for the time being may prescribe, not contrary to the provisions of this charter, and the by-laws, rules and regulations of the Bank. The President and Directors, five of whom shall form a quorum, may, from time to time, make such by-laws, rules and regulations for their own government, and for the management and disposition of the property, estates, funds and business of the Bank, and all matters appertaining thereto, which they may judge expedient, not contrary to
the provisions of this charter, and the by-laws, rules and regulations, which the stockholders may, from time to time, prescribe at their annual or other meetings. They shall hold stated meetings at least once a week, on such day and such hour of the day as they may, from time to time appoint, and at such other times as the President shall order and direct; and a majority shall constitute a quorum, and be competent to the transaction of any business within the scope of their powers, and connected with their official duty: and all questions before the Board shall be decided, even over, by a majority of those present, any two of whom may require the yeas and nays on any proposition submitted, entered and recorded on the Journal of proceedings; and no vote shall be reconsidered when a less number are present than when the original vote was given. They shall, on the first Mondays of January and July, annually, make and declare such dividends resulting from the profits of said Bank as shall not in any wise lessen the capital stock of the same, and cause such dividends to be paid, on demand, to the several stockholders thereof; that the Cashier of said Bank, shall, on the 1st day of July, 1844, and on the same day, annually thereafter, pay into the Treasury of the State 25 cents on each share held by the stockholders in said Bank, which shall be in full of all tax or bonus on said Bank: Provided, That the Legislature may increase or reduce the same; but at no time shall the tax imposed on said stock exceed fifty cents on each share held in said Bank: Provided, however, That no dividend shall be declared of the profits of said Bank until there shall be a surplus or contingent fund, of $20,000 for $500,000 of stock paid in; and after that rate; and the contingent fund shall never be reduced below that ratio on the amount of stock paid in; and if the President and Directors of said Bank shall, at any time, make any dividend of the profits, or other property of the Bank, by which the capital stock thereof shall, in any wise, be lessened or impaired, or shall, by any mismanagement or neglect of duty, cause any loss or deficiency of the capital stock of the Bank, the Directors consenting thereto, or guilty of such mismanagement or neglect of duty, shall be jointly or severally liable, in their individual capacities, to any stockholder or creditor of said Bank, who may be injured thereby; and the President and each and every Director shall be deemed to have consented to such dividend, and been guilty of such mismanagement or neglect, unless he shall forthwith give notice of his dissent thereto or absence from the Institution, in like manner as is provided in the third section of this charter, and call a meeting of the stockholders as hereinafore provided for.

Sec. 7. That if the Cashier or any of his Officers, Agents or Servants of said corporation, shall embezzle, and without authority from the President and Directors of said Bank, appropriate any of the funds of said corporation to his own use, with intent to cheat and defraud the President, Directors and Company of said Bank, or shall fail to make correct entries, or shall make entries on the books of said Bank, with the intent to defraud said Bank, or any other person whatever, said Officer, Agent or Servant of said Bank, shall be held and deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail or penitentiary of the State for a period not less than five nor more than twenty years.

Sec. 8. That the said Board of Directors shall allow and pay to the President of said Bank, such compensation as they shall, from time to time, deem just; but no compensation, salary or reward shall be allowed to any Direc-
tor for his services unless the same shall be voted by the stockholders at some
regular meeting. And it shall be the duty of the President and Directors,
and they are hereby required, as often as once in every month, to cause a
strict examination to be made of the accounts of the Cashier, and a full and
complete settlement thereof; and a statement of such examination and set-
tlement shall be entered on the Journals of the proceedings of the Board.
It shall not be lawful for the Cashier, or other subordinate Officer, Clerk or
Teller of said Bank, either directly or indirectly, to engage in, or carry on,
any other business than that of said Bank, without the especial license of
the President and Directors of said Bank, under the penalty of five thousand
dollars, to be recovered in the corporate name, and for the use of said Bank;
nor shall the Cashier or other subordinate Officer, Clerk or Teller of said
Bank, either directly or indirectly, become indebted to said Bank either as a
 borrower, or endorser, or surety; nor shall the Cashier, Clerk or Teller of said
Bank be permitted to vote at any election for Directors as the attorney,
agent or proxy of any stockholder.

Sec. 9. That it shall be the duty of the President and Directors of said
Bank, during the first week of the session of the Legislature, each year, to
transmit to the Auditor of this State an accurate and just statement of the
condition of the Bank, as it existed on the first day of the preceding
month; which statement shall specify the amount of capital stock actually
paid in, and the value of the real estate belonging to the same, together
with its costs; the amount of stock (if any) subscribed and not paid for;
the total amount of debts due to and from said Bank; the amount of gold
and silver and other coined metals on hand; the money deposited; of bills
circulation; of bills on hand of solvent Banks; incorporated by this State,
or by the United States; the number of notes in circulation of each denom-
ination, issued by the Bank; the rate and amount of each dividend of
profits made by the Bank, with the amount of the surplus or contingent
fund of said Bank; which statement shall be laid before the Legislature of
Kentucky, at its then session, and the Auditor shall cause the same to be
published, at the expense of the Bank, in a public newspaper, printed at the
seat of Government, and in one in the City of Covington.

Sec. 10. That said President and Directors shall keep a record and
journal of their proceedings, which they shall produce to the stockholders
when by them demanded, at any regular meeting; and they shall be open
to the inspection and examination of any three or more stockholders,
holding together in their own right, one hundred shares of the capital stock,
at any time within thirty days of an annual election for Directors, on appli-
cation to the President or Cashier; and the books, papers, correspondence
and funds of said Bank shall, at all times be subject to the inspection of the
Board of Directors, or any one or more members thereof.

Sec. 11. That the certificates of deposit, bills, notes, bills of exchange, or
orders of said Bank, signed by the President and countersigned by the
Cashier, promising or directing the payment of money to any person or
persons, or order, or to bearer, shall be obligatory on said Bank, though not
under the seal, thereof; and all such bills, notes or orders, payable to order,
shall be transferable and negotiable, by endorsement, and those payable to
bearer on delivery. That the shares of the capital stock of said Bank shall
be considered and held in law as personal property, and assignable and
transferable only in such manner as the President and Directors shall pre-
scribe. It shall not be lawful for the corporation, hereby created, either
directly or indirectly, to use and employ any of its capital stock, money,
fund or effects, in trade or business of buying and selling goods, wares and
merchandise, in any way or manner whatever, save as provided for in sec-
tion first.

Sec. 12. That said Banks shall not contract for or receive a greater rate
of interest than at the rate of six per cent. per annum for the loan or for-
bearance of money, and interest on promissory notes, negotiable and paya-
ble at said Bank; and their discount shall be calculated on the true time such
notes have to run, including three days' grace, and shall be paid in advance,
and on banking principles, in conformity with Rowlett's tables of discount
and interest.

Sec. 13. That a general meeting of the stockholders of said Bank shall
be held in the City of Covington on the first Monday in May, in each year,
at the time and place of holding the election for Directors, to which meeting
the Directors shall have been elected, and shall present an exact and
accurate statement of the condition and affairs of said Bank, and of the
surplus and contingent fund, if any, arising from the profits thereof, after
deducting losses and dividends; and general meetings of the stockholders
may be held in Covington at any other time when ordered by the President
and Directors, or by any number of stockholders their by-laws may pre-
scribe.

Sec. 14. That Wm. W. Southgate, John S. Parry, Isaac Cooper, John S.
Finley, and John T. Newby, be appointed Commissioners to open and receive
subscriptions for the capital stock of said Bank, and to superintend the elec-
tion of the first Board of Directors thereof; any three of whom shall be
competent to exercise the powers and perform the duties required of them
by this act. They shall have power, and are hereby authorized, on the se-
cond Monday in March next, or at any other time within twelve months
thereafter, having given not less than thirty days' notice thereof, in the
newspapers printed in Covington, to open books of subscription at some
suitable place or places in the City of Covington, for the capital stock of said Bank, and
to keep said book open from ten o'clock in the forenoon until four o'clock
in the afternoon, for sixty days, Sundays excepted; or until at least five
thousand shares of said stock shall have been subscribed, unless the same
may be closed; and if more than ten thousand shares shall have been sub-
scribed, the said Commissioners shall deduct the amount of such excess from
the largest subscriptions in such manner as that no subscription shall be
reduced while one remains larger; and in case a full amount of ten thousand
shares shall not have been subscribed for at the time of closing the subscrip-
tion books, as aforesaid, the said books may be re-opened for subscriptions,
under the superintendence of the President and Directors of said Bank, on
the second Monday in May, in each year, or at any other time they may
choose, and may be kept open from ten o'clock in the forenoon, until four
o'clock, in the afternoon, for thirty days, Sundays excepted, at some suit-
able place or places in the City of Covington, until the whole capital stock of
said Bank shall have been taken; the said President and Directors causing
due notice of the re-opening of the books of subscription for the capital
stock of said Bank to be given in at least two newspapers printed in the
City of Covington; and the said Commissioners, on the closing of the books
of subscription, or when five thousand shares have been subscribed, shall
give public notice thereof in two of the newspapers printed in Covington; and by the same notice shall appoint the day, hour and place in said city, not less than thirty, nor more than sixty days from the date of such notice, for the subscribers of said stock to meet and choose the first Board of Directors for said Bank, who shall continue in office until the first Monday in May succeeding their election, and until their successors are elected, at which election the said Commissioners, or any three of them, shall act as Judges or Inspectors, and having taken the necessary oath or affirmation for that purpose, shall perform all the duties incident to Judges and Inspectors of elections in other like cases.

Sec. 15. Be it further enacted, That it shall be lawful for the said Commissioners to open, or cause to be opened, books for subscription for one half of the stock, at any place or places they may deem expedient in the United States, on the same day or days the same may be opened in the City of Covington; and if the whole of the stock shall not be taken at the time first authorized, the President and Directors, after the said Bank shall go into operation, may open books for further subscriptions, and may require such premium on the stock, so to be subscribed, as they shall deem just and reasonable; and such premium shall belong to, and become the funds and property of the Bank.

Sec. 16. That the payment of shares of said capital stock shall be made in gold and silver, and completed by the subscribers respectively at the times, and in the manner following, to-wit: At the time of subscribing, ten dollars on each share; within ten days after the election of the first Directors, the further sum of twenty dollars on each share; in ninety days from such election of Directors, the sum of twenty dollars on each share; and the balance due on each share shall be made in payments of twenty five dollars in three months, and twenty five dollars in six months thereafter; but any subscriber may, at his own option, pay the full amount of his subscription at any time; and all subsequent subscriptions for said stock shall be paid as follows, to-wit: Twenty five dollars at the time of subscribing; twenty five dollars in sixty days; twenty five dollars in ninety days; and twenty five dollars in one hundred and twenty days after the time of subscription; but no dividend shall be awarded on any share subscribed for after the first election of Directors, until six months shall have expired after the same has been fully paid; and when any share shall be fully paid, the President and Directors shall issue receipt to the owner thereof, in such form as the stockholders may prescribe; but if any subscriber shall fail to make the second payment of twenty five dollars on each share at the time the same shall be payable, as hereinbefore required, such subscriber shall forfeit to the said Company the sum of ten dollars before paid; and such shares shall, thereafter, be liable to be sold by the President and Directors as other unsubscribed stock; and if there shall be a failure in any of the subsequent payments for any of the capital stock after thirty dollars shall have been paid on each share, the subscriber so failing shall be entitled to no dividend until his stock is fully paid up; and if any subsequent subscribers for stock, mentioned in this section, shall having paid twenty five dollars at the time of subscribing, fail to pay the second installment of twenty five dollars when due, he or they shall forfeit ten dollars of the twenty five dollars paid, and his shares shall be liable to be re-sold as other unsubscribed stock.
SEC. 17. That as soon as three hundred thousand dollars of the capital stock shall have been paid in gold and silver, the President and Directors shall cause the Governor of this State to be notified thereof, who is hereby authorized to appoint some suitable person to examine and count the money so paid and actually existing in the hands of the Directors of said Bank, as such capital stock, whose duty it shall be, at the expense of the Bank, to make such examination and count, and ascertain, by the oath of the President and at least five of the Directors, that said money has been actually paid in, bona fide, as part of the capital stock of the Bank, and forthwith make due return thereof to the Governor, who, on the sum of three hundred thousand dollars appearing to have been actually paid in as part of the capital stock of said Bank, in gold and silver, shall cause proclamation to be made to that effect, and published in one of the newspapers printed in Frankfort and one printed in Covington, at the expense of the Bank; and on the first publication of such proclamation, it shall be lawful for said Bank to commence its business operations as a Banking Institution, and not before.

SEC. 18. Be it further enacted, That the President, Directors, Cashier, Clerk and Teller, previous to entering on the duties of their several offices, shall take an oath before some Justice of the Peace, in Kenton county, faithfully and honestly to discharge the duties of their several offices and stations created by this charter, or which may be required by the by-laws of said corporation, and furthermore, that they will not, during their continuance in office, sanction or permit any of the provisions of this charter to be violated, if in their power to prevent it; and further, should any such violation of this charter be committed by the President and Directors, or any of them, that they will immediately communicate the fact of such violation to the Attorney for the Commonwealth, or Attorney General, whose duty it shall be to sue out a scire facias for a forfeiture of the same.

SEC. 19. Be it further enacted, That no loan shall be made by said Bank, or note or bill purchased on the pledge of the stock of said Bank, in any event whatever; nor shall said Bank loan money or purchase bills on the pledge of real estate to the Bank.

SEC. 20. Be it further enacted, That real estate purchases by the Bank, under judgment or decrees in its favor, or under judgment or decrees of others, when it shall be necessary to purchase the estate, in order to secure the payment of some debt due the Bank, shall be sold by the Bank within five years from the time the estate shall have been fully acquired, as aforesaid and if not sold in that time, it shall be forfeited to the Commonwealth, and be vested without office found.

SEC. 21. Be it further enacted, That aliens who may hold stock in said Bank shall not have the right to vote for Directors in said Bank, directly or indirectly, or have any management of, or control over said Institution.

SEC. 22. That it shall be the duty of the Cashier of said Bank to make, quarterly, on the first day of January, April, July and October, a complete memorandum, in alphabetical order, of all the debts due said Bank above one thousand dollars, setting out amount due by each individual, with the names of the endorsers and other security, which memorandum shall, at all times, be open to the examination of any stockholder or stockholders owning one hundred or more shares of the stock in their own right.

SEC. 23. That no person shall be eligible to serve as a Director in said Bank more than two years in succession, except the President, who shall at all times be eligible to re-election.
HOUSE OF REPRESENTATIVES.

Sec. 24. That no person shall be eligible as President or Directors in said Bank who does not own five shares of the stock in his own right.

Sec. 25. That the General Court of this Commonwealth shall have jurisdiction, on motion of the Attorney General, to issue scire facias against the President and Directors of said Bank, and hear and determine all questions of a forfeiture of this charter.

Sec. 26. That no stockholder shall pay any debt he may owe the Bank, by a surrender of his stock to the Bank, until all the corporate debts are paid, and stockholders shall be compelled to pay their debts to said Bank as other individuals.

Sec. 27. That it shall not be lawful for said Bank to issue any note, bill, or to loan any money after it shall have failed to redeem its bills or notes in specie; and if the said institution shall presume to do so, the bond, note, or other instrument, or promise made to the said Bank, in consideration of such promise, shall be utterly void.

Sec. 28. That after the Bank shall commence discounting notes, that all sums or sums of money paid into said Bank, by stockholders, shall not go as part of their stock subscription until all debts due by them to said Bank, shall be first paid off and discharged.

Sec. 29. That it shall be lawful for said Bank to loan, for any period not exceeding ten years, any portion of the capital, not exceeding five hundred thousand dollars upon real estate security, upon such terms and conditions as to the payment of the interest and calls upon the principal, as said Bank and the borrower may agree, provided that the rate of interest shall not exceed six per cent.

Sec. 30. Be it further enacted, That the President and Directors of the Commercial and Agricultural Bank of Kentucky, shall, within three months after the mother Bank at Covington shall commence operation, establish a branch of said Bank, as an office of discount and deposit, which branch shall be in the town of Monticello, in the county of Wayne; and said President and Directors shall, whenever they may deem it expedient, after said Bank has gone into operation, select a place for locating a second branch; and said President and Directors of the Principal Bank, shall, at no time employ in either of said branches a capital of less than one hundred thousand dollars, but may increase the same, but in no event to employ more than half the capital of said Bank, and may issue notes or bills payable to bearer, or on demand, at said offices of discount and deposit: Provided, That the said President and Directors shall have power and authority to remove or withdraw either of the branches of said Bank, if they fail to yield a net dividend of six per cent. per annum, or if such branch shall not be safely and properly managed and directed by the Directors thereof.

Sec. 31. The President and Directors of the principal Bank shall, on the location of a branch, appoint a President, six Directors, and a Cashier thereof, with care to appoint stockholders as President and Directors; they shall also prescribe such rules and regulations for the government of the branches as they may deem right, and shall have power to enforce the same.

Sec. 32. The Directors of each of the branches shall appoint a Clerk, and such other officers as the President and Directors of the principal Bank shall direct, and not less than a majority of them shall form a quorum for the transaction of business.
Sec. 33. Be it further enacted, That said President and Directors shall, and they are hereby required, within four months after said Bank has commenced operations, to subscribe the sum of one hundred thousand dollars to the Covington and Lexington Turnpike Road Company, to be expended by the President and Directors of said Turnpike Company in the further prosecution and completion of the work on said road. That said sum shall be paid by said Bank in sums of ten thousand dollars, annually, until the whole amount is fully discharged; and the President and Directors of said Turnpike Company shall have the same power to enforce the payment of the sum herein required to be subscribed, against said Bank, or they may have against individual subscribers.

A motion was then made to lay said bill on the table, and decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Crow made the following report, viz:

The joint committee of the Senate and House of Representatives, appointed under the "resolution for destroying certain Railroad and Internal
Improvement scrip,” having performed the duty required of them by said resolution, respectfully report: That on the 13th inst., they re-counted the Railroad and Internal Improvement scrip referred to in said resolution, and found there were ninety two thousand dollars of the former, and one hundred and twelve thousand dollars of the latter, making, in the aggregate, two hundred and four thousand dollars, which they caused to be destroyed, by burning, in the presence of the Governor, Secretary of State, 2d Auditor, and Treasurer.

WM. R. VANCE,
Chairman of the committee on the part of the Senate.

WARNER CROW,
Chairman, pro tem, of the committee of the House of Representatives.

On motion of Mr. Tevis,
Ordered, That leave of absence, for the remainder of the session, be granted to Messrs. Cully and Jenkins.

Mr. Groesbeck, from the committee on Propositions and Grievances, to whom was referred a bill from the Senate, entitled, an act providing for the location of the county seat of Owsley county, reported the same without amendment.

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

Mr. B. Stone moved to amend said bill by adding thereto the following engrossed clause, by way of rider, viz:

Be it further enacted, That there be, and is hereby established, an additional election precinct in the county of Owsley, the place of voting in which, upon the location of the county seat, shall be at Archibald McGuire's.

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

The yeas and nays being required thereon by Messrs. B. Stone and Collins, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Speaker, Messrs. Alcorn, Allen, Hambleton, Hanna, Haydon, Payne, Pope, Porter,
The question was then taken on the passage of said bill, and it was decided in the affirmative.

Resolved, That the title thereof be as aforesaid.

Mr. Gardner, from the committee on Claims, to whom was referred a bill from the Senate, entitled, an act for the benefit of John Hockersmith, of Logan 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.

At half past 6 o'clock, P. M., Mr. Wickliffe moved an adjournment.

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

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

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Alcorn,
Apperson,
Bowman,
Bryan,
Buford,
Clark,
Coleman,
Crow,
Garrard,
Given,

Gray,
Griffin,
Hambleton,
Hayden,
Holloway,
Jones, T. M.,
Lowry,
Marshall,
Martin,
McRery,
Nail,
Noe,

Penick,
Smith,
Speed,
Stone, B.,
Tevis,
Thompson, H.,
Waddill,
Wickliffe,
Wilkenson,
Winfrey — 32.

Those who voted in the negative, were—

Messrs. Blackburn,
Burnam,
Chambers,

Hobson,
Hogan, E.,
Hogan, O. P.,

Price,
Richardson,
Rockhold,
Mr. Maupin moved a call of the House, and the roll being called and the doors closed, it appeared that Messrs. Allen, Glenn, Hooe, Lawless, Lewis, McLarnig, Perrin, Pogue, Redd, Rockhold, Thurston and Woosley, were absent.

Resolved, That the absentees pay a fine of one dollar each.

At 7 o'clock, P. M., Mr. Penick moved an adjournment.

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

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

Those who voted in the affirmative, were—

Mr. Speaker,                Mr. Humphreys,  
Messrs. Alcorn,              Messrs. Johnson,  
Apperson,                   Jones, D. E.  
Bowman,                     Kalfus,  
Bryan,                      Kavanaugh,  
Buford,                     Maupin,  
Burnam,                     McKern,  
Campbell,                   Nail,  
Clark,                      Oldham,  
Coffey,                     Owens,  
Coleman,                    Payne,  
Collins,                    Pope,  
Crow,                       Porter,  
DeCourcy,                   PeCourcy,  
Ewing,                      Marshall,  
Fry,                        Martin,  
Gardiner,                   McRery,  
Garnett,                    Milam,  
Garrard,                    Noe,  
Given,                      Oldham,  
Gore,                       Payne,  
Griffin,                    Penick,  
Stewart,  
Stitt,  
Stone, S.  
Thomson, C. R.  
Trumbo,  
Tully,  
Webb,  
Wheeler,  
Wooten,  
Wright,  
Yocum,  
Yocum—47.
Those who voted in the negative, were—


THURSDAY, FEBRUARY 29, 1844.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this House, to a bill from the Senate, entitled, an act to attach the county of Bullitt to the 5th Judicial District, and for other purposes.

That they had concurred in the 1st and 2d, and disagreed to the 3d amendment proposed by this House, to a bill from the Senate, entitled, an act to establish an election precinct at the house of Martin London, in Butler county.

That they had disagreed to the amendments proposed by this House, to a bill from the Senate, entitled, an act to legalize the acts of the Surveyor of Harlan county, and the proceedings of the County Court of Harlan county, at their September term, 1843.

That they had passed a bill from this House, entitled, an act to amend an act, entitled, an act for the benefit of the Contractors of the public works, approved March 11, 1843.

That they had passed bills of the following titles, viz:

An act to amend an act, entitled, an act to fix the tolls on the Green and Barren river navigation, and provide for its future management, approved March 10, 1843.

An act to regulate the management of the Wilderness road, and for other purposes.

An act for the benefit of Common Schools.

And 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 directing special terms of the Circuit Courts to be held in the counties of Meade and Breckinridge, for the trial of criminal and chancery causes.
An act for the benefit of David E. Bullock.
An act to repeal so much of an act, entitled, an act to amend the revenue laws, approved January 18, 1842, as declares the office of Commissioner of Tax and Constable incompatible.
An act prescribing the terms on which the use of the jails, and the jail and penitentiary house of this State may be allowed to the authorities of the United States.
An act to amend the act incorporating the town of Columbia.
An act for the benefit of Fielding Neal and wife, and their children.
An act to authorize Jordan Bass to build a fish dam on Pond river.
An act for the benefit of the Surveyor of Spencer county.
An act for the benefit of Nathaniel Wolfe, of the city of Louisville.
An act for the benefit of foot passengers on the Wilderness turnpike road.
An act regulating the times of performing certain duties in the Auditor's Office.
An act for the benefit of James M. George, of Meade county.
An act for the benefit of the Buck Run Academy.
An act for the benefit of the town of Marion, in the county of Scott.
An act for the benefit of John Gilkerson, &c.
An act to incorporate the town of Lewisport, in the county of Hancock, and to authorize the appointment of one additional Justice of the Peace and Constable to said county.
An act for the benefit of Clinton county.
An act for the benefit of the jailer of Hopkins county.
An act to establish a Warehouse and Tobacco and Pork Inspection, in Cumberland county.
An act to change the time of holding the August term of the County Court of Carroll county.
An act for the benefit of the widow and heirs of James Frazier, deceased.
An act to extend a road from the western termination of Pine street, in the town of Danville, to the turnpike road.
An act to authorize the construction of a road from the present Franklin and Crab Orchard turnpike, near Salvisa, to the Kentucky river, at McAfee's Warehouse.

Approved February 27, 1844.

Mr. Garrard presented the petition of Henry C. Newberry, praying to be divorced from his wife.
Which was received, the reading dispensed with, and referred to the committee on Religion.
Mr. Groesbeck moved the following resolution, viz:

Resolved, That the standing committees report, in their order, commencing with the committee on Education, all the Senate bills referred to them...
first, afterwards the bills of this House; and that it shall require four-fifths of the members presents to dispense with the rule hereby adopted.

Which was adopted.

Mr. Fry, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, viz:

An act to amend an act, entitled, an act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes, approved February 16, 1839.

An act to add a portion of the county of Nicholas to Bracken county.

An act to authorize the use of a portion of the surplus water at Dam No. 3, on Green river, on certain conditions.

An act for the benefit of the Kentucky Institution for the Education of the Blind.

An act to add a part of the county of Harrison to Bracken county, and for other purposes.

An act for the benefit of the representatives of Thomas J. Gentry, dec'd.

An act for the benefit of Julian Chism and Francis Head.

An act to modify an act, entitled, an act divorcing sundry persons.

An act for the benefit of Wm. M. Young, Constable of Hopkins county, and for other purposes.

An act to establish a State road from Paducah to Gray's ferry, on the Tennessee river, and for other purposes.

An act for the benefit of the widow and heirs of David Bibb, dec'd.

An act for the benefit of the heirs of James and Matthew Wakefield.

An act for the benefit of the widow and children of H. J. Logan, deceased.

Also, enrolled bills which originated in the Senate, of the following titles, viz:

An act providing for a change of venue in the prosecution against Jacob Froman.

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 John Hockersmith, of Logan county.

An act authorizing chancery terms of certain Circuit Courts to be held, and for other purposes.

An act providing for the location of the county seat of Owsley county.

An act authorizing the raising of Lock and Dam No. 5, upon the Kentucky river, under the direction of the Board of Internal Improvement.

And had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.
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 estate of Thomas Terrell, late of Ballard county, and for other purposes.

By the committee on Proposals and Grievances—2. A bill to authorize the Trustees of the town of Bowling Green to change the width of the streets and alleys in said town, and for other purposes.

By Mr. Woosley—3. A bill declaring Welsh’s creek, in the county of Butler, a navigable stream.

By the committee on Proposals and Grievances—4. A bill to change the name of Ralph P. Babcock.

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

Mr. Apperson, from the committee on Internal Improvement, to whom was referred a bill from the Senate, entitled, an act for the benefit of Lewis Vinton, 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 afore-said.

Mr. Allen, from the committee on Education, to whom was referred a bill from the Senate, entitled, an act to amend the Common School laws, 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,

Mr. Cox moved to amend said bill by adding the following engrossed clause, by way of rider, viz:

Be it further enacted, That the 5th section of an act to amend the law establishing Common Schools in this Commonwealth, approved March 1843, be, and the same is hereby repealed.

Mr. Winfrey 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. Alcorn and Winfrey, were as follows, viz:

68
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.

Resolved, That the title thereof be as aforesaid.

Mr. Coffey, from the committee on Claims, to whom was referred bills from the Senate, of the following titles, viz:

An act for the benefit of Jonathan Hathaway, of Kenton county.
An act for the benefit of St. Clair Roberts, of Lawrence county, and Archibald Weatherford, of Hickman county.
An act for the benefit of John W. Price.
An act for the benefit of John M. Hayden, of Pulaski county.
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 said bills do pass, and that the titles thereof be as aforesaid.

Mr. Coffey, from the same committee, to whom was referred a bill from
the Senate, entitled, an act for the benefit of John Tilford, of the City of Lexington, 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 the Second Auditor be directed to issue a warrant on the Treasury to John Tilford, for five hundred dollars, in full for his services and expenses incurred in the year 1836, in making sale of nine hundred thousand dollars of State bonds, which shall be paid out of any money in the Treasury not otherwise appropriated._

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. Lawless moved a reconsideration of the vote disagreeing to said bill.

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

The yeas and nays being required thereon by Messrs. Glenn and O. P. Hogan, were as follows, viz:

_Those who voted in the affirmative, were—_

Mr. Speaker, Groesbeck, Payne, 
Messrs. Alcorn, Headly, Penick, 
Allen, Hobbs, Porter, 
Apperson, Hobson, Redd, 
Blackburn, Hogan, E. Speed, 
Buford, Holloway, Stone, B. 
Burnam, Humphreys, Tevis, 
Campbell, Jones, D. E. Thomson, C. R. 
Chambers, Lawless, Thurston, 
Cox, McLarnig, Trumbo, 
Ewing, McRery, Tully, 
Garnett, Milam, Waddill, 
Gore, Oldham, Young—40.

_Those who voted in the negative, were—_

Messrs. Bowman, Hanna, Owens, 
Bryan, Haydon, Pope, 
Clark, Hogan, O. P. Price, 
Colley, Hooe, Rockhold, 
Coleman, Johanson, Stewart, 
Collins, Jones, T. M. Stitt, 
DeCourcy, Kalls, Stone, S. 
Dickey, Kavanaugh, Thompson, H. 
Gardner, Lewis, Webb, 
Garrard, Lowry, Wheeler, 
Given, Marshall, Wickliffe, 
Glenn, Martin, Winfrey, 
Gray, Maupin, Woosley, 
Griffin, Nall, Wooten, 
Hambleton, Noe, Wright—45.
Mr. Coffey, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of A. Harvey and J. B. Thomas, of Allen county, reported the same without amendment.

The said bill was then amended.

Ordered, 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 said bill do pass, and that the title be amended by adding "John H. Kerr, of Louisville."

Mr. Coffey, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of Frances Bledsoe, 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 the Second Auditor shall issue a warrant in favor of Frances Bledsoe, on the Treasury, for the sum of four hundred and fifty dollars, the value of a negro man slave, named Lewis, condemned and sentenced by the Mason Circuit Court, at the May term 1843, to be executed on the 9th day of July last, but the sentence of the court was not carried into execution, in consequence of the said slave making his escape from jail a few nights before the day appointed for his execution.

Mr. Young moved to amend said bill by adding the following, viz:

Be it further enacted, That the Second Auditor of Public Accounts issue a warrant upon the Treasury, for the sum of six hundred dollars, in favor of Thomas Brand, of Bourbon county, the value of a negro man taken out of his possession by the officers of the Commonwealth, under a charge of murder, which negro, after a return of verdict by a jury of guilty, made his escape from jail and fled to Canada.

Mr. Maupin 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. Young and Garrard, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bryan, Haskin, Owens,
Buford, Haydon, Payne,
Burnam, Hobbs, Penick,
Chambers, Hogan, E. Pope,
Clark, Hoce, Redd,
Coffey, Humphreys, Rockhold,
Coleman, Jones, D. E. Smith,
Crow, Jones, T. M. Stitt,
DeCourcy, Kalfus, Tevis,
Diekey, Lowry, Thompson, H.
Ewing, Marshall, Trumbo,
Those who voted in the negative, were:

Mr. Speaker, 
Messrs. Alcorn, 
Allen, 
Bowman, 
Collins, 
Fry, 
Gardner, 
Garrard, 
Glenn, 
Graves, 
Gray, 

Hanna, 
Hobson, 
Hogan, O. P. 
Holloway, 
Johnson, 
Kavanaugh, 
Lawless, 
Milam, 
Porter, 
Price, 
Richardson, 

Speed, 
Stewart, 
Stone, S. 
Thomson, C. R. 
Thurston, 
Wheeler, 
Wickliffe, 
Wilkenson, 
Winfrey, 
Woosley, 
Young—33.

The main question was then put, shall the bill be read a third time? and it was decided in the negative, and so said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Young and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alcorn, 
Blackburn, 
Burnam, 
Campbell, 
Chambers, 
Clark, 
Coleman, 
Cox, 
DeCourcy, 
Garrard, 

Given, 
Graves, 
Groesbeck, 
Hanna, 
Hobbs, 
Holloway, 
Humphreys, 
Jones, D. E. 
Jones, T. M. 
Lowry, 

McRery, 
Milam, 
Redd, 
Smith, 
Speed, 
Stitt, 
Stone, B. 
Thomson, C. R. 
Waddill, 
Webb—30.

Those who voted in the negative, were—

Mr. Speaker, 
Messrs. Allen, 
Bowman, 
Bryan, 
Burford, 
Colley, 
Collins, 
Crow, 
Dickey, 
Ewing, 
Frazier, 
Fry, 
Gardner, 
Garnett, 

Hambleton, 
Haskin, 
Haydon, 
Head, 
Hogan, E. 
Hogan, O. P. 
Hooe, 
Johnson, 
Kavanaugh, 
Lawless, 
Marshall, 
Maupin, 
Nall, 
Noe, 

Pope, 
Price, 
Richardson, 
Rockhold, 
Stewart, 
Stone, S. 
Thompson, H. 
Trumbo, 
Wheeler, 
Wickliffe, 
Wilkenson, 
Winfrey, 
Woosley, 
Wooten.
The Speaker laid before the House the response of the President of the Board of Internal Improvement to a resolution from this House of the 19th instant, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,

February 29, 1844.

Sir:
I have the honor, herewith, to communicate to the House of Representatives, a report of the Board of Internal Improvement in reply to their resolution of the 19th instant, and to be with great respect,

Your obedient servant,

THOMAS METCALFE, P. B. I. I.

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

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,

February, 1844.

Sir:
In obedience to a resolution of the House of Representatives of the 19th instant, the Board of Internal Improvement ask leave respectfully to report:
That J. Barbour and A. H. Lathrop are the Lock Keepers at No. 1, Kentucky river—the first up to the 9th September, 1843, the other ever since.
H. Dewey and N. L. Oliver, Keepers of lock No. 2—the first up to the 5th of January, 1844, the other ever since.
Joseph Rowden, Keeper of lock No. 3.
Andrew Sharp, Keeper of lock No. 4.
M. Skelton, Keeper of lock No. 5.
Their salaries are each $250 per annum, payable quarterly.
Charles F. Taylor road Engineer, with a salary of $1000 per annum, and expenses not to exceed $200. The principal duties of this officer has been to superintend the repairing, &c. of the six turnpike roads, the management and control of which was assigned to the Board of Internal Improvement, under the act of 1840-41, for three years, the term of which will soon expire; when, or before which, Mr. Taylor’s services will be dispensed with Mr. Taylor’s services have also been directed to the Owingsville and Big Sandy road; the Muldrow’s Hill road; and whenever he could be spared from these specific duties, to such other duty as the Board might require. By leasing out the Muldrow’s Hill road, (should the Legislature authorize it to be done,) and surrendering back to the Companies the other roads now under his charge, which will soon be done, the services of this officer will no longer be required.
Thomas Conn, Civil Engineer, has been occasionally employed, more particularly during the fall and winter, when it was impracticable for the members of the Board to devote any portion of their time to matters connected with their official duties distant from Frankfort. The Board expect to pay him according to the services he may render, no fixed salary having been
agreed upon. The sudden and unlooked for necessity for making the new gates, the visits that had to be made to Cincinnati and other points, rendered the occasional services of this officer indispensable.

When settlements shall be made for making the new gates, the Board will be enabled to form an opinion, in which they cannot be much mistaken, of the value of the labor, materials, &c. which enters into one of them; and then it is intended to let out such jobs at a given price—the lowest of course that it can be well executed for—and thereby to get rid of the necessity of Engineers, or others, as far as practicable, to superintend that part of the work.

It is impossible for the Board to foresee to what extent they will, hereafter, need the services of an Engineer, as that must necessarily depend upon accidents, mishaps, or other causes not anticipated by the Board. For anything to the contrary at this time known to the Board, a regular salaried Engineer upon the Kentucky river navigation would be a sinecure. The frequent and regular trips of the Steamers passing up and down, affords to the Lock Keepers an opportunity of communicating to the Board prompt information of any accident or other occurrence at any point requiring attention; and the Lock Keepers themselves are required to assist in making such repairs as are likely to be needed.

The traveling and boarding expenses of the President of the Board when out from home in the discharge of his official duties, have been about $250 per annum, omitting any account for expenses not strictly chargeable as before stated. As yet he has received no pay for those expenses, declining to present his account because it did not amount to the value of a bond, and because of the limited resources of the State. The expenses of the other members of the Board depends on the services rendered out from home on their official duties. Their expenses, for the present season, will probably be about $150.

The amount of tolls collected upon the Green and Barren rivers for the year ending the 1st December, 1843, $3,969 64; on the Kentucky river for 13 months, ending 31st December, 1843, $7,832 45. The amount of repairs upon Green river, $3,610 89, nearly the whole of which was on lock No. 4, in Green and No. 1, in Barren: (see Report of Commissioners to the present General Assembly.)

The expense of repairs upon the Kentucky river will amount to between three and four thousand dollars, occasioned mainly by the necessity of putting in new gates and protecting abutments from the reaction of the water—the works not having been so finished as to give the required protection. Printing, stationery, fuel, light, postage, attendance on office, &c. will amount to between $250 and $300.

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 a communication from the President of the Board of Internal Improvement, which it as follows, viz:

Office of the Board of Internal Improvement, }
February 26, 1844. }

It will be seen, by reference to the report of the Board of Internal Improvement on the 1st ult., that R. Williams, one of the Contractors on the
Licking river navigation, asked time to show his loss on State bonds because of their depreciation. Some few weeks subsequently, he left the enclosed papers, marked A and B, with the Board, which were neglected to be communicated to the General Assembly by the Board when reporting upon the claims of the Contractors upon that river. You will please lay the same before the House, as constituting a part of the report of the Board above referred to.

Respectfully yours,

THOMAS METCALFE, P. B. I. I.

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

---

**[A]**

Account of discount paid on Kentucky State bonds, by R. Williams:

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 30, 1840</td>
<td>Discount on bonds paid Cassady</td>
<td>$25.00</td>
</tr>
<tr>
<td>July 9, 1840</td>
<td>Discount paid Gedge &amp; Co.</td>
<td>10.00</td>
</tr>
<tr>
<td></td>
<td>Discount paid Wilie &amp; Co.</td>
<td>3.00</td>
</tr>
<tr>
<td></td>
<td>Discount paid R. Boyle,</td>
<td>20.17</td>
</tr>
<tr>
<td></td>
<td>Discount paid J. Hazlett,</td>
<td>20.00</td>
</tr>
<tr>
<td></td>
<td>Discount paid J. Hazlett,</td>
<td>15.00</td>
</tr>
<tr>
<td>Aug. 6, 1840</td>
<td>Discount paid per Williams,</td>
<td>35.10</td>
</tr>
<tr>
<td></td>
<td>Discount paid per Buford,</td>
<td>10.18</td>
</tr>
<tr>
<td>Aug. 10, 1840</td>
<td>Discount paid per Hazlett,</td>
<td>60.00</td>
</tr>
<tr>
<td>Aug. 12, 1840</td>
<td>Discount paid to B. Smith,</td>
<td>10.00</td>
</tr>
<tr>
<td>Aug. 26, 1840</td>
<td>Discount per Hazlett,</td>
<td>39.00</td>
</tr>
<tr>
<td>Sept. 4, 1840</td>
<td>Discount per R. Williams,</td>
<td>51.70</td>
</tr>
<tr>
<td>Sept. 10, 1840</td>
<td>Discount per Hazlett,</td>
<td>34.50</td>
</tr>
<tr>
<td>Sept. 19, 1840</td>
<td>Discount per Gedge &amp; Co.,</td>
<td>80.00</td>
</tr>
<tr>
<td>Oct. 5, 1840</td>
<td>Discount per Williams,</td>
<td>239.00</td>
</tr>
<tr>
<td>Nov. 16, 1840</td>
<td>Discount per R. Williams,</td>
<td>227.00</td>
</tr>
<tr>
<td></td>
<td>Discount per Gedge &amp; Co.,</td>
<td>70.00</td>
</tr>
<tr>
<td></td>
<td>Discount per J. Cooper,</td>
<td>10.00</td>
</tr>
<tr>
<td></td>
<td>Discount per Holdeman &amp; Lowry,</td>
<td>20.00</td>
</tr>
<tr>
<td></td>
<td>Discount per A. L. &amp; T. Grier,</td>
<td>20.00</td>
</tr>
<tr>
<td></td>
<td>Discount per J. Hazlett</td>
<td>10.00</td>
</tr>
<tr>
<td>Nov. 20, 1840</td>
<td>Discount per J. Hazlett,</td>
<td>20.00</td>
</tr>
<tr>
<td>Dec. 3, 1840</td>
<td>Discount per R. Williams,</td>
<td>122.00</td>
</tr>
<tr>
<td></td>
<td>Discount per J. Hazlett,</td>
<td>5.00</td>
</tr>
<tr>
<td>Dec. 7, 1840</td>
<td>Discount per S. Baker,</td>
<td>74.00</td>
</tr>
<tr>
<td></td>
<td>Discount per Kinkead &amp; Davis,</td>
<td>58.00</td>
</tr>
<tr>
<td>Dec. 14, 1840</td>
<td>Discount per H. Hill,</td>
<td>14.00</td>
</tr>
<tr>
<td>Dec. 21, 1840</td>
<td>Discount per J. Hazlett,</td>
<td>15.00</td>
</tr>
<tr>
<td>Feb. 22, 1841</td>
<td>Discount per R. Williams,</td>
<td>20.00</td>
</tr>
<tr>
<td>Apr. 21, 1841</td>
<td>Discount,</td>
<td>15.00</td>
</tr>
<tr>
<td>Apr. 26, 1841</td>
<td>Discount per Gedge &amp; Co.,</td>
<td>51.00</td>
</tr>
<tr>
<td>Apr. 27, 1841</td>
<td>Discount per J. Hazlett,</td>
<td>84.00</td>
</tr>
</tbody>
</table>

Amount carried forward, $1,487 55
Amount brought forward, $1,487 55

May 3, 1841. Discount per Gedge & Co., 360 00
June 7, 1841. Discount per Goodman, 100 00
July 31, 1841. Discount per Goodman, 85 00
Discount per Ellis, 76 25
Discount per Gedge & Co., 75 25
Sept. 1, 1841. Discount per Goodman, 100 00
Oct. 13, 1841. Discount per Goodman, 130 00
Oct. 30, 1841. Discount per Gedge & Co., 125 00
Feb. 10, 1842. Discount per John Holland, 250 00
Feb. 25, 1842. Discount per J. S. Law, 240 00
April 6, 1842. Discount per Hunt, 300 00
April 12, 1842. Discount per J. Draken, 330 00
May 5, 1842. Discount per D. A. Sayre, 262 00
Discount per Gedge & Co., 400 00
June. Discount per D. A. Sayre, 203 00
Discount per Cornwall, 230 00
Discount per Ellis, 200 00
Discount per Jos. Drake, 200 00
Aug. 22, 1842. Discount per Ellis, 485 00
Nov. 8, 1842. Discount per Cornwall, 265 00
Discount on scrip per D. A. Sayre, 88 10
Nov. 17, 1842. Discount per Gedge & Co., 257 50
Discount per Moser, 257 50
Dec. 15, 1842. Discount per A. H. Smith, 255 00

Total, $6,763 15

The deposition of Isaac Heslett, of lawful age, taken before me, in the City of Covington, to be read before the Board of Internal Improvement in the settlement of the account of Robert Williams, one of the Contractors on Licking river, (3d Lock,) after being first sworn, deposes and saith: That the account book here with filed, marked A, contains a true list of the amount of loss or discount on the State bonds, paid by the State of Kentucky to the said Williams, and sold by him for other funds for the purpose of prosecuting the construction of the public work at Lock No. 3, Licking river; that from page No. 1 to page No. 4, including the 7th of June, 1841, and amounting to the sum of $2,030, he states that at the time the said several bonds were sold, that the entries were made, and that they are all correct. And he further states, that he exchanged a portion of the bonds, so received from the State, for produce and goods, for all of which he was compelled to allow extravagant prices, upon which he also sustained considerable loss, but what amount he cannot say, and further saith not.

ISAAC HESLET.

Also, at the same time and place, the deposition of Hiram Hill, of lawful age, to be read before said Board, states: That the loss as set down in said memorandum book aforesaid, from the said 7th day of June, 1841, from the
said 4th page aforesaid to the 6th or last page marked in said book, he knows to be correct—the amount he has not calculated, but knows it to be correct as set down, and further saith not.

HIRAM HILL.

Sworn to and subscribed before me, this 5th day of June, 1843.

M. V. GRANT, Mayor C. C.

Also, the deposition of James C. Gedge, taken at the same place, and to be read before the same Commissioners, after being sworn, states, that the inclosed account, marked A, contains the true list of bonds sold by him for R. Williams, and the rate of discount therein marked is truth, and further saith not.

JAS. C. GEDGE.

Also, the deposition of William Lowery, taken at the same place for the same purpose, after being sworn, states, that he purchased two $100 bonds from Mr. R. Williams, at a discount of ten per cent; he also states, that on examination of the memorandum book, marked A, he finds Mr. Williams' account to correspond with his statement, and further saith not.

HOLDERMAN & LOWERY, by WM. LOWERY.

Also, the deposition of Robert Cooper for the same purpose: states, that he purchased of Mr. Williams one $100 bond at a discount of 10 per cent, and further saith not.

ISAAC COOPER & Co.

Also, the deposition of A. L. Grier, who states, that he purchased of Mr. Williams, on the 14th November, 1843, two $100 bonds at a discount of 10 per cent., and further saith not.

A. L & T. GRIER, by A. L. GRIER.

STATE OF KENTUCKY, City of Covington, Set.

I do certify that the foregoing depositions of James C. Gedge, William Lowery, Robert Cooper, and A. L. Grier, was taken, sworn to, and subscribed before me, this 10th day of June, 1843.

M. V. GRANT, Mayor C. C.

Statement of sale of bonds made for R. Williams & Co. by Gedge & Brothers, including one bond taken by ourselves for $800:

July 9, 1840, 1 $100 bond sold for $ 90 00—discount, - $10 00
Aug. 27, 1840, 5 100 bonds sold for 420 00—discount, - 50 00
Sept. 23, 1840, 10 100 bonds sold for 349 00—discount, - 51 00
Nov. 11, 1840, 7 100 bonds sold for 630 00—discount, - 70 00
Aug. 4, 1841, 1 1000 bond sold for 820 00—discount, - 180 00
A'pl & May '42, 1 1000 bond sold for 923 75—discount, - 76 25
Nov. 17, 1842, 1 1000 bond sold for 742 50—discount, - 257 50

Besides the above, we have sold several bonds, the proceeds of which being immediately paid over to R. Williams & Co., the exact amount of each cannot be remembered, though we have no doubt of the correctness of said Williams' list.

GEDGE & BROTHERS, by JAMES C. GEDGE.
Mr. Cox, 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, and sundry resolutions of this House, have had the same under consideration, and respectfully beg leave to report: That having entire confidence in the report of the Commissioners of the Sinking Fund as to the correctness of its details, they deem it unnecessary to spread the same upon this report; neither do they think it necessary to enumerate the sources which made up the aggregate of this Fund, as the appropriate committee at the last session of the General Assembly, and also at the several preceding sessions, have reported such details in a clear and ample manner, which are spread upon the public records, and a reference to said documents, will, in the opinion of your committee, furnish all important information upon this subject. In response to the resolutions of this House, your committee would simply exhibit a statement of the amount of the public debt, both for Internal Improvement and Common School purposes. They would observe, however, that the sum due the Board of Education and the Commissioners of the Sinking Fund, is a debt due the State, from herself, and consequently under her entire control.

Amount of bonds issued for Internal Improvement purposes, $3,969,500 00

Amount bearing 6 per cent. interest, $3,449,500 00
Amount bearing 5 per cent. interest, 515,000 00

Total as above, $3,964,500 00

Amount of interest upon bonds issued for Internal Improvement purposes, $232,726 00

Amount of bonds issued to Board of Education and Commissioners of Sinking Fund, $937,500 00

Amount of bonds issued to Board of Education, $917,500 00
Amount of bonds issued to Commissioners of Sinking Fund, for purposes of Education, 20,000 00

$937,500 00

Amount of interest of said bonds, at 6 per cent, $47,000 00

The amount due Public Contractors, which has been acknowledged by the proper authorities, as appears by the report of the Board of Internal Improvement, is at least $150,000, which sum ought to be paid without hesitation. It is unnecessary to urge the propriety of paying the public Contractors, for work and labor performed for the State, upon the consideration of this House, as every member is no doubt penetrated with due sense of justice to those, who, by their industry and toil, have become creditors of the State. No man in Kentucky, whatever his politics may be, would,
it is humbly conceived, favor, for a moment, the idea of withholding from those hard laborers their just demands. And your committee would suggest the propriety of making immediate provisions for the payment of such debts, to public Contractors, as have been acknowledged to be due. Your committee have been unable to devise any definite financial scheme by which the means to meet said demands can be obtained, except by an issue of State bonds or scrip for that purpose, to pay the interest upon which, it may ultimately be necessary to increase the rate of taxes. And whilst your committee express the opinion that such debts as are due the Public Contractors should be paid, even should it be necessary to increase the rate of taxes to effect that object, they would, at the same time, disclaim the intention of desiring an increase of taxes—a measure always to be duly considered and never to be adopted until the exigencies of the country imperiously demand it.

They would also express their decided disapprobation of any scheme of policy which would increase the burdens of the people either for Internal Improvement or any other purposes. The debts now due by the State for bonds issued for Internal Improvement purposes, and to Public Contractors is a burden already imposed; and no scheme of policy short of provisions for its payment can remove it from the people. It is true a temporizing and deceptive policy might, for a time, delude the people and oppress the public creditors, but it would ultimately result in the payment of honest demands, long unjustly withheld, or in the odious execrable sin of repudiation—an act never to be contemplated by honest men without horror and disgust; and which the people of Kentucky, it is believed, unanimously condemn. Your committee therefore feel no desire to withhold from the people the true state of the financial condition of the State, believing that however much some may disapprove the policy and legislation which have produced that condition, all are of one mind in relation to the propriety and necessity of providing means to meet and discharge the public engagements. The receipts of the Sinking Fund for the year 1844, as appears by the report of the Commissioners of the Sinking Fund, are estimated at $240,382 00; and the estimated charges upon said Fund at $255,620 00; leaving a deficiency in the estimated receipts of $15,238 00. These estimates were made upon the revenue laws as they stood at the meeting of the present General Assembly. Any charges therefore which have been, or may hereafter be made in those laws, will affect the foregoing estimates in proportion as they lessen, or increase the means provided for supplying the Sinking Fund. Your committee are of the opinion that the value of property will be actually enhanced to some extent during the present year, and that greater attention will be paid to the assessments, which will increase the aggregate amount of property assessed for taxation to such an extent as to furnish an ample sum to meet the charges upon the Sinking Fund. This opinion is predicated in part upon some contemplated changes in the mode of assessing property for taxation. Taking this view of the subject, your committee deem it unnecessary to increase the rate of taxes at present, to supply the estimated deficiency in the receipts of the Sinking Fund. But they cannot conclude this report without again calling the attention of this House to the imperious necessity of providing for the payment of the Public Contractors, in order to do justice to that industrious class of men, as well as to sustain the good faith and credit of the State. All of which is respectfully submitted.

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

Mr. Cox, from the committee on the Sinking Fund, to whom was referred a bill from the Senate, entitled, an act authorizing the exchange of State bonds, 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 yeas and nays being required on the passage thereof by Messrs. Garrard and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Gray, Payne,
Messrs. Alcorn, Groesbeck, Penick,
Apperson, Hambleton, Porter,
Blackburn, Head, Price,
Bowman, Hobbs, Reid,
Bryan, Hobson, Richardson,
Buford, Hogan, E., Smith,
Burnam, Holloway, Speed,
Campbell, Humphreys, Stone, B.,
Chambers, Jones, D. E., Tevis,
Clark, Kallus, Thomas, C. R.,
Coleman, Lawless, Trumbo,
Cox, Lewis, Waddill,
Crow, Maupin, Webb,
DeCourcy, McLarning, Wickliffe,
Ewing, McRery, Winfrey,
Fry, Milam, Wooten,
Glenn, Nall, Wright,
Gore, Noe, Young—59,
Graves, Oldham,

Those who voted in the negative, were—

Messrs. Allen, Haydon, Owens,
Coffey, Hogan, O. P., Pope,
Dickey, Hooe, Stewart,
Gardner, Johnson, Stone, S.,
Garrard, Jones, T. M., Thompson, H.,
Given, Kavanaugh, Wheeler,
Griffin, Lowry, Woosley,
Hanna, Marshall, Yocom—26,
Haskin, Martin,
duties and fees of the sealer of weights and measures in the county of Jefferson, reported the same without amendment.

Mr. Speed moved to amend said bill by adding thereto the following, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, salt imported into this State, and landed at any place where an inspection is established, shall not be subject to inspection: Provided, That the same be intended to be re-shipped for any other place, or sold for exportation to any other market; the declaration on oath of the owner or agent of said salt shall be evidence of his intention.

Sec. 2. That inspectors shall receive from the person who shall be the owner of the salt at the time of inspection, three cents for each barrel by him inspected.

Sec. 3. That all penalties hereafter recovered for a violation of the laws now in force regulating inspections of salt in this Commonwealth, shall be disposed of in the following manner, to-wit: One half to the persons suing for the same, and the other half to the Commonwealth; and all laws or parts of laws repugnant to the provisions of this act are hereby repealed: Provided however, That when any salt shall be stored in any of the warehouses of the City of Louisville it shall be subject to inspection.

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

The yeas and nays being required thereon by Messrs. Heady and O. P. Hogan, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Allen,
Apperson,
Bowman,
Burnam,
Campbell,
Chambers,
Clark,
Coleman,
Collins,
Cox,
Crow,
DeCourcy,
Ewing,
Garnett,
Glenn,
Gore,
Graves,
Hambleton,
Hobbs,
Hobson,
Hogan, E.
Holloway,
Humphreys,
Kalkus,
Kavanaugh,
Lewis,
Marshall,
Martin,
McKery,
Miham,
Nall,
Oldham,
Porter,
Price,
Reed,
Richardson,
Speed,
Stewart,
Stone, B.
Stone, S.
Tevis,
Thomson, C. B.
Thurston,
Trumbo,
Tully,
Waddill,
Webb,
Wheeler,
Winfrey,
Wooden,
Wright,
Yocum,
Young—54.

Those who voted in the negative, were—

Messrs. Alcorn,
Bryan,
Coffey,
Dickey,
Grossbeck,
Hanna,
Haskin,
Haydon,
Noe,
Owens,
Payne,
Penick,
The said bill was then further amended.

Ordered, 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 said bill do pass, and that the title be amended by adding, "and for other purposes."

On motion of Mr. Hooe,

Ordered, That he be excused from the payment of the fine imposed on him yesterday for absence, in consequence of his illness.

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

An act for the benefit of N. W. Dawson, Burnley D. Smith and Alfred Payne.

An act providing for a change of venue in the prosecution against Henry Green.

An act for the benefit of Fanny Gatliif and others.

An act for the benefit of Thomas E. Pucket, of the county of Butler, and for other purposes.

Mr. Lawless, from the committee of Conference, on the disagreement between the two Houses, on the bill from the Senate, entitled, an act to fix the ratio and apportion the representation in the House of Representatives and Senate for the next four years, made the following report, viz:

Sec. 2. That for the purpose of apportioning the representation in the Senate, this State is hereby laid off into thirty eight Senatorial Districts, to wit: The counties of Ballard, Hickman and Graves shall compose the first Senatorial District; Union, Hopkins and Crittenden the second; Christian and Todd the third; Logan and Simpson the fourth; Daviess and Henderson the fifth; Warren, Allen and Edmonson the sixth; Barren and Monroe the seventh; Hart and Green the eighth; Clinton, Cumberland, Wayne and Russell the ninth; Casey, Adair and Boyle the tenth; Livingston, Caldwell and McCracken the eleventh; Breckinridge, Grayson and Hancock the twelfth; Ohio, Muhlenburg and Butler the thirteenth; Hardin and Meade the fourteenth; Louisville City and Jefferson the fifteenth; Trimble Oldham and Henry, the sixteenth; Shelby and Franklin the seventeenth; Nelson and Larue the eighteenth; Marion and Washington the nineteenth; Mercer and Anderson the twentieth; Calloway, Trigg and Marshall the twenty first; Lincoln and Pulaski the twenty second; Madison and Garrard the twenty third; Laurel, Whitley, Knox and Rockcastle the twenty fourth; Gallatin, Carroll and Boone the twenty fifth; Kenton and Campbell the
twenty sixth; Bourbon and Scott the twenty seventh; Grant, Pendleton and Owen, the twenty eighth; Harrison and Bracken the twenty ninth; Spencer and Ballitt the thirtieth; Fayette the thirty first; Woodford and Jessamine the thirty second; Clarke and Montgomery the thirty third; Carter, Greenup, Lawrence and Johnson the thirty fourth; Fleming and Lewis the thirty fifth; Mason and Nicholas the thirty sixth; Morgan, Floyd, Pike and Bath the thirty seventh; Breathitt, Clay, Letcher, Perry, Harlan, Estill and Owsley the thirty eighth.

And the question being taken on concurring in said report, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Wright, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Alcorn,
Allen,
Blackburn,
Bowman,
Bryan,
Buford,
Campbell,
Chambers,
Coleman,
Cox,
Crow,
Dickey,
Ewing,
Frazier,
Fry,
Garnett,
Gore,
Griffin,
Hambleton,
Heady,
Hobbs,
Hosson,
Hogan, E.
Holloway,
Humphreys,
Jones, D. E.
Kallus,
Lawless,
Lewis,
McLarning,
McKeny,
Milam,
Nall,
Owens,
Penick,
Pope,
Redd,
Richardson,
Rockhold,
Smith,
Speed,
Stone, S.
Tevis,
Thomson, C. R.
Thurston,
Tully,
Waddill,
Webb,
Woosley,
Young—51.

Those who voted in the negative, were—

Messrs. Burnam,
Clark,
Coffey,
DeCourcy,
Garrard,
Given,
Graves,
Groesbeck,
Hanna,
Haskin,
Haydon,
Hogan, O. P.
Hooe,
Jones, T. M.
Kavanaugh,
Lowry,
Marshall,
Maupin,
Noe,
Oldham,
Payne,
Porter,
Price,
Stewart,
Stilt,
Thompson, H.
Trumbo,
Wheeler,
Wickliffe,
Winfrey,
Wooten,
Wright,
Yocum—33.

The House then took up the report and resolution for the distribution of the census documents.

Resolved, That the House concur in said report and resolution.

Mr. Groesbeck, from the committee on Propositions and Grievances, to whom was referred a bill from the Senate, entitled, an act for the benefit of
William Rowlett, of the county of Owen, 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. Cox moved the following resolution, viz:

WHEREAS, It is represented to this House that the small pox is now prevailing in this town, and the many persons visiting this House expose the members to contagion, should any of such persons be infected with said disease; and also to spread such contagion throughout the State—be it therefore,

Resolved, That the Doorkeeper be, and he is hereby required to prevent all and every person from coming within the door of the House, except such persons, as by their office, under the law, have a right to come within the House.

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

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

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Bowman, Chambers, Coleman, Cox, DeCourcy, Ewing, Given, Griffin, Hanna, Headly, Hogan, E. Hogan, O. P.

Hooe, Humphreys, Johnson, Jones, D. E. Jones, T. M. Kalfus, Lewis, Lowry, Milam, Nall, Payne, Pope, Richardson


Those who voted in the negative, were—

Mr. Haskin, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to attach the county of Wayne to the 8th Judicial District, 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 from and after the passage of this act, the county of Wayne shall be added to, and compose a part of the 8th Judicial District of this Commonwealth.

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,

The question was then taken on the passage of said bill, and it was decided in the negative, and so the said bill was disagreed to.

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

Those who voted in the affirmative, were—

Mr. Speaker, Haskin, Payne, 
Messrs. Bowman, Haydon, Price, 
Coffey, Hogan, E. Richardson, 
Coleman, Hogan, O. P. Rockhold, 
Cox, Hooe, Smith, 
DeCourcy, Humphreys, Stone, S. 
Frazier, Jones, T. M. Tevis, 
Garnett, Lowry, Thompson, B. 
Garrard, McRery, Wheeler, 
Given, Milam, Wilkenson, 
Griffin, Nall, Wright, 
Groesbeck, Noe, Yocum—38. 
Hanna, Owens,

Those who voted in the negative, were—

Messrs. Alcorn, Speed, 
Allen, Hobson, Stewart, 
Blackburn, Holloway, Thomson, C. R. 
Bryan, Jones, D. E. Thurston, 
Burnam, Kalfus, Trumbo, 
Campbell, Lawless, 
Chambers, Marshall, 
Crow, Maupin, 
Dickey, McLarnig, 
Ewing, Oldham, 
Try, Penick, 
Gore, Pope, 
Graves, Porter, 
Hambleton, 

Young—40.
Mr. Haskin, from the same committee, to whom was referred a bill from Senate, entitled, an act to amend an act to incorporate the Kentucky and Louisville Mutual Insurance Company, reported the same with an amendment, which was concurred in.

Ordered, 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 said bill do pass, and that the title thereof be amended by adding "and for other purposes."

Mr. Haskin, from the same committee, to whom was referred bills from the Senate, of the following titles, viz:

An act to incorporate the Boyle County Mutual Insurance Company.
An act for the benefit of Eli Rogers.
An act for the benefit of the heirs of Lydia Shults, deceased.

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

Mr. Haskin, from the same committee, to whom was referred a bill from the Senate, entitled, an act to amend the law regulating the duties of the Clerk of the Court of Appeals, and for other purposes, reported the same with an amendment.

Mr. Ewing moved the previous question.

The question was then taken, shall the main question be now put? 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 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.

At half past 6 o'clock, P. M., Mr. ——— moved an adjournment.
And the question being taken thereon, it was decided in the affirmative.

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

Those who voted in the affirmative were—

Mr. Speaker,
Messrs. Alcorn,
Apperson,
Bowman,

Gray,
Hambleton,
Hobbs,
Hobson,

Payne,
Penick,
Porter,
Speed,
Stewart,
Mr. Chambers moved a reconsideration of the vote adopting the resolution proposed by Mr. Cox, on yesterday.

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

The question was then taken on the adoption of said resolution, and it was decided in the negative.

A message was received from the Senate, announcing their concurrence in the report of the committee of Conference, on the disagreement between the two Houses, on the bill from the Senate, entitled, act to fix the ratio and apportion the representation in the House of Representatives and Senate, for the next four years.

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

An act to authorize the County Courts of Daviess and Logan to change the State roads in said counties, and for other purposes.

An act defining the privileges of the President, Directors, &c., of turnpike roads.
An act granting a change of venue in the prosecution against Anderson Hill.

An act to authorize S. M. Wilkins and others, to erect a fish dam and trap on Pond river.

An act for the benefit of the Trustees of the town of Columbus, and for other purposes.

An act to amend the law regulating the duty of county Treasurer of the county of Clarke.

An act to amend the act of 1841-2, establishing the town of Portland.

An act for the benefit of Rebecca Hedges, of Bourbon county.

An act for the benefit of Meriel DeNeal, of Spencer county.

An act to amend the law concerning partial payments, and partial failure of consideration.

An act to release to Ohio county the interest of the State in the Hartford Bridge Company.

With amendments to the two last named bills.

Mr. Haskin, from the committee for Courts of Justice, to whom was referred a bill from the Senate, entitled, an act to repeal a part of an act, entitled, an act to reduce into one the several acts for the better regulating certain officers fees, approved December 22, 1798, 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. Haskin, from the committee for Courts of Justice, to whom was referred bills from the Senate, of the following titles, viz:

1. An act to enlarge the powers of the trustees of the town of Morganfield, and for other purposes.

2. An act for the benefit of Hiram S. Booten.

3. An act repealing in part, and amending an act, entitled, an act regulating the time of holding Justices’ Courts.

Reported the same without amendment.

The first bill was then amended.

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

Mr. Haskin, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of the widow and heirs of Joseph Leibfried, deceased, reported the same without amendment.

The said bill was then amended.
Ordered, 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 said bill do pass, and that the title be amended by adding "and for other purposes."

Mr. Haskin, from the same committee, to whom was referred a bill from the Senate, entitled, an act to repeal an act, entitled, an act prohibiting the reading of certain reports in this Commonwealth, reported the same with an amendment.

The said amendment reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second section of an act, entitled, an act concerning the Court of Appeals, approved February 8, 1838, and so much of the sixth section of said act as makes it the duty of the reporter to print all the cases in which petitions for a re-hearing shall be filed, and so much as requires the petition to be published, be, and the same is hereby repealed.

Mr. Graves moved to amend the amendment by adding the following, viz:

Be it further enacted, That the terms of the Court of Appeals shall, hereafter, commence on the 1st Mondays in June and January, and sit sixty juridical days at each term, and shall sit four hours each day, unless the business set for each day shall be sooner disposed of.

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

The yeas and nays being required thereon by Messrs. O. P. Hogan and McLarninng, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Blackburn, Groesbeck, Smith,
Bowman, Haskin, Speed,
Buford, Haydon, Stitt,
Campbell, Heady, Thompson, H.
Clark, Hobbs, Tully,
Cox, Hoee, Webb,
Crow, Johnson, Wickliffe,
DeCourcy, Jones, D. E. Wilkerson,
Giren, Jones, T. M. Woosley,
Graves, Martin, Yocum,
Griffin, Maupin, Young—33.

Those who voted in the negative, were—

Messrs. Alcorn, Hanna, Owens,
Bunnam, Hobson, Payne,
Chambers, Hogan, E. Penick,
Coffley, Hogan, O. P. Porter,
Coleman, Holloway, Price,
Dickey, Humphreys, Redd,
Ewing, Kalius, Richardson,
Mr. Wickliffe moved to amend the amendment proposed by the committee for Courts of Justice, by adding the following, viz:

Be it further enacted, That an act, entitled, "an act the better and more effectually to protect the rights of reversionary legatees approved February 8, 1839," be, and the same is hereby repealed.

Be it further enacted, That, hereafter, it shall be the duty of all persons within this Commonwealth, holding a life estate in a slave or slaves, to make out and file for record in the Clerk's office of the County Court where such person may reside, the respective names and ages of said slave or slaves so held by him or her for life, on the first day of January of each year, or within sixty days thereafter; which said Clerk shall record in a book kept by him for that purpose, and charge the usual fee to whom the slaves belong, in reversion or remainder.

Be it further enacted, That it shall be the duty of the Sheriff, as well as the Assessors of Tax of the different counties, to report all such persons as may fail to comply with the provisions of this act, in their different counties, to the Clerk of the Circuit Court, who shall keep a list of the same, and shall be fined on the presentment of a grand jury, in the discretion of a jury, for each failure, any sum not exceeding fifty dollars.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Campbell, Headly, Stitt,
Coleman, Hobson, Stone, S.
Collins, Jones, D. E. Thompson, H.
Cox, Jones, T. M. Trumbo,
Crow, Kallus, Tully,
Dickey, Lawless, Webb,
Ewing, Milam, Woosley,
Frazier, Milam, Wooten,
Fry, Nall, Wright-37.
Garnett, Owens,

The amendment of the committee for Courts of Justice, as amended, was then concurred in.

Ordered, 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,

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. Wickliffe and Alcorn, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Allen, Haydon, Milam,
Blackburn, Heady, Noe,
Campbell, Hobbs, Oldham,
Chambers, Hogan, E. Porter,
Clark, Holloway, Smith,
Ewing, Hooe, Speed,
Frazier, Humphreys, Stitt,
Garrard, Johnson, Tevis,
Given, Jones, D. E. Thomson, C. R.
Gore, Kallus, Waddill,
Graves, Lawless, Wheeler,
Gray, Lowry, Wickliffs,
Grosbeck, Maupin, Young—41.
Haskin, McRery,

Those who voted in the negative, were—

Mr. Speaker, Griffin, Price,
Messrs. Alcorn, Hambleton, Richardson,
Bowman, Hanna, Rockhold,
Buie, Hobson, Thompson, H.
Burnam, Hogan, O. P. Thurston,
Coffey, Jones, T. M. Tully,
Coleman, Kavanaugh, Webb,
Collins, Kavanagh, Woosley,
Crow, Lewis, Wooten,
Fry, McLemore, Wright,
Garnett, Nall, Yocum—35.
Glenn, Payne,
Resolved, That the title of said bill be amended by adding "and for other purposes."

A message was received from the Senate, announcing that they had passed a bill, entitled, an act to change the terms of the Logan and Allen Circuit Courts.

The said bill was then taken up, 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,

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

A message was received from the Senate, announcing their concurrence in the amendments of this House, to a bill from the Senate, entitled, an act to change the terms of the Logan and Allen Circuit Courts.

And their concurrence, in part, and disagreement to part, of the amendments proposed by this House, to a bill from the Senate, entitled, an act to regulate the duties and fees of the sealer of weights and measures, in the county of Jefferson.

And their disagreement to the amendment proposed by this House, to a bill from the Senate, entitled, an act to incorporate the Kentucky and Louisville Mutual Insurance Company.

And their disagreement to a bill from this House, entitled, an act for the benefit of Isham Boling and William P. Payne.

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

An act to change the Owlsley county line, and for other purposes.

An act to incorporate the Christian Church at Midway, and for other purposes.

An act to authorize the Trustees of the town of Bowling Green to change the width of streets and alleys in said town, and for other purposes.

An act declaring Welch's creek, in the county of Butler, a navigable stream.

An act to change the name of Ralph P. Babcock.

An act for the benefit of Frederick Junod.

An act authorizing the Secretary of State to furnish books to the officers of Letcher, Johnson and Owseley counties.

An act for the benefit of the estate of Thomas Terrill, late of Ballard county, and for other purposes.

With amendments to the three last named bills.

That they had passed bills of the following titles, viz:

An act for the benefit of Joseph Forman, and Catharine his wife, and their children.

An act to allow an additional Justice of the Peace to Carter county.
An act to amend the charter of the Covington and Lexington Turnpike Road Company.

An act for the benefit of A. Bruce, late Sheriff of Lewis county.

Mr. Coffey, 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. Stitt moved to amend said bill by striking out eight dollars as the pay of the Clerks of the Senate and House of Representatives, and inserting “ten.”

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

The yeas and nays being required thereon by Messrs. O. P. Hogan and Gardner, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Alcorn, Allen, Blackburn, Bowman, Barnam, Campbell, Chambers, Clark, Coleman, Collins, Cox, Crow, DeCourcy, Ewing, Frazier, Fry, Garnett, Garrard, Given, Gore, Graves,


Those who voted in the negative, were—

Messrs. Coffey, Dickey, Gardner, Gray, Griffin,

Heady, Hogan, O. P., Hoee, Johnson, Marshall,

Owens, Richardson, Wheeler, Woosley, Yocum—15.
It was then moved to amend said bill by striking out five dollars as the pay of the Assistant Clerk of the Senate and House of Representatives, and inserting "seven."

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

The yeas and nays being required thereon by Messrs. O. P. Hogan and Gardner, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


It was then moved to amend said bill by striking out three dollars as the pay of the Doorkeepers of the Senate and House of Representatives and inserting "four."

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

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

Those who voted in the affirmative, were—

Mr. Speaker, Messrs. Alcorn, Allen, Hayden, Hobbs, Hogan, E. Price, Redd, Smith,
Those who voted in the negative, were—

Messrs. Coffey, Coleman, Collins, DeCourcy, Dickey, Frazier, Gardner, Garrard, Given, Glenn, Gray,

Griffin, Haskin, Head, Hobson, Hogan, O. P., Hoe, Johnson, Kavanaugh, Lawless, Lowry,


Mr. Garrard moved the previous question.

The question was then taken, shall the main question be now put? 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 said bill having been dispensed with, and the same being engrossed.

Mr. S. Stone moved to amend said bill by adding the following engrossed clause by way of rider, viz:

Be it further enacted, That after the present session of the Legislature, the members returned to sit in this House, shall receive, as a compensation for their services, the sum of $2.50 for each day they shall serve for the first sixty days, and the sum of $2 for each day they shall serve thereafter.

Mr. Garrard 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. S. Stone and Bowman, were as follows, viz:
Those who voted in the affirmative, were—

Mr. Speaker, Hanna, Oldham,
Messrs. Blackburn, Headly, Porter,
Bryan, Hobbs, Rockhold,
Bulford, Hobson, Speed,
Campbell, Hogan, E. Stitt,
Chambers, Holloway, Tevis,
Clark, Humphreys, Thomson, C. R.
Coleman, Johnson, Thomson, H.
Collins, Jones, Thurston,
Crow, Kalfus, Trumbo,
Dickey, Kavanaugh, Tully,
Ewing, Lawless, Webb,
Fry, Lewis, Wheeler,
Garrard, Maupin, Wilkinson,
Gore, McGraw, Wooten,
Graves, McLarning, Yocum,
Grossbeck, McKery, Young—53.
Hambleton, Milam, Young—53.

Those who voted in the negative, were—

Messrs. Allen, Gray, Payne,
Bowman, Griffin, Penick,
Burnam, Haskin, Price,
Coffey, Hayden, Richardson,
Cox, Hogan, O. P. Smith,
Frazier, Jones, T. M. Stone, S.
Gardner, Lowry, Waddill,
Garnett, Marshall, Wickliffe,
Given, Martin, Woolsley,
Glenn, Owens, Wright—30.

The main question was then put, shall the bill pass? and it was decided in the affirmative.

Resolved, That the title thereof be as aforesaid.

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act to incorporate the Maysville Manufacturing Company, with amendments.

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

An act for the benefit of the heirs of Lydia Shultz, deceased.
An act to amend the Common School Laws.
An act for the benefit of Lewis Vimont.
An act to fix the ratio and apportion the representation in the House of Representatives and Senate, for the next four years.
An act authorizing the exchange of State bonds.
An act for the benefit of William Rowlett, of the county of Owen.
An act for the benefit of Eli Rogers.
An act to incorporate the Boyle County Mutual Insurance Company.
An act for the benefit of John M. Hayden, of Pulaski county.
An act for the benefit of John W. Price.
An act for the benefit of St. Clair Roberts, of Lawrence county, and Archibald Weatherford, of Hickman county.
An act for the benefit of Jonathan Hathaway, of Kenton county.
An act to incorporate the Danville and Hustonville Turnpike Road Company.

And bills which originated in this House, of the following titles, viz:
An act to amend the law regulating the duty of the county Treasurer of Clark county.
An act for the benefit of Merial DeNeal, of Spencer county.
An act for the benefit of Rebecca Hedges, of Bourbon county.
An act defining the privileges of the President, Directors, &c., of turnpike roads.
An act granting a change of venue in the prosecution against Anderson Hill.
An act to authorize S. M. Wilkins and others, to erect a fish dam and trap on Pond river.
And had found the same truly enrolled.
Whereupon, the Speaker affixed his signature thereto.
Ordered, That Mr. Fry inform the Senate thereof.
Mr. Owens moved that the committee for Courts of Justice be instructed to report the bill repealing the law exempting from execution two hundred and fifty dollars worth of property.
And the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Owens and Frazier, were as follows, viz:

Those who voted in the affirmative, were—

Those who voted in the negative, were—

Mr. Speaker, Mr. Graves, Mr. Kavanaugh,
Messrs. Alcorn, Mr. Groesbeck, Mr. Lewis,
Allen, Mr. Hambleton, Mr. Maupin,
Blackburn, Mr. Hanna, Mr. McCary,
Bryan, Mr. Heady, Mr. Milam,
Buford, Mr. Hobbs, Mr. Richardson,
Campbell, Mr. Hobson, Mr. Speed,
Chambers, Mr. Hogan, E. Mr. Sitt,
Collins, Mr. Hogan, O. P. Mr. Thompson, H.
DeCourcy, Mr. Humphreys, Mr. Thurston,
Dickey, Mr. Johnson, Mr. Trumbo,
Ewing, Mr. Jones, D. E. Mr. Webb,
Gardner, Mr. Jones, T. M. Mr. Wheeler,
Garnett, Mr. Kaltus, Mr. Yocum—43.
Gore.

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

An act for the benefit of Jane Coffey, of Christian county.
An act to divorce Catharine Withers.
An act to amend the laws regulating the management of the Wilderness road and Madison fork.
An act for the benefit of the Sheriffs of Bourbon, Grant, Todd and Anderson counties.
An act to amend an act, entitled, an act for the benefit of the Contractors of the public works, approved March 11, 1843.
An act authorizing an alteration in the State road from New Liberty to Marion, on the Kentucky river, in Owen county.
An act to legalize the proceedings of the Hopkins County Court, and for other purposes.
An act to release to Ohio county the interest of the State in the Hartford Bridge Company.
An act for the benefit of Frederick Junod.
An act authorizing the Secretary of State to furnish books to the officers of Letcher, Johnson and Owsley counties.
An act to incorporate the Maysville Manufacturing Company, and for other purposes.
An act for the benefit of the estate of Thomas Terrill, late of Ballard county, and for other purposes.

Were taken up, twice read, and concurred in.

The amendments proposed by the Senate to a bill from this House, entitled, an act for the benefit of the County Court of Scott county, were taken up, twice read, and disagreed to.

Resolved, That this House recede from their amendments proposed to bills from the Senate, of the following titles, viz:
An act to legalize the acts of the Surveyor of Harlan county, and the proceedings of the County Court of Harlan county at their September term, 1843.

An act to change the terms of certain Circuit Courts in the 17th Judicial District, and for other purposes.

A message was received from the Senate, announcing that they had passed a bill, entitled, an act to repeal an act to amend the execution laws, approved March 10, 1843, and for other purposes.

That they had concurred in the amendments proposed by this House to a bill from the Senate, entitled, an act to repeal an act, entitled, an act prohibiting the reading of certain reports in this Commonwealth.

That they had concurred in the first and disagreed to the second and third amendments proposed by this House to a bill from the Senate, entitled, an act for the benefit of the widow and heirs of Joseph Liebfried, deceased.

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

An act to reduce the number of Justices of the Peace and Constables in Graves county.

An act to incorporate the Louisville and Portland Railroad Company.

An act to establish a Tobacco Inspection in Owensboro; in Daviess county, and for other purposes.

An act to repeal the 2d section of an act, entitled, an act to reduce the price of vacant lands in the county of Wayne and the Surveyor's fees of said county.

Resolved, That this House recede from their third amendment proposed to a bill from the Senate, entitled, an act to establish an election precinct at the house of Martin London, in Butler county.

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

By Mr. Ewing—A bill supplemental to an act changing the terms of the Logan and Allen Circuit Courts.

By the committee on the Penitentiary—A bill to authorize the building of a Warehouse for the use of the Penitentiary, and for other purposes.

By the committee for Courts of Justice—A bill for the benefit of Enoch S. and Sarah Tabor.

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

A message was received from the Senate, announcing that they had passed a bill, entitled, an act concerning Bardstown.
The said bill was then 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,

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

Resolved, That this House insist on their amendments to a bill from the Senate, entitled, an act to amend an act to incorporate the Kentucky and Louisville Mutual Insurance Company.

Resolved, That this House recede from their second and third amendments to a bill from the Senate, entitled, an act for the benefit of the widow and heirs of Joseph Leibfred, deceased; and from a part of their amendments to a bill from the Senate, entitled, an act to regulate the duties and fees of the sealer of weights and measures in the county of Jefferson.

A bill from the Senate, entitled, an act to regulate the management of the Wilderness road, 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,

The said bill was then amended and ordered to 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.

Bills from the Senate of the following titles, viz:

An act to provide for a change of venue in the prosecution against Henry Greene.

An act to incorporate the American Indian Mission Association.

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

A bill from the Senate, entitled, an act authorizing the appointment of Commissioners of Tax at the March County Courts, and prescribing the duties of Commissioners in certain cases, 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,

The said bill was amended by adding an engrossed clause, by way of rider.
Resolved, That bill, as amended, do pass, and that the title thereof be as aforesaid.

A bill from the Senate, entitled, an act to amend an act, entitled, an act to fix the tolls on the Green and Barren river navigation, and provide for its future management, approved March 10, 1843, 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,

Mr. Chambers moved to amend said bill by adding the following engrossed clause, by way of rider, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the 20th day of March, 1844, on each article of property transported on the Kentucky river navigation, and the Green and Barren river navigation, in this State, there shall be charged and collected the rates of toll hereinafter prescribed, viz:

<table>
<thead>
<tr>
<th>Description</th>
<th>Per Ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>On each ton of ascending freight, for each mile under seventy</td>
<td>1 cent</td>
</tr>
<tr>
<td>On each ton of descending freight, for each mile under seventy</td>
<td>1 cent</td>
</tr>
<tr>
<td>On each ton of ascending freight, for each mile over seventy</td>
<td>1 cent</td>
</tr>
<tr>
<td>On each ton of descending freight, for each mile over seventy</td>
<td>0 cent</td>
</tr>
<tr>
<td>On each cabin passenger over eight years old, for each mile under seventy</td>
<td>0 cent</td>
</tr>
<tr>
<td>On each cabin passenger over eight years old, for each mile exceeding seventy</td>
<td>1 cent</td>
</tr>
<tr>
<td>On each deck and steerage passenger over eight years old, for each mile under seventy</td>
<td>0 cent</td>
</tr>
<tr>
<td>For each mile over seventy</td>
<td>0 cent</td>
</tr>
</tbody>
</table>

All articles or lots of articles weighing over 100 pounds, shall be charged by estimate of weight made by weighing a part of a single one, and averaging the rest; articles or lots of articles or parcels weighing less than 100 pounds, shall pay ten per cent. on the amount charged for transportation of them.

<table>
<thead>
<tr>
<th>Description</th>
<th>Per Lineal Foot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rafts of timber not exceeding 16 feet in width, per lineal foot</td>
<td>3 cents</td>
</tr>
<tr>
<td>Rafts under 20 and over 16 feet in width, per lineal foot</td>
<td>4 cents</td>
</tr>
<tr>
<td>Rafts over 20 feet in width, per lineal foot</td>
<td>5 cents</td>
</tr>
</tbody>
</table>

Boats and rafts starting above slackwater, shall, if not propelled by steam, pass free.

Be it further enacted, That the Board of Internal Improvement be, and they are hereby authorized to alter and amend the rates of toll above prescribed, after the first day of July, 1844, so as to increase or diminish said rates ten per cent. upon or under what they are now fixed at.

Be it further enacted, That it shall be the duty of said Board to prescribe rules for the measurement of boats, weighing articles of freight, granting clearances, demanding an exhibition of bills of lading and list of passengers, requiring the Clerks or owners of boats running on said rivers to take any oath that they may deem proper, and fix penalties for any violation of said rules, when prescribed by them; said penalty shall, in no case, however, exceed the sum of one hundred dollars.
Be it further enacted, That when the said Board, by any rule or negotiation of theirs, shall require any oath to be taken by any person navigating said rivers, and any person taking said oath, as thereby required, shall swear falsely, he or she shall be deemed guilty of perjury, and punished in the same way that one is punished who swears falsely in a court of justice.

Mr. Garrard 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. Chambers and Humphreys, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,  Haydon,  Peick,  
Messrs. Campbell,  Hobson,  Smith,  
Crow,  Hogan, E.  Speed,  
DeCourcy,  Hooe,  Stitt,  
Gardner,  Kalfus,  Thomson, C. R.  
Garrard,  Kavanaugh,  Webb,  
Glenn,  Kavanaugh,  Wickliffe,  
Gore,  Lawless,  Wooten,  
Graves,  Lowry,  Wright,  
Gray,  MclReny,  
Haskin,  Milam,  

Those who voted in the negative, were—

Messrs. Allen,  Groesbeck,  Payne,  
Apperson,  Hambleton,  Porter,  
Blackburn,  Heady,  Price,  
Bowman,  Hobbs,  Richardson,  
Bryan,  Hogan, O. P.  Rockhold,  
Burnam,  Holloway,  Stone, B.  
Chambers,  Humphreys,  Stone, S.  
Clark,  Jones, D. E.  Tevis,  
Coffey,  Jones, T. M.  Thurston,  
Cox,  Marshall,  Trumbo,  
Ewing,  Martin,  Tully,  
Frazier,  Maupin,  Waddill,  
Fry,  Nail,  Wheeler,  
Garnett,  Oldham,  Wilkenson—44.  
Given,  Owens,  

The question was then taken on the engrossed ryder proposed by Mr. Chambers, and decided in the negative.

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

Those who voted in the affirmative, were—

Messrs. Alcorn,  Hambleton,  Porter,  
Allen,  Hayden,  Richardson,  
Apperson,  Hogan, O. P.  Rockhold,  

Mr. Alcorn moved to amend said bill by adding the following engrossed clause, by way of rider, viz:

Be it further enacted, That the tolls on Kentucky, and Green and Barren rivers shall be increased 50 per cent. in addition to the present rates: Provided, however, That in fixing the rate of tolls it shall be so arranged as to be equal on all said rivers.

Be it further enacted, The Board of Internal Improvement shall hereafter have the regulation of the tolls on both the river navigations.

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

The yeas and nays being required thereon by Messrs. O. F. Hogan and Chambers, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alcorn, Allen, Apperson, Burns, Campbell, Chambers, Clark, DeCourcy, Frazier,


Those who voted in the negative, were—


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

Mr. Fry, from the committee on Enrollments, reported that the committee had examined a preamble and resolution from the Senate, in response to certain resolutions of the Massachusetts Legislature, relative to an amendment to the Constitution of the United States, and preamble and resolutions in relation to the admission to seats in the House of Representatives of Congress, of persons not elected according to law.

And bills which originated in this House, of the following titles, viz:

An act declaring Welch's creek, in the county of Butler, a navigable stream.

An act to change the name of Ralph P. Babcock.

An act to change the Owsley county line.

An act to authorize the County Courts of Daviess and Logan to change the State roads in said counties, and for other purposes.

An act to amend the act of 1841-2, establishing the town of Portland.

An act for the benefit of the Trustees of the town of Columbus, and for other purposes.

And had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.

Mr. Graves moved the following resolution, viz:

Resolved, That the fines imposed upon the absent members, on the 28th ult., are hereby released.

Which was adopted.
Mr. Wheeler moved the following resolution, viz:

Resolved, That the Public Printer forthwith print a synopsis of the acts and resolutions passed at the present session, and forward to each member fifty copies.

Which being twice read, was adopted.

A message was received from the Senate, announcing that they insist on their disagreement to the amendment proposed by this House, to a bill from the Senate, entitled, an act to amend, an act to incorporate the Kentucky and Louisville Mutual Insurance Company.

Resolved, That this House recede from their said amendment.

Mr. Campbell, 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 for the benefit of David A. Sayre, approved February 24, 1842, and for other purposes, reported the same without amendment.

The said bill reads as follows, viz:

Whereas, It is represented to the present General Assembly, that in the preamble of said act, in the description of certain State bonds of Kentucky, as being lost by said David A. Sayre, a mistake was made by describing one of said bonds by No. 79, when, in truth and in fact, it ought to have been described as bond No. 179; and that the Auditor of Public Accounts, by virtue of said act, has given to said Sayre a certificate dated April 7th, 1842, of the lost bond, in which the said bond, No. 79, is truly and correctly described as bond No. 179, but declines paying the interest accruing thereon, by reason of the erroneous description of said bond in said act: And, whereas, It is also represented that the said David A. Saure owned, and in the month of July, 1842, in the mail between Lexington, Kentucky, and the city of New York, lost, two bonds on the Commonwealth of Kentucky, for one thousand dollars each, made payable to James Davidson or bearer, in thirty years from date, one dated May 15th, 1842, No. 1134; the other dated May 29th, 1842, No. 1137, and three coupons of thirty year bonds of said Commonwealth, for interest due July 1st, 1842, No. 1134, for $7.50; No. 1135, for $2.17, and No. 1137, for $5.33—therefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the certificate of the Auditor of Public Accounts to the said David A. Sayre, for the bond No. 179, shall be as valid, for all intents and purposes, and the interest may lawfully be paid thereon, as fully as if it had been correctly described in the preamble of said act.

Sec. 2. That so soon as the said David A. Sayre shall exhibit and file with the Auditor of Public Accounts, his affidavit, stating therein that he was the owner at the time they were lost, of the said two thirty year bonds, Nos. 1134 and 1137, and the three coupons aforesaid, and that he verily believes that the same were stolen or lost out of the mail between Lexington, Kentucky, and the city of New York, and that the same have not been regained by him, or any other person for him, to his knowledge; whereupon, it shall be lawful for the Auditor, after noting on the margin of the book containing a schedule of the said bonds, the words “lost in the hands of David A. Sayre,” to give to said Sayre a certificate specifying the amount, when due, the number and date of each bond represented to be lost, as aforesaid, and it shall be
lawn for the Auditor to pay the interest accrued and unpaid on said bonds to said David A. Sayre, and which semi-annually accrues thereafter; and upon the production of said certificate, the same shall be redeemed as other State bonds when they become due; and it shall be lawful for the Auditor to pay to said Sayre the amount of the three coupons lost, as aforesaid.

Sec. 3. That before the Auditor shall give said Sayre a certificate, as aforesaid, or pay any portion of the interest thereon, the said David A. Sayre shall execute and deposit, with the Secretary of State, a bond with security to be approved of by the Governor, in the penalty of four thousand dollars, payable to the Commonwealth of Kentucky, conditioned to indemnify the said Commonwealth from all loss and damage arising from the production of said thirty year State bonds and coupons by said Sayre, or any other person, represented to be lost, as aforesaid; and the Governor may, at any time, require the said Sayre to renew his bond.

Mr. McLarning 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. Price and Hooe, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker, Mr. McLarning, Mr. Allen, Mr. Bowman, Mr. Coffey, Mr. Dickey, Mr. Ewing, Mr. Frazier, Mr. Fry, Mr. Gardner, Mr. Garnett, Mr. Garrard, Mr. Given, Mr. Glenn, Mr. Core, Mr. Groesbeck, Mr. Hambleton, Mr. Hanna, Mr. Haydon, Mr. Headly, Mr. Hobson, Mr. Hogan, O. P., Mr. Hooe, Mr. Jones, T. M., Mr. Kalus, Mr. Kavanough, Mr. Lawless, Mr. Lowry, Mr. Martin, Mr. McLarning, Mr. Nall, Mr. Oldham, Mr. Owens, Mr. Penick, Mr. Porter, Mr. Price, Mr. Richardson, Mr. Smith, Mr. Stitt, Mr. Tevis, Mr. Tully, Mr. Webb, Mr. Wooten, Mr. Wright, Mr. Yocum—44.

Those who voted in the negative, were—

Mr. Alcorn, Mr. Apperson, Mr. Blackburn, Mr. Buford, Mr. Burnam, Mr. Campbell, Mr. Chambers, Mr. Cox, Mr. DeCourey, Mr. Graves, Mr. Gray, Mr. Haskin, Mr. Hobbs, Mr. Hogan, E., Mr. Humphrey, Mr. Jones, D. E., Mr. Lewis, Mr. Maupin, Mr. Mckery, Mr. Milam, Mr. Payne, Mr. Rockhold, Mr. Speed, Mr. Stone, S., Mr. Thomson, C. R., Mr. Trumbo, Mr. Wickliffe, Mr. Young—28.

Mr. Campbell, from the same committee, to whom was referred a bill from Senate, entitled, an act act for the benefit of the Rev. J. C. Young and Dr. H. H. Watson, reported the same without amendment.
Ordered, That said bill be laid on the table.

Mr. Campbell, from the same committee, to whom was referred bills from Senate, of the following titles, viz:

An act declaring certain deeds valid.
An act to amend an act, entitled, an act to authorize the entry of vacant land west of the Tennessee river, and for other purposes.
An act to change the times of holding the Fayette and Scott Circuit Courts.
An act to amend the laws relative to the appointment of Constables. Reported the same with amendments. Which were concurred in.

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

Resolved, That said bills do pass, and that the titles thereof be as aforesaid. The House took up the amendments proposed by the Senate, to a bill from this House, entitled, an act to improve the Bardstown and Louisville turnpike road.

Mr. Campbell moved to amend the amendment of the Senate, by adding the following, viz:

That so much of an act, entitled, "an act to amend the charters of the Banks of Kentucky, approved March 8, 1843," as prohibits the Governor to purchase stock in the Bank of Louisville and Northern Bank of Kentucky, unless the stock can be bought at ten dollars, and in the Bank of Kentucky at twenty dollars per share, less than one hundred dollars of said bonds may be sold for, be, and the same is hereby repealed: Provided, however, The Governor shall be, and he is hereby vested with the power to invest the proceeds of any bond which may have been sold under said act, in stock in the Bank of Louisville or Northern Bank of Kentucky, not exceeding their par value. And the question being taken on adopting the same, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. O. P. Hogan and Groesbeck, were as follows, viz:

Those who voted in the affirmative, were—

<table>
<thead>
<tr>
<th>Mr. Speaker,</th>
<th>Gore,</th>
<th>Oldham,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Messrs. Alcorn,</td>
<td>Graves,</td>
<td>Penick,</td>
</tr>
<tr>
<td>Allen,</td>
<td>Gray,</td>
<td>Porter,</td>
</tr>
<tr>
<td>Blackburn,</td>
<td>Hambleton,</td>
<td>Price,</td>
</tr>
<tr>
<td>Bowman,</td>
<td>Hobbs,</td>
<td>Richardson,</td>
</tr>
<tr>
<td>Bryan,</td>
<td>Hobson,</td>
<td>Speed,</td>
</tr>
<tr>
<td>Buord,</td>
<td>Hogan, E.</td>
<td>Stone, S.</td>
</tr>
<tr>
<td>Burnam,</td>
<td>Holloway,</td>
<td>Tevis,</td>
</tr>
<tr>
<td>Campbell,</td>
<td>Humphreys,</td>
<td>Thomson, C. R.</td>
</tr>
<tr>
<td>Chambers,</td>
<td>Jones, D. E.</td>
<td>Thurston,</td>
</tr>
</tbody>
</table>
The said amendment of the Senate, as amended, was then concurred in.
Mr. Campbell, from the committee for Courts of Justice, to whom was re-
ferred bills from the Senate, of the following titles, viz:
An act for the benefit of James Devore and Elizabeth L. Devore, and their children.
An act for the benefit of Sidney H. Robertson.
An act for the benefit of John Howard, of Logan county.
An act to provide for a change of venue in the prosecution against James B. Spratts.
An act for the relief of the heirs of Isaac Rust, deceased.
An act to authorize the Trustees of the town of Cadiz to sell and convey certain ground in said town.
An act for the benefit of the Methodist Episcopal Church, in New Castle.
An act to incorporate the Frankfort Savings Institution.
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 said bills do pass, and that the titles thereof be as afore-
said.
Mr. Campbell, from the same committee, to whom was referred a bill from the Senate, entitled, an act to incorporate the town of Keene, in the county of Jessamine, reported the same without amendment.
The said bill was then amended.
Ordered, 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 said bill do pass, and that the title be amended by adding "and Waittsboro', in Pulaski county."

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act for the appropriation of money, with amendments.

Resolved, That this House concur in the 1st, 5th, 6th, 7th, 9th, 10th, 11th, and 13th amendments to said bill, and disagree to the 2d, 3d, 4th and 8th amendments.

The 13th amendment proposed to said bill reads as follows, viz:

Be it further enacted, That the Auditor shall issue his warrant on the Treasury for the sum of seven thousand five hundred dollars, upon the order of the Board of Education, to enable the Superintendent of Education to pay to the several School Districts, who have, or shall hereafter make reports for schools which were kept according to law, for the year 1843: Provided, Said reports are received previous to the first day of April next.

Sec. 2. That the Auditor shall, hereafter, on the first day of February of each year, issue his warrant on the Treasury, upon the order of the Board of Education, for such sum as will enable the Superintendent of Education to pay the several School Districts which make their annual report to him, at which time he shall file with the Auditor a detailed report of the several Districts which may have reported according to law, all which sum shall be charged to the Common School Fund on the books of the Treasury, and be paid out of any money in the Treasury not otherwise appropriated, and shall not at any time exceed the interest on the School Fund.

Sec. 3. That the Superintendent be, and he is hereby authorized to pay to the School Commissioners of Shelby and Warren counties such sums as they may be justly entitled to, for the schools kept in said counties for the years 1841 or 1842, so soon as he receives the regular reports from said counties.

Sec. 4. That, hereafter, all school reports which are not made to the Superintendent, on or before the 1st day of February ensuing the year in which such schools may have been kept, shall forfeit all claims for that year, under the provisions of this act.

Sec. 5. In order to secure uniformity in the school reports, it shall be the duty of the Superintendent of Education to transmit, by mail, to the School Commissioners of each county the necessary forms for that purpose, on or before the 1st day of September in each year: Provided, That the appropriation to schools shall not be in force in case the act for the safe investment of the Common School Fund, which has passed the Senate at the present session shall become a law, or any other provision for the payment is made.

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

The yeas and nays being required thereon by Messrs. Hundy and Coffey, were as follows, viz:
Those who voted in the affirmative, were—

Mr. Speaker, Gray, Milam,
Messrs. Alcorn, Groesbeck, Oldham,
Allen, Hanna, Owens,
Apperson, Huskia, Payne,
Blackburn, Hayden, Penick,
Bowman, Hobbs, Porter,
Barnam, Hobson, Price,
Campbell, Hogan, E. Speed,
Chambers, Hogan, O. P. Stitt,
Coffey, Hone, Stone, S.
Cox, Humphreys, Tevis,
DeCourcy, Jones, D. E. Thomson, C. R.
Fry, Jones, T. M. Thurston,
Gardner, Kalfus, Trumbo,
Garnett, Kavanaugh, Webb,
Given, Lewis, Wooten,
Gienn, Lowry, Yocum,
Gore, Martin, Young—56.
Graves, McRery,

Those who voted in the negative, were—

Messrs. Buford, Hambleton, Nall,
Dickey, Heady, Richardson,
Ewing, Lawless, Rockhold,
Frazier, Maupin, Wickliffe,
Garrard, McLarning, Wright—15.

Mr. Lewis asked leave to withdraw the remonstrances, &c., of sundry citizens of Hickman county, against a division of said county, which was granted, and the same were withdrawn.

Mr. Owens asked leave to withdraw the petitions, &c., of sundry citizens of Hickman county, praying for a division of said county, which was granted, and the same were withdrawn.

Mr. Maupin asked leave to withdraw the petition, &c., of sundry citizens of Barren, Green, Adair and Hart counties, praying for the formation of a new county, which was granted, and the same were withdrawn.

And then the House adjourned
SATURDAY, MARCH 2, 1844.

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, viz:
An act to amend an act, entitled, an act to authorize the entry of vacant land west of the Tennessee river, and for other purposes.
An act to change the times of holding the Fayette and Scott Circuit Courts.
An act declaring certain deeds valid.
An act to enlarge the powers of the trustees of the town of Morganfield, and for other purposes.
An act to authorize the appointment of Commissioners of Tax at the March County Courts, and prescribing the duties of Commissioners in certain cases.
An act to regulate the management of the Wilderness road, and for other purposes.

That they insist on their amendment to a bill from this House, entitled, an act for the benefit of the County Court of Scott county.

That they had passed bills from this House, of the following titles, viz:
An act supplemental to an act changing the terms of the Logan and Allen Circuit Courts.
An act to authorize the building of a Warehouse for the use of the Penitentiary, and for other purposes.

That they had passed a bill, entitled, an act to amend the charters of the Banks of Kentucky, approved March 8, 1843.

The House took up from the table the bill to amend the road law in Campbell county.

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. Speed, from the committee on Internal Improvement, to whom referred a bill from the Senate, entitled, an act for the benefit of the Shelby and Louisville Turnpike Company,

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 bills having been dispensed with,
Resolved, That said bill do pass, and that the title thereof be as afore-
said.

Bills from the Senate, of the following titles, viz:
An act to amend the charter of the Covington and Lexington Turnpike Road Company.
An act authorizing the County Courts of Christian, Hopkins and Daviess counties to establish roads to Coal Banks in their respective counties, and from one Coal Bank to another.
An act for the benefit of Joseph Froman, and Catharine his wife, and their children.
An act to establish a State road from Frankfort to Lebanon, in Marion county.
An act for the benefit of Thomas E. Pucket, of the county of Butler, and for other purposes.
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 said bills do pass, and that the titles thereof be as afore-
said.

A message was received from the Senate, announcing that they insist on their 2d, 3d, 4th and 5th amendments to a bill from this House, entitled, An act for the appropriation of money.
Resolved, That this House recede from their disagreement to said amendments.

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, viz:
An act to amend the laws relative to the appointment of Constables.
An act to incorporate the town of Keene, in the county Jessamine, That they had passed bills from this House, of the following titles, viz:
An act for the benefit of William DeCourcy.
An act for the benefit of Enoch S. and Sarah Tabor.
The following bills were reported by the several committees appointed to prepare and bring in the same, viz:
By Mr. Heady—A bill to incorporate the Bardstown Female Academy.
By Mr. Young—A bill supplemental to an act to provide for the pay-
ment of Contractors.
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 en-
gressed,
Resolved, That said bills do pass, and that the titles thereof be as afore-
said.
Mr. McKenry asked leave to withdraw the petition of sundry citizens of Muhlenburg, Daviess and Ohio counties, praying a new county, which was granted, and the same were withdrawn.

Mr. Clark asked leave to withdraw the petition of sundry citizens of Caldwell county, praying a division of said county, which was granted, and the same were withdrawn.

A bill from the Senate, entitled, an act for the benefit of N. W. Dawson, Bramley D. Smith and Alfred Payne, was read the first time and ordered to be read a second time.

A message was received from the Senate, announcing that they had passed a bill from this House, entitled, an act supplemental to an act to provide for payment of Contractors.

Mr. Maupin moved the following resolution, viz:

WHEREAS, Doubts are entertained by many of the citizens of this Commonwealth, that the mode of inspecting tobacco, exported therefrom, to the city of New Orleans, does great injustice both to the producer and exporter of that article; and that some mode should be adopted by which the interest of the good people of this Commonwealth, engaged in the culture and exportation of that article, should be protected—wherefore,

Be it resolved, by the House of Representatives of the Commonwealth of Kentucky, That the Governor be requested to open a correspondence with the Governor of Louisiana, with the view and purpose of removing the complaints of said citizens, in regard to the inspection and classification of tobacco in New Orleans, and the fees charged on the same; and that the Governor of this State be requested to impress upon the government of Louisiana the propriety of having at least two inspectors from this State appointed, to reside at New Orleans; and also to have the fees now charged, and believed to be onerous, reduced.

Which being twice read, was adopted.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act to extend the powers of the Trustees of the town of Greenville, and for other purposes.

An act for the benefit of the heirs of James L. Gill, deceased, and others.

An act for the benefit of William Stuart, late Sheriff of Livingston county.

An act to change the time of the sitting of the Garrard Circuit Court.

An act to authorize a settlement with James R. Skiles, Henry Shanks, Simpson Stout, Dillis Dyer and Stephen Ashby.

An act for the benefit of Henry Harmon, of Adair county.

An act for the benefit of Simeon Harris.

An act for the benefit of John S. Eaves and H. W. McNary.

An act to incorporate the first Presbyterian Church of Covington.

An act for the benefit of Rebecca A. Anderson, and others.

An act to amend the Inspection laws.
An act to incorporate the Frankfort Cemetery Company.
An act to incorporate the Kentucky Oil and Manufacturing Company.
An act to amend an act, entitled, an act concerning the estate of Daniel Riley, deceased.
An act to amend the charter of the Jefferson Pond Draining Company.
An act to amend the several acts concerning the town of New Liberty, in Owen county. Approved February 27, 1844.
An act to amend the charter of the Lexington and Georgetown Turnpike Road Company.
An act to amend an act to incorporate the Bank Lick Turnpike Road Company.
An act authorizing the Superintendent of Public Instruction to pay of the Trustees of Districts Nos. 1 and 2, in Green county, such money as is due them.
An act for the benefit of the Kentucky Lunatic Asylum. Approved February 28, 1844.
An act for the benefit of the representatives of Thomas J. Gentry, dec'd.
An act for the benefit of Julian Chism and Francis Head.
An act to modify an act, entitled, an act divorcing sundry persons.
An act for the benefit of Wm. M. Young, Constable of Hopkins county, and for other purposes.
An act for the benefit of the heirs of James and Matthew Wakefield.
An act for the benefit of the widow and children of H. J. Logan, deceased.
An act to authorize the use of a portion of the surplus water at Dam No. 3, on Green river, on certain conditions.
An act to add a portion of the county of Nicholas to Bracken county.
An act for the benefit of the widow and heirs of David Bibb, dec'd.
An act to establish a State road from Padncah to Gray's ferry, on the Tennessee river, and for other purposes.
An act to add a part of the county of Harrison to Bracken county, and for other purposes.
An act for the benefit of the Kentucky Institution for the Education of the Blind.
An act to amend an act, entitled, an act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes, approved February 16, 1839. Approved February 29, 1844.
An act to authorize S. M. Wilkins and others, to erect a fish dam and trap on Pond river.
An act granting a change of venue in the prosecution against Anderson Hill.
An act for the benefit of Merial DeNeale, of Spencer county.
An act for the benefit of Rebecca Hedges, of Bourbon county.
An act to amend the law regulating the duty of county Treasurer of the county of Clarke.
An act to authorize the County Courts of Daviess and Logan to change the State roads in said counties, and for other purposes.
An act to change the Owsley county line, and for other purposes.
An act for the benefit of the Trustees of the town of Columbus, and for other purposes.
An act to change the name of Ralph P. Babcock.
An act declaring Welch's creek, in the county of Butler, a navigable stream.
An act to amend the act of 1841-2, establishing the town of Portland. Approved March 1, 1844.
Mr. Fry, from the 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 divorce Catharine Withers.
An act authorizing an alteration in the State road from New Liberty to Marion, on the Kentucky river, in Owen county.
An act to legalize the proceedings of the Hopkins County Court, and for other purposes.
An act giving the Sheriffs of Bourbon, Anderson, Grant, Harrison and Trimble counties further time to return their delinquent lists.
An act to release to Ohio county the interest of the State in the Hartford Bridge Company.
An act to amend the laws regulating the management of the Wilderness road and Madison fork, and to amend and reduce into one the several acts incorporating the Oldham Turnpike Road Company.
An act authorizing the Secretary of State to furnish books to the officers of Letcher, Johnson, Crittenden, Ballard, Marshall and Owsley counties.
An act for the benefit of Frederick Junod.
An act to reduce the number of Justices of the Peace and Constables in Graves county.
An act to amend an act, entitled, an act for the benefit of the Contractors of the public works, approved March 11, 1843.
An act to authorize the Trustees of the town of Bowlinggreen to change the width of streets and alleys in said town, and for other purposes.
An act to incorporate the Christian Church at Midway, and for other purposes.
An act to establish a Tobacco Inspection in Owensboro', in Daviess county, and for other purposes.
An act to repeal the 2d section of an act, entitled, an act to reduce the price of vacant lands in the county of Wayne and the Surveyor's fees of said county.

An act for the benefit of Jane Coffey, of Christian county.

An act for the benefit of the estate of Thomas Terrill, late of Ballard county, and for other purposes.

An act to incorporate the Maysville Manufacturing Company, and for other purposes.

An act supplemental to an act changing the terms of the Logan and Allen Circuit Courts.

An act for the benefit of Enoch S. and Sarah Tabor.

An act to authorize the building of a Warehouse for the use of the Penitentiary, and for other purposes.

An act to incorporate the Louisville and Portland Railroad Company.

An act supplemental to an act to provide for the payment of Contractors.

An act for the benefit of William DeCourcy.

An act for the appropriation of money.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.

After a short time a message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed said bills.

Mr. Fry, from the committee on Enrollments, reported that the committee had examined enrolled bills and a report and resolutions which originated in the Senate, of the following titles. And had found the same truly enrolled, viz:

An act to amend the law regulating the duties of the Clerk of the Court of Appeals, and for other purposes.

An act to regulate the duties and fees of the sealer of weights and measures, in the county of Jefferson, and for other purposes.

An act to change the terms of the Logan and Allen Circuit Courts.

An act repealing, in part, and amending an act, entitled, an act regulating the time of holding Justices' Courts.

An act for the benefit of the widow and heirs of Joseph Leibfried, dec'd.

An act to change the terms of certain Circuit Courts in the 17th Judicial District, and for other purposes.

An act to legalize the acts of the Surveyor of Harlan county, and the proceedings of the County Court of Harlan county, at their September term, 1843.

An act to authorize the appointment of Commissioners of Tax at the March County Courts, and prescribing the duties of Commissioners in certain cases.
An act to regulate the management of the Wilderness road, and for other purposes.
An act to establish an election precinct at the house of Martin London, in Butler county, and for other purposes.
An act providing for a change of venue in the prosecution against Henry Green.
An act concerning Bardstown.
An act to repeal an act, entitled, an act prohibiting the reading of certain reports in this Commonwealth, and for other purposes.
An act for the benefit of A. Harvey and J. B. Thomas, of Allen county, and John H. Kerr, of Louisville.
An act for the benefit of Hiram S. Booten.
An act to incorporate the American Indian Mission Association.
An act for the benefit of Sidney H. Robertson.
An act to amend an act, entitled, an act to fix the tolls on the Green and Barren river navigation, and provide for its future management, approved March 10, 1843.
An act for the benefit of James Devore and Elizabeth L. Devore, and their children.
An act to provide for a change of venue in the prosecution against James B. Spratts.
An act declaring certain deeds valid.
An act to incorporate the Frankfort Savings Institution.
An act to enlarge the powers of the Trustees of the town of Morganfield, and for other purposes.
An act for the relief of the heirs of Isaac Rust, deceased.
An act to authorize the Trustees of the town of Cadiz to sell and convey certain ground in said town.
An act to change the Spring term of the Owen Circuit Court.
An act for the benefit of John Howard, of Logan county.
An act for the benefit of the Methodist Episcopal Church, in New Castle.
An act to amend an act, entitled, an act to authorize the entry of vacant lands west of the Tennessee river, and for other purposes.
An act to amend an act to incorporate "the Kentucky and Louisville Mutual Insurance Company."
An act for the benefit of Joseph Forman, and Catharine his wife, and their children.
An act to incorporate the town of Keene, in the county of Jessamine, and Waitsborough, in Pulaski county.
An act to amend the laws relative to the appointment of Constables, and for other purposes.
An act for the benefit of Thomas E. Puckett, of the county of Butler, and for other purposes.

An act to amend the charter of the Covington and Lexington Turnpike Road Company.

An act for the benefit of the Shelbyville and Louisville Turnpike Company.

An act to establish a State road from Frankfort to Lebanon, in Marion county.

An act authorizing the County Courts of Christian, Hopkins and Daviess counties to establish roads to Coal Banks in their respective counties, and from one Coal Bank to another.

Report and resolution for the distribution of the census documents.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Fry inform the Senate thereof.

After a short time a message was received from the Senate, announcing that they had received official information that the Governor had approved and signed the said bills and resolution.

A message was received from the Senate, announcing that they had received official information from the Governor, that he had approved and signed enrolled bills and a report and resolutions which originated in the Senate, of the following titles, viz:

An act concerning the Winchester Academy, and for other purposes.

An act for the benefit of Susan A. Boyce, of Logan county, and James M. Doom and others.

An act concerning the Northern Bank and Bank of Kentucky.

An act to attach the counties of Estill and Fleming to the 11th Judicial District, and for other purposes.

An act to establish an election precinct at the house of Solomon Yorks, in the county of Harlan, and for other purposes.

An act requiring the Judge of the 7th Judicial District to hold chancery terms of the Christian, Caldwell and Hopkins Circuit Courts, and for other purposes. Approved February 28, 1844.

An act for the benefit of John Hockersmith, of Logan county.

An act authorizing chancery terms of certain Circuit Courts to be held, and for other purposes.

An act authorizing the raising of Lock and Dam No. 5, upon the Kentucky river, under the direction of the Board of Internal Improvement.

An act providing for the location of the county seat of Owsley county.

An act to amend an act, entitled, an act for the benefit of the widow and heirs of Francis Hagan, deceased.

An act providing for a change of venue in the prosecution against Jacob Froman. Approved February 29, 1844.

An act for the benefit of Jonathan Hathaway, of Kenton county.
An act for the benefit of St. Clair Roberts, of Lawrence county, and Archibald Weatherford, of Hickman county.

An act to amend the Common School Laws.

An act to fix the ratio and apportion the representation in the House of Representatives and Senate, for the next four years.

An act authorizing the exchange of State bonds.

An act for the benefit of Eli Rogers.

An act for the benefit of William Rowlett, of the county of Owen.

An act to incorporate the Danville and Hustonville Turnpike Road Company.

An act for the benefit of the heirs of Lydia Shultz, deceased.

An act for the benefit of Lewis Vimont.

An act for the benefit of John M. Hayden, of Pulaski county.

An act to incorporate the Boyle County Mutual Insurance Company,

Preamble and resolutions in response to certain resolutions of the Massachusetts Legislature, relative to an amendment to the Constitution of the United States; and, also, preamble and resolutions in relation to the admission to seats in the House of Representatives of Congress, of persons not elected according to law.

Approved March 1, 1844,

Mr. Graves presented the memorial of Charles Whittlesey, which is as follows, viz:

To the Legislature of Kentucky:

Your memorialist, though an inhabitant of another State, begs leave to lay before your honorable body, a condensed statement of the inventions and fate of a remarkable man, a citizen of Kentucky, long since dead.

The name of this personage was John Fitch, whose exertions in perfecting the art of steam navigation were among the earliest, and perhaps, also, were the most meritorious of any individual.

The application of steam power to the movement of water craft, presents itself to the imagination of mankind as an object of so much grandeur, and to his practical experience as of so much utility, that the names of many men have become notorious throughout the world, and some of them illustrious, by their connection with it. The object of this representation is, to do justice to the memory of one whose ingenuity and mechanical philosophy had an influence upon the final result not excelled by that of the great genius whose name is every where associated with the achievements of steam. If this opinion of the memorialist is correct, the consideration of the subject will not be unworthy the attention of your honorable body.

The credit of making a successful application of steam machinery to vessels, an improvement which within twenty five years, has given to commerce the impulse of centuries, has been claimed by three commercial nations, for one or more of their own citizens. The English, the French, and the Americans, still contend for the glory of introducing the engine to the world, or of inventing a valuable application of it, or making an important improvement in its necessary parts; and history gives color to the honors claimed by them all in some one of these respects.
The English maintain that the construction, if not the invention of the engine, belongs to them. They produce testimony to show that a citizen of that realm, Jonathan Hull, conceived the idea of a boat to be moved against wind and tide by circular wheels, suspended at the bows, more than one hundred years ago. The power of steam is spoken of as one of the means in contemplation by the inventor to give motion to the wheels.

In France, a project was produced by John Bernoulli, about the year 1753, in which a boat was to be propelled on water, by an apparatus like a suck and force pump, to be worked by manual or animal power. From this moment the French inventors continued their experiments upon various plans until 1784, without, however, producing any practical results.

The contrivance of the Englishman, of which mention has been made, was forgotten by his countrymen, or perhaps was not known to them for half a century from its supposed origin in 1735.

In the agitations of the latter part of the 18th century, the genius of mechanical improvement appears to have been aroused, and finally to have taken her flight to the Western Continent in company with the Goddess of Liberty.

We have the statement of Oliver Evans of Pennsylvania, that the idea of a steamboat, moved by circular wheels, occurred to him in the year 1775. In the fall of the year 1783, a persevering and highly gifted mechanic, Jas. Rumsey of Virginia, whose descendants now reside in Kentucky, also conceived the design of a boat to have its motion from a steam engine, acting upon a pump at the stern; and it is with extreme regret that we learn, that between this individual and Mr. Fitch, an animated personal controversy arose respecting the priority and originality of their respective inventions.

Men of genius, particularly of mechanical genius, are always sensitive, and not always without prejudice. Viewing this difference between two men whose labors have added honors to the American name, at this remote day, when both of them have outlived, in their graves, a generation and an half of their successors, we shall find no real grounds for their mutual distrust. This paper would swell into a volume, if the merits of that discussion were here reviewed. It would be necessary to return to the first rude conception of the atmospheric steam engine, and trace out step by step, the successive additions it received to the time of Watt; and then to begin with the days of the Hulls of England, and expose the thousand contrivances brought forward to produce motion in water craft, before entering upon the merits of Fitch and Rumsey. This would be indispensable, because both of these unfortunate men exercised their high mechanical powers, as well upon the invention and improvement of the engine as its application to the boat—in both these departments, both of them were original, but not in every respect the first inventors.

The ground upon which it would appear that there should have been no difference between them, is in the notorious fact, that neither their engines or boats, in construction or application, possessed any thing in common. Their object was the same and the name was the same. They claimed the merit of conceiving the idea of an engine, while as yet ignorant of the fact of its prior existence in Europe. They also invented, each of them, a boat, to be moved by it; and each of these machines were called by a common name, the Steamboat, yet, in the manner of application in the actual con-
struction, had nothing in common, but such parts as could not be made different in a steam engine and a steamboat.

The idea of obtaining valuable power from the expansive force of steam, took possession of the mind of Mr. Fitch in April, 1785, about eighteen months subsequent, in point of time to the moment when the same great thought entered the brain of the enthusiastic Rumsey. They were, from this time, competitors, pressing forward to obtain the same object, but on paths so far apart, that there should have been no interference in their progress.

The descendants of Fitch, now residing within the State of Ohio, desire to see the fame of Rumsey placed upon that honorable elevation which his merits demand; but they feel, in common with the surviving friends of their ancestor, that it becomes them, peculiarly, to guard or rather to revive his memory, in which they feel an intense interest. They consider it a matter of historical truth and of common observation, that the ideas of Mr. Fitch, promulgated in 1785-6, and immediately reduced to practical operation, are, in principle and in general construction, the basis of the improvements of Fulton, and of the entire system of wheels or paddles subsequently adopted in steam navigation throughout the world. The assertion first made will appear to many rash and without foundation; but notwithstanding the lapse of time which has expired since the experiments of Fitch were made, and the accumulation of untoward circumstances which have obscured the remembrance of these events, a mass of proof has been collected regarding them at least worthy of attention.

The principal matters in which he was concerned, may be given concisely under the following heads:

1st. That in April 1785, he conceived the idea of a steam engine, as an original project, without having then known of its prior existence, and soon after conceived of a method of applying it to the motion of vehicles on land and of vessels on water.

2d. That in May, of the same year, he saw, for the first time, a description of an English engine, and from that time turned his attention to the invention of a method of its application to water craft.

3d. That his conception or plan of application was not only original with him, but new in fact, not having been at that time constructed or invented.

4th. That without having seen an engine, and without the assistance of workmen who had either made or seen one, and apparently before the improvements of Watts in England were known in America, he caused to be constructed a steam machine with sufficient power to propel a boat* of 20 tons on the Schuylkill in 1786.

5th. That this first rude machine or engine, and its connecting apparatus, were substantially the same in principle and construction, with the apparatus adopted in steam navigation.

6th. That his system of paddles, moving by the power of the engine, at the side and at the stern of the boat, in an elliptical curve, contained the principle of all subsequent improvements in the plan of wheels or paddles.

7th. That pursuing the original design, he proceeded perfecting the engine and machinery, by experience and information, through the year 1787, and finally, in October, 1788,† produced a boat on the Delaware, called the

---

* Statement of Seth Iredell, of Alexandria, Ohio.
† Statements of Noah Webster, Gen. Bloomfield, Dr. Thornton, D. Rittenhouse, &c.
"Perseverance," of 60 tons, which, in still water, by the force of his engine alone, moved at the rate of eight miles an hour; and afterwards made regular trips to and from Burlington, New Jersey, at six miles an hour, as a passenger packet.

Sir. That, therefore, he was an original, but not the first concever of a steam engine—an original, but not the first concever of a steamboat—an original, but not the earliest inventor of a plan to attach revolving wheels or paddles to the sides of a boat.

That he was an original and first inventor and constructor of a feasible and successful application of steam machinery substantially upon the plan reduced to practice in America and elsewhere.

The space which is allotted to this memorial, will not admit of an expansion of the subject. It will be merely practicable to include the testimony upon which these general conclusions are based.

It would be trespassing upon the indulgence of the Legislature to insert here a notice of the life of Fitch, whose career was truly, to use his own words, "that of one of the most singular as well as the most unfortunate of mankind." The biography of this child of misfortune and suffering, would show a life of stupendous undertakings, invariably succeeded by the most painful disapprobations of personal adventure, courage, and endurance of youthful oppression, ignorance, and wants; it would display, on its pages, a pride and force of character in boyhood, which the reverses of after years did not crush, until the load became so great that, on the approach of age, it broke down the intellect and the physical system at once. It would show personal feelings to be regretted, and noble sentiments to be admired; tenderness as a parent, mingled in strange connexion with an unforgiving temper as a husband; and the fierce conflicts of honorable impulses and unenovable passions in the same bosom—over all, ruled a stupendous intellect, absorbed in the great project of his life, the invention to which we have referred.

At the commencement of the Revolution he resided in Trenton, New Jersey, pursuing his trade as a silv er smith. The British army plundered his shop and burnt his buildings while that force occupied the left bank of the Delaware. He soon repaired to the American camp at Valley Forge, as a gun smith, and thence to Western Virginia, (now Kentucky,) in the year 1778 or '79, as a Surveyor, and locator of wild lands. After making successful purchases on the waters of Salt creek, he returned to Philadelphia, and fitted out an expedition of seven men to pursue his occupation as Surveyor in Kentucky. They took boats at Pittsburg in the spring of 1782, loaded with flour and goods, and descended the Ohio. Near the mouth of the Muskingum, they were all captured, and their property destroyed or taken by the Indians, exasperated as they had recently been by the massacre of the Christian Delawares upon the Tuscarawas.

Fitch traversed the Northwestern Territory as a prisoner, bought and sold for skins, without any covering for his head, nearly a year, when he was ransomed by a British officer at Detroit, and exchanged at Montreal. From the geographical knowledge thus obtained, he drew a map of the Lakes and the upper Mississippi, which he engraved on copper and put to press in a cider mill. The map is astonishingly correct. The depreciation of the continental money he had earned as gun smith and Surveyor, and the loss of his flour and goods upon the Ohio, left him entirely destitute of property at the.
The destruction of the American river, slept out its allotted time, attended for its destruction. The perils and embarrassments through which it has caused me to wade, far exceed anything that the common course of life ever presented to my view, and to reflect on the disproportion of a man of my abilities, to such a task, I am to charge myself with having been deranged, and had not the most convincing proofs to the contrary, should most certainly suppose myself to have been non compos mentis at the time.

It was not until 1795-6 that this eccentric personage was driven, in desperation and poverty, to retire from the world across the mountains, on foot, to his lands on Coxe's creek.

His patrons, in Philadelphia, ascertained that their stock in the "Perseverance" did not pay dividends, and after a liberal contribution to the enterprise, finally abandoned it.

In 1793 he sought the assistance of France, through the intervention of our Consul at Le Orient, Mr. Vail. Soon after he arrived, the civil disorders of that Kingdom caused the Government sufficient employ without superintending the construction of steamboats. The Spanish authorities refused to lend any aid, and the inventor, stricken with poverty and unfruitful toils, returned to his native land, disgusted at the stupidity of a generation who could not comprehend the value of his boat. He scaled up his written plans, estimates, and descriptions, together with a narrative of his eventful life, and placing them in the hands of the Librarian of the Philadelphia Library, gave directions that they should not be opened until thirty years after his decease. He supposed that, during that period, his invention would assume its merited rank in the affairs of men. While this paper slept out its allotted time, (to the year 1823,) the steamboat was coursing over every American river, and the author of the sealed manuscript was forgotten. This was one of the causes that have contributed to darken the shade of oblivion which settled down upon his grave and his name.

A second, was the destruction of his Model at Bardstown, in 1805, by fire. A third, the loss of his original Model at Warminster, Pennsylvania. Another, the loss of his Patent and Models in the destruction of the Patent Office at Washington City; and, finally, as though the course of misfortune which attended him in life, still ran on against his memory in death, all his papers deposited with one of his friends and executors, the Hon. John Rowan, were destroyed by fire in 1842. These circumstances will explain why it has been difficult to obtain the evidence of his doings, and why they have been so long suffered to remain unnoticed.

Aside from the consideration of the innate importance of the subject, and the fact of his residence, death, and burial within the limits of your State, there are other reasons for introducing the matter to the attention of the Legislature, and through them to the people of Kentucky.

On the records of the proceedings of your Senate, page 207, it appears, that on the 15th of January, 1828, a resolution was introduced by the Hon. Robert Wickliffe, which proposed, after reciting his connection with steam, the erection of a plain monument over his remains at Bardstown. On the
8th of February following, it was referred to a select committee of three, from whom it does not appear to have been reported. The subject is, therefore, not new; and since that movement a mass of testimony has been developed in relation to it. The few surviving acquaintances of Mr. Fitch at Bardstown, held no doubts but he deserved a place in the front rank, if not at the very head, of the illustrious company of American inventors. There were those besides his posterity; residents at and near the City of Philadelphia, who retained, after the progress of fifty years, a deep interest in his fame, and a sad remembrance of his misfortunes. They determined to repair, in some manner, the injustice to which his name had been subject by the neglect of mankind; to revive the recollections of his genius and energy; to sound his achievements in the ears of this generation, and show sincere, though tardy honors to his mortal remains. It has been given as a reason why no further action was had upon Mr. Wickliffe's resolution, that it was thought difficult, if not impossible, to identify his grave among so many ancient and obliterated sepulchers. Some of his Philadelphia contemporaries, entertaining a profound reverence for his talents, determined to seek out his resting place, and remove his ashes back to the scene of his triumphs. The most active person in this design, was an old friend, Mr. John F. Watson, of Germantown, Pennsylvania, who offered to defray the expenses of exhumation and transportation from the grave-yard at Bardstown to the cemetery at Laurel Hill, near Philadelphia. There he was to lie by the side of Godfrey, the inventor of the Mariner's Quadrant, from whom, like Fitch, other men had drawn the honors of the invention.

The assent of the descendants of Mr. Fitch having been obtained, an agent proceeded to Bardstown in 1843, for the purpose of carrying the design into execution. The grave was finally identified, marked by no stone or other monument, concealed beneath the rubbish of forty years' decay and neglect; but at the same time, it was ascertained to have been the wish of the deceased, that his body should rest, in death, upon the banks of some mighty river of the West, in accordance with a lofty foresight and a poetical fancy, in which he expressed a desire that the "song of the boatman should enliven the stillness of his resting place, and the music of the steam engine soothe his troubled spirit."

It was therefore necessary to change the original destination of his remains, which were permitted to rest in the old grave-yard at Bardstown. The execution of his dying wish, now became the object of his friends and his posterity.

A new design was formed to place his relics upon some commanding and beautiful headland of the Kentucky shore of the Ohio river, over which there should arise a plain white obelisk, with suitable inscriptions.

This representation is made to your honorable body in pursuance of that determination. The subject had already attracted the attention of your Statesmen. There would seem to be a strong propriety in the State of his residence lending its aid, or at least its encouragement to such a project. With the personal friends of the deceased, the motives are respect, affection, and justice. A State may engage in the same office, adding solemnity and importance to the proceeding from other, but equally honorable motives; from duty and patriotism. She may, by one act, honor the dead and encourage the living.
If the question to whom belonged the greatest praise as inventors and improvers of steam navigation, the French, the English, or the Americans, was worthy of a national contest, is it not a matter of public concern at home, and worthy of a member of the American Union, to examine the merits of such of her own citizens as have contributed to give the American name additional respect among the nations?

The success of his invention will be by many, put to the test of profit and loss. It will be regarded as fatal to the reputation of Fitch, that his best boat, the Perseverance, though she travelled over six miles an hour, did not pay dividends, and that the owners abandoned her in 1791. Such persons do not reflect, that the success of Fulton's boats on the Hudson, 18 years after, did not result from their speed, but from other circumstances. The Clermont acquired a velocity of five miles an hour in 1807, and down to 1824 the speed of the North river boats had only increased to eight miles an hour.

The level roads of the Delaware permitted land travel on its banks, directly along the route of Fitch's boat, at the rate of five and six miles per hour. The mountainous and uncomfortable route along the Hudson almost forbid the idea of a land journey from New York to Albany.

In 1807, the machine was regarded as dangerous to passengers, and the bursting of one of Fitche's flues confirmed the public suspicions. The number of passengers on the Delaware was small, and the amount of freight trifling.

In 1807, the west had began to develope itself, especially along the Lakes, and the Hudson river was the channel of trade and intercourse. With the most perfect engines of Watts, the Hudson river boats made less speed than the Perseverance; their machinery was continually subject to disorder; the public prejudice was strong, and many months after their regular trips commenced, it was a matter of painful anxiety to the owners, whether their expenditures would make any sufficient return. But the rapid increase of business soon forced both travellers and freight to take the quickest and most comfortable conveyance, even at the risk, as they supposed, of being blown up or drowned. Had the Perseverance started upon the Hudson, and the Clermont upon the Delaware, it would not have been found difficult to ascertain the spot where the remains of John Fitch were laid. His name, which is not known to the world; which is never seen upon the sides of our steamboats; of which the many thousands who ride in them never heard, would have been placed as far in advance of subsequent improvers as invention is before imitation. Perhaps the meed of justice may at length be awarded him. It is the object of the present effort, that the facts upon which community may form an opinion, shall no longer be withheld from view. He died dejected and heart stricken, between the 20th of June, the date of his will, and the 10th of July, when it was admitted to probate, in the year 1798.

From his return to Kentucky in 1796, his unhappy life became a burden, which he determined to shorten by a voluntary death, and accordingly, as will appear by the testimony annexed, took a fatal poison.

The leading facts are now presented, and the friends of Mr. Fitch will await the action of your honorable body. If the subject shall be received with favor, it will then be within the control of the Legislature to determine
what will be the most proper form of showing respect to the memory of a great but obscure genius.
Respectfully submitted.

CHARLES WHITTLESEY.

Extract from the petition of John Fitch to the Congress of the United States, for a Patent, July 2d, 1790:

The petition sets forth that its author conceived the idea of propelling boats by steam in the spring of 1785, and had received from the States of New York, New Jersey, Pennsylvania, Delaware, and Virginia, exclusive rights to use "fire and steam" in navigation. That there was expended $8,000 in money, and several years' labor in experiments, and having fully succeeded in adapting the engine to use, he no longer appears as a mere projector, and adds, "that the great length of time and vast sums of money expended in bringing the scheme to perfection, have been wholly occasioned by his total ignorance of the steam engines, a perfect knowledge of which has not been acquired without an infinite number of fruitless experiments, for not a person could be found who was acquainted with the new engine of Bolton and Watt. Whether your petitioner's engine is similar to those in England or not, he is at this moment totally ignorant, but is happy to inform Congress that he is now able to make a complete steam engine which, in its effects, is equal to the best in Europe." He further states that the adaptation of the parts of the engine to the limited space of a boat, and to its figure, allowing, at the same time, room to exercise its powers; was, next to its construction, the greatest difficulty to be overcome.


Extract from the Fitch Manuscript.

"What I am now to inform you of, I know will not be to my credit; but so long as it is the truth, I will insert it, viz: that I did not know there was a steam engine on earth when I proposed to gain a force by steam, and I leave my first draft and descriptions behind, that you may judge whether I am sincere or not. A short time after drawing my first draft for a boat, I was amazingly chagrined to find at Parson Irwin's, in Bucks county, a draw of a steam engine, but it had the effect to establish me in my other principles, as my doubts lay at the time in the engine only."

Part of Judge Rowan's statement.

LOUISVILLE, December 26, 1842.

"I knew John Fitch at Bardstown well. He was a tall man, of good personal appearance, of high mathematical talents, and this was his peculiarity of mind. He was not, in general, social, but to persons of intelligence who could comprehend his views, he was an interesting companion. The steamboat project occupied his mind continually, and he has often foretold to me the great advantage it would be to the western world, which he said "would become the centre of the Union, and the Atlantic States the suburbs." Fitch was a man of strict veracity; whatever he advanced was
under a full and honest conviction. He was remarkable for this, and never asserted as true what he did not firmly believe to be so. I was convinced, from his statements, explanations and papers, that he was the real inventor of steamboats. A large bundle of papers and pamphlets, relating to this matter, were left with me, and last summer they were all burnt in my house at Bardstown.

I cannot tell the spot of his burial, and doubt whether there is any person living who can. Mr. Fitch had two small models of his boat, one with paddles or oars, and the other I think with a wheel, and probably behind, but I cannot now state with certainty in regard to the wheel.

Part of the statement of D. S. Howell, Esq.

Frankfort, January 9, 1843.

"I knew John Fitch well at Bardstown. He worked in my father's shop, in constructing a small model for a steamboat and engine. His model was about three feet in length, and had wheels at the side, according to the best of my recollection, and not paddles. His model was, I presume, in the house of Alexander McCaun, in 1805." Mr. A. Graham stated that the model had "wheels at the side with paddles."


"In my diary I have noticed that I visited his (Fitch's) boat, lying at the wharf in the Delaware, in February, 1787. The Governor and Council were so much gratified with the success of the boat, that they presented him with a superb flag.

Mr. Vail (Consul at Le Orient) presented to Mr. Fulton for examination the papers of Mr. Fitch, containing his scheme of steam navigation."

Letter of David Rittenhouse.

December 12, 1787.

"This may certify that the subscriber has frequently seen Mr. Fitch's steamboat, which with great labor and perseverance he has at length completed, and he has likewise been on board when the boat was worked with a considerable degree of velocity by the force of steam only.

Mr. Fitch's merit in constructing a good steam engine and applying it to so good a purpose, will not doubt meet the encouragement it deserves.


Aaron Ogden, of New Jersey, was the assignee of Fitch's grant from the Legislature of New York in 1787, and of a portion of Fitch's patent from the United States, dated August 26, 1791. Ogden petitioned the Legislature of New York to remove the monopoly of Livingston and Fulton, which prevented his boats from reaching New York City. Before the committee, Gen. Bloomfield, was examined as a witness, and testified, that in 1787 or 8 he had passed up and down the Delaware as a passenger in Fitch's boat, and considered his experiments entirely successful.

The written statements of Dr. Rittenhouse, Andrew Ellicott, John Ewing, and Oliver Evans confirmed the evidence of Gen. Bloomfield.
Fitch's patent of 1791 was produced, with drawings, and specifications, and compared with Fultons' patent; and both parties were heard at length by counsel.

The committee report that the most material difference in the application of the steam engine to their respective vessels "is that in Fitch's, the cranks of the axle beam were connected with a frame, from which paddles were suspended, acting in an elliptical line upon the water, while in Fulton's, the axle was attached to vertical wheels with paddles or buckets permanently fixed in the periphery, and in both, the motion of the axis was rotary. The boats built by Livingston and Fulton were in substance the invention patented to John Fitch in 1791, and that Fitch, during the time of his patent, had the exclusive right to use the same in the United States."

Dr. Thornton's statement.

"We worked incessantly at the boat to bring it to perfection, under the disadvantages of never having seen a steam engine, on the principles contemplated, and of not having a single engineer in our company or pay. We made engineers of common blacksmiths, and after expending many thousand dollars the boat did not exceed three miles an hour. I proposed to the company to give up one half my shares to any one who would at his own expense make a boat to go at the rate of eight miles an hour in dead water. In less than twelve months we were ready for the experiment; the day was appointed, (October, 1783,) and the experiment made in the following manner: A mile was measured on Front Street, (now Water Street, Philadelphia,) a flag placed at each end and a stop watch, the boat was ordered under way at dead water, as it passed one flag it struck and the watches were set off, as the boat reached the other it was also struck and the watches were instantly stopped. Every precaution was taken before witnesses, the time was shown to all, the experiment declared to be fairly made, and the boat to go at the rate of eight miles an hour, or rather one mile in seven minutes and one half. It afterwards went eighty miles in one day."—Lives of eminent Mechanics, page 32.

Fitch's letter to Rittenhouse in 1792.

This sir, will be the mode of crossing the Atlantic in time, whether I bring it to perfection for packets and armed vessels or not. I mean to make use of the wind when we have it, and in a calm, to pursue the voyage at the rate of seven or eight miles an hour.

Fitch's description of his engine and boat in the Columbian Magazine, Dec. 1786, two years before the experiment referred to by Dr. Thornton.

The cylinder is to be horizontal, and the steam to work with equal force at each end. The mode in which we obtain a vacuum is, it is believed, entirely new; and also, the method of letting the water out and throwing it off against the atmosphere without any friction. It is expected that the cylinder, which is twelve inches in diameter, will move a clear force of eleven or twelve hundred weight after frictions are deducted. This force is to be directed against a wheel 15 inches in diameter; the piston is to move about three feet, and each vibration of it gives the axis about forty four evolutions—each evolution of the axis moves twelve oars or paddles 5½ feet; they work perpendicularly and are represented by the strokes of a paddle in a
canoe. As six of the paddles (three on one side and three on the other) are raised from the water, six more are entered, and the two sets of paddles make their strokes of about eleven feet in each evolution. The crank of the axle acts upon the paddles about one third of their length from their lower end, at which part of the car the whole force of the axes is applied. The engine is placed in the bottom of the boat, about one third from the stern, and both the action and reaction turn the wheel the same way."


"I now call upon you as a representative of the Western country, for an advance of £1,000 to enable me to proceed with my experiments. By means of my invention, I will be enabled to propel a boat against the current of the Ohio or the Mississippi as fast, deducting the velocity of the stream, as with it. My invention will open a new world to the Western people—will you give me the money?"

Identity of Mr. Fitch's Grave by Mrs. Susan Polly, of Bardstown, December 29, 1842:

"I remember Mr. Fitch, and saw him buried when I was about seven years old. He was buried in the corner, (northeast,) next to McLean's daughter, who was burnt to death. My father, Alexander McCoun, had charge of the burying ground, and would not suffer any one to be buried near him on the south side; he intended to be buried there himself, next to Fitch."

Esther Florence, another daughter of McCoun:

"Farther has often told me where Fitch was buried. It was in the corner near McMicken's grave, which was walled with brick, and next to McLean's daughter, who was burnt to death, and has a marble slab over her. There are no graves near Mr. Fitch on the south."

Mr. Weller:

"I made Mr. Fitch's coffin. It is of cherry and fastened with screws. It was long, for he was a tall man."

Bardstown Gazette, August 13, 1842—Edited by J. D. Nourse, Esq.

He died in this village at the house, (tavern,) of Alexander McCoun, and was buried by his landlord in the town graveyard. Mr. McCoun is dead, and there is no one living here now who can point out the exact spot where Fitch was buried. Judge Rowan was the intimate friend, and one of the executors of Fitch. He resided here two years, preparing a model of his great invention. Before he had completed it his health was broken by a disorder of the bowels; and his mind, so long and so intensely fixed upon a single object, was probably considerably impaired. The evening before his death, he requested his attendant, Mr. Cokendolfer, who is now dead, to

* Watt did not complete his double acting engine until 1786.
+ Mr. Brown was a member of the Continental Congress, and, also, of the Constitutional Congress from the Kentucky District of Virginia.
† By digging at the place pointed out, the remains of the head and foot boards of a grave corresponding to the size of Mr. Fitch were found. The examination went no farther, being satisfactory to those present.
hand him a box of pills which lay on the table in his room. He dissolved the pills in a glass of wine and drank it off. His landlady, (Mrs. McCoun, still living,) asked him why he had taken so many? He replied, "I have taken them to help me home to my God." He died the next morning.

The Speaker having retired from the Chair, Mr. Blackburn moved the following resolution, viz:

Resolved, That the thanks of this House be respectfully tendered to the Hon. John L. Helm, for the dignified and impartial manner with which he has presided over this body during the present session.

Which was unanimously adopted.

Mr. Waddill moved the following resolution, viz:

Resolved, That the thanks of this House be expressed, through Maj. Jas. Milam, to the resident Ministers of Frankfort, for their kind services in opening this House with prayer, during the present session.

Which was unanimously adopted.

The Clerk having retired from the table, Mr. Apperson moved the following resolution, viz:

Resolved, That the thanks of this House are due, and are hereby tendered to Thomas J. Helm, Esq., our Clerk, for the accommodating, faithful and prompt manner in which he has discharged the duties of his office.

Which was unanimously adopted.

Mr. Wickliffe moved the following resolution, viz:

Resolved, That the thanks of this House are due to its Assistant Clerk, John C. Herndon; its Sergeant-at-Arms, Joseph Gray, and its Doorkeeper, William Campbell, for their faithful services and urbane deportment in discharging the duties of their respective offices.

Which was unanimously adopted.

Mr. Apperson moved that a committee be appointed to inform the Senate that this House, having closed its legislative business, was ready to adjourn without day.

Whereupon Messrs. Apperson, Crow and Cox were appointed the committee.

A message was received from the Senate, 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 communication to make.

Whereupon Messrs. Apperson, Crow, Cox and Maupin were appointed a committee on the part of this House.

Ordered, That Mr. Apperson inform the Senate thereof.
The committee then retired, and in a few minutes returned, when Mr Apperson, 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 communication to make.

Whereupon the Speaker, having delivered a congratulatory and valedictory address, adjourned the House sine die.
INDEX

TO THE

HOUSE OF REPRESENTATIVES' JOURNAL.

The figures refer to the pages.

Absentees, fines imposed on the fines of remitted Academy, Buck Run, an act for the benefit of the 344, 454, 464, 535 Bardstown Female, a bill to incorporate the 370, 581 Academy, Winchester, an act concerning the, 407, 452, 512, 513, 585, 587 Action of replevin, a bill concerning the 94, 176 Actions and suits, a bill to amend the laws now in force, relative to, the limitation to 370 Actions of ejectment, a bill to limit the term of bringing, and to guard rights of occupants 62 Acts, resolution to print synopsis of the 574 Adair county, petition of citizens of a bill to add a part of, to Casey county 183, 200, 231, 261 Adjournment of the General Assembly, sine die 600 Administrators, executors and guardians, a bill to reduce into one the several acts concerning 141 Agricultural and Commercial Bank—see Bank. Agriculture and Manufacturers, committee on appointed 51 Alabama, resolutions of the State of 127, 211 Alberti, John C., petition of 234 Alcorn, James L., appeared and took his seat 67 Allen, a bill for the benefit of the heirs of 162, 249 Allen Circuit Courts—see Courts Circuit. Allen County Court—see Courts County. Allen county—see Roads State. Allen, John, petition of. a bill for the benefit of, and D. Faulkner 435 Allen, Willis S., an act for the benefit of 184, 228, 255, 332 Allensworth, James, petition of 76
INDEX.

Alley, Peter, a bill to change the name of Peter Blevins to that of Peter, 
Allowances made to appraisers, a bill to amend the law in relation to, 
American Indian Mission Association, an act to incorporate the 
Anderson, Agnes, an act for the benefit of 
Anderson county—see Sheriffs. 
Andersen, James D., an act for the benefit of the wife of 
Anderson, Rebecca A., a bill for the benefit of the heirs of 
Andrews, John C., petition of 
Appeals, Court of, a bill to amend the act establishing the 
Appeals from judgments of Justices of the Peace, a bill to amend the law regulating the duties of the Clerk of 
Appointment and pay of collectors of county levy, a bill to regulate the 
Appointment of Constables, an act to amend the laws relative to the 
Apportionment of Representation, a bill for the 
Appraiser, a bill to amend the law in relation to 
Appropriation of money, a bill for the 
Arnold, June and Hugh A., petition of 
Armory, resolutions in relation to location of the western 
Arms, public, preamble and resolutions in relation to the 
Arms, public, preamble and resolutions in relation to the 
Artillery Company of Lexington, a bill for the benefit of the 
Ashby, Stephen and others, a bill to provide for a settlement with 
Assembly, General, a bill to change the time of the meeting of the 
adjournment of, sine die 
Association, American Indian Mission, an act to incorporate the 
Asylum, Deaf and Dumb, annual report of the Trustees of the —see Legislative Documents.
Asylum, Lunatic, and Transylvania University, resolution to appoint a committee to examine 47, 60, 76, 81, 90
   committee to examine appointed 76
Asylum, Lunatic, report of Commissioners of the 87—see Legislative Documents.
   report of committee appointed to examine 217
   —see Legislative Documents.
   report of minority of committee on 263
   a bill for the benefit of the 39, 218
   a bill for the government of the 272, 481, 513, 583
Atkins, Henry L., petition of 194
   a bill for the benefit of 249, 277, 322, 337, 383
Attiehing and summoning witnesses—see Witnesses.
   Attachment laws; a bill to amend the 175
Auditor, First, annual report of the 29—see Legislative Documents.
   Auditor, Second, annual report of the 27—see Legislative Documents.
   Auditor’s Office; an act regulating the times of performing certain duties in the 378, 455, 464, 535
Augusta, a bill for the benefit of the citizens of the town of 237, 265, 343
   369, 383
Babcock, Ralph P., petition of 407
   a bill to change name of 537, 561, 573, 584
Bacon, N. M., petition of 52
   a bill for the benefit of 284, 285, 302, 325, 383
Bagott, George, petition of 217
Baker, Robert, an act for the benefit of 60, 76, 81, 113
Ballard county—see Justices.
Ballinger, G. L., a bill for the benefit of 62
Bank, Agricultural and Commercial, a bill to establish the, of Kentucky 304, 513
Bank of the Commonwealth, report of the President of the 62
Bank of Kentucky and Northern Bank, an act concerning the 266, 323, 428
   513, 585, 587
Bank of Kentucky, (Old,) resolution to ascertain the situation of the 225
Bank, Revenue, resolution in relation to a 56
Bank, State, a bill to establish a 39, 47, 240
Banks, committee on appointed 51
   report of, in relation to removal of seat of Government 473
   report of 474—see Legislative Documents.
Banks of Kentucky, an act to amend the act of March 8, 1843, to amend the charters of the 590
### INDEX

- Baptist Church—see Church
- Barbour, J., memorial of
- Bardstown, an act concerning
- Bardstown and Louisville Turnpike—see roads Turnpike.
- Bardstown Female Seminary, a bill to incorporate the
- Barren and Green rivers, an act to amend the act to fix the tolls on
- Barren and Green river Commissioners—see Commissioners.
- Barren county, petition of citizens of
- Barren county, remonstrance of citizens of
- Barren county, petition of citizens of
- Barren and Green rivers, an act to amend the act to
- Barren and Green river Commissioners—see Commissioners.
- Barren and Green river Commissioners—see Commissioners.
- Barren and Green river Commissioners—see Commissioners.
- Barren and Green river Commissioners—see Commissioners.
- Barren and Green river Commissioners—see Commissioners.
- Bayou De Chein, a bill to repeal, in part, the law declaring, a navigable stream
- Beal, Fanny, petition of
- Beaseman, John O., nominated for Door Keeper
- Begley, Hiram, petition of
- Bell, William, an act to change the name of
- Bennett, John Newton, a bill for the benefit of
- Bennett, Thomas Newton, an act for the benefit of
- Berry, Peter, an act for the benefit of
-Berry, Wesley, petition of
- Bibb, David, a bill for the benefit of the widow and heirs of
- Biggerstaff, Wilson L., petition of
- Big Sandy and Owingsville Turnpike Road Company, an act to amend charter of the
- Big Spring Seminary, an act to incorporate the
- Bishop, James, a bill for the benefit of
- Blackburn, Churchill J., petition of
- Black, H. G. petition of
- Black, Rev. John, use of Hall allowed to
- Blank books and stationery, a bill to provide for the purchase of for 
- Blanton, Reed Hall, an act changing the name of to Samuel Theobald Blanton
- Blalton, Reed Hall; an act providing
- Bledsoe, Francis, an act for the benefit of
- Blavins, Peter, a bill to change his name to Peter Alley
INDEX.

Blind, Institution for the education of the, a bill for the benefit of the 125, 129, 198, 202, 221, 378, 512, 536, 583
Annual Report of the Board of Visi tors of the 114
—see Legislative Documents.
resolution to examine the 85
resolution to remove the 271
resolutions in relation to a grant of land to the by Congress 377
Board of Internal Improvement, a bill to amend the law establishing 433
a bill requiring the to investigate all claims growing out of the Internal Improvement system 464, 516
annual Report of the 131
—see Legislative Documents.
communications from President of the 44, 54, 132, 145, 286, 292
—see Legislative Documents.
responses of the to resolutions 150, 166, 293, 373, 542
—see Legislative Documents.

Bohannon, Joseph M., petition of 66, 123
Boles, Elam T., petition of 57
Bolt, Isaac, a bill for the benefit of 273
Bona fide occupants—see Occupants.
Bonds, State, an act authorizing the exchange of 423
a resolution for the burning of 60, 81, 96
committee to burn appointed 90
report of committee to burn 99
Bonduraat, Joseph, petition of R. Apperson contesting the seat of 32
committee on petition contesting the seat of appointed 54
report of committee 116, 139, 143, 159, 162
resignation of 163
Booher, Yelverton A. and Sally B., petition of 180
Booten, Hiram S., an act for the benefit of 159, 227, 557, 586
Boston, a bill appointing trustees for the town of, in Whitley county 183
200, 231, 262
Botts, Joseph, a bill to change the venue of 299
Bourbon Circuit Court—see Courts Circuit.
Bourbon county, petition of citizens of 79, 105, 125, 131, 195, 289
remonstrance of citizens of 86, 96, 106, 114, 135, 140
Bourbon county—see Sheriffs.
Bowie, Jacob, petition of 42, 71
a bill for the benefit of 129, 166, 201, 261
Bowen, William, petition of 164
Bowlinggreen, a bill to amend the laws in relation to the town of 56, 65, 80
84, 102, 113
petition of citizens of 251
a bill to authorize trustees of, to change width of streets, 537
561, 584
Bowling, Isham, and William Payne, a bill for the benefit of 38, 465, 561
Boyce, Susan A., an act for the benefit of 344, 446
INDEX.

Boyce, Susan A., an act for the benefit of, and J. M. Doom 447, 481, 513, 585, 587

Boyle Circuit Court—see Courts Circuit.

Boyle County Mutual Insurance Company, an act to incorporate the 179, 227, 555, 566, 586, 588

Boyle county, petition of citizens of 53, 135, 423

—see Constables.

remonstrance of citizens of 266

Bracken county, a bill to add a part of Harrison county to 438, 512, 536, 583

— petition of citizens of 59

Brandenburg, act for the benefit of the town of 169, 227, 255, 332

Brand, Thomas, petition of 60, 90, 129

Breathitt, a bill for the benefit of the town of 274

Breathitt and Morgan counties, a bill for the benefit of 236

Breathitt county line, a bill to regulate 179, 266, 274, 332, 340, 512, 536, 583, 591, 60, 90, 129, 141

Breckinridge Circuit Court—see Courts Circuit.

Breckinridge county—see Election Precincts.

— see Sheriffs.

— see Bridges.

Bridge across Mill creek, in Owen county, a bill appropriating money to aid in building 97, 107, 433

Bridge Company, a bill to incorporate the Smithland 176

Bridge Company, Hartford, a bill to release the States interest in the, to the county of Ohio 435, 557, 567, 584

Bridges, an act for the protection of the, in Cloverport and Stephensport, in Breckinridge county 320, 324, 337, 392

Broach, Irena, petition of 100

Brownsville School, an act authorizing the trustees of the, to fill vacancies in their own body 513

Bruce, A., an act for the benefit of 563

Brummal, Josiah, petition of 280

Buchanan, James, a bill for the benefit of the heirs and widow of 37, 217, 251, 265, 321

Buckner, William, Sen., a bill for the benefit of the heirs of 37, 47, 60, 125

Buck Run Academy, an act for the benefit of the 314, 454, 464, 535

Bullitt Circuit Court—see Courts Circuit.

Bullitt county, petition of citizens of 32, 79, 86, 126, 164

— remonstrance 125, 146, 160

— see Constables.

— see Sheriffs.

— see Judicial Districts.

Bullock, David E., an act for the benefit of 392, 455, 464, 535

Bullock, R. B. M., resolutions to present a gold medal to 234

Bullock, W. F., use of Hall granted to 183

Burdett, Joseph L., petition of 43, 71

Burgen, Thomas, a bill for the benefit of the heirs of 236, 276, 280

Burnam, Thompson, appeared and took his seat 567

Bushong, Henry, a bill to establish a Warehouse on the land of, in Monroe county 46
<table>
<thead>
<tr>
<th>Index</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bussing, John, petition of</td>
<td>184</td>
</tr>
<tr>
<td>Butler county, petition of citizens of</td>
<td>86</td>
</tr>
<tr>
<td>—see Election Precincts.</td>
<td></td>
</tr>
<tr>
<td>Butler, Sarah, petition of</td>
<td>114</td>
</tr>
<tr>
<td>Cadiz, an act authorizing the Trustees of to sell lots 96, 222, 277, 323, 336</td>
<td>392, 577, 586</td>
</tr>
<tr>
<td>Caldwell Circuit Court—see Courts Circuit.</td>
<td></td>
</tr>
<tr>
<td>Caldwell county—see Sheriffs.</td>
<td></td>
</tr>
<tr>
<td>petition of citizens of</td>
<td>43, 73, 191, 257, 258, 259, 582</td>
</tr>
<tr>
<td>Call, Thomas, petition of</td>
<td>123, 189</td>
</tr>
<tr>
<td>Calloway county, petition of citizens of 31—see Election Precincts.</td>
<td></td>
</tr>
<tr>
<td>a bill to establish the town of Murry as the county seat of 37</td>
<td></td>
</tr>
<tr>
<td>Calloway county—see Sheriffs.</td>
<td></td>
</tr>
<tr>
<td>Campbell and Pendleton counties, a bill to amend and extend the law requiring Surveyors to run and remark the line between 33, 144</td>
<td>181, 201, 261</td>
</tr>
<tr>
<td>Campbell county, a bill to partition the Seminary lands belonging to, so as to give Kenton one half</td>
<td>254</td>
</tr>
<tr>
<td>Campbell county—see Road Law.</td>
<td></td>
</tr>
<tr>
<td>Campbell, James, nominated for Speaker</td>
<td>7</td>
</tr>
<tr>
<td>votes for</td>
<td>7</td>
</tr>
<tr>
<td>Campbell, Sareney Emily, petition of</td>
<td>377</td>
</tr>
<tr>
<td>Campbell, William, a bill for the benefit of</td>
<td>38</td>
</tr>
<tr>
<td>Campbell, William, nominated for Doorkeeper</td>
<td>10</td>
</tr>
<tr>
<td>votes for</td>
<td>10, 11, 13</td>
</tr>
<tr>
<td>elected</td>
<td>14</td>
</tr>
<tr>
<td>thanks of the House tendered to</td>
<td>599</td>
</tr>
<tr>
<td>Campbellsville, a bill to extend the limits of the town of 175, 255, 270</td>
<td>281</td>
</tr>
<tr>
<td>321</td>
<td></td>
</tr>
<tr>
<td>Cancellation of certain State bonds, a resolution for the</td>
<td>459</td>
</tr>
<tr>
<td>Capitol Square, a bill to improve the</td>
<td>250</td>
</tr>
<tr>
<td>Carlisle, Albert M., a bill to authorize, to sell land belonging to his son</td>
<td>254</td>
</tr>
<tr>
<td>Carpenter, John, and Henry Horn, a bill for the benefit of</td>
<td>39</td>
</tr>
<tr>
<td>Carriages and Watches, a bill to repeal the law taxing</td>
<td>36</td>
</tr>
<tr>
<td>Carroll Circuit Court—see Court Circuit.</td>
<td></td>
</tr>
<tr>
<td>Carroll County Court—see Courts County.</td>
<td></td>
</tr>
<tr>
<td>Carroll county, petition of citizens of</td>
<td>377</td>
</tr>
<tr>
<td>Carter Circuit Court—see Courts Circuit.</td>
<td></td>
</tr>
<tr>
<td>Carter county, an act to appropriate the vacant lands in, to the erection of public buildings</td>
<td>179, 228, 255, 332</td>
</tr>
<tr>
<td>Carter county—see Justices.</td>
<td></td>
</tr>
<tr>
<td>Carter, Peter, an Idiot, an act for the benefit of</td>
<td>165, 222, 230, 263</td>
</tr>
<tr>
<td>Casey county, petition of citizens of</td>
<td>31, 234</td>
</tr>
<tr>
<td>—see Election Precincts.</td>
<td></td>
</tr>
<tr>
<td>—see Justices.</td>
<td></td>
</tr>
<tr>
<td>—see Constables.</td>
<td></td>
</tr>
<tr>
<td>Gates, O. G., nominated for President of Commonwealth's Bank</td>
<td>451</td>
</tr>
<tr>
<td>elected</td>
<td>451</td>
</tr>
<tr>
<td>Cemetery Company of Frankfort, a bill to incorporate the</td>
<td>273, 362, 391, 463, 583</td>
</tr>
<tr>
<td>Census documents, report and resolution for the distribution of the</td>
<td>482, 587</td>
</tr>
</tbody>
</table>
INDEX.

Certificates and plats of surveys, a bill to repeal the act requiring tax to be paid on the registering of, 45, 57, 74, 134, 161, 395
Chambers, Lemuel W., petition of, and others, 398
Chancery and criminal term, a bill to establish a special, in Kenton county, 62
Chancery—see Commissioners.

Chancery proceedings, a bill to amend the law in relation to, 38, 187, 399
a bill to facilitate and expedite, 38
Chancery term, a bill to establish a special in McCracken and Livingston counties, 48, 80, 102, 112
a bill to establish a special, in Grant county, 61

Changes of venue in civil cases, a bill to amend the law authorizing, 175
Chism, Julian, petition of, 226
a bill for the benefit of, and Francis Head, 452, 512, 536, 583
Chrisman, Micah T., nominated for Assistant Clerk, 9
votes for, 9, 10
Christian and Hopkins counties, an act to establish the line between, 160, 227, 255, 332

Christian Circuit Court—see Courts Circuit.
Christian County Court—see Courts County.
Christian county—see Sheriffs.

Christian, Logan and Todd Turnpike Company, petition of, 106
Church, Baptist, at Bank Lick, petition of, 278
Baptist in Bullitt county, a bill for the benefit of, 94, 179, 222, 230, 261
Baptist in McColl's bottoms, petition of members of, 43
a bill to authorize a sale of the, 71, 159, 222, 230, 261
Baptist, in Simpsonville, petition of the trustees of, 278
Christian, at Midway, a bill to incorporate the, 515, 561, 581
Eddyville Free, a bill to incorporate the, 362
Methodist, in New Castle, an act for the benefit of the, 303, 324, 577, 586
Methodist, in Richmond, an act for the benefit of the, 179, 227, 255, 332
Presbyterian, in Covington, a bill to incorporate the, 1st, 37, 76, 270, 446, 463, 582
Presbyterian, in Morganfield, an act for the benefit of the, 320, 324, 336, 392

Circuit Courts—see Courts Circuit.
Circuit Judges—see Judges.

Civil cases, a bill to amend the law authorizing changes of venue in, 175
Civil proceedings, a bill to regulate, 256
Claims, committee of appointed, 49
Claims of County Courts, a bill concerning the allowance of, 93
Clarke county, a bill to regulate the duty of the Treasurer of, 514, 557, 566, 584
petition of citizens of, 42, 280, 344, 385
Clark, George R. H., an act for the benefit of, and others, 299, 324, 336, 392
Clay and Owsley counties, a bill to dissolve, 394
Clay county, petition of citizens of, 53, 73, 79, 90, 226
—see Sheriffs and Surveyors.
INDEX. 609

Clerk, assistant, resolution to elect 9—elected, 10
Clerk of the Court of Appeals, a bill to amend the law regulating the duties of the 105, 222, 555, 585
Clerk of the Garrard Circuit Court, a bill for the benefit of 104, 134, 222, 250, 261
Clerk of the Whitley County Court, a bill for the benefit of the 62
Clarks, a bill to reduce the salaries of certain 174
a bill to provide for the purchase of books and stationery for 294
Clarks of County Courts, a bill to establish the fees of for taking lists of taxable property 297
Clarks, Constables and Sheriffs, a bill for the benefit of the of this Commonwealth 100, 250
an act for the benefit of 423, 455, 464, 535
Clinton county—see Sheriffs.
Closerport Seminary, an act to incorporate the &c. 513
Coburn, Thomas, petition of 220
Coffey, June, petition of 43
a bill for the benefit of 110, 481, 567, 585
Coffey, Shelby, added to committee of Conference on apportionment bill 509
nominated for Speaker 5
votes for 6
nomination of withdrawn 7
Corner, James B., petition of 288
Coleman, Hannah V., petition of 114
Collectors of Tax in Union county, an act for the benefit of 81, 84, 109, 137 219
Collectors of the county levy, a bill to regulate the appointment and pay of the 175
Collection of the revenue, a bill to amend the law regulating the 162, 256
Collins, Calvin, an act for the benefit of 513
Collins, Lewis, petition of and others 86
Columbia, an act to amend the act incorporating the town of 344, 454, 463 535
Columbus, petition of citizens of the town of 146
a bill for the benefit of the Trustees of 509, 557, 573, 584
Colvin, John, petition of 220, 252
a bill for the benefit of 440
Commercial and Agricultural Bank of Kentucky, a bill to establish the 175
Commissioners and Receivers in Chancery, a bill to amend the law in relation to 236
Commissioners, county and probate, a bill to provide for each county in this Commonwealth, &c. 39, 362
Commissioners, Green and Barren river, a bill to authorize a settlement to be made with the 137, 144, 197, 376, 446, 463, 582
Commissioners of Tax, a bill to alter and amend the laws relating to and for other purposes 185, 346
a bill to repeal all laws in relation to the appointment of 38, 48, 58, 77, 95, 107, 112
a bill to enable the voters of this Commonwealth to elect 94, 176, 417
INDEX.

Commissioners of Tax, appointed for the year 1844, a bill to legalize the proceedings of the 370, 569
Commissioners of the Lunatic Asylum, report of the S7—see Legislative Documents.

Commissioners of the Sinking Fund—see Sinking Fund.

Commissioners to select petit jurors, an act to provide for the appointment of 81, 85, 192, 200, 262

Committees, standing, on Agriculture and Manufactures appointed 51
on Banks 51
on Claims 49
on Courts of Justice 49
on Education 50
on Enrollments 52
on Expenditures of the Board of Internal Imp. 51
on Internal Improvement 50
on Library 52
on Military Affairs 50
on Penitentiary 51
on Privileges and Elections 49
on Propositions and Grievances 49
on Public Offices 52
on Religion 50
on Sinking Fund 51
on Ways and Means 50

Common School Fund, a bill to add to the resources of the 287
Common School Fund, an act to provide for the safe investment of the 452
Common School Laws, an act to amend the 407, 455, 537, 565, 588
Common Schools—see Schools Common.

Common school system, a bill to amend the law establishing the 38, 175
Commonwealth’s Attorneys, a bill to continue in force the law providing for the appointment of 54, 64, 78, 125, 204
an act to provide for the appointment of 81, 85, 137, 204

Commonwealth's Bank, report of the President of the 82

Conduct of slaves, a bill to amend the laws respecting 95

Connecticut, resolutions from the State of 206, 207, 208, 209

Conn, Malinda, petition of 106

Constables, Clerks and Sheriffs, a bill for the benefit of 100, 250

Constables, a bill to amend the law in relation to the appointment of 233, 323, 576, 581, 586

in Bath, a bill to allow one 94, 113, 137, 176, 193, 204, 216, 233, 322, 337, 353
in Boyle, a bill to allow one 71, 85, 103, 112
in Bullitt, a bill to amend the laws in relation to 57
in Casey, a bill to allow one 141, 176, 193, 204, 216, 233, 322, 357, 353
in Christian, a bill to allow one 325, 343, 393, 436
in Fleming, a bill to allow one 233, 322, 337, 383
INDEX.

Constables, in Graves, a bill to reduce the number of 361, 464, 568, 584
in Graves, a bill to repeal the the law allowing an additional to 255, 277
in Hancock, an act to allow one 454, 464, 535
in Hardin, an act to allow one 179, 225, 255, 332
in Hickman, a bill to allow one 45, 57, 80, 102, 112
in Larue, a bill to allow one 104, 125, 137
in Lincoln, a bill to allow one 177, 193, 201, 261
in Mercer, a bill to allow one 97, 179, 201, 261
in Springfield, an act to limit the number of 302, 324, 336, 392

Constables districts, an act authorizing County Courts to alter the
bounds of 96
in Mercer county, a bill to enlarge 38, 48, 66, 81, 112
in Oldham, an act to enlarge the 1st 66, 76, 81, 113
in Trimble, a bill to change the 46, 144, 184, 201, 261
in Washington, a bill to arrange an fix one for Maxville 142, 250, 266, 281, 321

Constitution of Kentucky, a bill to take the sense of the people as to the
altering, revising and amending of the 35, 108

Contractors on Licking river, a bill for the benefit of, the 175, 220

Contractors on public works, a bill for the benefit of, and stockholders
in turnpike roads 62
a bill to provide for a settlement with the 468
a bill supplemental to act providing for
payment of 58, 582, 584, 585
a bill to amend the act of 11th March, 1843
for the benefit of 433, 534, 567

Contractors on the Logan, Todd and Christian Turnpike Road, a bill for
the benefit of the 237

Conveyances, an act to amend an act to reduce into one all the acts reg-
ulating 105, 222

Conway, John and William, petition of 233

Cord, John E., petition 126

Cotton Factory, Paducah, a bill to incorporate the 274

County and probate commissioners—see Commissioners.

County Courts—see Courts County.

County Surveyors, an act to amend the act, entitled, an act to amend
the law concerning 113, 223

Court, General, an act to regulate the 512

Court of Appeals, a bill to amend the law establishing the 33, 58
an act to amend the law regulating the duties of the
Clerk of the 165, 222, 555

Courts, Circuit, a bill to repeal the law abolishing the summer terms of
the 36, 46, 72
a bill to regulate the terms of the, in 16th district 38, 37,
266, 278, 304, 322
a bill to abolish the, and establish District Courts 46
a bill prescribing the duties of, in relation to sales under
judgments and decrees 236
Courts, Circuit, a bill to provide for appeals from in certain criminal cases
272

a bill to regulate the in the 7th District
278, 303, 332

a bill prescribing the duties of in certain cases
374

a bill to vest the with power to decree sales of real estate belonging to non-resident infants
407, 455

an act authorizing special chancery terms of certain to be held
437

an act to regulate the in the 17th District
392, 452, 481, 513, 585

Allen, an act to change the terms of
561, 585

Allen, a bill supplemental to act changing terms of
568, 580, 585

Bourbon, a bill to change time of the
361

Boyle, a bill change time of the
263

Breckinridge, an act directing special terms of the
392, 453, 464, 534

Bullitt, a bill to restore the summer term of
45

a bill to allow a special term to 187, 219, 230, 261

Caldwell, a bill granting chancery terms to the
407, 452, 481, 513, 587

an act to change the time of the
367, 377, 383, 436

Carter, a bill to change the time of holding the
55, 64

Christian, a bill granting chancery terms to the
407, 452, 481, 513, 587

Fayette, an act to change the time of
160, 227, 376, 380

Fleming, a bill to change the time of holding the
55, 64

Garrard, an act to change the time of the
361, 363, 392, 446, 463, 582

a bill for the benefit of the Clerk of the
61, 104, 134, 222, 230, 261

Grant, a bill to allow chancery and criminal terms to
177, 193, 222, 230, 262

Greenup, a bill to change the time of holding the
55, 64

Hart, a bill to change the time of holding the
307, 323, 336, 370, 384

Hopkins, a bill granting chancery terms to the
407, 452, 481, 513, 587

Lewis, a bill to change the time of holding the
55, 64

Lincoln, a bill to change the time of holding the
263

Logan, an act to change the terms of the
561, 385

a bill supplemental to the act changing terms of
568, 580, 585

Meade, an act granting special terms to the
392, 455, 464, 534

Owen, an act to change the spring term of the
561, 586

Scott, an act to change the time of holding the
160, 227, 576, 580

Washington, a bill to regulate the terms of the
236

Whitley, an act to change the time of the
374, 392, 423, 479
INDEX.

Courts, County, a bill concerning the allowance of claims by
a bill allowing further time to the to procure standards
of weights and measures 96, 222, 230, 262
an act to allow the to change Constables' districts 96, 222
a bill to amend the law restricting the in laying their
levies 304
a bill to fix the fees of the Clerks of for taking lists of
taxable property 267
a bill authorizing the to appoint Commissioners of Tax
at March courts 482, 569, 580, 585
Allen, a bill to allow the to appoint overseers on turn-
pike roads 250, 270
Carroll, an act to change the time of August term of
the 384, 455, 464, 535
Christian, an act authorizing the to establish roads to
and from Coal Banks, &c. 459, 581, 587
Daviess, a bill authorizing the to change a road 238, 362,
536, 573, 584
act authorizing to establish roads to Coal
Banks, &c. 459, 581, 587
Fleming, a bill authorizing to give H. S. Powers fur-
ther time to pay county levy 273
Grant, a bill to allow the to lay an additional levy 126, 177,
193, 322, 337, 353
Greenup, a bill to allow the to lay an additional levy 126,
177, 193, 322, 337, 353
Harlan, an act to legalize the proceedings of the 384, 448,
534, 568, 585
Hopkins, a bill to legalize the proceedings of the 370, 422,
512, 567, 584
act authorizing the to establish roads to Coal
Banks, &c. 459, 581, 587
Jefferson, a bill to allow the to lay levy at their Octo-
ber, November or December terms 256, 268, 291, 321
Johnson, act legalizing proceedings of the 251, 323
Letcher, a bill to change the term of the 237, 275, 302,
325, 353
Livingston, act to change term of 361, 363, 384, 393, 419
Logan, a bill allowing the to change a road 238, 362, 556,
573, 584
Madison, a bill to change the term of the 236, 275, 302,
353, 383
Monroe, a bill to authorize the to appropriate funds to
finish Court House 46, 57, 80, 102, 112
Nelson, a bill to regulate sittings of 141, 249, 269
Ohio, a bill to change the terms of the 46
a bill to legalize proceedings of the 65, 74, 81, 112
Oldham an act authorizing the to levy at May term 160,
223, 260, 265, 332
Pendleton, a bill to allow to change State road 144, 302,
325, 383
INDEX.

Courts, County, Pike, a bill to change the term of 237, 275, 309, 323, 333
Scott, a bill to allow the to receive certain money 337, 374,
512, 567, 580
a bill to allow the to change a State road 140
Shelby, an act to authorize the to levy at May term 160,
223, 260, 265, 332
Trimble, a bill to allow the to lay off Magistrate's districts 144
Whitley, a bill for the benefit of the Clerk of the
Courts, District, a bill to abolish Circuit Courts, and to establish
Justice, a bill to amend the act regulating the time of holding 55,
144, 193, 217, 219, 228, 557, 585
Magistrates, a bill to change in part the bill establishing
a bill to amend the law in relation to the in Trimble county 46
Orphans, a bill to establish 49
Courts of Justice, committee of appointed
report of committee of
report of minority 394
395
Covington, a bill to amend the charter of the city of 100, 104, 113, 137, 204
Covington and Lexington Turnpike Company, petition of
an act to amend the charter of the 562, 581, 587
Covington Hotel Company, a bill to incorporate the
Covington Presbyterian Church—see Church.
Cox, Leander M., added to the committee on Banks 162
Crab Orchard and Cumberland Gap turnpike—see Roads, Turnpike.
Craddock fund, an act to modify an act to invest the 251, 322
Crenshaw, L. P., petition of, and others 437
Criminal laws, a bill to amend the by making seduction of a female
felony 237, 284
86, 135
Crittenden county, petition of citizens of
remonstrance of citizens of 135, 164, 194
Crooks, Robert T. and Mary, petition of 114
Crouch, Jonathan, petition of 344
Cully, John S., leave of absence granted to
Cumberland county—see Sheriffs.
Cumberland Gap and Crab Orchard Turnpike—see Roads, Turnpike.
Cumberland Hospital, annual report of the Trustees of the
Cumberland river, a bill to establish a Tobacco Inspection at the
mouth of 45, 57
Cummings, James, petition of 185
Curran, S. B. and J. H., petition of 266, 289
Curry, E., petition of administrator and heirs of 71
Dalton, Nancy, petition of 43
Dam and Lock No. 5, on Kentucky river, an act to authorize the raising
of the 513, 514, 536, 583, 587
Dam No. 3, on Green river, a bill to authorize the use of surplus water
at 435, 512, 536, 583
Danville and Hustonville Turnpike Road Company, an act to incorpo-
rate the 407, 453, 514, 566, 588
Danville, petition of citizens of 251
<table>
<thead>
<tr>
<th>Index Item</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Darnall, Elias, a bill for the benefit of</td>
<td>237</td>
</tr>
<tr>
<td>Darnall, Franklin and Kezia, petition of</td>
<td>32, 129</td>
</tr>
<tr>
<td>Davidge, Agnes, petition of</td>
<td>43</td>
</tr>
<tr>
<td>Davidge, Charles H., a bill for the benefit of the heirs of</td>
<td>144, 134, 222, 230</td>
</tr>
<tr>
<td>Davidson, James, nominated for Treasurer</td>
<td>449</td>
</tr>
<tr>
<td>nominated for Director of Commonwealth’s Bank</td>
<td>451</td>
</tr>
<tr>
<td>elected Director</td>
<td>451</td>
</tr>
<tr>
<td>Daviess County Court—see Courts County</td>
<td></td>
</tr>
<tr>
<td>Daviess county, petition of</td>
<td>66, 583</td>
</tr>
<tr>
<td>remonstrance</td>
<td>114, 140</td>
</tr>
<tr>
<td>Davis, John M., a bill for the benefit of</td>
<td>37, 64, 74, 81, 112</td>
</tr>
<tr>
<td>Dawson, N. W., an act for the benefit of and others</td>
<td>511, 582</td>
</tr>
<tr>
<td>Deaf and Dumb Asylum, annual report of the Trustees of the 87—see</td>
<td></td>
</tr>
<tr>
<td>Legislative Documents</td>
<td></td>
</tr>
<tr>
<td>Dean, Wesley, petition of</td>
<td>146, 272</td>
</tr>
<tr>
<td>Deceased persons—see Estates</td>
<td></td>
</tr>
<tr>
<td>DeCourcy, William, petition of</td>
<td>344</td>
</tr>
<tr>
<td>a bill for the benefit of</td>
<td>514, 581, 585</td>
</tr>
<tr>
<td>Deeds, an act declaring certain valid</td>
<td>194, 228, 576, 580, 586</td>
</tr>
<tr>
<td>a bill regulating a delivery of</td>
<td>279</td>
</tr>
<tr>
<td>a bill to amend the law in relation to the proving of by non-</td>
<td></td>
</tr>
<tr>
<td>resident witnesses</td>
<td>361</td>
</tr>
<tr>
<td>DeNeale, Merril A., petition of</td>
<td>367</td>
</tr>
<tr>
<td>an act for the benefit of</td>
<td>508, 557, 566, 583</td>
</tr>
<tr>
<td>Denton, John G., a bill for the benefit of</td>
<td>236</td>
</tr>
<tr>
<td>Depositions, a bill to change the mode of taking</td>
<td>55, 273</td>
</tr>
<tr>
<td>Destruction of last wills and testaments, a bill to prevent the</td>
<td>55</td>
</tr>
<tr>
<td>Devore, James and E. L., petitions</td>
<td>280, 285</td>
</tr>
<tr>
<td>an act for the benefit of and their children</td>
<td>344</td>
</tr>
<tr>
<td>454, 577, 586</td>
<td></td>
</tr>
<tr>
<td>Dialectic Society of Shelby College, a bill to incorporate the</td>
<td>273, 276</td>
</tr>
<tr>
<td>Digest of the Statutes, a bill to provide for the purchase of Loughboro-</td>
<td>45, 61, 138, 145, 157, 215, 226, 238</td>
</tr>
<tr>
<td>ths</td>
<td></td>
</tr>
<tr>
<td>Directors and Presidents of turnpike roads, a bill defining the privileges</td>
<td>479, 556, 566</td>
</tr>
<tr>
<td>of</td>
<td></td>
</tr>
<tr>
<td>District Courts—see Courts District</td>
<td></td>
</tr>
<tr>
<td>Districts, Judicial, a bill to regulate the terms of the courts in the 16th</td>
<td>38</td>
</tr>
<tr>
<td>a bill to establish the 19th</td>
<td>100, 237, 255, 288, 323, 334, 344, 405, 423, 513</td>
</tr>
<tr>
<td>a bill to regulate the terms of courts in the 7th</td>
<td>175, 277</td>
</tr>
<tr>
<td>a bill to regulate the terms of courts in the 4th</td>
<td>284, 289, 320, 337, 385</td>
</tr>
<tr>
<td>a bill to regulate the terms of courts in the 15th</td>
<td>237, 361</td>
</tr>
<tr>
<td>a bill to establish the 20th</td>
<td>276</td>
</tr>
<tr>
<td>a bill to change the 8th and 18th</td>
<td>237, 273</td>
</tr>
</tbody>
</table>
INDEX.

Districts, Judicial, an act to add Bullitt county to the 5th 113, 224, 279, 383, 437, 534
an act to add Wayne county to the 8th 320, 324, 554
an act to add Estill and Fleming counties to the 11th 440, 455, 463, 481, 513, 587
an act to change the terms of the courts in the 17th 382, 452, 481, 568, 585
an act to require the Judge of the 7th to hold chancery terms in Christian, Caldwell and Hopkins counties 407, 492, 513, 587

Divorce, resolutions in relation to petitions for 33, 48
Divorces, a bill to amend the act regulating 374, 365
Divorces, a bill to modify the acts of March 4th and 10th 1843 granting to sundry persons 237, 274, 275, 512, 536, 583

Doom, James M., petition of 320, 324, 554

Dorsey, Ann, petition of the heirs of 385
Dower, a bill to authorize the taking of relinquishments of before Justices of the Peace 45
Downingsville, a bill to establish the town of in Grant county 37, 57, 80, 102, 112

Dry Dock Company, Paducah, a bill to amend the laws incorporating the 38, 240, 270, 281, 321
Duelling law, a bill to amend the 56, 97, 193, 201, 261
Dyer, Dillis, and others, a bill to provide a settlement with 144, 197, 376, 446, 463, 582
Dymond, Edwin H., a bill to change the name of E. H. Reed to that of 38
Eades, John, petition of the widow and heirs of 377
Eastin, John C., petition of 106
Eaves, John S., a bill for the benefit of and H. W. McNary 129, 376, 446, 463, 582

Eddyville Free Church—see Church.
Eddyville Wharf Company, a bill to incorporate the 229, 326
Editors of the Yeoman admitted to seats in the Hall 35
Education, committee on appointed 50
Education of the Blind, resolutions to examine the Institution for the annual report of the Visitors of the Institution for the 114—(see Legislative Documents.) 35
a bill for the benefit of the Institution for the 125, 129, 198, 202, 220, 378, 512, 538, 583

Ejectment—see Actions of Ejectment.
Election laws, an act to amend the 513
Election Precincts, a bill to limit the time of voting at to one day 64, 99, 107
in Barren, a bill to change 45, 57, 105, 136, 204
in Bracken, a bill to change 217, 251, 322, 337, 383
in Breckinridge, a bill to establish 55, 64, 74, 81, 112
in Butler, a bill to establish 407, 453, 534, 568, 586
in Calloway, a bill to abolish the Pleasant Hill 37, 187, 219, 230, 383
INDEX.

Election Precincts
- in Casey, a bill to abolish 55, 64, 105, 136, 204
- in Clinton, a bill to establish 64, 81, 112
- in Crittenden, a bill to establish 104, 125, 137, 204
- in Gallatin, a bill to change 55
- in Graves, a bill to abolish a 27, 187, 270
- in Harlan, act to establish 436, 454, 481, 513, 587
- in Henry, a bill to change 62
- in Johnson county, an act to establish three 105, 222, 230, 262
- in Kenton, a bill to limit time of voting at the Piner 256, 299
- in Logan, a bill to establish one and change one 38, 48, 105, 136, 204
- in Marion, act to change 370, 374, 392, 423, 479
- in McCracken, a bill to establish 94, 144, 179, 201, 261
- in Mercer, a bill to establish 55, 64, 105, 136, 204
- in Nelson, a bill to change 62
- in Pike, a bill to establish 255, 270, 281, 321
- in Union, a bill to establish 104, 125, 137, 204
- in Warren, a bill to change 94, 193, 222, 230, 262

Elections, a bill making it the duty of the officers of to close the polls after the first day at all places except the Court House 55
- a bill to amend the laws regulating 37, 64, 177
- a bill to alter the present mode of holding 46
- a bill to better to protect the freedom of 370

Elections, State and Presidential, a bill to regulate the mode of adding and comparing the polls in 370

Elections and Privileges, committee on appointed
- report of committee on 459

Elective Franchise, a bill more effectually to secure the freedom of the 141,
- report of committee on 142

Elliott, Levi, a bill authorizing to put up two gates on a public road 46, 144, 270, 322, 337, 383

Elliston, Benjamin H., petition of 140

Elston, A. P., an act for the benefit of the infant children of 277, 278

Elston, Mary P., James P., Fanny and Charles, an act for the benefit of 277, 278

Emancipation of Slaves, a bill to amend the law in relation to the 38, 275, 388
- a bill to repeal all laws authorizing the 45

Enrollments, committee on appointed 52

Equitable proceedings—see Justices.

Estate, real, an act vesting the Circuit Courts with power to decree the sale of owned by non-resident infants 407, 455

Estate of deceased persons, an act to authorize the sale of 266, 273

Estates of infants, a bill to amend the law authorizing to be sold under decrees in chancery 236

Estill and Owsley counties, an act providing for the running and marking the line between 361, 374, 423, 479

Estill county, petition of citizens of 42, 105, 280, 344
INDEX.

Estill county, a bill to repeal part of the act establishing 100, 176, 251, 265
321
Estill county, an act to attach to the 11th Judicial District 440, 455, 463
Evans, G. W., petition of and others 280
Exchange of State bonds, an act authorizing the 423, 453, 565, 588
Execution, a bill specifying property exempted from 55
Execution, a bill to repeal the law exempting two hundred and fifty dol-
174, 566
lar's worth of property from 174, 566
Evans, G. W., petition of and others 280
Exchange of State bonds, an act authorizing the 423, 453, 565, 588
Execution, a bill specifying property exempted from 55
Execution, a bill to repeal the law exempting two hundred and fifty dol-
174, 566
lars worth of property from 174, 566
Execution Law, a bill to amend an act, entitled, an act to amend the 45
a bill to amend the 175
a bill to repeal act of 10th March 1843 to amend the 568
Execution Laws, a bill to amend the 33
Executors, administrators and guardians, a bill to reduce into one the 141
several acts concerning
Expenditures of the Board of Internal Improvement, committee on ap-
pointed 51
Falmouth, a bill to amend act incorporating town of 332, 374, 392, 423, 479
Farrer, Martha M., petition of 66
Faulkner, Daniel, a bill for the benefit of Jno. Allen 435
Fayette Circuit Court—see Courts Circuit.
Fayette county—see Roads State and Mechanics.
Fees of Surveyors, a bill to reduce 62
Females, a bill to protect the rights of females 142, 249
Females, a bill to make seduction of, a felony 237
Female Seminary, a bill to incorporate the Bardstown 370, 581
Ferries on Kentucky river, a bill to regulate the, below the head of slack water 61, 94, 193
Ferries on Salt river and Rolling Fork, a bill to regulate the 55, 255, 277
Fire company, Union of Lexington, a bill for the benefit of the mem-
bers of the 37, 47, 75, 113, 137, 204
First Auditor, annual report of the 29—see Legislative Documents.
Flanagan, Louisa, a bill for the benefit of 57, 80, 102, 112
Fleming Circuit Court—see Courts Circuit.
Fleming County Court—see Courts County.
Fleming county, an act to add, to the 11th Judicial District 440, 455, 463
Flora, John W., a bill to amend act for the benefit of 141, 183, 200, 231, 201
Flowers, Samuel G., petition of 53
  a bill to permit, to import a slave 72, 96, 221, 230, 261
Floyd county, petition of citizens of 66
Foot passengers on the Wilderness road, act for the benefit of 344
Ford, James, petition of 146
Ford, Thomas, petition of 194
Fore, Joseph, petition of 135
Foreman, Joseph and Catharine, petition of 307
  an act for the benefit of 561, 581, 586, 587
Fortune, Elisha, a bill for the benefit of 62, 75, 343, 369, 384
Forum, a bill to incorporate the Warsaw 180
Franchise, Elective, a bill better to secure the freedom of the 141, 142
Frankfort, a bill to amend the law concerning 175, 250, 438, 512, 536, 583
  a bill to move seat of Government from 274
INDEX.

Frankfort, petition of the Trustees of                        114
Frankfort Cemetery Company, a bill to incorporate the       273, 362, 391, 463,
Frankfort Savings Institution, an act to incorporate the    277, 323, 577, 586,
Franklin, a bill to appoint Trustees of the town of, and provide for the
election of their successors                                  56, 183, 200, 231, 262
Franklin, Abraham, an act to provide for a change of venue in the case
of                                                         135, 223
Franklin county—see Justices.                                
Franklin, Elizabeth, petition of                            194
Frazier, Ellen, petition of                                  233
Frazier, James, an act for the benefit of the widow and heirs of
Fraudulent removal of property, an act to prevent the        125, 222
Froman, Jacob, an act allowing a change of venue to          159, 227, 507, 536,
Fund, Common School—see Common School Fund.                  586
Fund, Sinking—see Sinking Fund.                              
Funk, Seminary, petition of Trustees of                      73
Gaines, Polly P., petition of                                393
Galbraith, Alexander H., petition of                         50
Gale, Henry and Ann E., a bill to allow, to convey lot to P. C. Holt
225, 227, 255, 321                                            109,
Gale, John, petition of the widow of, and administrator*     52
Gallatin and Grant counties, a bill to regulate the line between
45                                                        45
Gallatin county—see Election Precincts.                     251, 367
Gaming, a bill to amend the several acts against             141, 200, 228, 249
Garrard Circuit Court—see Courts Circuit.                  175
Garrard county, a bill allowing a special term to             175
Garrard county—see Sheriffs.                                 
Garner, Robert H., petition of                               267
Gas Company, an act to amend the act incorporating the Louisville
459                                                      459
Gatlin, Fanny, and act for the benefit of                     551
Gas Company; an act to amend the act incorporating the Louisville
459                                                      459
Gentry, Thomas J., a bill for the benefit of the widow and heirs of
332                                                        332
a bill for the benefit of the representatives of              452, 512,
Gentry, Thomas J., resolutions in relation to the death of    536, 583
George, James M., an act for the benefit of                  279
Georgetown and Lexington Turnpike Road Company, a bill to amend
the law incorporating the 45, 64, 424, 459, 513, 583
a bill to repeal the act to amend charter of                  461
a bill to amend the law incorporating the 45, 64, 424, 459, 513, 583
a bill to repeal the act to amend charter of                  461
adjournment of sine die                                        600
General Assembly, a bill to change the time of the meeting of the
175, 275, 355                                               175,
General Court, an act to regulate the                         512
Gentry, Thomas J., a bill for the benefit of the widow and heirs of
332                                                        332
a bill for the benefit of the representatives of              452, 512,
Gentry, Thomas J., resolutions in relation to the death of    536, 583
George, James M., an act for the benefit of                  279
George, James M., an act for the benefit of                  376, 454, 464, 535
George, James M., an act for the benefit of                  376, 454, 464, 535
a bill to amend the law incorporating the 45, 64, 424, 459, 513, 583
a bill to repeal the act to amend charter of                  461
Georgetown and Marion Turnpike Road Company, an act to incorporate
the                                                               


INDEX.

Georgetown, petition of citizens of 407
Ghent, petition of citizens of the town of 252
Gilbert, F. J., petition of 332
Gilchrist, Charles C. P., leave of absence granted to 445, 456, 464, 535
Gilkerson, John, an act for the benefit of 445, 456, 464, 535
Gill, James L., an act for the benefit of the heirs of 362, 406, 423, 582
Glasgow, a bill for the benefit of the town of 45, 57, 71, 96, 221, 230, 261
Glen, Andrew, a bill for the benefit of 440
Glenn's Creek, a bill to establish a Warehouse at the mouth of 38
Glover, Joel and wife, petition of 129, 159, 201, 260
Goble, Green V., resignation of 451
Gore, Thomas, petition of 452

Gorham, William A., nominated for Doorkeeper 10
votes for 11, 12
nomination of withdrawn 12
Government, a bill to remove the seat of, from Frankfort 274, 374
Governor, committee to wait on the, appointed 14, 159
annual message of the 15
message of, covering resolutions from South Carolina 68
message of, covering resolutions from Alabama and Maine 126
message of, covering resolutions from Massachusetts 190
message of, covering resolutions from South Carolina, Connecticut, Indiana, Alabama, Missouri and New Jersey 205
message of, in relation to sale of State bonds 23
message of, in relation to census documents 422
message of, in relation to sale of State bonds and purchase of bank stock 468
message of, in relation to weights and measures 365
message of, vetoing bill for benefit of G. B. Champlin and H. Kendley 29

Graham, Charles S., petition of 164
Grant and petit jurors—see Commissioners and Jurors.
Grant Jurors, a bill repealing the law allowing pay to 61
Grant and Gallatin counties, a bill to regulate the line between 45
Grant Circuit Court—see Courts Circuit.
Grant county, a bill to establish a special chancery term in 61
Grant county, petition of citizens of 160, 378
remonstrance 164
Grant county—see Justices.
Grant county—see Sheriffs.
Grant County Court—see Courts County.
Grant, T. and Jacob Ashton, memorial of 367, 373, 377
Graves county—see Election Precincts.
abill for the benefit of the citizens of 100
Graves county—see Constables and Justices.
Graves, Joseph A., a bill for the benefit of 237
INDEX.

Graves, William J., nominated for Speaker votes for 5, 6, 7
Gray, Joseph, nominated for Sergeant-at-Arms votes for 8
elected 8
allowed assistance of his son James 44
thanks of the House tendered to 599
Grayson county, petition of citizens of remonstrance of citizens of 270
Grayson county—see Justices.
Grayson, petition of citizens of the town of a bill to incorporate the town of 218, 270, 281, 321
Green and Barren river Commissioners—see Commissioners.
Green and Barren rivers, an act to amend the act to fix the tolls on &c. 534, 570, 586
Green county, a bill authorizing the Superintendent of Public Instruction to pay money to the 1st and 2d school districts in 75, 481, 513, 583
——see Justices and Sheriffs.
Green county, petition of citizens of 79, 140, 579
Green, Henry, an act for the benefit of. 551, 559, 586
Green, Julia Ann and Eliza H., an act for the benefit of 66, 76, 81, 113
Green river, a bill to authorize the use of surplus water at Dam No. 3, on 435, 512, 536, 583
Greenup Circuit Court—see Court's Circuit.
Greenup County Courts—see Court's County.
Greenup county, petition of citizens of 356
Greenville, petition of citizens of a bill to extend powers of the trustees of 374, 406, 423, 446, 463, 582
Gresham, Uriah, petition of a bill for the benefit of 126
Grievances and Propositions, committee on appointed 49
Grinstead, J. A., petition of 407
Guardians, executors and administrators, a bill to reduce into one the several acts concerning 141
Gustav, David, a bill for the benefit of 254
Hagan, Francis, an act to amend an act for the benefit of the widow and heirs of 184, 229, 307, 336, 585, 587
Haggard, James, nominated for Doorkeeper votes for 10
dropped 13
Hall, J. Smith, admitted to a seat in the Hall 27
Halsey, John, an act for the benefit of, &c. 230, 266, 281, 321
Halsey, John, petition of 32
Hammonds, Charles and Jacob Phips, petition of a bill for the benefit of 96
Hancock county—see Justices.
Hand, Henry, petition of 146
Happy, William, petition of 42
INDEX.

Hardin county, petition of citizens of  
—see Sheriffs.

Harlan Circuit Court—see Courts Circuit.

Harlan County Court—see Courts County.

Harlan county—see Sheriffs.

—see Surveyors.

Harman, Henry, a bill for the benefit of Harman, William, petition of Harmen, Leonard, petition of Harrison county, a bill to add a part of to Bracken county Harrodsburg, a bill to amend the act incorporating the town of Harrison, James, petition of and wife Harron, Simeon, petition of a bill for the benefit of  
Hart Circuit Court—see Courts Circuit.

Hart county, petition of citizens of Hartford Bridge Company, bill to release to Ohio county the State’s interest in the, Hart, Iredell, a bill for the benefit of the administrators of Harvey, A. and J. B. Thomas, an act for the benefit of  
Hathaway, Jonathan, an act for the benefit of Havens, Coonrod, petition of Hawkins, Rebecca, a bill for the benefit of the heirs of Hayden, John M., an act for the benefit of Haydon, Polly, petition of Haydon, William, petition of Hazzard, Sam., communication of Head, Francis, a bill for the benefit of and Julian Chism Heady, James, a bill for the benefit of the infant heirs of Hedges, Rebecca, a bill for the benefit of Hedges, Samuel, a bill for the benefit of the wife and children of Hedges, Silas, petition of Heirs of Aliens, a bill for the benefit of the Helm, Jo Ann, a bill for the benefit of Helm, John L., nominated for Speaker votes for elected Speaker thanks of the House tendered to Helm, Thomas J., nominated for Clerk elected Clerk thanks of the House tendered to Henderson county, petition of citizens of Henderson, James, petition of Hendricks, Sarah, petition of Henry county—see Election Precincts. —see Roads State. —see Justices.
INDEX.

Henry county—see Sheriffs.
Herbst, Letitia J., petition of a bill for the benefit of 197, 225, 255, 321
Hereford, Blair and Beverly, an act for the benefit of 513
Herndon, John C., nominated for assistant Clerk votes for 9, 10
elected 10
thanks of the House tendered to 589
Herrin, Ernst, petition of 66, 248
Herring, James, petition of a bill for the benefit of 129, 302, 325, 383
Hickman county, petition of citizens of 31, 53, 86, 163, 186, 252, 265, 267, 289, 579
remonstrance of citizens of 59, 96, 125, 135, 579
Highland Guards of Midway, a bill for the benefit of the 237, 276
Hill, Anderson, a bill granting a change of venue to petition of 509, 557, 566, 583
Hillman, Louisa, a bill for the benefit of 55
Hocker, Jeremiah, petition of 42, 75
Hockersmith, John, an act for the benefit of petition of 179, 228, 532, 536, 585, 587
Hodges, Aaron, a bill for the benefit of 75, 109, 193, 201, 261
Hodges, A. G., nominated for Public Printer votes for 449, 450
elected 450
Hodges, John, an act for the benefit of and R. C. Taylor 277, 322, 337, 383
Holbrook, William, a bill for the benefit of 254
Holeman, William B., nominated for Doorkeeper votes for 11, 12
nomination of withdrawn 12
Holliday, T. and L. P., a bill for the benefit of 141, 300
Hollifield, L. B., an act for the benefit of 459
Holt, Peter C., petition of 52
Hopkins and Christian counties, an act to establish the line between 160, 227, 255, 332
Hopkins Circuit Court—see Courts Circuit.
Hopkins County Court—see Courts County.
Hopkins County, petition of citizens of 44, 114
Horn, Henry, a bill for the benefit of 65, 80, 102, 112
Horn, Henry, and John Carpenter, a bill for the benefit of 39
Horticultural Society, a bill to incorporate the Kentucky 370
Hospital, Cumberland, annual report of the trustees of 147
Hotel Company of Covington, a bill to incorporate the 254
Mt. Sterling, a bill to incorporate the 370
Howard, John, an act for the benefit of 160, 237, 577, 586
Hughes, Eathan A., an act for the benefit of 361, 362, 384, 393, 419
Hunt, Margaret, petition of 135
Hustonville and Danville Turnpike Road Company, an act to incorporate the 407, 455, 514, 566, 588
Hynes, Warren W., petition of a bill for the benefit of
Idiocy and Lunacy, a bill to amend the laws concerning inquest in cases of
Importation of slaves, a bill to repeal the act of 1833 prohibiting the
Indiana, resolutions from the State of
Indian Mission Association, an act to incorporate the American
Independence, a bill to repeal the 2d section of an act amending charter of
Infants, non-resident—see Estate Real.
Infants Estates—see Estates.
Inman, Dorothy H., an act for the benefit of
Inquest in cases of Idiocy and Lunacy, a bill to amend the laws concerning
Inspection laws, an act to amend the
Inspection of Tobacco, a bill to amend the act authorizing at Louisville and other places
a bill to establish at the mouth of Cumberland river
a bill to establish in Owenboro' 362, 514, 568, 584
a bill to establish at Paducoah 55, 64, 301, 305, 309
resolutions in relation to the, &c. 150, 337, 383
Inspection of Tobacco and Pork, a bill to establish &c. in Cumberland county
Institute, Mechanics’ and Savings of Lexington, a bill to amend charter of the
Institution, Frankfort Savings, an act to incorporate the
Institution for the education of the Blind, a bill for the benefit of the
a bill to remove the to Newport
Annual Report of the Board of Visitors of the
—see also Legislative Documents.
resolution to examine the resolution to remove the resolutions in relation to a grant of land to the by Congress
Institution of vexatious suits a bill to prevent the
Insurance Company, Boyle county Mutual, an act to incorporate the
Louisville and Kentucky Mutual, annual report of the Directors of the
an act to amend charter of
Maysville, a bill to amend charter of
Internal Improvement and Railroad Scrip, resolution to burn
Internal Improvement, Board of, a bill to amend the law establishing
a bill requiring the to investigate all claims growing out of the Internal Improvement system
INDEX. 625

Internal Improvement Board of, annual Report of the 131
—see Legislative Documents.
communications from President of the 44, 54, 132, 148, 286, 292
—see Legislative Documents.
responses of the to resolutions 150, 166, 293, 373, 542
—see Legislative Documents.

Internal Improvement, committee on appointed 50

Jack, (man of color,) petition of, and others 303
Jailer of Shelby county, a bill for the benefit of the 94, 144, 184, 201, 261
of Hopkins, an act for the benefit of the 436, 453, 464, 555
Jailers, a bill to amend the laws relating to 141
Jails and Jail and Penitentiary House, an act prescribing the terms of
which the use of the may be allowed to the authorities of the U.
States 162, 436, 455, 464, 555

Jarvis, William, petition of 135
Jefferies, Sophia, petition of 136
Jefferson County Court—see Courts, County.
Jefferson county, petition of citizens of 32, 86, 126, 164
a bill for the benefit of the mechanics of 55
remonstrance of citizens of 163, 184
a bill to change the time of laying the levy in 155
—see Peace Warrants.
—see Sealer of Weights and Measures.
—see Sheriffs.

Jefferson county Pond Draining Company, a bill to amend the act incorporating the 274, 362, 392, 446, 463, 583

Jenkins, Charles W., leave of absence granted to 531
Jennings, Dr. J. M., petition of 135
John, a slave, a bill for the benefit of 55, 104
Johnson county, an act concerning the vacant lands in 81, 85, 102, 113
an act for the benefit of 465, 561, 587

Johnson County Court—see Courts, County.
Johnson, Patsey, petition of 135
Jones, James, petition of 201
Jones, William, and others, petition of 306

Judge of the Louisville City Court, a bill to give the, jurisdiction in cases of idiocy and lunacy 237, 278, 299, 304, 321
Judges, Circuit, a bill more effectually to secure the administration of justice by 304, 374
Judges, Police, of Paducah and Smithland, a bill further to prescribe the fees of 236, 276, 366

Judicial Districts, a bill to regulate the terms of the courts in the 16th 38
266, 278, 304, 322
a bill to establish the 19th 100, 237, 255, 288, 323, 334,
405, 423, 513
a bill to regulate the terms of courts in the 7th 175, 277
273, 303, 332
Judicial Districts, a bill to regulate the terms of the courts in the 4th 180, 234, 289, 329, 337, 383

a bill to regulate the terms of the courts in the 15th 237, 361

a bill to establish the 20th 276

a bill to change the 5th and 18th 237, 273

an act to add Bullitt county to the 5th 113, 224, 279, 388, 437, 534

an act to add Wayne county to the 8th 320, 324, 554

an act to add Estill and Fleming counties to the 11th 440, 455, 463, 481, 513, 557

an act to change the terms of the courts in the 17th 392, 452, 481, 568, 583

an act to require the Judge of the 7th to hold chancery terms in Christian, Caldwell and Hopkins counties 407, 452, 513, 557

Junod, Frederick, a bill for the benefit of 46, 144, 561, 567, 584

Jurors, grand, a bill to repeal the law allowing pay to 61

Jurors, grand and petit, an act to provide for the appointment of Commissioners to select 81, 85, 192

Jurors, petit, an act to provide for the appointment of Commissioners to select 192, 200, 202, 202

Justices' Courts, a bill to amend an act regulating the time of holding 55, 144, 198, 217, 219, 288, 557

Justices of the Peace, a bill to increase the jurisdiction of 39, 197

a bill to amend the law in relation to appeals from judgments of 39, 46, 72, 105, 137, 204

a bill to authorize taking relinquishments of dower before 45

a bill to repeal the act concerning the records of 61, 104, 194

a bill to give concurrent jurisdiction in all cases under $50 236

a bill to define and explain the law regulating equitable proceedings before 174, 250

in Ballard, a bill to allow an additional 84, 93, 112

in Barren, a bill to allow an additional 320, 322, 337, 383

in Carter, a bill to allow 561

in Casey, a bill to allow an additional 55, 80, 102, 204

in Franklin, a bill to reduce the number of 175, 230

in Grant, a bill to regulate the mode of appointing 37, 48, 71

in Graves, a bill to repeal the act allowing additional 175, 255, 277

in Graves, a bill to reduce the number of 361, 464, 568, 584

in Grayson, a bill to allow an additional 276, 302, 307, 344, 369, 384

in Green, a bill repealing act reducing number of 61, 104, 194
INDEX. 627

Justices of the Peace, in Green, a bill to allow an additional 236, 255, 320, 322, 337, 338.
in Hancock, an act to allow an additional 454, 464, 525.
in Henry, a bill to allow an additional 175, 256, 270, 281, 321.
in Hopkins, a bill to allow an additional 72, 80, 84, 93, 112.
in Kenton, an act to allow an additional 159, 227, 255, 331.
in Larue, a bill to allow an additional 104, 125, 137, 204.
in Lewis, a bill to allow an additional 254, 276, 302, 307, 344, 369, 384.
in Livingston a bill to allow an additional 104, 125, 137, 204.
in Muhlenburg a bill to allow an additional 80, 102, 204.
in Ohio, a bill to all to allow an additional 62.
in Owen, a bill to allow an additional 217, 233, 265, 322.
in Scott, a bill to allow an additional 518.

Keene, an act to incorporate the town of in Jessamine county 279, 323, 577, 581, 586.
Keer, John H., and others, an act for the benefit of petition of 540, 561, 586, 136.
Keeper of the Penitentiary, annual report of the
—see Legislative Documents. 53.
Keepers of livery stables, a bill for the benefit of 371.
Kelly, Rebecca, petition of 303.
Kenton county, a bill to establish a special chancery and criminal term in petition of citizens of 146, 194, 201.
remonstrance of citizens of 106.
Kenton county—see Justices.
Kentucky, Bank of—see Banks.
Kentucky and Louisville Mutual Insurance Company, annual report of petition of Directors of the 87.
an act to amend charter of 200, 228, 555, 561, 569, 574, 586.
Kentucky Horticultural Society, a bill to incorporate the 370.
Kentucky Institution for the Education of the Blind, preamble and resolution in relation to the grant of lands to by Congress 377.
a bill for the benefit of the 125, 129, 198, 202, 220, 379, 512, 536, 553.
Kentucky Militia, a bill for the benefit of the 76th regiment of the 267.
Kentucky Oil Manufacturing Company, a bill to incorporate the 183, 392, 446, 463, 583.
Kentucky Review, a bill to authorize the publication of advertisements in the 141.
Kentucky river, a bill to regulate the ferries on below the head of slack water 61, 94, 193
Kincheloe, Lewis W., a bill for the benefit of 470
King, David, leave of absence granted to 440
King, William, an act for the benefit of 135, 228, 260, 285, 332
Knox and Whitley counties, a bill to run and mark the line between 237
Knox county, petition of citizens of 303
Laborers and mechanics, a bill for the benefit of the of this Com'th 46, 58
Lambert, Lucinda, petition of 135
Land, Elizabeth, a bill for the benefit 57, 80, 102, 112
Lands, a bill to amend the law processin. 371
Lands, vacant, an act to amend an act to authorize the entry of west of Tennessee river 299, 324, 576, 586
an act to reduce the price of in certain counties 48, 384, 393, 449
in Russell county, a bill to reduce the price of 39
in Wayne county, a bill to repeal 2d section of act to reduce the price of, &c. 514, 568, 595
Larue county—see Justices.
petition of citizens of 66, 106
Larue, Joseph, a bill for the benefit of 254, 362
Laurel county—see Sheriffs.
petition of citizens of 73
Law processin. lands, a bill to amend the 371
Lawrence county, petition of citizens of 251
—see Sheriff.
a bill for the benefit of citizens of 254
Laws, Attachment, a bill to amend the 38, 134, 361
Common School, a bill to amend the 407, 455, 537, 588
Criminal, a bill to amend the 237, 294, 374
Election, an act to amend the 37, 64, 513, 568
Execution, a bill to amend the 45, 175, 393, 585
Inspection, an act to amend the 257, 436, 463, 583
Militia, a bill to amend the 45, 130, 159, 201, 237, 261
Militia, a bill to repeal the 100, 174
Penal, a bill to amend the 62, 93, 104, 217, 236, 251
Revenue, a bill to amend the 94, 179, 227, 419, 421
Revenue, a bill to repeal act to amend the 57, 414
Revenue, a bill to provide for the execution of the 409
Statute, a bill to revise, condense and publish the, of this Commonwealth 100, 177
Lawyers, a bill to prevent from collecting fees unless they have a written agreement with clients, and a license to practice 371
a bill to permit the depositions of to be taken in certain cases 361
Legislature, a bill to reduce the pay of the members of the 36
Legatees, reversionary, a bill to repeal the act more effectually to protect 38, 65, 193
Lemaster, Isaac, an act for the benefit of widow and heirs of and William Pelfry 81, 95, 192, 205, 262
Letcher and Owsley counties, a bill for the benefit of 146, 463, 561, 597
INDEX.

Letcher and Owsley counties, a bill to furnish with the laws since Morehead & Brown's digest 361, 550

Letcher County Court—see Courts County.

Letcher county, petition of citizens of a bill to amend the act concerning the boundary line of 183, 200, 230, 261

Lawers, Margaret, petition of a bill for the benefit of 64, 192, 193, 219, 269, 302

Lewis Circuit Court—see Courts Circuit.

Lewis County—see Justices.

—see Sheriffs.

Lewisport, an act to incorporate the town of 367, 454, 464, 535

Lexington, a bill for the benefit of the members of the Union Fire Company of petition of citizens of 225

Lexington and Covington Turnpike Road Company, an act to amend the charter of the 562, 581, 587

Lexington and Covington Turnpike Road Company, petition of the 146

Lexington and Georgetown Turnpike Road Company, a bill to amend the law incorporating the 45, 64, 424, 459, 513, 583

a bill to repeal act for the benefit of 461

Lexington Artillery Company, a bill for the benefit of the 100

Lexington Mechanics' Institute and Savings Institution, a bill to amend the charter of the 304

Lexington Theatre Company, a bill to incorporate the 250, 277, 289, 356

Library, committee on the appointed 52

Library Company, New Liberty, a bill to incorporate the 129, 179, 222, 230, 261

Librarian, Public, annual report of the 68

Library room, an act for the benefit of the 459

Liebfried, Joseph, an act for the benefit of the widow and heirs of 219, 228, 557, 568, 585

Limitation of actions and suits, a bill to amend the laws now in force relative to 370

Lincoln Circuit Court—see Courts, Circuit.

Lincoln county, petition of citizens of 160

Lincoln county—see Sheriffs.

Little Barren river, a bill to declare a navigable stream to Mitchell's mill 185

Livery stable Keepers, a bill for the benefit of 371

Livingston and McCracken counties, a bill to establish a special chancery term in 48, 80

Livingston County Court—see Courts, County.

Livingston county, petition of citizens of remonstrance of citizens of 164

—see Justices.

—see Sheriffs.

Lobban, Wm. G., an act for the benefit of 184, 228

Lock and Dam No. 5, on Ky. river, an act to authorize the raising of 513, 514, 536, 585, 587
INDEX.

Loughborough's Digest of the Statutes, a bill to provide for the purchase of 45, 61, 110, 128, 145, 157, 215, 226, 238, 239

Logan, Ann C., petition of

Logan Circuit Court—see Courts, Circuit.

Logan County Court—see Courts, County.

Logan county—see Election Precincts.

petition of citizens

Logan, Hezekiah J., a bill for the benefit of the children of 371, 376, 513

a bill for the benefit of the widow and children of 142

Logan, Todd and Christian Turnpike Company, petition of

London, Martin, an act to establish an election precinct at the house of in Butler county 407, 453, 534, 568

Long, Nimrod, petition of

Louisville and Bardstown turnpike—see Roads, Turnpike.

Louisville and Kentucky Mutual Insurance Company, annual report of the petition of

an act to amend charter of the 200, 228, 555, 561, 569, 574, 586

Louisville and Portland Canal Company, a bill to amend charter of the 361 363, 392, 423, 479

Louisville and Portland Railroad Company, a bill to incorporate the 363, 374, 391, 400, 568, 585

Louisville and Shelbyville Turnpike Road Company, and act for the benefit of 376, 454, 580, 587

Louisville City Court, a bill to give the Judge of the jurisdiction in cases of lunacy and idiocy 237, 278

Louisville Gas Company, an act to amend the act incorporating the 459


remonstrance of citizens of a bill to amend the act amending the charter of the city of 183, 200, 231, 262

a bill to regulate the disposition of militia fines in 254

Louisville St. Cecelia Society, a bill to incorporate the 237, 278

Lowers, Lewis, an act for the benefit of 85, 222

Ludwick, John, petition of 53

Lunacy and idiocy, a bill to amend the laws concerning inquest in cases of 94

Lunatic Asylum and Transylvania University, resolution to appoint committee to examine 47, 60, 76, 81, 96 committee to examine appointed 76

Lunatic Asylum, a bill for the benefit of the 39 a bill for the government of the 218, 272, 481, 513, 583

Lunatic Asylum, report of the Commissioners of the 87—see Legislative Documents.

report of committee on 217—see Legislative Documents.
INDEX.

Lunatic Asylum, report of minority of committee on 263
Lyon Fire Company of Lexington, petition of 263

Madison County Court—see Courts, County.
Madison county, petition of citizens of 73, 79, 105, 114
Madison county—see Sheriffs.
Madison Fork and Wilderness road—see Road.
Magistrates Courts, a bill to change in part the bill establishing 37
Mahony, Polly Ann, petition of 52
Maine, resolutions from the State of 123
Manchester, a bill to incorporate the town of 175, 250, 286, 281, 321
Manufacturing Company, a bill to incorporate the Maysville 509, 565, 567.

Marble Mantles, a bill to provide for the purchase of, for the Governors' house 267
Marcum, James, an act granting a change of venue to 160, 227
Marcum, Lucinda, petition of 79
Marion, a bill to incorporate the town of 273, 363, 391, 423, 454, 464, 473, 535
Marion, an act for the benefit of the town of 367, 454, 464, 535
Marion and Georgetown Turnpike Road Company, an act to incorporate 376, 454
Marion county, petition of citizens of 385
Marriage contract, resolutions in relation to the, and petitions for divorce 33
Marshall county, petition of citizens of 106, 126, 194, 344
—see Sheriffs.
Martin, John P., added to committee on Banks 162
Mason county, petition of citizens of 136, 344
—see Mechanics.
—see Road Law.
—see Surveyors.
Mason, John G., memorial of 32
committee on the petition of appointed 54
report of committee on memorial of 101, 130, 133
Massachusetts, resolutions from the State of 190, 191, 192
resolutions in relation to the resolutions from the State of 436, 482, 573, 588
May, Geo. W., petition of 306
Maysville, an act to authorize the city of, to collect a special tax 118, 222, 260, 265, 332
petition of citizens of 184
remonstrance of citizens of 135
Maysville Insurance Company, a bill to amend the charter of the 141
petition of the 200
Maysville Manufacturing Company, a bill to incorporate the 509, 565, 567, 585
McAllister, Joseph, a bill for the benefit of the heirs of 45, 72, 125, 137, 204
McCary, Mary, an act allowing a change of venue to 302, 324
McClelland, Joseph G., petition of 220
INDEX.

McClenden, John K., petition of a bill to authorize, to import a slave 72, 96, 221, 230, 261
McConnell, James, petition of 201
McCoys' Bottom Baptist Church, petition of members of 43
McCoy, Daniel, a bill for the benefit of the widow and heirs of 39, 218, 320 323, 345, 370, 383
McCracken and Livingston counties, a bill to establish a special chancery term in 38, 48, 80
 McCracken county, a bill to add Tennessee Island to 141, 249, 366, 393, 419
 McCracken county—see Election Precincts. petition of citizens of 106, 126
McElyea, Ann, petition of 106
McGill, Rev. J., use of hall allowed to 236
McIntosh, Jesse, a bill for the benefit of 37, 219, 222, 230, 262
McLarnin, John, added to committee of Conference on apportionment bill 510, 511
McLaughlin, C. A., petition of and others 251
McLaughlin, Sarah C., an act for the benefit of the estate of 270, 323
McKinley, Solomon, a bill for the benefit of the widow and heirs of 371
McMillan, Neal A., an act for the benefit of 66, 76, 81, 113
McNary, H. W. and J. S. Eaves, a bill for the benefit of 129, 376, 446, 463, 582
Meade Circuit Court—see Courts Circuit.
Meade county, petition of citizens of 31, 67, 86, 126, 164
Measures and Weights—see Courts, County.
Mechanics and Laborers, a bill for the benefit of, of the Commonwealth 46, 58, 249
Mechanics, a bill for the benefit of, and others 142
Mechanics of Calloway county, a bill for the benefit of 104, 140, 161, 205
of Fayette, a bill for the benefit of 361
of Jefferson, a bill for the benefit of 55, 104, 140, 161, 265
of Marshall, a bill for the benefit of 104, 140, 161, 265
of Mason, a bill for the benefit of 274, 364, 391
of Shelby, a bill for the benefit of 274, 374, 513
of Smithland, a bill for the benefit of 273, 363, 392, 425, 479
Mechanics Institute and Savings Institution of Lexington, a bill to amend the charter of the 304, 362, 391, 423, 479
Members of the Legislature, a bill to reduce the pay of the 36
Mercer county, petition of citizens of 66, 73, 135, 180, 220, 423
Mercer county—see Constables District and Election Precincts. petition of citizens 59
Mershon, John, petition of 43, 123
Message of the Governor, annual covering resolutions from South Carolina 68, 205
covering resolutions from Alabama and Maine 126, 127
covering resolutions from Massachusetts 190
covering resolutions from South Carolina, Connecticut, Indiana, Alabama, Missouri and New Jersey 205
in relation to sale of State bonds by the Banks 23
in relation to standard of measures 365
INDEX.

Message of the Governor, vetoing "a bill for the benefit of G. B. Champlin and H. Kendley" 29
Midway, petition of citizens of the town of 320
Military Affairs, committee on appointed 50
Militia fines in Louisville, a bill to regulate the disposition of 254, 363
Militia, Kentucky, a bill for the benefit of the 76th regiment of the 267
Militia Laws, a bill to amend the 45, 130, 159, 201, 237, 261
a bill to repeal the 100, 174
Mill Creek, a bill to appropriate money to build a bridge across 97, 107, 433
Minerva, petition of citizens of the town of 52
a bill to incorporate the town of 144, 227, 255, 321
Ministers, resident of Frankfort, resolution to invite the to open the House with prayer 34
thanks of the House tendered to 599
Mississippi river, preamble and resolutions in relation to the improvement of 270
Missouri, resolutions from the State of 212, 213
Mitchell, John, Henry G. and Leander, a bill for the benefit of 56, 249
Mitchell, Margaret, petition of 73
a bill for the benefit of 176
Money, a bill for the appropriation of 562, 578, 581, 585
Monroe County Court—see Courts, County.
Monroe county—see Sheriffs.
Monroe county—see Warehouse.
Montgomery county, petition of citizens of remonstrance 42, 344, 280, 437
Moore, Christopher, petition of 377
Moore, John A., petition of 303
Moore, Rachel, a bill for the benefit of, and Martha Spurlock 176, 193, 201
266
Moore road—see Road.
Morehead, Amos, petition of 367
Morgan and Breathitt counties, a bill for the benefit of 236
Morgan county, petition of citizens of 251, 267
Morganfield, an act to enlarge the powers of the Trustees of 225, 228, 557
a bill to incorporate the town of 580, 586
Morgan, Geo. M. and Amanda, petition of 66, 97
Morris, George, an act for the benefit of 160, 227, 255, 331
Norris, John, an act for the benefit of and J. A. Raine 320, 324
Morrison, John G., petition of 194
a bill for the benefit of 249, 270, 281, 321
Mount Sterling Hotel Company, a bill to incorporate the 370
Muhlenburg county, petition of citizens of 67, 86, 96, 220, 582
Muhlenburg county—see Justices.
Muldrows' Hill, an act concerning the road over 200, 227
Murray, a bill to incorporate the town of 37, 94, 125, 137, 204
a bill to establish the town of, as the county seat of Calloway 37,
71, 105, 137, 204
Mutual Insurance Company, Boyle county, an act to incorporate the 179
237, 555, 566, 588
Louisville and Ky., annual report of the 87
Mutual Insurance Company, Louisville and Kentucky, an act to amend the charter of the 200, 223, 555, 561, 569, 574, 586

Myers, Paulina S. D., petition of 437

National salute, resolution to fire on 8th January 74

Neal, Fielding, an act for the benefit of, and wife 270, 323, 451, 464, 555

Neare, Samuel, petition of 43

Nelson County Court—see Courts, County.

Nelson county—see Election Precincts.

Nevel, Samuel, a bill for the benefit of 187, 306, 322, 337, 343

Newberry, Henry C., petition of 129, 261

Newhall, Julia, an act for the benefit of 227, 391, 393, 436

New Jersey, resolutions from the State of 213, 214, 215

New Liberty, a bill for the benefit of the town of 306, 374, 407, 446, 463, 553

New Liberty Library Company, a bill to incorporate the 129, 179, 222, 230, 261

Newman, Josiah, a bill to allow to import a slave 236

Nicholas county, a bill to add a part of to Bracken 440, 512, 536, 583

Nichols, James, petition of 43

Nichols, James, petition of 72, 331, 369, 384

Non-resident infants—see Estate, Real.

Non-resident witnesses, a bill to amend the law concerning the proving of deeds by 361

Norman, J.C., petition of 129

Norton, Geo. W., petition of 220

Northern Bank of Kentucky—see Banks.

Nourse, Charles, administrator of J. Beam, a bill for the benefit of 46, 158, 71, 125, 137, 204

Oakley, America, a bill for the benefit of 237

Oats a bill to regulate the weight of 236, 276

Occupants, a bill to protect the of this Commonwealth 37

Occupants, a bill more effectually to protect the rights of and to limit the term of bringing actions of ejectment 62

Occupants, bona fide, a bill for the benefit of 263, 275, 349, 350, 352

Officers, a bill to reduce the salaries of the several of this Commonwealth 141, 249

Officers fees, an act to repeal in part the act regulating certain 154, 228, 557

Officers of Elections, a bill making it the duty of the to close the polls after the first day at all places except the Court House 55

Officers of the Revolution and Late War, a bill to provide for placing tombstones over the graves of 142, 374, 437

Officers, Public, resolution to fix a day to elect 240, 331, 409, 437, 440, 449

Ohio County Court—see Courts, County.
INDEX.

Ohio county, a bill to release to the State's interest in the Hartford Bridge Company, 435, 557, 567, 584
petition of citizens of 86, 96, 114, 552
remonstrance of citizens of 445
—see Justices.

Oil Manufacturing Company, a bill to incorporate the Kentucky 183, 392, 446, 463, 583

Oldham County Court—see Courts County.

Oldham county, petition of citizens of 86, 96, 114, 582
remonstrance 445

Oregon Territory, preamble and resolutions in relation to 356

Orphans' Courts, a bill to establish 304

Owenboro', a bill to establish a Tobacco Inspection in 361, 514, 568, 584

Owen county, petition of citizens of 32, 96, 146, 180, 299
remonstrance 154

Owen County Seminary, petition of the trustees of the 76, 159, 201, 261
—see Justices and Sheriffs.

Owen, Miranda, petition of 280

Owens, Athelstan, a bill to legalize the acts of as Surveyor of Mason county 141, 249, 266, 281, 321

Owens, Preston, a bill to legalize the acts of as a Justice of the Peace in Shelby 142, 249, 266, 322, 337, 383

Owens, Samuel, petition of 220

Owingsville and Big Sandy Turnpike Road Company, an act to amend charter of the 251, 323, 424, 440, 459

Owingsville, petition of citizens of 60

Owsley and Estill counties, an act providing for running and marking the lines between 361, 374, 423, 479

Owsley and Clay counties, a bill to dissolve 394

Owsley and Letcher counties, a bill to furnish with the laws since Morehead and Brown's digest 361

Owsley and Letcher, a bill for the benefit of the counties of 141, 465, 561, 587

Owsley county, a bill to change the line of 514, 561, 573, 584
an act providing for the location of the county seat of 134, 176, 222, 225, 255, 321, 331, 531, 536, 587
petition of citizens 134
a bill for the benefit of 263

Paducah, a bill to establish a Warehouse and Tobacco Inspection at 55, 64, 301, 305, 399
a bill to regulate the fees of the Police Judge of 236, 276

Paducah Cotton Factory, a bill to incorporate the 274

Paducah Dry Dock Company, a bill to amend the laws incorporating the 38, 249, 270, 281, 331

Paducah Stemming and Tobacco Factory, a bill to incorporate the 236, 276

Page, Thomas S., nominated for Director of Commonwealth's Bank 451
elected Director 451

Paintville, petition of citizens of the town of 239

Pair, Robert W., petition of 52
INDEX.

Parker, Lewis, petition of 194
Partial Payments, a bill to amend the law as to pleading, &c. 45, 94, 297, 557
Pate, James, a bill for the benefit of 56
Payments, a bill to amend the law as to pleading partial, &c. 45, 94, 217, 557
Payne, A., petition of 377
an act for the benefit of and others 551, 582
a bill to allow to import a slave 473
Payne, William P. and Isham Bowling, a bill for the benefit of 38, 465, 561
Pay of members of the Legislature, a bill to reduce the 36
Pay to Grand Jurors, a bill to repeal the law allowing pay to 61
Peace warrants, a bill regulating the return of in Jefferson county 217
Pedlers, a bill to alter and amend the law taxing 45, 110, 128
an act to amend the law concerning 331, 449
Peers, H. P. and Ann Eliza, petition of 86
Pelfry, William, an act for the benefit of and the widow and heir of
Isaac Lemaster 81, 85, 192, 202, 269
Penal laws, a bill to amend the 62, 93, 104, 217, 236, 251
Pendleton and Campbell counties, a bill to amend and extend the law
requiring Surveyors to run and remark the line between 38, 144, 183, 201,
261
Pendleton County Court—see Courts, County.
Pendleton county, a bill to repeal the law appointing a Treasurer in 141,
249, 343
petition of citizens of 160, 378
remonstrance of citizens of 160, 164
—see Roads.
Penick, Buford N., appeared and took his seat 27
Penitentiary, a bill providing for the purchase of a residence for the
Keepers of the and a Warehouse for the 432
a bill providing for the building of a Warehouse for the 568, 580, 585
a bill prescribing the terms on which the use of the shall
be allowed to the United States 436, 453, 464, 535
annual report of the Keeper of the 53
—for report see Legislative Documents.
committee on the appointed 51
report of committee on the 429
Perkins, Henry, petition of 43, 75
Perry county, petition of citizens of 96
Perry, R. H., a bill for the benefit of and others 219, 222, 230, 362
Pettit, William N., nominated for Doorkeeper 10
votes for 11, 12
nomination of withdrawn 12
Pew, Benjamin F., a bill for the benefit of 276, 299, 304, 322
Phelps, Martha B., petition of 160
Phelps, Mary Ann, petition of 31, 129
Philips, William, petition of 31
Philips, Thomas J., petition of 164
INDEX.

Phips, Jacob and C. Hammonds, petition of a bill for the benefit of 256, 277
Physicians, a bill for the benefit of 237
Pike County Court—see Courts, County.
Pike County, petition of citizens of—see Sheriffs.
Pleading partial payment, a bill to amend the law as to, &c. 45
Plats and certificates of survey, a bill to repeal the act requiring tax to be paid on the registering of 45, 57, 74, 134, 161, 205
Police Judge of Paducah and Smithland, a bill to regulate the fees of 236, 276, 366
Polls, a bill making it the duty of the officers of elections to close the after the 1st day at all places except the Court House 55
a bill to regulate the mode of adding and comparing the in State and Presidential elections 370
Pomeroy, Phineas, petition of 280
Pond Draining Company, an act to amend the charter of the Jefferson County 274, 362, 392, 446, 463, 583
an act to incorporate the Union 459
Pork and Tobacco Inspection, a bill to establish and a Warehouse in Cumberland county 384, 455, 464, 535
Porter, Ann, a bill for the benefit of 254, 275, 288, 304, 322
Porter, Bradford L., appeared and took his seat 27
Portland, a bill for the benefit of the town of 55, 104, 508, 557, 573, 584
Portland and Louisville Canal Company, an act to amend the charter of the 361, 363, 392, 423, 479
Portland and Louisville Railroad Company, a bill to incorporate the 363, 374, 391, 400, 568, 585
Port Royal, a bill to dispose of some town lots in the town of 361
Posey, F., petition of 342
Postage, preamble and resolution in relation to the reduction of 272, 304, 322
Poston, Sanford J., a bill for the benefit of 48, 80
Prater, Samuel, a bill for the benefit of 370
Prayer, resolution to open the House with Presidential election—see Elections.
Presidents and Directors of turnpike roads, a bill defining the privileges of 479, 556, 566
Presbyterian Church—see Church.
Price, John W., an act for the benefit of 135, 223, 588
Price, Morton M., petition of 236
Price, Peter S., petition of 42
Princeton, an act to enlarge the boundary of the town of 178, 180, 192, 202, 262
Prisoners, a bill prescribing the terms on which the jails will be allowed to the U. States for the confinement of 162
Privileges and Elections, committee on appointed report of committee on 459
Probate and county Commissioners—see Commissioners.
Proceedings, chancery, a bill to amend the law in relation to 38, 187
INDEX.

Proceedings, chancery, a bill to facilitate and expedite
Proceedings, equitable—see Justices.
Processioning lands, a bill to amend the law in relation to
Property, a bill to repeal the law exempting $350 worth from execution
an act to prevent the fraudulent removal of out of the State
exempted from execution, a bill specifying,
real, a bill to amend the law in relation to trespasses on
property sold under execution, a bill to regulate the valuation of
taxable, resolution to appoint committee to examine returns of
Propositions and Grievances, committee on appointed
Public arms, preamble and resolutions in relation to the
Public Instruction, annual report of Superintendent of
—see Legislative Documents.
Public Officers, resolution to fix a day to elect
election of
Public Offices, committee on appointed
Public works, a bill for the benefit of Contractors on the, &c.
a bill to amend act of 11th March, 1843, for the benefit
of Contractors on the
Puckett, Thomas E., an act for the benefit of
Pulaski county, petition of citizens of
Quinn, Absalom, petition of
Railroad, a bill to authorize the Governor to dispose of the between
Louisville and Portland
Railroad and Int. Imp. scrip, resolution to burn
report of committee appointed to burn
Railroad Company, a bill to incorporate the Louisville and Portland,
Raine, John A., an act for the benefit of and John Morris
Ratio of representation, a bill to fix and apportion
committee of conference on appointed
report of committee on
Ratliff, Elizabeth, petition of
Read, E. H., a bill to change the name of to E. H. Dymond
Real estate—see Estate.
Real property—see Property.
Receivers and Commissioners in chancery, a bill to amend the law in relation to
Redd, William, a bill for the benefit of, and others
Registering plats and certificates of survey, a bill to repeal the law
requiring tax to be paid on
Register of the Land Office, a bill requiring the to record deeds for forfeited lands
Regiment, a bill for the benefit of the 76th of Ky. Militia
INDEX. 639

Religion, committee on appointed 50
Reinjection of dower, a bill to authorize the taking of before Justices of the Peace 45
Removal of property—see Property.
Renee, Richard D., petition of 126
Replevin, a bill concerning the action of 94, 176
Replevin bonds, a bill to amend the law relating to 100, 362
Representation, a bill to apportion and fix the ratio of the 177, 266, 284, 297, 299, 301, 305, 308, 325, 337, 440, 462, 477, 551, 556, 565, 588
resolution to appoint committee of conference on 478, 509
report of committee of conference on 551
Reports, an act to repeal an act prohibiting the reading of certain 194, 238, 558, 568, 586
Resolutions calling on Board of Internal Improvement for information 47, 131, 145, 197, 276, 304, 385
calling on Board of Education for information 235
calling on Secretary of State for information 375, 385
directing Sergeant-at-Arms to have a lantern erected in front of the State House 164
excluding citizens from the Hall 553, 556
in relation to assemblages in the Hall 173
in relation to annexation of Texas 371, 394, 407
in relation to petitions for divorce 33
in relation to inspection of tobacco 180, 558
in relation to rules 34
in relation to costs in contested elections 161, 163
in relation to revenue Bank 56, 60
in relation to reporting by standing committees 535
in relation to Governor’s message 63, 64
in relation to reporting by committees 452
instructing committee on Agriculture and Manufactures 138
instructing committee on Banks 61, 74, 138, 142
instructing committee on Courts of Justice 44, 47, 57, 65, 104, 196, 197, 346, 358, 360
instructing committee on Education 271, 275, 359
instructing committee on Internal Improvement 65, 93, 144, 183, 235, 360, 362
instructing committee on Religion 54
instructing committee on Sinking Fund 103, 143
instructing committee on Ways and Means 143, 145, 178, 240
to appoint committee to prepare apportionment bill 36, 60
to appoint committee to furnish the Governor’s house with Marble Mantels 216
to elect assistant Clerk 9
to fire national salute on the 8th January 74, 78, 81
to fire national salute on the 22d February 423
to limit speeches 370, 452
to meet at 9 o’clock 173
to open the House with prayer 34
to order special election 280
INDEX.

Resolutions to request Second Auditor to notify County Courts to appoint Commissioners of tax to take a recess 363

Resolutions, Joint, declaring the acts of Commissioners of tax for 1844 valid 423

fixing a day to elect public officers 331, 409, 437, 440, 459
for an adjournment of the Legislature 40, 275, 331, 342, 408, 445
for the burning of Railroad and Int. Imp. scrip 270, 307, 331, 337, 390
for the burning of State bonds 60, 76, 81, 96
for the examination of the institution for the education of the blind 55
in relation to the annexation of Texas, 41, 371, 384, 407
in relation to currency 274
in relation to Digest of Decisions of the Supreme Court 166, 184, 201, 261
in relation to improvement of the Mississippi river 270, 325
in relation to location of Western Armory 178
in relation to Massachusetts resolutions 436
in relation to public arms 436
in relation to reduction of postage 273
in relation to tobacco 165, 320
instructing committee on Banks 40, 138, 140, 160, 161, 202, 205, 262
instructing committee on Education 143
to appoint committee to examine returns of taxable property 179
to appoint committee to examine Transylvania University and Lunatic Asylum 47, 76, 81, 96
to present a Gold Medal to R. B. M. Bullock 234
Resources of the Common School Fund, a bill to add to the 237
Resources of the Sinking Fund, a bill to repeal the 6th, 8th and 9th sections of the act of 11th March 1843 36, 57, 75, 179
an act to repeal the 8th and 9th sections of an act, entitled, an act to add to the 84, 222, 263, 264, 282, 304, 321, 325, 343, 393, 438
a bill to increase the 175

Response of Board of Internal Imp. to resolutions 63, 150, 166, 373, 542
—see Legislative Documents.

Revenue, a bill to amend the law regulating the collection of the 162
Revenue, a bill to assist in raising for this Commonwealth 371, 389, 445, 542
Revenue a bill to increase the 416, 566
Revenue Laws, a bill to provide for the execution of the 409
Revenue Laws, a bill to repeal act of 1842 to amend the 57, 179, 227, 414, 423
a bill to amend the 94, 175, 419, 421, 455, 464, 555

Reversionary Legatees, a bill to repeal an act more effectually to protect 38, 65, 193
INDEX.

Reynolds, Jesse, petition of  146
Reynolds, Perry, a bill for the benefit of  175
Rice, Henderson M., a bill for the benefit of  307
Rice, William, a bill for the benefit of  433
Richardson, W. W., petition of and others  86
Ricks, John, an act for the benefit of  81, 85, 192, 202, 262
Rights of Females, a bill to protect the  142
Riley, Daniel, a bill for the benefit of the estate of  100, 176, 257, 272, 366, 446, 463, 583

Road Company—see them under their names.
Road Law, a bill to amend the, in Campbell county  175, 462, 580
in Mason county, a bill to reduce into one the several  238, 276, 363, 376, 383, 419
Road, Moore, a bill to improve the, leading through Laurel and Knox counties  62, 237, 343, 369, 383
Roads, an act authorizing the County Courts of Christian, Hopkins and Daviess to establish, to coal banks &c.  459, 587
Roads, State, an act to amend the laws in relation to  219, 238, 435, 440, 459
from Bloomfield to J. Mayhalls, a bill to establish  371
from Brandenburg to Bowlinggreen, a bill to amend the law establishing  144, 343, 369, 384
from Canton to Mills3 Point, an act to establish  384, 455
from Columbus to Moscow, a bill to establish  392
from Frankfort to Lebanon, an act to establish  513, 581, 587
from Frankfort to the Georgetown and Covington turnpike, a bill to improve the  249, 302, 392, 337, 383
from McAlee's Warehouse to Franklin and Crab Orchard turnpike, a bill to establish  288, 323, 453, 444, 464, 533
from New Liberty to Marion, a bill to establish  435, 512, 567, 584
from Paducah to Gray's Ferry, a bill to establish  427, 512, 567, 584
from Pine Street in Danville to the Turnpike road  280, 323, 439, 464, 535
in Allen county, a bill to regulate the  174
in Fayette, a bill to regulate the allotment of hands on the  238, 275, 376
in Henry, a bill to change  393
in Pendleton, a bill to amend the laws concerning  62, 303
Roads, Turnpike, a bill defining the privileges of Presidents and Directors of  479, 556, 566
a bill for the benefit of stockholders in, &c.  62
a bill to amend the laws in relation to &c.  162
Bardstown and Louisville, a bill to amend the charter of the  371, 435, 439, 512, 376
Crab Orchard and Cumberland Gap, a bill to amend the laws regulating the  56, 97, 128, 159, 161, 201, 261
Logan, Todd and Christian, a bill for the benefit of the Contractors on the  237, 276, 434

81
INDEX.

Roads, Turnpike, Logan, Todd and Christian, a bill to regulate the tolls on the, in Todd county 371
Maysville and Mt. Sterling, a bill to move a gate on the 434
Muldrow's Hill, an act concerning the 200, 227, 265, 267, 232
Richmond and London, a bill exempting certain persons from paying tolls on the 100
Wilderness, a bill to amend the law regulating the 236, 249, 534, 567, 569, 580, 584, 586
Wilderness, an act for the benefit of the foot passengers on the 344, 454, 459, 463, 535
Roberts, Louis C., petition of 66, 128
Roberts, St. Clair, an act for the benefit of and A. Wetherford 179, 227, 538, 566, 587
Robertson, Geo. A., nominated for Librarian 450
voted for 450, 451
Robertson, Sidney H., an act for the benefit of 270, 323, 577, 586
Robinson, Beverly, a bill for the benefit of 37
Robinson, William, an act to change the name of to William Bell 370, 374, 392, 423, 479
Robinson, William Y., a bill for the benefit of 254
Rockcastle Seminary, a bill for the benefit of the 141, 249, 322, 337, 338
Rogers, Eli, an act for the benefit of 299, 324, 555, 538
Rolling Fork and Salt river, a bill to regulate the ferries on 55
Roman, Eliza A., petition of 79
a bill for the benefit of 197, 225, 229, 251, 322, 337, 333
Ronald, F. S. J., petition of 126
Rose, William, petition of 407
Rowlett, William, an act for the benefit of 459, 508, 552, 553, 565, 588
Rowlett, William, petition of 86, 182, 417
memorial of 140
Royalty, Cornelius, petition of 377
Rules of the House, adopted 34
resolutions to appoint committee to alter and amend 34
report of committee on the 94
Russell county—see Sheriffs.
Russellville, a bill to disconnect certain lots from the town of 38, 48, 95, 221, 239, 261
Rust, Isaac, an act for the relief of the heirs of 96, 222, 577, 586
Salaries, a bill to reduce the, of the several officers of this Commonwealth 141, 249
of Clerks, a bill to reduce certain 174
Sales of Slaves—see Slaves.
Salt river and Rolling Fork, a bill to regulate the ferries on 55
Salute, National, resolution to fire on 8th January 74
Salyers, William, an act for the benefit of 251, 323
Samuels, Wm. T., a bill for the benefit of 57, 71, 105, 136, 204
Sanders, Elizabeth W., petition of 180
<table>
<thead>
<tr>
<th>Subject</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanders, Philoman, petition of</td>
<td>31</td>
</tr>
<tr>
<td>Sanders, Robert S., petition of, and others</td>
<td>303</td>
</tr>
<tr>
<td>Sanford, Catharine, a bill for the benefit of, and heirs</td>
<td>371</td>
</tr>
<tr>
<td>Savings Institution and Mechanics Institute of Lexington, a bill to</td>
<td>304</td>
</tr>
<tr>
<td>amend the charter of the</td>
<td></td>
</tr>
<tr>
<td>Savings Institution of Frankfort, an act to incorporate the</td>
<td>556</td>
</tr>
<tr>
<td>Sayre, David A., an act for the benefit of</td>
<td>113, 222, 574</td>
</tr>
<tr>
<td>School Fund, a bill for the benefit of the</td>
<td>274</td>
</tr>
<tr>
<td>School Laws, Common, an act to amend the</td>
<td>407</td>
</tr>
<tr>
<td>Schools, Common, a bill for the benefit of the Trusteess of the Green</td>
<td>37</td>
</tr>
<tr>
<td>county</td>
<td></td>
</tr>
<tr>
<td>an act for the benefit of</td>
<td>584</td>
</tr>
<tr>
<td>a bill to amend the law establishing the system of</td>
<td>173</td>
</tr>
<tr>
<td>Scolling, Ann Mary, petition of</td>
<td>80</td>
</tr>
<tr>
<td>Scott Circuit Court—see Courts, Circuit</td>
<td></td>
</tr>
<tr>
<td>Scott County Court—see Courts, County</td>
<td></td>
</tr>
<tr>
<td>Scott county, petition of citizens of remonstrance of</td>
<td>164</td>
</tr>
<tr>
<td>Scott county—see Justices</td>
<td></td>
</tr>
<tr>
<td>Scrip, Railroad and Int. Imp. resolution to burn</td>
<td>270</td>
</tr>
<tr>
<td>Scrivner, James, a bill for the benefit of</td>
<td>256, 306</td>
</tr>
<tr>
<td>Sealer of Weights and Measures in Jefferson county, an act to regulate</td>
<td></td>
</tr>
<tr>
<td>the duties and fees of</td>
<td>306, 324, 549, 550, 561, 569, 585</td>
</tr>
<tr>
<td>Seat of Government, a bill to remove the, from Frankfort</td>
<td>274, 374</td>
</tr>
<tr>
<td>Seaton, Samuel, petition of</td>
<td>303</td>
</tr>
<tr>
<td>Second Auditor, annual report of the 27—see Legislative Documents</td>
<td></td>
</tr>
<tr>
<td>communication of the 67—see Legislative Documents</td>
<td></td>
</tr>
<tr>
<td>Secretary of State, communication of the 63—see Legislative Documents</td>
<td></td>
</tr>
<tr>
<td>communication of the</td>
<td>221</td>
</tr>
<tr>
<td>a bill authorizing the, to furnish books to Letcher,</td>
<td></td>
</tr>
<tr>
<td>Johnson, Crittenden, Ballard, Marshall and Owsley counties</td>
<td>465, 584</td>
</tr>
<tr>
<td>Secretary of State, response to resolution of Mr. Glenn</td>
<td>474</td>
</tr>
<tr>
<td>Securities, a bill for the benefit of, and for other purposes</td>
<td>180</td>
</tr>
<tr>
<td>Seduction of a Female, a bill to make the, a felony</td>
<td>237</td>
</tr>
<tr>
<td>Sehon, Rev. Mr., use of Hall allowed to</td>
<td>306</td>
</tr>
<tr>
<td>Seminary, Bardstown Female, a bill to incorporate the</td>
<td>370, 581, 587</td>
</tr>
<tr>
<td>Big Spring, an act to incorporate the</td>
<td>299, 324, 336, 392</td>
</tr>
<tr>
<td>Cloverport, an act to incorporate the</td>
<td>513</td>
</tr>
<tr>
<td>Funk, a bill to amend the charter of the</td>
<td>129, 233, 322, 337, 353</td>
</tr>
<tr>
<td>Funk, petition of Trustees of the</td>
<td>73</td>
</tr>
<tr>
<td>Owen county, a bill for the benefit of the</td>
<td>159, 201, 261</td>
</tr>
<tr>
<td>Rockcastle, a bill for the benefit of the</td>
<td>141, 249, 320, 337, 338</td>
</tr>
</tbody>
</table>
INDEX.

Shanks, Henry and others, a bill to provide for a settlement with 144, 197, 376, 446, 463, 582
Shanks, Quintus C., petition of 43, 283
Sharpsburg, petition of citizens of 60
Shelby College—see Dialectic Society.
Shelby county, a bill for the benefit of the Jailer of 94
Shelby County Court—see Courts, County.
Shelby county—see Mechanics.
Shelbyville and Louisville Turnpike Road Company, an act for the benefit of 376, 454, 580, 587
SHERIFFS, a bill authorizing, to leave a copy of subpoena at the house of the persons summoned 238
a bill compelling to execute bonds for the collection of county levy 267, 302, 333, 369, 384
a bill to amend the law authorizing to convey lands in certain cases 46
a bill to provide for the liabilities of and their securities 361
SHERIFFS, of Anderson, a bill for the benefit of 273, 567, 584
of Barren, a bill for the benefit of 273, 567, 584
of Bath, a bill for the benefit of 174, 256, 277, 281, 283
of Bourbon, a bill for the benefit of 422, 481, 567, 584
of Breckinridge, a bill for the benefit of 61, 94, 283
of Bullitt, a bill for the benefit of 55, 144, 193, 201, 283
of Caldwell, a bill for the benefit of 61, 94, 302, 325, 383
of Christian, a bill for the benefit of 97, 238
of Clay, a bill for the benefit of 45, 57, 66, 76, 81, 112
of Clinton, a bill for the benefit of 251, 303, 392
of Cumberland, a bill for the benefit of 422, 481, 567, 584
of Garrard, a bill for the benefit of 174, 256, 277, 281, 283
of Grant, a bill for the benefit of 176, 323, 337, 383
of Harlan, a bill for the benefit of 176, 254, 422
of Henry, a bill for the benefit of 57, 100, 177, 260, 266, 281, 321
petition of the 106
of Jefferson, a bill for the benefit of the 129, 219, 230, 262
of Laurel, a bill for the benefit of 45, 73, 103, 137, 204
of Lawrence, a bill for the benefit of 273
of Lewis, an act for the benefit of 361, 363, 384, 393, 419
of Lincoln, a bill for the benefit of 363, 384, 446, 463, 582
of Livingston, a bill for the benefit of 101, 218, 231, 281, 302, 307
of Madison, a bill for the benefit of 129, 219, 290, 262
of Marshall, a bill for the benefit of 176, 440, 512
of Meade, a bill for the benefit of 46, 249, 283
of Monroe, a bill for the benefit of 57, 81, 112
of Owen, a bill for the benefit of 236, 276, 288, 304, 322
of Pike, a bill for the benefit of 254
of Russell, a bill for the benefit of 56, 273, 422, 481
of Todd, a bill for the benefit of 422, 481, 567, 584
INDEX. 645

Sheriffs, of Trimble, a bill for the benefit of Union, an act for the benefit of Whitley, a bill for the benefit of Sheriff, Constables and Clerks, a bill for the benefit of the of this Commonwealth

Sheriffs, of Trimble, a bill for the benefit of Union, an act for the benefit of Whitley, a bill for the benefit of 361, 363, 384, 393, 419

Sheriffs, of Trimble, a bill for the benefit of 62, 256, 277, 281, 321

Sheriffs, Constables and Clerks, a bill for the benefit of the of this Commonwealth 100, 249

Shreve, J. M. V., petition of 513

Shultz, Lydia, an act for the benefit of the heirs of 194, 228, 555, 565, 588

Sibley, Ira H., a bill for the benefit of 137, 159, 161, 205

Sinking Fund, a bill to repeal the 6th, 8th and 9th sections of the act of 11th March, 1843, to add to the resources of the 36, 57, 75, 159

an act to repeal the 8th and 9th sections of an act to add to the resources of the 31, 54, 222, 263, 264, 282, 304, 321, 325, 343, 393, 436

a bill to increase the resources of the 175

annual report of the Commissioners of the 185

—for report, see Legislative Documents.

committee on the appointed 51

report of committee on the 547

Skaggs, Jeremiah and Elizabeth, petition of 377

Skaggs, Jeremy, petition of 160

Skidmore James C., petition of 250

Skiles, James R. and others, a bill to provide for a settlement with 144, 197, 376, 446, 463, 552

Skinner, A., petition of 278

Skinner, Sally, a bill for the benefit of 94, 110, 134, 222, 230, 261

Slaves, a bill to amend the law in relation to the emancipation of 38, 275, 388

a bill to repeal the laws authorizing the emancipation of 45

a bill to repeal the law of 1833 prohibiting the importation of 38

a bill to modify the law of 1833 prohibiting the importation of 43, 48

a bill to amend the law respecting the conduct of 98

a bill more effectually to prevent from hiring their own time 100

a bill more effectually to prevent the escape of from this Commonwealth 174

a bill to amend the act regulating sales of under execution 236

Smallwood, Lois, a bill for the benefit of 100, 177

Smith, Burnley D., petition of 280

Smith, John P., an act for the benefit of and others 374, 551, 582

Smith, D. Howard, a bill for the benefit of and wife 175

Smithland Bridge Company, a bill to incorporate the 176

Smithland, petition of citizens of remonstrance 225

—see Mechanics.

Sneed, Louisa, petition of 332

Society, Dialectic, of Shelby College, a bill to incorporate the 273, 276

Society, Kentucky Horticultural, a bill to incorporate the 370

Somertby, R., petition of and others 280

South Carolina, resolutions from the State of 68, 205
Sparks, James P., petition of 234
Sparks, William Wilborn, a bill to legitimate and change his name to W. W. Wooten 72, 85, 93, 112
Spratts, James B., an act granting a change of venue to 194, 228, 577, 586
Spaulding, Rev. Mr., use of Hall granted to 370
Spurlock, Martha, a bill to change the name of to Martha Gilbert 94, 176, 193, 201, 260
Stackhouse, John, petition of 146
Stamps, Charles, petition of 332
State Bank, a bill to establish a 39, 47, 210
State Bonds, an act authorizing the exchange of 423, 455, 456, 558
State Elections—see Elections.
State Treasurer, annual report of the 27
State and Blank Books, a bill to provide for the purchase of for Clerks 294
Statute Laws—see Laws, Statute.
Statutes, a bill to authorize the purchase of Loughborough's Digest of the 45, 61, 110, 138, 145, 157
St. Cecelia Society, of Louisville, a bill to incorporate the 237, 278
Stedman, John C., nominated for Sergeant-at-Arms 8
votes for 8
Stephens, Peter, petition of 79, 109, 137
a bill for the benefit of 141, 249, 283
Stephens, Thomas L., petition of 146
Stewart, Mary D., a bill for the benefit of 64, 80, 102, 112
Stewart, Nancy, petition of 135
Stewart, William, a bill for the benefit of 307, 446, 463, 482
Stinking creek, an act declaring a navigable stream 361, 374, 392, 423, 479
Stinson, George, Jr., petition of 53, 75
Stockholders in turnpike roads—see Roads, Turnpike.
Stockton, Robert T., petition of 31
Stout, Symon, and others, a bill to provide for a settlement with 144, 197, 376, 446, 463, 552
Strong, Joel J., use of Hall allowed to 34
Suits against the Commonwealth, a bill to direct in what manner and in what court they shall be brought 273, 289, 441
Suits and actions, a bill to amend the laws now in force relative to certain 370
Suits, vexatious, a bill to prevent the institution of 141
Superintendent of Public Instruction, a bill authorizing the to pay money to the 1st and 2d Districts in Green county 75
annual report of the 82
—see Legislative Documents.
response of the to resolutions 252
Surplus water at Dam No. 3, on Green river, a bill to authorize the use of the 435
Surveyor of Clay county, a bill for the benefit of 239
Surveyor of Union county, act for benefit of 270, 324, 325, 343, 393, 436
of Harlan county, act to legalize the proceedings of the 384, 448,
584, 585, 586
of Spencer county, act for the benefit of 331, 454, 464, 535
Surveyors, County, an act to amend act to amend the law concerning 113,
222
Surveyors' fees, a bill to reduce 62
Surveyors' fees in Wayne, a bill to repeal act to reduce 514, 568
Tabor, Enoch S. and Sarah, petition of 393
a bill for the benefit of 568, 581, 585
Tadlock, Carter, an act for the benefit of the devisees of 219, 223, 255, 332
Tanner, William, nominated for Public Printer 449—votes for 450
Tate, Martha, petition of 32
a bill for the benefit of 72, 125, 137, 204
Taylor, A. G., nominated for Librarian 450—votes for 451
Taylor, J. petition of, and others 280
Taylor, Richard C., a bill for the benefit of and J. Hodges 175, 250, 277,
322, 337, 353
Tax, a bill for the benefit of the Collectors of for Union county 81, 84, 109
a bill to alter and amend law in relation to Commissioners of &c. 183,
346
a bill to enable the voters of this Commonwealth to elect Commissio-
ers of 94, 417
a bill to legalize the proceedings of Commissioners of appointed
for the year 1844 370
a bill to repeal all laws relating to the appointment of Commis-
sioners of 38, 48, 58, 77, 107
a bill to repeal the law imposing, on plats and certificates of sur-
veys 45, 57, 74, 134, 161, 205
Taxable property, resolution to appoint committee to examine returns of 179
Tennessee Island, a bill to add to McCracken county 141, 249, 366, 393, 419
Terrill, Thomas, a bill for the benefit of the widow and heirs of 285, 537,
561, 567, 583
Territory of Oregon, preamble and resolutions in relation to the 356
Tevis, M. N., petition of 220
Texas, preamble and resolutions in relation to the annexation of to the
United States 41, 371, 384, 407
Theatre Company, a bill to incorporate the Lexington 250, 277, 289, 356
Thomas, J. B. and A. Harvey, an act for the benefit of 376, 454, 540, 561, 586
Thomas, John, a bill for the benefit of 254
Thompson, George H., petition of 200
Thompson, John, petition of 31
Thompson, H. M. J., petition of 66, 97
Thornton, James, an act for the benefit of the devisees and heirs of 129,
223, 230, 362
Tiford, John, an act for the benefit of 306, 324, 539
Tobacco, a bill to amend the act authorizing the inspection of at Louis-
ville and other places 39, 97, 180
INDEX.

Tobacco, a bill to establish Inspection of in Owenboro 361, 514, 568, 584
a bill to establish an Inspection of at the mouth of Cumberland river 45
a bill to establish an Inspection of at Paducah 55, 64, 301, 399
joint resolutions in relation to 165
resolutions in relation to inspection of, &c. 180, 337, 383, 582

Tobacco and Pork Inspection, a bill to establish, and a Warehouse in Cumberland county 385

Todd county, petition of citizens of 385
—see Sheriffs.

Todd, Logan and Christian Turnpike Company, petition of 106
Tolls on Green and Barren rivers, an act to amend act to fix, &c. 534, 570
Towns—see them under their names.

Transylvania University and Lunatic Asylum, resolution to appoint committee to examine 47, 60, 76, 81, 96
committee to examine appointed 76

Treasurer, State, annual report of the 27
—see Legislative Documents.
elected 449

Trespasses on real property, a bill to amend the law in relation to 33, 48

Trimble county, a bill to amend the law in relation to Magistrates Courts in 46
—see Constables' Districts.
—see Sheriffs.

Trimble County Court—see Courts, County.
Trustees of Common Schools—see Schools Common.

Turnpike gates, a bill to explain the law in relation to 187

Underwood, John, petition of 290
Underwood, J. R., petition of 377
Union county, a bill for the benefit of the Collectors of tax in 81, 84, 137, 219
an act for the benefit of the Surveyor of 270, 324, 325, 343, 393, 436

Union county—see Sheriffs.
Union Fire Company of Lexington, a bill for the benefit of the members of the 37, 47, 75, 113, 137, 204

Union Pond Draining Company, an act to establish 459

University, Transylvania, resolution to appoint committee to examine 47, 60, 76, 81, 96
committee to examine appointed 76

Usury, a bill more effectually to suppress the practice of 37, 249

Vacant lands, a bill to reduce the price of in certain counties 48, 384, 398, 419
—see Lands Vacant.

Vacant lands in Russell county, a bill to reduce the price 39
Vacant lands West of Tennessee river, an act to amend an act to authorize the entry of 299, 324

Valuation of property sold under execution, a bill to regulate the 46
Vaughan, Thomas, petition of 194
INDEX.

Vaught, S. and S. F., a bill for the benefit of 435
petition of
Venue, a bill to amend the law authorizing changes of in certain cases 175
Vexatious suits, a bill to prevent the institution of 141
Vimont, Lewis, an act for the benefit of 384, 455, 537, 565, 588
Voluntary destruction of last wills and testaments, a bill to prevent 55

Wade, Brent, petition of 32, 282
Waitsburgh, an act to incorporate the town of 581, 586
Wakefield, James and Mathew, a bill for the benefit of the heirs of 422, 512, 535, 583
Walden, John, an act for the benefit of 135, 223, 260, 265, 332
Wallace, James, petition of 42
Wallace, Thomas, a bill for the benefit of the devisees of 74, 76, 85, 83, 113
Waller, Henry, petition of 80
Warehouse, a bill to establish a, at H. Wright’s on the Mississippi 62, 256, 288, 304, 322
a bill to establish on land of J. W. Jenkins, in Warren county 142, 249, 288, 304, 322
a bill to establish a, on H. Bushong’s land, in Monroe city 26, 57, 219, 230, 261
a bill to establish at Paducah 55, 64, 301, 305, 399
a bill to establish, &c. in Cumberland county 324, 455, 464, 535
a bill to establish a, at mouth of Glenn’s creek 238
an act to establish at Covington and McAfee’s landing 288, 324, 337, 392

Warrants, peace, a bill regulating the return of in Jefferson county 217, 262, 265, 321

Warren county, petition of citizens of 52
Warren, Thomas B., nominated for assistant Clerk 9—votes for 9, 10
Warsaw, a bill to amend the charter of 137
Warsaw Forum, a bill to incorporate the 180
Washington, a bill to repeal an act relating to the town of 304
Washington Circuit Court—see Courts, Circuit
Washington county, petition of citizens of 136
Watches and carriages, a bill to repeal the law taxing 36
Waters, Richard, petition of 135
Watkins, Mary, petition of 31
Watson, Dr. E. H., an act for the benefit of, and J. C. Young 302, 324, 575
Watts, William R., nominated for Doorkeeper 10—votes for 11, 12, 13, 14
Wayne county, petition of School Commissioners and citizens of 278
Wayne county—see Judicial Districts.
—see Lands, Vacant.
Ways and Means, committee on appointed 50
Weights and measures—see Courts, County.
Weir, James, petition of 136
Welch’s creek, a bill declaring a navigable stream 361, 537, 561, 573, 584
Wernwag, Lewis V., an act for the benefit of 302, 305, 424, 440, 459
Wetherford, Archibald, an act for the benefit of, and St. Clair Roberts 178, 237, 538, 566, 587

82
Wharf Company, a bill to incorporate the in Eddyville 238, 362
Whip, John and Lucian, a bill for the benefit of the children of 393
Whitley and Knox counties, a bill to run and mark the line between 237
Whitley Circuit Court—see Courts, Circuit.
Whitley County Court—see Courts, County.
Whitley county—see Sheriffs and Clerks.
Whittlesey, Charles, memorial of 588
Whitworth, Charlotte T., petition of 79
Wilderness road, an act to regulate, &c. 534
Wilkins, S. M., petition of 344
  a bill for the benefit of, and others 374, 557, 566, 583
Wilkinson, John M., a bill for the benefit of 62, 65, 74, 81, 112
Williams, Marion, a bill for the benefit of 141, 177, 194, 201, 261
Wills, a bill to prevent the voluntary destruction of 55
Wilson, Isaac M., petition of 67, 129
Wilson, Jeremiah, petition of and others 306
Wilson, Travis, a bill for the benefit of 187, 219, 222, 230, 262
Wilson, W. H., petition of 58, 129
Winchester Academy, an act concerning 407, 452, 512, 513, 585
Winn, P. B., petition of 80
Withers, Catharine, petition of 60
  a bill to divorce 76, 82, 481, 567, 584
  an act for the benefit of and her children 277, 323
Witnesses, a bill to regulate the attendance of 175
  a bill to amend the law in relation to attaching and summoning 176
Witnesses, non-resident, a bill to amend the law in relation to proving of deeds by 361
Wolf, Charles O., petition of 114
Wolf, Nathaniel, a bill for the benefit of 188, 189, 367, 447, 463, 535
Woodford county, petition of citizens of 131
Woods, Rodes, petition of 42, 70
  a bill for the benefit of 70, 90, 229, 266, 281, 321
Wooten, Frederick S., petition of 44
Wooten, William Wilburn, a bill to legitimate W. W. Sparks and change his name to 72, 85, 93, 112
Works, Public—see Public Works.
Yeoman, editors of the admitted to seats in the Hall 35
Yorks, Solomon, an act to establish an election precinct at the house of 436, 454, 481, 513, 585
Young, Hiram, a bill for the benefit of 55
Young, Rev. J. C., an act for the benefit of and Dr. E. H. Watson 302, 324, 575
Young, William M., a bill for the benefit of 370, 422, 512, 536, 583