At a meeting of the General Assembly of the Commonwealth of Kentucky, begun and held at the respective chambers provided for that purpose, subsequent to the unfortunate destruction of the Capitol by fire, and in the Town of Frankfort, on Monday the seventh day of November, in the year 1825, (it being the day fixed on by law for the annual meeting thereof,) and the thirty-fourth year of the Commonwealth:

The honorable Robert B. M'Affee, Lieutenant-Governor and Speaker of the Senate, took the chair; and after an appropriate address, the following members of the Senate, being present, took their seats, to wit: From the county of Henry, Charles H. Allen; from the county of Green, James Allen; from the county of Harrison, Peter Barrett; from the counties of Pulaski and Wayne, Martin Beaty; from the counties of Hardin, Bullitt and Meade, James Crutcher; from the counties of Montgomery and Estill, Jesse Daniel; from the counties of Lincoln and Rockcastle, James Davidson; from the counties of Franklin and Owen, Jephthah Dudley; from the county of Garrard, John Faulkner; from the counties of Pendleton and Gallatin, John Forsythe; from the counties of Nicholas and Bracken, Andrew S. Hughes; from the counties of Henderson, Hopkins and Union, Francis Lockett; from the counties of Woodford and Jessamine, Andrew Mulrow; from the counties of Logan and Simpson, Presley N. O'Bannon; from the county of Fleming, William B. O'Bannon; from the county of Scott, Rodes Smith; from the county of Mason, James Ward; from the county of Shelby, Samuel W. White; from the county of Nelson, Martin H. Wickliffe; from the counties of Butler, Grayson and Muhlenberg, William Worthington; from the county of Barren, Joel Yancey.

The following gentlemen produced certificates of their having been duly elected as members of the Senate of this State, and thereupon (they having taken the several requisite oaths of office) also took their seats, to wit: From the counties of Boone and Campbell, Thomas D. Carneal; from the counties of Warren and Allen, Johnston J. Cockerill; from the county of Mercer, Samuel Daveiss; from the counties of Knox, Harlan, Clay, Perry and Whitley, Daniel Garrard; from the counties of Caldwell, Livingston, Calloway, M'Cracken, Graves and Hickman, Dickson Given;
from the county of Bourbon, John L. Hickman; from the county of Washington, John Pope; from the counties of Cumberland and Monroe, William Wood; from the county of Fayette, Robert Wickliffe.

The Senate then proceeded to the election of officers, and the following gentlemen were declared to be duly elected, to wit: Thomas Chilton, Secretary of the Senate; Nelson C. Johnson, Assistant Secretary; Anthony Crockett, Sergeant-at-arms, and Littleberry Batchelor, Door-keeper; who, having each taken the several oaths of office, entered upon the discharge of their respective duties.

A message from the House of Representatives, by Mr. Yantis:

Mr. Speaker—I am directed by the House of Representatives, to inform the Senate, that they have met, formed a quorum, elected their officers, and are now ready to proceed to legislative business; and that they have appointed a committee, to meet a committee from the Senate, to wait on the Governor, and receive any communication which he may be pleased to make.

Ordered, That Mr. P. N. O'Bannon inform the House of Representatives, that the Senate is organized in like manner, and are also ready to co-operate in any legislative business.

And thereupon the following committee was appointed to wait on the Governor, to wit: Messrs. Carneal, Daveiss and J. Allen. From which committee, Mr. Daveiss soon thereafter reported, that they had discharged the duty assigned them, and that the Governor would forthwith lay before the Senate a message in writing.

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

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

Which was thereupon taken up and read as follows, to wit:

Gentlemen of the Senate,

and of the House of Representatives:

On the annual meeting of the representatives of the people, the first impulse of a grateful heart, is one of thanks to the Almighty Ruler of the Universe, as well for his common favors, as for the peculiar blessings of a free government, which he has granted to the American people. The sickness which, during several preceding years, had committed mournful ravages in many parts of the State, has, by his power, been restrained during the present season. The produce of our soil, though not abundant, is more than sufficient for the general consumption. Want is a stranger in our land; cheerfulness reigns in our dwellings, and peace sheds her benign influence throughout our borders. The people still retain the power of self-government, still enjoy the inestimable privilege of making their own laws, by representatives of their own choice, and of holding every functionary of their government, lo-
gislation, judicial and executive, responsible to them for corruption in office, and abuse of official power. Comparing our condition, either local, moral or political, with that of all other nations, who can restrain an expression of gratitude to Him who controls the heart of man and rules the universe?

To you, gentlemen, entrusted by the voice, clothed with the power, and speaking the will of a free people, it belongs to promote their interests, vindicate their rights, and allay their agitations. Elevated by the same voice, and clothed with a portion of the same power, it is my constitutional duty to point out, as far as I have discovered, defects in their laws, abuses in their government, and encroachments on their rights. If I perform this duty in an imperfect manner, I trust to your knowledge and zeal in the public service, to supply all my deficiencies. Coming directly from the bosom of the people, you are necessarily better acquainted than I can be, especially on local subjects, with their wants and their will.

The most prominent objects which will arrest your attention, are the existing differences in our Judiciary, and the encroachments of the Federal tribunals. Since the last session of the General Assembly, there have arisen new causes of alarm and agitation, which demand your immediate and serious attention.

It is several years since an union of local interests, operating upon the public councils, directly invited or silently tolerated the location of two branches of the United States' Bank within our borders. It was apparent, that those who countenanced this measure did not duly consult the popular will, nor the interests and safety of the State. Soon after their location, the people, justly alarmed for the rights of the State and the purity of their republican institutions, were heard, through their representatives, demanding that those institutions should be removed from the State, or at least be made to contribute towards the support of the State government under which they had sought protection. But the Judges of the Federal Court, assuming to themselves the prerogative of restricting the taxing power of this State, which had been reserved in the adoption of the Federal Constitution, in a manner wholly unlimited, issued their order and restrained the collection of the tax which had been rightfully and constitutionally imposed; and a majority of our late Court of Appeals, after emphatically maintaining that the Bank of the United States was unconstitutional, and that the taxing power of the State had been constitutionally exercised in the act levying the tax, refused to carry it into effect, because the Supreme Court of the United States, a portion of the very government which had made the encroachment, had expressed, in relation to the State of Maryland, a contrary opinion. Since this surrender of the acknowledged rights of the State by those who were made their special guar-
dians, the United States' Branch Banks, exempt from the burdens imposed on the wealth of our own citizens, have proceeded to purchase up the real property of the country, and fill it with tenantry; thus, and by many other means, extending their influence and establishing their power.

It is idle to suppose that institutions sufficiently powerful to set the legislative and executive powers of Kentucky at defiance, would not exert their influence to prostrate the State government, or render it subservient to their interest. It is natural that they should as well attempt to deliver themselves from all embarrassment arising from State legislation, as from the liability to State taxation. Accordingly, these institutions, for a series of years, have carried on a systematic attack upon the legislative power of the State, for the double purpose of curtailing the sphere of its exercise, and rendering themselves wholly independent of its authority. Every proposition to overturn as unconstitutional, statutes whose principles have been sanctioned by all authorities, State and Federal, from the date of the constitution down to the establishment of these institutions, has come from them or their immediate friends. In both our own and the Federal courts, attacks were made upon the validity of these laws. In the latter, the Bank contended that, admitting their validity, they were not binding upon the Federal courts, and could not affect any contract which might be sued upon in those tribunals. The Banks were completely triumphant in both attacks. Our own Court of Appeals decided that the statutes were unconstitutional and void, and the Supreme Court of the Union decided that, admitting their validity, they were not binding upon the Federal courts. They went further; they declared that the Federal courts had a right to make execution laws for the regulation of their own proceedings, without asking the sanction of the people's representatives, either in the State or General government; and the Federal Judges for the Kentucky district have actually made their code, and put it into operation, by which our citizens are imprisoned in direct violation of our laws, and their property seized and sold in modes not provided in their statute book. The power thus assumed and exercised by the Federal Judges, is viewed, both in principle and practice, as nothing short of despotism. A power has erected itself in our State, which deprives our citizens of their liberty and property by arbitrary rules to which they have never assented, either in proper person or through their representatives, in their own Legislature or that of the Union.

The Federal courts had before decided that they have jurisdiction of all suits brought by the United States' Bank; which decision, connected with the power they assume, of making their own execution laws, makes that corporation wholly independent of State laws and State tribunals. Thus, these institutions, loca-
ted in our bosom, owning a considerable portion of our soil, controlling many of our citizens as their tenants, influencing multitudes by the ties of interest, voting through their numerous officers and dependants in all our elections, and holding in their hands the means of acquiring almost unlimited power, have rendered themselves irresponsible to our government and defy its authority.

The wrongs suffered by this State from the decision of the Supreme Court of the United States, declaring our occupant laws to be unconstitutional, have not been redressed. The remonstrance of a former General Assembly to the Congress of the United States, has been considered by that body, in which many were found who acknowledged our wrongs, and the consequent duty of the general government to grant redress; but we have witnessed no practical result. In the mean time, the injurious decision is spreading its baneful influences. At every term of the Federal Court held in this Town, numerous judgments and decrees are obtained against our peaceful citizens, for the lands and houses which they have honestly purchased, built and improved, and orders given for their execution contrary to our laws. Our limitation acts are also wholly disregarded, and the non-resident landholder or domestic speculator, who has perhaps never paid the first shilling of his just taxes for the support of our government, is permitted to progress with his action against the honest citizen, for lands which he has purchased with his money, improved by his labor, defended with his arms, and paid taxes upon to his government. This is not all. The faithful citizen who has thus performed every moral, social and civil duty, is, upon eviction, charged with rents upon improvements himself has made, and if he cannot pay them, is subject to imprisonment, under the rules of court. And thus does this Commonwealth suffer those who have improved, supported and defended her, to be stripped of the proceeds of their life's labor, and made the unpitied victims of heartless speculation and assumed power. It is my firm belief, that in the insecurity now felt by numberless cultivators of our soil, may be found the chief cause of that extensive emigration which is now thinning the population of some of the finest sections of our State. The delay in obtaining redress for our wrongs, and the portentous indications of the times, sicken hope, and drive our industrious citizens unwillingly to seek peaceful homes in other States, where they may sit under their own vine and fig tree, exempt from the evils which fill the mind of the Kentucky farmer with anxiety and apprehension.

I cannot too earnestly press upon you the propriety of again urging the consideration of this subject upon Congress, and of availing yourselves of that occasion to remonstrate, in strong terms, against the power of making execution laws, lately exercised by the Federal Judges in this State, inviting their serious attention.
to the growing influence of the United States' Bank, and requesting such a change in the charter of that corporation as will make it the duty of the Directors to withdraw the branches located in any State, upon the demand of the State Legislature.

I do not recommend this course because I believe the State has not a right to enforce its taxing power, or even expel the Branch Banks from its limits, by the exercise of its reserved constitutional power. The doctrine of our late Court of Appeals, that an opinion of the Supreme Court of the United States, on subjects involving the rights of the State, is binding and conclusive upon the State authorities, is believed to be not only erroneous, but fatal to the sovereignty of the States. When the general government encroaches upon the rights of the States, is it a safe principle, to admit that a portion of the encroaching power shall have the right to determine finally, whether an encroachment has been made or not? In fact, most of the encroachments made by the general government, flow through the Supreme Court itself, the very tribunal which claims to be the final arbiter of all such disputes. What chance for justice have the States, when the usurpers of their rights are made their judges? Just as much as individuals, when judged by their oppressors. It is, therefore, believed to be the right, as it may hereafter become the duty, of the State governments, to protect themselves from encroachments, and their citizens from oppression, by refusing obedience to the unconstitutional mandates of the Federal Judges. The change effected in our Court of Appeals, at the last session, is confidently believed to have banished from that tribunal, the doctrine of ready submission to the unconstitutional decrees of the Supreme Court, prostrating the acknowledged rights of this State; and the people will now find, in the head of our Judiciary, a tower of defence against encroachment, instead of a gate always ready to open at the summons of an enemy.

Let it not be imagined, that in making these recommendations, and declaring these opinions, I entertain or intend to express the slightest want of confidence in the general government. Our causes of complaint do not originate in the system itself, but spring solely from the erroneous constructions of the public functionaries who are selected to carry it into effect. The Federal constitution, like our own, is designed to give the public will the ultimate control of its own actions. It has placed none of its offices so high that their incumbents cannot be reached by the voice of the people and pulled down from an unmerited elevation. The executive and legislative powers of the general government, and a portion of the judiciary, have once been reached and reformed; and in the acts and language of the patriots and republicans of those days, we find a precedent and principles in accordance with which the whole of the Federal Judiciary may be made to bend to the power
of the people, and renounce its errors. Reformation is all that Kentucky asks, and without it she cannot be satisfied. In the mean time, no respect for the general government ought to induce the State to become the silent instrument of her own degradation. While, therefore, our grievances are laid before Congress, and considered by that body, I would recommend to your consideration, whether the rights and honor of the State do not require that she shall prohibit the use of her jails for the purpose of imprisonment debtors under an authority unknown to her laws and constitution.

The policy of the laws adopted some years since, usually termed the relief laws, it is not necessary to discuss. They have long since been repealed, as to all contracts formed after the repeal, and their operation has almost ceased to be felt in our courts of justice. But the questions of legislative power and judicial right, which have sprung from some of those laws, and outlived them, are of vital importance to the government, as well of this State as of every other in the Union. It will be remembered, that one of those laws granted a replevin of two years, upon all executions where the plaintiff would not consent to receive the currency of the State. A law similar in principle existed in Virginia, our parent State, at the adoption of the constitution, and was re-enacted and amended for several successive years afterwards, extending beyond the period at which Kentucky became an independent State. By examining our own statute book, it will be found, that the same principle has been practised upon by our own Legislature, from the era of our separate existence, and that it has never, at any one moment, been wholly eradicated from our laws. By looking at the Journals of our Legislature, it will be seen, that nearly all eminent statesmen and lawyers, including two of the late Judges, have, at different periods, voted for similar acts. In the records of our judicial decisions, they had uniformly been recognized as valid acts, and their constitutionality seems never to have been doubted, until the interest of the United States' Bank made it necessary that new and more rigid principles should be incorporated into our system of government. It was then that objections were made in our courts, by lawyers attached to those institutions, which led to the final decision of our late Court of Appeals, declaring that the remedial law in existence when a contract is made, constitutes the obligation, and that no State Legislature can so change that law, as to delay the remedy, without violating that provision in the constitution which declares that no State shall pass any law impairing the obligation of contracts. The Legislature and the country were startled at this decision. It declared void a course of legislation, which had been practised as of unquestioned authority, from the origin of our government. It wrested from the representatives of the people, the power to suspend the oper-
ation of the laws, in any case of contract, even in time of insurrection, war, pestilence or famine. It denied to this government a power, which, it is believed, has been exercised by every government of every civilized nation, as well as by every State in the Union, and which is sometimes essential to national existence. If our humble and industrious population is called out in martial array, to suppress an insurrection, which is desolating the country, is it not necessary that the coercive hand of the law shall be suspended while they are engaged in the service? If they volunteer, or are drafted and sent to repel an invading enemy, is there no power in the government, which compels them to march, to suspend the operation of the laws, and prevent the sacrifice of their property, in their absence? By the decision of our courts, these benign and just powers are denied to the State Legislature, and the rigid enforcement of contracts, is deemed of more importance than justice to the absent debtor, or the safety of the Republic.

Many, who believed the existing replevin laws impolitic and unjust, pronounced this decision incorrect; and, indeed, it had at first, but a few advocates in the country. Yet a majority of two thirds, could not be found in the Legislature, prepared to remove the Judges, on account of a respect they had for the men, and a belief that they were honest in their opinions. An animated discussion ensued in the country, and a large majority was returned to the Legislature, instructed to vote for the removal of the Judges. These, when called on to show cause why they should not be removed, defended their decision, and even denied the right of two thirds to remove them, were it as erroneous as was contended. This principle completely confirmed error, and if submitted to, would have enabled the judiciary to effect radical changes in our constitution, under the convenient mask of honest error of opinion.

To end the controversy and rid the country of these erroneous and dangerous principles, the majority now deemed it necessary to resort to their constitutional power of abolishing the court, and establishing another, composed of other men, and restricted in its power over the constitutionality of legislative acts. That they had this power, they could not doubt; because the constitution had not brought any such court into existence, but the first Legislature of Kentucky had established it; because the power of changing, and even re-organizing it, had been once before exercised by the Legislature; because the Supreme Court of the United States, as avowed by the Judges themselves, was created by Congress; because the power of re-organizing courts, and thus expelling their incumbents from office, had repeatedly been exercised by our own Legislature and by Congress; and because the ablest statesmen in the latter body, had declared that the Supreme Court was as much the creature of the legislative power, as the inferior courts.
Nor was this construction of our constitution, thought to be dangerous to liberty; because it accords with the acknowledged principles of most, if not all of the constitutions, formed during the revolution, and of most of those which have been formed since.

Influenced by these considerations, as well as by a desire to perpetuate correct principles in the current of our judicial decisions, and give quiet to an agitated country, the last Legislature passed the act abolishing the existing Court of Appeals, and establishing another, which was approved by the Executive, and the new court was immediately put into operation. Nevertheless, the former Judges have still claimed to be in office, and have continued to meet in the capital, at the regular terms of the Supreme Court of Appeals, assuming to exercise the appellate judicial power of this government. It was thought by some to be the duty of the Executive, who is entrusted by the constitution with the execution of the laws, and sworn to perform that duty, to interpose his authority, and suppress this open contempt of law and order. But as no effort was made by them to give or execute judgments or decrees, and as their meetings were not attended with any breach of the public peace, it was not thought the duty of the Executive to molest them, or in any manner to obstruct their proceedings. At a late meeting, however, they exhibited an inclination to proceed in the exercise of judicial power, and force the execution of their orders, judgments, and decrees, throughout the State, in direct hostility to the existing court, and an act of the General Assembly, which the Executive is bound by the constitution and his oath, to see duly executed. I need not inform the Legislature, how unpleasant will be the duty which such a course of conduct, on the part of the former Judges, will impose. Nor need I tell them, that painful as it may be, the Executive will not shrink from the performance of that which he conceives himself bound to do by his oath of office and the constitution of his country.

Though a farmer, I have, by the favor of the people, enjoyed many offices of public trust. As it always has been, so it is now my earnest desire, to perform the will of my constituents, and promote the peace and prosperity of my country. On the subject of our judiciary troubles, it has been my earnest endeavor, to obtain light from the general intelligence, and pursue that course which should be dictated by the public wisdom and will. Instead of quieting the country, as was ardently desired, the act of the last session re-organizing the Court of Appeals, together with other causes, made to operate, has filled it with new agitations. The people, who, for several successive years, had expressed themselves dissatisfied with the former Judges, have also expressed their dissatisfaction with the arrangements of the last session, and would seem to demand another change. I have applied the best efforts of my understanding, to learn the public interest and will, and I should
fail in the performance of my duty, if I did not communicate to you, that which I believe will restore harmony to the State, and enable the government to devote its energies to the improvement and permanent interests of the country. It is an undoubted fact, that neither the former Judges, nor the present incumbents, can unite upon themselves the confidence and respect of both the contending parties into which our population is divided. Nor can either proceed to exercise judicial power, without doubts in the minds of many, as to the validity of their acts. The new court is deemed by many to be unconstitutional, and its acts void; and were the re-organizing act repealed, the same doubts would extensively hang around all the acts of the former Judges, unless they should receive new appointments and commissions, from the Governor and Senate. It is of great importance to the State, that the Judges of the appellate court should not only have the entire confidence of the whole people, but that their authority should be deemed by all parties unquestionable. To accomplish these desirable ends, the way is believed to be open to the present General Assembly. I have the fullest confidence that the present incumbents in the Court of Appeals, will present no obstacle to any pacific arrangement which the Legislature may adopt; and although it may not be usual for the Executive to give assurances beforehand, of the course he will pursue upon a probable or a possible event, yet the extraordinary circumstances of the times, and the peculiar attitude in which I am placed, seem to require of me the frank declaration, that should any measure be adopted by the General Assembly, with the view of quieting the troubles of the country, by the appointment of an entirely new set of appellate Judges, I shall feel myself bound to select them equally from the two contending parties. However this recommendation and assurance may be received by violent partizans, I have, in making them, discharged what appeared to me to be a sacred duty; and I leave the result to God and the people. If our agitations shall be thus ended, it will be happy for us all; if they are to be continued, I shall endeavor to perform, through scenes yet untried, with fidelity and zeal, the arduous duty entrusted to me by the people, of seeing the laws executed in good faith, and preserving the peace of the country.

In any event, a change in the acts passed at the late session, relative to the Court of Appeals, seems to be required by the public voice, and would not operate to the detriment of the public interest. I therefore, recommend the reduction of the salaries of the appellate Judges, to the former standard of fifteen hundred dollars. This is the more equitable, as that sum is rendered, by the appreciation of the currency, fully equal to two thousand dollars, when the salaries were fixed at the last session.

In the appreciation of the currency, and the condition of the Treasury, you will also find reasons for a general revision and cur-
tailment of salaries, and other public expenditures. It should be the object of a republican government, to give only that compensation to public officers, which will purchase the faithful performance of their respective duties. Above all things, our government should avoid sinecure offices. It is worthy of inquiry, whether there are not now offices in this State, held by men who perform none of their duties, finding their salaries sufficiently liberal to hire deputies with a portion thereof, and live upon the residue. Why should not the State pay the deputies directly, and discharge the principals, thereby saving what she now pays for the support of incompetency or idleness?

Your attention is particularly called to the salaries now paid to the President and other officers of the Bank of Kentucky, and the Bank of the Commonwealth. In many cases, they are believed to be strangely disproportioned to the services rendered, and will bear a liberal reduction. It is also believed, that many of the subordinate officers may be dispensed with altogether, and their entire compensation saved to the State; while they may contribute to the augmentation of its wealth, in other employments. Indeed, it is worthy of consideration, whether the Branches of the Commonwealth's Bank might not all be discontinued, and the business of each entrusted to an agent, with an adequate compensation. As it is not contemplated to re-issue the paper or extend the business of the Bank, no reason is perceived why an agent cannot receive the calls and discounts upon the existing notes, as well as the officers of an organized Branch.

Your attention is called to these points, merely as examples. The state of the Treasury requires, the increase in the value of the currency will justify, and the principles of republican economy demand, a general revision and reduction of public expenditures. By taking the Auditor's annual reports and tracing them through, many items can be found which will bear material reduction, or may be entirely dispensed with, without detriment to the public service. Nor should the attention of the Legislature be confined to the expenditure of the people's money through the public Treasury. There are many public officers, whose compensation is derived immediately from the people, by means of fees and commissions. A reduction of these, wherever they will bear it, is as essential to the interest of the people, as to protect the outlets of the public Treasury.

The subject of Education, is one which should ever engage the attention of the friends of equal rights and a republican government. In no manner can the public means be more beneficially employed, than in diffusing among the people that degree of intelligence, which will enable them to understand and appreciate the principles and benefits of free institutions. The only literary establishment directly under the superintendence of the Legislature
of Kentucky, is the Transylvania University. This institution has been a favorite of the State, and has drawn with a liberal hand, upon the funds of the people. Yet it is believed, that in its benefits it has not equalled the reasonable expectations of the public; and that for several years, its expenditures have been extravagant in amount, and lavished upon objects which were calculated to make the State but an inadequate return for her almost unbounded liberality. The University, its funds, and all its resources and appendages, are public property; and it is the duty of the representatives of the people, to make a rigid examination into all its appropriations and accounts. It is generally understood, that a compensation has been allowed to the President, directly and indirectly, twofold higher than is paid to the highest officers of our State government, and wholly disproportioned, as well to the services rendered, as to the resources of the institution. A compensation almost as extravagant, is believed to have been made, directly and indirectly, to some of the Professors. To make up these extravagant allowances, the prices of tuition are raised to a very high rate, which, with the habits of profusion acquired in the society of a large town, effectually shut the door of the University to a large majority of the young men of Kentucky. The only motive a republican government can have to foster such an institution, is, to bestow on all, as far as they may desire it, the blessings of a liberal education. But as the University is now managed, it seems that the State has lavished her money for the benefit of the rich, to the exclusion of the poor; and that the only result is to add to the aristocracy of wealth, the advantage of superior knowledge. It is, therefore, your duty to enquire into the management of this institution, and if abuses exist, correct them, so far as to extend its benefits as far as in its nature is practicable.

But there can be no improvement in one University, which will make it the means, to any considerable extent, of promoting the great object of the State must have in view. If we desire that our posterity shall be enabled to perpetuate the great principles of equality, and enjoy that liberty which rests upon it, we must afford opportunity and encouragement for the education of all, to an extent at least sufficient to enable them to understand the one, and duly appreciate the other. This cannot be done by one institution of learning, nor by any number of colleges in the principal towns, nor even by academies in every town, as these would be beyond the reach of the great majority of the fathers of families. We must carry the schools home to the people, establish them in districts of such dimensions that all parents may furnish boarding for their own children, and save the expense; that they may have the benefit of their labor in the most busy seasons of agricultural employment, and send them to the schools in the leisure months; and may clothe them in such garments as the family man-
ufacture, which may be suitable to their means. On this plan, and
this only, can the patronage of the government be extended equally
to all, and the benefits of literature be diffused throughout the
whole body politic, and a sufficient degree of popular intelligence
preserved in future generations to ensure the preservation of our
free and liberal institutions. On this plan, too, all the great geniuses of the country will be brought out to public usefulness; whereas, by the present plan, the most energetic intellects remain bound in the chains of ignorance, and borne down by poverty, whilst thousands of both public and private funds are lavished, in many instances, on those whose minds nature never formed for greatness.

Put into full operation a general system of Common Schools, and
wherever there is extraordinary genius, the shackles will be broken from it, and it will by its own energy and influence obtain the necessary aids for higher improvement. That there will be great advantages in such institutions above those on a larger scale, merely on account of their establishment in the country instead of towns, every man who has attended to the effects of a town life on the habits of youth, must be sensible. The opportunity that will be afforded to rear the youth alternately to labor and study, will be great indeed. Every consideration, moral, political and religious, urges us to go earnestly to work to put into operation a system of Common Schools. The system was projected several years ago, and it is believed almost universally approved. But there are some grounds for the suspicions of many, that although some were sincere in the promotion of Common Schools, the project was published more as a feint to content the people with large appropriations of public money that were then made to Transylvania, than with any view to carry it into actual operation.

The people are discontented with this monopoly of the public patronage and money for the benefit of an institution so completely beyond their means, and call on you to bring its advantages home to them. They have felt themselves taxed to aid in educating and accomplishing the sons of the wealthy, and know there can be no difficulty in correcting the principle, and adapting it to such a system as will require the wealthy to contribute something towards maintaining schools whose advantages all can share. I beseech you then to enter upon the work with earnestness and with a zeal which becomes the great cause of learning. In means, there can be no difficulty, if you determine on the end.

In the suggestions I make concerning the University, I would not be understood as hostile to its uses. On the contrary, I have, with many of my fellow-citizens, viewed it with pleasure; and I believe that, if properly conducted, it would form an important and highly useful part of the great system of Public Education, which I desire to see in operation.
Next to the education of youth, I would urge on your attention the speedy commencement of a general system of Internal Improvements.

An official notification has been received by me from the President of the Louisville and Portland Canal Company, by which it appears that the whole capital stock of that company has been subscribed for, and that such measures have been taken as will ensure the completion of the canal within the time limited in the charter. It may therefore be fairly presumed, that this important work, so long desired by the citizens of our own and other States, will be achieved by the company incorporated at the last session of the General Assembly.

Louisville is now, and must continue to be, the emporium of the commerce of the principal part of the State. I would suggest the expediency of immediately commencing two great Turnpike Roads from that place; one to pass through Frankfort and on to Maysville, the other to pass through the middle district and across the Green River Country, in the direction to Nashville in Tennessee. That State would doubtless extend it through her territory. But it would be proper that a negotiation be opened with that government, to obtain a pledge of co-operation and to settle the location of the way. From these two great highways, other diverging roads may be made, whilst their construction is in progress.

To establish a general system of Schools, and to make considerable progress in an extensive scheme of Public Improvements, we have ample resources. In the Stock in the Bank of Kentucky, and the profits of the Bank of the Commonwealth, we shall have a considerable disposable capital. In the debt due for the sale of vacant lands, and in our public lands yet unappropriated, we have an extensive resource. It is also believed, that in estates escheated to the government for defect of heirs, by conveyance to foreigners, and where grants have been made to aliens who have not become citizens within the time limited, the State has a considerable property. There has also been a large amount of lands forfeited or sold to the State for the non-payment of taxes, which have not been redeemed. A general examination into all these subjects, is earnestly recommended.

The improvement in the currency in which the taxes are collectable, will considerably increase the burthens of the taxes upon the people. It is proper, on this account and on other considerations, that your attention be particularly directed to this subject. It had been the practice of a portion of the commissioners, for several years past, to value the property for the ad valorem taxation, in specie, whilst the estimates were generally made in currency, which produced a considerable inequality in the assessments. To remedy this manifestly unjust operation, an explanatory statute was passed at the last session, requiring all the estimates to be made in
the currency. It was certainly proper to fix one standard by which all should be taxed. But the increase in the value of the medium, since the assessment, which was not anticipated by the last Legislature, will be found to increase the taxes considerably, as well as the difficulty of paying them. But no taxes have yet been collected under the valuations made in pursuance of that act. Those collected in this year, were on the assessment of the year 1824; and not until next year, will the taxes assessed under the statute referred to, become payable. You, therefore, have it in your power to direct such a sum to be collected on the assessments made under the statute, as will not only prevent an increase, but you may even diminish the burthen. In the present system of taxation, it is believed, considerable improvements may be made, which will have the effect of greatly diminishing the sums to be collected from the laborious husbandman, and yet obtain a sufficient revenue to defray all the periodical expenses of Government, after they have been suitably retrenched. The list of articles subject to specific taxation may be greatly increased. It ought to embrace all those of luxury and extravagance, and such as are of no public advantage. By embracing those articles, you will be enabled to exempt some now taxed, which are certainly not the proper subjects of taxation.

There is one species of tax to which I am constrained to call your particular attention. It is that which is levied and appropriated exclusively by the county courts, a body of men in whose appointment the people have no part. This tax is levied exclusively upon the heads of the people, old and young, without any regard to their ability to bear it; and whenever the young son of the husbandman is taxed, the father has to pay for him; thereby taking the pittance out of the hands of the father, that ought to go to educate the son. This system was borrowed from the country where the qualification of electors is bottomed on the soil; where no man is entitled to the right of suffrage, unless he possesses a freehold estate, and is a link of the same chain. It is impossible to consider this subject without becoming satisfied of the great injustice done by this mode of raising money for public purposes. It will be found, that the sums thus raised in many counties, far exceed the revenue tax; and perhaps, taking all the counties in the State collectively, there is nearly as heavy a sum collected by the poll tax, as there is on property. I would recommend that the money necessary for county purposes be raised by a tax on the same articles which are taxed for the revenue. This may be done without any additional expense in the assessment, as the county court may use the lists of taxable property made out by the commissioners annually appointed. It may also be proper that some law be made whereby the lands situated in each county may be subjected to a portion of the burthens of the proper county. But whether this
matter be of sufficient importance to require a special act, is submitted to your consideration. It will be remarked, however, that without some such provision, the lands of non-residents, as well as those belonging to the United States' Bank, will remain wholly exempt, as they now are, from all taxation for county charges.

I cannot, consistently with my duty, refrain from again calling the attention of the Legislature, to the confused and uncertain state of our execution laws. It is almost impossible that they should be understood by the bench, the bar or the ministerial officers of the government, much less by the great mass of the people. Surely such a revision might be made, as would reduce the chaos now existing in our statute book, to something like order, in one comprehensive act, which should be explicit and intelligible.

Nor can I refrain from again expressing my belief, that the restoration of the Associate Justices, to the benches of the Circuit Courts, would prevent delays in the administration of the laws, promote substantial justice, and be more consonant, than the present system, to the genius and spirit of our free institutions.

An act of Congress, passed at the last session, gives to the Adjutant General of the militia of each State the privilege of interchanging communications with the Major Generals and Brigadier Generals, free of postage. As the militia is measurably a national establishment, the undoubted object of this act was to relieve the States from a considerable burthen upon their treasuries, incurred by their military correspondence. I would recommend such changes in the militia laws as will enable this State to avail herself of the liberality of Congress in its fullest extent.

From the deranged state of our militia, neither improvement in discipline, nor any other material benefit, is to be expected from it. A general revision of the system would seem to be desirable, by which the establishment may be placed on a more respectable footing. The scanty attendance on parades, arising from a want of discretionary power in the courts for the assessment of fines, under proper limits, produces numerous resignations, which not only derange the system, but have become expensive to government. Your attention is particularly called to this subject.

I am happy in being able to present you a favorable view of the present condition of the Penitentiary. That institution, originating in the best feelings of our nature, had unfortunately for some years previous to the late change in its management, been a burthen upon the State. Thus the honest and industrious part of the community was taxed to support those whose crimes would in other countries have been capitally punished; and whose lives, spared by the clemency of our laws, were scarcely maintained by their own labor. But under the new arrangement, the affairs of the institution wear a different aspect. Instead of needing aid from the public funds, it bids fair, not only to defray its own expenses, but to be...
come a permanent source of revenue to the State. Indeed, every consequence of the late change has been thus far of the most happy character, and has realized the anticipations of its warmest advocates. The present keeper has instituted several new branches of manufacture, and introduced much labor-saving machinery. The articles manufactured are now afforded at a less price than was formerly fixed upon them. In fine, it is believed that by the present arrangement, public economy and public philanthropy are no longer at variance; that the interest of the State, by being identified with that of the Keeper, is placed upon the surest footing, and that the comforts of the prisoners, and the prospect of their reformation, are equally improved.

Pursuant to the request of the last General Assembly, I discharged the pleasing duty of inviting General Lafayette to become our guest. The invitation was accepted; and such arrangements were made for his reception by a committee of gentlemen whom I selected for the purpose, as were thought most conducive to the gratification of our distinguished visitor, and to the honor of the State. Proper estimates and vouchers for the expenses incurred by the State in the entertainment of the General and his suite on his way from Louisville to Cincinnati, with those of the preparations at the seat of government, will be submitted to you at a subsequent day of the session, when the propriety of covering the whole by an express legal appropriation is suggested. The appearance among us of the venerable soldier, the principal object of whose life, as evinced by the uniform tenor of his actions, has been the establishment of rational freedom in both hemispheres, was well calculated to diffuse joy through the community. His presence revived in the old, recollections of that eventful period when his accession to our cause brought new hopes of success; while in the young it increased the admiration with which he has ever been regarded. Kentucky, it is hoped, has not fallen short of her sisters in demonstrations of respect to their common benefactor. She has bestowed on him the sincerest tributes of her esteem, and affection, and her best wishes attend him to his native country.

Be assured, gentlemen, that nothing shall be wanting on my part calculated to give dispatch to the proceedings of the Legislature in the exercise of their important duties. Recommending harmony, which probably may eventuate in a short session, and enable you at an early period to return to the bosoms of your families, I close this communication with wishing a judicious and honorable termination to your legislative labors, with sincere assurances of the faithful zeal with which my co-operating duties shall be discharged, and with invocations of the blessings of Heaven on the various means that may be employed to promote the welfare and maintain the rights of the people.

FRANKFORT, Nov. 7, 1825.

JOSEPH DESHA.
On motion of Mr. Daviss, it was ordered that 1,000 copies of the foregoing message be printed for the use of the Senate.

Leave was given to bring in bills of the following titles, to wit:

- On motion of Mr. Yancey—1. A bill to reduce the salaries of the Judges of the Court of Appeals.
- On motion of Mr. Carneal—2. A bill to take the sense of the good people of this Commonwealth on the expediency of calling a Convention.
- On motion of Mr. Crutcher—3. A bill to amend the act entitled "an act to establish the Bank of the Commonwealth of Kentucky."

Messrs. Yancey, Crutcher, and Barrett were appointed a committee to prepare and bring in the first; Messrs. Carneal, J. Allen, and Given, the second; and Messrs. Crutcher, Daviss, and Pope, the third.

A message from the House of Representatives, by Mr. Prince:

Mr. Speaker—The House of Representatives have adopted joint resolutions, entitled "Resolutions occasioned by the death of Col. Solomon P. Sharp," and "a resolution authorising the Governor to offer a reward for the detection and apprehension of the murderer of Solomon P. Sharp."

When, on motion of Mr. Carneal, (the rule, &c. being dispensed with,) the said resolutions were taken up, twice read, and (the second being amended) concurred in.

Ordered, That Messrs. Carneal, Faulkner, Dudley, and Muldrow be appointed a committee on the part of the Senate, to meet a committee on the part of the House of Representatives, and to discharge the duties contemplated by the first resolution; and that Mr. Dudley inform the House of Representatives thereof, and request their concurrence in the said amendments.

And then the Senate adjourned.

TUESDAY, NOVEMBER 8, 1825.

The Senate assembled.

Mr. James W. Denny, from the county of Jefferson, and Mr. Young Ewing, from the counties of Christian, Todd, and Trigg, members of the Senate, appeared and took their seats.

Ordered, That a committee of propositions and grievances be appointed; and thereupon said committee was appointed, consisting of Messrs. Ewing, Howard, Davidson, Hickman, Daniel, Mayo, Stephens, Cockerill, and Garrard, and such other members as may choose, from time to time, to attend; who are to meet and adjourn from day to day, and take into consideration all propositions and grievances that may be referred to them, and report their
proceedings and opinion thereupon, from time to time, to the Senate. And the said committee shall have power to send for persons and papers, for their information.

Ordered, That a committee of privileges and elections be appointed; and thereupon said committee was appointed, consisting of Messrs. Faulkner, Barrett, Forsythe, Crutcher, W. B. O'Bannon, M. H. Wickliffe, Selby and Wood; who are to meet and adjourn from day to day, and to take under consideration and examine all the returns of the election of Senators to serve in the present General Assembly, and to compare the same with the returns prescribed and required by law. Furthermore, to take into consideration all questions respecting privileges and elections, and to report their proceedings and opinion thereon, to the Senate. And the said committee shall have power to send for persons and papers, for their information.

Ordered, That a committee for courts of justice be appointed; and thereupon said committee was appointed, consisting of Messrs. C. H. Allen, Carneal, C. Allan, Denny, T. Ward, Hughes, Pope, Daveiss and R. Wickliffe; who are to meet and adjourn from day to day, and to take into consideration all matters relating to courts of justice, and such other matters in addition thereto, as shall, from time to time, be referred to them, and report their proceedings and opinion thereupon, to the Senate. The said committee will inspect the Journal of the last session, and draw up a statement of such matters as were then depending and undetermined, together with the progress which was made therein; also, to examine what laws have expired since the last session, and such as will expire before the commencement of the ensuing session, and report their opinion and proceedings to the Senate, in relation to such as ought to be revived, and such as ought to be continued longer in force. They shall have power to send for persons and papers, for their information.

Ordered, That a committee of religion be appointed; and thereupon said committee was appointed, consisting of Messrs. Smith, J. Ward, Worthington, White, J. Allen, P. N. O'Bannon, Muldrow and Lockett; who are to meet and adjourn from day to day, and take into consideration all matters and things relating to religion and morality, together with such other matters and things as shall, from time to time, be referred to them, and report their proceedings and opinion thereon, to the Senate. And the said committee shall have power to send for persons and papers, for their information.

Ordered, That a joint committee of enrolments be appointed on the part of the Senate; and thereupon said committee was appointed, consisting of Messrs. Yancey, Beaty, Dudley and Givens. On motion of Mr. Crutcher, it was resolved that the Rules of the Senate at the last session of the Legislature, be adopted for the
regulation and government of the same, during the present session; and that one hundred and fifty copies thereof be printed, for the use of the Senate.

Mr. M. H. Wickliffe presented the petition of Vachel Hobbs and Amelia, his wife, praying for a divorce; which was received, read and referred to the committee of religion.

Mr. Crutcher presented the petition of the Justices of the Meade county court and members of the bar, praying for a change of the time of holding the county court in said county; which was received, read and referred to a select committee, consisting of Messrs. Crutcher, M. H. Wickliffe and Worthington.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Denny—1. A bill to amend the law of conveyancing.

On motion of Mr. R. Wickliffe—2. A bill to authorise the insertion of certain advertisements in the paper published in Lexington, entitled the “Kentucky Whig.”

Messrs. Denny, Pope, Daveiss and R. Wickliffe were appointed a committee to prepare and bring in the first, and Messrs. R. Wickliffe, Crutcher and Ewing, the second.

Whereupon Mr. R. Wickliffe, from the latter committee, reported said bill, which was read the first, and ordered to be read a second time; and the rule, &c. and second reading thereof being dispensed with, the said bill was ordered to be engrossed and read a third time on to-morrow.

Mr. J. Allen offered the following resolutions, to wit:

1. Resolved, That so much of the Governor’s message as relates to the encroachments of the Federal Judiciary, be referred to a select committee.

2. That so much of said message as relates to the Bank of the United States, be referred to a select committee.

3. That so much of said message as relates to a revision and curtailment of salaries and other public expenditures, be referred to a select committee.

4. That so much of said message as relates to the Bank of the Commonwealth of Kentucky and branches, be referred to a select committee.

5. That so much of said message as relates to the subject of Education and the Transylvania University, be referred to a select committee.

6. That so much of said message as relates to Turnpike Roads and other Internal Improvements, be referred to a select committee.

7. That so much of said message as relates to the Revenue and County Levies, be referred to a select committee.

8. That so much of said message as relates to the Judiciary of this State, be referred to a select committee.
9. That so much of said message as relates to the Militia, be referred to a select committee.

10. That so much of said message as relates to the Execution Laws of this State, be referred to a select committee.

Which were severally read, when Mr. R. Wickliffe moved so to amend the first resolution, as to refer the subject matter thereof to the committee for courts of justice; and the question being taken thereon, it was decided in the negative.

And thereupon the question was taken upon the adoption of said resolutions, and the same were severally adopted.

Whereupon the following committees were appointed to take under consideration the matters and things embraced in the said resolutions, to wit: Messrs. Pope, Hughes, T. Ward, C. H. Allen and Carneal, the first; Messrs. Daveiss, Hickman, Wood, Selby and Mayo, the second; Messrs. Yancey, M. H. Wickliffe, Worthington, W. B. O'Bannon, J. Ward and Barrett, the third; Messrs. Denny, Crutcher, Forsythe, Beatty and Dudley, the fourth; Messrs. Ewing, Pope, Lockett, P. N. O'Bannon and Smith, the fifth; Messrs. R. Wickliffe, J. Ward, Davidson, White and Stephens, the sixth; Messrs. Crutcher, Howard, Garrard, Given, Selby and Cockerill, the seventh; Messrs. J. Allen, Ewing, Daniel, Dudley, Denny and Yancey, the eighth; Messrs. Paulkner, Davidson, T. Ward, Muldrow and J. Allen, the ninth; Messrs. C. H. Allen, T. Ward, Daveiss, Hughes and Denny, the tenth.

A message from the House of Representatives, by Mr. Prince:

Mr. Speaker—The House of Representatives have appointed a joint committee of enrolments on their part, and request a similar appointment on the part of the Senate.

A message from the House of Representatives, by Mr. Fulton:

Mr. Speaker—The House of Representatives have concurred in amendments made in the Senate, to a resolution which originated in that House, entitled "a resolution authorising the Governor to offer a reward for the detection and apprehension of the murderer of Solomon P. Sharp."

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

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing, with an accompanying document.

The Speaker laid before the Senate a letter from the Auditor of Public Accounts, covering his annual report; which were read as follows, to wit:

STATE OF KENTUCKY,
Auditor's Office, November 8th, 1825.

Dear Sir—Please to lay before the house over which you preside, the documents accompanying this, from No. 1 to 8, inclusive, and much oblige yours respectfully,

PORTER CLAY, Aud. P. A.

ROBERT B. M'AFEE, Esq. Lieut. Governor, &c.
A Statement of Moneys received and paid at the Treasury, during twelve months, ending on, and including the 10th day of October 1825, to wit:

Received for the revenue collectable by sheriffs, for the year 1796, 20 00
Ditto, 1820, 858 54
Ditto, 1821, 1,563 48
Ditto, 1822, 1,373 53
Ditto, 1823, 66,663 08
Ditto, 1824, 1,897 91—72,176 54

For Bank Stock Fund, to wit: On lands granted under the acts of 1815, 1820 and 1825, 8,358 67
Ditto, under the acts of 1795, 1797 and 1800, 2,425 72
Ditto, under the acts for appropriating the land acquired by the treaty of Tellico, 120 35—10,904 74

For tax on non-residents' lands, 9,275 86
For purchasers of non-residents' lands, 11 74
For miscellaneous receipts, 1,704 96
For tax on law process, &c. received by the clerks of the different courts; for tax on seals, received by the Secretary of State, and for fees received by the Register of the land-office, 11,363 34
For amount received from the Agent of the Penitentiary, 3,689 99
For amount received from the Bank of Kentucky, for the distribution of stock, 119,340
For amount received from the Bank of the Commonwealth of Kentucky, as revenue, 66,148 71
For amount received for the sale of land warrants west of Cumberland river, in the State of Tennessee, 5,171 80
Ditto east ditto ditto, 407 50
For amount received for the sale of lands west of Tennessee river, 11,400

Total amount received, $312,095 18

Paid, same time.
Warrants reported to have been paid by the Treasurer, 171,332 33
Stock subscribed in the Bank of the Commonwealth of Kentucky, 130,740

Total expenditures, $302,072 33
Amount due from the Commonwealth on the 10th day of October 1824, (in Commonwealth's money,) 36,467 54

From which deduct the above amount of receipts, 312,095 18

Leaves a balance due from the Commonwealth on the 10th day of October 1825, of $26,444 69

There still remains in the Treasury $500 in specie, and $20 in Illinois money.

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

A Statement of Warrants drawn by the Auditor of public accounts on the Treasurer, during twelve months, ending on and including the 10th day of October 1825; showing the amount drawn for each source of expenditure, and the amount of Warrants paid and unpaid in the same period, to wit:

<table>
<thead>
<tr>
<th>Source of Expenditure</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheriffs of 1821, for revenue overpaid and improperly paid</td>
<td>$9 25</td>
</tr>
<tr>
<td>Ditto, 1823, ditto</td>
<td>406 18</td>
</tr>
<tr>
<td>Drawbacks on vacant land, the pay of military certificates, claims improperly paid on and money drawn for the redemption of headright claims</td>
<td>132 37</td>
</tr>
<tr>
<td>Slaves executed</td>
<td>1,225</td>
</tr>
<tr>
<td>Public communications; the postage on letters sent and received by the Governor, Secretary of State, Auditor of public accounts, Adjutant and Quartermaster-Generals; the postage on Commissioners' books forwarded by mail to the Auditor, is also charged under this head</td>
<td>1,633 58</td>
</tr>
<tr>
<td>Purchasers of non-residents' lands, for redemptions</td>
<td>4 17</td>
</tr>
<tr>
<td>Military expenditures; for the pay of Brigade Inspectors attending brigade musters, Judge Advocates and witnesses attending courts martial</td>
<td>408 57</td>
</tr>
<tr>
<td>Money refunded, for moneys improperly paid, and for taxes twice paid, &amp;c.</td>
<td>162 56</td>
</tr>
<tr>
<td>Electors</td>
<td>261 32</td>
</tr>
<tr>
<td>Lunatic Asylum</td>
<td>10,000</td>
</tr>
<tr>
<td>Commissioners of tax, for taking in lists of taxable property</td>
<td>3,233 50</td>
</tr>
<tr>
<td>For the support of lunatics and idiots</td>
<td>8,113 95</td>
</tr>
<tr>
<td>Clerks' services, for clerks' ex officio services, for record books and presses, and for transcribing Commissioners' books</td>
<td>10,083 10</td>
</tr>
</tbody>
</table>
Jailers, for attending on and furnishing fuel, &c. for circuit courts, and for committing, releasing and detaining criminals, $7,507 74
Public printers, for advertising non-residents' lands, 69 32
Public roads, for pay of sundry commissioners, 204
Attorneys for the Commonwealth, their salaries, 6,152 53
Contingent expenses, for books furnished the Secretary of State for the use of the Commonwealth, (as per acts of last Legislature,) for sundry repairs done to the public buildings, for repairs done to the Court of Appeals' room, and for the attendance of the officers on said court, 4,671 50
Salaries of the executive and judiciary officers, 33,282
Loans to the Penitentiary, 16,854 13
Executive offices, for stationary, fuel, &c. 2,355 93
Criminal prosecutions, for pay of venire men, witnesses and guards in part, including also the pay of sheriffs and constables in felonious cases, 17,293 47
Legislature, November session 1824, including the daily attendance and mileage of the members and the pay of witnesses, 22,691 59
 Appropriations, November session 1824, including the compensation of the several officers of the Legislature, public printing, fuel and all other expenses, the compensation to the speakers of each house excepted, 14,927 72
Surveyors, for copying entry books, &c. 364
Distributing acts and journals, November session, 1824, 432 50
Kentucky Institution for the tuition of the Deaf and Dumb, for the support of the indigent pupils, 1,455 62
Decisions of the Court of Appeals, 1,000
Sheriffs, comparing polls, 1,046 72
Clerks, for accounts overpaid, 10

Total amount of warrants issued, $170,997 82

Warrants unpaid on the 10th of October, 1824, that issued since the 17th of March, 1810, (all others issued prior to the above date, are presumed to have been paid,) 476 56

Making, $171,474 40

Warrants reported to have been paid by the Treasurer, as stated in Statement No. 1, 171,332 33

Warrants unpaid on the 40th of October, 1825, $142 67
THE SENATE.

No. 3.

A Statement of balances due to government, on the 10th day of October, 1825, to wit:

Of the revenue collectable by Sheriffs for the year:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1793</td>
<td>$104.06</td>
</tr>
<tr>
<td>1794</td>
<td>138.61</td>
</tr>
<tr>
<td>1795</td>
<td>1,805.36</td>
</tr>
<tr>
<td>1796</td>
<td>101.36</td>
</tr>
<tr>
<td>1797</td>
<td>217.25</td>
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<tr>
<td>1798</td>
<td>172.26</td>
</tr>
<tr>
<td>1799</td>
<td>31.99</td>
</tr>
<tr>
<td>1800</td>
<td>1,662.21</td>
</tr>
<tr>
<td>1801</td>
<td>613.26</td>
</tr>
<tr>
<td>1802</td>
<td>279.43</td>
</tr>
<tr>
<td>1803</td>
<td>48.58</td>
</tr>
<tr>
<td>1804</td>
<td>52.44</td>
</tr>
<tr>
<td>1805</td>
<td>10.26</td>
</tr>
<tr>
<td>1806</td>
<td>754.54</td>
</tr>
<tr>
<td>1807</td>
<td>942.96</td>
</tr>
<tr>
<td>1808</td>
<td>675.85</td>
</tr>
<tr>
<td>1809</td>
<td>2,056.74</td>
</tr>
<tr>
<td>1810</td>
<td>336.67</td>
</tr>
<tr>
<td>1811</td>
<td>1,653.38</td>
</tr>
<tr>
<td>1812</td>
<td>7,627.54</td>
</tr>
</tbody>
</table>

Debts receivable:

- Commissioners of navigation: $1,105.00
- Tax on bank stock (Independent Banks): $3,962.57
- Clerks, for taxes: $62,397.67
- Loans to the Penitentiary: $1,008.37
- Treasurer of the town of Wadsborough: $1,105.00

Total debts due government: $87,560.44

BANK STOCK:

The amount of stock owned by the State in the Bank of Kentucky, on the 10th day of October, 1825, is $117,690.63.

Ditto subscribed in the Bank of the Commonwealth of Kentucky, up to the same date: $334,368.63

Total amount of stock owned by the State: $752,053.63

No. 4.

A Statement of balances due from Government, on the 10th day of October, 1825, and for which the Treasury is bound on the same day, under the existing laws for the payment, to wit:

- Sheriffs, for revenue of 1813: $8.32
- Attorneys, for 1819: $85.96
- Purchasers of non-residents' lands: $237.11
- Warrants unpaid: $142.07
A Statement showing the probable amount of expenditures of the government, for the year ending on and including the 10th day of October 1826, to wit:

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

Ex officio services of clerks, copying commissioners' books, &c. &c., 11,500

Legislature, November session 1825, and all expenses incident thereto, (supposing the Legislature to sit six weeks,) 25,000

Military expenditures, 500

Public communications, 1,500

Sheriffs, comparing polls, 1,900

Criminal prosecutions, 18,000

The execution of Slaves, 2,000

Support of idiots, 8,000

Printing and binding the Acts and Journals of November session, 1825, 3,000

Jailers attending circuit courts, &c. 8,000

Commissioners for taking in lists of taxable property, 8,500

Contingent expenses, including the expenses incurred during the stay of Lafayette in Kentucky, 12,000

Executive offices, for stationery, &c. 2,300

Money refunded for taxes twice paid, &c. 600

Purchasers of non-residents' lands, 230

Lunatic Asylum, 7,000

Surveyors, for copying entry books, &c. 400

Distributing Acts and Journals, 500

Kentucky Institution for the tuition of the Deaf and Dumb, for the support of the indigent pupils, 1,600

Decisions of the Court of Appeals, 2,000

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

Drawbacks on vacant lands, 300

Sheriffs, for amounts overpaid and improperly paid, 300

Public roads, 200

Loans to the Penitentiary, 3,000

Total amount expected to be expended, $157,530

Total debts due from government, $12,019.14

Town of Columbus, 1,533.10
Lunatic Asylum, 2,500
Commonwealth's Attorneys, 1,714.32
Salaries, (executive and judiciary officers,) 5,797.26
A Statement of the amount of moneys which is expected will be paid into the Treasury in the year to end on the 10th day of October 1826, subject to the expenses of government.

The gross amount of revenue collectable by sheriffs for the year 1824, and made payable on the first Monday in December next, is $86,739.06

The loss on the collection of the revenue by sheriffs this year, including commissions for collecting, insolvent compensation for killing wolves, and sundry other credits which are allowed the several sheriffs, it is presumed will be twenty per cent. amounting to 17,347.81

Leaving $69,391.25

Of which said revenue was paid previous to the 10th of October, 1825, including sundry credits for wolves, &c. $1,727.91

The delinquents on the part of sheriffs this year, will be about 1,200——2,927.91

Which leaves a sum that may be expected with some certainty to be collected and paid into the Treasury, during the ensuing year, of $66,463.34

From clerks, for taxes on law process, deeds, seals, &c. including also the amount expected to be received from the Secretary of State and Register of the land-office, will be about 12,000

Miscellaneous receipts, 50
Non-residents' lands, 3,500
From the Bank of the Commonwealth of Kentucky, 66,000
From bank stock fund, to wit, sale of vacant lands, 9,000
From the Penitentiary, 4,000
From sale of lands east and west of Cumberland river, in the State of Tennessee, 3,000
Of the balances stated to be due government, as in statement No. 3, will be collected of the revenue due from sheriffs, about 3,000
Ditto, as due from clerks, will be collected, about 1,500
Treasurer of the town of Wardsborough, 1,008.37
Of the other balances, nothing can be expected, with any degree of certainty, to be collected.

Total amount expected to be received, $169,521.71

Balance due from government, as per statement No. 1, Commonwealth's money, 26,444.69
Ditto, Ditto, as per statement, No. 4, 12,019.14
Amount of statement No. 5,  
157,530

Making  
$195,993 83

From which deduct the amount of expected receipts,  
169,521 71

Leaving a balance due from government on the 10th day of October, 1826, in Commonwealth's money, of $26,472 12.

It is also expected, on the 10th day of October, 1826, there will be in the Treasury, $1,000 in specie.

No. 7.

A Statement concerning the Penitentiary.

LOANS.

Money has been drawn from the Treasury, by William Hardin, late Keeper, from the 1st of October 1824, until the 1st of February 1825, the time his office expired, including a final settlement, to the amount of  
13,799 64

Salary and commission drawn by said Keeper, since 1st October 1824,  
930 22

Ditto ditto, by James I. Miles, late Agent,  
240 41

Joel Scott, present Keeper, has drawn from the Treasury, in part of appropriation made,  
2,274 36

Money improperly drawn, and charged to Hardin, as late Keeper,  
200 50

Loans due on the 1st of October 1824,  
55,653 29

Making  
$73,147 93

CREDITS.

Paid into the Treasury, by James I. Miles, late Agent, from 1st October 1824, to the 1st of January 1825, for sales and collections made,  
1,283 21

Money refunded by William Hardin, late Keeper,  
200 50

Salary and commission credited former Agent and Keeper,  
1,091 18

Amount paid into the Treasury by William Holeman, now Agent, on account of sales and collections made,  
2,275 36

Appropriation made to Scott,  
6,000 00 – 10,850 25

Leaving a balance due from the Penitentiary, on the 10th day of October 1825, of  
$62,297 67

THE AGENT.—DEBITS.

William Holeman, the present Agent, received from the late Keeper and Agent of the Penitentiary, raw materials, debts
and manufactured articles, during the present year, to the amount of 55,604 11 credits.

Cash paid into the Treasury during said time, by William Holeman, Agent, 2,275 36
Raw materials delivered over to Joel Scott, Keeper of the Penitentiary, as cash to that amount, 718 35
Loss in sale of articles sold at auction, 8,132 48
Overcharge in articles received by Agent, 76 50
Sundry other credits for commissions paid, &c. 1,206 43—12,461 12

Balance standing on the books against the Agent, on the 10th of October 1825, $43,142 99
From statements made by the Agent, not more than $5000 of the above amount can be collected; the balance being articles charged to government, and debts which are entirely insolvent. He states, that the loss in the sale of articles at auction was caused by the bad condition he found them in, when they were received by him. A great many articles were almost entirely destroyed, others very much injured, and a great number valued too high, particularly those in the hands of the sub-agents.

Tool, &c.
The tools, bedding, &c. were delivered to Joel Scott, now Keeper, and were valued at $1,255 and 78 cents; which amount said Scott is charged with.

Debts due.
A balance is standing on the books, as due to John B. Wooldridge, late Agent, of 40 75
Ditto ditto, due James L. Miles, late Agent, 182 60
Ditto ditto, due Joel Scott, Keeper, for balance of appropriation, 3,006 79
Total debts due, $3,230 23

No. 8.
(By special Resolution of the Senate.)

A STATEMENT
Exhibiting the amount of Expenditures from the 11th of October, 1824, to the 10th of October 1825, inclusive, and the amount of revenue due and receivable in the year 1825 in each county; the revenue consisting of the several items chargeable in the commissioners' books and collectable by the Sheriffs, and the tax on law process, deeds, seals, &c. collectable by the Clerks. The expenditures consist of the following items, viz: Commissioners of tax, for taking in lists of taxable property; Clerks services for
record books, ex officio services, &c.; criminal prosecutions, pay of Sheriffs, Veniremen, &c.; Jailers, for attending circuit courts, dieting criminals, &c.; for the support of idiots and the balances due for the support of lunatics; Sheriffs comparing polls for Congressmen, &c. and other contingencies. It also includes the several credits given each Sheriff for insolvent and delinquent lists, commissions for collecting the revenue, and for wolves killed, &c.

<table>
<thead>
<tr>
<th>COUNTIES</th>
<th>Amount of Revenue.</th>
<th>Amount of Expenditures.</th>
<th>Net revenue after paying all expenses.</th>
<th>Am't of expenses exceeding the revenue.</th>
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COUNTIES. | Amount of Revenue. | Amount of Expenditures. | Net revenue after paying all expenses. | Am't of expenses exceeding the revenue. |
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Total Revenue as above, | - | - | **$96,518 68** |
Total Expenditures as above, | - | - | **67,242 01** |

Leaving a net Revenue of | - | - | **$29,276 67**
All of which is respectfully submitted.  

PORTER CLAY, Aud. P. A.

Mr. Carneal, from the joint committee raised by virtue of "resolutions occasioned by the death of Col. Solomon P. Sharp," made the following report, to wit:

The joint committee respectfully report, that according to arrangement made with the friends of the late Col. Solomon P. Sharp, the body of the deceased will be placed in the House of Representatives, at half past two o'clock, where an appropriate address will be delivered by the Rev. J. Creath, or some other minister of the gospel, at which time the members of both branches of the Legislature, and such other officers of government and citizens as may choose, will assemble. As soon as the address is concluded, a procession will be formed, and proceed to the place of interment in the following order: 1. Ministers of the gospel; 2. the corpse, accompanied by the committee of arrangement; 3. relatives; 4. officers of the executive and judicial departments; 5. members of the House of Representatives and Senate, preceded by their Speakers; 6. members of the bar; 7. citizens and strangers. The Sergeants of the two houses will superintend the procession.

The Speaker laid before the Senate a letter from the Keeper of the Kentucky Penitentiary, covering his annual report, which was received.

And then the Senate adjourned.
The Senate assembled.

Mr. Selby, a member of the Senate from the counties of Adair and Casey, appeared and took his seat.

Mr. Cockerill presented the petition of Betsey Doyal, praying to be divorced from her husband; which was received, read and referred to the committee of religion.

Mr. Selby presented the petitions of sundry citizens of the counties of Cumberland, Wayne and Adair, praying for the formation of a new county out of parts of those counties; which being read, were, together with the accompanying documents, referred to the committee of propositions and grievances.

Mr. Crutcher presented the petition of the heirs and representatives of Achilles Sneed, deceased, praying for the passage of a law authorising the sale of certain real estate belonging to said heirs, &c.; which was received and read, and, on motion, referred to the committee for courts of justice.

Mr. Lockett presented the petition of sundry persons in behalf of James Rouse, praying for the reimbursement of money expended by said Rouse in the reception of certain criminals, who escaped from the jail of Henderson county; which was received, read and referred to the committee for courts of justice.

Ordered, That the Secretary of the Senate be permitted to avail himself of the assistance of Mr. Edmund P. Thomas, in the duties of his office, during the present session, as he may find it necessary so to do, in addition to the assistant appointed by the Senate.

Mr. J. Allen presented the petition of Hynes' heirs, praying the passage of a law authorising certain conveyances of land, &c., which was received, read and referred to the committee for courts of justice.

Mr. Forsythe presented the petition of Paul Barnett, of Pendleton county, praying permission to retain a certain idiot, and for the passage of a law to require him for her past, and to provide for her future support; which was received, read and referred to the committee for courts of justice.

Mr. Crutcher, from the committee raised for that purpose, reported "a bill to change the time of holding the Meade county court," which was read the first, and ordered to be read a second time.

Mr. Yancey, from the committee raised for that purpose, reported "a bill to reduce the salaries of the Judges of the Court of Appeals," which passed to a second reading.

Mr. Carneal, from the committee raised for that purpose, reported "a bill to take the sense of the good people of this Com-
monwealth as to the expediency of calling a Convention;” which
also passed to a second reading.

Mr. Denby, from the committee raised for that purpose, report-
ed “a bill to amend the law of conveyancing;” which passed to a
second reading, when the rule, constitutional provision and second
reading thereof being dispensed with, said bill was, on motion, re-
ferring to the committee for courts of justice; and it was ordered
that 150 copies thereof be printed, for the use of the General
Assembly.

Leave was given to bring in bills of the following titles, to wit:
On motion of Mr. Daveiss—1. A bill to amend an act entitled
“an act for the benefit of the widow and heirs of Wilson Pickett,
decesed, and the executors and devisees of Azariah Daveiss, de-
cesed,” approved February 4th, 1816.
On motion of Mr. Pope—2. A bill for the benefit of the
Judge of the 13th judicial district.
On motion of Mr. Barrett—3. A bill to authorize a lottery for
the purpose of raising money to erect a bridge across Licking
river; at Claysville, in Harrison county.
On motion of Mr. Cockerill—4. A bill for the benefit of John
Richey, of Allen county.
On motion of Mr. Selby—5. A bill for the benefit of Cassandria
Abrell, widow of Jacob Abrell, deceased.
On motion of Mr. Hughes—6. A bill to provide for viewing and
marking a way for a turnpike road from Lexington to Maysville.
On motion of Mr. Dudley—7. A bill to provide for the distribu-
tion and preservation of public law books.

Messrs. Daveiss, Faulkner and Garrard were appointed a com-
mittee to prepare and bring in the first; Messrs. Pope, Crutcher,
Yancey and M. H. Wickliffe, the second, (from which committee
Mr. Pope reported said bill, and the same passed to a second read-
ing;) Messrs. Barrett, J. Ward, Hughes and Forsythe, the third;
Messrs. Cockerill, Selby and Yancey, the fourth; Messrs. Selby,
Cockerill, Daveiss and Wood, the fifth; Messrs. Hughes, Hick-
man, J. Ward, W. B. O’Bannon and R. Wickliffe, the sixth; and
Messrs. Dudley, Daveiss and Worthington, the seventh.

Mr. Daveiss offered a resolution relative to the Transylvania
University, and requiring information in relation to the said insti-
tution; which was read and referred to the committee raised on
that part of the message of the Executive, which relates to the
subject of Education and the Transylvania University.

Mr. Daveiss also offered the following resolution, to wit:
Resolved by the Senate, That their Secretary procure, if possible,
a complete set of the Journals of the Senate and House of Repre-
sentatives of Kentucky, for the use of the Senate.

Which was adopted.
Mr. Hughes offered sundry joint resolutions relating to the Judiciary of this Commonwealth; which, being joint, of course lie on the table for consideration.

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

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

When, on motion of Mr. Denny, the said message and one delivered on yesterday, were severally taken up, read, and, for the present, laid on the table.

Mr. R. Wickliffe presented the petition of sundry citizens of the Cross Plains, in Fayette county, and of the vicinity thereof, praying that a town be laid out and established there, by some legislative act; which being received, was read and referred to a select committee of Messrs. R. Wickliffe, Muldrow and Daniel, with leave to report thereon by bill or otherwise.

Mr. White presented the petition of James Bartlett, praying to be divorced from his wife; which was received and read, and, with the accompanying documents, referred to the committee of religion.

A message from the House of Representatives, by Mr. Underwood:

Mr. Speaker—The House of Representatives have passed a bill which originated in that House, entitled "an act to enlarge the constable's district including the town of Bowling-green," in which they request the concurrence of the Senate.

Whereupon said bill was, on motion, taken up and passed to a second reading; when the rule, constitutional provision, and second and third readings of said bill being dispensed with, it was Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Cockerill inform the House of Representatives thereof.

The Senate then proceeded to a consideration of the orders of the day.

An engrossed bill, which originated in the Senate, entitled "an act to authorize the insertion of certain advertisements in the paper published in Lexington, entitled the Kentucky Whig," was read a third time; and the question being taken on the passage thereof, it was decided in the affirmative.

Ordered, That the title thereof be as aforesaid, and that Mr. R. Wickliffe carry the said bill to the House of Representatives, and request their concurrence in the same.

And then the Senate adjourned.
THURSDAY, NOVEMBER 10, 1825.

The Senate assembled.

Mr. Howard, from the county of Madison, and Mr. C. Allan, from the county of Clarke, members of the Senate, appeared and took their seats.

The Speaker laid before the Senate a letter from the Treasurer, covering his annual report; which was read as follows, to wit:

**Treasurer's Office, Ky. Nov. 9, 1825.**

Sir:

You will please to lay before the honorable house over which you preside, the enclosed statement, which gives a concise view of the situation of the Treasury department, from the 11th day of October 1824, to the 10th day of October 1825, inclusive.

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

SAMUEL SOUTH, Tr.

Hon. ROBERT B. M'AFFEE,  
Lieut. Governor and Speaker of the Senate.

**A Statement**  
Of Moneys received and paid at the Treasury, in the year 1825, commencing on the 11th day of October 1824, and ending on the 10th day of October 1825, inclusive.

<table>
<thead>
<tr>
<th>RECEIPTS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount received on head-right lands,</td>
<td>2,425 72</td>
</tr>
<tr>
<td>Ditto, vacant lands,</td>
<td>8,358 67</td>
</tr>
<tr>
<td>Ditto, Tellico lands,</td>
<td>120 35--10,904 74</td>
</tr>
<tr>
<td>Ditto, Tennessee lands, east of Cumberland river,</td>
<td>407 50</td>
</tr>
<tr>
<td>Ditto, west of Cumberland river,</td>
<td>5,171 80—5,579 30</td>
</tr>
<tr>
<td>Ditto, south-west of Tennessee river,</td>
<td>11,400</td>
</tr>
<tr>
<td>Ditto, Penitentiary,</td>
<td>3,689 99</td>
</tr>
<tr>
<td>Ditto, Sheriffs,</td>
<td>72,176 54</td>
</tr>
<tr>
<td>Ditto, Clerks,</td>
<td>10,686 39</td>
</tr>
<tr>
<td>Ditto, non-residents' lands,</td>
<td>9,287 60</td>
</tr>
<tr>
<td>Dividend Bank of the Commonwealth of Kentucky, up to 30th of November 1824,</td>
<td>21,108 64</td>
</tr>
<tr>
<td>Ditto, 31st of July 1825,</td>
<td>45,040 07—66,148 71</td>
</tr>
<tr>
<td>Distribution of stock of Bank of Kentucky, up to 31st of January 1825,</td>
<td>39,670 00</td>
</tr>
<tr>
<td>Ditto, 31st of July 1825,</td>
<td>59,670 00</td>
</tr>
<tr>
<td>Miscellaneous receipts,</td>
<td>119,340 00</td>
</tr>
<tr>
<td></td>
<td>1,704 96</td>
</tr>
</tbody>
</table>
Register of the land-office, 1,126 69
Secretary of State, 50 35

Total amount received, $312,095 18

This Statement exhibits the amount of Money paid for Warrants drawn on the Treasury from the 11th day of October 1824, to the 10th day of October 1825, inclusive.

Amount subscribed and paid into the Commonwealth's Bank, as stock, to wit: Distribution of stock from Bank of Kentucky, up to 31st Jan. 1826, $59,670
 Ditto, 31st July 1825, 59,670
Land south west of Tennessee river, 11,400—130,740 00
Drawback on vacant lands, 132 37
Penitentiary, for loans, &c. 16,854 63
Salaries of the Executive and Judiciary departments:
For the Executive department, 6,551 82
Judiciary department, 32,602 21—39,154 03
Legislature, November session 1824, 22,332 80
Appropriations, same time, 11,324 79
Public Printing, same time, 3,943 13
Support of Lunatics, 8,459 75
Criminal prosecutions, 17,425 17
Commissioners of tax, 8,158 50
Jailers, for attending on circuit and county courts, 7,826 65
Clerks of circuit and county courts, 10,093 20
Sheriffs, for comparing polls, 1,671 44
Executive offices, 4,720 62
Contingent expenses, 10,000
Public roads, 4,720 13
Military expenses, 505 86
Slaves executed, 1,225
Lunatic Asylum, 10,000
Surveyors, for copying entries, &c. 364
Deaf and Dumb Asylum, 1,455 62
Money refunded, 162 56
Purchasers of non-residents lands, 4 17
Reporter Court of Appeals, 1,000
Public communications, 1,331 72
Distributing Acts of Assembly, 143 80

Total amount paid, $302,072 33

Balance due from government on the 10th of October 1824, in Commonwealth's money, 36,467 54

Total, $338,539 87
From which take the amount received, as above, $312,095 18

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance due from government, in Commonwealth's money, on the 10th of October 1825,</td>
<td>$26,444 69</td>
</tr>
<tr>
<td>For amount of money paid upon the order of the Governor, for the reception and entertainment of General Lafayette,</td>
<td>8,086</td>
</tr>
<tr>
<td>For amount of money lost on the day of the conflagration of the State-House, as reported by committee,</td>
<td>1,479 35</td>
</tr>
<tr>
<td>Making (which has not been credited the Treasurer's account by the Auditor)</td>
<td>$9,565 35</td>
</tr>
<tr>
<td>Balance due 10th of October 1825, as per statement above,</td>
<td>26,444 69</td>
</tr>
<tr>
<td>Making the true balance from government, in Commonwealth's money, on the 10th of Oct. 1825,</td>
<td>$36,010 04</td>
</tr>
</tbody>
</table>

There still remains on hand, in specie, in the Bank of Kentucky, $500; and in Illinois money, $20.

The foregoing statement is respectfully submitted to the Senate.

SAMUEL SOUTH, Tr.

Mr. C. H. Allen presented the petition of John W. Brite, praying to be divorced from his wife; which being read, was, with the accompanying documents, referred to the committee of religion.

Mr. Beaty presented the petition of Foster and wife, praying for a divorce; which, with the accompanying documents, (the same being read,) was referred to the committee of religion.

Mr. Given presented the petition of the trustees of the Callondonia Academy of Caldwell county, praying the passage of a law to authorise the sale and transfer of certain bank stock belonging to said institution; which was read and referred, on motion of Mr. Given, to a select committee of Messrs. Given, Ewing, Worthington and Locket, with leave to report thereon by bill or otherwise.

Mr. Given also presented the petition of sundry citizens of Caldwell county, praying that a donation of land be made for the benefit of Elijah Stephens; which was read and referred to the committee of propositions and grievances.

Mr. Dudley, from the select committee raised for that purpose, reported a bill to provide for the distribution and preservation of the public law books; which passed to a second reading.
Mr. Given, from the joint committee of enrolments, reported that they had examined joint and enrolled resolutions, which originated in the House of Representatives, of the following titles, to wit: Resolutions occasioned by the death of Col. Solomon P. Sharp, and a resolution authorising the Governor to offer a reward for the detection and apprehension of the murderer of Col. Solomon P. Sharp: That the same were truly enrolled, and that the Speaker of the House of Representatives had affixed his signature thereto, and that the same were now presented for the signature of the Speaker of the Senate, which was thereupon affixed thereto, and said resolutions returned to the proper committee, to be by them laid before the Governor, for his approbation and signature.

Mr. Daveiss, from the committee raised for that purpose, reported a bill to amend an act entitled "an act for the benefit of Wilson Pickett's heirs, and the heirs and devisees of Azariah Daveiss, deceased," approved February 4th, 1819; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading of said bill were dispensed with, and the same was referred to a select committee of Messrs. Daveiss, Carneal and Howard, for amendment.

Leave was given to bring in bills of the following titles, to wit:
On motion of Mr. Beaty—1. A bill to amend the law authorising the appropriation of the vacant land lying between Walker's line and the latitude of 36 30 north, in the State of Tennessee.
On motion of Mr. J. Allen—2. A bill to reduce and regulate certain officers' salaries.
On motion of Mr. Daveiss—3. A bill to amend an act entitled "an act to establish a Lunatic Asylum," approved December 7, 1822.

Messrs. Beaty, Garrard, Wood and Cockerill were appointed a committee to prepare and bring in the first; Messrs. J. Allen, Beaty, Yancey, Worthington and Carneal, the second; and Messrs. Daveiss, R. Wickliffe, Muldrow and White, the third.

The Speaker laid before the Senate a letter from the President of the Bank of the Commonwealth of Kentucky, covering his annual report, which was read as follows, to wit:

Bank of the Commonwealth, Nov. 10th, 1825.

Sir:

You will receive herewith, the annual report of the proceedings and situation of this Bank, up to the 10th day of October 1825, which you will please lay before that branch of the Legislature over which you preside.

Permit me to remark, that the reports from the Branch Banks have so recently come in, that I have not had sufficient time to have copies made out, so as to enable me to lay before each house
of the General Assembly, at the same time, full reports. I have, therefore, followed the practice heretofore adopted, of laying that part of the report showing a list of debtors, &c. before the House of Representatives.

Respectfully, your obedient servant,

D. WHITE, President.

ROBERT B. M'AFEE, Esq.

Speaker of the Senate.

BANK OF THE COMMONWEALTH, NOV. 10TH, 1825.

To the Members of the Senate and of the House of Representatives.

In compliance with the provisions of the 13th section of the act to establish the Bank of the Commonwealth, I have the honor to transmit herewith, to the General Assembly, a statement made out by the Cashier of the principal Bank, exhibiting a concise view of the situation of the institution, up to the 10th day of October 1825; also, detailed reports to that date, from the principal Bank and each of its branches, containing the names of all its debtors, the amount due from each, and the manner in which the same is secured, together with the amount of notes under discount, notes in suit, and such as are considered doubtful; all which, when taken and considered together, presents a full view of the whole institution. The tables and reports submitted for your inspection, have been considerably enlarged, and are accompanied with such explanatory notes, as render it unnecessary to comment upon the various items they contain. So far as it becomes essential to a fair development of the resources of the institution, and to a correct expose of its real condition, the law has made it the duty of the President to report specially to the Legislature, at each session.

Since the 10th day of October 1824, the Treasurer has paid into Bank, for the capital stock thereof, the sum of $130,740, for which he has obtained receipts from the Cashier. That sum increases the amount of stock actually paid, to $334,368.63.

The net profits of the institution, after deducting from the gross sum, special appropriations made by the Legislature, and all expenses for the year ending on the 10th day of October 1825, amounting to the sum of $72,354.31, have been regularly transferred on the books of the Bank, to the credit of the Treasury. The Treasurer, however, to enable him to meet the demands, and to defray the expenses of the government, has again been compelled to anticipate the revenue derivable from this source, and he has been permitted to overdraw the Treasury credits, the sum of $38,569. If it were necessary to state the reasons that operated upon, and influenced the Directory to indulge the Treasurer in these overdrafts, they may be found in the report of November
first, and which, at that time, received the implied assent and approval of the Legislature. The same reasons there assigned, and which governed that Board of Directors, have influenced this. Looking to the consequences that would result from withholding these advances to the Treasurer, they considered it best to honor his drafts, within reasonable limits.

The President and Directors of the Louisville Branch Bank, after deducting all expenses for the time, have paid to the managers of the State Hospital at that place, the sum of $7,981.52, that being the amount of net profits accruing to that Branch from the 10th day of October 1824, up to, and including the 10th day of October 1825.

The affairs of the Bank, during the present year, have been conducted, by its President and Directors, upon the same principles of economy in its expenditures, and with the same vigilance and regard to its interests and safety, as those which have herefore governed their predecessors. No material change of policy has been adopted by the Board, since the last annual report to the Legislature. The Bank has progressed on towards the consummation of its original objects, without any serious obstruction, except that which inevitably follows from a strong current of prejudice always consequent upon the nature and character of depreciated bank paper. The effects of that prejudice, however, which sprung from various causes, have been partially counteracted, by the skill and ability heretofore employed in the service of the institution. Under the excellent and judicious management of its former President and present officers, the Bank has withstood the shock of a most hostile and formidable array of conflicting interests and unjust prejudices. By means that cannot be considered altogether warrantable in such cases, the Bank has been denounced and violently assailed, and thereby its paper has been greatly depreciated in the public estimation. The consequence was, that for the two preceding years, and part of the present, the paper of this Bank had depreciated in value fifty per cent. It is now at a discount only of thirty-three and one third per cent. for specie, and may be quoted as current in exchange, at that rate, for almost every other commodity in the market. If the present system of curtailment of its paper in circulation, shall be continued, it is more than probable, that, in the course of the next or the succeeding year, it will approximate near to the specie standard. Should these conclusions be realized, the period is not far distant, when the Bank shall have fulfilled all its offices, and may close its concerns without other aid than its own efforts, leaving the pledges of the State undisturbed.

Calls at the rate of one per cent. per month upon the original sums loaned, as required by the first section of "an act concerning the Bank of Kentucky and the Bank of the Commonwealth,"
have been strictly and uniformly adhered to, without prejudice to the Bank, or imposing upon its debtors an inconvenient burden. In most cases, these calls, with interest on the amount actually due, have been cheerfully met, and promptly paid, by that class of debtors who observe punctuality in the discharge of their debts. No system could be better adapted to control the relations existing between the bank and its debtors. Generally, the debtor has become familiar with, and attached to this uniform mode of exacting from him, at fixed and certain periods, a small portion of the demand, with interest for future indulgence; he pays his calls cheerfully, and finds, in this rule, no reasonable cause for murmuring or complaint. The institution, in the meantime, is advanced by the same rule. Frequent negotiation with the debtor, enables the Directory to enquire into his ability to make payment, and to use means, if necessary, to secure the demand with more certainty. Under this policy, the Bank will have but little difficulty in winding up its concerns, within the time limited by its charter, without probable loss, or being compelled to resort to coercive measures to hasten its final termination. By the same gradual process of diminution, the debtors to the Bank will be enabled to liquidate and pay off the demands against them, to the satisfaction of the public, and without inconvenience or sacrifice to themselves.

That the institution is progressing, as fast as practicable, to its final close, consistent with its safety and a just administration of its affairs, will be more manifest, when its present situation is compared with that presented by former reports. Of the sum of $1,920,646.39 which remained in circulation on the first day of October 1824, the Bank has redeemed, of her notes, the sum of $484,406.73; leaving in circulation, on the 10th day of October 1825, the sum of $1,436,239.66; to redeem which, independent of the pledges of the State, contained in the charter, there was due the Bank at that date, on bills receivable and payable to Bank, the sum of $1,905,640.55, and real estate sold under mortgage and purchased in, the sum of $261,794.19; making an aggregate amount of debts due and real estate, in the hands of the managers of the institution, with which to redeem its paper, of $1,931,794.54.

It is my duty to remark, that of the whole amount of notes due the Bank, and which are (for convenience) stated as under discount, the sum of $281,899.94 was in suit on the 10th day of October last. To prevent any misapprehension on that subject, you may rest assured, that the greater part, if not the whole, are safe and collectable. On the list of delinquents are the names of some of the most solvent debtors to the Bank, and no fears are entertained, that any considerable loss will be sustained from that quarter.
To Stock,

- Literary Fund: $334,368 69
- Notes Payable: $143,177 41
- Discounts, (since 1st July last): $26,394 57
- Individual Depositors: $192,453 49
- Amortisation due to Branches and Principal Bank: $204,650 64

To Branches and principal Bank, Legislative Deposits, (boxed and sealed up): $422,212 16

Total of Notes issued: $4,292,212 16

Cash on hand 10th October, 1825: $1,088,261 63

Adding the amount due from the Treasurer on that day, which having been checked, for an anticipation of the revenue, will shortly be repaid, and when paid is to be considered as so much out of circulation, $36,899 00

Adding the amount of Notes cancelled and destroyed: $73,053 25

Deduct amount subject to be drawn for by Depositors: $1,629,065 89

Cash in circulation on the 10th October, 1825: $192,493 40—1,507,360

The amount of $142,312 16, boxd up, is included in the above estimate of Cash on hand.

To redeem the Notes in circulation the Bank is vested with means as follows: $477,400

Stock due from the Bank of Kentucky: $1,005,541

Notes under discount due from individuals: $26,184

Real Estate purchased by the Bank for debts due: $2,409,254 27

Deduct amount of Notes in circulation: $1,452,339 27

Leaving an excess of means, &c: $973,014 07
These delinquencies have occurred, in many cases, through mere casualties; in others, from the neglect of parties.

Recently, suits have been instituted on the notes of this Bank, against the President and Directors, by non-residents, in the circuit court of the United States for the Kentucky district, for about the sum of $20,000. Able counsel has been employed by order of the Board of Directors, to attend to that business; and for that purpose, the counsel has been regularly constituted attorney in fact, by power of attorney under the seal of the corporation, with full authority to enter an appearance, if necessary, and to make such defense in the suits as may be thought just and proper. The Bank of the Commonwealth is considered emphatically a State institution. Its capital stock is owned exclusively by, and is under the control of the Legislature, constituting a branch of the revenue system, and must be considered as a part of the government. The President and Directors have, therefore, been advised that these suits are not maintainable, for want of jurisdiction in the court before which they are brought.

It is not necessary, at this time, to enter into a detailed statement of the various items that constitute the sum total of the general expenses of the institution for the last year. The President and Directors, acting under the existing laws and rules prescribed for its administration, in every instance, have acted with a scrupulous regard to the interest and advancement of the institution, and have confined its expenses within the narrowest limits that the nature of its organization would admit. A great proportion, however, of these expenses, has been incurred in prosecuting its claims against delinquent debtors, the costs of which, have been paid by the Bank, and will, in due time, be reimbursed.

That the expenses of the whole institution might be greatly curtailed, without prejudice to its safety or inconvenience to its debtors, is unquestionable; and for that purpose, and to induce the Legislature to act upon the subject, many projects for changing or modifying the institution, have been communicated to the public. Upon these topics, it is not my business to comment. It is the duty of the President to report the proceedings and situation of the Bank; not to devise ways and means whereby its character and relations may be changed or affected.

The President and Directors, therefore, will rest satisfied with assuring the General Assembly, that, as long as they are honored with the public confidence, they will obey, with pleasure, and execute with fidelity, any policy the Legislature may adopt, for the future management of the institution.

I have the honor to be, very respectfully,
Your obedient servant,

D. WHITE, President.
Mr. Ewing, from the select committee to which was referred the resolutions offered on yesterday by Mr. Daveiss, in relation to the Transylvania University, and requiring information of the trustees thereof, &c. reported the same with a substitute in lieu of the original resolutions, by way of amendment; which said substitute being so amended as to render the resolutions therein contained joint, the question was taken on the adoption thereof, in lieu of the original, and it was decided in the affirmative.

The question was then taken on the adoption of said resolutions, and the same were adopted.

Ordered, That Mr. Daveiss carry the same to the House of Representatives, and request their concurrence.

On motion of Mr. Denny, a message from the Governor, embracing his objections to a bill which passed both houses of the General Assembly at their last annual session, entitled “an act authorising the collection of certain moneys due to the first Presbyterian Church in Louisville,” accompanied by said bill, was taken up and read as follows, to wit:

Gentlemen of the Senate,

Having examined and considered the bill entitled “an act authorising the collection of certain moneys due to the first Presbyterian Church in Louisville,” presented to me on the 7th of January last, I now return the same to the Senate, in which it originated; with the following objections:

It gives to the first Presbyterian Church in Louisville privilege and capacities not enjoyed or possessed by any other religious society or congregation in the State; and, therefore, violates the first, third and fourth sections of the tenth article of the constitution, which forbid the grant of exclusive privileges, except in consideration of public services; which also forbid compulsion to attend, erect or support any place of worship, and which prohibit the enlargement or diminution of the civil rights of any citizen, or account of his religion.

One section of the bill gives to the trustees of the Church a right hereafter to sue and be sued in any court of the Commonwealth. This virtually and substantially makes them a corporation in law, thereby giving this Church a preference over other religious societies, incompatible with the letter and spirit of the constitution.

JOSEPH DESHA.

November 8th, 1825.

The bill to which the foregoing objections allude, is in the following words and figures, viz.

An Act authorising the collection of certain Moneys due to the first Presbyterian Church in Louisville.

Whereas it is represented to the present General Assembly that sundry citizens of Louisville and Jefferson county did et
in said town a building for the use of the Presbyterian congregation, which building is at present known by the name of the First Presbyterian Church in Louisville; and that, at a meeting of the stockholders, held on the first day of June 1818, it was resolved that the pews should be sold at public auction, subject to an annual tax of five per cent. on the amount they were valued at by the trustees, which tax was to commence on the first day of January 1820; and that said pews were accordingly sold, and that some of the purchasers thereof have failed to pay said tax of five per cent. but notwithstanding continue to hold and occupy said pews: For remedy whereof,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Jacob Reinhard, Thomas Jones, John P. Harrison, Robert Wallace, jun. and William S. Vernon, the present trustees of said Church, or the survivor or survivors of them, or their successors in office, to institute actions of debt in the Jefferson circuit court, or before a justice of the peace, where the amount claimed is under fifty dollars, against any person or persons, their executors, administrators or heirs, who may have purchased a pew or pews, at the sale aforesaid or subsequently thereto, and who shall have failed to pay the annual tax aforesaid, or any part thereof; and if it shall appear to the court or justice of the peace before whom the trial shall be had, that any arrear of tax is due, the said court or justice of the peace may proceed to give judgment, as in other cases.

§ 2. And be it further enacted, That the trustees of said Church shall hereafter have power, by the name of “the Trustees of the first Presbyterian Church in Louisville;” to sue in any of the courts of this Commonwealth, for any money hereafter to become due, on account of taxes as aforesaid, or for damage done to said Church and its appurtenances; and by that name they may also be sued, and service of process upon the Chairman of said Trustees shall be sufficient.

§ 3. And be it further enacted, That the trustees of said Church shall, within ten days after their election or appointment by the members of the Church, hand to the clerk of the county court of Jefferson county, a certificate of their appointment as such, under the signature of their Chairman, and the clerk shall record the same in a book to be kept for that purpose, which shall be as often as the trustees of said Church are successively elected or appointed, at the costs of the trustees; a copy of which certificate, signed by the clerk, shall be competent evidence of their identity as trustees, for and against them, before any tribunal in this Commonwealth.

§ 4. And be it further enacted, That no property or estate shall be subject to execution, to satisfy the tax aforesaid, except the pew or pews of the defendant or defendants,
When, on motion, the said bill was laid on the table until to­
morrow.

The Senate then proceeded to the consideration of the orders of
the day.

A bill which originated in the Senate, to take the sense of the
good people of this Commonwealth as to the expediency of call­
ing a Convention," was read a second time, and, on motion of Mr.
Crutcher, referred to a committee of the whole house, for to­
morrow.

Bills which also originated in the Senate, of the following titles,
were read a second time, to wit: 1. A bill to reduce the salaries
of the Judges of the Court of Appeals; 2. a bill for the benefit of
the Judge of the 13th judicial district.

The first was, on motion, referred to a select committee of
Messrs. Yancey, Daniel, Beaty, Cockerill and Hughes, for amend­
ment; the second, being amended, was ordered to be engrossed
and read a third time on to-morrow.

And then the Senate adjourned.

FRIDAY, NOVEMBER 11, 1825.

The Senate assembled.

A message from the House of Representatives, by Mr. Wilson:

Mr. Speaker—The House of Representatives have passed bills
which originated in that House, of the following titles, to wit:
1. An act authorising the sale of certain ground in the town of
Russellville; 2d. an act for the benefit of the clerk of the Hop­
kins circuit court; in which they request the concurrence of the
Senate.

Mr. Worthington presented the petition of sundry citizens of the
county of Muhlenberg, praying for the formation of a new county;
&c.; which was read, and, with the accompanying documents,
referred to the committee of propositions and grievances.

Mr. Denny presented the petition of sundry citizens of the coun­
ty of Oldham, praying the passage of a law to authorise the peo­
ple of said county to vote for a site at which to locate their county
seat; which was read, and, with the accompanying documents,
referred to the committee of propositions and grievances.

Mr. Daveiss presented the petition of sundry citizens of the
same county, praying for the removal of the seat of justice of the
said county to Westport, on the Ohio river; which was read, and,
with the accompanying documents, referred to the committee of
propositions and grievances.

Mr. Lockett, presented the petition of Benjamin Berry, who
stands charged with murder, in the Henderson circuit court, pray­
ing for a change of venue; which was read and referred to the
committee for courts of justice.
Mr. Garrard presented the petition of George and Nancy Bunch, praying to be divorced from each other; which was read and referred to the committee of religion.

Mr. Smith, from the committee of religion, made the following report, to wit:

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

Resolved, That the petition of James Bartlett, praying to be divorced from his wife, (for want of legal notice) be rejected.

Resolved, That the petition of Foster and wife, praying to be divorced from each other, is reasonable.

Which was twice read and concurred in.

Mr. Given presented the petition of John M'Laughlin, praying a donation of land, &c.; which was read and referred to the committee of propositions and grievances.

Mr. Given also presented the petition of sundry citizens of the county of Calloway, praying a donation of a quarter section of land, for the benefit of Thomas Hendricks; which was received, read and referred to the committee of propositions and grievances.

Mr. Yancey, from the select committee to which was referred a bill to reduce the salaries of the Judges of the Court of Appeals, reported the same without amendment.

Mr. Dudley moved to strike out so much thereof as fixes the salary at fifteen hundred dollars, thereby leaving a blank; and the question being taken thereon, it was decided in the affirmative—Yeas 18, nays 15.

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


Nays—Messrs. C. Allan, Carneal, Crutcher, Davidson, Faulkner, Garrard, Given, Hickman, Howard, Lockett, Muldrow, Pope, J. Ward, White and M. H. Wickliffe.

Mr. Hughes moved to fill said blank with $1,200; and the question being taken on so filling it, it was decided in the affirmative—Yeas 20, nays 13.

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

When, on motion of Mr. J. Allen, the bill was further amended, and the same was ordered to be engrossed and read a third time on to-morrow.

Mr. Barrett, from the select committee raised for that purpose, reported a bill to authorise a lottery for the purpose of raising money to erect a bridge across Licking river, at Claysville, in Harrison county; which passed to a second reading.

Mr. Given, from the joint committee of enrolments, reported that they had examined an enrolled bill, which originated in the House of Representatives, entitled "an act to enlarge the constable's district including the town of Bowlinggreen," that the same was truly enrolled, and signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate also affixed his signature thereto, and the bill was returned to the proper committee, to be by them laid before the Governor, for his approbation and signature.

The following messages were received from the House of Representatives, to wit:

1. By Mr. Wingate:

   Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act to amend the act entitled an act to provide for the running and marking the county line between the counties of Owen and Grant; in which they request the concurrence of the Senate.

2. By Mr. Prince:

   Mr. Speaker—The House of Representatives have received official information that the Governor did, on yesterday, approve and sign enrolled resolutions, which originated in that house, of the following titles, to wit: Resolutions occasioned by the death of Col. Solomon P. Sharp, and a resolution authorising the Governor to offer a reward for the detection and apprehension of the murderer of Solomon P. Sharp.

Mr. Carneal offered the following resolution, to wit:

Resolved, That the committee for courts of justice be instructed to ascertain what distinction, if any, exists by law, in the remedy given to the late Independent Banks, for the enforcement of their contracts and the collection of their debts; and that said committee have leave to report by bill or otherwise.

Which was twice read and adopted.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Howard—1. A bill to amend the second section of an act entitled "an act to regulate endorsements on executions."
On motion of Mr. Daniel—2. A bill to alter the mode of taking in lists of taxable property.

On motion of Mr. Selby—3. A bill to amend an act entitled "an act for the benefit of Daniel Trabue and others," approved December 27, 1820.

On motion of Mr. Beaty—4. A bill for the benefit of Jesse Alcorn.

Messrs. Howard, Ewing, J. Allen and Davidson were appointed a committee to prepare and bring in the first; Messrs. Daniel, Hughes, Forsythe, Cockerill and Worthington, the second; Messrs. Selby, Beaty and Faulkner, the third; and Messrs. Beaty, Wood and Barrett, the fourth.

On motion of Mr. White, leave was given him to withdraw the petition of James Bartlett, for a divorce, with the accompanying documents.

The Senate then proceeded to a consideration of the orders of the day.

An engrossed bill entitled "an act for the benefit of the Judge of the 13th judicial district," was read the third time; and the question being taken on the passage thereof,

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

Ordered, That Mr. Pope carry the same to the House of Representatives, and request their concurrence.

A bill which originated in the Senate, entitled "an act to change the time of holding the Meade county court," was read a second time, and ordered to be engrossed and read a third time tomorrow; when, on motion of Mr. Crutcher, the further reading thereof, the rule, &c. were dispensed with, and the question being taken on the passage thereof, (the same being engrossed.)

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

Ordered, That Mr. Crutcher carry the same to the House of Representatives, and request their concurrence.

On motion of Mr. Denny, the orders of the day were dispensed with, and a bill which originated in the House of Representatives, entitled "an act for the benefit of the clerk of the Hopkins circuit court," was taken up, read the first time and ordered to be read a second time; when, on motion, the rule, constitutional provision and second reading of said bill were dispensed with, and the same referred to a select committee of Messrs. Denny, Lockett and Worthington, for amendment.

On motion of Mr. Hughes, the committee of the whole were discharged from the further consideration of "a bill to take the sense of the good people of this Commonwealth as to the expediency of calling a Convention," which was referred to them, when, on motion, the same was taken up—the question being on
engrossing and reading said bill a third time; and the question being taken thereon, the vote stood as follows: For engrossing, &c. 19; against it, 15.

The yeas and nays were required by Messrs. Faulkner and Ewing, and were as follows, to wit: Those who voted in the affirmative, are, Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Carneal, Cockerill, Crutcher, Daniel, Daveiss, Ewing, Forsythe, Given, Hughes, P. N. O'Bannon, W. B. O'Bannon, J. Ward, Wood, Worthington and Yancey.

Those who voted in the negative, are, Messrs. C. Allan, Davidson, Denny, Dudley, Faulkner, Garrard, Hickman, Howard, Lockett, Muldrow, Pope, Selby, Smith, White and R. Wickliffe.

The Constitution requiring a majority of all the members elected, to pass any bill contemplating the objects of the bill under consideration, and such majority not having voted for it, the Speaker pronounced that the same was rejected.

Whereupon, Mr. Carneal, who voted in the majority, moved a re-consideration of the last vote; which was thereupon re-considered, and the question recurred upon engrossing said bill and reading it a third time to-morrow, which was decided in the affirmative, by a requisite majority, the yeas being 20, the nays 15.

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


Mr. Howard offered sundry joint resolutions, contemplating the appointment of committees to examine and report the condition of the several public offices; which, of course, lie over one day for consideration.

Mr. Denny, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act for the benefit of the clerk of the Hopkins circuit court," reported the same with an additional section by way of amendment; which being twice read, was adopted, and the bill, as amended, was ordered to be read a third time to-morrow; when, on motion, the rule, constitutional provision and third reading thereof were dispensed with, and it was

Resolved, That said bill, as amended, do pass, and that the title thereof be so amended as to read, "an act for the benefit of the clerks of the Hopkins and Oldham circuit courts."

Ordered, That Mr. Lockett inform the House of Representatives thereof, and request their concurrence in said amendment.

And then the Senate adjourned.
The Senate assembled.

Mr. Ewing, from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances, to which sundry petitions, &c. were referred, have, according to order, had under consideration the petition of sundry citizens of the county of Oldham, praying the passage of a law to remove the seat of justice of said county to the town of Westport, on the Ohio river, and have come to the following resolution, to wit:

Resolved, That said petition is reasonable.

The committee have also had under consideration a petition from sundry citizens of the county of Oldham, praying the passage of a law authorising the people of said county to vote for a site at which to locate their seat of justice, and have come to the following resolution, to wit:

Resolved, That said petition be rejected.

Mr. C. H. Allen moved to amend the first resolution, by striking out the words "is reasonable," and inserting the words "be rejected.

Mr. Denny moved to amend the amendment, by attaching thereto the following words, to wit: "And that said committee be instructed to bring in a bill authorising the qualified voters of said county to fix the seat of justice by vote." And the question being taken on amending the amendment, it was decided in the affirmative.

The question was then taken on the adoption of the amendment as amended, and decided in the affirmative.

The second resolution being again read, Mr. Ewing moved to amend the same, by striking out the words "be rejected," and inserting the words "is reasonable"; and the question being taken thereon, it was decided in the affirmative.

The question was then taken on the adoption of said report and resolutions, as amended; and the same were adopted.

Mr. Hughes, from the select committee raised for that purpose, reported a bill to provide for viewing and marking a way for a turnpike road from Maysville to Lexington; which was read the first time, and ordered to be read a second time; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill referred to the committee raised on that part of the Governor's message which relates to internal improvements, for amendment.

Mr. Daveiss, from the select committee to which was referred a bill to amend an act entitled "an act for the benefit of the widow and heirs of Wilson Pickett, deceased, and the executors and de-
vicees of Azarjah Daveiss, deceased," approved February 4th, 1817, reported the same with sundry amendments, which being duly reported, were concurred in; and thereupon the said bill was ordered to be engrossed and read a third time on Monday next.

Mr. Beaty, from the committee raised for that purpose, reported a bill to authorize the appropriation of vacant land lying between Walker's line and the latitude 36 degrees 30 minutes north, in the State of Tennessee;" which passed to a second reading, when, on motion of Mr. Daveiss, the rule, constitutional provision and second reading of said bill were dispensed with, and the same being amended, was referred to the committee for courts of justice.

The following messages were received from the House of Representatives, to wit:

1. By Mr. Wingate:
   Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act to regulate the appropriation of fines and forfeitures in certain counties in this Commonwealth," in which they request the concurrence of the Senate.

2. By Mr. Dyer:
   Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act to provide for the safe-keeping of Francis Erwin," in which they request the concurrence of the Senate.

3. By Mr. Coleman:
   Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act to change the place of voting in the eastern precinct of Hardin county." They have also passed a bill which originated in the Senate, entitled "an act to authorize the insertion of certain advertisements in the paper published in Lexington, entitled the "Kentucky Whig," with amendments. In which bill and amendments they request the concurrence of the Senate.

Ordered, That the Sergeant-at-arms for the Senate be instructed to have erected in the Senate chamber, a platform of suitable dimensions, on which to place the table of the Secretary; and that the same be forthwith executed.

A message from the House of Representatives, by Mr. Prince:
   Mr. Speaker—The House of Representatives have received official information that the Governor did, on this day, approve and sign an enrolled bill which originated in that house, entitled "an act to enlarge the constable's district including the town of Bowlinggreen."

A message from the Governor, by Mr. Loughborough, Assistant Secretary:
Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing, with an accompanying document.

And then the Senate adjourned.

MONDAY, NOVEMBER 14, 1825.

The Senate assembled.

A message from the House of Representatives, by Mr. Underwood:

Mr. Speaker—The House of Representatives have passed bills which originated in the Senate, of the following titles, to wit: An act for the benefit of the Judge of the 13th judicial district, and an act to change the time of holding the Meade county court. They have also concurred with the Senate, in the adoption of resolutions which originated in the Senate, entitled "resolutions relative to the Transylvania University, and requiring information of the Trustees thereof, in relation to the same;" and in amendments to a bill which originated in the House of Representatives, entitled "an act for the benefit of the clerk of the Hopkins circuit court."

Mr. Given presented the petition of sundry citizens of the county of M'Cracken, praying for the removal of the seat of justice of said county; which was received, read and referred to the committee of propositions and grievances.

Mr. Faulkner presented the petition of John Kirkendall, praying to be divorced from his wife; which was received, read and referred to the committee of religion.

Mr. Cockerill, from the select committee raised for that purpose, reported a bill for the benefit of John Richey, of Allen county; which passed to a second reading.

Mr. Daniel, from the select committee raised for that purpose, reported a bill to alter the mode of taking in lists of taxable property; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the said bill was referred to a select committee of Messrs. Hughes, Daniel, Hickman, Given and Lockett, for amendment.

Mr. J. Allen, from the select committee raised for that purpose, reported a bill to reduce and regulate certain officers' salaries; which passed to a second reading.

Mr. Selby, from the select committee raised for that purpose, reported a bill for the benefit of Cassandra Abrell, widow of Jacob Abrell, deceased; which passed to a second reading.

Mr. Beaty, from the select committee raised for that purpose, reported a bill for the benefit of Jesse Alcorn; which passed to a second reading.
Mr. Given, from the select committee raised for that purpose, reported a bill to transfer the bank stock of the Caledonia Academy, and for other purposes; which passed to a second reading.

Mr. Selby, from the select committee raised for that purpose, reported a bill to amend the act entitled "an act for the benefit of Daniel Trabue and others," approved January 7, 1824; which passed to a second reading.

Mr. T. Ward, from the counties of Greenup and Lewis, and Mr. Stephens, from the counties of Breckinridge, Ohio and Daveiss, members of the Senate, appeared and took their seats.

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

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

Which being received, Mr. Crutcher moved that the same be taken up; which was thereupon taken up and read as follows, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, William Caldwell, Esq. to be commissioned Sheriff of Bullitt county, in place of James Alexander, deceased, to continue in office for the residue of the term for which said Alexander was commissioned.

JOSEPH DESHA.

November 14, 1825.

Resolved, That the Senate do advise and consent to said nomination.

Ordered, That Mr. Crutcher inform the Governor thereof, the same being duly certified.

Mr. Ewing, from the committee of propositions and grievances, to which were referred sundry petitions relative to the seat of justice of Oldham county, (with instructions, &c.) reported thereon a bill to provide for locating the permanent seat of justice for Oldham county; which passed to a second reading.

Leave was given to bring in bills of the following titles, to wit: On motion of Mr. Lockett—1. A bill concerning the location of the forfeited lands in this Commonwealth.

On motion of Mr. Daveiss—2. A bill to repeal the fourth section of "an act to amend an act entitled an act to regulate endorsements on executions," approved December 1st, 1821.

On motion of Mr. Daveiss—3. A bill for the benefit of the executors of Samuel M'Atee, deceased.

On motion of Mr. Ewing—4. A bill to amend the act entitled "an act further to regulate the valuation of taxable property in this Commonwealth," approved December 14th, 1824.

On motion of Mr. White—5. A bill to provide for binding out poor free children of colour.
On motion of Mr. Hughes—6. A bill to change the mode of summoning petit jurors, and to provide for their compensation.

On motion of Mr. R. Wickliffe—7. A bill to amend the law concerning the action of detinue.

On motion of Mr. Beaty—8. A bill for the benefit of Thomas Branscomb.

Messrs. Lockett, Ewing, C. Allan and T. Ward were appointed a committee to prepare and bring in the first; Messrs. Daveiss, Faulkner, Hughes and Pope, the second, (from which committee, Mr. Daveiss reported said bill, which passed to a second reading;) Messrs. Daveiss, Davidson and J. Allen, the third; Messrs. Ewing, J. Ward, Worthington and Hickman, the fourth, (from which committee, Mr. Ewing reported said bill, which passed to a second reading;) Messrs. White, Forsythe and Daveiss, the fifth, (from which committee, Mr. White reported said bill, which passed to a second reading;) Messrs. Hughes, R. Wickliffe, Stephens and Davidson, the sixth; Messrs. R. Wickliffe, C. Allan, Muldrow and Hughes, the seventh; and Messrs. Beaty, Howard and Wood, the eighth.

Mr. Pope offered a resolution relative to the removal of the seat of government; which being read, was, for the present, laid on the table.

On motion of Mr. Yancey, the message of the Governor, received on the 9th inst. containing sundry military nominations, was taken up and read as follows, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, the following militia officers, who have received temporary appointments since the last session of the General Assembly, viz.

1. William Whitsett, major general of the first division, vice Samuel Caldwell, resigned.

2. Andrew S. Hughes, major general of the tenth division, vice Thomas Metcalfe, resigned.

3. Thomas M. Buckley, division inspector of the sixth division, vice James D. Allen, resigned.

4. Peter Lashbrook, division inspector of the seventh division, vice James C. Pickett, removed.


7. Morton A. Rucker, division inspector of the 14th division.

8. Dickson Given, division quartermaster of the same division.


10. Benjamin Fowler, brigadier general of the 22d brigade, vice Joseph Kennedy, resigned.
11. Robert B. M'Afee, brigadier general of the 8th brigade, vice Martin Hardin, resigned.
12. Frederick R. Singleton, brigade quartermaster of the 7th brigade.
13. Reuben Rowland, brigade quartermaster of the 19th brigade, vice Dickson Given, promoted.
15. John Todd, brigade quartermaster of the 26th brigade, vice John Dawson, refused.
18. William B. Booker, brigade quartermaster of the 8th brigade.
22. Samuel B. Jessup, lieutenant colonel of the 10th regiment, vice Stephenson Irwin, deceased.
23. David Harp, major of the same regiment, vice Samuel B. Jessup, promoted.
27. Samuel Poindexter, lieutenant colonel of the same regiment, vice Thomas Grubbs, promoted.
28. James Peart, major of the same regiment, vice Samuel Poindexter, promoted.
29. John Shrader, lieutenant colonel of the 33rd regiment, vice George Smith, resigned.
30. Stephen Ormsby, major of the same regiment, vice Abraham Brown, refused.
31. Oliver Caldwell, lieutenant colonel of the 34th regiment, vice Aquilla Young, resigned.
32. Abel Morgan, major of the same regiment, vice Oliver Caldwell, promoted.
33. Christopher Harris, lieutenant colonel of the 35th regiment, vice William Black, resigned.
34. John Noland, major of the same regiment, vice Christopher Harris, promoted.
35. William G. Boyd, colonel of the 37th regiment, vice William D. Scott, resigned.
37. John Murphy, major of the same regiment, vice George Boswell, promoted.
38. George P. Hill, major of the 38th regiment, vice Richard Goode, resigned.
39. John Whiles, colonel of the 44th regiment, vice Henry James, resigned.
40. William Pings, lieutenant colonel of the same regiment, vice John Whiles, promoted.
41. Daniel Swiney, major of the same regiment, vice William Pings, promoted.
42. George H. Gerton, lieutenant colonel of the 50th regiment, vice William F. Young, resigned.
43. John Wash, major of the same regiment, vice George H. Gerton, promoted.
44. Zachariah Taylor, colonel of the 52d regiment, vice Robert Shaw, resigned.
45. Robert Casky, lieutenant colonel of the same regiment, vice James Pierce, deceased.
46. Levi Wheat, major of the same regiment, vice Zachariah Taylor, promoted.
47. William Ratcliff, colonel of the 56th regiment, vice Theophilus Powell, resigned.
48. William Williams, lieutenant colonel of the same regiment, vice William Ratcliff, promoted.
49. George Powell, major of the same regiment, vice William Williams, promoted.
50. John McFadin, lieutenant colonel of the 61st regiment, vice James Thomas, resigned.
51. Thomas J. Denton, major of the same regiment, vice John McFadin, promoted.
52. Barnabas A. Johnston, lieutenant colonel of the 65th regiment, vice Ephraim Caldwell, resigned.
53. George Lansdown, major of the same regiment, vice Barnabas A. Johnston, promoted.
54. Benjamin Porter, lieutenant colonel of the 66th regiment, vice Mark Whitaker, removed.
55. George W. Cook, major of the same regiment, vice Jacob O. Chinowith, refused.
56. William Gamett, colonel of the 67th regiment, vice Benjamin Fowler, promoted.
57. Thomas Nelson, lieutenant colonel of the same regiment, vice William Garnett, promoted.
58. Barnett Rogers, major of the same regiment, vice Thomas Nelson, promoted.
59. Archibald Frizzell, lieutenant colonel of the 69th regiment, vice Thomas Wells, removed.
60. William Bell, major of the same regiment, vice Archibald Frizzell, promoted.
61. William Jordan, major of the 70th regiment, vice James A. Pogue resigned.
62. John Currant, lieutenant colonel of the 71st regiment, vice James Conn, resigned.
63. William Wright, major of the same regiment, vice John Currant, promoted.
64. John Shaw, major of the 72d regiment, vice John Williams, promoted.
65. James Bryant, lieutenant colonel of the 73d regiment, vice John Field, refused.
66. John H. Priest, major of the same regiment, vice William P. Hudson, refused.
67. Matthew Herron, lieutenant colonel of the 76th regiment, vice Thomas Given, resigned.
68. Samuel B. Nesbit, major of the same regiment, vice Matthew Herron, promoted.
69. John G. Boyd, major of the 78th regiment, vice Ebenezer Park, resigned.
70. Robert S. Breashers, colonel of the 80th regiment, vice John Hadix, resigned.
71. Hardin Combs, lieutenant colonel of the same regiment, vice Robert S. Breashers, promoted.
72. Edward Strong, major of the same regiment, vice Hardin Combs, promoted.
73. Fleming P. Rogers, major of the 85th regiment, vice Stephen H. Maddox, refused.
74. William How, colonel of the 100th regiment, vice Reuben Adams, resigned.
75. Celas B. Calvert, lieutenant colonel of the same regiment, vice John Bourne, refused.
76. Robert Jones, major of the same regiment, vice Jesse Lansdale, refused.
77. Charles Ruddle, colonel of the 104th regiment, vice Price B. Hume, removed.
78. James Ellison, lieutenant colonel of the same regiment, vice William Hogan, removed.
79. Andrew Myers, major of the same regiment, vice Charles Ruddle, promoted.
November 9, 1825.

Resolved, That the Senate do advise and consent to the nominations therein contained, numbered as follows, to wit: The 2d, 3d, 4th, 5th, 6th, 8th, 10th, 11th, 12th, 13th, 14th, 17th, 18th, 19th, 20th, 21st, 31st, 32d, 33d, 34th, 35th, 36th, 37th, 38th, 42d, 43d, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52d, 53d, 59th, 60th, 62d, 63d, 69th, 70th, 71st, 72d, 73d, 77th, 78th, 79th, 80th, 81st, 82d, 83d, 84th and 85th.

Ordered, That Messrs. Yancey and Ewing inform the Governor thereof, the same being duly certified.

On motion of Mr. T. Ward,

Ordered, That the nominations contained in said message, not advised and consented to, be referred to a select committee.

Which committee was thereupon appointed, consisting of Messrs. T. Ward, Hickman, Faulkner, P. N. O’Bannon, Cockerill, Ewing and Hughes.

On motion of Mr. Howard, the Senate proceeded to consider the joint resolution heretofore offered by him, raising committees to examine and report the condition of the several public offices, &c., which was read as follows, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee of three from the Senate, and six from the House of Representatives, be appointed to examine and report the state of the Treasurer’s office; and that four from the Senate, and eight from the House of Representatives, be appointed to examine and report the state of the Register’s office; and that five from the Senate, and ten from the House of Representatives, be appointed to examine and report the state of the Auditor’s office.

Which being twice read, was adopted.

Ordered, That Mr. Howard carry the same to the House of Representatives, and request their concurrence.

A message from the House of Representatives, by Mr. Samuel:

Mr. Speaker——The House of Representatives have passed a bill which originated in that house, entitled “an act to remove the
seal of justice of Oldham county;" in which they request the concurrence of the Senate.

Mr. R. Wickliffe offered the following resolutions, to wit:

Resolved, That the President of the Bank of Kentucky furnish the Senate with a true copy of the transcript of the amount of debt, and the names of the debtors, furnished to the committee of the House of Representatives on the Bank, in the year 1819; and that he explain, by proper references, what of said debts have been paid, and in what manner paid, whether in money or property, and if in property, what kind of property has been received from each debtor, and the amount allowed for said property.

Resolved, That the President do furnish to the Senate the name of any debtor to said Bank, who has at any time been a Director of said Bank or its branches, who has failed to pay all sums due said Bank by such Director, agreeably to the call or demand of the Bank, together with the amount and nature of such debt, and its present condition.

And the same being twice read, were adopted.

Mr. Daveiss offered the following as an additional resolution, to wit:

Resolved, That the President furnish this house with the amount of salary paid the President, Clerks and Agents of that institution per year, since the year 1819, to the present time.

Which being twice read, was also adopted—Yea, 23, nays 9.

The yeas and nays being required on the adoption thereof, by Messrs. Yancey and Cockerill, were as follows, to wit:


Nays—Messrs. C. Allan, Beaty, Carneal, Davidson, Garrard, Given, Howard, Muldrow and R. Wickliffe.

On motion of Mr. Faulkner,

Ordered, That Mr. Hughes be added to the committee to which was referred that part of the Governor's message which relates to the Militia, &c.

And then the Senate adjourned.

TUESDAY, NOVEMBER 15, 1825.

The Senate assembled.

A message from the House of Representatives, by Mr. Davis:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act to establish election precincts in certain counties;" in which they request the concurrence of the Senate.
A message from the House of Representatives, by Mr. Wade:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled “an act to compel the owners of warehouses and inspections to keep therein scales and weights made of cast iron, or patent balances,” in which they request the concurrence of the Senate.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined joint and enrolled resolutions which originated in the Senate, of the following title, to wit: “Resolutions relative to the Transylvania University, and requiring information of the trustees thereof, in relation to the same;” and enrolled bills which originated in the Senate, of the following titles, to wit:

An act to change the time of holding the Meade county court; and an act for the benefit of the Judge of the 13th judicial district: That the same were truly enrolled, and signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and the same were delivered over to the proper committee, to be laid before the Governor, for his approbation and signature.

Mr. Ewing, from the committee of propositions and grievances, made the following report, to wit:

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

1. Resolved, That the petition of sundry citizens of the counties of Adair, Cumberland and Wayne, praying the formation of a new county out of parts of those counties, is reasonable.

2. Resolved, That the petition of sundry citizens of McCracken county, praying the removal of the seat of justice of said county, is reasonable.

Which was twice read and concurred in.

Mr. Howard, from the select committee raised for that purpose, reported a bill to amend the second section of an act entitled “an act to regulate endorsements on executions;” which passed to a second reading.

A message from the House of Representatives, by Mr. Hall:

Mr. Speaker—The House of Representatives have adopted a resolution for appointing joint committees to examine the several Offices, the Penitentiary and the Bank of Kentucky; in which they request the concurrence of the Senate.

Mr. Yancey, from the joint committee of enrolments, reported that they had laid before the Governor, for his approbation and signature, the joint resolutions and bills last signed by the Speaker.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Cockerill—1. A bill for the benefit of David White.
On motion of Mr. White—2. A bill for the benefit of the heirs of William Powell, deceased.

On motion of Mr. Given—3. A bill for the benefit of George Elder.

On motion of Mr. J. Allen—4. A bill to amend the act entitled "an act to repeal all laws allowing a replevin of two years on contracts entered into after the first day of June 1824."

On motion of Mr. Given—5. A bill further to regulate the debt due the Commonwealth for the sale of vacant lands.

On motion of Mr. White—6. A bill for the benefit of William Cardwell, jailer of Shelby county.

And on motion of Mr. Beatty—7. A bill for the benefit of the Tellico settlers.

Messrs. Cockerill, Yancey and Stephens were appointed a committee to prepare and bring in the first, (from which committee, Mr. Cockerill reported said bill, which passed to a second reading;) Messrs. White, C. H. Allen and Denny, the second; Messrs. Given, Beatty, Ewing and Lockett, the third; Messrs. J. Allen, Worthington and Selby, the fourth, (from which committee, Mr. J. Allen reported said bill, which passed to a second reading;) Messrs. Given, Ewing, Davidson and Wood, the fifth; Messrs. White, C. H. Allen, Forsythe, and Dudley, the sixth; and Messrs. Beatty, Wood and Given, the seventh.

Mr. Pope offered a resolution, which being amended, was read as follows, to wit:

Resolved, That a committee be appointed to revise and reduce into one, the laws concerning executions; to make such amendments and alterations as may appear necessary or expedient; and that said committee have leave to report thereon, at the present session of the Legislature, by bill or otherwise.

And the question being taken on the adoption thereof, it was decided in the affirmative; and thereupon the following committee was appointed to take into consideration the subject-matter contained in said resolution, to wit: Messrs. Pope, Daveiss, C. Allan, Hughes and J. Allen.

Mr. Ewing, from the committee of propositions and grievances, to which was referred the petition of sundry citizens of the counties of Adair, Cumberland and Wayne, praying for the formation of a new county out of the said counties, reported thereon, a bill for the formation of a new county out of the counties of Adair, Cumberland and Wayne; which passed to a second reading.

On motion of Mr. Faulkner, the Senate proceeded to a consideration of the orders of the day.

A message from the House of Representatives, by Mr. Underwood:

Mr. Speaker—The House of Representatives have passed bills which originated in that house, of the following titles, to wit: An
act to repeal an act entitled "an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals," and also an act entitled "an act to regulate the salaries of the Judges of the Court of Appeals, and for other purposes;" an act to amend an act entitled "an act to amend the laws for the recovery of debts cognizable before a justice of the peace;" an act to authorize the trustees of the Lewis Academy to sell the lands belonging to that institution; an act to alter the mode of appointing trustees to the Fleming Academy, and an act to alter the time of holding the Washington county court; in which they request the concurrence of the Senate.

A bill which originated in the Senate, entitled "an act to authorize the insertion of certain advertisements in the paper published in Lexington, entitled the "Kentucky Whig," pending on amendments between the two houses, was taken up, and the amendments made thereto in the House of Representatives, being twice read, were concurred in.

Ordered, That the title of said bill be amended to read, "an act to authorize the insertion of advertisements in certain newspapers," and that Mr. Daveiss inform the House of Representative thereof.

An engrossed bill which originated in the Senate, entitled "an act to reduce the salaries of the Judges of the Court of Appeals," was read a third time, and, on motion, re-placed in the orders of the day.

An engrossed bill which originated in the Senate, entitled "an act to provide for the distribution and preservation of public law books," was read a second time; when, on motion of Mr. Daveiss, the second section thereof was amended, by striking out the words "sheriffs" and "coroners."

Mr. C. Allan moved to amend the same section, by striking out the words "members of the Legislature," which was decided in the negative; when, on motion of Mr. Hughes, the bill being further amended, by attaching thereto an additional section, providing that all public law books shall be kept free and open for the use of all citizens of this Commonwealth, Mr. Daveiss moved to refer the bill, as amended, to a select committee; which was de-
cided in the affirmative, and the same was referred to a select committee of Messrs. Daveiss, Ewing, R. Wickliffe and Pope, for amendment.

On motion of Mr. Denny, a further consideration of the orders of the day was, for the present, dispensed with, and a bill taken up, (accompanied with the Governor's objections thereto,) which passed both houses of the General Assembly at the last session thereof, entitled "an act authorising the collection of certain moneys due the first Presbyterian Church in Louisville," the same having been heretofore spread upon the Journal of the Senate, and said bill and objections being yet under consideration.

The question recurred on the passage of said bill, notwithstanding the Governor's objections thereto, which was decided in the affirmative—Yea 21, nay 11.

The vote being necessarily taken thereon by yeas and nays, was as follows, to wit:


Ordered, That Mr. Denny carry the said bill and objections to the House of Representatives, and request their concurrence.

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

Mr. Speaker—I am directed by the Governor, to lay before the Senate a message in writing; and also, to inform the Senate that he did, on this day, approve and sign an enrolled bill and resolutions which originated in the Senate, of the following titles, to wit:

An act to change the time of holding the Meade county court; resolutions relative to the Transylvania University, and requiring information of the trustees thereof, in relation to the same.

Mr. Hughes offered a resolution relative to the Centre College; which was received, read, and, for the present, laid on the table.

Mr. Given offered sundry joint resolutions, requiring information, &c. of the Receiver of public moneys west of Tennessee river, &c.; which being twice read, and the 1st, 3d and 4th being adopted, the 2d and 5th being stricken out, and the 6th being under consideration, Mr. Carneal moved to refer the same to a select committee, for amendment; which motion prevailed, and Messrs. Carneal, Faulkner, C. Allan, Pope, R. Wickliffe and Given were appointed a committee.

Mr. R. Wickliffe offered a resolution raising a committee to enquire into, and report as to sundry matters relative to the Bank of the United States; which being twice read,

The Senate adjourned.
WEDNESDAY, NOVEMBER 16, 1825.

The Senate assembled.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined an enrolled bill, which originated in the Senate, entitled "an act to authorise the insertion of advertisements in certain newspapers," and had found the same truly enrolled.

Ordered, That the chairman of the committee to which was referred sundry joint resolutions relative to the Transylvania University, &c. be instructed to forward a copy of said resolutions to the chairman of the board of trustees of the said University, forthwith.

Mr. Hickman presented the petition of sundry citizens of the county of Bourbon, praying the passage of a law authorising the appointment of an additional constable in said county; which was received, read and referred to a select committee of Messrs. Hickman, Barrett and W. B. O'Bannon, with leave to report thereon by bill or otherwise.

Mr. C. H. Allen, from the committee for courts of justice, to which were referred sundry petitions, &c. made the following report, to wit:

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

1. Resolved, That the petition of Benjamin Berry, praying for a change of venue, &c. is reasonable.
2. Resolved, That the petition of Paul Barnett, praying remuneration for having kept and provided for a certain idiot, &c. is reasonable.
3. Resolved, That the petition of Sneed's heirs, praying the passage of a law to authorise the sale of certain real estate, is reasonable.
4. Resolved, That the petition of Thomas Hinds and others, praying legal permission to convey certain lands, &c. is reasonable.
5. Resolved, That the petition of sundry citizens of Henderson county, and members of the bar, praying an appropriation of money for the remuneration of the jailer of said county, for certain money expended by him in the reception of certain criminals who escaped from the jail of Henderson county, is reasonable.

Which report and resolutions being twice read, were concurred in.

Mr. C. H. Allen, from the same committee, to which were referred sundry bills which originated in the Senate, for amend-
The first was, on motion of Mr. R. Wickliffe, passed over for the present. The amendment to the second being further amended, was adopted, and the bill, as amended, was ordered to be engrossed and read a third time to-morrow.

The third was read the first, and ordered to be read a second time; when, on motion of Mr. Denny, the rule, constitutional provision and second reading thereof were dispensed with, and Mr. R. Wickliffe moved to strike out the first and second sections of said bill, and offered a substitute in lieu of the first section.

Whereupon Mr. C. Allan moved to lay the bill and proposed amendments on the table until the first day of March next; and the question being taken on the said postponement, it was decided in the negative.

Mr. R. Wickliffe then moved to commit said bill to a select committee, for amendment; which motion prevailed, and the same was referred to a committee of Messrs. R. Wickliffe, Lockett, Carneal, Ewing, Daveiss and Hughes.

A message from the House of Representatives, by Mr. Slaughter:

Mr. Speaker—The House of Representatives have passed bills and a resolution which originated in that house, of the following titles, to wit: An act for the benefit of Jacob Renner; an act concerning the town of Henderson, and a resolution providing for the appointment of a joint committee to examine the Bank of the Commonwealth, and to cancel a portion of the notes issued by said bank; in which bills and resolution they request the concurrence of the Senate.

On motion of Mr. C. H. Allen, the committee to which was referred so much of the Governor's message as relates to the execution laws, &c. were discharged from the further consideration of that subject.

Mr. Carneal, from the select committee to which were referred sundry joint resolutions requiring information of the Receiver of public moneys west of the Tennessee river, reported said resolutions with a substitute in lieu thereof, by way of amendment.

And then the Senate adjourned.
The Senate assembled.

A message from the House of Representatives, by Mr. Allen:

Mr. Speaker—The Speaker of the House of Representatives has affixed his signature to an enrolled bill which originated in that house, entitled "an act for the benefit of the clerks of the Hopkins and Oldham circuit courts," and an enrolled bill which originated in the Senate, entitled "an act to authorize the insertion of advertisements in certain newspapers."

Whereupon the Speaker of the Senate affixed his signature thereto, and the same were delivered over to the proper committee, to be laid before the Governor, for his approbation and signature.

Mr. Yancey, from the joint committee of enrolments, reported that they had laid before the Governor, for his approbation and signature, the bills last signed by the Speakers of both houses.

Mr. C. H. Allen, from the committee for courts of justice, to which an examination of the Journals and unfinished business of the last session was referred, reported, from said unfinished business, "a bill for the benefit of Sampson Trammel," which passed to a second reading.

Mr. Ewing, from the committee of propositions and grievances, to which was referred the petition of sundry citizens of M'Cracken county, praying for a removal of the seat of justice of said county, reported thereon a bill for the removal of the seat of justice of M'Cracken county," which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof being dispensed with, and the same being amended, the bill was ordered to be engrossed and read a third time to-morrow.

Mr. R. Wickliffe, from the select committee raised for that purpose, reported a bill to amend the laws concerning the action of detinue; which passed to a second reading.

Ordered, That the public printers forthwith print 150 copies thereof, for the use of the General Assembly.

Mr. Hughes, from the select committee to which was referred a bill to alter the mode of taking in lists of taxable property, reported the same, and, by way of amendment, a substitute in lieu of the original bill; which substitute, being amended, was adopted, and the bill, on motion of Mr. T. Ward, was re-committed to a select committee of Messrs. T. Ward, Hughes, Beaty, Daniel, Wood and Stephens, for amendment.

A message from the House of Representatives, by Mr. Underwood:
Mr. Speaker—The House of Representatives have passed bills which originated in that house, of the following titles, to wit: An act concerning the town of Bowlinggreen, and an act for the benefit of Richard Apperson; in which they request the concurrence of the Senate.

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

Mr. Speaker—I am directed by the Governor, to lay before the Senate two written messages.

Mr. Crutcher, from the committee raised on that part of the Governor's message relative to the State Revenue and County Levies, made the following report, to wit:

The select committee to which was referred so much of the Governor's message as relates to the State Revenue and County Levy, have had the same under consideration, and have come to the following conclusion, to wit: That they deem it inexpedient to make any alteration in the State Revenue and County Levy, at this time.

Which, on motion of Mr. Daveiss, was laid on the table for the present.

Mr. Hickman, from the committee to which was referred the petition of sundry citizens of Bourbon country, praying the passage of a law authorising the appointment of an additional constable in said county, reported a bill allowing the appointment of an additional constable in Bourbon county; which passed to a second reading, when, on motion, the rule, constitutional provision and further readings of said bill were dispensed with; and the question being taken on the passage thereof,

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

Ordered, That Mr. Hickman carry the same to the House of Representatives, and request their concurrence.

Mr. Beaty, from the committee raised for that purpose, reported a bill for the benefit of the settlers of the land acquired by the treaty of Tellico; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the same was referred to a select committee consisting of Messrs. Howard, Beaty, Wood, Crutcher and Given, for amendment.

Mr. Given, from the select committee raised for that purpose, reported a bill further to regulate the debt due the Commonwealth for the sale of vacant lands; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading of said bill were dispensed with, and the same was referred to a select committee of Messrs. Howard, Beaty, Wood, Crutcher and Given, for amendment.
Mr. White, from the committee raised for that purpose, reported a bill for the benefit of the heirs of William Powell; which passed to a second reading.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. P. N. O'Bannon—1. A bill for the benefit of Richard B. Dallam.

On motion of Mr. R. Wickliffe—2. A bill concerning the appropriation of public money, and for other purposes.

On motion of Mr. Selby—3. A bill to relieve Mary Dogan, late Mary Vaughn.

On motion of Mr. Forsythe—4. A bill for the benefit of Paul Barnett.

On motion of Mr. T. Ward—5. A bill to appropriate the surplus funds of the militia fines, in the hands of the paymaster of the 78th regiment Kentucky militia.

On motion of Mr. Ewing—6. A bill to establish a judicial district south-west of the Tennessee river.

On motion of Mr. T. Ward—7. A bill for the erection of a new judicial district in the eastern end of this State.

Messrs. P. N. O'Bannon, Ewing and Worthington were appointed a committee to prepare and bring in the first; Messrs. R. Wickliffe, J. Allen, Howard, C. Allan and Pope, the second; the committee of religion, the third; Messrs. Forsythe, Smith and J. Ward, the fourth; Messrs. T. Ward, Hickman and Carneal, the fifth; Messrs. Ewing, Given, Lockett, Worthington and T. Ward, the sixth and seventh.

On motion of Mr. Stephens, a bill was taken up, which originated in the House of Representatives, entitled "an act to provide for the safe-keeping of Francis Erwin;" which passed to a second reading, when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Stephens inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Yantis:

Mr. Speaker—The House of Representatives concur with the Senate, in the adoption of a resolution appointing joint committees to examine and report the condition of the public offices.

On motion of Mr. Carneal, the joint resolutions relative to the Receiver of public moneys west of the Tennessee river, &c. were taken up—the same pending on amendments offered by the select committee.

Mr. Howard moved a re-consideration of the vote by which the 4th resolution was adopted; which was thereupon re-considered.

Mr. R. Wickliffe moved to lay said resolutions on the table, for the present; and the question being taken thereon, it was decided in the negative—Yeas 14, nays 19.
The yeas and nays being required thereon by Messrs. Given and Hughes, were as follows, to wit:


**Nays**—Messrs. C. Allan, C. H. Allen, Barrett, Beaty, Caneal, Daveiss, Davidson, Dudley, Faulkner, Garrard, Given, Howard, Hughes, Pope, Selby, Smith, Stephens, J. Ward and Yancey.

The question was then taken on the adoption of the substitutes offered by the select committee for the 4th and 5th resolutions, and the same were adopted.

Whereupon the preamble and resolutions, as amended, were twice read and adopted as follows, to wit:

Whereas, by an act of the last General Assembly, to provide for the sale of the vacant lands west of the Tennessee river, approved 3d January 1825, it is not made the duty of the Receiver of public moneys to make report of his proceedings to the Legislature; and it being now deemed necessary for him to do so: Therefore,

1. **Resolved by the General Assembly of the Commonwealth of Kentucky**, That the Receiver of public moneys west of the Tennessee river, be requested to make report to the General Assembly, as soon as possible, what quantity of land has been entered by the settlers, and the amount of money received from them; and what quantity of land has been sold at the late sales, and the amount of money received in all, and what has been done with it. Is it deposited in the Princeton Branch Bank, agreeably to law?

2. **Resolved**, That the Receiver of public moneys report to the General Assembly, if he did not employ and direct D. Roulett, surveyor of Calloway county, to measure, meander and survey from the Tennessee State line, down the Tennessee river, many miles, in order to take in lands which had been neglected by Henderson; and has the Commonwealth received advantage from it; if so, how much?

3. **Resolved**, That the Receiver also further report to the General Assembly, whether he has or has not furnished to an individual or individuals, money, for the purpose of entering lands, the certificate or certificates for which remain in the name of the individual or individuals, subject to his control, or have been transferred for his benefit, that of his family, or his friends.

4. **Resolved**, That the Governor transmit a copy of the foregoing resolutions to the Receiver, and require his report forthwith; and, in the mean time, take such measures as, in his judgment, may be most conducive to the public interest.

A message from the House of Representatives, by Mr. Haskins:

*Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act for the benefit*
of the Mercer county court;" in which they request the concurrence of the Senate.

On motion of Mr. Daveiss, said bill was taken up, read the first, and ordered to be read a second time; and the rule, constitutional provision and further readings thereof being dispensed with,

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

Ordered, That Mr. Daveiss inform the House of Representatives thereof.

On motion of Mr. Pope, a bill which originated in the House of Representatives, was taken up, entitled "an act to repeal an act entitled an act to repeal the law organizing the court of appeals and to re-organize a court of appeals, and also an act entitled an act to regulate the salaries of the Judges of the court of appeals and for other purposes;" which passed to a second reading.

A message from the House of Representatives, by Mr. Breckinridge:

Mr. Speaker—The House of Representatives have adopted a resolution for appointing a joint committee to examine and report the situation of the Lunatic Asylum and Transylvania University; in which they request the concurrence of the Senate.

Mr. Howard offered the following resolution, to wit:

Resolved by the Senate, That the regular hour for the meeting of the Senate, during the balance of the session, shall be at 9 o'clock A. M. on each day.

Which being twice read, was adopted.

On motion of Mr. Lockett, a bill which originated in the House of Representatives, entitled "an act concerning the town of Henderson," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill was referred to a select committee of Messrs. Lockett, Hughes, Beaty and Daveiss, for amendment.

Mr. Hickman offered a resolution requiring information of the Auditor, in relation to the gross revenue and valuation of property in certain counties in this Commonwealth; when, without a question being taken on the adoption thereof;

The Senate adjourned.

FRIDAY, NOVEMBER 18, 1825.

The Senate assembled.

Mr. Smith, from the committee of religion, made the following report, to wit:

The committee of religion, to which were referred sundry petitions, &c. have, according to order, had the same under consideration, and have come to the following resolutions, to wit:
1. Resolved, That the petition of Betsey Doyle, praying to be divorced from her husband, (for want of notice,) be rejected.

2. Resolved, That the petition of George and Nancy Bunch, praying to be divorced from each other, be rejected.

3. Resolved, That the petition of Vachel and Amelia Hobbs, praying to be divorced from each other, be rejected.

4. Resolved, That the petition of John Kirkendall, praying to be divorced from his wife, is reasonable.

The first and second resolutions being twice read, were concurred in; and the third was, on motion of Mr. Crutcher, laid on the table for the present.

Mr. J. Ward moved to amend the fourth resolution, by striking out the words "is reasonable," and inserting in lieu thereof, the words be rejected; and the question being taken thereon, it was decided in the negative, and the resolution, by said equivalent vote, was concurred in.

Mr. T. Ward, from the select committee raised for that purpose, reported a bill to appropriate the surplus funds of militia fines in the hands of the paymaster of the 70th regiment Kentucky militia; which passed to a second reading.

Mr. Lockett, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act concerning the town of Henderson," reported the same without amendment, and the bill was ordered to be read a third time; when, on motion, the rule, constitutional provision and further reading thereof being dispensed with,

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

Ordered, That Mr. Lockett inform the House of Representatives thereof.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. W. B. O'Bannon—1. A bill to incorporate the town of Mount Carmel, in the county of Fleming.

On motion of Mr. Crutcher—2. A bill authorising the trustees of Elizabethtown to make conveyances in certain cases.

And on motion of Mr. Davidson—3. A bill better to secure the preservation of the public arms.

Messrs. W. B. O'Bannon, Hughes, Hickman and T. Ward were appointed a committee to prepare and bring in the first; Messrs. Crutcher, Stephens and P. N. O'Bannon, the second, and Messrs. Davidson, T. Ward and Hughes, the third.

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

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

On motion of Mr. Hughes, a resolution heretofore offered by him, in relation to the Centre College, was taken up and read as follows, to wit:
Resolved, That a committee of three members be raised for the purpose of enquiring into the necessity and expediency of amending or repealing an act entitled "an act for the benefit of the Centre College," approved December 27th, 1824; and that said committee be permitted to report by bill or otherwise.

And the question being taken on the adoption thereof, it was decided in the negative—Yeas 10, nays 25.

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

Those who voted in the affirmative, are, Messrs. Cockerill, Daniel, Dudley, Hickman, Hughes, Lockett, W. B. O'Bannon, Smith, Wood and Yancey.


The Speaker laid before the Senate the report of the Chairman of the Board of Commissioners for the Lunatic Asylum; which was read as follows, to wit:

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

The Commissioners of the Lunatic Asylum, in pursuance of an act of the Legislature, requiring them to report, annually, the condition of the institution, beg leave respectfully to submit the following, viz.

That they have received from the public Treasury, of this year's appropriation, the sum of $7,500, and from private individuals, the further sum of $834 37; making, together with the balance on hand, of last year's appropriation, the sum of $12,748 58:

That they have expended, during the same period and up to the present time, the sum of $12,432 77, viz. For the new building, $5,735 74; for the purchase of additional furniture for the institution, $554 74; for making repairs, additions, and other permanent improvements to the building and lot, $151 62; for the subsistence of the lunatics and attendants, $1,515 44; for the conveying from various parts of the State, patients to the Asylum, $687 64, and for various other incidental expenses, as clothing, medicine, stationary, wages, wood, &c. the further sum of $3,777 39, making altogether the sum of $12,432 77; leaving in their hands, at this time, unexpended, a balance of $315 81, together with $2,500 of this year's appropriation, not drawn from the Treasury, as will more fully appear from the general statement and vouchers which are deposited in the office of the Superintendent, and recorded in the books of the institution.
Your Commissioners beg leave further to state, that there were, as may be seen by a reference to their last annual report, thirty-three individuals who were at that time enjoying the full benefit of this institution, twenty-seven of whom were supported by the munificence of the State, and the remainder were, under contracts made by the Board of Commissioners with their friends or guardians, to be supported out of their individual estates: That there are, at the present time, fifty-four individuals, forty-six of whom are supported by the bounty of the State; the remaining eight, by contracts with their friends, two of whom are from our sister States. Within the last twelve months, seventeen persons have been completely restored to the exercise of reason, to the joy of their friends and society, and have been discharged as cured. A few may be considered as being partially relieved; and though most of the remainder, being cases of long standing or of most desperate character, seem not yet to have derived any essential benefit, yet hopes are still entertained by your Commissioners and the Medical Faculty of Transylvania University, who have generously contributed their services gratuitously, that even some of these cases may yet terminate favorably. Seven cases of mortality have occurred within the last twelve months.

From the appropriation of the last Legislature, and during the present year, your Commissioners have been enabled to erect one of the wings contemplated in the original plan of the building, the dimensions of which are 62 feet long by 22 feet wide, and three stories high; which affords 12 commodious cells, well adapted to the convenience and comfort of the maniacs, who require separate apartments for their own quiet and repose, as well as to prevent annoyance to those around them. These apartments will be comfortably warmed, without placing fire within their reach.

Your Commissioners are, as heretofore, deeply impressed with the importance and necessity of erecting another and similar wing to that which has been recently erected, which would render the establishment sufficiently capacious to accommodate all persons who might be sent to it. It would, doubtless, also add much to the safety and convenience of the institution, if the whole ground was so enclosed as to prevent the escape of individuals who should be permitted to go at large. As it now exists, they must be put up within two small enclosures, or be watched at an expense greatly disproportioned to the value of a wall or fence.

Nor can they conclude their report, however imperfectly made, without indulging a hope that much need not be said to your honorable body, upon the importance of extending your patronage to an institution which has already received so much of your attention and care. To rescue even one human being from the condition of insanity, the most pitiable of any in creation—to restore it to its family, its friends and its country—to give back its former per-
sonal and social enjoyments, would be in some measure to imitate the benignity of the God of Heaven, from whom all those blessings flow.

It will afford to your honorable body much pleasure, to contemplate the happy results experienced from the operation of this institution, both as regards the comfortable condition of all the subjects under its government, and the complete restoration of many; nor can it fail to add to the satisfaction thus produced, to know that the blessings of the establishment have not been exclusively confined to the citizens of our own State, but that they have been extended to the citizens of our sister States, who have not provided similar institutions.

The Commissioners will conclude this report, by soliciting from your honorable body, a committee to examine the buildings lately erected, and the condition of the establishment generally; and that the accounts be examined, settled, and a discharge be granted to them by the General Assembly.

All of which is most respectfully submitted.

By order of the Board.

JOHN W. HUNT, Chairman.

Lexington, Nov. 1825.

Ordered, That the public printers forthwith print 1,000 copies thereof, for the use of the Senate.

The Senate then went into the orders of the day.

An engrossed bill which originated in the Senate, entitled "an act to reduce the salaries of the Judges of the Court of Appeals," was announced as being first in order.

Mr. Carneal moved to pass over said bill for the present; and the question being taken on so passing over said bill, it was decided in the affirmative—Yeas 18, nays 16.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Carneal, were as follows, to wit:


A message from the House of Representatives, by Mr. Davis:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act to extend the limits of the town of Mountsterling," in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Wood-
Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act further to regulate the town of Nicholasville;" in which they request the concurrence of the Senate.

An engrossed bill which originated in the Senate, entitled "an act to take the sense of the good people of this Commonwealth as to the expediency of calling a Convention," was read a third time; when, on motion of Mr. Carneal, the same was referred to a select committee of Messrs. Carneal, Daveiss, T. Ward and Stephens, for amendment. From which committee, Mr. Carneal soon thereafter reported the same with amendments, which were twice read and concurred in, and the bill, as amended, was ordered to be re-engrossed and read a third time on to-morrow.

An engrossed bill which originated in the Senate, entitled "an act to amend an act authorising the sale of the vacant land between Walker's line and the latitude of 36° 30' north, in the State of Tennessee," was read a third time; and the blanks therein being filled, the same was, on motion of Mr. Carneal, referred to a select committee of Messrs. Ewing, Beaty, Wood, Davidson and Muldrow, for amendment.

An engrossed bill which originated in the Senate, entitled "an act to remove the location of the seat of justice for McCracken county," was read a third time. The blanks therein being filled, and the question taken on the passage thereof,

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

Ordered, That Mr. Given carry the same to the House of Representatives, and request their concurrence.

Bills which originated in the Senate, of the following titles, were severally read a second time, to wit: 1. A bill to authorise a lottery for the purpose of raising money to erect a bridge across Licking river, at Claysville, in Harrison county; 2. a bill for the benefit of John Richey, of Allen county.

The first was, on motion of Mr. Carneal, referred to a select committee, consisting of Messrs. Carneal, Barrett and Hughes.

The second was ordered to be engrossed and read a third time on to-morrow; when, on motion, the rule, constitutional provision and third reading of said bill were dispensed with, and the question being taken on the passage thereof, (the same being engrossed,)

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

Ordered, That Mr. Cockerill carry the same to the House of Representatives, and request their concurrence.

On the motion of Mr. C. H. Allen, a further consideration of the orders of the day was dispensed with, for the present.
On the motion of Mr. R. Wickliffe, a bill which originated in the House of Representatives, entitled "an act to remove the seat of justice of Oldham county," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the same was referred to the committee of propositions and grievances, for amendment.

On motion of Mr. C. H. Allen, a bill which originated in the Senate, entitled "an act to provide for the location of a permanent seat of justice for the county of Oldham," was taken up and read a second time, and referred to the same committee, for amendment.

A message from the House of Representatives, by Mr. Cheno-

with:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act to compel free persons of colour to work on roads and public highways," in which they request the concurrence of the Senate.

On motion of Mr. C. H. Allen, a bill which originated in the House of Representatives, entitled "an act to repeal an act entitled an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals, and also an act entitled an act to regulate the salaries of the Judges of the Court of Appeals and for other purposes," was taken up; and the rule, constitutional provision and second reading thereof being dispensed with, the same was referred to a committee of the whole house on the state of the Commonwealth, for Wednesday next.

On motion of Mr. R. Wickliffe, a resolution which originated in the House of Representatives, entitled "a resolution for appointing a joint committee to examine and report the situation of the Lunatic Asylum and Transylvania University," was taken up.

Mr. Daveiss moved to strike out so much thereof as relates to Transylvania University; and the question being taken thereon, it was decided in the negative.

Mr. Dudley then moved to lay the resolution on the table, for the present; which was decided in the negative.

The question was then taken on concurring in said resolution, and the same was concurred in—Yea 19, nay 14.

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


Ordered, That Mr. R. Wickliffe inform the House of Representatives thereof.
And then the Senate adjourned.

SATURDAY, NOVEMBER 19, 1825.

The Senate assembled.
The Speaker laid before the Senate the report of the Board of Visitors of the Kentucky Penitentiary; which was read as follows, to wit:

FRANKFORT, November 18th, 1825.

Dear Sir:

By an act of the Legislature, approved 10th of January 1825, the Auditor, Treasurer, Register and Attorney-General were appointed a Board of Visitors to the Penitentiary, for the purpose of examining the state of that institution, the health of the convicts, the manner of dieting them, the cleanliness of the dormitories and cells, and the treatment of the convicts generally, and to make such memoranda and observations as would enable them to report to the Legislature, their opinion as to the management and government of the institution. In conformity to which, they now beg leave to make the following report, viz.

On the first of February last, three of the above named Visitors attended at the Penitentiary, (it being the day on which it was delivered into the hands of the present Keeper.) They found the institution in the most wretched condition; the convicts, 84 in number, in want of an entire new suit of clothing suitable for the winter, the most of them having on linen garments, and them entirely worn through, and exposing their persons, in many places, to the weather. The dormitories or cells in which the prisoners are confined at night, and their bedding, were filthy in the extreme, and mostly worn out; nor was there a sufficient quantity to protect them from the cold. Some of the frames for the beds were broken down; none of them much larger than necessary for one person; but, from there not being a sufficient number of them, they had to lodge two, and sometimes three together. The cells were insecure, having only two small hasps and staples upon the upper doors, and one on the lower, with very indifferent padlocks, as the only securities against escapes.

The new cells were in an unfinished state, having no floors, (with the exception of about ten in the upper story,) no doors but three, no platforms in front of them, nor were any of them plastered.

The top of the wall was finished by being shingled over, and the roof surmounted by a light frame, on which were laid planks, as a walk for the guard. This frequently afforded facilities to the convicts to make their escape.
The yard was incumbered with stone and rubbish which was left in the erection of the new, and the remains of the old walls. Part of the yard was so extremely noxious, from neglecting to cleanse the necessary, as not to be approached. The meat-house entirely without tubs, blocks or furniture of any kind, and not a particle of provisions on hand. The convicts filthy as well as ragged, and all in a state of extreme neglect.

The Board of Visitors have regularly visited the Penitentiary once in each month, since Mr. Scott has had possession, and have seen, with pleasure, the rapid improvement in the state of the institution. The new cells are entirely finished, and rendered secure, and as comfortable as they should be; the frames on the top of the walls are removed; the stone and rubbish taken away from the yard, and the necessary cleansed, and is kept in good order. A portion of the convicts were unhealthy, in the spring; some were attacked with chills and fevers, some with dysenteries and colds; but the health of the institution is much improved, and at present there are but few on the sick list.

The prisoners are fed three times each day, on common, wholesome food, which is prepared by persons regularly detailed to cook; and at the ringing of a bell, the whole sit down to their meals, each man's portion being before him. This method is considered preferable, inasmuch as time is saved in the preparation of their food, as well as in eating, and also, the health, cleanliness and comfort of the convicts greatly promoted. The convicts are clothed, in summer, with country linen, and in the winter, with linsey garments, sufficiently variegated to be distinguished, in the event of their escaping. The Keeper has lately adopted the plan of alternately changing the inmates of each dormitory, every night; thus preventing any combinations or well digested plots for escaping.

Great improvements are made, both in the quantity and quality of the articles manufactured, and instead of remaining on hand for the want of purchasers, there are but a small quantity on hand, and those principally of the first experiments, and the demand is daily increasing.

The introduction of labor-saving machinery, together with some new fabrics, promises fair to yield a considerable profit to the institution.

The Visitors forbear to suggest their views as to what may be expected, when all the arrangements contemplated shall have been completed; but they esteem it their duty to say, that it is now in a much better condition than it ever has been since their first acquaintance with the interior management of the institution; and, indeed, the present Keeper appears to be peculiarly qualified for conducting the concerns of an institution of that description.
The Visitors, in concluding their report, would suggest, that if the present wall of the Penitentiary was raised four or five feet higher, so that all attempts to escape might be rendered hopeless, it would add very much to curb the turbulent and humble the proud, and at once put those unhappy creatures to thinking about reformation, instead of escape. True, no escapes have taken place since the present Keeper has had possession; but this must be ascribed more to the vigilance of those concerned, than to the impracticability of the thing.

All which is respectfully submitted, by yours, &c.

PORTER CLAY,

SAMUEL SOUTH,

JOHN M. FOSTER,

(The latter not present at the exchange of Keepers.)

Hon. ROBERT B. M'AFFEE,

Lieut. Governor and Speaker of the Senate.

Ordered, That the public printers forthwith print 1,000 copies thereof, for the use of the Senate.

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

Mr. Speaker—I am directed by the Governor, to inform the Senate, that he did, on the 17th instant, approve and sign an enrolled bill which originated in the Senate, entitled "an act to authorise the insertion of advertisements in certain newspapers;" and also, to lay before the Senate a message in writing.

On motion of Mr. Carneal, the report of the Keeper of the Penitentiary, was taken up and read as follows, to wit:

To the honorable, the Speaker of the Senate of the Commonwealth of Kentucky.

Sir—Permit me, through you, to lay before the Senate, the following communication and report:

Agreeably to an act passed on the 10th day of January last, appointing me Keeper of the Kentucky Penitentiary, and authorising me to take charge of that institution, I entered on the duty of my station. At the time I undertook the management of the institution, I found belonging to it, eighty four convicts, in a most destitute and deplorable condition, filthy and diseased, and all of them so bare of clothing as to be wholly unfit for any mechanical occupation. It was my impression, that the convicts were to have been turned over to me, at least comfortably clothed; and I presume they would have been so; but the former Keeper, General Hardin, informed me that he had not been furnished with the means by the public, and consequently, no imputation of neglect could attach itself to him.

After clothing the convicts, (and I was compelled to clothe them before they could be of any kind of utility to me or the state,) I
proceeded to make such improvements as I conceived to be of a valuable character. The railed walk on the wall I caused immediately to be pulled down, as it afforded so many facilities for escape. I next proceeded to clear up the yard of the Penitentiary, which was much incumbered with the refuse of the raw materials, and with filth of all kinds. I have also finished the buildings and made such other alterations as seemed best calculated to enable me to prosecute my views, by making such machinery as I thought most advisable.

Accompanying this communication, I submit to your honorable body, a sketch of the different kinds of machinery erected, and of other improvements made by me, and to complete which, not less than one third of the hands have been busily employed.

It gives me much satisfaction to be enabled to say, that the convicts have enjoyed throughout this season, good health in general; with the exception of a few, who were much reduced by the epidemic last fall. There has been but one death, which happened last April, and was occasioned by a pulmonary affection. Twenty-three persons have been discharged, and nineteen received under confinement, since I have had the management of the institution.

Of the money which the law authorises me to receive of the State on loan, I have to acknowledge the receipt of three thousand and ninety-six dollars and seventy one cents, including the amount received in raw materials.

It gives me much pleasure to be enabled to assure your honorable body, that I am confirmed in the opinion which I have long entertained, that the institution under prudent management may be rendered a source of profit, both to the superintendent and to the country; and should I be blessed with my health, in the absence of untoward accidents, I trust I shall be able to give a good account of myself and of the establishment, at your next annual meeting. It would be gratifying to me to be visited early in the session by a committee, and also by the members individually.

An accompanying statement exhibits an account of the expenditures, manufactured articles, raw materials, improvements made, &c. &c. &c. All of which is respectfully submitted, by

Your obedient servant,

JOEL SCOTT.

NOVEMBER 8TH, 1825.

KENTUCKY PENITENTIARY, DR.

For this amount of expenditure for guard hire, assistant keeper, clerk, victualing the convicts, clothing convicts, raw materials, fuel, &c. &c. &c. from the 1st day of February, 1825, to the 1st day of November, 1825, inclusive,

$14,275 68
By articles manufactured in the Kentuckv Penitentiary, from the 1st day of February 1825, to the 1st day of November 1825, inclusive, say 13,575 83

By this amount of raw materials on hand, 2,000 00

Of the above amount of manufactured articles, there remains on hand unsold, about this amount, 82,500 00.

I have had built a picker, and a double carding and a single wool carding machine, a forty spindle billy, three sixty spindle jinneys, four broad looms to weave broadcloth in, and six narrow looms, all rigged off complete for weaving; a house that is intended for a steam engine to work in, in which there is a horse wheel that drives the wool-carding machinery; which wheel will shortly be removed, to give place to a steam engine, which is nearly ready to go up. I have got a fulling mill nearly ready to work; I have started the wool hatting business; I have built a smith's shop in the back yard; the old one was so close to the building, as to endanger the whole building. I still continue the chair making, shoe making, slate making, coopering, wagon making, &c. and have made various other improvements, all of which, will at all times be cheerfully shown to you, either in committee or individually, by

Your obedient servant,

JOEL SCOTT.

Mr. Daveiss, from the select committee to which was referred a bill to provide for the distribution and preservation of the public law books, reported the same with sundry amendments, which being twice read and amended, were adopted, with the exception of the last, which being under consideration, and the original bill having also been amended, the said bill and amendments were recommitted to a select committee of Messrs. Howard, Daveiss, Ewing and Dudley, for further amendment.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined an enrolled resolution which originated in the Senate, entitled "a resolution raising joint committees to examine and report the condition of the several public offices," and that the same was truly enrolled.

Messages were received from the House of Representatives, announcing the passage of bills which originated in that house, of the following titles, to wit:

By Mr. Maupin—1. An act to alter the time of the meeting of the General Assembly; 2. an act to allow additional justices of the peace and constables in certain counties; 3. an act for the benefit of Eliza H. Eaches; 4. an act for the benefit of Elijah Adkins; 5. an act for the benefit of Richard T. Jones and wife; 6. an act for the benefit of Isaac C. Chenowith and others; in which
the concurrence of the Senate was requested. Also, bills which originated in the Senate, of the following titles, to wit: 1. An act to amend an act entitled "an act for the benefit of the widow and heirs of Wilson Pickett, deceased, and the executors and devisees of Azariah Daveiss, deceased," approved February 4th, 1817; 2. an act allowing the appointment of an additional constable in Bourbon county.

By Mr. Prince—A bill which originated in the Senate, entitled "an act to transfer the bank stock of the Caledonia Academy, and for other purposes."

Mr. T. Ward, from the select committee to which was referred a bill to alter the mode of taking in lists of taxable property, reported the same, and a substitute in lieu of the original bill, by way of amendment, which was twice read and concurred in, and the bill ordered to be engrossed and read a third time on Monday next.

Mr. P. N. O’Bannon, from the select committee raised for that purpose, reported a bill for the benefit of Richard B. Dallam; which passed to a second reading.

The following bills were severally reported from select committees raised to prepare and bring in the same, to wit:

By Mr. T. Ward—1. A bill providing for the erection of two new judicial districts.

By Mr. Crutcher—2. A bill to amend the act entitled "an act to establish the Bank of the Commonwealth of Kentucky."

By Mr. Forsythe—3. A bill for the benefit of Paul Barnett, Each of which passed to a second reading.

Mr. Carneal, from the select committee to which was referred a bill to authorise a lottery for the purpose of raising money to erect a bridge across Licking river, at Claysville, in Harrison county, reported the same with an amendment, which being twice read, was concurred in; when, on motion, the bill was re-committed to a select committee of Messrs. Denny, Carneal, Hughes and Barrett, for further amendment.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. J. Allen—1. A bill to appoint commissioners to fix upon a central point, whereon to establish the permanent seat of government of this Commonwealth.

On motion of Mr. Pope—2. A bill to alter the time of electing Representatives to Congress.

On motion of Mr. Hughes—3. A bill to amend the law authorising the confession of judgments in a summary way.

Messrs. J. Allen, Pope, Daveiss, Faulkner and Ewing were appointed a committee to prepare and bring in the first; Messrs. Pope, Hughes and Daveiss, the second, and Messrs. Hughes, Ewing and Cockerill, the third.
On motion of Mr. Pope, leave was given him to withdraw the resolution heretofore submitted by him, relative to the seat of government.

A message from the House of Representatives, by Mr. Allen:

Mr. Speaker—The Speaker of the House of Representatives has affixed his signature to enrolled resolutions which originated in the Senate, entitled “resolutions raising joint committees to examine and report the condition of the several public Offices,” and I am directed to present the same for the signature of the Speaker of the Senate.

Whereupon the Speaker of the Senate affixed his signature thereto, and the same were delivered over to the proper committee, to be laid before the Governor, for his approbation and signature.

The Senate then proceeded to a consideration of the orders of the day; and the direction of the Speaker being to resume the same where the business of yesterday closed, the same were resumed in order.

Bills which originated in the Senate, of the following titles, were severally read a second time, to wit: 1. A bill to reduce and regulate certain officers’ salaries; 2. a bill for the benefit of Cassandra Abrell, widow of Jacob Abrell, deceased; 3. a bill to transfer the bank stock of the Caledonia Academy, and for other purposes; 4. a bill for the benefit of Jesse Alcorn; 5. a bill to amend an act entitled “an act for the benefit of Daniel Trabue and others,” approved January 7, 1824; 6. a bill to repeal the 4th section of an act to amend an act entitled “an act regulating endorsements on executions,” approved December 21st, 1821; 7. a bill to provide for binding out poor free children of colour; and 8. a bill to amend the act entitled “an act to repeal all laws allowing a replevin of two years on contracts entered into after the first day of June 1824.”

The 2d and 6th were ordered to be engrossed and read a third time on Monday next; the 1st was, on motion of Mr. Denny, referred to a committee of the whole house, for Monday next; and the rule, constitutional provision and third reading of the 3d, 4th and 5th being dispensed with,

Resolved, That said bills do pass, and that their several titles be as aforesaid.

Ordered, That Mr. Given carry the 3d, Mr. Selby the 4th, and Mr. Beatty the 5th, to the House of Representatives, and request their concurrence.

The 7th was, on motion of Mr. Faulkner, (the same being amended,) referred to a select committee, which consists of Messrs. Faulkner, J. Allen, Dudley, White, Ewing and Pope, for amendment.
The rule, constitutional provision and third reading of the 8th being dispensed with, Mr. Daveiss proposed to amend the same, by way of engrossed rider; which amendment being adopted, Mr. J. Ward moved to lay the bill and amendment on the table until the first day of June next, which was decided in the negative; when, on motion, the bill, &c. were referred to a select committee of Messrs. J. Allen, Daveiss, T. Ward and Ewing, for further amendment.

The following committees were appointed by virtue of joint resolutions raising committees to examine and report the condition of the public Offices, to wit: To examine and report the condition of the Auditor's office, Messrs. Faulkner, Hickman, Lockett, Barrett and Wood; the Treasurer's office, Messrs. Daveiss, Worthington and Daniel; the Register's office, Messrs. Yancey, Beaty, Mayo and J. Ward.

And then the Senate adjourned.

MONDAY, NOVEMBER 21, 1825.

The Senate assembled.

Mr. Cockerill presented the petition of Massey Anderson, praying that the balance of the State price on a certain tract of land in Warren county, may be remitted; which was received, read and referred to a select committee of Messrs. Cockerill, Yancey and Ewing, with leave to report thereon by bill or otherwise.

Mr. Yancey presented the petition of Martha Bridges, praying that the balance of the State price on a certain tract of land, of 250 acres, may be remitted; which was received, read and referred to a select committee of Messrs. Yancey, Selby, Worthington and Cockerill, with leave to report thereon by bill or otherwise.

Mr. J. Allen, from the select committee raised for that purpose, reported a bill to appoint commissioners to fix upon a central point, whereon to establish the permanent seat of government of this Commonwealth; which passed to a second reading.

Mr. Hughes, from the select committee to which was referred a bill to authorise a lottery for the purpose of raising money to erect a bridge across Licking river, at Claysville, in Harrison county, reported the same with an amendment; which being twice read, was concurred in, and the bill, as amended, was ordered to be engrossed and read a third time on to-morrow.

Mr. Faulkner, from the select committee to which was referred a bill to provide for binding out poor free children of colour, reported the same with an amendment; which being twice read and amended, was concurred in, and the bill, as amended, was ordered to be engrossed and read a third time on to-morrow.
Mr. Howard, from the select committee to which was referred a bill further to regulate the debt due the Commonwealth for the sale of vacant lands, reported the same, and, by way of amendment, a substitute in lieu of the original bill; which being amended, and the same being twice read, was adopted; whereupon, the bill, as amended, was ordered to be engrossed and read a third time to-morrow.

A message from the House of Representatives, by Mr. Sterrett:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled “an act for the benefit of the widow and heirs of Thomas Blincoe, deceased;” in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Thomas:

Mr. Speaker—The House of Representatives have passed bills which originated in that house, of the following titles, to wit: An act to amend the law requiring clerks of courts to make out complete records, in certain cases; an act for the benefit of Henry Harlow and others; an act to repeal in part an act entitled “an act for the benefit of Zachary Conclude;” an act to amend the law in relation to delivery bonds, and an act to compel the owners and occupiers of land to fill up, or enclose, or cover, pits and wells fallen into disuse; in which they request the concurrence of the Senate. They have also disagreed to a bill which originated in the Senate, entitled “an act for the benefit of John Richey, of Allen county.”

In a short time thereafter, a message was received from the House of Representatives, by Mr. Perrin, communicating a request on the part of that house to withdraw said last mentioned bill; and, on motion, leave was given to withdraw the same; which was thereupon withdrawn.

Mr. Given, from the joint committee of enrolments, reported that they had examined enrolled bills, which originated in the House of Representatives, of the following titles, to wit: An act for the benefit of the Mercer county court; an act to provide for the safe-keeping of Francis Erwin, and an act concerning the town of Henderson; that the same were truly enrolled, and signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate also affixed his signature thereto, and the same were delivered to the proper committee, to be by them laid before the Governor, for his approbation and signature.

A message from the House of Representatives, by Mr. Cox:

Mr. Speaker—The House of Representatives have passed a bill which originated in that House, entitled “an act to authorize the county court of Grayson to appoint trustees to Millerstown;” in which they request the concurrence of the Senate.
Bills of the following titles were reported from select committees raised to prepare and bring in the same, to wit:

By Mr. Pope—1. A bill to alter the time of electing Representatives to Congress.

By Mr. Beaty—2. A bill for the benefit of Thomas Branscomb.

Which bills severally passed to a second reading.

Mr. Howard, from the select committee to which was referred a bill to provide for the distribution and preservation of the public law books, reported the same with an amendment; which being twice read, was concurred in, and the bill, as amended, ordered to be engrossed and read a third time on to-morrow.

Mr. Hughes presented the petition of sundry citizens of the county of Nicholas, praying that a small part of the county of Bourbon may be added to said county of Nicholas, with a view to authorize the citizens of said county to erect a bridge across Hinkston; which was received, read and referred to the committee of propositions and grievances.

On motion of Mr. Daveiss, leave was given to bring in a bill to extend the terms of certain circuit courts in this Commonwealth; and Messrs. Daveiss, Pope, Hughes, T. Ward and C. Allan were appointed a committee to prepare and bring in the same.

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

Mr. Speaker—I am directed by the Governor, to lay before the Senate two messages in writing; and also, to inform the Senate that he did, on the 19th instant, approve and sign an enrolled resolution which originated in the Senate, entitled "a resolution raising joint committees to examine and report the condition of the several public offices."

The following petitions (by leave of the Senate) were presented, to wit:

By Mr. Crutcher—1. The petition of Cadwallader Churchill, praying compensation for his services as a Director of the Branch of the Bank of the Commonwealth located at Louisville.

By Mr. Pope—2. The petition of Robert Bleakley, of Meade county, praying compensation for certain services rendered by him as deputy sheriff of said county.

The first of which was received, read and referred to the committee of propositions and grievances, and the second to the committee for courts of justice.

On motion of Mr. J. Allen, the several messages heretofore received from the Governor, and not acted on, were taken up and read as follows, to wit:
Gentlemen of the Senate,
and of the House of Representatives:

The General Assembly having at its last session requested me to open a correspondence with the Governor of Tennessee, concerning the Road from Danville in this State, to the State line, in the direction of Murfreesborough, I did, on the 6th of July last, address a letter to him, inviting his attention to the subject, and expressing the wish of the General Assembly of Kentucky. A copy of that communication is herewith transmitted. No answer has yet been received from the Governor of Tennessee.

Nov. 12, 1825.

JOSEPH DESHA.

STATE OF KENTUCKY,
Executive Department, July 6, 1825.

Sir:

By a resolution of the Legislature of this State, approved January 12, 1825, the Governor is "requested to open a correspondence with the Governor of Tennessee, on the subject of the State Road from Danville in this State, by way of Columbia and Tompkinsville, to Murfreesborough in Tennessee; that he communicate to him the measures taken by Kentucky to open and preserve said road, and respectfully solicit the attention of that Government, to the expediency of complying and permitting the road to be opened to this point."

Pursuant to the request contained in the above mentioned resolution, I have now the honor to invite, through you, the attention of the State of Tennessee to this subject, which, it is presumed, is alike interesting to Tennessee and Kentucky.

On the 21st December, 1820, an act of the Legislature of this State, appointed viewers, and directed them to view and cause to be surveyed and marked, "the best and most practicable route for a road commencing at Danville, thence to the Tennessee line, in a direction to Murfreesborough." These viewers reported a performance of their duty, by a report dated October 27th, 1821; accompanied by a plat of the route surveyed, both which are deposited in this department. From these, it appears that the road, commencing at Danville, passes successively through the towns of Liberty, Columbia and Tompkinsville, and strikes the State line at the distance of 5 1/2 miles from the latter place. The road thus surveyed, has, by Kentucky, been declared a State Road, and the County Courts of the counties through which it passes, have been directed to open it forty feet wide, and keep it in good repair. The continuation of this road to Murfreesborough, would, it is believed, be of benefit to both States. To Kentucky, the road already opened by her, would be rendered
THE SENATE.

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much more useful; whilst, to Tennessee, it is suggested that equal benefit would arise.

I have the honor to be, your obedient servant,

JOSEPH DESHA.

His Excellency, the Governor of Tennessee.

Gentlemen of the Senate,

and of the House of Representatives:

Pursuant to the 12th section of an act of the General Assembly, entitled “an act for appropriating the vacant land in the State of Tennessee, between Walker’s line and the latitude thirty-six degrees thirty minutes,” approved December 22nd, 1824, I did, on the 8th of January last, with the approbation of the Senate, commission Thomas J. Matthews, Esq., of Transylvania University, surveyor, to run and mark a line in said latitude, from the Tennessee River to the top of the Cumberland Mountain. Owing, however, to the failure of the Legislature to make any provision to meet the expense; to my declining, upon a deliberate consideration of my constitutional authority, to issue an order upon the Treasury, without a legal appropriation, and to the inability of Mr. Matthews to make advances from his own funds, he did, on the 28th of February, decline the appointment. After another unsuccessful attempt to obtain a surveyor in the person of Robert Alexander, Esq., I tendered the place to Col. William Steele, of Woodford county, who accepted it and has performed the duty.

On the 7th of April last, I addressed a letter to the Governor of Tennessee, upon the subject, to which he returned an answer, dated the 24th of the same month.

Col. Steele proceeded alone to make the survey, no surveyor appearing on the part of the State of Tennessee. He has made a report to me, enclosing a plat of the line as run by him, which is now on file in the office of the Secretary of State. Copies of the letters to and from the Governor of Tennessee, and of the report of Col. Steele, are transmitted herewith.

It remains for the General Assembly to make such appropriations as it may think just, to defray the expenses of the survey, and compensate the surveyor and those engaged with him, for their services.

JOSEPH DESHA.

November 15, 1825.

STATE OF KENTUCKY,

Executive Department, April 7th, 1825.

Sir—Enclosed, I transmit to you an act of the Legislature of this State, at its last session, for appropriating the vacant land in the State of Tennessee, belonging to this State. Pursuant to the provisions of its last section, I have appointed Col. William Steele, of Woodford county, in this State, surveyor, to run and mark the
line of latitude thirty-six degrees thirty minutes north, from the Tennessee River to the top of Cumberland Mountain. As this line is the southern limit of the territory subject to grants by Kentucky, it is the interest of the State of Tennessee, that it be correctly run. The Legislature have therefore authorised me to request of the State over which you preside, its concurrence and assistance in performing this work.

Should any measures be taken on the part of Tennessee, in concurrence with those of Kentucky, or a surveyor be appointed by her authorities to aid in running said line, in conjunction with Col. Steele, he can fix with him the time and manner of performing it. Col. Steele will, on the part of this State, proceed, during the approaching season, to make the survey contemplated by his appointment, and has informed me that he will be in Clarksville, Tennessee, about the 20th day of next May.

I have the honor to be, &c.

JOSEPH DESHA.

His Excellency, the Governor of Tennessee.

EXECUTIVE OFFICE, TENNESSEE,

Sir:

I have the honor to acknowledge the receipt of your letter of the 7th inst. informing me that you had appointed Col. Steele, Surveyor on the part of Kentucky, to run and mark the line between your State and Tennessee, from the Tennessee River to the top of Cumberland Mountain; and that he would be at Clarksville, ready to commence the work, about the 20th of May.

I have written to a gentleman this morning, tendering to him the appointment of Surveyor on the part of Tennessee. He will, I have no doubt, accept; but he may not be able to meet Col. Steele as soon as the time you have mentioned; in which event, permit me to request that the period of meeting be deferred until the first of June.

On my bearing from the person to whom I have written, I shall immediately notify you of the day on which he can be at Clarksville, and probably it may be the 20th of May.

I have the honor to be, respectfully,

Your obedient servant,

WILLIAM CARROLL.

His Excellency, Joseph Desha, Kentucky.

DEAR SIR:

Enclosed, is the plat and report of the survey made on the chartered line between the States of Kentucky and Tennessee. The Report will show for itself.
I made a loan from the Commonwealth's Bank, of 588 dollars; § 581.95 have been paid out in the current expense of running and marking the line. It remains for you to have the necessary appropriations made for the payment of the services on said line.

As the Tennesseans failed in assisting, I was obliged to appoint a second Assistant Surveyor. My first assistant is Willis Blanton, and the second, Berry Searcy. I had two Chainmen and a Marker, to wit: Nelson Utterback and Isaac Bond, Chainmen, and David Moore, Marker. Isaac Bond acted for a considerable time as Quartermaster, and after the appointment of B. Searcy to Assistant Surveyor, I had three pack-horses and a pack-horse driver.

I am, dear sir, your most ob't. servant,

WM. STEELE.

J. Desha, Governor of Kentucky.

No. III.

Gentlemen of the Senate,

and of the House of Representatives:

The public arms received by this State from the United States, form, in value and use, an important part of its property. They were received from the general government, under the provisions of an act of Congress of the 23d of April, 1808, appropriating the annual sum of two hundred thousand dollars, for the purchase and manufacture of arms and military equipments, and directing them to be distributed to the several States, in proportion respectively to the effective strength of their militia. Kentucky has, therefore, been entitled, since the 23d of April, 1808, to her quota of all the arms that have been procured under the act of that date.

In order to ascertain, if possible, what part of her quota, this State has actually received from the general government, I did, on the 4th instant, direct the quartermaster-general to make out and present to me, a report, "showing the whole number of every description of ordnance, arms and accoutrements, that have been received;" and to ascertain their present state and condition, desired him further to make known, "the number delivered out, to whom, and at what time; the number and description destroyed in the late conflagration of the State-house; and finally, the number, description and condition of those at present in the public arsenal at this place." In pursuance of this order, he has made a report, giving the information desired, as nearly as the State of the records of his office would permit. Copies of the report and of the accompanying statements, are transmitted herewith.

No record in the executive department, or in the office of the quartermaster-general, shows distinctly the number of arms which, under the above mentioned act of Congress, became due to this State, for the period between the years 1808 and 1816. The statements, however, submitted to me, show the number actually
obtained during that period. But from the year 1816, to the year 1822, inclusive, there are documents forwarded by the proper officer of the general government, which show both the quota of Kentucky, of the arms procured in that time, and the number actually forwarded to her.

The quota of this State, during the period last mentioned, amounts to 5,724 muskets, equal in value, at the rate of $14 each, (the price fixed on them by the United States,) to $80,136. Of this number of muskets, it appears from the account between this State and the United States, which is transmitted herewith, that there was received, up to the 1st of January, 1823, the value of 3,997 muskets, leaving a balance due at that time, of 1,727, of the value of $24,178, which the executive was informed might be drawn either in muskets or in other arms.

On the 3d of December, 1824, I sent on a requisition to the commandant of the United States' Arsenal at Pittsburg, for the aforesaid balance, in the following species of arms and accoutrements, to wit: 300 sets of accoutrements for muskets; 128 sabres for cavalry; 128 pistols (64 pairs); 128 sabre belts and holsters; 128 rifles and accoutrements; the residue in muskets and accoutrements.

These, it will appear from the report of the quartermaster-general, were forwarded accordingly, and have been received at Louisville.

As no communication upon the subject has been received from the ordnance office at Washington, I am unable to say what number of arms Kentucky has become entitled to, since the year 1822. It is presumed, however, that it will be communicated, and the arms forwarded in proper time.

It has been usual, upon the application of commandants of militia companies, to issue to them complements of arms, upon their giving bond with good security, in a penalty sufficient to cover their value. The report of the quartermaster-general, will show what number have been thus distributed, and to whom, as also the number and condition of those now remaining in the possession of the State government.

For the purpose of ascertaining the condition of those arms which have been delivered out, and the solvency of the drawers and their securities, and with the intention, if I found it expedient, of withdrawing them into the arsenal, I caused a circular to be addressed to the commandants of the various regiments that have received any of them, desiring such information as to their present state and condition, as might be worthy of communication. The returns to this circular, have not yet been received; when they are, such measures will be taken as may be necessary to secure the public interest in this respect.
Since this message was contemplated, I have received resolutions from the House of Representatives, desiring information upon the subjects embraced in it. These resolutions I have maturely considered, as well as the matters to which they relate, with a view of giving to the representatives of the people, all the information I possess in relation to their object. In answer to them, this communication, which comprises the sum of my present information relative to the public arms, is respectfully submitted.

JOSEPH DESHA.

November 16, 1825.

Quartermaster General's Office,
Frankfort, 14th November, 1825.

Sir—It was my wish to have furnished your Excellency with the information required in yours of the 4th instant, in relation to the public arms, &c. at an earlier period; but such has been the loose and irregular manner in which my predecessors have managed the office, that it has produced considerable labor and difficulty to me, in arranging and putting the papers, &c. in proper form, to give the desired information.

Enclosed you will find statements marked A and B. Statement A shows the situation of the arsenal, when I entered upon the duties of the office, and the manner in which it has been conducted by me up to this date. Statement marked B, makes a full exhibit of the situation of the arsenal, from its establishment up to this date. In making out this last statement, I have been compelled, in many instances, to resort to the bonds filed in the Secretary's office, finding no order from the Governor upon the records of this office; and hence I have inferred, that the quartermasters who have preceded me, were in the habit of delivering the arms upon the verbal order of the Executive. From the latter statement you will perceive, that the number of muskets and accoutrements appears to exceed the quantity of the same which have been received by the State. This difference I can account for in no other way, but by supposing that some of the bonds lodged in the Secretary's office, are intended as substitutes for some others on file, or that the quartermasters have made some error in entering the same. I also find, arms have been distributed by the quartermaster, or by the Executive who preceded you, without having taken the necessary bonds, viz. To William Preston, of Louisville, (since deceased,) one six pound iron piece; John M'Calla, one six pound caisson; William O. Butler, of Port-William, forty stand of muskets and accoutrements; William Hobson, fifty ditto; Samuel J. M'Dowell, eighty ditto; and to H. Marshall, one musket, for the return of which the then quartermaster took his bond. I find, from the records of this office, that previous to its establishment, in the year 1812, Major Elijah Craig, of Gallatin county, drew from the arse-
nal at Newport, by order of Governor Shelby, five hundred stand of muskets and accoutrements, which were put into the hands of the militia of Gallatin and Boone counties, for the protection of the inhabitants of their frontier, and which arms were part of the State's quota, allowed by the United States. Only 275 muskets and bayonets, 167 cartridge boxes and 161 bayonet scabbards, were returned, and those delivered to J. Bernard, at Fort-William, as will be seen by the statements.

Assistant deputy quartermaster-general, Thomas P. Dudley, under an order from the Governor, drew from the arsenal in this place, of these arms, in the year 1814, for the purpose of reinforcing General A. Jackson, 195 muskets, 116 bayonet scabbards and belts, and 122 cartridge boxes and belts; which arms, he delivered over to Major E. Humphreys, United State's officer of ordnance at New-Orleans. This State, I should suppose, would be entitled to a like number, and they could be had, I have no doubt, upon application. Should the statements with which I furnish you, not prove satisfactory, upon being called on, I will try and make them so.

Respectfully, yours,

EDMUND H. TAYLOR,
Quartermaster-General, Ky. Militia.

His Excellency, JOSEPH DESHA.

[For statements marked A. and B. see the opposite page.]

The State of Kentucky in account with the United States, for Arms, &c., under the law of April, 1808.

<table>
<thead>
<tr>
<th>Muskets</th>
</tr>
</thead>
<tbody>
<tr>
<td>1816, December 13—To 4 6 pounder cannon and carriage, with implements complete, as per receipt of Governor Slaughter, valued at $1,932, and equal to 136</td>
</tr>
<tr>
<td>1817, June 4—1 6 pounder caisson and equipments, as per receipt of Major M'Calla, valued at $280, and equal to 20</td>
</tr>
<tr>
<td>Sept. 30—Muskets complete, as per receipt of Governor Slaughter, 1,000</td>
</tr>
<tr>
<td>Sept. 30.—100 sets of accoutrements for muskets, as per receipt of Governor Slaughter, equal to 179</td>
</tr>
<tr>
<td>1818, June 4—1,000 pistols, 500 cavalry sabres, 75 rifles, as per receipt of Governor Slaughter, and equal to 948</td>
</tr>
<tr>
<td>1819, Nov. 11—Muskets complete, as per receipt of do., 1,467</td>
</tr>
<tr>
<td>Nov. 11—100 pistols, 50 cavalry sabres, as per receipt of ditto, equal to 8</td>
</tr>
<tr>
<td>1822, Nov. 15—1 6 pounder cannon and carriage, with implements complete, delivered at Newport, upon the order of Governor Adair, through Col. R. M. Johnson, valued at $372, and equal to 27</td>
</tr>
<tr>
<td>Dec. 26—75 cavalry sabres and belts, 150 pistols, delivered to Major Carneal at Newport, upon the order of Governor Adair, and equal to 132</td>
</tr>
<tr>
<td>Date of issue</td>
</tr>
<tr>
<td>---------------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>18th September</td>
</tr>
<tr>
<td>19th September</td>
</tr>
<tr>
<td>20th September</td>
</tr>
<tr>
<td>21st September</td>
</tr>
<tr>
<td>22nd September</td>
</tr>
<tr>
<td>23rd September</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rifles, Sabres, Pairs of Pistols</th>
</tr>
</thead>
<tbody>
<tr>
<td>64</td>
</tr>
<tr>
<td>64</td>
</tr>
<tr>
<td>128</td>
</tr>
<tr>
<td>Date of reception</td>
</tr>
<tr>
<td>-------------------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>September 9</td>
</tr>
<tr>
<td>November 5</td>
</tr>
</tbody>
</table>

RECAPITULATION:

<table>
<thead>
<tr>
<th>Arms &amp;c. issued since I came into office,</th>
<th>Musket Cartridge boxes</th>
<th>Cartridge box belts</th>
<th>Bayonet Scabbards</th>
<th>Bayonet Belts</th>
<th>Rifles</th>
<th>Sabres by Pairs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burnt in conflagration of capitol</td>
<td>600</td>
<td>220</td>
<td>115</td>
<td>170</td>
<td>170</td>
<td>64</td>
</tr>
<tr>
<td>In the arsenal on the 5th Nov. 1825</td>
<td>1,172</td>
<td>1,380</td>
<td>1,380</td>
<td>1,741</td>
<td>174</td>
<td>111</td>
</tr>
</tbody>
</table>

EDMUND H. TAYLOR, Q. M. G. E. M.
# Arms and Accoutrements issued by order of the Secretary

<table>
<thead>
<tr>
<th>Date of delivery</th>
<th>TO WHOM DELIVERED</th>
<th>Military Name</th>
<th>Military Rank</th>
<th>Station to which sent</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct. 31 1820</td>
<td>Captain A. Kuhns</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
<tr>
<td>Nov. 18 1820</td>
<td>Captain A. Kuhns</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
<tr>
<td>Dec. 3 1820</td>
<td>Captain A. Kuhns</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
<tr>
<td>Dec. 11 1820</td>
<td>Captain A. Kuhns</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
<tr>
<td>Dec. 19 1820</td>
<td>Captain A. Kuhns</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
<tr>
<td>Jan. 6 1821</td>
<td>Captain A. Kuhns</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
<tr>
<td>Jan. 9 1821</td>
<td>Captain A. Kuhns</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
<tr>
<td>Jan. 15 1821</td>
<td>Captain A. Kuhns</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
<tr>
<td>Jan. 20 1821</td>
<td>Captain A. Kuhns</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
<tr>
<td>Feb. 10 1821</td>
<td>Captain A. Kuhns</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
<tr>
<td>Feb. 15 1821</td>
<td>Captain A. Kuhns</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
<tr>
<td>Feb. 25 1821</td>
<td>Captain A. Kuhns</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
<tr>
<td>Mar. 27 1821</td>
<td>Captain A. Kuhns</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
</tbody>
</table>

# Arms and Accoutrements received from United States, &c.

<table>
<thead>
<tr>
<th>Date of receipt</th>
<th>FROM WHOM RECEIVED</th>
<th>Military Name</th>
<th>Military Rank</th>
<th>Station to which sent</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar. 1 1821</td>
<td>Private J. G.</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
<tr>
<td>Mar. 22 1821</td>
<td>Private J. G.</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
<tr>
<td>Apr. 5 1821</td>
<td>Private J. G.</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
<tr>
<td>Apr. 25 1821</td>
<td>Private J. G.</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
<tr>
<td>May 12 1821</td>
<td>Private J. G.</td>
<td>John K.</td>
<td>Major</td>
<td>by sea</td>
<td></td>
</tr>
</tbody>
</table>

# Recapitulation

Shewing the total numbers of Arms received and returned and quarterly entered up to November, 1825.

<table>
<thead>
<tr>
<th>December 1825</th>
<th>Received from General Government</th>
<th>Returned by individuals</th>
<th>Arms, &amp;c. issued by the Governor on hand 30th November, 1825, Burnt in conflagration of Capitol</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5000</td>
<td>5000</td>
<td>5000</td>
</tr>
</tbody>
</table>

An excess of Arms that bonds are held for, more than appears to have been received, per Quartermaster's Journal.

<table>
<thead>
<tr>
<th>December 1825</th>
<th>Received from General Government</th>
<th>Returned by individuals</th>
<th>Arms, &amp;c. issued by the Governor on hand 30th November, 1825, Burnt in conflagration of Capitol</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5000</td>
<td>5000</td>
<td>5000</td>
</tr>
</tbody>
</table>

EDMUND H. TAYLOR, Quartermaster-General, Ky. M. 1825.
1823, Jan. 1—Balance due the State, carried down, 1,727

1822, Dec. 31—By the quota of Arms apportioned to the State, from 1st January, 1816, to 31st December, 1822, 5,724

1823, Jan. 1—By balance due the State, brought down, 1,727

Errors excepted.

G. BOMFORD, Lt. Col.

on Ordnance Duty.

Number and description of Arms furnished various Regiments.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>185</td>
<td>155</td>
<td>155</td>
<td>155</td>
<td>155</td>
<td>155</td>
<td>64</td>
<td>32</td>
</tr>
<tr>
<td>2</td>
<td>160</td>
<td>125</td>
<td>125</td>
<td>125</td>
<td>125</td>
<td>125</td>
<td>64</td>
<td>32</td>
</tr>
<tr>
<td>3</td>
<td>135</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>60</td>
<td>30</td>
</tr>
<tr>
<td>4</td>
<td>110</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>75</td>
<td>60</td>
<td>30</td>
</tr>
<tr>
<td>5</td>
<td>80</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>60</td>
<td>30</td>
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<tr>
<td>6</td>
<td>60</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>60</td>
<td>30</td>
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<tr>
<td>7</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>60</td>
<td>30</td>
</tr>
<tr>
<td>8</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>60</td>
<td>30</td>
</tr>
</tbody>
</table>

COUNTIES.

Jefferson
Nelson
Mercer
Madison
Jessamine
Woodford
Scott
Nicholas
Bourbon
Mason
Shelby
Franklin
Mason
Fleming
Montgomery

Jefferson
Clarke
Henry
Fayette
Mercer
Barren
Washington
Gallatin
Garrard
Lincoln
Bath
Bourbon
Scott
Harrison
Henry
Logan
Bairen
Campbell
Simpson
Gentlemen of the Senate, and of the House of Representatives:

I transmit herewith, for your consideration, certain resolutions of the Legislatures of the States of Connecticut, Delaware, New-Jersey, Indiana, and Mississippi, concerning the amendment to the constitution of the United States, proposed by the Legislature of the State of Georgia, on the 22d December, 1823.

JOSEPH DESHA.

November, 1825.

CONNECTICUT.

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 twenty-five:

Resolved by this Assembly, That the amendment to the constitution of the United States, proposed by a resolution of the Legislature of the State of Georgia, passed December the 22d, 1823, providing "that no part of the constitution of the United States ought to be construed, or shall be construed, to authorize the importation or ingress of any person of colour, into any one of the United States, contrary to the laws of such State," be and the same is hereby disapproved by the Legislature of this State.

Resolved, That his Excellency, the Governor, be requested to transmit a copy of the foregoing resolution to the Executive of each of the United States, to be laid before their respective Legislatures.

A true copy of record, examined and certified under the seal of the State, by

THOMAS DAY, Sec'y.

DELaware.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the amendment to the constitution of the United States, as proposed in the resolution from the State of Georgia, passed the twenty-second December, eighteen hundred and twenty-three, be, and the same is hereby disapproved by this General Assembly.

Resolved further, That the Governor of this State be, and he is hereby requested to communicate these resolutions to the Executive of the State of Georgia, and the Executives of the several States, with a request that the same may be submitted to their respective Legislatures.

JOHN ROBINSON,
Speaker pro tem. of the House of Representatives.

JESSE GREENE,
Speaker of the Senate.

Passed at Dover, January 8th, 1825.
THE STATE OF NEW-JERSEY.

Resolved by the Council and General Assembly of this State, That the amendment to the constitution of the United States, proposed by a resolution of the Legislature of the State of Georgia, passed December the twenty-second, one thousand eight hundred and twenty-three, providing "that no part of the constitution of the United States ought to be construed, or shall be construed, to authorise the importation or ingress of any person of colour into any one of the United States, contrary to the laws of such State," be, and the same is hereby disapproved of by the Legislature of this State.

Resolved, That his Excellency, the Governor, be requested to transmit a copy of the foregoing resolution to the Executive of each of the United States, to be laid before their respective Legislatures.

Council Chamber, December 17th, 1824.

These resolutions having been three times read in the Council,

Resolved, That the same do pass.

By order of the Council,

P. I. STRYKER. Vice-President.

House of Assembly, December 15th, 1824.

These resolutions having been read in the House,

Resolved, That the same do pass.

By order of the House,

DAVID JOHNSTON, Speaker.

INDIANA.

A joint Resolution, disapproving the amendment proposed by the State of Georgia to the constitution of the United States, on the subject of the ingress of people of colour, into the several States of the Union.

Resolved by the General Assembly of the State of Indiana, That it is inexpedient to make the amendment to the constitution of the United States, as proposed in the resolution of the General Assembly of the State of Georgia, adopted on the twenty-second day of December, eighteen hundred and twenty-three, and that this General Assembly do hereby disapprove of the same.

Resolved, That his Excellency, the Governor of this State, be, and he is hereby requested to transmit a copy of this resolution to each of the Executives of the several States in the Union, and to each of our Senators and Representatives in Congress.

S. C. STEEVENS,
Speaker of the House of Representatives.

JAMES B. RAY,
President of the Senate pro tempore.

Approved, February 3d, 1825.

WILLIAM HENDRICKS.
Resolved by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That the Legislature of the State of Mississippi concur in the amendment to the constitution of the United States, proposed by the Legislature of the State of Georgia, which is in the following words, to wit: "That no part of the constitution of the United States ought to be construed, or shall be construed, to authorize the importation or ingress of any person of colour, into any one of the United States, contrary to the laws of said State."

Resolved, That his Excellency, the Governor, be, and he is hereby requested to communicate this resolution to the Governors of the different States, with a request that the same may be submitted to their respective Legislatures, and that he do also communicate the same to our Senators and Representatives in Congress.

COWLES MEAD,
Speaker of the House of Representatives.
GERARD C. BRANDON,
Lieut. Governor and President of the Senate.

Approved, January 28th, 1825.
WALTER LEAKE.

No. V.

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

At the last session of the General Assembly, I communicated to it certain resolutions of the Legislature of the State of Ohio, concerning the emancipation of slaves. I have since received communications from the Governors of the States of Connecticut, Delaware, Georgia, New-Jersey, Illinois, Indiana, Mississippi and Missouri, enclosing resolutions of the Legislatures of those States respectively, expressive of their opinions upon the same subject, with requests that the same may be laid before the General Assembly of this State. Pursuant to those requests, they are herewith transmitted.

JOSEPH DESHA.

November 18, 1825.

CONNECTICUT.

At a General Assembly of the State of Connecticut, held at Hartford in said State, on the first Wednesday of May, in the year of our Lord 1825: The resolution of the Legislature of the State of Ohio, adopted at their session in the year 1824, recommending to the Legislatures of the several States of the American Union, the consideration of a system for the gradual emancipation of slaves, and of several other Legislatures relative thereto, having been communicated by his excellency the Governor,
It is thereupon resolved by this Assembly, That the existence of slavery in the United States is a great national evil, and that the people and States of this Union ought to participate in the burden and duties of removing it, by all just and prudent measures, which may be adopted with a due regard to their internal peace and mutual harmony; and that a system of colonization, under the patronage of the national government, may reasonably be deemed conducive to so desirable an object.

Resolved, That his excellency the Governor be requested to transmit a copy of the foregoing resolution to the Executive of each of the United States, to be laid before their respective Legislatures.

A true copy of record, examined and certified under the seal of the State, by THOMAS DAY, Secretary.

DELAWARE.

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That this Legislature do concur with the General Assembly of the State of Ohio, in opinion that "a system of foreign colonization, with correspondent measures, might be adopted, that would in due time effect the entire emancipation of the slaves in our country, without any violation of the national compact, or infringement of the rights of individuals, by the passage of a law by the general government, (with the consent of the slave-holding States,) which should provide that all children of persons now held in slavery, born after the passage of such law, should be free at the age of twenty-one years, (being supported, during their minority, by the persons claiming the services of their parents,) provided they then consent to be transported to the intended place of colonization."

Resolved, That the Governor of this State be requested to forward a copy of the above resolution to the Governor of each of the States of the United States, with a request that the same may be laid before their respective Legislatures; and also, a copy to each of our Senators and Representatives in Congress, requesting their co-operation in all national measures having a tendency to effect the object therein embraced.

Passed at Dover, February 3d, 1825.

JOHN ROBINSON, Speaker pro tem. of the House of Representatives.

JESSE GREEN, Speaker of the Senate.

GEORGIA.

In Senate, November 19th, 1824.

The committee to whom was referred the communication of his excellency the Governor, and the accompanying resolutions of the Legislature of the State of Ohio, on the subject of the abolition of slavery, having had the same under consideration, ask leave to re-
port: That the constitutional guaranty made to the States holding slaves, is not less sacred than the obligation imposed by the constitution and laws for the protection of their rights of private property. Such States owe it to themselves, to preserve unimpaired those rights, since the causes which extracted the constitutional concession on this subject, continue to exist in all their force. Your committee are, therefore, constrained to view the resolutions of the Legislature of the State of Ohio, as calculated to infringe the rights of the State of Georgia, in common with other States similarly situated in this particular, and as indecent in those from whom it emanates. If the evil of slavery be considered a national one, your committee take leave to refer the Legislature of Ohio to the situation of the country as it was originally settled in the south by our ancestors, and to those circumstances, by the force of which slavery in America commenced its existence. While your committee contemplate, with no ordinary emotions, the ameliorated condition of the slave in the southern country, they view with regret, this unnecessary interference on the part of a sister State, so well calculated to excite the anticipations and hopes of the slave, and to impel him to those acts, which, instead of bettering his condition, must augment his misfortunes. Your committee, therefore, consider the resolutions as violative of the true dictates of humanity; and this idea is supported by a contrast of the slave population of the south, with the wretched and miserable condition of the free people of colour who crowd the houses of punishment and correction, in some of our sister States. If, in the south, they do not revel in liberty, they are at least supplied with the necessary wants of life. Georgia claims the right, with her southern sisters, whose situation in this regard is similar, of moving this question, when an enlarged system of benevolent and philanthropic exertions, in consistency with her rights and interest, shall render it practicable. Your committee, therefore, take leave to recommend the following resolution:

Resolved, That the resolutions of the State of Ohio, proposing the emancipation of slaves, passed on the 7th day of January 1824, be, and the same are hereby disapproved by the Legislature of this State; and that his excellency the Governor be hereby requested to transmit a copy of this resolution to the Executive of each of the United States.

Read and agreed to.
Attest,
Wm. Y. Hassell, Secretary.

IN THE HOUSE OF REPRESENTATIVES, Dec. 4, 1824.

Read and concurred in.
Attest,
Wm. C. Dawson, Clerk.

Approved, 7th December 1824.

G. M. Troup, Governor.
Resolved by the Council and General Assembly of this State, That the consideration of a system providing for the gradual emancipation of the people of colour held in servitude in the United States, be recommended to the Legislatures of the several States of the American Union, and to the Congress of the United States.

Resolved, That in the opinion of this Legislature, a system of foreign colonization, with correspondent measures, might be adopted, that would in due time effect the entire emancipation of the slaves in our country, and furnish an asylum for the free blacks, without any violation of the national compact, or infringement of the rights of individuals; and that such a system should be predicated upon the principle, that the evil of slavery is a national one, and that the people and States of the Union ought mutually to participate in the duties and burdens of removing it.

Resolved, That his excellency the Governor be requested to forward a copy of these resolutions to the Executive of each State in the Union respectively, with a request that they lay the same before the several Legislatures; and that his excellency will also forward a like copy to each of our Senators and Representatives in Congress, requesting their co-operation in all national measures having a tendency to effect the same objects embraced therein.

House of Assembly, December 29th, 1824—These re-engrossed resolutions having been read in the House, resolved that the same do pass.

By order of the House.

DAVID JOHNSTON, Speaker.

Council Chamber, December 30th, 1824—These re-engrossed resolutions having been read and compared in the Council, resolved that the same do pass.

By order of the Council.

P. J. STRYKER, Vice-President.

Resolution passed by the General Assembly of Illinois, in 1825.

Whereas the General Assembly of the State of Ohio, did, on the 17th day of January 1824, pass the following resolutions, by way of proposition to the States and Congress, viz.

Resolved by the General Assembly of the State of Ohio, That the consideration of a system providing for the gradual emancipation of the people of colour held in servitude in the United States, be recommended to the Legislatures of the several States of the American Union, and to the Congress of the United States.

Resolved, That in the opinion of this General Assembly, a system of foreign colonization, with correspondent measures, might be adopted, that would in due time effect the entire emancipation
of the slaves in our country, without any violation of the national compact, or infringement of the rights of individuals, by the passage of a law by the general government, (with the consent of the slave-holding States) which should provide that all children of persons now held in slavery, born after the passage of such law, should be free at the age of twenty-one years, (being supported, during their minority, by the persons claiming the services of their parents,) provided they then consent to be transported to the place of colonization. Also,

"Resolved, That it is expedient that such a system should be predicated upon the principle, that the evil of slavery is a national one, and that the people and States of this Union ought mutually to participate in the duties and burthens of removing it."

Therefore,

Resolved by the General Assembly of the State of Illinois, That it is expedient to concur in the plan proposed in the aforesaid resolutions; and that the Governor of this State be requested to transmit copies of the foregoing preamble and resolutions to the Executives of the several States, with a request that they be laid before the Legislatures thereof, and that he transmit copies of the same to our Senators and Representatives in Congress.

THOMAS MATHER, Speaker
of the House of Representatives.

A. F. HUBBARD, President
of the Senate.

INDIANA.

A joint resolution respecting the gradual emancipation of Slaves and colonization of people of colour within the United States

Whereas the General Assembly of the State of Ohio, did, at their session in 1824, adopt the following resolutions, and request the concurrence of the several States of the Union therein, to wit:

"Resolved by the General Assembly of the State of Ohio, That the consideration of a system providing for the gradual emancipation of the people of colour held in servitude in the United States, be recommended to the Legislatures of the several States of the American Union, and to the Congress of the United States.

"Resolved, That in the opinion of this General Assembly, a system of foreign colonization, with correspondent measures, might be adopted, that would in due time effect the entire emancipation of the slaves in our country, without any violation of the national compact, or infringement of the rights of individuals, by the passage of a law by the general government, (with the consent of the slave-holding States,) which should provide that all children of persons now held in slavery, born after the passage of such law, should be free at the age of twenty-one years, (being supported, during their minority, by the persons claiming the services of their
parents,) provided they then consent to be transported to the intended place of colonization. Also,

"Resolved, That it is expedient that such a system should be predicated upon the principle, that the evil of slavery is a national one, and that the people and States of this Union ought mutually to participate in the duties and burdens of removing it."

Therefore,

Resolved by the General Assembly of the State of Indiana, That we do approve of, and cordially concur in the aforesaid resolutions of the State of Ohio; and that his excellency the Governor be requested to communicate the same to the Executives of the several States in the Union, and each of our Senators and Representatives in Congress, requesting their co-operation in all national measures to effect the grand object therein embraced.

S. C. STEPHENS, Speaker of the House of Representatives.

JAMES B. RAY, President of the Senate pro tempore.

WILLIAM HENDRICKS.

MISISSIPPI.

A resolution disagreeing to a resolution from the State of Ohio.

Resolved by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That the State of Mississippi does not concur in the resolution from the State of Ohio, proposing a plan for the emancipation of slaves in the United States.

Resolved, That his excellency the Governor be requested to forward a copy of the foregoing resolution to the Governors of the several States, requesting them to lay the same before the Legislatures thereof.

COWLES MEAD, Speaker of the House of Representatives.

GERARD C. BRANDON,
Lieut. Governor and President of the Senate.

Approved, February 3d, 1825.

WALTER LEAKE.

MISSOURI.

Resolved by the Senate and House of Representatives of the State of Missouri, That they do concur in the amendment proposed by the State of Georgia, to the constitution of the United States, passed the 22d day of December 1823, in the words following, viz. "That no part of the constitution of the United States ought to be construed, or shall be construed to authorise the importation or ingress of any person of colour into any one of the United States, contrary to the laws of such State."

...
Resolved by the Senate and House of Representatives of the State of Missouri, That this State does not concur in recommending to the Legislatures of the several States, or the Congress of the United States, the measures proposed by the resolutions of the Legislature of the State of Ohio, passed the 17th day of January 1824.

Resolved, That the Governor of this State be, and he is hereby requested to communicate these resolutions to the Executives of the different States, and request that the same may be submitted to their respective Legislatures.

H. S. GEYER, Speaker of the House of Representatives.

B. H. REEVES, President of the Senate.

Approved, January 22, 1825.

FREDERICK BATES.

No. VI.

Gentlemen of the Senate,

and of the House of Representatives:

In compliance with certain resolutions of the last General Assembly, for procuring a portrait of General Lafayette, I employed Matthew H. Jouitt, Esq. by letter of the 3d of February 1825, to execute the same, and forwarded by him, to General Lafayette, who was at that time in Washington City, the resolutions of the General Assembly upon the subject, with a request that Mr. Jouitt might be permitted to accomplish their object.

It appears from a communication lately received from Mr. Jouitt, that he has finished the portrait, and will have it in Frankfort in a few days. That communication, together with the above mentioned correspondence, is transmitted herewith.

The price of the painting not having been fixed by the last General Assembly, will have to be determined by the present. This can be done with more justice to the artist who produced it after its arrival in the capital, when its merits may be seen.

JOSEPH DESHA.

November 19, 1825.

FRANKFORT, Ky. February 3d, 1825.

General Lafayette:

Sir,—The Legislature of this State, anxious to testify the high regard in which its constituents hold your exertions in the cause of liberty, and desirous to perpetuate, as far as possible, the genial influence which your presence among us is calculated to have upon our sentiments, by reviving our recollections of the thraldom from which, by your aid, our ancestors struggled into freedom, have desired me earnestly to solicit that you will permit your portrait to be taken for its use. Its resolutions upon this subject I have the honor to enclose. They breathe the feelings,
not only of the Legislature, but of the people whose organ it is; who will feel happy in the opportunity which your consent will afford, of transmitting to posterity the image of the person whose services in the war of the revolution, next to those of the immortal father of his country, most demand their gratitude.

The bearer of this letter, Mr. M. H. Jouitt, is the artist mentioned in the resolutions, whom, pursuant to the request contained therein, I have employed to execute the work. His talent for painting, which is equalled only by the purity of his mind and the urbanity of his manners, leaves no room to doubt, that, should you yield to the wishes of the State, he will do ample justice to his subject.

With sentiments of the most profound esteem and respect,

I am, Sir, your obedient servant,

JOSEPH DESHA.

General Lafayette, Washington City.

Frankfort, Ky. February 3d, 1825.

Sir:
Enclosed are certain resolutions of the Legislature of this State, relative to a portrait of General Lafayette. Pursuant to a request contained in these resolutions, I now, on behalf of the State, employ you to execute the said portrait, and desire that the same may be done as early as is practicable, consistently with your convenience. From recent information, it is presumed that General Lafayette will remain in Washington City until some early time in the month of March. If so, you will perhaps have sufficient time to execute the portrait in that city. Should you determine to proceed there, you will bear the enclosed letter to General Lafayette. It encloses a copy of the resolutions, and contains a request that he will permit the portrait to be taken, with a notice that you are the person employed to execute it.

The compensation for the picture, when finished, will be left to the Legislature, to whose judgment, in graduating it according to the excellence of the performance, it is presumed your talent in your profession and confidence in its liberality, will not object.

With great respect, I am, Sir,

Your obedient servant,

JOSEPH DESHA.

Mr. M. H. Jouitt.

Louisville, February 9th, 1825.

Sir:
I have had the honor to receive your communication of the 3d, enclosing a copy of resolutions and a sealed letter to General Lafayette. I will, as you desire, complete the work assigned me as early as practicable, and avail myself of every circumstance to
ensure a faithful picture to the State, and merit the confidence entertained of me by yourself and the Legislature.

I have the honor to remain your obedient servant,

MAT. H. JOUITT.

JOSEPH DESHA, Esq.

FAYETTE COUNTY, November 12th, 1825.

Sir:

I have the honor to inform you, that in pursuance to my letter of ——, in answer to yours of the 3d February, enclosing a copy of resolutions and a letter of introduction to General Lafayette, I set out from Louisville for Washington City, on the 11th, calculating that I should be able to reach in time to accomplish my object, as the time for the General's departure on his southern tour was set for the 6th of March; but he left on the 23d, and I did not arrive until the 25th.

Hearing of the resolution, and of my expected visit to the City, the General, in a conversation with Mr. Clay, a few days previous to his departure, after regretting the necessity of his absence, recommended, that in the event of my coming on, I should make a copy of the picture then in the possession of Congress, and that he would, if necessary, sit to me to have it retouched, when he came on to Kentucky. I need not state to you, that he kindly fulfilled his promise, the morning he left Lexington, as you were with him on that interesting occasion.

As the picture from which I made my copy was hung in the rotunda of the Capitol, and could not be taken down during the sitting of Congress, my stay in the City was, of course, considerably protracted. As soon as Congress adjourned, I was favored with a letter from Mr. Clay to Capt. Birch, one of the officers of government, which secured from that amiable and obliging gentleman, every attention and facility that could be desired, during my continuance in the capital. From the City, I went to Philadelphia; and thinking, whilst there, that a sketch of Washington's Monument would form no inappropriate back ground to my picture, I concluded to take Mount Vernon in my way home. The season at which the General made his visit to the tomb, I have endeavored, as you will perceive, to perpetuate in the painting. This view I was sensible, would not afford the best relief to the figure; but it was a sacrifice which I felt myself called upon to make to the many endearing recollections and associations connected with his visit to that consecrated spot.

How far I have been happy in this design, and in the whole picture, (a brief history of which I have here given,) is for the representatives of the people now to say. The painting I could have made more splendid, had I preferred artifice to truth, or ornament to nature; but a master had gone before me, and him I determin.
ed to follow. Had never seen General Lafayette, and expected but my hour, when good fortune should bring him before me. Had I him before me every day for a month, I do not believe I could more happily hit off the whole man, than Sheffer has done. Under these circumstances, may I not express the hope, (seeing that the merits of the design belong to another,) that the people of Kentucky will be satisfied with the success with which I have executed the task imposed upon me?

Your Excellency was pleased to say, that in the hour that was allowed me to retouch the veteran’s face, I corrected whatever had been superinduced by time, change of health, or other circumstances. After all, should I fail to meet the wish of the people of Kentucky, which was, to be furnished with a faithful likeness of the beloved original, I beg they will attribute the miscarriage to any other than an insensibility to the honor conferred in their resolutions.

In a few days, the painting, with a frame, (which I have made at my own responsibility,) will be ready to be delivered in Frankfort; until which, be pleased to accept the assurances with which I have the honor to be

Your obedient servant,

M. H. JOUITT.

His Excellency Joseph Desha.

No. VII.

Gentlemen of the Senate,

I nominate for your approbation, Frederick W. S. Grayson, Esq. whose commission will expire with this session, as Attorney-General for this Commonwealth.

JOSEPH DESHA.

November 21, 1825.

No. VIII.

Gentlemen of the Senate,

I nominate for your advice and consent, William Woodyard, Esq. to be commissioned Sheriff of Grant county, for the usual term, he being the eldest magistrate in commission, and the county court having failed to make a recommendation at the proper term.

JOSEPH DESHA.

November 21, 1825.

The first was laid on the table for the present.

The second, with the accompanying documents, was referred to the select committee to which was referred a bill which originated in the Senate, entitled "an act to amend an act authorising
the sale of the vacant land between Walker's line and the latitude of 36° 30' north, in the State of Tennessee."

Ordered, That Mr. Garrard be added to said committee.

The third, with the accompanying documents, was referred to the committee raised, on the 18th instant, to prepare and bring in a bill to provide for the preservation of the public arms.

The fourth and fifth were, on motion of Mr. Daveiss, referred to a select committee of Messrs. Daveiss, C. Allan, Pope, Dudley and Hughes.

The sixth was referred to a select committee of Messrs. Daveiss, C. Allan, Beaty and J. Allen.

The nominations contained in the seventh and eighth, (the rule being dispensed with,) were duly reported, and it was

Resolved, That the Senate do advise and consent to the same.

Ordered, That Messrs. Pope, Crutcher and Forsythe inform the Governor thereof, the same being duly certified.

It is moreover ordered, That in each case of reference of said messages, the several committees have leave to report as in their opinion may be necessary.

Mr. Daveiss moved that the Senate resolve itself into a committee of the whole, on the bill to reduce and regulate certain officers' salaries; and the question being taken thereon, it was decided in the negative.

On motion of Mr. C. Allan, a resolution which originated in the House of Representatives, entitled "a resolution providing for the appointment of a joint committee to examine the Bank of the Commonwealth, and to cancel a portion of the notes issued by said Bank," was taken up; when, on motion of Mr. Dudley, the same was referred to a select committee of Messrs. Dudley, Pope, C. Allan, J. Allen, Daveiss, Beaty and Faulkner, for amendment.

And then the Senate adjourned.

TUESDAY, NOVEMBER 22, 1828.

The Senate assembled.

Mr. Henry B. Mayo, a member of the Senate from the counties of Floyd, Bath, &c. appeared and took his seat.

The following committee on the part of the Senate, was appointed under a joint resolution which originated in the House of Representatives, entitled "a resolution for appointing a joint committee to examine and report the situation of the Lunatic Asylum and Transylvania University," to wit: Messrs. Ewing and Lockett.

Mr. Cockerill, from the select committee to which was referred the petition of Massey Anderson, praying that the balance of the State price for certain lands, &c. be remitted, reported a bill
for the benefit of Massey Anderson; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the same was ordered to be engrossed and read a third time on to-morrow.

Mr. Yancey presented the petition of Polly Toney, praying for a divorce; which was received, read and referred to the committee of religion.

Mr. Yancey, from the select committee to which was referred the petition of Martha Bridges, praying that the State price for certain lands, &c. be remitted, reported a bill for the benefit of Martha Bridges; which passed to a second reading.

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

Mr. Speaker—I am directed by the Governor, to inform the Senate, that he did, on the 21st instant, approve and sign an enrolled bill which originated in the Senate, entitled “an act for the benefit of the Judge of the 1st judicial district.”

The following petitions were presented, to wit:

By Mr. Crutcher—1. The petition of Jesse Wooldridge, praying the passage of a law authorising the Hardin circuit court to decree the conveyance of certain lands, &c.

By Mr. Mayo—2. The petitions of sundry citizens of the counties of Bath, Nicholas, Montgomery, Bourbon, &c. praying the formation of a new county, &c.

Which petitions were severally referred to the committee of propositions and grievances.

Mr. Yancey, from the select committee to which was referred so much of the Governor’s message as relates to the salaries of public officers of this Commonwealth, made the following report, to wit:

The committee to whom was referred that part of the Governor’s message which relates to the salaries of public officers, beg leave to report, that, in their opinion, the salaries of the following officers ought to be reduced: The Governor, the Secretary, the Judges of the Court of Appeals, Circuit Judges, Auditor, Register, Treasurer, President of the Commonwealth's Bank, the Cashier and Clerk of said Bank, the President of the Bank of Kentucky, the Cashier and Clerk thereof, the Agents of said Bank, the Commonwealth’s Attorneys, the Attorney-General; and that the salaries of the Cashiers and Clerks of the Branches of the Commonwealth’s Bank ought either to be reduced, or at least some of them discontinued. The salary of the President of Transylvania University ought also, in our opinion, to be reduced; and your committee respectfully solicit the attention of the Senate to any salary or salaries omitted among those proper to be reduced. All of which is most respectfully submitted.

Which being read, was, on motion of Mr. Ewing, laid on the table for the present.
Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Beatty—1. A bill to repeal the law allowing fees to justices of the peace.

On motion of Mr. Garrard—2. A bill for the benefit of Joseph Cockrill.

Messrs. Beatty, Garrard, Selby, White and Muldrow were appointed a committee to prepare and bring in the first, and Messrs. Garrard, Crutcher and Lockett, the second.

Mr. Howard offered a joint resolution; and the rule being dispensed with, the same was taken up and read as follows, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the joint committee appointed to examine and report the situation of the Auditor's office, be requested to ascertain, as near as practicable, the amount of debt due the Commonwealth for the sale of vacant and unappropriated lands (south of Green river; also, the amount of debt due by the settlers within the grant acquired by the treaty of Tellico, in this Commonwealth, and report thereon to each branch of the General Assembly.

Which being twice read, Mr. Wood moved to amend the same, by striking out so much thereof as makes it the duty of the joint committee to ascertain and report the facts therein alluded to, and so much thereof as requires a specific report in relation to the local situation of the lands for which said debts are due, with a view to require information of the Auditor relative to the gross amount of money due this Commonwealth for the sale of vacant and unappropriated lands indiscriminately; and the question being taken on so amending it, it was decided in the affirmative—Yea's 19, nay's 10.

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


When said resolution, as amended, was adopted.

Ordered, That Mr. Howard carry the same to the House of Representatives, and request their concurrence.

A message from the House of Representatives, by Mr. Prince:

Mr. Speaker—The House of Representatives have received official information that the Governor did, on this day, approve and sign enrolled bills which originated in that house, of the following titles, to wit: An act concerning the town of Henderson; an act to provide for the safe-keeping of Francis Erwin, and an act for the benefit of the Mercer county court.
Mr. Given offered joint resolutions, in relation to which the rule was dispensed with, and the same were taken up, read and adopted, as follows, to wit:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That joint committees be raised, consisting of the Senators and Representatives of the different bank districts of the Commonwealth’s Bank; and that said committees severally report the true condition of their branch, and whether the debts, in their opinion, are secure, and what amount of debts are bad or doubtful, and to what counties they belong.

Resolved further, That a committee of three from the Senate and six from the House of Representatives, be appointed to examine the situation of the Bank of the Commonwealth of Kentucky, and make report thereof.

Ordered, That Mr. Given carry the same to the House of Representatives, and request their concurrence.

On motion of Mr. Carneal, an engrossed bill which originated in the Senate, entitled "an act to take the sense of the good people of this Commonwealth as to the expediency of calling a Convention," was taken up; which being read a third time, and the question being taken on the passage thereof, it was decided in the affirmative—Yea 23, nay 14.

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


Ordered, That the title thereof be as aforesaid, and that Mr. Carneal carry the same to the House of Representatives, and request their concurrence.

On motion of Mr. Howard, a bill which originated in the Senate, entitled "an act to amend the second section of an act to regulate endorsements on executions," was taken up and read a second time.

Mr. Denny moved to refer the same to a select committee, for amendment, which was negatived; and the bill being amended, by adding thereto a proviso, &c. the same was ordered to be engrossed and read a third time on to-morrow.

The Senate then proceeded to a consideration of the orders of the day; and, according to the order of business recently adopted, the same were resumed where a consideration thereof closed on the 19th inst.
Bills which originated in the Senate, of the following titles, were severally read a second time, to wit: 1. A bill for the benefit of David White; 2. a bill for the formation of a new county out of the counties of Adair, Cumberland and Wayne; 3. a bill for the benefit of the heirs of William Powell, deceased; 4. a bill for the benefit of Sampson Trammel, and 5. a bill for the appropriation of the surplus funds of the militia fines in the hands of the paymaster of the 70th regiment Kentucky militia.

Whereupon the 1st and 3d were ordered to be engrossed and read a third time on to-morrow.

The rule, constitutional provision and third reading of the 4th and 5th being dispensed with, and the same being engrossed,

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

Ordered, That Mr. Cockerill carry the fourth, and Mr. T. Ward the fifth, to the House of Representatives, and request their concurrence.

The rule, constitutional provision and third reading of the 2d being dispensed with, and the question being taken on the passage thereof, it was decided in the affirmative—Yea's 25, nays 9.

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


Ordered, That the title thereof be so amended as to read, "an act for the formation of the county of Russell;" and that Mr. Selby carry the same to the House of Representatives, and request their concurrence.

A resolution heretofore offered by Mr. Hickman, requiring information of the Auditor, in relation to the valuation and gross revenue of this Commonwealth, was twice read, and the same being amended, was adopted, as follows, viz.

Resolved, That the Auditor of public accounts be requested to furnish the Senate with a statement of the valuation and gross revenue of each county in this Commonwealth, for the years 1823-4 and 5.

Engrossed bills which originated in the Senate, of the following titles, were severally read a third time, to wit: 1. An act for the benefit of Cassandra Abrell; widow of Jacob Abrell, deceased; 2. an act to repeal the fourth section of an act to amend an act entitled "an act regulating endorsements on executions," approved December 21st, 1821; 3. an act to provide for the distribution and
preservation of the public law books; 4. an act to authorise a lottery for the purpose of raising money to erect a bridge across Licking river, at Claysville, in Harrison county, and 5. an act to provide for binding out poor free children of colour.

The first being amended by way of engrossed ryder, on motion of Mr. Denny, and the question being taken on the passage thereof,

Resolved, That said bill do pass, and that the title be amended to read, "an act for the benefit of Cassandra Abrell, widow of Jacob Abrell, deceased, and the heirs of James Francis Moore, deceased."

Ordered, That Mr. Selby carry the same to the House of Representatives, and request their concurrence.

The blanks in the third and fourth being filled, and the question being taken on the passage of the 2d, 3d and 4th,

Resolved, That the said bills do pass; that the titles of the 2d and 3d be as aforesaid, and that the title of the 4th be amended to read, "an act to authorise lotteries for the purpose of raising money to erect bridges across Licking river, at Claysville, in Harrison county, and at the mouth of Licking."

Ordered, That Mr. Daveiss carry the 2d, Mr. Dudley the 3d, and Mr. Carneal the 4th, to the House of Representatives, and request their concurrence.

The question being taken on the passage of the 5th, it was decided in the affirmative—Yea 20, nay 8.

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


Ordered, That the title thereof be as aforesaid, and that Mr. White carry the same to the House of Representatives, and request their concurrence.

And then the Senate adjourned.

WEDNESDAY, NOVEMBER 23, 1825.

The Senate assembled.

Mr. C. H. Allen presented sundry certificates relative to the removal of the seat of justice of Oldham county; which were received and referred to the committee of propositions and grievances.

Mr. Stephens presented the petition of Christopher Dicken, praying for leave to locate five acres of land on Green river, near,
the long falls thereof, and for permission to erect a water grist mill, &c.; which was received, read and referred to a select committee of Messrs. Stephens, Muldrow, C. Allan and Worthington, with leave to report thereon by bill or otherwise.

Mr. C. H. Allen, from the committee for courts of justice, to which was referred the petition of Thomas Hinds and others, praying the passage of a law authorising a mutual transfer and conveyance of certain lands, reported thereon a bill for the benefit of Thomas Hinds and others; which passed to a second reading.

Mr. Daveiss, from the select committee raised for that purpose, reported a bill to amend an act entitled "an act to establish a Lunatic Asylum;" which passed to a second reading.

Mr. W. B. O'Bannon, from the select committee raised for that purpose, reported a bill to establish the town of Mount Carmel, in Fleming county, and for other purposes; which passed to a second reading.

Mr. Smith, from the committee of religion, made the following report, to wit:

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

1. Resolved, That the petition of John W. Brite, praying to be divorced from his wife, Fanny Brite, is reasonable.

2. Resolved, That the petition of Elizabeth Powell, praying to be divorced from her husband, Ellick Powell, is reasonable.

On motion, the first resolution was re-committed to the committee of religion. The 2nd being twice read, was concurred in.

The Speaker laid before the Senate a letter covering the annual report of the Chairman of the Committee of Superintendents for the Asylum for the Instruction of the Deaf and Dumb; which was read as follows, to wit:

FRANKFORT, NOVEMBER 23, 1825.

Sir:

I have the honor to present to you, and through you to the honorable body over which you preside, the annual report of the Trustees of the Kentucky Institution for the Instruction of the Deaf and Dumb. The absence and professional engagements of the Secretary of the Board, put it out of their power to obtain earlier the statement of receipts and disbursements. I hope this will be accepted as our apology for the delay in presenting it to the General Assembly.

I am, Sir, very respectfully,

Your obedient servant,

D. G. COWAN, Chairman

Com. of Superintendence,

HON. ROBERT B. M'Afee,

Lieut. Governor and Speaker of the Senate.
To the Honorable the General Assembly of the Commonwealth of Kentucky.

The report of the Trustees of the Kentucky Institution for the tuition of the Deaf and Dumb, respectfully shows: That during the past year, the Institution has continued prosperous, and that the progress of the pupils, in acquiring knowledge, has been such, as to be highly gratifying, not only to those under whose immediate care they are placed, but also, it is believed, to all others who have visited the Asylum, and felt an interest in its prosperity. The pupils have been remarkably healthy. Good order has been observed; and, although most of the students are at a distance from their nearest relatives, there probably is not in the country a more happy family.

At the close of the last session of the year 1824, the number of pupils was 26; at the close of the same session of 1825, the number was 29, and from information received, many more may be expected during the present year.

Experience has fully satisfied your Trustees, that the time allowed by law for the instruction of indigent mutts, is too short to give them as extensive a knowledge of our language, as is desirable. In the American Asylum at Hartford, where, from the experience and number of the Teachers, the pupils enjoy equal, if not superior advantages, over any other Institution in the United States, the time of instruction required, is four or five years. We would, therefore, respectfully suggest, for the consideration of the General Assembly, whether it will not be expedient to leave it discretionary with the Trustees to continue indigent pupils one year longer than the law at present requires, so that no pupil may leave the Asylum without deriving substantial benefit from his residence there. Without this, the money expended by the State in his education, will be only so much thrown away. We beg leave to call your attention to the following extracts from the 8th annual report of the American Asylum, on this subject: "The friends of the Deaf and Dumb demand impossibilities of them and those who are entrusted with their education, if they expect that these infants in knowledge, although they may be men in stature, and laboring under the peculiar embarrassments of their situation, &c. and knowing nothing of the slow, patient and gradual process which must of necessity be employed in the instruction of those who are excluded, from the common sources of improvement that children who are in possession of all their faculties enjoy, consider two or three years spent at the Asylum, as quite sufficient to advance a pupil from his alphabet, of which, at his admission, he is ignorant, to a correct knowledge of the English language, so that he may both read it with understanding, and write it with accuracy; to an acquaintance with moral and religious truth; to the use of figures, and to the outlines of geogr-
From this cause, and from the indigent circumstances in which many of the Deaf and Dumb are placed, they are often removed from the Asylum at the expiration of the third, or even second year.” With regard to the length of time necessary for the continuance of a pupil at the Asylum, there is another circumstance deemed worthy the attention of the General Assembly; which is, that under the present law, the parents and guardians of indigent pupils have claimed, and in some instances, exercised the right to take them away whenever they might choose to do so, for the benefit of their labor. Whenever the pupil is taken from the Asylum without an education, his time there has been lost to himself, and the money of the State has been spent in vain. We would therefore respectfully suggest the passage of some enactment, whereby the Trustees will have power, in future, to retain such pupil for the time allowed by law.

Your Trustees feel well assured of the benevolent sentiments which brought this Institution into existence, and which, from time to time, have nourished and sustained it; but we are in duty bound to say, that there is one great inconvenience under which it has labored, to wit, the want of suitable buildings. The sum heretofore granted by the Legislature, was deemed quite insufficient to undertake the purchase of a proper site, and erecting such as were required, without assurances of further aid. We, therefore, through our Representatives, made application to the Congress of the United States for a donation. A similar application from the Eastern section of the Union had been made to Congress with success. Many obstacles have hitherto opposed a final decision on our petition, notwithstanding the exertions of Major Moore, the immediate Representative from this district, and the other members from our State. So soon as our petition was presented to Congress, the States of New-York and Pennsylvania, and other parts of the Union who have Deaf and Dumb Institutions, made known their determination to oppose us, unless similar endowments were asked at the same time for their Institutions. This appeared somewhat unreasonable, as Congress had already endowed one institution, in which, from its local situation, they might have participated. The final result of our petition has, therefore, from different causes, been unavoidably delayed; though, from the reasonableness of our request, we still have strong hopes of success. In the meantime, the house at present occupied, although the most convenient we can procure, is much too small, and by no means well adapted to answer our purpose, nor do we know with certainty, how long we may obtain it on rent; the owner, as we are informed, being disposed to sell, rather than rent. Under these circumstances, a sense of duty and the welfare of those placed under our care, induces us to renew our application to the General Assembly, for such a donation as will enable us
to purchase a proper site and erect necessary buildings, and thus place the Institution on a respectable and permanent footing; and should our application to the Congress of the United States meet with merited success, the fund thereby obtained, can be in future applied to the support of indigent pupils, or in refunding the amount expended by the State, as the General Assembly may hereafter direct. Situated as we are, should there be as many applicants for instruction as we expect, from our own or any of the adjoining States, we shall be compelled to reject them.

We would respectfully suggest to the consideration of the General Assembly, whether a direct application from your honorable body would not give weight to our application to Congress. In our last report, we mentioned the plan adopted to obtain another well qualified instructor. We are happy to say, that Mr. Jacobs, the gentleman sent to Hartford, has returned, bringing with him, from Mr. Gallaudet, the principal of the American Asylum, such evidences of his qualifications, as leave no doubt that his acquirements in the science of teaching the Deaf and Dumb, are of the first order. Our institution has attracted the attention of many citizens of the neighboring States, and perhaps the whole valley of the Mississippi is looking to the Kentucky Asylum for instruction of their Deaf and Dumb. The benevolent feelings which gave birth to this humane Institution, have, we are fully assured, met with correspondent sentiments, and the approbation of the people generally. The Trustees have had many difficulties to encounter, but their labours have been crowned with success, and that is an ample reward. They rely with confidence on the support of the General Assembly, to enable them to carry on this "good work."

It is in contemplation, to send to Frankfort some of the pupils most advanced, before the adjournment of the General Assembly, in order that your honorable body may have an opportunity of seeing the progress they have made. A list of the pupils, including those who pay all charges and those who are supported by the bounty of the State, and also, such statements as are necessary to show the expenditure and present state of the funds, will be herewith presented. The Trustees acknowledge with gratitude, the liberal donations made to the Asylum by several citizens of New-Orleans, at the solicitation of the Rev. Samuel K. Nelson, as will be seen in the accompanying documents.

By order of the Board.

D. G. COWAN, 
J. BARBOUR, 
S. K. NELSON, 
L. H. PERKINS, 

Committee.

November 3d, 1825.
KENTUCKY INSTITUTION FOR THE TUITION OF THE DEAF AND DUMB.


Officers.—Rev. John R. Kerr, Superintendent; Frances Kerr, Matron; De Witt Clinton Mitchell, John A. Jacobs, Teachers.

Physicians.—Joseph Weisiger, Albin G. Smith.


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

PUPILS IN THE INSTITUTION, ON THIRD NOVEMBER 1825.

<table>
<thead>
<tr>
<th>NAMES</th>
<th>Age</th>
<th>When Admitted</th>
<th>Residence</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jabez Gaddie</td>
<td>18</td>
<td>April 23</td>
<td>Green county,</td>
<td>Unable to pay</td>
</tr>
<tr>
<td>Eveline Sherrill</td>
<td>14</td>
<td>do</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Rebecca Mack</td>
<td>15</td>
<td>May 29</td>
<td>Simpson county,</td>
<td></td>
</tr>
<tr>
<td>Wm. Morehead</td>
<td>17</td>
<td>July 1</td>
<td>Lincoln county,</td>
<td></td>
</tr>
<tr>
<td>Moses Lewellin</td>
<td>16</td>
<td>do</td>
<td>Shelby county,</td>
<td></td>
</tr>
<tr>
<td>William Grissom</td>
<td>19</td>
<td>October 27</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>B. M'Cain</td>
<td>14</td>
<td>November 19</td>
<td>Jefferson county,</td>
<td></td>
</tr>
<tr>
<td>John Hoke</td>
<td>27</td>
<td>do</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Nancy M'clusky</td>
<td>27</td>
<td>November 19</td>
<td>Livingston county,</td>
<td></td>
</tr>
<tr>
<td>Narcissa Fowler</td>
<td>17</td>
<td>do</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Saburn Gahns</td>
<td>18</td>
<td>February 12</td>
<td>Franklin county,</td>
<td></td>
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<tr>
<td>Jacob Sgazer</td>
<td>19</td>
<td>September 6</td>
<td>Jessamine county</td>
<td></td>
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<td>Beverly Parker</td>
<td>17</td>
<td>&quot; 7</td>
<td>Fayette county,</td>
<td></td>
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<tr>
<td>Martin Reed</td>
<td>19</td>
<td>&quot; 11</td>
<td>Woodford county,</td>
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<tr>
<td>Isaac Jones</td>
<td>22</td>
<td>October 8</td>
<td>Nelson county,</td>
<td></td>
</tr>
<tr>
<td>Thos. Gatewood</td>
<td>22</td>
<td>&quot; 11</td>
<td>Ditto</td>
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<tr>
<td>Matilda Grissom</td>
<td>14</td>
<td>&quot; 30</td>
<td>Adair county,</td>
<td></td>
</tr>
<tr>
<td>Billy Holloway</td>
<td>30</td>
<td>July 9</td>
<td>Alabama,</td>
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<tr>
<td>Job Carter</td>
<td>21</td>
<td>July 2</td>
<td>Spencer county,</td>
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<td>Mary Robinson</td>
<td>13</td>
<td>&quot; 8</td>
<td>Tennessee,</td>
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<td>Kitty A. Fyle</td>
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<td>Anthony L. Story</td>
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<td>&quot; 25</td>
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<tr>
<td>James Story</td>
<td>19</td>
<td>do</td>
<td>Ditto</td>
<td></td>
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<tr>
<td>Alexr. Thompson</td>
<td>21</td>
<td>&quot; 27</td>
<td>Campbell county,</td>
<td></td>
</tr>
<tr>
<td>Sally Fyle</td>
<td>15</td>
<td>August 29</td>
<td>Ditto</td>
<td></td>
</tr>
<tr>
<td>Eliza Atwater</td>
<td>16</td>
<td>October 1</td>
<td>Adair county,</td>
<td></td>
</tr>
<tr>
<td>Abr'm. Williams</td>
<td>21</td>
<td>&quot; 2</td>
<td>Illinois,</td>
<td></td>
</tr>
<tr>
<td>Angelina Baker</td>
<td>17</td>
<td>April 23</td>
<td>Cumberland city,</td>
<td></td>
</tr>
</tbody>
</table>

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Names of Pupils who have at different times left the Institution.
Lucy Barbee, John Withers, Jr. Samuel Strickler, (since dead,) Enoch Wright, John Goggin, (since dead,) Larry Hall, John White, Martha Railey, Thomas Hoagland.

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

1824. DEBTOR.
Nov. 3.—To balance on hand exclusive of tuition fees $2,416.90
Cash received for support of indigent pupils since last report ($976.28 of which was the balance reported last year as due from the Treasury), 2,697.62
Cash received from the citizens of New-Orleans at the solicitation of Rev. S. K. Nelson, (specie,) $427.50
Deduct for printing address, 10.00

50 pr. ct. advance, present value on 417.50 equal to 626.50
Cash received for tuition fees, during present year, 155.00

1825. CREDITOR.
By repairs on lot, $5.75
Cash for books, stationary, &c. 55.49
do Postage, 7.42
do Printing, 37.75
do Nails, glass, &c. 18.61
do Advanced J. A. Jacobs’ expenses at Hartford, 500.00
Mr. Mitchell’s salary for 12 months, ending 3rd November, 1825, 912.71
His boarding same time, 100.00
Cash paid Mr. Kerr for boarding indigent pupils for 12 months, ending 3d Nov. 1825, 1,644.25+2.3
His salary same time, 400.00—2,044.25+2.3
Cash paid Mrs. Kerr for extra services in washing &c. for indigent pupils, 100.00
Amount due for house rent to 3d Nov. 1825, 230.00
Cash for repairs on fire places, 10.00
do for black boards, 13.00
do " repairs to building, 7.75
do " making stove pipe, 7.25

$4,105.98+2.3
Balance on hand, $1,759.78 2.8

Nov. 3.—To amount due for tuition, $287.00
From treasury for the support of indigent pupils, 676.50
Donations to the Institution, to aid in erecting buildings, (See report to the Legislature of 1823.) 970.00–1,933.50

$3,693.28 2.8

JAMES HARLAN, Sec'y.

November 3d, 1825.

Mr. Denny presented the petition of sundry citizens of Middle-town and its vicinity, praying the passage of a law in relation to their town tax, &c.; which was received, read and referred to the committee for courts of justice, with leave to report thereon by bill or otherwise.

Mr. Beatty, from the select committee raised for that purpose, reported a bill to amend and repeal in part the law allowing fees to justices of the peace, which was read the first time; and the question being taken on reading the same a second time, it was decided in the negative, and so the said bill was rejected.

Mr. J. Allen, from the select committee to which was referred so much of the Governor's message as relates to the Judiciary of this Commonwealth, reported thereon in part, as follows, to wit: The Committee to whom was referred that part of the message of the Chief Magistrate, which relates to the Judiciary of this State, have had that subject under consideration, and beg leave to report: That the Circuit Court system, in its general plan and outlines, consults sufficiently the convenience of the people, by carrying into every county the administration of justice. It is a system in which the sovereignty of the people and the just subervience of their judicial functionaries, are satisfactorily recognized and evinced; it affords, by the itinerancy of the Judges, all those facilities to suitors, and all that promptness and despatch in the administration of justice, which is compatible with the rights of the people and the duties of the bench; still, however, they think it susceptible of beneficial modifications.

They regret that they are unable to approve of the recommendation of the Chief Magistrate in relation to assistant Judges. The committee are not unapprized that the plan of the Executive has the sanction of very high authority. Jurists and philosophers of eminence and distinction in their respective departments, have united in approving the plan proposed by the Governor, of associating with the learned Judge, two assistant Judges of incorruptible integrity, whose sound common sense and instinctive love of justice, would counteract any errors into which the technicality
of the law might lead the learned Judge, while his technical knowledge of that science would afford to them those helps in that respect, whereby they would be enabled to unite with him in the administration of justice according to the spirit and meaning of the law. But your committee are constrained to believe, that in practice, the learned Judge would either control the assistants or be controlled by them. Such, they believe, was generally the fact while that system was in operation among us; and such they believe will be the fact, to a very considerable extent, among any people who shall make the experiment. They view, however, the existing plan of forming the Court by a single Judge, as greatly more objectionable than even the plan of assistant Judges.

They cannot help believing, that a people who shall have been long practically habituated to the submission of their dearest interests to the decision of one solitary Judge, their lives, their liberty and their property, would feel less reluctance to submit eventually to a Monarchy, than a people who had been accustomed to refer their disputes to a plurality of Judges.

Courts of justice are entitled to the respect and reverence of the people; they are their own institutions, emanating from themselves and partaking of their majesty. Being consecrated to justice, the sanctity of their object and the dignity of their origin alike demand that they should be reverenced and respected. The authority with which the Court is invested, is sufficient to demand and exact a suitable degree of reverence. Now, that one man should be the subject of such reverence, and should, in addition to his judiciary powers, be armed with the incidental power of exacting and enforcing it by fines and punishments, is not, in the opinion of your committee, in accordance with republican principles; nor is it compatible with the great objects for which government was instituted, the welfare of the community and the security of private rights. Nor ought its tendency to familiarize the public mind to the rule and domination of a single individual, to be overlooked and too lightly weighed. May it not be considered as a kind of school in which the rudiments of monarchy are practically taught?

The man, upon being made a Judge, does not cease to be a man; the infirmities and imperfections of human nature still cling to him; the impulses of passion, however they may have been subdued and disciplined, have not been extinguished; he may, unassociated with any one to admonish him or counteract them, be betrayed or misled by their force.

It is against the common sense and common practice of mankind, that their dearest political and civil rights should be submitted to a single Judge. Hence, in all voluntary submissions and references to arbitrators, two or more are selected, and these can
only embrace property; is it not, then, to oblige a citizen to submit his fortune and even his life to the arbitrament of one man?

They believe that the existing system can easily, and without any increased or additional expense to the people, be so modified as to place on the bench of that Court, two Judges. The modification proposed by your committee, is, so to arrange the judicial districts, that the terms of every two shall succeed each other without interfering, and oblige the Judges of the two adjoining districts to sit together and form the Court in each.

Your committee would further recommend, that such further modification of the system be made as will allow of but two, in place of the three terms of that Court in each year. This change will afford more time to the suitors, witnesses and jurors to pursue their different avocations; it will afford more leisure to the Judges for reading and study, and to the advocates, to understand and prepare their clients' cases, and will not delay the administration of justice.

Your committee therefore beg leave to recommend the adoption of the following resolution, viz:

Resolved by the Senate, That a law ought to pass, requiring that two of the Circuit Judges should concur in holding every term of that Court; and providing further, that there should be but two regular terms of that Court in each Circuit, for the trial of civil cases, in each year.

Your committee have now under consideration, the Appellate Court, on which they expect to report in a very short time.

On motion of Mr. Daveiss, the same was, for the present, laid on the table.

Ordered, That the public printers forthwith print 150 copies thereof, for the use of the Senate.

Mr. Given, from the joint committee of enrolments, reported that they had examined sundry enrolled bills, which originated in the Senate, of the following titles, to wit: An act to amend an act entitled "an act for the benefit of the widow and heirs of Wilson Pickett, deceased, and the executors and devisees of Azariah Daveiss, deceased," approved February 4th, 1817; an act to transfer the bank stock of the Caledonia Academy, and for other purposes; and an act allowing the appointment of an additional constable in Bourbon county. That the same were truly enrolled, and signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate also affixed his signature thereto, and the same were delivered to the proper committee, to be by them laid before the Governor, for his approbation and signature; which duty, Mr. Given, from said committee, shortly thereafter reported they had discharged.
On motion of Mr. Cockerill, leave was given to bring in a bill to allow two additional justices of the peace for the county of Edmondson; and Messrs. Cockerill, Yancey, Barrett and Dudley were appointed a committee to prepare and bring in the same.

On motion of Mr. Dudley, a bill which originated in the House of Representatives, entitled "an act to allow additional justices of the peace and constables in sundry counties," was taken up, read the first time and ordered to be read a second time; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the same was referred to the committee last raised, for amendment.

On motion of Mr. Daveiss, the Senate, according to order, resolved itself into a committee of the whole on the state of the Commonwealth, Mr. Howard in the chair—a bill which originated in the House of Representatives, entitled "an act to repeal an act entitled an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals, and also an act entitled an act to regulate the salaries of the Judges of the Court of Appeals and for other purposes," being under consideration, according to a reference thereof heretofore made; and after some time spent therein, the committee rose, and the Speaker having resumed the chair, Mr. Howard reported, that they had, according to order, had under consideration the said bill, and having gone through the same and made an amendment thereto, he was instructed to report the same, whenever it should be the pleasure of the Senate to receive it. Which report being called for, the same was reported.

The amendment proposed to strike out the whole of the original bill, after the enacting clause, which was read as follows, to wit:

"That the act entitled "an act to repeal the law organizing the Court of Appeals, and to re-organize a Court of Appeals," approved December the 24th, 1824; and also, an act entitled "an act to regulate the salaries of the Judges of the Court of Appeals, and for other purposes," approved January the 6th, 1825, shall be, and the same are hereby repealed: Provided, that the 32d section of said act of the 24th of December 1824, is to be taken and considered as remaining in full force, and unrepelled by any thing in this act contained.

"§ 2. Be it further enacted, That the salaries of the Judges of the Court of Appeals shall hereafter be twelve hundred dollars each, to be paid quarter annually."

And the question being taken thereon, the vote was found to stand thus: Yeas 19, nays 19. By the constitution, it being the province of the Speaker to give the casting vote, and he voting in the affirmative, the amendment was concurred in—Yeas 20, nays 19.
The yeas and nays being required thereon by Messrs. C. Allan and Yancey, were as follows, to wit:


Mr. Ewing then offered the following substitute for the part of said original bill which was stricken out, and to follow the enacting clause, to wit:

"That so much of the third section of an act entitled "an act to repeal the law organizing the Court of Appeals, and to re-organize a Court of Appeals," approved December the 24th, 1824, as creates the office of a fourth Judge of the said Court of Appeals, be, and the same is hereby repealed.

"Be it further enacted, That so much of the first section of "an act to regulate the salaries of the Judges of the Court of Appeals, and for other purposes," approved January 6th, 1825, as allows said Judges two thousand dollars per annum, each, be, and the same is hereby repealed; and the said Judges provided for by said section, shall hereafter each receive an annual salary of twelve hundred dollars, which shall be paid to them and their successors in office, quarter yearly, out of any money receivable in the public revenue.

"That in case of any vacancy in the office of Judges of the Court of Appeals, the said Court shall hereafter consist only of a Chief Justice and two Associates, who shall be commissioned generally as Judges of said Court, and not as second and third Judges."

A separate consideration of each section being called for, and the first section of said substitute being under consideration, the same was adopted—Yeas 36, nays 2.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Yancey, were as follows, to wit:


Nays—Messrs. Carneal and Pope.

The second section being under consideration, Mr. C. Allan moved to strike out the following words, to wit: "And the said Judges provided for by said section, shall hereafter each receive
The Senate assembled.

Mr. Cockerill presented the petition of a small number of the citizens of Barren county, praying to be added to the county of Allen; which was received, read and referred to the committee of propositions and grievances.

Mr. Mayo presented sundry remonstrances against the petitions for the formation of a new county out of parts of the counties of Bath, Nicholas, Bourbon and Montgomery; which were received, read and referred to the committee of propositions and grievances.

Mr. Ewing presented sundry documents relative to the seat of justice of Oldham county; which were received, read and referred to the same committee.

The following bills were reported from select committees raised to prepare and bring in the same, to wit:
By Mr. Hughes—1. A bill to amend the law authorising the confession of judgments in a summary way.

By Mr. R. Wickliffe, (upon a referred petition.)—2. A bill to establish the town of Athens.

By Mr. Smith, from the committee of religion, upon a petition—3. A bill for the benefit of Elizabeth Powell.

On motion, the rule, constitutional provision, and second and third readings of the 2d and 3d were dispensed with, and the same being engrossed,

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

Ordered, That Mr. R. Wickliffe carry the 2d, and Mr. Carneal the 3d, to the House of Representatives, and request their concurrence.

The rule, constitutional provision and second reading of the first being dispensed with, the same was referred to a select committee of Messrs. Ewing, Hughes, Carneal and Pope, for amendment.

Mr. Cockerill, from the select committee raised to prepare and bring in a bill to allow two additional justices of the peace for the county of Edmondson, and to which was also referred a bill which originated in the House of Representatives, entitled "an act to allow additional justices of the peace and constables to sundry counties," reported said bill to them referred, with sundry amendments, thereby superseding said leave, &c. Which amendments being twice read, were concurred in; and the bill being further amended, by striking out the sixth section thereof, and attaching thereto two additional sections, was ordered to be read a third time on to-morrow.

Messages were received from the House of Representatives, announcing the passage of bills which originated in that house of the following titles, to wit:

By Mr. Sterrett—1. An act further to regulate the election precincts of Breckinridge county.

By Mr. M'Connell—2. An act to authorise James Howe to build a mill dam across Little Sandy river.

In each of which, the concurrence of the Senate was requested.

On motion of Mr. Howard, the letter and annual report of the Chairman of the Board of Superintendents of the Asylum for the instruction of the Deaf and Dumb, (heretofore spread on the Journal,) were taken up and referred to a select committee of Messrs. Howard, J. Ward, Ewing, Lockett, Gar- rard, Stephens and W. B. O'Bannon, with leave to report thereon as they may conceive necessary.

On motion of Mr. Stephens, the select committee to which was referred the petition of Christopher Dicken, praying permission to locate certain land and to erect a mill-dam on Green river,
were discharged from the further consideration thereof, and leave is given him to withdraw said petition.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Given—1. A bill to allow those who have paid instalments on lands which they have lost by prior claims, to apply the same in payment for other lands of the same kind.

On motion of Mr. C. H. Allen—2. A bill to declare the seniority of justices of the peace.

On motion of Mr. T. Ward—3. A bill to repeal the act entitled "an act to regulate endorsements on executions," approved January the 5th, 1824.

Messrs. Given, Ewing, Beaty and Cockerill were appointed a committee to prepare and bring in the first; Messrs. C. H. Allen, Faulkner, Yancey and Cockerill, the second; and Messrs. T. Ward, Hickman, Daveiss and C. Allan, the third.

On motion of Mr. Hughes, a bill which originated in the House of Representatives, entitled "an act to repeal an act entitled an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals, and also an act entitled an act to regulate the salaries of the Judges of the Court of Appeals and for other purposes," was taken up and read a third time as heretofore amended by the Senate; and the question being taken on the passage of said bill as amended, it was decided in the affirmative—Yea 19, nay 17.

The yeas and nays being required thereon by Messrs. Cockerill and C. Allan, were as follows, to wit:


_Nays—Messrs. C. Allan, Beaty, Carneal, Crutcher, Davidson, Faulkner, Garrard, Given, Hickman, Howard, Lockett, Muldrow, Pope, Stephens, J. Ward, White and M. H. Wickliffe._

Ordered, That the title thereof be amended to read, "an act to repeal in part, an act, &c. and that Mr. Ewing carry the same to the House of Representatives, and request their concurrence in said amendments.

The Senate then proceeded to a consideration of the orders of the day.

Engrossed bills which originated in the Senate, of the following titles, were severally read a third time, to wit: 1. An act further to regulate the debt due the Commonwealth for the sale of vacant land; 2. an act to alter the mode of taking in lists of taxable property; and the blanks therein being filled, it was

Resolved, That the first bill do pass, and that the title thereof be as aforesaid.
Ordered, That Mr. Given carry the same to the House of Representa-
tives, and request their concurrence.

The question being taken on the passage of the second bill, it
was also decided in the affirmative—Yea 27, nays 4.

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

Yea—Messrs. C. Allan, J. Allen, Barrett, Beaty, Carneal,
Cockerill, Daniel, Daveiss, Dudley, Ewing, Faulkner, Forsythe,
Given, Hickman, Hughes, Mayo, P. N. O'Bannon, W. B. O'Bann-
on, Selby, Smith, Stephens, J. Ward, T. Ward, White, Wood,
Worthington and Yancey.

Nays—Messrs. Crutcher, Davidson, Lockett and R. Wickliff.

Ordered, That the title thereof be as aforesaid, and that Mr.
Daniel carry the same to the House of Representatives, and re-
quiest their concurrence.

A preamble and joint resolutions heretofore laid on the table by
Mr. Hughes, in relation to the Judiciary of this Commonwealth,
were read as follows, to wit:

Whereas doubts exist in the minds of a number of the good peo-
ple of this Commonwealth, in relation to the constitutionality of the
act of the last session of the General Assembly, re-organizing the
Court of Appeals, so far as it tends to remove the late incumbents
from office; while, on the other hand, a majority of the Senate,
as well as a large portion of the people, do most firmly believe the
said act to be constitutional; and that, in consequence of which
act, the offices of the late Judges of the Court of Appeals ceased to
exist, and that the Judges appointed in pursuance of said act, are
the only legitimate and constitutional Judges; and that it would
be dangerous to the liberties and constitutional rights of the people
of Kentucky, to yield the constitutional right, through their rep-
resentatives, of repealing any law establishing the Court of Ap-
peals: Therefore,

Resolved by the General Assembly of the Commonwealth of Ken-
tucky, That, for the purpose of quieting the country, and restoring
general confidence in the Court of Appeals of this State, the pre-
sent incumbents, appointed by virtue of the act aforesaid, be re-
quested to resign, and that the late Judges be also requested to
yield their pretensions to the offices which they lately filled; and
that it be recommended to the Governor of this Commonwealth, to
appoint such other persons Judges of the Court aforesaid, as may
be selected by a joint committee of —— from each branch of
this General Assembly.

And, on his motion, the same were referred to a select commit-
tee of Messrs. Hughes, Daveiss and Ewing, for amendment.

Bills which originated in the Senate, of the following titles,
were severally read a second time, to wit: 1. A bill to amend the
act entitled "an act further to regulate the valuation of taxable
property in this Commonwealth," approved December 14, 1824; 2. a bill for the benefit of Sampson Trammel; 3. a bill providing for the erection of two new judicial districts in this State; 4. a bill to amend the act entitled "an act to establish the Bank of the Commonwealth of Kentucky," 5. a bill for the benefit of Paul Barnett.

The 1st and 2d were ordered to be engrossed and read a third time on to-morrow.

The 3rd and 4th were referred to select committees, for amendment, (Mr. Hughes having offered a substitute for the 4th, after the enacting clause;) the 3d, to a committee of Messrs. T. Ward, Ewing, Given, Mayo and Hughes, and the 4th, to a committee of Messrs. Daveiss, Hughes, Beaty, J. Allen and Ewing.

The rule, constitutional provision and third reading of the 5th being dispensed with, and the same being engrossed,

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

Ordered, That Mr. Forsythe carry the same to the House of Representatives, and request their concurrence.

And then the Senate adjourned.

FRIDAY, NOVEMBER 25, 1825.

The Senate assembled.

Mr. C. H. Allen, from the committee for courts of justice, made the following report, to wit:

The committee for courts of justice have, according to order, had under consideration a petition to them referred, and have come to the following resolution, to wit:

Resolved, That the petition of Robert Bleakley, praying a compensation for certain services rendered by him as deputy sheriff of Meade county, be rejected.

Mr. Crutcher moved to amend said resolution, by striking out the words "be rejected," and inserting in lieu thereof the words is reasonable; and the question being taken on so amending the resolution, it was decided in the affirmative—Yea's 19, nay's 15.

The yeas and nays being required thereon by Messrs. C. Allan and Crutcher, were as follows, to wit:


By which equivalent vote, the original resolution was disagreed to, and the resolution as amended was adopted.

Mr. C. H. Allen, from the same committee, reported, on a referred petition, a bill for the benefit of Jesse Wooldridge and others; which was read the first time and ordered to be read a second time.

Mr. Smith, from the committee of religion, (upon a referred petition,) reported a bill for the benefit of Polly Toney; which passed to a second reading.

The Speaker laid before the Senate a letter from the President of the Bank of Kentucky, covering a report in part, in conformity with sundry resolutions heretofore adopted by the Senate; which was read as follows, to wit:

**Bank of Kentucky, Nov. 24, 1822.**

Sir:

In conformity to a resolution of the honorable, the Senate, put into my hands this morning, I herewith enclose a statement in relation to the salaries of the officers of this Bank, which I will thank you to communicate to that body.

In regard to the information required by the other resolutions, it shall be communicated at the earliest moment practicable; but as it will require much research and labor to embody and throw it into proper form, some time must necessarily elapse, before it can be furnished.

Respectfully,

J. HARVIE, President.

ROBERT B. M'AFEE, Esq.

Speaker of the Senate.

**Salaries of the Officers of the Bank of Kentucky.**

1820—President, 2,000; Cashier, 1,400; 1st Clerk, 1,200; 2d Clerk, 800; 3d Clerk, 800; Porter, 250; total $6,450.

1821—President, 2,000; Cashier, 1,400; 1st Clerk, 1,200; 2d Clerk, 800; 3d Clerk, 800; Porter, 250; total $6,450.

1822—President, 2,000; Cashier, 1,400; 1st Clerk, 1,200; 2d Clerk, 800; 3d Clerk, 800; Porter, 250; total $6,450.

1823—President, 2,000; Cashier, 1,400; 1st Clerk, 1,200; 2d Clerk, 800; 3d Clerk, 800; Porter, 250; total $6,450.

1824—President, 2,000; Cashier, 1,400; 1st Clerk, 1,200; 2d Clerk, 800; 3d Clerk, 800; 4th Clerk, 375; 5th Clerk 400; 1st Agent, 933 33; 2d Agent, 933 33; 3d Agent, 933 34; Porter, 250; total $10,025.

1825—President, 1,500; Cashier, 1,050; 1st Clerk, 900; 2d Clerk, 600; 3d Clerk, 600; 4th Clerk, 450; 5th Clerk, 450; 1st Agent, 1,050; 2d Agent, 1,050; 3d Agent, 1,050; Porter, 187 50; total $8,887 50.
Total in the above six years—President, 11,500; Cashier, 8,050; 1st Clerk, 6,900; 2d Clerk, 4,600; 3d Clerk, 4,600; 4th Clerk, 825; 5th Clerk, 850; 1st Agent, 1,983 33; 2d Agent, 1,983 33; 3d Agent, 1,933 34.; Porter, 1,437 50—$44,712 50.

The President’s salary was fixed by a resolution of the stockholders, at their annual meeting on the 7th January 1817, at $2,000 per annum, and has continued at that standard ever since.

The Cashier’s salary was fixed by a resolution of the Board of Directors, in the year 1817, at $1,400 per annum.

The salary of the 1st Clerk was fixed by a resolution of the Board of Directors, in the year 1816, at $1,200 per annum.

The salary of the 2d Clerk was fixed by a resolution of the Board of Directors, in the year 1816, at $800 per annum.

The salary of the 3d Clerk was fixed by a resolution of the Board of Directors, in the year 1818, at $800 per annum.

The salaries of the 4th and 5th Clerkships were fixed by a resolution of the Board of Directors, in the year 1824, at $600 per annum each.

The salaries of the Agents, three in number, were fixed by a resolution of the Board of Directors, in the year 1824, at $1,400 per annum each, besides necessary travelling expenses.

The Porter’s salary was fixed by a resolution of the Board of Directors, in the year 1810, at $250 per annum.

No change has since taken place in any of these salaries. They are payable quarter yearly.

By a resolution of the Board of Directors, in the year 1821, all salaries are payable in notes of the Bank of the Commonwealth of Kentucky.

Upon the re-organization of the Bank, consequent upon the discontinuance of the branches, the Board of Directors created three Agencies and two additional Clerkships, for the purpose of transacting the business of the bank. By a resolution of the Board of Directors, adopted during the last summer, two of the Clerkships are to be discontinued on the first of December next.

Mr. Daveiss, from the select committee raised for that purpose, reported a bill to extend the terms of certain circuit courts in this Commonwealth; which was read the first, and ordered to be read a second time; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill was referred to a select committee of Messrs. Daveiss, Davidson, Beaty, Given, Muldrow and C. H. Allen, for amendment.

On motion of Mr. Carneal, leave was given him to withdraw the petition of Elizabeth Powell, praying to be divorced from her husband, together with the accompanying documents; which were thereupon withdrawn.
Mr. Howard, from the select committee to which was referred a bill for the benefit of the settlers on the land acquired by the treaty of Tellico, reported the same to the Senate; which having been heretofore superseded by amendments made by the same committee, to a bill of similar import, was indefinitely postponed.

Mr. Given, from the select committee raised for that purpose, reported a bill to allow those who have paid instalments on lands which they have lost by prior claims, to apply the same in payment for other lands of the same kind; which passed to a second reading.

Mr. T. Ward, from the select committee raised for that purpose, reported a bill to repeal the act to regulate endorsements on executions, approved January 5th, 1824; which was read the first time.

Mr. Dudley moved to lay said bill on the table until the last day of July next; and the question being taken thereon, it was decided in the negative—Yea's 17, nays 20.

The yeas and nays being required thereon by Messrs. C. H. Allen and T. Ward, were as follows, to wit:


Whereupon it was ordered that the bill be read a second time.

Mr. Dudley presented a preamble, resolutions and address, relative to the Federal Judiciary, adopted by the citizens of Franklin county; and, on his motion, the same were referred to the select committee to which was referred so much of the Governor's message as relates to the Federal Judiciary.

A message from the House of Representatives, by Mr. Hardin—Mr. Speaker—The House of Representatives have disagreed to amendments made in the Senate, to a bill which originated in that house, entitled "an act to repeal an act entitled an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals, and also an act entitled an act to regulate the salaries of the Judges of the Court of Appeals and for other purposes."

On motion of Mr. Hughes, the said bill was taken up; and said disagreement being duly reported, the bill and amendments were referred to a committee of the whole house, for Monday next.

On motion of Mr. Ewing,

Ordered, That Mr. Hughes be added to the select committee to which was referred so much of the Governor's message as relates to the Judiciary of this Commonwealth.

And then the Senate adjourned.
The Senate assembled.

Mr. Ewing, from the committee of propositions and grievances, to which was referred a bill which originated in the Senate, entitled "an act to provide for the location of a permanent seat of justice for Oldham county," and also, a bill which originated in the House of Representatives, entitled "an act to remove the seat of justice of Oldham county," reported the same with an amendment, contemplating the substitution of the bill which originated in the House of Representatives for that which originated in the Senate; and the question being taken on concurring with the committee in said amendment, it was decided in the negative —Yeas 18, nays 18.

The yeas and nays being required thereon by Messrs. C. H. Allen and Crutcher, were as follows, to wit:


Whereupon the Speaker voting in the negative, the foregoing result was produced.

And the question being taken on engrossing the bill which originated in the Senate, and reading the same a third time, it was decided in the affirmative; when, on motion of Mr. Carneal, (who voted in the majority,) the vote ordering said bill to be engrossed and read a third time, was re-considered, and the said bills were re-committed to a select committee of Messrs. Denny, C. H. Allen, White and Carneal, for further amendment.

A message from the House of Representatives, by Mr. Maupin:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act for the benefit of Goodman Oldham," in which they request the concurrence of the Senate.

Mr. Ewing, from the select committee to which was referred a bill to amend an act authorising the sale of the vacant land between Walker's line and the latitude of 36° 30' north, in the State of Tennessee, reported the same with an amendment, which being twice read, was concurred in, and the said bill, as amended, was ordered to be re-engrossed and read a third time on Monday next; when, on motion, the rule, constitutional provision and third reading thereof being dispensed with,
Resolved, That said bill do pass, and that the title thereof be so amended, as to read, "an act to amend an act authorising the sale of the vacant land between Walker's line and the latitude of 36° 30' north, in the State of Tennessee, and for running and marking the latitudinal line."

Ordered, That Mr. Beaty carry the same to the House of Representatives, and request their concurrence.

Mr. T. Ward, from the select committee to which was referred a bill providing for the erection of two new judicial districts, reported the same with a substitute, by way of amendment, in lieu of the original bill; which being twice read, was, by leave, for the present withdrawn.

On motion of Mr. Davidson,

Ordered, That the Secretary of the Senate have leave of absence until Monday next.

Mr. R. Wickliffe, from the select committee raised for that purpose, reported a bill concerning the appropriation of public money, and for other purposes; which passed to a second reading.

On motion of Mr. Barrett,

Ordered, That he be discharged from, and Mr. Garrard be added to, the committee raised to examine and report the situation of the Auditor's office.

The committee of religion, to which was referred a leave heretofore granted, to prepare and bring in a bill to relieve Mary Degan, late Mary Vaughn, were, on motion of Mr. Selby, discharged from the further consideration of that subject, and the same was re-committed to a select committee of Messrs. Selby, J. Allen and Davidson, with instructions to prepare and bring in said bill.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Denny—1. A bill to authorise the erection of a toll bridge across the Ohio river, at or near the falls thereof, and to incorporate a company for that purpose.

And on motion of Mr. Daveiss—2. A bill incorporating a company to improve or turnpike the road from Harrodsburg to Perryville.

Messrs. Denny, R. Wickliffe and C. Allan were appointed a committee to prepare and bring in the first; and Messrs. Daveiss, Pope and Davidson, the second.

Mr. M. H. Wickliffe offered the following resolution, to wit:

Resolved, That the committee for courts of justice be instructed to enquire into the expediency and practicability of altering by law, the manner of discharging claims against this Commonwealth, so that each county shall be accountable for such claims as shall accrue within their respective limits; and that they have leave to report by bill or otherwise.

Which being twice read, was adopted,
On motion of Mr. Hughes,  

Ordered, That the committee raised on so much of the Governor's message as relates to Internal Improvements, &c. be discharged from the further consideration of a bill for viewing and marking a way for a turnpike road from Lexington to Maysville, heretofore referred to them, and that the said bill be re-committed to a select committee of Messrs. Hughes, Daveiss, Hickman and J. Allen, for amendment.

From which committee, Mr. Hughes shortly thereafter reported said bill, with amendments; which being twice read, and further amended, were concurred in.

Mr. Carneal moved to strike out so much of said bill as allows the commissioners appointed to view and mark said road, a compensation for their services, payable out of the public treasury, and to substitute in lieu thereof, a provision that the expenses thereof shall be paid by the several counties through which said road shall pass, in due proportions, &c.

A division of the question being called for, and the question being first taken on striking out, it was decided in the negative—Yea 11, nays 16.

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


Whereupon the said bill, as amended, was ordered to be engrossed and read a third time on Monday next.

A message from the House of Representatives, by Mr. Barbee:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act allowing justices of the peace a copy of the Digest of the Statutes of Kentucky, in certain cases;" in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Brown:

Mr. Speaker—The House of Representatives concur with the Senate in the passage of a bill which originated in the Senate during the last session of the General Assembly, and having passed both houses, was, during the present session, returned by the Executive, with his objections thereto, and which again passed the Senate, entitled "an act authorising the collection of certain moneys due to the first Presbyterian Church in Louisville, a constitutional majority of that house voting for the passage thereof."
A message from the Governor, by Mr. Loughborough, Assistant Secretary:

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

And then the Senate adjourned.

MONDAY, NOVEMBER 23, 1825.

The Senate assembled.

Mr. Ewing presented the petition of William B. Duncan, late sheriff of Hickman county, praying that an act which passed at the last session of the General Assembly, for his benefit, be revived and continued in force for a longer period; which was received, read and referred to a select committee of Messrs. Ewing, Lockett, Worthington and Given, with leave to report thereon by bill or otherwise.

Mr. Worthington presented the petitions of sundry citizens of the county of Muhlenberg, praying the formation of a new county, &c.; which were received, read and referred to the committee of propositions and grievances.

Mr. Selby, from the select committee to which was referred a leave, heretofore granted, to prepare and bring in a bill to relieve Mary Dogan, late Mary Vaughn, with instructions, &c. reported said bill; which passed to a second reading.

Mr. Ewing, from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances have, according to order, had under consideration the petitions of sundry citizens of the counties of Bath, Nicholas, Bourbon and Montgomery, praying for the formation of a new county out of parts of the said counties, and have come to the following resolution, to wit:

Resolved, That said petition be rejected.

Which being twice read, Mr. Mayo moved to amend said resolution, by striking out the words "be rejected," and inserting is reasonable.

Mr. Daveiss moved to lay the report and resolution on the table, for the present.

Mr. Daniel moved to lay the same on the table until the first day of June.

And the question being taken on a postponement thereof until the said first day of June, it was decided in the affirmative—Yeas 18, nays 16.

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

Yea—Messrs. C. Allan, Barrett, Crutcher, Daniel, Davidson, Denny, Garrard, Given, Hickman, Hughes, Lockett, Muldrow.


On motion of Mr. T. Ward, leave was given him to withdraw all the petitions and other documents in possession of the Senate, relative to the foregoing matter; which were thereupon withdrawn.

On motion of Mr. Garrard, a bill which originated in the House of Representatives, entitled "an act for the benefit of Goodman Oldham," was taken up and passed to a second reading; when, on motion of Mr. Dudley, the rule, constitutional provision and second reading of said bill were dispensed with, and the same was referred to the committee for courts of justice, for amendment.

On motion of Mr. Daveiss, the Senate, according to the standing order of the day, resolved itself into a committee of the whole on the state of the Commonwealth, Mr. Davidson in the chair; and after some time spent therein, the committee rose, and the Speaker having resumed the chair, Mr. Davidson reported, that the committee of the whole had, according to order, had under consideration a bill which originated in the House of Representatives, entitled "an act to repeal an act entitled an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals, and also an act entitled an act to regulate the salaries of the Judges of the Court of Appeals and for other purposes," which was heretofore to them referred, and having gone through the same, had directed that it be reported to the Senate without amendment—standing upon the disagreement of the House of Representatives to amendments made in the Senate to said bill.

Which report was thereupon received, and the bill was taken up.

Mr. Daveiss moved that the Senate do adhere to the amendments made therein to said bill; and, without any question being taken thereon,

The Senate adjourned.

TUESDAY, NOVEMBER 29, 1825.

The Senate assembled.

Mr. C. H. Allen, from the committee for courts of justice, to which was referred the petition of the heirs of Achilles Sneed, deceased, &c. reported thereon a bill for the benefit of the heirs of Achilles Sneed, deceased; which passed to a second reading, when, on motion of Mr. Crutcher, the rule, constitutional pro-
vision and second reading thereof were dispensed with, and it was ordered that the said bill be engrossed and read a third time on to-morrow.

Mr. C. H. Allen, from the same committee, to which was referred, for amendment, a bill which originated in the House of Representatives, entitled "an act for the benefit of Goodman Oldham," reported the same without amendment, which was thereupon ordered to be read a third time; which being done, and the question being taken on the passage thereof, it was decided in the affirmative—Yeas 29, nay 1.

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


Mr. R. Wickliffe voted in the negative.

Ordered, That the title thereof be as aforesaid, and that Mr. Garrard inform the House of Representatives thereof.

The Speaker laid before the Senate a letter from the Chairman of the Board of Trustees of the Transylvania University, covering sundry documents responding to certain interrogatories propounded in resolutions heretofore adopted by the General Assembly, relative to said institution; which was read as follows, to wit:

LEXINGTON, November 28, 1825.

Sir:

In compliance with the resolution of the Legislature, I herewith enclose, for the use of the Senate, answers to the several interrogatories propounded to the Trustees of Transylvania University, which I beg the favor of you to lay before the Senate.

The apology for not forwarding these answers earlier, was the impossibility of examining such a mass of papers and records, as was necessary, and making out two copies, and recording the same, in a shorter time.

Respectfully, your obedient servant,

JOHN BRADFORD, Ch. T. T. U,

The Speaker of the Senate.

The Committee from the Board of Trustees of Transylvania University, to whom was referred the resolution of the honorable the Legislature of Kentucky, touching the fiscal and other concerns of that institution, passed the 10th of instant November, being fully impressed with the importance of their undertaking, and feeling the liveliest interest in whatever concerns the welfare and prosperity of the first literary institution of our State, have
spared no labor in their endeavors to procure for the guardians of the public weal, the information they require from you, as far as it can be collected from documentary or other evidence to be relied upon, and beg leave to lay the result before you for confirmation.

The 1st, 2d, 7th and 15th interrogatories, have been responded to by the Treasurer of the board, and will be found in the annexed paper, marked A.

The 10th, 11th, 12th, 13th and 14th, have been answered by President Holley, which answers are contained in the paper marked B.

3d Interrogatory. What property and other funds belonged to Transylvania Seminary at the time the act of union passed, uniting and incorporating the said Seminary and the Kentucky Academy, and how were they disposed of?

To that, we reply, that from the documents now in possession of the board, it appears, that the Transylvania Seminary had, at the date of the union with the Kentucky Academy, which was in the year 1798, a small Library, presented by the Rev. John Todd of Virginia, the value of which is unknown. Collins' survey of three thousand acres of land, near Lexington, in Fayette county; M'Kee's survey of two thousand acres of land, now part of Jessamine county, and three thousand acres, surveyed in the name of M'Kinzie, at the mouth of Harrod's creek, in Jefferson county—all escheated lands, donations from the State of Virginia.

The two first named surveys were, at an early period, leased for three lives, in small tracts of about one hundred acres each, at a low annual rent, payable in grain and money. The then Trustees correctly perceiving that the disposition which had been made of the property, could not, for a generation or two, subserve the benevolent and patriotic intentions of the State of Virginia, and otherwise doubting the policy of permitting their children to be without education, that their grand children might have more ample means of obtaining it, did, in the year 1816, make sale of the fee of the land, to the several lessees, at the best prices they could obtain. But for the sale of these and other lands, which will be noticed hereafter, the cause of literature and science in the West, would yet have slumbered, while the East were steadily advancing in knowledge, and consequent power, giving to that section of the Union, a preponderance, which, without the necessary precautions, may yet be sensibly felt in our political relations. If the effort made by your board and their predecessors, to rear and sustain a great literary institution within the bosom of our State, should fail, much as it may be regretted, we still have the consolation of self-approbation; blame cannot attach to the immediate guardians of the institution; they have neither spared their labor nor their resources in the enter-
prize; it must devolve on those who hold the means, yet deny the application of them to so noble a purpose.

The survey at the mouth of Harrod's creek was disposed of in the same way as were the other two, after being leased to Hart, Toulman & Co. and the proceeds of the three tracts were vested in the purchase of a part of the site for the University, in the erection of the buildings, a small part disbursed in current expenses, and the residue in two hundred and thirty-four shares of stock in the Bank of Kentucky, which, at the time, was believed to be not only the most productive, but the safest investment of funds. It was an institution in which the State itself, in its aggregate capacity, held a deep stake and a controlling influence. Who could have doubted the security? From recent occurrences, however, over which the Trustees had no control, the institution has sustained a loss to the amount of three fifths of their active means, in the value of that stock, and but for the timely succour afforded by the Legislature, of twenty thousand dollars, Commonwealth's notes, not quite the amount of loss sustained by the depreciation of their stock, Transylvania must have terminated her useful career, and those Kentuckians having the necessary means, sent abroad to obtain an education, while those less affluent, were left in a state of comparative ignorance.

It further appears from a report of a committee of Transylvania Seminary, made to the Kentucky Academy about the time the union was proposed, that the institution had on hand, six hundred and thirty-six pounds, and owed four hundred and twenty, leaving a balance of two hundred and sixteen pounds; a copy of which report, we hand herewith, marked C. and is all the information we have been able to collect on the subject.

4th Interrogatory. "What funds were derived to the University from the Kentucky Academy?"

We answer and say, that Transylvania University received from the Kentucky Academy, by the act of union, six thousand acres of land south of Green river, no part of which has been disposed of, and that it has cost the institution about one thousand dollars for patenting, processioning, law suits, paying agents, &c. and from a late report made by your Treasurer, who was employed to go on the land, it will be seen that a great portion of it is now in possession of others, under head-rights and other claims, holding adversely to the University; and it further appears, from the report made by Robert Parker, Treasurer of the Kentucky Academy, dated January 1799, that there was, at that time, in his hands £364 1s. 6d. in notes on sundry individuals; to a copy of which report we refer, marked D. being the entire information we have on that subject.

It has been suggested by one of the old Trustees, that they held a note of Allen and Trimble for about $1010, given to Mr. Blythe,
on which suit was brought, and transferred to the University, with the books of the Academy, estimated at about £200; but we have found no document to establish these facts.

5th Interrogatory. "What funds and other property belonged to the University at the time the act passed on the day of appointing a new board of Trustees, and making the University a State institution?"

We reply, that from the books of the Trustees, it appears, that in the year 1818, the new board received from the old, the following property, viz: The lot and buildings thereon, on which the University stands, the new buildings enclosed, but unfinished. The old library and apparatus, the value of which, we have no means of ascertaining with any degree of precision. Notes on individuals for lands sold, &c. $11,048, which was expended in completing the buildings, and putting the College in full operation. Two hundred and thirty-four shares of stock in the Bank of Kentucky, estimated in specie at $23,400; ninety of which shares were sold to put the Medical College in motion, and for other purposes. Fifty shares have been sold lately for $2,500 in silver, with interest from date, secured by mortgage on land and negroes, the proceeds to be applied to the payment of the debt due from the University to the Bank of the United States.

6th Interrogatory. "What donations in land and money, designating each, have been made to that institution since that period, and how have they been applied or vested?"

To this we respond, that in December 1821, the Legislature gave to the University, twenty thousand dollars, Commonwealth's Bank notes, to be paid out of the profits of the Branch of the Commonwealth's Bank located at Lexington, to be applied towards the payment of the debts then due and owing by Transylvania University, amounting to $26,073 75½. Upwards of $9000 of that sum was due to the Bank of the United States, in specie. The money derived from that source, has been faithfully applied to the object intended. For a list of those debts, we refer to the paper annexed, marked E. Also, a donation of five thousand dollars, to the Medical Department, for the purchase of books and apparatus for that institution, which was drawn by the Dean of the Faculty, and accounted for, as will fully appear from former reports made to the Legislature. Also, about three thousand dollars from sundry citizens in the town of Lexington, and a few hundred dollars from persons out of the State of Kentucky, for the use of the Medical College, which was applied as the donors had directed. Also, six thousand dollars from the town of Lexington in their corporate capacity, in the shape of a loan, for which the Trustees stand committed by mortgage on part of the Medical College Library, the fund having been furnished for, and appropriated to that object. Also, three thousand two hundred
and ninety-nine dollars from the stockholders of the Farmers and Mechanics' Bank of Lexington, being the price they paid the State for their charter, which was expended in the increase of the University Library, and other expenses. Also, the tax on sales by auction in Lexington, amounting to $1,977 49, which was appropriated to the increase of the Law Library, as directed by the act granting that fund. Also, a legacy of twenty thousand dollars from the estate of the late Col. James Morrison, the interest to be applied, by the direction of the donor, towards the establishment of a professorship in the University, to be denominated the Morrison Professorship, or the whole sum to be vested in a Library, at the discretion of the Trustees. The University being without a competent professor of Mathematics, or even the means of obtaining one, applied the gift to that object. The legacy yet remains in the hands of the executor, but the interest has been punctually paid. There is also a legacy of the residuum of Col. James Morrison's estate, after paying the direct legatees, which is to be applied to the erection of a College edifice in Lexington, under the name of the Morrison College. The amount of this fund is unknown, and the particular application when received, not yet determined on.

8th Interrogatory. "What is the state of the Refectory or boarding house, if any, with the price of boarding; and if the Refectory has been discontinued, the reasons for the discontinuance are requested, with information to what use the house used for a Refectory has been applied?"

For answer thereto, they reply, that the Refectory was abandoned several years since, for the most urgent reasons: 1st, The want of means to sustain it; 2d, the want of suitable persons to superintend it. The committee will here take occasion to remark, that the Refectory was not abandoned until after a full trial of its utility. It was first established under a superintendent with a salary; that did not answer. It was then, with its furniture, given to a family, free of rent, and the price of board limited; that did not succeed. Another person was sought for and obtained, who occupied the property free from cost, and in addition, the price of board increased; this continued one session, when the tenant abandoned it. These several experiments cost the University some thousands of dollars.

That an establishment of the kind is a desirable appendage to every College, cannot be denied; but your committee are persuaded it cannot easily be sustained in this country, without an accession of funds over and above the receipts from the establishment.

After the abandonment of the Refectory, for the greater security of the College buildings and other property, and for other reasons which will more fully appear on referring to the report of a
committee, made April 7th, 1823, a copy of which is hereto annexed, marked F. the Trustees were induced to give the use of the buildings to President Holley, for his dwelling, and he now occupies it.

9th Interrogatory. "The number of students in the University at the time the act passed making it a State institution?"

For answer thereto, they refer to the report of Professor Bishop, made October 1st, 1817, an extract from which is annexed, marked G.; from which it will be seen, that the whole number of students in all departments of the University, was 77.

16th Interrogatory. "Will the revenue of the institution be sufficient to sustain it, with the present salaries and expences?"

In responding to that question, the committee beg leave to extend their observations beyond a simple negative, and to call the attention of the board to this most interesting part of the subject. We answer, that the revenue, which is only $1,200 a year, and the tuition fees, independent of some uncertain contingencies of small amount, will not defray the expences of the institution; nor do we believe it can be made to do it, under any management, and retain its present character and usefulness.

From the expression used in the interrogatory, "with the present salaries," it would seem to imply, that a reduction of salaries would effect the object. To that supposition, we reply, that Transylvania University has already, by indirect means, reduced the salaries of its officers, beneath those of any other institution of equal eminence in the United States, as will be hereafter shown. To attempt more, would lose their services. Should that happen, we know from actual experience, that professors whose attainments are such as to render them useful, are difficult to obtain at high salaries. When the vacancy occurred in the Mathematical chair, by the resignation of its late professor, the Trustees and the President, with the aid of Mr. Clay, (who was at Washington City a part of the time, where he saw gentlemen from every part of the Union;) sought a full year for a professor in that department, at a salary of $1,200 a year, before they could obtain one, which was the only offer the Board had. The University was once in the same situation in regard to a President. Diligent search was made for years without success, for a suitable officer to fill that chair, at $3,000; and the Board were at length constrained to promise $3,000 to the present incumbent, or permit the institution to languish, as it had done. And still more recently have we a lesson on that subject, in the vacancy that occurred in the Medical department, where the emoluments are very great, and much beyond that of any other branch of the University.

An institution of learning is useful in proportion to the abilities of its teachers; its fame and success exactly equal to their standing.
in the literary and scientific world, and their price the highest.
their services will command.
The first proposition, that the usefulness of an institution is in
proportion to the abilities of its teachers, is self-evident, and needs
no comment.
The second, that its fame and success are exactly equal to the
standing of the professors in the literary and scientific world, is
fully evidenced by the rise and rapid progress of the Medical de-
partment of Transylvania, and some other Universities of the
United States.
The third, that the price of teachers is the highest that their
services will command, is as true as that the farmer will obtain
for his labor the highest reward, or the merchant for his goods the
greatest price. If professors of great literary acquirements and
reputation could be obtained for such price as the trustees might
fix upon their services, then indeed could an establishment for
liberal education be sustained by its internal resources; or could
the price of instruction be increased at pleasure, and students ob-
tained, it might be done. The object cannot be effected either
by the one or the other means.
We have remarked, that the salaries of the officers in the Un-
iversity of Transylvania, (we mean in the College proper,) are be-
neath those of any other institution of equal eminence in the
United States. In support of this assertion, we beg leave to de-
tain you, until we enumerate a few of the most striking instances.
Beginning with Harvard University; the President of that insti-
tution receives between three and four thousand dollars a year
for his superintendence, without giving any instruction. President
Nott, of Union College, receives nearly the same salary. At
Columbia College, New-York, the President receives four thou-
sand five hundred dollars a year, as we are informed, in pay and
emoluments; one Professor, $3,000 a year and a house; two others,
a house and $2,500 a year each; one other, $2,500 a year; anoth-
er, $1,600 and a house; another, $1,500 without a house; and,
until lately, a superannuated Professor, (retired from service,) on
an annuity of $1,500 a year for life. Such is the estimation in
which they hold men who have devoted their lives to the instruc-
tion of youth. Pennsylvania University pays her President $1,200
a year, and one third the tuition fees, and furnishes a house.
Virginia University employs Professors altogether, at a salary of
$1,500 each a year, and all the tuition fees. The College in
Tennessee pays her President $2,000 a year, and each of her
Professors either 14 or 15 hundred dollars.
With these facts before us, can we hope to sustain the institution
with its present revenue? Can Kentucky expect to command
the services of literary men, at a less price than her sister States?
If she does, the expectation is unreasonable, and will not be realized.

17th Interrogatory. "The price of tuition in the several departments of the University?"

For answer to that inquiry, we reply, that in the College proper, it is forty dollars in specie per session, or the equivalent in Commonwealth's paper; in the preparatory department it is forty dollars in Commonwealth's notes, or the equivalent in specie; in the Medical department, twenty dollars in Commonwealth's notes to each professor, and an additional charge by the Professor of surgery and anatomy, of five dollars in Commonwealth's notes, to cover necessary incidental expenses peculiar to that professorship.

For any further information relating to the fiscal concerns of the institution, we refer to the annual report of the Treasurer of the Board, hereto attached, marked H. and to a resolution of the Board passed 10th of August 1824, marked I.

All of which is respectfully submitted.

(Signed) ELISHA I. WINTER, THOMAS BODLEY, JOHN TILFORD.

William Macbean, Clerk of the B. of T. of T. U.

(A.)
The Treasurer of Transylvania University will please to respond to the following inquiries:

1st. The amount of funds belonging to the Transylvania University at this time, inclusive of the lot of ground and improvements on which it is located, and how are these funds vested?

2d. What is the annual revenue of the institution, and from what sources derived, designating the amount of each.

7th. What property and other funds belong, at this time, to the University, and how vested? (Answered in answers to 1st and 2d.)

13th. What is the amount of debts owing by the institution, and to whom?

Committee of T. T. U.

To the first inquiry, the Treasurer begs leave to state, that the real estate and other property and funds belonging to Transyl-
The College and buildings.
Three small escheated lots in Lexington. Two of them are unproductive; the other produces an annual rent of twenty-four dollars only.
Six thousand acres of land in Caldwell and Livingston counties, unproductive.
Libraries and apparatus.
Ninety-three shares of stock in the Bank of Kentucky, on which three distributions of ten per cent each, have been drawn.
John Smith’s note for $2,500, on interest, payable in the office of discount and deposit of the Bank of the United States at Lexington, being for fifty shares of bank stock sold him.
A debt due from the estate of Paul Skidmore, deceased, of about $1,000, including interest.
J. and A. Clark’s note for $204, 28, in specie, due on the 12th of May last.
A list of sundry old debts, amounting to about $2,000, of which but little will be collected, as many of the individuals have left the country, and others are insolvent.
Cash on hand on the 30th of September, (the period to which the annual treasury report was made,) currency $318 96, specie 249 42—$768 39.
To the second inquiry, he would reply, that the revenue derived to the University during the year ending on the 30th of September last, was as follows, viz.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For tuition in College proper</td>
<td>$5,309 35 Cent.</td>
</tr>
<tr>
<td>Ditto in preparatory department</td>
<td>311 83—0 121 18</td>
</tr>
<tr>
<td>Fines received from students</td>
<td>139 25</td>
</tr>
<tr>
<td>Fines and forfeitures</td>
<td>46 00</td>
</tr>
<tr>
<td>Rents for rooms in College, &amp;c.</td>
<td>157 74</td>
</tr>
<tr>
<td>To the Morrison professorship, from the executors of Col. Morrison, in specie</td>
<td>1,210 00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$7,674 17</strong></td>
</tr>
</tbody>
</table>

The seventh inquiry he conceives is answered by that given to the first.

To the fifteenth inquiry, he answers, that the University owes to the Bank of the United States, payable at the office of discount and deposit at Lexington, $4,612, which is the only debt known by the treasurer to be owing by the institution; there may, however, and probably are, other small claims of which he is not apprised.

Very respectfully,

JOHN H. MORTON, Treasurer.

Nov. 22d, 1825.
To the honorable, the Board of Trustees of Transylvania University.

Gentlemen: The following information is respectfully communicated to you, at your request. The subjects are taken up in the order in which you have placed them.

I. "The salary and other emoluments of the President, derived from private lectures or classes, signing diplomas, and the fee charged for each."

The President has no private class. His salary is $3,000 in currency, equivalent at this time to $2,000 in specie. He charges a fee of five dollars in currency, for signing the diplomas of the Bachelors and Masters of Arts. The income from this source, during the last session, was $215 in currency, or $107 50 in specie.

II. "The salaries and emoluments of the other Professors, and how paid, whether in specie or paper currency."

Professor Roche has $1,200 in currency; Professor Matthews, $1,200 in specie; and Professor Chapman, $600 in currency. Each of the Medical Professors has twenty dollars in currency for his ticket, and five dollars in currency for signing the diplomas of the Medical Graduates.

III. "The practice among the Professors, of giving private lectures, attending private classes, and the emoluments derived to the Professors from them."

The Professors in the Academical department have no private classes. In regard to the Medical Professors, I refer you to the official note of the Dean, in answer to my inquiry upon this subject.

IV. "The number of diplomas granted by the institution within the last two years, designating the number granted in each year."

During the year ending in July 1825, the University conferred 32 degrees of Bachelor of Arts; 21 of Master of Arts; 16 of Bachelor of Laws; 57 of Doctor of Medicine, and 2 of Doctor of Laws; thus making an aggregate of 128.

During the year ending in July 1824, the University conferred 24 degrees of Bachelor of Arts; 18 of Master of Arts; 16 of Bachelor of Laws; 47 of Doctor of Medicine; 2 of Doctor of Divinity, and 2 of Doctor of Laws; making a total of 109.

V. "The present number of students in the University, designating separately the Medical and Law students, and those in the Grammar School and College."

The Law School is suspended for the present session, to be revived the next. The medical class contains 272; the senior class, 38; the junior class, 24; the sophomore class, 12; the freshmen class, 17, and the preparatory department, 49; making an aggregate of 403. Of these, the four college classes contain 91.
VI. "The number of Professors in each department of the institution, designating the name and title of each, with the duties assigned to them, and what portion of the day they are severally employed in attending to their classes respectively?"

The President and three Professors are employed in the academic department. The instruction of the senior class in chemistry, is given by the Rev. Doctor Blythe. In the preparatory school, there is one teacher; and in the medical, six Professors. The following list shows more fully this part of the subject:

Horace Holley, L. L. D. President, and Professor of the Philosophy of Mind.
Benjamin W. Dudley, M. D. Professor of Anatomy and Surgery.
Charles Caldwell, M. D. Professor of the Institutes of Medicine and Clinical Practice.
Daniel Drake, M. D. Professor of the Theory and Practice of Medicine, and Dean of the Medical Faculty.
William H. Richardson, M. D. Professor of Obstetrics and the Diseases of Women and Children.
Rev. James Blythe, D. D. Professor of Chemistry.
Charles W. Short, M. D. Professor of Materia Medica and Medical Botany.
John Roche, A. M. Professor of the Greek and Latin Languages.
Thomas J. Matthews, A. M. Morrison Professor of Mathematics and Natural Philosophy.
John Brown, A. M. Principal of the Preparatory Department.
William S. Bodley, A. M. Librarian of the general Library, and Secretary of the Academical Faculty.
James C. Cross, M. D. Librarian of the Medical Library, and Secretary of the Medical Faculty.
John H. Morton, Treasurer.
William Macbean, Clerk of the Board of Trustees.

For the employment of the President and the Academical Professors, see his report to the board at a late meeting. Each Medical Professor lectures every day to the class for an hour. The Principal of the Preparatory Department is in his school from six to seven hours. Dr. Blythe lectures to the seniors three times a week on chemistry.

Very respectfully, yours,

HORACE HOLLEY, President.

Nov. 22d, 1825.

At a meeting of the Trustees of Transylvania University, 23d September 1825:
Resolved. That the Clerk request the President to report to the Board, at their next meeting, the time that each Professor devotes to the recitation rooms.

At a meeting 3d October, 1825, Mr. Holley reported as follows, viz.

Agreeably to the request of the Board of Trustees of Transylvania University, at their meeting September 23d, 1825, the President makes the following report, concerning the labors of the several instructors in the academical department:

The President, from 9 to 10 o'clock A. M. and from 12 to 1 P. M., attends the seniors daily, giving a course of instruction in philology, rhetoric, logic, ethics, mental philosophy and political economy. From 10 to 12, he goes through a course of regular criticism, with his pen in his hand, and in company with the writers in succession, upon the themes and forensics which are prepared by the seniors.

A portion of this period is also devoted to students, for all the objects of complaint, advice, expostulation, and the general business of order and discipline, as well as to the reception of strangers, and the requisite information which they seek, when they visit the institution with their sons or their friends. It is still further employed by the President, to visit, according to law, the recitation and lecture rooms of the teachers and professors, and to suggest any improvements that may be made, as well as to obtain a personal knowledge of the condition of all the departments.

From 12 to 1 on Fridays, he attends to the private declamation of the two upper classes, and from 10 to 11 on Saturdays, to their public declamation.

As has been done heretofore in some of the sessions, the President designs to give, from 11 to 12 on Saturdays, during the present season, a course of lectures on manners and morals, in the chapel. At this time the President is employed one hour each day, in hearing a course of recitations from one of the classes in Latin; though this is an extra duty, which he will assign to some one else, as soon as circumstances will permit.

Professor Roche, from 9 to 10, hears a recitation by the juniors; from 10 to 11, a recitation by the sophomores; from 11 to 12, a second recitation by the juniors; from 12 to 1, a recitation by the freshmen; and from 1 to 2, a second recitation by the sophomores. In this manner he goes through with the prescribed course of Greek and Latin, with the exception of Horace, which is taken by the President. The Professor also criticises, at his room, the Greek and Latin exercises of the classes.

Professor Matthews, from 9 to 10, hears a recitation by the freshmen; from 10 to 11, a recitation by the juniors; from 11 to 12, a recitation by the seniors, and from 12 to 1, by the sopho-
mores. He also delivers lectures on the subjects of his professorship, twice a week.

Professor Chapman, from 9 to 10, hears the sophomores; from 10 to 11, the seniors; from 11 to 12, the freshmen, and from 12 to 1, the juniors.

The labors of Professor Roche are unreasonably great. Justice and policy require that they should be lessened, as soon as the circumstances of the University will allow a division of his professorship.

HORACE HOLLEY, President.

A true copy from the minutes of the Board of Trustees of Transylvania University.

W. MACBEAN, Clerk.

TRANSYLVANIA UNIVERSITY, November 22d, 1825.

Sir:

At a meeting of the Medical Faculty, held this evening, the official note which I had the honor to receive from you today, was read and considered, although it related to a subject on which that body had never before acted.

I was instructed by its vote, to reply, that it does not possess the information which you desire; and as the office of Dean gives me no authority to collect it, I am compelled respectfully to refer you to the professors, individually.

I have the honor to be your obedient servant,

DANIEL DRAKE, Dean Med. Fac'y.

PRESIDENT HOLLEY,
Transylvania University.

Agreeable to a resolution of the Board of the Transylvania Seminary, the committee appointed to report the state of the funds to the Trustees of the Kentucky Academy, report as follows, viz:

5,000 acres of land in Fayette county, rents for about £180
3,000 acres in Jefferson county, rent commencing 23d October, 1798, per annum, 150
Debts due the Seminary, per statement of the Treasurer in April last, 306 6 0

£836 6 0

Due from the Board of Transylvania Seminary in about 18 months to the Transylvania company,

Ditto to Mr. Toulman and Clerk, about 20—420

£216 6 0
The above is the most accurate statement the committee is now enabled to give.

WILLIAM MORTON,
ALEX' R. PARKER,
JAMES MORRISON,

Committee.

October 16th, 1796.
A true copy from the report, filed with the papers of the Trustees of Transylvania University.

W. MACBEAN, Clerk
to the B. of T. of T. U.

November 22d, 1825.

Pursuant to a resolution of a committee of Trustees of the Transylvania University, I have made out a statement of the funds in my possession, belonging to the Kentucky Academy, consisting of obligations for cash on the following persons, to wit:

Andrew McCalla & Co. £201 6 8
Hugh McIlvain, 50
The same, 28 6 10
James McKechen and John Gardner, 50
Rev. James Moore, 30
The same to Wm. Callen, 4 8 2

£364 1 6

The above account, together with a bond on Boggs & Anderson for sixty nine pounds 11s. 4¼d. a small part of which, I received and gave my receipt to them, and delivered up the bond at the request of Caleb Wallace and Robert Patterson, Esq's. to the Rev. Andrew Steele, together with some small payments made to me by sundry persons, of money collected by them, which I paid out again by order of the Trustees of the Kentucky Academy, is all the money that has come into my hands, of which I can render a full account, come to a final settlement, and take up my bond given to said Trustees, at any time it may be thought proper.

I believe the above to be a true statement of them matters.

ROBERT PARKER.

January 15th, 1799.
To the Committee of Trustees of the Transylvania University.

A true copy from the report filed with the papers of the Transylvania University.

W. MACBEAN, Clerk
to the B. of T. of T. U.

November 23d, 1825.
List of debts due from the Trustees of Transylvania University, to sundry persons, on the first day of December, 1821.

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daniel Layton</td>
<td>1,156 14</td>
</tr>
<tr>
<td>Gibney &amp; M'Haffy</td>
<td>8 00</td>
</tr>
<tr>
<td>Samuel Long</td>
<td>57 43</td>
</tr>
<tr>
<td>Matthew Elder</td>
<td>63 42</td>
</tr>
<tr>
<td>Downing &amp; Grant</td>
<td>1,182 31</td>
</tr>
<tr>
<td>James Morrison</td>
<td>40 50</td>
</tr>
<tr>
<td>Charles Caldwell</td>
<td>1,000 00</td>
</tr>
<tr>
<td>J. Vaughn</td>
<td>184 00</td>
</tr>
<tr>
<td>Barton &amp; Craig</td>
<td>31 18</td>
</tr>
<tr>
<td>J. L. Leman</td>
<td>31 75</td>
</tr>
<tr>
<td>W. E. Meredith</td>
<td>74 07</td>
</tr>
<tr>
<td>Abel Wheeler</td>
<td>83 82</td>
</tr>
<tr>
<td>Richard Patterson</td>
<td>140 82</td>
</tr>
<tr>
<td>Shryock &amp; Gough</td>
<td>11 46</td>
</tr>
<tr>
<td>Thomas L. Caldwell</td>
<td>175 00</td>
</tr>
<tr>
<td>Elisha Warfield</td>
<td>12 05</td>
</tr>
<tr>
<td>Leslie Combs</td>
<td>85 00</td>
</tr>
<tr>
<td>William G. Hunt</td>
<td>56 37</td>
</tr>
<tr>
<td>Robert Scott, assignee</td>
<td>318 00</td>
</tr>
<tr>
<td>Luke Usher</td>
<td>415 93</td>
</tr>
<tr>
<td>Bank U. S. Lexington Branch</td>
<td>8,216 00</td>
</tr>
<tr>
<td>Bank of Kentucky</td>
<td>3,000 00</td>
</tr>
<tr>
<td>Lex. Br. Bank Do.</td>
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<td>Wells &amp; Lillie</td>
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<td>Robert Wickliffe</td>
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<td>Charles Humphreys</td>
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$26,073 75
THE SENATE.

The above list has been made out in conformity to the act of assembly entitled "an act to establish a literary fund, and for other purposes," passed December 18th, 1821; and exhibits a correct and detailed statement of the debts due by Transylvania University, on the first of December 1821.

It is probable there are some claims which have not yet been presented, but the amount cannot be considerable.

By order of the Board.

JAMES MORRISON, Ch'n. B. Trustees.

Lexington, January 21st, 1822.

Branch of the Bank of the Commonwealth of Ky.}
Lexington, November 27th, 1822. {}

I do certify, that the original, of which the within is a true copy, was filed on the 31st day of January 1822, by Col. James Morrison, then chairman of the board of Trustees of Transylvania University.

JOHN H. MORTON, Cashier.

At the annual meeting of the Board of Trustees of Transylvania University, 7th April 1823:

Mr. Charles Humphreys reported from the committee on the President's salary, which was received and concurred in, viz:

In pursuance of a resolution of the board, made in relation to a communication of the President, touching the inconveniences to which he is subjected by the depreciated currency in which his salary is paid, your committee have taken the subject into consideration, and report, that they consider the President's salary much diminished in value, by making payment of it in Commonwealth's paper; yet, as the income of the institution is received in the same depreciated paper, they do not know how to make up the deficit out of the funds of the corporation. But with a view to diminish the evil in some small degree, and in a manner not likely to prove injurious to the University, it is proposed to discontinue the Refectory, and to offer the buildings used for that purpose, to the use of the President for a residence, after the present session, free of rent. This, it is thought, will not only operate beneficially to the President, but to the University. Also, the necessity of a refectory no longer existing to the same extent as formerly, as the citizens generally are now in the habit of taking boarders; and the occupancy of the tenement by the President, may be the means of more certainly ensuring the safety of the buildings and other property belonging to the institution.

Your committee would further recommend the allowance to the President of the usual perquisite, permitted in other Col-
leges, on signing diplomas for graduates in the University; and
lastly, a general resolution approving the delivery of lectures by
the President, as heretofore allowed.
CHA'S. HUMPHREYS,} Committee.
G. T. CHAPMAN,

Extracted from the Trustees' Journal.
W. MACBEAN, Clerk
to the B. of T. of T. U.

Extract from a report made by Professor Bishop to President
Holley, dated October 1st, 1817:
Of seventy-seven students, the whole amount of this session,
nineteen have not missed a single recitation, ten have missed not
more than two, and except in case of sickness, not more than four
or five have missed more than six recitations. Two can be charged
with having misimproved their time and privileges.
(Signed) ROBERT H. BISHOP,
E. SHARPE.

A true extract from a book in the Transylvania University.
W. MACBEAN, Clerk
to the B. of T. of T. U.

Stock Account of Transylvania University.

1825, Sept. 1.—To amount of note in the office of the
Bank U. S. 4,613 00
To salaries payable on the 1st October next, viz:
To President; $750
Professor Roche, 300
" Chapman 150
Treasurer, 200
Clerk of the Board, (currency,) 50—1,450 00
Professor Matthews, (specie,) 250 00
To receipts for the year, viz:
Cash on hand last year, $142 21½
Ditto received for amount of execution vs. Peck, 76 56
Ditto for tuition, viz:
College proper, 5,309 35
Preparatory Department, 811 23—6,121 18
Nov. 29.

THE SENATE.

From students for fines, 139 25
For fines and forfeitures, 46 00
For old claims, 27 00
For rents, 157 74
From Bank Commonwealth, balance of legislative appropriation, 2,331 37
From Bank of Kentucky on stock, 1,800 00
J. & A. Clark, (specie,) 207 34
Morrison Professorship, 610 00—11,718 65
To balance, 79,747 00

CREDIT.

By real estate viz:
University lot and buildings, estimated at $50,000
Green river lands, 6,000
Three small escheated lots, 1,000—57,000 00
By 33 shares of stock in the Bank of Ky. at $70 per share, $30 on each having been received, 6,510 00
By libraries and apparatus, estimated at
By John Smith's obligation in the hands of J. J. Crittenden, Esq. being the price of 50 shares of stock in the Bank of Kentucky, 2,500 00
By disbursements, viz:
To Professors, &c. College property, $5,055 00
Mr. Brown, preparatory department, 811 86—5,366 86
Morrison Professor, (specie,) 750 00
C. S. Rafinesque, 119 44
Sundries, specie 87 50, currency 963 31, 1,040 81
Interest and premium, 1,844 49
Office Bank U. S. part of note, 1,162 00
Treasurer's salary up to 1st Oct. 1824, 166 66
By balance in hands of Treasurer, per monthly report for August, viz:
Currency, 518 96
Specie, 249 43—768 39—11,718 65

$97,728 65

By balance in favor of the University, $79,747 00
By J. and A. Clark's note in the hands of the Treasurer now due, in specie, 204 28
By semi-annual payment due from Col. Morrison's executors on 1st of October, 600 00
At a meeting of the Trustees of Transylvania University, 10th August 1824:

Resolved, That the principal of the preparatory department, shall receive for his salary, all the tuition fees, after deducting the expenses of the department, including the employment of a tutor, when deemed necessary by the board. Adopted unanimously.

September 7th, 1824.

Resolved, That the board now elect a principal of the preparatory department; whereupon, Mr. John Brown was unanimously elected, and took the oath of office.

A true extract from the minutes of the proceedings of the Board of Trustees of Transylvania University.

W. MACBEAN, Clerk

to the B. of T. of T. U.

Mr. R. Wickliffe moved that 500 copies of the foregoing documents be forthwith printed by the public printers, for the use of the General Assembly; and the question being taken thereon, it was decided in the negative—Yea 15, nay 20.

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


And it was ordered that 150 copies of the said documents be printed for the use aforesaid.

A message was received from the House of Representatives, by Mr. Maupin, announcing the passage of bills which originated in that house, of the following titles, to wit: An act further to regulate the salaries and debts due by this Commonwealth; an act further to regulate the salaries of some of the officers of government; an act further to regulate the Bank of the Commonwealth; an act to authorise Narcissa to contract for her freedom; an act to authorise county courts to cause to be transcribed certain records and public books; an act for the benefit of Daniel Dougherty, and an act to change the sessions of the Lincoln and Casey circuit courts. And that the House of Representatives had concurred in the adoption of joint resolutions which originated in the Senate, to wit: 1. Resolutions raising joint committees to examine and report the situation of the Bank of the Commonwealth and branches; and 2. resolutions requiring information of the Res
THE SENATE.

Nov. 30.

ceiver of public moneys west of the Tennessee river—the last with an amendment. In which amendment, and the foregoing bills, the concurrence of the Senate was requested.

On motion of Mr. Howard, leave was given to bring in a bill to reduce the number of the Directors of the Bank of Kentucky; and Messrs. Howard, T. Ward and White were appointed a committee to prepare and bring in the same.

The Secretary of the Senate reported, that he did, according to law, on this day, file in the Secretary's office an enrolled bill, which, at the last session of the General Assembly, passed both houses, and was, during the present session, returned with the Governor's objections thereto, and which again passed both houses, a majority of all the members elected to each, voting therefor, the Governor's objections notwithstanding, the title whereof is as follows, to wit: "An act authorising the collection of certain moneys due the first Presbyterian Church in Louisville;" the said bill being duly certified by the Clerks of both houses.

The Senate then, according to order, resumed the consideration of the bill which was under discussion when the Senate adjourned on yesterday, entitled "an act to repeal an act entitled an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals, and also an act entitled an act to regulate the salaries of the Judges of the Court of Appeals and for other purposes;" and pending the consideration and discussion thereof.

The Senate adjourned.

WEDNESDAY, NOVEMBER 30, 1825.

The Senate assembled.

Mr. Denny, from the select committee to which was referred a bill which originated in the Senate, entitled "an act to provide for the locating of a permanent seat of justice for Oldham county," and a bill which originated in the House of Representatives, entitled "an act to remove the seat of justice of Oldham county," reported the said bills, and, by way of amendment, a substitute in lieu of both bills, retaining the title of the first; and the question being taken on the adoption of the said substitute, (the same being twice read,) it was decided in the affirmative, and the bill, as amended, was ordered to be engrossed and read a third time on to-morrow.

Mr. Howard, from the select committee raised for that purpose, reported a bill to reduce the number of Directors of the Bank of Kentucky; which passed to a second reading.
On motion of Mr. M. H. Wickliffe, leave was given to bring in a bill to regulate applications for the establishment of new counties, and for other purposes; and Messrs. M. H. Wickliffe, Beaty and Garrard were appointed a committee to prepare and bring in the same.

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

Mr. Speaker—I am directed by the Governor, to inform the Senate, that he did, on the 24th instant, approve and sign enrolled bills which originated in the Senate, of the following titles, viz. An act allowing the appointment of an additional constable in Bourbon county; an act to transfer the bank stock of the Caledonia Academy, and for other purposes; and an act to amend the act entitled “an act for the benefit of the widow and heirs of Wilson Pickett, deceased, and for the executors and devisees of Azariah Daveiss, deceased,” approved February 4, 1817.

A message from the House of Representatives, by Mr. Thomas-

son:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled “an act to amend the acts relative to the Shelbyville and Louisville Turnpike Road Company;” in which they request the concurrence of the Senate.

Messages were received from the House of Representatives, announcing the passage of bills which originated in that house, of the following titles, to wit:

By Mr. New—1. An act to add a part of Caldwell to the county of Trigg, and for other purposes; an act for the benefit of Nancy Thompson; an act for the benefit of John Moore and others. Also, resolutions which originated in the same house, to wit: A resolution for the adjournment of the General Assembly, and a resolution fixing a day for the election of public officers.

By Mr. Woodson—2. An act for the benefit of William N. Potts.

By Mr. Chenowith—3. An act to allow two additional justices of the peace to the county of Meade.

In each of which the concurrence of the Senate was requested.

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

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

The Senate then, on motion of Mr. Daveiss, resumed the consideration of the bill which was under discussion when the Senate adjourned on yesterday; which was continued until

The Senate again adjourned.
THURSDAY, DECEMBER 1, 1825.

The Senate assembled.

Mr. White, from the select committee raised to prepare and bring in a bill for the benefit of William Cardwell, jailer of Shelby county, reported the same; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill was referred to the committee for courts of justice, for amendment.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Beaty—1. A bill to amend the law establishing the Bank of the Commonwealth.

On motion of Mr. Mayo—2. A bill to appoint commissioners to examine and receive the improvements made on the Louisa fork of Sandy river.

Messrs. Beaty, Davidson, Garrard and Daveiss were appointed a committee to prepare and bring in the first, and Messrs. Mayo, T. Ward and Daniel, the second.

On motion, a consideration of the bill, pending the discussion of which, the Senate on yesterday adjourned, was resumed; and without any question being taken thereon,

The Senate again adjourned.

FRIDAY, DECEMBER 2, 1825.

The Senate assembled.

Mr. Given, from the joint committee of enrolments, reported that they had examined an enrolled bill, which originated in the House of Representatives, entitled "an act for the benefit of Goodman Oldham," and an enrolled resolution which originated in the House of Representatives, entitled "a resolution for appointing joint committees to examine and report the situation of the Lunatic Asylum and Transylvania University;" and also, a resolution which originated in the Senate, entitled "a resolution raising joint committees to examine and report the situation of the Bank of the Commonwealth and its branches:" That the same were truly enrolled, and signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate also affixed his signature thereto, and the same were delivered to the proper committee, to be by them laid before the Governor, for his approbation and signature; which duty, Mr. Given, from said committee, shortly thereafter reported they had discharged.
A message from the House of Representatives, by Mr. Marshall:

Mr. Speaker—The House of Representatives have passed a resolution which originated in that house, entitled "a resolution requesting the resignation of the Governor, Lieutenant Governor, Judges of the Court of Appeals and members of the General Assembly, and providing for the election of Senators and Representatives to fill their vacancies," in which they request the concurrence of the Senate.

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

Mr. Speaker—I am directed by the Governor, to lay before the Senate two messages in writing.

Messages were received from the House of Representatives, announcing the passage of bills which originated in that house, of the following titles, to wit:

1. By Mr. Chenowith—An act to establish an election precinct in the county of Meade, and an act to add a part of Caldwell to Livingston county.

2. By Mr. Lee—An act to amend an act entitled "an act further to regulate the town of Flemingsburg."

In each of which the concurrence of the Senate was requested.

The Senate resumed the consideration of a bill which originated in the House of Representatives, entitled "an act to repeal an act entitled an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals, and also an act entitled an act to regulate the salaries of the Judges of the Court of Appeals and for other purposes;" (pending the discussion of which, on yesterday, the Senate adjourned,) the question being on adhering to amendments heretofore made in the Senate to said bill, and disagreed to by the House of Representatives; and the question being taken thereon, it was decided in the affirmative—Yeas 20, nays 17.

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


Ordered, That Mr. Ewing inform the House of Representatives thereof.

On motion,

Ordered, That the Assistant Secretary of the Senate have leave of absence until Monday next.
Mr. Howard offered the following preamble and resolution, to wit:

Whereas a committee was raised on that part of the Governor's message relating to the Judiciary, and inasmuch as rumor says said committee have opened a correspondence with the Judges of the Court of Appeals, as well as with what is called the Judges of the new Court of Appeals; and inasmuch as the Senate is unapprised of that fact, and not having authorised the same: Wherefore,

Be it resolved by the Senate, That if such correspondence has taken place, said committee be requested to lay before the Senate said correspondence, and at the same time assign their reasons as to the grounds upon which said correspondence was predicated, whether it was by the instructions of the Senate or otherwise.

Which being twice read, the Senate adjourned.

SATURDAY, DECEMBER 3, 1825.

The Senate assembled.

A message from the House of Representatives, by Mr. Spalding:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act further to regulate certain circuit courts," in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Lackey:

Mr. Speaker—The House of Representatives have passed bills which originated in that House, of the following titles, to wit: An act further to regulate the Bank of Kentucky; an act to legalize certain proceedings of the Ohio county court, at their November term 1825; an act for the appointment of trustees for the town of Pikeville, in Monroe county; an act to authorize publications, &c. in certain newspapers; an act to authorize a sale of part of the public square in Hartford; an act to alter the times of holding certain circuit courts, and an act further to regulate the collection of debts due this Commonwealth; in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Sanders:

Mr. Speaker—The House of Representatives have passed bills and resolutions which originated in that house, of the following titles, to wit: An act to change the time of holding the Muhlenberg county courts; an act to establish an election precinct in the county of Shelby; an act to allow the Independent Banks further time to settle their concerns, and for other purposes; an act making an allowance to Thomas S. Page, and resolutions in relation to an amendment to the constitution of the United States, proposed
by the State of Georgia; in each of which they request the concurrence of the Senate.

Mr. Given presented the petition of Samuel D. Waltman, praying to be divorced from his wife, Catherine L. Waltman; which was received, read, and, together with the accompanying documents, referred to the committee of religion.

Mr. T. Ward, from the committee for courts of justice, to which was referred the petition of James Rouse, reported thereon a bill for the benefit of James Rouse; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the same was, on motion of Mr. Daveiss, referred to a select committee of Messrs. Daveiss, Lockett, Howard and T. Ward, for amendment.

Mr. T. Ward, from the select committee to which were referred sundry military nominations embraced in a message from the Governor, and heretofore spread on the Journal, commencing at page 57, made the following report:

The select committee to which were referred sundry military nominations, have had the same under consideration, and have come to the following resolution thereupon, to wit:

Resolved, That they recommend to the Senate to advise and consent to the nomination of the several officers whose names stand opposite to the following numbers, to wit: 1, 7, 9, 16, 18, 22, 23, 24, 25, 26, 27, 28, 30, 40, 41, 54, 55, 56, 57, 58, 64, 65, 66, 67, 68, 74, 75 and 76. The nomination standing opposite the number 61, we do not advise and consent to.

Which being twice read, and the question taken on adopting the same, it was decided in the affirmative; by which equivalent vote, said nominations, as recommended therein, were advised and consented to.

Ordered, That Messrs. T. Ward and Hughes inform the Governor thereof; the same being duly certified.

A message from the House of Representatives, by Mr. M'Connell:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act to punish swindling in the sale of land," in which they request the concurrence of the Senate.

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

On motion of Mr. Daveiss, a bill which originated in the House of Representatives, entitled "an act further to regulate the Bank of the Commonwealth," was taken up, which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the same was,
THE SENATE.

committed to a select committee of Messrs. Daveiss, Hughes, Beatty, J. Allen, Ewing, Stephens and Hickman, for amendment.

Mr. Carneal moved to take up a joint resolution which originated in the House of Representatives, entitled "a resolution for the adjournment of the General Assembly," and the question being taken thereon, it was decided in the negative—Yeas 16, nays 19.

The yeas and nays being required thereon by Messrs. Carneal and C. Allan, were as follows, to wit:


On motion of Mr. Crutcher, the committee of propositions and grievances, to which was referred the petition of Cadwallader Churchill, praying compensation for his services as a Director of the Branch of the Bank of the Commonwealth of Kentucky located at Louisville, were discharged from the further consideration of that subject, and the same was referred to a select committee of Messrs. Crutcher, Stephens and M. H. Wickliffe, with leave to report thereon by bill or otherwise; and after a short time, Mr. Crutcher, from said committee, reported a bill for the benefit of Cadwallader Churchill, 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.

Mr. Ewing, from the committee of propositions and grievances, to which was referred the petition of William B. Duncan, late sheriff of Hickman county, reported a bill for the benefit of William B. Duncan, late sheriff of Hickman county; which passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the same was ordered to be engrossed and read a third time on Monday next.

Mr. M. H. Wickliffe, from the select committee raised for that purpose, reported a bill to regulate applications for the establishment of new counties, and for other purposes; which passed to a second reading.

Mr. Howard moved to take up a resolution offered on yesterday, requesting the committee raised on that part of the Governor's message relating to the Judiciary, to lay before the Senate certain information, &c.; and the question being taken thereon, the vote was found to stand thus: Yeas 16, nays 16.

By the constitution, it being the province of the Speaker to give the casting vote, and he voting in the negative, the motion was rejected—Yeas 16, nays 17.
The yeas and nays being required thereon by Messrs. Howard and C. Allan, were as follows, to wit:


Mr. T. Ward, from the committee for courts of justice, to which was referred the petition of the citizens of Middletown and its vicinity, in Jefferson county, praying that a law may pass, authorising the trustees of said town to lay a tax, &c. reported a bill to authorise the trustees of Middletown to lay a tax; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the same was ordered to be engrossed and read a third time on Monday next.

On motion of Mr. Hickman, the message of the Governor received on the 30th November, containing sundry military nominations, was taken up and read as follows:

_Gentlemen of the Senate,

I nominate for your advice and consent, Robert Matson, to be commissioned during good behaviour, brigadier general of the 4th brigade of Kentucky militia, in the place of Zachariah Eastin, resigned.

James M. Cogswell, colonel of the 14th regiment, vice Robert Matson, promoted.

Levi Cross, lieutenant colonel of the same regiment, vice James M. Cogswell, promoted.

JOSEPH DESHA.

November 30, 1825.

And the same was referred to a select committee of Messrs. Hickman, T. Ward, Faulkner and J. Allen.

The following messages were also read, to wit:

No. I.

_Gentlemen of the Senate,

I nominate for your advice and consent, John Fletcher, to be commissioned, for the ensuing year, Keeper of the Gate on the Turpke and Wilderness Road.

JOSEPH DESHA.

Nov. 26, 1825.
Dec. 3.

THE SENATE.

No. II.

Gentlemen of the Senate,

I nominate for your advice and consent, James C. Pickett, Esq., to be commissioned Secretary of State for this Commonwealth.

JOSEPH DESHA.

Dec. 1, 1825.

No. III.

Gentlemen of the Senate,

I nominate for your advice and consent, the following officers, who have heretofore received temporary appointments, viz.

1. William Steele, surveyor to run and mark a line in latitude 36° 30' from the Tennessee river to the top of Cumberland mountain.
2. George W. Baylor, attorney for the Commonwealth in the 10th judicial district, vice Samuel Hanson, resigned.
5. Notley D. Gore, sheriff of Calloway county, in place of Andrew Bell, resigned.
6. William Bridges, additional tobacco inspector at Booth's warehouse, in Louisville.

JOSEPH DESHA.

Dec. 2, 1825.

Resolved, That the Senate do advise and consent to the nominations contained in the first and second messages, unanimously, and to the nominations opposite the numbers 1 and 3, in the third message.

That opposite No. 4, was rejected, and the 2d, 5th and 6th were passed over for the present.

Ordered, That Messrs. Mayo and Dudley inform the Governor thereof, the same being duly certified.

Mr. Beaty, from the select committee raised for that purpose, reported a bill to amend the law establishing the Bank of the Commonwealth, and appointing an additional Director to the Bank at Somerset; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the same was referred to a select committee of Messrs. Daveiss, Hughes, Beaty, J. Allen, Ewing, Stephens, Hickman and M. H. Wickliffe, for amendment.

Mr. T. Ward, from the select committee to which was referred a bill providing for the erection of two new judicial districts in this State, reported the same with an amendment, by way of a substitute in lieu of the original bill; which being twice read, was
adopted, and the bill, as amended, was ordered to be engrossed and read a third time on Monday next.

Mr. Mayo, from the select committee raised for that purpose, reported a bill to appoint commissioners to examine and receive the improvements made on the Louisa fork of Sandy river; which passed to a second reading, when, on motion, the rule, constitutional provision, and second and third readings thereof were dispensed with; and it was

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

Ordered, That Mr. Mayo carry the same to the House of Representatives, and request their concurrence.

Leave was given to bring in bills of the following titles, to wit:
On motion of Mr. Hickman—1. A bill to regulate and equalize the revenue of 1824.
On motion of Mr. Denny—2. A bill to authorise a lottery for the benefit of the Masonic fraternity in Louisville.
Messrs. Hickman, C. Allan, Smith and Barrett were appointed a committee to prepare and bring in the first, and Messrs. Denny, Daveiss, C. Allan and Stephens, the second.

Mr. Dudley, from the select committee to which were referred resolutions from the House of Representatives, providing for the appointment of a joint committee to examine the Bank of the Commonwealth of Kentucky, and to cancel a portion of the notes issued by said Bank, reported the same with an amendment, by way of substitute in lieu of the original; which being twice read, was laid on the table for the present.

A message from the House of Representatives, by Mr. Prince:
Mr. Speaker—The House of Representatives have received official information that the Governor did, on this day, approve and sign an enrolled bill and resolution which originated in that house, of the following titles, to wit: An act for the benefit of Goodman Oldham, and a resolution for appointing a joint committee to examine and report the situation of the Lunatic Asylum and Transylvania University.

And then the Senate adjourned.

MONDAY, DECEMBER 5, 1825.

The Senate assembled.

Mr. C. H. Allen, from the committee for courts of justice, to which was referred the petition of Benjamin Berry, praying a change of venue, reported a bill to change the venue in the case of Benjamin Berry; which passed to a second reading, when, on motion, the rule, constitutional provision and further readings
thereof were dispensed with; and the question being taken on
the passage thereof, it was decided in the affirmative—Yea 25,
nays 5.

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

Yea—Messrs. C. H. Allen, J. Allen, Barrett, Beaty, Crutcher,
Daniel, Daveiss, Davidson, Denny, Dudley, Ewing, Faulkner,
Forsythe, Given, Lockett, Mayo, P. N. O'Bannon, Selby, Ste‐
phens, J. Ward, T. Ward, White, Wood, Worthington and Yan‐
ney.

Nays—Messrs. C. Allan, Cockerill, Hughes, M. H. Wickliffe
and R. Wickliffe.

Ordered, That Mr. Lockett carry the said bill to the House of
Representatives, and request their concurrence.

Mr. Crutcher, from the select committee raised for that purpose,
reported a bill authorising the trustees of Elizabethtown to make
conveyances in certain cases; which passed to a second reading,
when, on motion, the rule, constitutional provision and second
reading thereof were dispensed with, and the said bill was refer‐
red to a select committee of Messrs. Stephens, Crutcher and R.
Wickliffe, for amendment.

Mr. Denny, from the select committee raised for that purpose,
reported a bill to authorise the erection of a toll bridge across the
Ohio river, at or near the falls thereof, and to incorporate a com‐
pany for that purpose; which passed to a second reading, when,
on motion, the rule, constitutional provision and second reading
thereof were dispensed with, and the said bill was referred to a
select committee of Messrs. Hughes, Denny, R. Wickliffe and
Ewing, for amendment.

A message from the House of Representatives, by Mr. Under‐
wood:

Mr. Speaker—The House of Representatives have passed bills
which originated in that house, of the following titles, to wit: An
act to release lands belonging to seminaries of learning from for‐
feiture, and to exempt them from the payment of taxes; an act to
establish an election precinct in the county of Clarke, and an act
to amend the law concerning constables; in which they request
the concurrence of the Senate.

Mr. Daveiss presented the petition of Lipscomb Norvell, pray‐
ing to be released from further duties and responsibilities as ex‐
cutor of the last will and testament of Anderson Rice, deceased,
on his making a satisfactory settlement with the county court of
Lincoln county, &c.; which was received, read and referred to
the committee for courts of justice, with leave to report thereon
by bill or otherwise.

Mr. Denny, from the select committee raised for that purpose,
reported a bill to authorise a lottery for the benefit of the Masonic
fraternity in Louisville; which was read the first time, as follows, to wit:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Isaac H. Tyler, Isaac Stewart, Edmund T. Bainbridge, John Sutton, Thomas Joyes, William Penny, Levi Tyler, George S. Butler, James W. Breden, Jacob Steelman and William Read, or any four of them, be, and they are hereby authorized to raise by lottery, in one or more classes, any sum not exceeding five thousand dollars, to be appropriated by them in the completion, and discharging the debts contracted in the erection of the Masonic Hall and Baptist Church in the town of Louisville, and also, in the purchasing and enclosing a suitable Masonic burying ground, not exceeding three acres in extent; and they, or such of them as may choose to act, shall, before they enter upon the duties of managers of the lottery, in the county court of Jefferson county, enter into bond in the penal sum of six thousand dollars, payable to the Commonwealth of Kentucky, and conditioned for the faithful discharge of their duties as managers of the lottery, and of each and every class thereof; which bond may, from time to time, be sued on in the name of the Commonwealth, for the benefit of any person injured by a breach of the condition thereof. It shall be the duty of said managers, within ninety days after the completion of the drawing of said lottery, or any class thereof, to pay the owner or owners of tickets all such prize or prizes as may be due thereon, agreeably to the scheme they may have agreed on and published, provided demand is made thereof within twelve months, by the holder or holders; otherwise prizes not so demanded, shall be considered as a donation to the lottery.

§ 2. Be it further enacted, That said managers, or a majority of such of them as may choose to act, shall have power to sell and dispose of the whole scheme of said lottery, or any class thereof, so as to raise the sum of five thousand dollars; and they shall, with the consent of the Lodges and Chapter, have the power of purchasing, for the use of the Masonic fraternity of Louisville, not exceeding three acres of land, to be appropriated exclusively as a burying ground for said fraternity; and a conveyance thereof to the Masonic fraternity of Louisville, shall vest and forever perpetuate the title thereto, for their exclusive use and benefit; and by the said name of the Masonic Fraternity of Louisville, they shall at all times have power to sue for any trespass committed or done by any person in or upon said burying ground or Masonic Hall; and said burying ground and Hall, so long as they shall be kept and preserved for the exclusive use and benefit of said fraternity, as aforesaid, shall be, and they are hereby for ever exempted from any State tax, or town dues or assessment.
And the question being taken on reading said bill a second time, it was decided in the negative—Yea 16, nay 17.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Denny, were as follows, to wit:


And so the said bill was rejected.

Mr. Ewing, from the select committee to which was referred a bill to amend the law authorising the confession of judgments in a summary way, reported the same without amendment; which was thereupon ordered to be engrossed and read a third time on to-morrow.

Mr. Hickman, from the select committee to which was referred, on the 3d instant, a message from the Executive, covering sundry military nominations, (said message being spread on the Journal of that date,) reported as follows, to wit:

The select committee to which the nomination of Robert Matson, as brigadier general of the 4th brigade of Kentucky militia, was referred, have had the same under consideration, and have come to the following resolution thereon, to wit:

**Resolved,** That said committee recommend that said nomination be advised and consented to.

Which being twice read, and the question taken on the adoption thereof, it was decided in the affirmative. By which equivalent vote, said nomination was advised and consented to.

**Ordered,** That Messrs. Hickman and Cockerill inform the Governor thereof, the same being duly certified.

A message from the House of Representatives, by Mr. James:

**Mr. Speaker—** The House of Representatives have passed a bill which originated in that house, entitled "an act to amend an act entitled an act to erect precincts in certain counties in this Commonwealth," approved December 30, 1824; in which they request the concurrence of the Senate.

Mr. Daveiss, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act further to regulate the Bank of the Commonwealth," reported the same, with a substitute, by way of amendment, in lieu of the original bill; which being twice read, was adopted—Yea 23, nay 12.

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


And the bill, as amended, was ordered to be read a third time.

Mr. Crutcher moved to re-commit the said bill and substitute to a select committee, which was negatived.

Whereupon Mr. Daveiss moved for a re-consideration of the vote ordering said bill to a third reading; which was thereupon re-considered, and said bill and substitute were re-committed to a select committee of Messrs. Daveiss, Denny and T. Ward, for amendment.

Messages were received from the House of Representatives, announcing the passage of bills which originated in that house, of the following titles, to wit:

By Mr. Thomasson—An act further to regulate the Jefferson Seminary.

By Mr. Farmer—An act for the benefit of John Cotrell and others.

And by Mr. Coombs—An act for the benefit of John Smoot.

In each of which the concurrence of the Senate was requested.

Messages were also received from the House of Representatives, announcing the passage of bills which originated in the Senate, of the following titles, to wit:

By Mr. James—An act to remove the location of the seat of justice for M'Cracken county.

By Mr. Walker—An act to amend an act entitled "an act for the benefit of Daniel Trabue and others," approved January 7th, 1824.

And by Mr. M'Connell—An act for the appropriation of the surplus funds of militia fines in the hands of the paymaster of the 70th regiment Kentucky militia, with an amendment; in which amendment the concurrence of the Senate was requested.

On motion of Mr. Faulkner, a resolution which originated in the House of Representatives, entitled "a resolution for the adjournment of the General Assembly," was taken up.

Mr. Daveiss moved to strike out the following words in said resolution, to wit, "the tenth day of December next," so as to leave the day of adjournment blank; and the question being taken thereon, it was decided in the affirmative—Yeas 21, nays 14.

The yeas and nays being required thereon by Messrs. C. Allan and R. Wickliffe, were as follows, to wit:

Yeas—Messrs. C. H. Allen, Barrett, Beaty, Crutcher, Daniel, Daveiss, Dudley, Ewing, Forsythe, Given, Mayo, P. N. O'Ban-
Dec. 5. [THE SENATE.]


Mr. C. Allan then moved to fill the blank with "the 17th instant," which was agreed to.

At 3 o'clock P. M. Mr. Ewing moved that the Senate do now adjourn; and the question being taken thereon, it was decided in the negative—Yea's 16, nay's 17.

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


The question was then taken on the adoption of the resolution which was under consideration when the motion to adjourn was made, and it was decided in the affirmative.

Ordered, That Mr. C. Allan inform the House of Representatives thereof, and request their concurrence in said amendment.

On motion of Mr. R. Wickliffe, a resolution which originated in the House of Representatives, entitled "a resolution for fixing on a day for the election of public officers," was taken up; and the same being twice read, Mr. Daveiss moved to amend it, by striking out the following words, to wit, "the seventh," and inserting "the ninth," which amendment being adopted, the resolution was further amended, on motion of the same gentleman, by attaching thereto the words "and branches;" and the question being taken on the adoption of the resolution as amended, it was decided in the affirmative.

Ordered, That Mr. R. Wickliffe inform the House of Representatives thereof, and request their concurrence in said amendments.

Mr. Ewing moved for leave to bring in a bill to organize the Kentucky Enterprising Company; and the question being taken thereon, it was decided in the negative.

Mr. Daveiss, from the select committee to which was referred a bill to extend the terms of certain circuit courts in this Commonwealth, reported the same without amendment.

Whereupon said bill was ordered to be engrossed and read a third time on to morrow; when, on motion, the rule, constitutional provision, and third reading thereof were dispensed with, and the same being engrossed, it was

Resolved, That said bill do pass, and that the title thereof be as aforesaid.
Ordered, That Mr. Daveiss carry the same to the House of Representatives, and request their concurrence.

On motion of Mr. Pope, a bill which originated in the House of Representatives, entitled "an act to alter the time of holding the Washington county court," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Pope inform the House of Representatives thereof.

Messrs. Ewing, J. Allen and Beaty were appointed a committee on the part of the Senate, to examine and report the situation of the Bank of the Commonwealth of Kentucky.

And then the Senate adjourned.

TUESDAY, DECEMBER 6, 1825.

The Senate assembled.

On motion of Mr. Yancey, it was ordered that the Door-keeper of the Senate have leave of absence until to-morrow morning.

Mr. Crutcher presented the petition of the officers of the 3d and 60th regiments of Kentucky militia, praying that the militia laws may be printed and distributed among the officers, &c.; which was received, read and referred to the committee raised on that part of the Governor's message in relation to the militia.

Mr. Crutcher, from the select committee to which was referred a bill authorising the trustees of Elizabethtown to make conveyances in certain cases, reported the same with amendments, which were concurred in; and the said bill, as amended, was ordered to be engrossed and read a third time on to-morrow.

On motion of Mr. Given, leave was given to bring in a bill for the benefit of Joseph R. Given, late sheriff of Caldwell county; and Messrs. Given, Worthington and Lockett were appointed a committee to prepare and bring in the same.

Messages were received from the House of Representatives, announcing the passage of bills of the following titles, to wit:

By Mr. Hansford—An act for the benefit of Jesse Aicorn, with amendments, the same having originated in the Senate.

Whereupon said bill was taken up, and the amendments concurred in.

Ordered, That Mr. Ewing inform the House of Representatives thereof.

By Mr. Underwood—An act to add a part of Pulaski county to the county of Whitley, which originated in the House of Rep-
representatives had concurred in a resolution which originated in the Senate, entitled "a resolution requesting information of the Auditor, as to the amount of money due this Commonwealth for the sale of vacant and unappropriated land," with an amendment.

Which resolution was thereupon taken up, and the amendment concurred in.

Ordered, That Mr. Ewing inform the House of Representatives thereof.

Mr. Underwood further informed the Senate, that the House of Representatives had adhered to their disagreement to amendments made in the Senate, to a bill which originated in that house, entitled "an act to repeal an act entitled an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals, and also an act entitled an act to regulate the salaries of the Judges of the Court of Appeals and for other purposes;" and that they had also disagreed to a bill which originated in the Senate, entitled "an act to authorize lotteries for the purpose of raising money to erect bridges across Licking river, at Claysville in Harrison county, and at the mouth of Licking."

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

Mr. Speaker—The Governor did, on the 2d instant, approve and sign enrolled resolutions which originated in the Senate, entitled "resolutions raising joint committees to examine and report the situation of the Bank of the Commonwealth and branches."

A message from the House of Representatives, by Mr. Gaines:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act concerning the turnpike road from Georgetown to Cincinnati;" in which they request the concurrence of the Senate.

On motion of Mr. Crutcher, the Senate proceeded to a consideration of the orders of the day.

A bill which originated in the Senate, entitled "an act for the appropriation of the surplus funds of militia fines in the bands of the paymaster of the 70th regiment of Kentucky militia," pending on amendments made in the House of Representatives to said bill, being first in order, the said amendments were twice read and concurred in.

Ordered, That Mr. T. Ward inform the House of Representatives thereof.

Amendments made in the House of Representatives, to resolutions which originated in the Senate, entitled "resolutions requiring information of the Receiver of public moneys west of the Tennessee river," were twice read and concurred in.

Ordered, That Mr. Given inform the House of Representatives thereof.
Bills which originated in the Senate, of the following titles, were severally read a second time, and ordered to be engrossed and read a third time to-morrow, to wit: 1. A bill for the benefit of Thomas Branscomb; 2. a bill to alter the time of electing members to Congress.

A bill which originated in the House of Representatives, entitled "an act to allow additional justices of the peace and constables in sundry counties," which was heretofore amended, was, on motion of Mr. W. B. O'Bannon, re-committed to a select committee of Messrs. W. B. O'Bannon, Smith, Beaty and Mayo, for further amendment. From which committee, Mr. O'Bannon shortly thereafter reported said bill, with a further amendment; which being concurred in, and the bill, as amended, being read a third time, it was

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

Ordered, That Mr. Beaty inform the House of Representatives thereof, and request their concurrence in said amendments.

Bills of the following titles, which also originated in the House of Representatives, were severally read the first time, to wit: 1. An act authorising the sale of certain ground in the town of Russellville; 2. an act to amend the act entitled an act to provide for the running and marking the county line between the counties of Owen and Grant; 3. an act to regulate the appropriation of fines and forfeitures in certain counties in this Commonwealth; 4. an act to change the place of voting in the eastern precinct of Hardin county; 5. an act to establish election precincts in certain counties.

The rule, constitutional provision and further readings of the 1st, 2d, 4th and 5th bills being dispensed with, and the 5th being amended, by attaching thereto an additional section,

Resolved, That said bills do pass, and that their titles respectively be as aforesaid.

Ordered, That the Secretary inform the House of Representatives thereof, and request their concurrence in said amendments.

The rule, constitutional provision and second reading of the 3d were dispensed with, and the same was referred to a select committee of Messrs. Mayo, White and Hughes, for amendment.

On motion of Mr. C. H. Allen, the orders of the day were, for the present, dispensed with; and Mr. C. H. Allen moved a reconsideration of the vote by which a bill which originated in the Senate, entitled "an act to provide for the location of a permanent seat of justice for Oldham county," was ordered to be engrossed and read a third time; which was thereupon re-considered, and the question recurred on engrossing, &c.

Mr. C. Allan moved to re-consider the vote adopting the bill, the title of which was last recited, in lieu of a bill which origina-
in the House of Representatives, entitled "an act to remove
the seat of justice of Oldham county;" which vote was also there-
upon re-considered, and the question recurred on the adoption of
the first of the two bills last recited, in lieu of the last, which was
read as follows, to wit:

An Act to provide for the location of a permanent Seat of Justice for
Oldham County.

§ 1. Be it enacted by the General Assembly of the Commonwealth of
Kentucky, That polls shall be opened in the county of Oldham, on
the first Monday in April next, and be held open for three days,
at the places where votes are taken in said county at general elec-
tions, for the purpose of fixing the permanent seat of justice for
said county; which election shall be held under the superinten-
dence of the sheriff of said county, and such judges as the county
court shall appoint; and at said election, the voters of said county,
qualified to vote for representatives, shall have the right of
suffrage.

§ 2. Be it further enacted, That the judges of said election shall
cause a poll to be opened for Westport, Lynchburg and Taylor's
Cross Roads, for one of which points each voter may vote, as the
permanent seat of justice for said county, as his first choice, and
shall also vote for one of said points as his second choice.

§ 3. The day subsequent to the election, the polls shall be ex-
amined at Varble's tavern in said county, by the judges of the
election, and if it shall appear that either of the points aforesaid
has obtained the votes of a majority of all the qualified voters
of said county, as first choice, the same shall be certified by the
judges; and if neither of said places shall have obtained such ma-
jority as first choice, but shall have obtained it as second choice,
it shall be certified in like manner.

§ 4. Be it further enacted, That upon the production of the cer-
tificate of the judges of the election to the county court of said
county, of the result of the election, the court shall cause to be en-
tered upon its records, the point having the aforesaid majority of
votes for first choice, (if such majority shall have been obtained;) 
and shall also declare upon record, that such point is fixed upon as
the permanent seat of justice for said county. But if neither of
the points before designated, shall have obtained such majority as
first choice, then the justices of said county shall certify the fact
upon record, and shall at the same time enter upon record the
point having a majority of all the votes of said county as second
choice, and shall also declare upon record, that such point is fixed
upon as the permanent seat of justice for said county, and shall
forthwith proceed to erect the necessary public buildings, and to
lay out a town according to the provisions of law in force upon
that subject, if to them it shall seem expedient to lay out a town.
§ 8. And be it further enacted, That in case it shall so happen, that at the election provided for by this act, no point shall be fixed upon for the seat of justice of said county, then and in that case, polls shall be opened at the general election, to fix the seat of justice; which shall in all respects be conducted and regulated according to the provisions of this act, and the judges of the election and county court shall proceed in the same manner as directed by this act; provided a point shall not be chosen at the April election.

And the question being taken thereon, it was decided in the negative—Yea 16, nay 20.

The yeas and nays being required thereon by Messrs. Denny and C. H. Allen, were as follows, to wit:


The question was then taken on reading the latter bill a third time, which was agreed to; which being done, it was

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

Ordered, That Mr. C. H. Allen inform the House of Representatives thereof.

On motion of Mr. Hughes, leave was given him to report a bill to provide for holding a chancery term in the county of Nicholas, which was thereupon reported and read the first time, and on motion, the rule, constitutional provision and further readings of said bill were dispensed with, and it was

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

Ordered, That Mr. Hughes carry the same to the House of Representatives, and request their concurrence.

The orders of the day were then resumed.

A bill which originated in the House of Representatives, entitled "an act to compel the owners of warehouses and inspections to keep therein scales and weights made of cast iron, or patent balances," was read the first, and ordered to be read a second time.

The rule, constitutional provision and second reading of said bill being dispensed with, Mr. J. Allen moved to amend the first section thereof, by incorporating the words "iron steelyards or;" which was agreed to.
Mr. Daveiss moved further to amend the same, by attaching to the 2d section the words, "each year during the continuance of such failure;" which was also agreed to.

The bill, as amended, was then ordered to be read a third time on tomorrow; when, on motion, the rule, constitutional provision and third reading thereof were dispensed with, and it was

*Resolved. That said bill, as amended, do pass, and that the title thereof be amended to read, "an act to compel the owners of warehouses and inspections to keep therein steelyards or scales and weights, &c."

*Ordered. That Mr. Daveiss inform the House of Representatives thereof, and request their concurrence in said amendments.

A resolution from the House of Representatives, appointing joint committees to examine the public offices, &c. was twice read and concurred in; and bills from that house, of the following titles, were severally read the first time, to wit: 1. An act to amend an act entitled an act to amend the laws for the recovery of debt cognizable before a justice of the peace; 2. an act to authorise the trustees of the Lewis Academy to sell the lands belonging to that institution; 3. an act to alter the mode of appointing trustees to the Fleming Academy; 4. an act for the benefit of Jacob Renner; 5. an act concerning the town of Bowlinggreen; 6. an act for the benefit of Richard Apperson; 7. an act to compel free persons of colour to work on roads and public highways; 8. an act to extend the limits of the town of Mountsterling; 9. an act further to regulate the town of Nicholasville; and 10. an act to alter the time of the meeting of the General Assembly.

Whereupon the 1st and 5th (the rule, constitutional provision and second reading thereof being dispensed with,) were ordered to be read a third time on to-morrow.

The rule, constitutional provision and further readings of the 2d, 3d, 4th, 7th, 8th and 9th being dispensed with, and a blank in the 3d being filled,

*Resolved. That said bills do pass, and that their respective titles be as aforesaid.

*Ordered. That the Secretary inform the House of Representatives thereof.

The rule, constitutional provision and second reading of the 6th, were also dispensed with, and on motion of Mr. C. Allan, the bill was so amended as to connect with Richard Apperson, the name of Dillard Daniel, contemplating a division of the allowance made for the services by said bill set forth, between said Apperson and Daniel.

Whereupon it was ordered that the bill, as amended, be read a third time on to-morrow; when, on motion, the rule, constitutional provision and third reading of said bill were dispensed with, and it was
Resolved, That said bill, as amended, do pass, and that the title thereof be amended to read, "an act for the benefit of Richard Apperson and Dillard Daniel."

Ordered, That Mr. C. Allan inform the House of Representatives thereof, and request their concurrence in said amendments.

And the question being taken on the passage of the 10th, (the rule, constitutional provision and further readings thereof being dispensed with,) it was decided in the affirmative—Yeas 24, nays 12.

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


Ordered, That the title thereof be as aforesaid, and that Mr. Pope inform the House of Representatives thereof.

The orders of the day were then dispensed with.

On motion of Mr. Denny, leave was given him to report a bill to establish an inspection of tobacco in the town of Louisville; which was thereupon reported and passed to a second reading, when the rule, constitutional provision and further readings of said bill were dispensed with, and the same being engrossed, it was

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

Ordered, That Mr. Denny carry the same to the House of Representatives, and request their concurrence.

Mr. Given, from the select committee raised for that purpose, reported a bill for the benefit of Joseph R. Given, late sheriff of Hickman county; which passed to a second reading, when the rule, constitutional provision and further readings of said bill were dispensed with, and the same being engrossed, it was

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

Ordered, That Mr. Given carry the same to the House of Representatives, and request their concurrence.

Mr. C. H. Allen, from the committee for courts of justice, (upon a referred petition,) reported a bill for the benefit of Robert Bleakley, deputy sheriff of Meade county; which passed to a second reading, when the rule, constitutional provision and further readings of said bill were dispensed with, and the question
being taken on the passage thereof, it was decided in the affirmative—Yea 16, nays 8.

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


**Nays**—Messrs. J. Allen, Daveiss, Dudley, Faulkner, Forsythe, Hughes, W. B. O'Bannon and Wood.

Ordered, That the title thereof be as aforesaid, and that Mr. Crutcher carry the same to the House of Representatives, and request their concurrence.

Mr. Hughes read and laid on the table the following resolutions, to wit:

Resolved, That a law ought to pass, directing the several sheriffs and other collectors of the revenue tax for the year 1825, to collect the sum of three and one half cents, in notes of the Bank of the Commonwealth, for each hundred dollars worth of property, in lieu of the sum now authorised by law.

Resolved, That a law ought to pass, authorising and directing the President and Directors of the Bank of the Commonwealth of Kentucky and its branches to receive from each debtor to said institution, the sum of sixty-six and two thirds of a cent, in gold or silver, in lieu of each dollar in notes of the said Bank that may be owing by any such debtor to said institution, with a proviso in said law, that full payment shall be made by any such debtor on or before the first day of January 1828.

Resolved, That a law ought to pass, authorising and permitting the debtors of the Bank of the Commonwealth or its branches to renew their notes half yearly, instead of three times a year, and that the calls ought to be suspended, (excepting the interest on the amount,) until the first day of January 1827.

Resolved, That a committee of three be raised, and that the same be, and they are hereby instructed to ascertain the amount of the debt due the Commonwealth from the Bank of Kentucky; the amount of money belonging to the State, which has fallen into, or has been deposited in the Bank of the Commonwealth or its branches, and the amount of the net proceeds of the sales of public lands; and that said committee, in like manner, examine, ascertain and report the amount and situation of the school fund; and that said committee have power to send for records, persons and papers, for their information, and that they make report to the present General Assembly.

And then the Senate adjourned.
The Senate assembled.

Mr. Davidson, from the committee of propositions and grievances, to which was referred the petition of a small portion of the citizens of the county of Barren, praying that a part of said county be attached to the county of Allen, reported thereon a bill to add a part of the county of Barren to the county of Allen; which passed to a second reading, when, on motion, the rule, constitutional provision, and second and third readings thereof were dispensed with, and the same being engrossed, it was

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

Ordered, That Mr. Cockerill carry the same to the House of Representatives, and request their concurrence.

Mr. C. H. Allen, from the committee for courts of justice, to which was referred a bill for the benefit of William Cardwell, jailer of Shelby county, reported the same without amendment, which was thereupon ordered to be engrossed and read a third time on to-morrow.

Mr. Mayo, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act to regulate the appropriation of fines and forfeitures in certain counties in this Commonwealth," reported the same with amendments—the first, inserting after the county of Shelby, the counties of Floyd and Spencer, and the second attaching to the bill an additional section, &c.; which amendments were twice read and concurred in, and the bill, as amended, was ordered to be read a third time on to-morrow; when, on motion, the rule, constitutional provision and third reading thereof were dispensed with, and it was

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

Ordered, That Mr. Mayo inform the House of Representatives thereof, and request their concurrence in said amendments.

Mr. Denny, from the select committee to which was referred a bill to authorize the erection of a toll bridge across the Ohio river, at or near the falls thereof, and to incorporate a company for that purpose, reported the same with a substitute, by way of amendment, in lieu of the original bill.

Mr. M. H. Wickliffe moved to lay the said bill and substitute on the table until the first day of August; and the question being taken thereon, it was decided in the negative.

Whereupon Mr. Daviess offered several amendments to the said substitute; and the original bill, substitute and amendments,
were, on motion of Mr. Pope, re-committed to a select committee of Messrs. Pope, Daveiss, Denny, Hughes and Dudley, for further amendment.

Mr. J. Allen, from the committee raised on that part of the Governor's message which relates to the Judiciary of this State, made a report, covering sundry documents, which was received and read as follows, to wit:

The Committee to which was referred the recommendations made in the Governor's message on the subject of the Judiciary, have given their attention to it with the most heart-felt concern. The discord which has hitherto prevailed among the people in consequence of the conflicting powers assumed by the Judiciary over those of the Legislature, springing from the attempt of the first to assert an irresponsible authority over the acts of the latter, has at length raised a spirit of party, which threatens from every side, and gives to every opposing eye the stern look of enmity and defiance. The peace of society seems to be endangered; civil broils, yet unknown to our happy Commonwealth, appear to be fast approaching. The difference of opinion from which this contest arises, involving an issue between two great departments of the government, an issue which can alone be decided by the people, and the two branches of the Legislature, the only constitutional organs capable of uttering the public voice, differing with regard to the sense of their immediate constituents upon this momentous subject, it appeared to your committee that there was but one way left, to put a speedy termination to the troubles of the country. It was, that the two houses, after having borne their testimony in favor of the principles for which they contended, should then mutually concur in an effort to adjust the only difficulty by which the controversy is continued. The claims of Messrs. Barry, Hagg in, Trimble and Davidge on one side, and of Messrs. Boyle, Owlsley and Mills on the other, to the bench of the Court of Appeals, constitute the only obstacle to an instant settlement of the differences which pervade the government. If the late law under which the present Judges were appointed, were repealed, an immense number of the good people of this State would always consider the late Judges as still without authority, unless provided with new commissions under the existing law, and that they exerted a power, if they acted at all, wholly unwarranted and unconstitutional. If the newly appointed Judges should continue their functions, another great portion of the community would hold their decisions, although warranted by law, as contravening an instrument paramount in its obligation to all acts of legislation. It is obvious, then, should the strife be continued, whichever set of Judges should ultimately prevail in the contest, that a difference of the authority, as well as of the impartiality of the tribunal, would notwithstanding exist to a great extent in the
public mind, and that the mischiefs produced in the mean time by the conflicting decisions rendered, would be the cause of lasting disputes and dissatisfaction among the people.

Impressed with these considerations, your committee could perceive but one mode by which all dissension could be avoided, and every constitutional scruple satisfied. It is admitted on all sides, that if those claiming to be Judges of the Court of Appeals were to resign their respective claims, a new tribunal might then be established, free from every embarrassment. No doubt could then hover over its constitutional authority; and if composed of men mutually chosen by the conflicting parties, as proposed in the Governor's message, no fear could haunt the bosoms of suitors, now so sensitive and suspicious upon the subject of the political influence which is supposed to surround the two courts, and possibly to affect their decisions.

Prompted, then, by the love we bear our country, we appealed to the patriotism of the individuals whose opposing claims to the judicial station provoke hostilities among us; and invoked them to sacrifice to the public good, all love of office, honor or emolument; and that more dangerous feeling, party spirit, by which the best interest of the country is threatened. We have solicited them, by a voluntary resignation, to afford an opportunity of giving permanent repose to the community. It is said, that there is an impropriety in one department of the government thus addressing the functionaries of another department. Your committee do not admit this doctrine; but if there be anything wrong in the application they have made, the rectitude of their intentions, the benevolent wishes by which they have been actuated, must plead their apology. It is well known that they have, for the most part, grown grey in the public service as representatives of the people; only one or two of them are professional men; most of them, farmers. They are not rivals for the power or dignities which seem to form the subject of contest; nor are they litigants who can be made to feel that power which they may be unable to control or to propitiate. One of them assisted in forming the constitution, upon the construction of which, our difficulties originated; all of them venerate its principles, and are too old to form those ambitious hopes which are to be fostered by novel and dangerous interpretations of its provisions. Standing in this attitude, your committee hoped, that at a moment of such unexampled difficulty, ordinary forms might be dispensed with, and that a mediation proposed by a committee of the Senate, on terms of the most perfect equality, might be met in the spirit in which it was proposed, and that the mutual concession asked, might be accorded, to accomplish what seems to be an almost universal wish, a total extinction of the harassing questions which agitate the community.
Influenced by these feelings, your committee addressed a letter to the persons claiming to be Judges of the Court of Appeals. The paper alluded to, will be found marked A.

To this letter your committee received a prompt answer from Messrs. Barry, Haggin, Trimble and Davidge. It contains the fullest pledge on their part, to assent to anything that may be necessary and proper to arrest the progress of the mischiefs which may result from the continuance of the contest in which they are involved. They have displayed a perfect willingness to retain or to resign their offices, as the public good may require, regardless wholly of personal feeling or personal interests. Their communication breathes of the devotion to republican principles, which they have always professed, and gives the most conclusive proof that they prefer the general welfare to every other consideration. The paper alluded to, is annexed, marked B.

Your committee regret to say, that a very different spirit pervades the reply of the late Judges of the Court of Appeals. From the length of time that communication was delayed, it was expected that coolness and deliberation would have marked its manner. It was even hoped, that a disinterested, dispassionate and unprejudiced consideration would have been given to a proposal made by aged Senators, with a view to put an end to party strife, to banish all jealousies between the several departments of the same government, to dispel the doubts and uncertainties that hang over the present state of things, and to restore good feelings and harmony among our fellow-citizens. In these anxious anticipations your committee have been disappointed. The letter they have received from the gentlemen alluded to, will be found not only to contain a refusal to meet the terms of conciliation in the temper in which they were proposed, but to open new sources of dissatisfaction, and to inflame party feeling. It will be found marked C.

So far as the animadversions of the late Judges are intended to cast imputations on the motives of the members of your committee, or in responding to them to reach the feelings or character of others, they feel themselves bound to notice their remarks and to repel the injurious conclusions they attempt to make. The committee will recapitulate the several charges, in the order in which they appear in the document, and add such observations as shall appear to them proper.

1. The paper in question first attempts to attach to the act of the last Legislature, the blame of the difficulties which embarrass the country.

Your committee cannot consent to this proposition. They believe that the unhappy controversy grew out of the decision rendered by the late Judges, defeating the operation of the replevin laws, and denying to the Legislature its legitimate powers.
2. A violation of the constitution is next charged upon the last Legislature. The passage of the law re-organizing the Court of Appeals, is given as the overt act, and proof of the offence is afforded by referring to the tenure by which they, as Judges, claim a right to hold the offices of that court, and to withhold the tribunal from such reformation in its system, as might be deemed necessary by the people, through their representatives. Your committee conceive, that the act of the Legislature, questioned by the late members of the Court of Appeals, has been too often and too ably vindicated against this feeble pretext, to require, at their hands, any further defence. Until the late Judges will show how the tenure by which they hold their offices can preserve them from a repeal, when they admit that precisely the same tenure by the circuit court Judges, will not preserve their offices from abolition, your committee will not allow, that the constitutional right to hold the station of Judge “during good behaviour and the continuance of their respective courts,” will prevent the courts from being discontinued for the introduction of another system by law, as the power is evidently implied in the clause of the constitution quoted. As another proof to establish this violation of the constitution complained of, the late Judges refer to a resolution of the House of Representatives, passed at the present session, “as full evidence” that a majority of the people have decided against the constitutionality of that act. To this position, your committee cannot assent. On the contrary, they hold these propositions as unquestionable, upon the evidence of the constitution itself: That the senators are as immediately the representatives of the people, as the members of the other branch of the Legislature; that the will of the people, under our representative government, cannot assume the obligation of law, but by the vote of a majority of all elected to the House of Representatives and to the Senate, unless when, by the sanction of the Governor, a majority of a quorum of both houses are enabled to pass such law; that it requires the same power to repeal as to make a law; that a law passed by the constitutional sanction of both houses, with the approval of the Governor, cannot be repealed by the vote of the House of Representatives only, and that its obligation cannot be avoided by the passage of a resolution to that effect, through one house alone; that the Senate, as immediately representing the people, have an equal right, under the constitution, to interpret and declare the will of the people by whom they are elected, and that their declaration is as full evidence of the public opinion as that of the House of Representatives; and that, if in pursuance of their views of the public will, the House of Representatives should attempt to annul or to pass any law, the Senate, under the constitution, has a direct veto upon the acts of the other house, and may, of right, check and render them ineffectual. As, therefore, the public will in regard to
the laws of the country, can only be manifested by the concurrence
of both branches of the Legislature in declaring it, and as the Sena-
tate have refused to concur with the House of Representatives in
repealing the law re-organizing the Court of Appeals, your com-
mittee deny the position taken by the late Judges, that the repre-
sentatives of the people have given full evidence against the con-
stitutionality of the law. On the contrary, they contend, that the
present Legislature bears its testimony in favor of the constitu-
tionality of the law re-organizing the Court of Appeals, by refus-
ing, in the most direct manner, to repeal it. They deny that “the
will of the majority has been constitutionally expressed against the
law,” as is declared in the letter of Messrs. Boyle, Owsley and
Mills; but they assert, that it has been constitutionally expressed
in its support. We do not, then, as is insinuated, avow the doc-
trine in our letter, “that the minority should never submit to the
will of the majority;” but, on the contrary, call upon every good citi-
zen to submit to the law which has received from the representa-
tives of the people, the authoritative sanction of the majorities of
both branches of the Legislature, during the last session, and the
approval of the Governor, and which is sustained against the
efforts of the House of Representatives at the present session, by
the veto of the Senate, and the authority of the Executive depart-
ment.

3. The specific proposal contained in the letter of your com-
mittee, which was founded on the liberal views promulgated in the
message of the Governor, is answered in the communication, by
the declaration, that “it presents the boon of patronage which he
(the Governor) holds in his hands, as a reward for the surren-
der of principle;” that “it is an offer to his opponents to give to
them or their friends, two high and responsible offices, if they
will come over to his side and surrender the constitutional ques-
tion.” In other parts of this reply, it is insinuated that the proposi-
tion submitted to the late Judges, is a sort of “bargain,” by which “the
liberties of the country might be in danger of being traded off by bar-
ter or compromise.”

Your committee are at a loss to know how the injurious impe-
 nations contained in these remarks of the late Judges, are made
applicable to the request contained in their letter, or to the frank
avowal of liberal sentiments, made in the message of the Gover-
nor. That officer, impressed with the belief that his constituents,
the people, were desirous of putting an end to the judicial contro-
versy, and that it was their wish, the more certainly to secure gen-
eral satisfaction and give public confidence to the tribunal, that an
equal number of Judges should be appointed from the two great
parties which divide the community; unhappily declares his
intention to consult the public inclination, in any appointments
which he should have it in his power to make. Your committee, to
which that part of the Governor's message was referred, solicited both sets of Judges, under whose banners the party conflict has been carried on, to resign their respective claims to the judicial station, and allow a new tribunal to be established, which would not be obnoxious either to the constitutional objections taken by each side to the authority claimed by the court supported by the other, or to the objections which have grown out of the character of the controversy, or the individuals themselves. No "boon of patronage" has been offered to those who have been solicited to resign; no motive has been urged as an inducement to this step, but the peace and welfare of our common country; "no surrender of principle," has been demanded; "no surrender of the constitutional question," has been expected or desired; no portion of the liberties of any individual, much less of the country, has been "bargained, bartered for, or traded off." Surely, in resigning their commissions, those who claim to be Judges make no surrender of the constitutional question. The act of resignation is, itself, a direct assertion of the principle for which they insist; it is an express declaration, that they hold the offices which they are about to resign, and is an unequivocal avowal, on the part of the late Judges, of the principle for which they contend, that they are in under the constitution, else there would be no necessity for their resignation. Besides, the letter of the late Judges expressly assumes the position, that the resolution of the House of Representatives is a final decision of the question. If it be, where is the necessity of keeping up a warfare to establish that which is already established? If it be not, why should the contest be prolonged, in the vain effort to compel the dissenting party to yield a belief to doctrines, to which, as a matter of conscience, they can never give their assent? The truth is, in the arrangement to which, for the sake of peace, your committee invited the attention of the opposite parties, no compromise of principle was at all necessary. It is admitted by all, that if the Judges who hold the offices of the Court of Appeals, were to resign, there could then exist no constitutional bar to the power of the Legislature to establish four offices in that tribunal; nor could there be any doubt of the power, or of the propriety of the appointment by the Executive and Senate, of those who might be most agreeable to the contending parties who divide the State. Might not this have been done, and every man in the community, yet have maintained his opinion, and the Senate, the House of Representatives and the Governor, each adhered to the principles conscientiously avowed and advocated by them?

Although your committee most clearly perceive, that the proposition contained in their letter required no sacrifice of private opinion or of constitutional principle, to give it effect, they cannot say so much for the counter-project submitted by the late Judges in their communication. It requires that they be restored
to the stations they claim, by the repeal of the late law re-organizing the Court of Appeals. This they call "restoring the constitution to its practical force"—"bringing back the constitution to the point on which it rested before the passage of the re-organizing act." But your committee entertain a different opinion in regard to this subject. They hold, that a repeal of the late re-organizing act, without another provision by law to establish another appellate court, would be inconsistent with the spirit of the constitution. They hold that the restoration of the late incumbents to the appellate bench, without commissions, by an act of the Legislature, would also be a violation of the constitution, as taking from the Governor and Senate their right of appointment and confirmation of officers. Thus, the preliminary upon which the proposition of the late Judges is predicated, requires a sacrifice on the part of the Senate and the Governor, of their oaths, their conscience and the constitution.

Your committee see other objections to the propositions of the late Judges. It is not fair in them to ask the resignation of other officers, who will thereby be disqualified and rendered ineligible to fill the stations they at present hold, while they, the late Judges, demand immediate occupation of the stations they claim, to be held until a remote period, and then reserve the right, at the moment of resignation, to be eligible to re-appointment. By this means, they would drive their adversaries from the field, and retain everything in their own hands.

It is not necessary that the officers of all the departments should resign, concerning whose claims to office there is no doubt, to settle the dispute involved in the question whether Messrs. Barry, &c. or Messrs. Boyle, &c. are the constitutional Judges of the Court of Appeals. The rights to property, the lives of the people, are hazarded by the dispute with regard to the judicial power. This is not the case as it respects the Governor, Lieutenant Governor, the Senate and House of Representatives. Their rights to the stations they occupy, are unquestioned; and if the individuals themselves are obnoxious to some, it should be remembered, that they have no power over property, and that the constitution has fixed a short and limited period, beyond which they cannot hold their offices.

It is not proper, that all the officers of the government should abandon their stations at once, and leave the administration in other hands than those deputed by the people to manage it. The impropriety of this course, is manifested by that part of the proposal of the late Judges, which refers to the executive department. They say, that after the resignation of the Governor, a newly elected Senate "would elect from their own body a Speaker, who, on the resignation of the Lieutenant Governor, would have, by the constitution, a right to administer the government during the res-
The due of the term of the present incumbent. Besides the obvious objection to this recommendation, which requires that the Governor elected by the people themselves should be ousted, to transfer the election of the Chief Magistrate from the people to the Senate, and the administration from a Governor chosen at the polls, to a Speaker chosen in conclave, a great constitutional question at once arises, whether such Speaker would have the right "to administer the government during the residue of the term." On the principle upon which the late Judges now contend that the constitutional question with regard to the judiciary is settled in their favor, the proposition which they make to surrender the government to a Speaker of the Senate, is wholly unconstitutional. They say that a vote of the House of Representatives decides the constitutional question, as it regards their power as Judges, because it is full evidence of the decision made by the people at the polls, on that question. Apply that principle to the scheme proposed by the late Judges, and its unconstitutionality is instantly made apparent. The House of Representatives, two years in succession, by great majorities, declared the decision of their constituents to be, that in case of the death or resignation of the Governor, they had a right to elect another Governor at the polls, and qualify him to supply the vacancy. The House of Representatives thus decided, after the question of a new election had been fairly made and fully argued before the people. What right, then, have the Senate to elect a Speaker to administer the government during the residue of the term?

In addition to these objections to the course proposed by the late Judges, your committee would beg leave respectfully to suggest, that so far from allaying the violence which now exists, and reconciling parties, it would, they believe, be calculated greatly to increase the present confusion and disturbance. By making vacant every station of power in the State at once, contrary to the policy of the constitution, which opens the way to office by degrees and at successive periods, the whole government would be at once thrown into an electioneering canvas. Private and personal views and interests would mingle with, and add their excitement to political animosities. According to this extraordinary proposal, both branches of the Legislature are to resign more than six months before their places are supplied. The Governor is immediately to go out of office, and his place is to be supplied by the Lieutenant Governor, who is next to give way to a Speaker to be appointed by the Senate. In the interim, if any exigency should occur in the government from this novel state of things, there is no legislative body to be called to the conduct of its affairs, which is always contemplated and designed by the constitution to exist for that purpose; and in case of the death of the Lieutenant Governor, there would be a total dissolution of the gov-
eromment in the executive and legislative departments. Nothing would be left of the government but the judiciary, which would continue to wield its powers under the direction of Messrs. Boyle, Owsley and Mills, whose constitutional right to the assumed power thus exercised, would form one of the great leading questions on which the elections would turn, and would thus again contribute its full share to provoke personal abuse, and to aggravate the confusion and violence of the general contest for office, which this proposition (if acted on) would produce throughout the State.

Your committee cannot, therefore, consider the proposal of the late Judges, as at all calculated to adjust the causes of disquiet in the country and to give peace to its citizens. Indeed, the whole tenor of the communication in which it is contained, would lead us to suppose, that it was neither the intention nor desire of the late Judges to produce that happy result. They have unnecessarily forced into the reply made to the conciliatory letter of your committee, topics which had no relation to the subject offered to their consideration. They have gone back to other years of discontent, to speak ungraciously of what they call "the burden of the songs in the annual budget of two successive Governors"—to heap their reprobation upon the acts of the last Legislature, declaring some of them violations of the constitution, and their preambles and resolutions to be "without colour of truth." They have charged the Senate with having "accused" and "tried" them "without notice or hearing," and they have again brought into view, the occupying claimant law, a subject productive of so much sensation, declaring that they have been falsely charged with having decided against it. Your committee regret that the late Judges should have thought fit to throw into the cup of conciliation and kindness, ingredients calculated to turn it into a poison. Implicated as they are in some of these charges, they will not follow the example set, and sharpen the edge of controversy by recrimination or contradiction. They may be allowed to say, however, that to them, the messages of the last and present Governor, seemed to contain nothing on the subject of the judiciary, but salutary cautions and recommendations necessary to preserve the republican purity of our institutions; that they are not conscious that the preambles and resolutions of the last session contained falsehoods, or that any of their acts violate the constitution; nor are they aware that the late Judges were ever subjected to any trial before the Senate, with or without a hearing. They cannot conceive how the passage of a bill through that body can be construed into an accusation and trial of Judges. When the quarter session courts, the district and circuit courts, were repealed or re-organized, it was not considered to be a trial of the incumbents who held the offices. Your
committee will do the late Judges the justice to say, that in their earlier opinions, they supported the occupying claimant laws; but it is nevertheless true, that while the case which decided the fate of those laws was depending in the Supreme Court of the United States, they (the late Judges) decided a principle in the case of Hoy's heirs vs. M'Murry, (1 Littell 367,) which was adverse to their former opinions on that subject. The decision alluded to, was immediately sent in manuscript to the Supreme Court of the United States, and that tribunal, in deciding against the rights of the occupant, refer to, and rely on that opinion of the State court as conclusive authority against the validity of the occupying claimant law, and as fully supporting their own decision.

The refusal on the part of the late Judges to accede to the views which your committee had fondly hoped would have terminated in pacific measures and the union of all parties in a common effort to promote the public good, makes it necessary that the attention of the Senate should be called to another part of the communication of these individuals. They state that they have resumed the full exercise of judicial functions, by proceeding to render judgments and decrees, and that they will still continue to do so. Your committee conceive that this conduct is repugnant to the fundamental principles of the government under which we live. They conceive that whatever objections individuals may have to the laws of the land, or whatever differences may exist in regard to them, they are still obligatory on all, until they are constitutionally annulled or repealed. They conceive that, according to the forms and true spirit of the government, the last and present Legislature have recognized the actual and constitutional existence of the law which these individuals are attempting to suppress by acts of unauthorized power. They conceive that these individuals, in assuming the full exercise of judicial functions, not only defy the constitution and the law, by such acts, but they also assume the legislative powers, to supply the "regulations" by the authority and under the direction of which, the judicial power of this Commonwealth can alone be exerted, and which, by the express provision of the constitution, it is made the peculiar province of the Legislature to enact.

In consequence of the course of conduct which the late Judges have indicated that they are taking, and intend to take in relation to the public business, your committee thought it proper to address a note to Mr. F. P. Flair, to obtain official information with regard to the state of the business and office of the Court of Appeals, of which he is clerk, and to know from him, whether any thing had occurred to obstruct and delay the administration of justice. To this we have received the following answer from Mr. Blair. The notes alluded to, are annexed, marked D. and E.
In consideration of the premises, your committee recommend the adoption of the following resolutions:

Resolved. That the General Assembly of Kentucky hereby solemnly protests against the exercise of all judicial power by John Boyle, William Owsley and Benjamin Mills, as being not only contrary to law and the constitution, but also contrary to the peace and good order of society.

Resolved further, That for the purpose of quieting the country and restoring general confidence in the Court of Appeals, a compromise and adjustment ought to take place, upon equal and reciprocal terms, (as to the men who shall hereafter constitute said court,) without a sacrifice or concession of principle.

JAMES ALLEN, Chairman.
YOUNG EWING,
ANDREW S. HUGHES,
JOEL YANCEY,
JESSE DANIEL,
J. DUDLEY.

(A.)

To Messrs. John Boyle, Wm. Owsley, Benjamin Mills, William T. Barry, James Haggan, John Trimble and Rezin Davidge.

Gentlemen:

The committee of the Senate, raised on that part of the Governor's message which relates to the Judiciary of this State, hope you will find a sufficient apology for the frankness of this address, in the anxiety which they feel for a final adjustment of the controversy in relation to the Court of Appeals, which has so long disturbed the repose of the country, and now threatens it with anarchy in its government.

At this moment we see two sets of men claiming to be Judges of the Court of Appeals, and actually exercising judicial powers, rendering judgments and decrees, and preparing to enforce their execution, when it is acknowledged by all, that there can be but one constitutional court existing at the same time.

The committee believe it to be of the utmost importance, that the undivided confidence of the people should be placed in their appellate court; and it is with regret, that they see one portion of the people looking to one set of men as constituting the rightful court, and another portion to other men; while many, on each side, are filled with doubt as to the court which will finally prevail, and as to the ultimate validity of their decisions. Each citizen, in this state of things, may claim the right to resist the orders
of the court which he deems unconstitutional, and thus produce a state of things greatly to be regretted by every good citizen. It cannot be expected, where there is so great a difference of opinion, that either can recognize the principles of the other. An unwilling people, even in monarchies, never can yield to unconditional submission, much less in a republic.

The committee deem it of the utmost importance that the decisions of the court of the last resort shall be rendered by men whose constitutional authority is undoubted. They frankly state to you, that in their opinion, such a result can never follow from the continued exercise of judicial power by either set of men; much less can they hope for tranquility and good order while both continue their claims. On the contrary, they see before the country, the fearful prospect of every man undertaking to decide for himself as to the execution of legal process, and individual resistance may lead to general anarchy. The committee, therefore, make this appeal to your patriotism and love of country. We most ardently wish our controversies and difficulties settled; our country demands repose; its legislature has much to do; our sister States are surpassing us in their splendid works of internal improvements. Shall we continue our dissensions, or shall we magnanimously sacrifice every personal consideration, and give peace to a divided and unhappy country, and grant to each other equal rights and privileges?

The committee, impressed with the truth of the foregoing views, can advise no mode of restoring the confidence of the country in the authority of the appellate court, so effectual as for each set of men to relinquish their claims, that re-appointments may be made, or a new tribunal formed, which shall be satisfactory to all.

In the name, therefore, and for the good of our common country, we respectfully ask you, in case the Legislature indicate a disposition to make an equal and just compromise of our difficulties as to the men who shall fill the appellate court, whether you will decline all claim to the office of Judges?

With an earnest hope that you are ever ready to make this and every other sacrifice for the peace and prosperity of our common country, we have thus frankly addressed you, and request an answer as will suit your convenience.

JAMES ALLEN, Chairman.
YOUNG EWING,
JESSE DANIEL,
JEPHTHAH DUDLEY,
JOEL YANCEY.

November 25th, 1825.
The freedom of your communication needs no apology. The occasion justifies it; for the character of our State is involved and the lives of its citizens implicated.

We accepted our offices with great hesitation. We knew that the duties, at all times important and arduous, were rendered highly embarrassing by the degree to which the public mind had been excited. Indeed, we were apprised that many of our respectable fellow-citizens opposed the change in the system which placed us on the bench, from conscientious considerations, and that some would even doubt the validity of our acts. But we believed that further reflection would reconcile all to the measure, and confidently hoped, that by a faithful discharge of duty we should be able to give general satisfaction and entitle ourselves to public approbation. Yet, we regret to say, that the agitation continues.

It is painful indeed, to witness the novel and afflicting spectacle of two sets of men claiming to be Judges of the Court of Appeals, under a government whose constitution knows but one such tribunal. The anarchy which must ensue from this state of things, is perceived, and must be deprecated by all good men. On our part, we are ready to do any thing in our power to arrest the progress of the evil, and which may lead to the restoration of peace and harmony.

The good feelings and best interests of society alike invite to conciliation, and we will unite in the means you propose.

With considerations of respect, we are, gentlemen,

Your obedient servants,

W. T. Barry,
J. A. Haggin,
Rezin Davidge,

W. T. Barry, for John Trimble.

The Hon. James Allen, Chairman, &c.

To the honorable Committee of the Senate, raised on that part of the Governor's message which relates to the Judiciary.

Gentlemen:

We were honored in receiving, by the hands of two of your committee, your address to us upon the subject of the adjustment of the controversy in relation to the Court of Appeals, which so much disturbs the repose of the country; and we trust you will find, in the nature of your address, a sufficient justification for the
same frankness in our answer, which you have used in your communication.

That there should be two sets of men claiming to be Judges of the supreme appellate court, and actually exercising judicial pow- ers, by rendering judgments and decrees, and preparing to enforce their execution, when it is acknowledged by all, that there can be but one constitutional court at the same time, and believed by a great majority of the people, that there can be but one such court at all time, so long as the constitution endures, is a state of things most deeply to be deplored, and a continuance of which, must result in consequences most disastrous, and painful to contemplate in prospect only. But whence has arisen this state of things? Is there division? are there doubts of the validity of decisions, and danger of blood? Did not all arise from the passage of the act of the last session, which attempted to abolish the Court of Appeals and erect another? If that act had never passed, could there have been cause for doubt or danger? And if we now retire, can the doubts be dispelled, which hang with gloom around the decisions of a court standing on a legislative base? We conceive not. This doubt and danger might have been readily foreseen at the passage of that act, and occurred to us, as an unanswerable argument against it, which we fear had not its due weight at the moment.

The nature of our claims to be Judges of the Court of Appeals, cannot be unknown to you. We were placed in the offices which we hold, by the voice of the people, spoken through their regularly constituted organs, in pursuance of laws, the constitutionality of which was, for thirty years, disputed by none; and the rightful exercise of the powers of Judges of the Court of Appeals by us, was conceded by all, until the passage of the act which attempted to create another tribunal. That act, so far as it had the objects in view, to abolish this court and create another, was, in our opinion, unconstitutional and void. We believed the people in convention assembled, had, by their constitution, created the Court of Appeals, and that it must continue to exist so long as the constitution existed; that we held our offices, in virtue of the provisions of the constitution, “during good behaviour and the continuance of the court,” and that we could only be removed by impeachment or address; in the former mode, on conviction of some misdemeanor in office, by two thirds of the Senate, and in the latter, on an address of two thirds of each branch of the Legislature; and that, as we had not been removed in either of these modes, we continued in office, the passage of that act notwithstanding. Impressed with a perfect conviction of these truths, and of the importance of the principles involved in them, to the liberty and happiness of the country, however painful and irksome the task might be, of continuing in our places, we did not consider ourselves at liberty to aban-
don them. Had the times been the most peaceful and orderly, the offices would have had no charms for us. We had served in them long enough to be fully gratified with the honor which they conferred, and to know that the labors were arduous and the duties responsible, while the salary, though originally sufficient, had become, by the depreciation of the currency, scarcely adequate to a comfortable support of ourselves and families. But by the act of last session, even this compensation was taken from us, and we foresaw, that by carrying on our duties at our own charge, the small estates we possess might be consumed, and leave us with little at the approach of age; that instead of a tranquil discharge of our duties, in a peaceful and orderly period, we must pass through a tempestuous and boisterous scene, without being allowed to resist or retreat from the storm that howled around us; that our motives, as had been threatened, would be impeached, our characters vilified and traduced, and our conduct misrepresented and distorted, and that we would be charged with clinging to the grasp of death, for the sake of their honor and emoluments, to offices which had neither honor nor emoluments attached to them. These charges, with many others equally baseless and slanderous, we were prepared to expect, while we had to bear them in silence, and not attempt to stop the mouth of calumny. Dreary, however, and frightful as was the prospect before us, yet so vitally important did it appear to us, to maintain the constitution, and with it, the liberty and happiness of the people, that, conscious of the purity of our motives and the rectitude of our conduct, we did not hesitate as to the course we should adopt. Impelled by an irresistible sense of duty to the country and its constitution, to ourselves and to posterity, no alternative, in our opinion, was left us, but to continue in the stations in which our country had placed us; and we have done so. But aware that if the people, the original source of all power, and the ultimate arbiters of questions of this sort, which involved not only private rights, but the existence of the means instituted by them for the purpose of securing those rights, should submit to the act of the last session, it would be in vain for us to struggle against it, we determined to suspend, in some degree, the discharge of our official duties, and appeal to the public and wait their decision. We did so, and a great majority at the last elections responded to that appeal, and decided against the constitutionality of the act; and as full evidence thereof, their immediate representatives, since the meeting of the Legislature, have ratified that decision by a vote of sixty to thirty-six, declaring, by their resolution, that the Court of Appeals attempted to be abolished by that act, was, notwithstanding the act, the supreme court of the State, and that the judges thereof, having never resigned nor been removed, are still
in office, and to be so considered and respected by the functionaries of the government. Under the sanctions then of the constitution, the people and their immediate representatives, we have resumed the full exercise of our judicial functions, by proceeding to render judgments and decrees in causes depending before us, and are determined to continue to do so. We have thus frankly, and with the utmost candour and sincerity, stated to you the motives and principles which have influenced us in the course we have pursued, and it must, we think, be obvious to yourselves, that we are not responsible for the present distracted state of the country, and that we had no agency in producing it; but have travelled throughout the conscientious road of duty, and are not pretenders or usurpers, without a real title to the offices which we exercise.

Here we cannot help pausing to enquire into the meaning of the insinuation given us in your address about the impossibility of "absolute submission." We do not claim the right to rule the community, but act in accordance with its sentiments. Are we then to infer, that in this republican government, the minority must never submit to the will of the majority, constitutionally expressed, on a point peculiarly proper for the decision of the people themselves, and fairly submitted to them? We trust the honorable committee will not tolerate this inference.

If we understand the communication made to us, its tenor places the strongest difficulty opposed to settling the pending controversy in the men who now exercise judicial powers. With due respect to the honorable committee, we cannot admit that this is the bone of the contest. If we could believe that men and not constitutional principles; that the game of ins and outs, and not a struggle to restore a violated constitution to its force, had so warmly agitated the country on our account, we would retire at once, and rejoice at the release from a position more to be commiserated than envied.

It is true, we are not asked directly, what part we are willing to take in, or to become direct parties to, the compromise recommended by his Excellency in his message, and discussed in the political circles; but whether, "in case the Legislature indicate a disposition to make an equal and just compromise of our difficulties as to the men who shall fill the appellate court, we will decline all claims to the office of Judges?"

Before we progress further, we will premise that we cannot perceive how the Legislature, consistent with the constitution, can make any "compromise" as to men; for the House of Representatives have no share in judge-making; nor do we admit that any course previously suggested by us, ought to have any influence on the Legislature, in the exercise of their duties, nor ought we to give a suggestion, for the purpose of operating on that de-
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partment of government, in ordinary cases. And we must be permitted to state, as the inquiry put to us is novel in its character, that we feel great repugnance at saying anything in a proposed compromise between officers belonging to a different department of the government. However extensively our constitution may be rent, by recent legislative enactment, it still contains clauses dividing the powers of government and the men who shall fill each of them. Certainly this separation was intended to prevent the influence of one department over another. Now, although one set of men in any one of those departments may not exercise the duties of another set belonging to another department, yet if this first set may, by menaces, persuasions or allurements, decoy the second to their interest, by preconcerted plans and devices, certainly the independence of the set so decoyed or warped from their duty, ceases at once, and they cease to be checks on co-ordinate departments; and become faithless sentinels on the constitutional watch-tower. Such arrangement might grow into a precedent for movements and combinations of an alarming character. The day might not be distant, when the officers of government, or some of them from every department, might, at the seat of government, in conclave assembled, stipulate that some should give way, receiving compensation for their retiring, while others should keep their places; that some should adhere to the league, right or wrong, while others, who were dissenters, should be crushed by power or silenced by threats or promises; that the terror of power, the allurements of office, or enchantments of gold should acquire or purchase out those who had qualms of conscience or constitutional scruples, till there was not a sentinel left to give alarm to the people; and then, by a perpetuation of the power acquired by such a league, the remains of our constitution be forever unhinged and annihilated. We trust the honorable committee whom we address, would be as unwilling as ourselves, to do any act which might be construed into such a precedent.

Here we cannot help remarking, that the compromise proposed by his Excellency in his message, referred to your consideration, is not free from these exceptions. It presents the boon of patronage, which he holds in his hands, as a reward for the surrender of principle. It is well known that there is a great and vital constitutional question, which divides him and a majority both of the people and of the Legislature, and the proposition which he makes, and the frank avowal of his intentions, when analyzed, are simply an offer to his opponents to give to them or their friends, two high and responsible officers, if they will come over to his side and surrender the constitutional question.

With these reasons and feelings operating upon us, we confess we are reluctant to take any part in any bargain, proposed by officers of co-ordinate departments, or to afford facilities to enable
others to make such a treaty. And in ordinary times and occasions, when our government was progressing in peace, we should have no hesitation in saying that we would be bound to decline giving a further answer to the inquiry made of us by the honorable committee; but as our country, according to the admissions of the committee itself, is in a state of anarchy, possessing the features of revolution, we trust that a further departure from the rules of propriety, which ought to govern us at other times, will be justified by the extraordinary circumstances under which we write.

We have said, and we repeat, that it is not men, but a weighty constitutional principle which divides and distracts the country, and that principle cannot, and never shall be compromised by us. Have the people, in convention assembled, created the court and left no power with any department to pull it down and erect another? Does the court stand on a constitutional base, or may that base be erased and re-laid by the Legislature? Can the court be abolished by any power other than that of the people themselves? We hesitate not to say, that the head of each department of this government is not in the power of any of the other departments. There is a plain and obvious distinction between the office of Governor, and the man who fills it—between the court and the Judges who sit in it. The latter is in the power of the Legislature; the former is not. The office of Governor is the same now that it was at the commencement of the government, although six men have filled it and retired, and a seventh is now in it. The Court of Appeals is the same now that it was when the constitution commenced, although several sets of men have filled it and retired. The Legislature may, by impeachment, remove a Governor, or by that mode or an address, depose a Judge; but his office and his seat remain there still, as the people made it, and must be filled by a more worthy incumbent. They did not appoint a Governor or Judges to last always; but they made the Supreme Executive office and the Supreme Court, and the Legislature cannot tear down either, without usurping the rights of the people; and in doing so, the consecrated doctrines of 1776, that the people shall make the departments of their own government, and that these departments shall be divided, that one may be a check to the other, will be forgotten and buried in less than half a century, and liberty will be no more. This doctrine, to which we firmly adhere, however unfashionable it may now appear, we declare to be sine qua non in every proposition, and unless it is explicitly conceded, we must give the honorable committee the most decided assurance that our commissions cannot be surrendered, to afford facilities to any arrangement in which this doctrine shall be sacrificed or endangered. Rather than do so, we would not only endure the disagreeable and painful attitude
which we have already described, but preambles and resolutions, sanctioned by a solemn vote of the Legislature, might again insinuate by mistake, without colour of truth, that we had combined with the national courts, to prostrate the rights of the State, and assert, in the face of conclusive evidence to the contrary, that we had decided against the occupying claimant laws; and we would again submit to be accused and tried without a hearing, or notice that such a prosecution was depending, as we were by the honorable Senate last session. Nay, more; we would again submit to become the burden of every song in the annual budget of two successive Governors; and the present incumbent may, with as little delicacy as truth, insinuate that we are borne away by the resistless influence of the United States' Bank, and in his zeal, may feel the weight of his oath so ponderous upon his conscience, as to mistake the laws addressed to the judicial department, for laws addressed to himself, and in obedience to the thought "of some," be induced "to interpose his authority and suppress" our sessions in court as an "open contempt of law and order, through scenes yet untried," before we can consent to any arrangement, by which one feature of the constitution shall be maimed, or one trace obliterated.

In addition to this constitutional reason for our determination, we will mention another, which, though not entitled to as much, ought to have some weight with us, and that is the late decision of the people on this subject, to which we have already referred you. They have said that the constitution is violated, or we misunderstand their language. They also know that the Governor, Lieutenant Governor and all the Senators, except nine, were elected before the re-organizing act passed, and that most of these officers aided in bringing that measure into being, and that the same officers hold in their hands the sole power of appointing Judges. It might then be construed into a disregard of the public will, if we were to surrender into the hands of those charged with violating the constitution, the opportunity of appointing other Judges, standing on the sandy foundation of legislative enactment, who might sanction that violation, and render the wound more incurable.

But to evince our regard to the constitution and the construction which the people may put upon it, on this violation, which goes to its very existence, we are free to declare, that at the close of the present administration, and so soon as the successor to the present Governor is installed, if the constitution is now restored to the same situation as to its practical force, in which it stood before the passage of the re-organizing act, without any compromise, we will present our resignations to his successor, and stand on the same footing with our fellow-citizens at large, with regard to our claims to office.
The thought may occur here, that the time of fulfilling this assurance is too distant to relieve the present embarrassments of the country. To this we can only say, that we cannot hasten the time when the Governor, Lieutenant Governor and Senate, who form the electoral college of Judges, must again submit to the people their claims to office; but those officers themselves have the power of doing so. If all of them, except the Lieutenant Governor, should resign at the close of the present session, at the next election, Senators direct from the hands of the people, and charged with their instructions, would take their seats, and elect from their own body, a Speaker, who, on the resignation of the Lieutenant Governor, would have, by the constitution, to administer the government during the residue of the term of the present incumbent. In case the constitution is now brought back to the same point on which it rested before the passage of the re-organizing act, without compromise, we would then be willing to surrender our offices to this acting Governor, so soon as he took his seat. Indeed, this event might be speedily hastened through the expedients of writs of election and an extraordinary call of the Legislature; and thus an adjustment of this matter might be made by the people themselves, on a scale most grand, and by an operation not subject to the weights objections which lie against any arrangement made by a conclave of officers; and in referring the matter to the source of power, the liberties of the country would be safe from danger of being traded off by barter or compromise.

We wish, in these suggestions, to be understood. We use them only for the purpose of showing that it is in the power of others, and not ourselves, to bring about a speedy adjustment of this matter in an unexceptionable manner, and that we ought to be excused for declining a compliance with the proposals of the honorable committee, because there are others who stand as much in the room of adjustment as we do. We disavow the intention of dictating, or of presenting in return, other articles of treaty for consideration, although we conceive we might have been pardoned for doing so, at this extraordinary crisis; for, certainly, when our resignation is the subject proposed, we might be forgiven for making the same proposition to others.

We cannot help soliciting the indulgence of the honorable committee, if any expression has escaped us calculated to offend or excite unpleasant feelings, as it is not our intention, by any expression used, to throw into a political controversy, the more bitter ingredient of personal feeling. Our object has been to address you with the same plainness of language in which we have been addressed, and which to us, personally, has not been the least unpleasant.
We close with the request that this communication may be reported to the honorable body under whose order you act, as we wish every thing we may say on this subject, to pass under the public eye.

Accept, gentlemen, for yourselves and the honorable body to which you belong, assurances of our consideration and respect.

John Boyle,
WM. Owsley,
B. Mills.

November 29, 1825.

(D.)
Frankfort, December 3, 1825.

Sir:
The committee raised on that part of the Governor's message which relates to the State Judiciary, desire to know of you the progress and state of business in the Court of Appeals, what number of suits stand on the docket, the number of decisions given during the last year, and whether anything has occurred to interrupt the regular transaction of business in said court or the office of the clerk. Your answer to the above inquiries will much oblige.

Yours with respect,

James Allen, Chairman.

Mr. F. P. Blair, Clerk C. A.

(E.)
Frankfort, December 3, 1825.

Gentlemen:

In answer to your note of to-day, I inform you that on the 3d day of February 1825, the Court of Appeals met, in conformity to the law of the last session, and after its organization by the qualification of its officers, it proceeded in the uninterrupted discharge of the business of the court, until the meeting of the Legislature. During that time, about one hundred causes were disposed of, besides a great multitude of motions. There are yet about 667 causes on the docket.

Previously to the meeting of the Legislature, the late Judges sent to me, by the hands of Mr. Fenwick, the enclosed order, (1.) requiring me to deliver over to them the papers, &c. belonging to the Court of Appeals. In reply, I sent to those gentlemen the letter herewith transmitted, which they returned to me with the answer endorsed on it. (2.)

Since the meeting of the Legislature, the House of Representatives passed a resolution, which, for certain purposes therein named, authorised the committee for courts of justice to send for persons, papers, &c. In pursuance of this resolution, I was called.
before that committee, and required to answer interrogatories in
regard to the state of my office, and as to my willingness or un-
willingness to surrender its contents to the late Judges of the
Court of Appeals. My reply to these interrogatories (to which I
refer) will furnish the committee with a part of the information
which they seem to desire in their note to me.

I am, Gentlemen, your most obedient,

F. P. BLAIR.

Gen. James Allen, Chairman, &c.

STATE OF KENTUCKY, Sct.

Court of Appeals, October 6, 1825.

It is ordered, That Francis P. Blair do, on or before the first
Friday in November next, deliver over to the Clerk of this Court,
all the records, books, papers and other property belonging to the
Clerk of the Court of Appeals; and it is further ordered, that a
copy of this order be served on him forthwith.

A copy—Attest,

J. SWIGERT, Clerk.

MESSRS. MILLS, BOYLE AND OWSELY:

I have received a command from you, to deliver over to
"Jacob Swigert," who, as your clerk, attests the order, on or be-
fore the first Friday in November next, the records, books, papers
and other property belonging to the Clerk of the Court of Appeals.
I do not intend to comply with this order, or to recognize you as
a tribunal before which I can be held to respond for a refusal to
yield obedience to the mandate. It may then be considered de-
corous, to apprise you, as individuals, of the reasons by which
my conduct is influenced, rather than to leave your demand unansw-
ered, and give grounds to suppose, from a contemptuous silence, that
I am wanting in respect to you personally, when I am actuated
solely by the obligations of public duty.

Your demand is founded on the authority which you claim a
right to exercise, as the court to which the records, &c. belong.
If you unquestionably constituted in your persons only, the supreme
appellate court of the State, I could not properly for a moment
hesitate to comply with your requisition. But the right you claim
as being the only lawful Judges of that tribunal, is still question-
ed, nor do I know upon what good ground you now assume to de-
cide in your own behalf, that question on which you have distinct-
ly admitted your incompetency to act, and which you have ex-
pressly referred to the people for a decision. In your address "to
the people of Kentucky," you have declared that the act estab-
lishing the new court, "is not one which regulates individual rights, such as Judges meet in deciding individual cases." You, therefore, decline deciding on its constitutionality as Judges, but expressly, to use your own language, "refer the important issue made up, not so much between the two courts as between the people and Legislature, to the people themselves, who have their government in their own hands, and who can change it at pleasure." The people are certainly the final arbiters of all questions involving the construction of the constitution they have made, and can decide by their voice the dissents which may arise between the several departments of their government, with regard to their respective powers. But while the government exists, the people themselves, either in changing or interpreting the constitution, must do it according to the forms of that constitution.

In a government like ours, essentially representative, the public will, in changing the constitution, can only be exerted by a convention, and when the people are called on to decide a question of construction merely, that decision can only obtain the force of law, through the legislative body. If, then, when you admitted that you were incompetent to decide this controversy, and referred your interest in it to be determined by the people, you expected their will to be known through their immediate organ, the General Assembly, the acts of power which you have since exercised as a tribunal, in the appointment of a clerk, in granting writs to suspend the judgments of inferior courts, and in demanding the delivery of the papers from me, are at least premature on your part, and altogether unexpected by the public.

The Legislature has not acted and cannot act on the subject, previously to the time prescribed in your order for the surrender of the office of the Court of Appeals. If, however, you consider the question as referred to the people themselves, to be decided in proper person, and you have resumed the functions of a court, upon the supposition that they have decided in favor of the right you claim, surely nothing can be more unwarrantable than the presumption on your part that the people ever designed to act on this subject, otherwise than through the representative body, unless it be the right you have assumed, by your conduct, of declaring that decision from the evidences of the polls.

The question of the constitutionality of the late law was not separated from every other consideration by which the people are actuated in choosing their representatives. In every election, a multitude of mingled motives govern the decision of the elector, in the choice of his public agent. Indeed, such a variety of topics are agitated during a canvass by the contending candidates, that it becomes a difficult task for the successful individual, instructed as he is by immediate intercourse with his constituents, to ascertain, even on those subjects to which the public feeling has
been most awakened, the true sentiment of the majority of the people. In many counties during the last elections, individuals were elected of opposite opinions on the general question which divided the community. On the agent elected, devolves the duty of ascertaining the interest and inclination of his constituents; upon him devolves the responsibility of weighing the various motives which operated in bringing him to the station of senator or representative, and of deciding on the best means of discharging faithfully the functions confided to him; and his constituents, only by a direct vote of instruction, have a right to interpose and dictate, to the depository of their authority, how that power is to be employed. You who have appealed to this authority, have no right to declare its decisions, before those who bear it have had an opportunity to exert the power it confers. Upon the question which you seem to suppose was decided favorably to your power, by the suffrages of the people, no direct vote was ever taken at the polls. If the sense of the people had been thus expressly ascertained, it would have given you no authority to act on the information. Such votes have always been considered as instructions on the part of the people to their immediate representatives.

An election, therefore, however it may manifest public sentiment, decides nothing, but whether this or that individual shall be the interpreter of the people's will. You surely cannot pretend that you have been clothed with any authority by the late election to act in this capacity. Although by your conduct, you would force the inference that you were the sole expounders of that public opinion which is formed of the collected intelligence of a great community; yet I cannot consider you the medium by which that light is concentrated. It is not your province to scan the considerations which entered into and controlled the elections, to decide whether general or local interests, public, private or personal motives, predominated in the minds of individuals, to produce the different results. It is not your duty to act even on the most explicit instructions given by the constituent to the representative body. By what right then, do you undertake to supersede by your measures, the measures which the people expect from the labors of their immediate agents?

The delicate and difficult task belongs to the General Assembly, to give efficacy, by their acts, to the various purposes on which the mind of the community has decided. That body is shortly to convene here to execute its functions.

But if you have the faculty and authority, by reading over the names of the individuals of which it consists, to anticipate its decisions upon the most important and interesting subjects, the expense and trouble incurred in bringing together its members from the various quarters of the State, and the labor of deliberation,
are at once rendered unnecessary. This summary mode of executing the public will, however truly you may have ascertained it, cannot, I believe, be acquiesced in.

I must maintain, therefore, that the law by virtue of which I hold the office of clerk of the Court of Appeals, is as yet unrepealed and unimpeached in its authority. It was enacted by the House of Representatives and the Senate, and received the confirmation of the Executive department. All these public functionaries act under oath, in the discharge of their official duties. Whenever a question of constitutional construction arises, they are bound, under its solemn sanction, to decide it according to the honest convictions of their understanding.

On the passage of this act, in every stage of its progress, its constitutionality was discussed, and after the fullest investigation and maturest deliberation, was finally decided. It was decided by those on whom the constitution itself imposed the duty to make the decision, and according to all the forms prescribed in that instrument. To every intent, then, this law ought to be considered valid and constitutional, until repealed by some subsequent act of legislation, or annulled by the decision of the judiciary department of the government. As a court, you have declared your incompetency to decide upon the constitutionality of this act. Indeed, the moment it became a law, you were no longer a court. The judicial authority passed to other individuals, on whom devolved the duty of the judiciary in respect to this, in common with every other law. The new court, by carrying into effect the provisions of this law, have given to it, by their acts, the fullest confirmation which that department of the government can confer. It cannot be objected by you, that they are too much interested to act impartially. They are not more interested to support, than you are to put down the law. There is no difference between your conditions, but that they act with the authority of a tribunal, you without it. The late act re-organizing the Court of Appeals has, then, received the sanction of every department of the government, the executive, the legislative and judicial; and however some may condemn the law as unconstitutional, it is the duty of all to acquiesce in its operation, unless the supposed error is corrected, through the means furnished by the constitution.

When, acting as the appellate tribunal, you gave, in the case of Lapsley and Brashear, a construction to the constitution, which defeated the long established power of the Legislature; a power which, as legislators, you had exercised, and which, as Judges, you had long recognized and respected in the administration of justice, there was a burst of disapprobation throughout the country; your ablest friends disapproved the decision, and the people, through their representatives, again and again declared it a violation of the constitution; but did any one defy your author-
ity or interpose to prevent the execution of the decision? No; although it was considered as wholly repugnant to the settled construction given to the constitution from its origin to the moment in which you entered your decree, it was followed by submission, as coming from the competent authority, and was executed without an effort at opposition.

As the government, through various channels, is made wholly responsible to the people, there is no evil which can spring up in its administration, to which an adequate remedy may not be applied through the healing power of the government itself. There is here no pretext for any individual to take the laws into his own keeping. There is no necessity for any one to step forward with a strong hand to protect the constitution against the government of his country. The constitution provides its own safeguard against invasion on the part of the public administration. By the perpetual renovation of the General Assembly, the voice of the people is continually heard to direct the movements of the system which they have formed by their constitution. Their power is the impulse which puts every thing in motion; their will is the influence which holds all parts in their orbit. Where then is the necessity that you should come forward to resist the regularly constituted authorities of the government? Why do you endeavor to embarrass the operation of law, by these extraordinary proceedings, which you are sensible cannot destroy its obligation, and which, if they have any effect, can serve only to produce disorder and violence? You know full well, that the questions of power which have originated on the passage of this act, are such as can only be settled by the sovereign authority of the State. The community, in the character of arbiter of its own government, has already taken the question under its cognizance. By what right do you now interpose and assume a jurisdiction which you ought long since to have abandoned? Do you expect that your interference, the embarrassment you may produce, the disorder and anarchy you may threaten, will compel those who are called to act upon this subject, to decide favorably to your pretensions, however unjust, rather than encounter the inconvenience which may arise from your resistance? By whatever motives you are actuated, whether to drive others from their duty, or to do your own, I cannot, consistently with the obligations of the oath or the law under which I act, comply with your requisition. To surrender the office at your bidding, would not only be treachery to those by whom, immediately, the trust was confided to me, but would be a sacrifice of my principles as a citizen, and those higher duties which I owe to my country.

No command shall induce me to abandon my office, unless it proceeds from an authority equivalent to that by which I obtained my right in it. You do not, then, I am sure, expect me to
yield obedience to your order, when you yourselves have in fact submitted to that authority which forbids me to do the act which you would seem to require. You have declared yourselves as a tribunal, incapable of invalidating the law by which the right I hold as an officer, has been conferred. You have ceased to transact business as a court; you have met at the stated periods for form sake merely; you have not ventured to decide a cause, even between individuals, and have put forth a public address, in which you appeal to the controlling power of the government, to reinstate you in that power of which you have acknowledged yourselves divested. The great organ of the government, which must finally decide on this appeal, has not yet spoken, and the right you have asserted, rests, as yet, solely on the authority of the arguments on which you have relied to support it. As my individual interests in the result of this controversy, are as deeply implicated as yours; as my existence as a public officer is directly assailed by your late order, which doubtless you will attempt to justify on the reasons advanced in the publication which you have given to the world; you will not, I trust, consider it impertinent in me, to reply in vindication of my own rights, by a brief review of the positions you have taken in that document.

Your first position is, that the Court of Appeals is established by the constitution. To sustain this principle, you thus quote the constitution and argue from it:

"If, when the framers of the constitution say "the legislative power shall be vested in two distinct branches, or houses, which shall be styled the General Assembly," they have thereby created the General Assembly; and if, when they say "the supreme executive power shall be vested in a chief magistrate, who shall be styled Governor," they have thereby created the office of Governor; upon what ground can it be urged, when they say "the judicial power of this Commonwealth shall be vested in one supreme court, which shall be styled the Court of Appeals," that they did not thereby create the Court of Appeals? It must and does inevitably follow, that they have created all or neither."

On this I remark: "1st, That the words "shall be vested," (which you have marked in Italics, as the efficacious words in the passages quoted, and which you allude to as creative and imperative,) do not create either of the three distinct departments "into which the government is divided by the first section of the constitution;" do not create either of the three "separate bodies of magistracy" to which these departments are therein expressly confided; nor do they create the offices they are to hold, or the power they are to exert. The words "shall be vested," only direct the investiture of the several powers of the government, when they are defined, in the several bodies of magistracy, for the existence of which, and the offices they are to fill, a provision is
necessary to be made either by the constitution or by law. With
regard to the legislative department, there are 29 sections in the
constitution, subsequent to the first, which you have quoted, pro-
viding and defining the powers—providing for the existence of
the “separate body of magistracy” who are to wield them, and
providing the offices they are to hold, which are thus created by
the constitution. With regard to the executive, there are also
30 sections of the 3d article of the constitution, subsequent to that
quoted by you, employed in establishing the office and its powers,
and providing the means of bringing into existence the magistrate
in whom the powers of the department are to be vested. With
regard to the judiciary department, all that which is specially ex-
cuted in the constitution, creating the legislative and executive
departments, is omitted in that instrument, and left by the con-
vention to be produced through the agency of the Legislature.

2d. The legislative and executive departments, as a conse-
queness of this organization, thus given to them, are brought into
full and perfect action by the operation of the provisions of the
constitution itself. But no portion of the judiciary had any exis-
tence; no office was created, nor any officer appointed, until the
Legislature, by its enactions, gave birth to the courts, both su-
preme and inferior.

3d. The quotation from the constitution, on which you found
your conclusions in respect to the analogy existing between the
judicial and other departments, is not a full and fair one. If it
had been, your premises would have entirely failed you. The
clause in question does not say that “the judicial power of this
Commonwealth shall be vested in one supreme court, which shall
be styled the Court of Appeals.”—Here you stop; and if the con-
sitution had stopped here, there would have been much more
plausibility for your inference, and for many other arguments
founded on the supposition that the Court of Appeals was the sole
depository of the power of the judicial department. But the
clause in the constitution does not stop where you have made it.
If stripped of explanatory phrases, it is in substance as follows:
“The judicial power shall be vested in one supreme and such in-
ferior courts as the General Assembly may erect and establish.”
I present it in this naked and unincumbered state, that the con-
nection of the members of the sentence may be more apparent to
the mind. It is not at all different in construction or meaning,
from the clause taken exactly from the constitution, which will be
found in the note below. It is perfectly clear, from the whole
sentence taken together, that it directs that the power of the judi-
cial department “shall be vested” in the inferior courts as well as
the supreme court. If, then, as you contend, these words establish
the supreme court, they must also establish the inferior courts, the
identical words being equally applicable to both. But the conclud-
ing words of the clause destroy all pretext for your inference.

Power is expressly given by it, to the General Assembly, to erect and establish the courts. And as the power "vested" in the court mentioned in the first member of the sentence, is conveyed to those mentioned in the last, by the copulative which unites them; so the power to establish the courts mentioned by the latter clause, is extended, by the same connection, to the court mentioned in the former.

4th. That you mistake, in supposing that the Court of Appeals is established by this clause in the constitution, is rendered apparent, from the uniform practice and construction given to another clause in that instrument. The 9th section of the 3d article gives power to the Governor "to nominate, and, by and with the consent of the Senate, to appoint all officers whose offices are established by the constitution, or shall be established by law, whose appointments are not herein otherwise provided for." Under this clause, which is taken from a similar provision in the constitution of the United States, a very interesting question arose, with regard to the powers of the President in appointing ambassadors. If it had been decided that the office of ambassador was to be established by law, it would have followed, that the President could never have appointed such officers, unless authorized by an act of Congress; but it was decided otherwise, and he may appoint as many ambassadors as he chooses.

So, with regard to the Judges of the Supreme Court. If the office of Judge be established by the constitution, it follows, that the President or Governor might appoint as many as they should deem necessary. But the uniform practice of the administration of both the general and State governments, has settled, that the office of Judge of the Supreme Court in each, is created by law, and not by the constitution. No Judge was ever appointed by the President, until the office was expressly created by a statute. No Judge of the Court of Appeals was ever appointed by the Governor of Kentucky, until the office was created, and the appointment was expressly authorized by law; and the number of Judges on the appellate bench in this State, has been increased and diminished, as the Legislature hath, from time to time, directed by law, and not according to the will and pleasure of the Executive.

5th. Your doctrine, that the Court of Appeals was established by the constitution, is opposed by the cotemporaneous construction given to that instrument. If the first Legislature which sat in Kentucky had considered the Court of Appeals as already established by the constitution, they would not have attempted to do what had already been done by the highest authority. Many of the members who sat in convention, were members of the first General Assembly. They knew that no court had been established by the convention, and every member knew that there existed
no such tribunal in the State. Accordingly, among the first acts of the Legislature, was the introduction, on the 14th June, of bills establishing county courts, courts of quarter sessions and courts of oyer and terminer; and also, a bill to establish the Court of Appeals. Those bills were, by the order of the house, prepared by George Nicholas, the most eminent lawyer of Kentucky, who was most singularly exact in the application of appropriate language to give precise power and meaning to every paper which fell from his hand. He called the bill prepared by him, "a bill to establish the Court of Appeals." It appears from the Journals that it was so entitled in all the stages through which it passed, and that, on the 20th of June, on its passage, it was "Resolved, That the bill do pass, and that the title be "an act establishing the Court of Appeals."

It received this title by an unanimous vote in both houses, and every subsequent act of legislation referring to this subject, has recognized this act as establishing the Court of Appeals.

6th. In the case of Moore vs. Gorin, decided in 1822, you have yourselves thrice referred to this act "as establishing the Court of Appeals."

7th. It is known and acknowledged by you, that the clause in the constitution of the United States, with regard to the judiciary, is exactly like that of the constitution of Kentucky, and that the Supreme Court of the United States and of this State, are both of constitutional creation, or are both created by statute. But it is expressly declared in the act of Congress which gave birth to the supreme court, the district court, and circuit courts, that it is "an act to establish the judicial courts of the United States," placing all courts on the same footing.

8th. The Supreme Court of the United States, in the case of Durosseau vs. the United States, (6th Cranch 313.) have there recognized the doctrine, (to use their own words,) that the Legislature possess the power "to create" that court. It is evident, from subsequent passages in the same opinion, that they employ the word "create," to designate that complete power, which it is acknowledged on all sides that the Legislature possess over the inferior courts. The Chief Justice, in speaking of the power of Congress over the inferior courts, uses the same word, "create," in relation to them, which he had before applied in relation to the supreme court.

9th. It is known that the question of the legislative power over the judicial department, was most elaborately, zealously, and ably debated in the Congress of the United States, during the session in which the Judges appointed by President Adams were removed from office by repealing their offices. Mr. Breckinridge was the mover of this measure in the Senate of the United States, at the instance of Mr. Jefferson, the President, and assumed, as the
foundation of the authority of Congress over the judiciary department; the broad ground that "the courts are organized and established by the Legislature," and that the Executive creates the Judges.

10th. Mr. Giles was the leader of the republican party in the House of Representatives, who advocated the removal of the Judges by the repeal of the law establishing the courts. In the following quotation will be found direct testimony in point of fact, with regard to the different opinions entertained by the contending parties in Congress, a direct authority with regard to the power of the Legislature to establish the Supreme Court, and a complete refutation of the views taken by you on the argument I have quoted from your address, to which these remarks are intended as a reply. After analysing the constitution and showing the perfect manner in which it established and organized the legislative and executive departments, he goes on to say, "a third department, to wit, the judiciary department, is still wanting. Is that formed by the constitution? How is that to be formed? It is not formed by the constitution. It is only declared that there shall be such a department; and it is directed to be formed by the other two departments, who owe a responsibility to the people. Here there arises an important difference of opinion between the different sides of this house. It is contended on one side, that the judiciary department is formed by the constitution itself. It is contended on the other side, that the constitution does no more than declare that there shall be a judiciary department, and directs that it shall be formed by the other two departments, under certain modifications. Art. 3, sec. 1, the constitution has these words: "The judicial power of the United States shall be vested in one supreme court, and in such other inferior courts as Congress may, from time to time, ordain and establish." Here, then, is power to establish one supreme court."

11th. In confirmation of the fact that the whole republican party in the House of Representatives in Congress, supported the doctrine that the Legislature had a right to establish and to abolish both the supreme and inferior courts, I give the following quotation from the speech of Mr. Griswold: "Before I enter (said Mr. Griswold) into a particular consideration of the arguments of gentlemen, I take the liberty of saying, that gentlemen in this house, whatever may have been done in another place, have placed the question, in one respect, upon its true ground. They have made no distinction between the authority of the Legislature over the Judges of the supreme and inferior courts; all their arguments have gone to prove that no such distinction can exist. Indeed, sir, it is impossible to conceive the shadow of a difference."

As Mr. Griswold, an eminent federalist, was opposed to the repealing power of Congress over the judiciary, this quotation
shows that in the House of Representatives both parties concurred in the opinion that the supreme and inferior courts were precisely on the same footing, and that if the legislature had a right to remove the inferior judges by repealing the law, they had the same right to remove the judges of the supreme court in the same way. The principle, therefore, that all the judges, of whatever grade, were removable by repealing the law establishing their offices, was carried by a vote of 60 to 34, and in the Senate, only two individuals, Mr. Mason and Mr. Jackson, (whom you have quoted,) dissented from the general opinion expressed throughout the debate, that the whole Judiciary department rested on the same foundation. To this singularity of these individual members of the Senate, Mr. Griswold alludes in the passage taken from his speech, as will be seen from the words marked in Italics.

12th. Mr. Gallatin, in debating the question of the difference of the power exercised by the Presidents in appointing to offices created by law, and those created by the constitution, makes this declaration (after quoting the language of the constitution) in regard to the supreme court: “It has not been contended that the office of Judges of the supreme court, was created by the constitution, or could be created by the mere appointment of the President, without the previous authorization of a law."

If, in opposition to your doctrine, which rests solely on your reasoning, unsupported by a solitary precedent, this mass of authority of the highest grade, should be considered sufficient to prove that the Court of Appeals is established by the Legislature, there is an end of the controversy.

You have yourselves declared, in your address, that when the Legislature have power to create a court, they have, no doubt, power to abolish it; and when they abolish one, they may create another with the same style and jurisdiction; and they may again abolish the latter, and establish a third in its place, and so on in endless succession. But if all regard to precedent and authority should be abandoned; if the opinions and declarations of the ablest and wisest men, when no party spirit existed to warp their judgments, should be unavailing; if your own direct assertion, in a solemn adjudication before this controversy commenced, should weigh nothing, and if the assertion of the right by Congress and by the State Legislature, in the most explicit terms, and an unqualified admission of the power of creating the court, as belonging to the Legislature, on the part of the Supreme Court of the Union itself, should not be adequate to turn the scale against your argument, permit me to offer some considerations in opposition to it, springing from the concessions of the argument itself.

1st. You expressly admit that the inferior courts may be abolished by the act of the Legislature. Analogy will show, that if the inferior courts can thus be abolished and re-established, the
appellate court may also be abolished and re-established by the act of the Legislature.

The same clause in the constitution, and by the same words, vests the judicial department in both species of courts. An act of the same Legislature brought both courts into existence, and provided their powers, officers, and their organization. The Judges are appointed in the same way, and hold their appointments by the same tenure. Why, then, may not the Legislature repeal the law which it passed, in regard to the supreme court, as you admit it may repeal that which it passed in regard to the inferior court, and thus place the tribunals precisely as they were under the constitution, before either of the acts passed? How does it become unconstitutional to repeal a law, and put the courts in the condition in which they were left by the constitution itself?

You declare explicitly, that whatever the Legislature “creates,” it may “abolish.” How then can you deny its power to repeal the law which it created, establishing the Court of Appeals?

2d. You say, “that it is true that the number of Judges of the Supreme Court, is in the power of the Legislature; but when once fixed, it cannot be lessened, except the office to be taken away is vacant.” Now, you distinctly admit, that if the office of Judge of the Court of Appeals is vacant, it may be abolished. If then all the Judges were to resign, could not all the offices be abolished, and an entirely new system be introduced? Might not the court be entirely changed, the old system be abolished, and the Judges of the circuit courts be convened together to form a Court of Appeals, as in the case of the Supreme Court of the United States? From your concession, then, it appears, that the whole system of the Court of Appeals might be discontinued, but for the tenure by which you hold your offices. But the words of the constitution will show that you have quite mistaken your right of tenure. It is thus explicitly set down in that instrument: “The Judges shall hold their offices during good behavior and the continuance of their respective courts.” It appears that you are not to hold your offices so long as you choose to continue, but so long as the court continues. Both from your admission and the terms of the constitution, it is clear, then, that the court may be discontinued, by which event your tenure in the office is destroyed. From this it is evident, that the power to discontinue the court, does not depend on your vacating the office, as you suppose, but that the Legislature have the power to vacate your right to hold as Judges, by discontinuing the court. Surely nothing could be more absurd in the convention, than to make your right to hold the office depend on the continuance of the court, if the court could not be discontinued until the offices had become vacant.

3d. Although it is universally admitted, that you hold your offices by the same tenure that the Judges of the inferior courts
hold their offices, and although it is also admitted that the Judges of the inferior courts can be removed in three ways, by impeachment, by address, and, as you expressly declare, by discontinuing their courts; yet your friends deny that you can be removed by discontinuing the court, because you may be removed by impeachment or address! Surely this argument from such premises involves an absurdity. All the Judges holding their offices by the same tenure, if it be argued that because there are two direct modes of removal, there cannot exist a third, by discontinuing the courts, the same reason will hold equally as to all. There is as much reason to say, that the inferior Judges can only be removed by two thirds, on an impeachment or address, as to say that the Judges of the Court of Appeals can only be removed in those modes. Every Judge in the State is equally liable to be removed, for incapacity or crime, by address or impeachment. In addition to this mode of reaching individuals, all the Judges may be removed at once, by discontinuing the courts. May not, then, the three modes of removal apply to the Judges of the Court of Appeals, as well as to the inferior courts?

In various parts of your response, and in your address, you attempt to show that the Judiciary ought to be independent of the Legislature, and draw an inference from that circumstance, that the constitution has rendered them independent. You have said, "that if it should be conceded you erred in your decisions, by a mistake of the head, and not of the heart, it would furnish no ground for legislative interposition, or authorize your removal;" you have said, "that the attempt was calculated to shake the independence and firmness of the Judiciary, and to blend the powers of government;" and you have said, "that the late law is a fearful blow aimed at the fundamental principles of our government, and sweeps off a department necessary to freedom." You say, that "Great Britain boasts of more freedom than any other monarchy," and attribute it to the fact, that she has "an independent Judiciary."

In reply to these remarks on the subject of the independence of the Judiciary, I offer you the following considerations:

1st. The Judiciary was never, in any country, independent of the legislative authority. In Great Britain, where you say the greatest benefits have resulted from the independence of this department, it has always been wholly dependent upon the will of a bare majority of Parliament.

2d. If the Judiciary were not dependent on the Legislature, and through the Legislature made responsible to the people, it would inevitably follow, that the Legislature and the people would be both rendered dependent on the Judiciary. In having the power to construe the constitution and administer the laws, the government and the laws would be wholly subject to the bias
of the peculiar opinions of the Judges, and we should, if there were no means of correcting their errors and mistakes, be governed, not by the law or the constitution, but by the uncontrollable opinion of irresponsible Judges.

3d. In admitting that the Judges of the inferior courts are dependent on the Legislature, you admit, in effect, that the whole department is subject to it. You know that the legislative body can limit the appellate jurisdiction to so narrow a compass, that its operation would not be felt in the government. The jurisdiction of the appellate court is expressly subjected, by the constitution, to such regulations and restrictions as may, from time to time, be prescribed by law.

In fact, much the greatest portion of the judicial power is placed in the inferior courts. Besides the disputes with regard to property, which are finally decided in those tribunals, all questions concerning the life and liberty of the citizen, are decided in them without appeal. It is not, then, an unimportant mistake which you have made throughout your address, (and which your friends make in every discussion,) when you consider the appellate court as the sole depository of all the power of the judiciary department, when it is in fact the least part of it, and may be made still less.

4th. That independence on the behalf of the Court of Appeals, which prevents the Legislature from changing the system as the wants of society might require, or experience point out defects in its original organization, would defeat the most obvious intentions of the convention. That body was provided with ample legislative powers, and would doubtless have established the courts in the perfect manner in which the other departments exist in the constitution, if it had not been anticipated that in leaving it to the legislative body created by that instrument, the judiciary might undergo such changes as the circumstances and the wisdom of the people might require. The only power which you allow to the Legislature, in modifying the system with respect to the members of courts, is dangerous, rather than advantageous. You say "the Legislature may add to, but cannot legislate out of office, any one of the incumbents." If then, a desperate party in a Legislature were to incumber the bench with fifty Judges, no future Legislature, however instructed and desired by their constituents, could ever remove them. According to your doctrine, they could not be removed by address or impeachment, without committing some fault; and if they were, unless the offices could be repealed, which you deny, the Governor might immediately fill the offices from which they were removed. According to your construction of the constitution, if the federalists in the period of Mr. Adams' administration, had, instead of making sixteen judicial offices in the inferior courts, to provide for them
selves, at the moment they were about to lose their power, made sixty Judges of the supreme court, with salaries of $5,000 each, neither the salaries nor the Judges could ever have been shaken off by Congress, during the lives of the Judges. By the constitution of the United States, a Judge's salary cannot be diminished while he is in office, nor can a Judge be addressed out of office; and unless the system can be reformed by law, the Judge can never lose either his salary or his office, without he forfeits them by a crime or misdemeanor, upon impeachment. The power of repeal is, therefore, necessary, not only to reform judicial, but the most dangerous legislative abuses.

5th. That the dangers you apprehend, if the construction should prevail for which I contend, are all ideal, appears from the fact, that it has prevailed in many of the States, and no mischiefs have occurred; the independence of the Judiciary has not been destroyed, nor have the powers of the departments been blended. New-Hampshire, Massachusetts, Connecticut, Tennessee, South Carolina, and many other States, have, by their constitutions, expressly empowered their Legislatures to change the whole judicial department, whenever their discretion should direct, and in many of these States this salutary power has already been exercised to advantage.

There is another aspect of this subject from which it is presumed you cannot yourselves dissent. You have repeatedly decided, when you sat in the capacity of Judges of the Court of Appeals, that although a law might be unconstitutional in some respects, yet that every portion of such law which the Legislature were competent to pass, was valid and to be effectuated. In the celebrated case of Lapsley and Brashear, you declare the replevin law to be unconstitutional in its retrospective aspect, and yet decide that it is constitutional as to its effect on future contracts. In giving the law this construction, you perfectly understood that the main intention of the Legislature in passing it, was wholly defeated.

In the case of Ely vs. Thompson, 3d Marshall 731, you say, that "it was competent for the Legislature in the same act to repeal any former one within its purview, although every provision in the repealing act was unconstitutional." Here then it is evident, that whenever the primary object of any statute is defeated because of the unconstitutionality of its provisions, yet even the repealing clause may be valid, although it is solely founded on the supposition that the statute repealed, is supplied by that which is enacted. Apply these principles to the late law re-organizing the Court of Appeals; and it follows that every act in relation to that court which preceded the last, is repealed, and by your own construction, that all the provisions of the late laws, so far as they are in the power of legislation to make them, are constitutional,
and to have full force and effect. If then the grounds you have assumed to show that you are not removed as Judges by this law, be tenable, it follows notwithstanding, that every other portion which can be carried into effect consistently with the constitution, must be effectuated by the principles of your own decisions. You have expressly declared in your address, that the Legislature can increase the number of the Judges of the Court of Appeals. How then can you say, that the four Judges whom the late law authorizes the Governor to appoint, are not lawful Judges? They have been nominated to and confirmed by the Senate, and have in their commissions, every evidence of title to office which you at any time possessed. It is no reply to this plain and inevitable deduction, that one of them bears the title of Chief Justice, and that the others are styled 1st, 2d and 3d associate Judges. These distinctions are not of constitutional origin. If the Legislature were to lay off the territory west of the Tennessee river, into four other judicial districts, and four circuit Judges were appointed in that section, whose commissions gave them the appellations of Judges of the 1st, 2d, 3d and 4th judicial districts, it would not be contended that they were not lawful judges, because there were other judges who have the same titles. It does not follow that the same name makes the same thing. The numerals attached to the Judges' commissions do not affect their power. Surely he that sticks in a figure, may be said to stick in the letter.

Here you must not understand me as urging my own arguments. I do but urge those of some of the ablest individuals who advocate your pretensions. I myself heard them advanced by the most illustrious citizen of our State, who at the same time declared that they had been suggested by the head of the Judiciary—by Chief Justice Marshall himself. Holding, then, the office of Clerk of the Court of Appeals, by the appointment and confirmation of four Judges of the court, I have a right to retain the office, in opposition to an individual whose claim has since originated on the authority of three questionable voices.

In the case of the Justices of Jefferson vs. Clark, (Mon. Rep. 82) you decided that although Clark's appointment by the Governor as a justice of the peace, was unconstitutional, yet you say, that his "official acts are no doubt valid, for it has been repeatedly decided by this court, that the acts of an officer de facto are not void." The principle here decided is one recognized in every government. It is necessary to the peace and repose of society, that the rights of individuals forming the great mass of society, should not suffer change by the contests and consequent mutations in the rights of the few who administer their affairs. If, therefore, one court should bear sway one year, and another the next, and so alternately for years in succession, until the question of
constitutional right should be settled by some final decision, it
would not do to turn back the tide of human affairs, to tear down
all that has grown up under such circumstances, and convulse
society to accommodate government to European speculations.
But if it were desirable, it is not possible. Much that is done, 
ever can be undone. You could not, if acknowledged to be the 
constitutional court, reach much of that which has been executed 
by the present tribunal. If then you were reinstated, you would 
not have power to touch any of its proceedings. Upon this 
ground, I have a right to hold the papers as clerk, and if I am not 
entitled to retain them in that right, I contend that the Legislature 
has power to submit the public archives to the custody of 
such person as it may designate, for their safe-keeping; and having 
invested me with the possession, I am shielded and authorized 
by law in resisting all attempts to take them out of my control.
But whenever the law shall make a different disposition of the 
papers, I will cheerfully yield submission.

In conclusion, gentlemen, let me assure you, that however adverse your pretensions are to my interests or opinions, that circumstance has produced no hostility in my feelings towards you personally. If any thing should be found in this communication wounding to your feelings, attribute it to the character of the controversy itself. I regret that this war should have been waged so long with poisoned arrows and savage feelings. I have no venom in my heart to supply such weapons; no malice to induce me to employ them. What I have said bluntly, is not intended wantonly; it is the result of a frank and fearless manner, and in the same sincere spirit, I assure you, I wish you health and happiness, and success in every thing that is compatible with the interests of the country.

I am, gentlemen, your most, &c.
F. P. BLAIR, C. C. A.

Answer endorsed on the foregoing letter.

The Judges of the Court of Appeals have discovered, by the first look, without reading the contents, that this communication is an attempt to answer an order of court by communications privately made. They would inform Mr. Blair, that all such orders must be answered in court. Nov. 29, 1825.

The resolutions contained in the foregoing report, being joint, of course lie over one day for consideration.

Mr. Pope offered the following resolution, to wit:

Resolved, That a committee of five be appointed to enquire into the expediency of revising and re-enacting all laws in force on
Dec. 7.  THE SENATE.

the 23d day of December 1824, concerning the Court of Appeals, the Judges and officers thereof, and of adding two Judges to the court, until the resignation or death of one of the Judges of said court; and in that event, that said court consist of four Judges only: That the said committee enquire, also, into the expediency of repealing the act entitled "an act to repeal the law organizing the Court of Appeals and to re-organize a Court of Appeals," and also, an act entitled "an act to regulate the salaries of the Judges of the Court of Appeals and for other purposes," the first of which was approved on the 24th December 1824, the second, on the 6th January 1825; and that said committee have leave to report by bill or otherwise.

And, on his motion, the consideration thereof was, for the present, postponed.

Mr. Hickman, from the committee raised for that purpose, reported a bill to regulate and equalize the revenue tax for 1824; which passed to a second reading, when, on motion of Mr. Davie's, the same was referred to a select committee of Messrs. Davie's, Hickman, Barrett, Muldrow and J. Allen, for amendment.

On motion of Mr. Given, leave was given him to report a bill to authorize the clerks of the M'Cracken county and circuit courts to transcribe certain records; which passed to a second reading, when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and the same being engrossed, it was

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

Ordered, That Mr. Given carry the same to the House of Representatives, and request their concurrence.

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

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

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Beaty—1. A bill for the benefit of Elijah Combs, of Perry county.

On motion of Mr. Hughes—2. A bill to amend and continue in force the law authorizing Major G. M. Bedinger to build and erect a bridge across Main Licking, at the Lower Blue-Licks.

And on motion of Mr. P. N. O'Bannon—3. A bill to legalize the proceedings of William Hickman and Orson Morrow, of Simpson county.

Messrs. Beaty, Garrard and Faulkner were appointed a committee to prepare and bring in the first; Messrs. Hughes, Given and Crutcher, the second; and Messrs. P. N. O'Bannon, Davie's and J. Allen, the third.
A message from the House of Representatives, by Mr. James:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act to amend the laws concerning the town of Columbus, at the Iron-Banks," in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Slaughter:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act to establish the county of Laurel," in which they request the concurrence of the Senate.

Mr. Daveiss read and laid on the table the following resolution, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on the 13th of this instant, proceed to the election of seventeen Trustees for the Transylvania University.

When, on motion, the rule requiring said resolution (the same being joint) to lay on the table one day for consideration, was dispensed with, and the same being twice read, was adopted.

Ordered, That Mr. Daveiss carry the same to the House of Representatives, and request their concurrence.

Mr. Daveiss, from the select committee to which were referred a bill which originated in the House of Representatives, entitled "an act further to regulate the Bank of the Commonwealth," and a substitute heretofore adopted in lieu thereof, in the Senate, reported the same, and, by way of amendment to the substitute, an additional section, which being twice read and amended, was concurred in.

Mr. Stephens moved to amend the substitute, by striking out the words "seven hundred and fifty dollars," the amount of salary allowed the President of the Bank; which was negatived.

Mr. R. Wickliffe then offered the following amendment, as an additional section to the substitute, to wit:

Be it enacted, That no President or Director of the Bank of the Commonwealth or its branches, shall be appointed attorney at law for such bank, or receive for prosecuting any suit as such, any fee whatever.

And the question being taken on the adoption thereof, it was decided in the negative—Yea 15, nay 17.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Hughes, were as follows, to wit:


Whereupon the bill, as amended, was ordered to be read a third
time on to-morrow.

And then the Senate adjourned.

THURSDAY, DECEMBER 8, 1825.

The Senate assembled.

Mr. Given, from the joint committee of enrolments, reported
that they had examined sundry enrolled bills and joint resolutions
which originated in the Senate, of the following titles, to wit: An
act for the appropriation of the surplus funds of militia fines in the
hands of the paymaster of the 70th regiment Kentucky militia;
an act to remove the location of the seat of justice of M'Cramen
county; an act to amend an act entitled "an act for the benefit of
Daniel Trabue and others," approved January 7th, 1824; an act
for the benefit of Jesse Alcorn; resolutions requiring information
of the Receiver of public moneys west of the Tennessee river, and
a resolution requesting information of the Auditor, as to the
amount of money due this Commonwealth for the sale of vacant
land. And also, sundry enrolled bills and joint resolutions which
originated in the House of Representatives, of the following
titles, to wit: An act to alter the time of the annual meeting of the General Assembly; an act to extend the limits of the town of Mountsterling; an act for the benefit of Jacob Renner; an act to compel free persons of colour to work on roads and public highways; an act to remove the seat of justice of Oldham county; an act to authorise the trustees of Lewis Academy to sell the lands belonging to that institution; an act to alter the time of holding the Washington county court; an act to amend the act entitled "an act to provide for the running and marking of the county line between the counties of Owen and Grant; an act to change the place of voting in the eastern precinct of Hardin county; an act further to regulate the town of Nicholasville; an act authorising the sale of certain ground in the town of Russellville; a resolution fixing a day for the election of public officers, and a resolution appointing joint committees to examine the several offices, the Penitentiary and the Bank of Kentucky. That the same were truly enrolled, and signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate also affixed his signature
thereto, and the same were delivered to the proper committee, to
be by them laid before the Governor, for his approbation and signa-
ture; which duty Mr. Given, from said committee, shortly
thereafter reported they had discharged.

Mr. Ewing, from the committee of propositions and grievances,
made the following report, to wit:
The committee of propositions and grievances, to which was referred the petition of sundry citizens of the county of Muhlenberg, praying the formation of a new county out of part of said county, have had the same under consideration, and have come to the following resolution, to wit:

Resolved, That said petition is reasonable.

Which being twice read, was concurred in.

Messages were received from the House of Representatives, announcing the passage of bills which originated in that house, of the following titles, to wit:

By Mr. Slaughter—1. An act to amend the several acts for encouraging the manufacture of salt in this Commonwealth.

By Mr. New—2. An act further to regulate the sale of vacant lands west of the Tennessee river.

By Mr. Cosby—3. An act to allow an additional justice of the peace to the county of Washington.

By Mr. Walker—4. An act to continue in force the law providing for the appointment of Commonwealth's Attorneys; an act to alter the time of holding the Hart circuit and county courts, and to legalize the proceedings of the county court of said county; and also, the time of holding the circuit and county courts of Edmondson, and to provide for running the lines of said county; and an act authorising the trustees of county academies to draw their stock from the Bank of Kentucky.

In each of which the concurrence of the Senate was requested.

Mr. Walker also reported that the House of Representatives had concurred in amendments made by the Senate to a resolution which originated in that house, entitled "a resolution fixing on a day for the adjournment of the General Assembly," and had also passed a bill which originated in the Senate, entitled "an act for the formation of the county of Russell, out of the counties of Adair, Cumberland and Wayne."

On motion of Mr. C. Allan, a bill which originated in the House of Representatives, entitled "an act for the benefit of Daniel Dougherty," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and said bill was referred to the committee for courts of justice, for amendment.

On motion of Mr. Garrard, a bill which originated in the House of Representatives, entitled "an act to establish the county of Laurel," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and said bill was referred to a select committee of Messrs. Garrard, Howard, Beaty, Faulkner and Davidson, for amendment.

On motion of Mr. Carneal, a message heretofore received from the Executive, was taken up and read as follows, to wit:
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Gentlemen of the Senate,

I nominate for your advice and consent, Henry O. Brown, Esq. to be commissioned during good behaviour, Circuit Judge in and for this Commonwealth, to preside in the second judicial district, in place of John Trimble, resigned.

JOSEPH DESHA.

Dec. 3, 1825.

Whereupon the same was referred to a select committee of Messrs. Beaty, Carneal, Barrett, Daveiss, C. Allan, Given and Denny, with leave to send for persons and papers for their information.

Nominations contained in a message from the Executive here-tofore received, and spread on the Journal of the Senate at page 167, and at that time passed over, were, on motion, taken up.

Resolved, That the Senate do advise and consent to the following nominations, to wit: Notley D. Gore, to be Sheriff of Calhoun county, in place of Andrew Bell, resigned; and William Bridges, to be additional inspector of tobacco at Booth's warehouse in Louisville.

Ordered, That Messrs. Given and Denny inform the Governor thereof, the same being duly certified.

The following petitions were presented, to wit: By Mr. Denny, the petition of sundry citizens of Middletown, in relation to a school, &c.; and by Mr. Hughes, the petition of John Collier, praying the passage of a law for the relief of himself and his securities.

The first was referred to the committee of propositions and grievances, and the second to the committee for courts of justice.

The following bills were taken up, to wit:

On motion of Mr. Denny, 1st, a bill which originated in the House of Representatives, entitled "an act to amend the acts relative to the Shelbyville and Louisville turnpike road company," which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill was referred to a select committee of Messrs. Denny, White, Dudley and C. H. Allen, for amendment.

On motion of Mr. Lockett, 2d, an engrossed bill which originated in the Senate, entitled "an act for the benefit of the heirs of Achilles Sneed, deceased," which was read the third time, and the blank therein being filled, it was

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

Ordered, That Mr. Crutcher carry the same to the House of Representatives, and request their concurrence.

Mr. Daveiss, from the select committee to which was referred so much of the Governor's message as relates to the Bank of the United States, made the following report, to wit:

2 D
The committee to whom was referred so much of the Governor's message as relates to the Bank of the United States, have had the same under consideration, and beg leave to make the following report:

The subject submitted to the consideration of your committee, has occupied much of the attention of the Executive and Legislative departments, for several years past. It is very evident, that the Executive, as well as the Legislature, has considered the course pursued by the Branches of the United States' Bank, located in this State, as injurious and oppressive to the interest and prosperity of the country.

At the session of the Legislature in the year 1817, a law passed imposing a tax upon these Branches, no doubt with a view of compelling them to withdraw from this State. This tax the Bank refused to pay, which led to a judicial investigation, as will be seen by referring to the case of the Commonwealth against Morrison, reported in 2d Marshall, page 75. Your committee will take the liberty of extracting a part of the opinion of the court as delivered in that case, viz: "We are therefore unanimously of the opinion, that the law establishing the office of discount within this State, is unconstitutional, and that the State has, on that account, a right to tax it. The Chief Justice is of the opinion that the capital stock of that office, upon the supposition that its charter is legitimate, cannot be taxed by the State; Judges Owsley and Rowan, are of opinion that the State may tax its capital stock, whether its charter be legitimate or not. The Chief Justice and Judge Owsley are of opinion that the decision of the supreme court of the nation, in the case of M'Cullough and the State of Maryland, is decisive of the question in this case, and is binding upon this court." From this opinion, Judge Rowan dissented, and said, "if his brethren had united with him in reversing the judgment of the court below, it would thereby have afforded to the appellate court of the nation, an opportunity of reconsidering this very important question. He said he was unwilling to surrender any portion of the sovereign power of the State upon the first summons. Indeed he was not prepared to say, that he would feel himself bound by the repeated decision of that tribunal, to make the surrender."

At the next session of the Legislature, the acting Governor, (Slaughter,) in his message to that body, makes the following statement: "The condition of our Banks, and especially the Bank of the State, in which the Commonwealth has a large interest, lately compelled to suspend specie payments, as I understand, by a pressure from the United States' Bank, and the refusal of that Bank to pay the tax imposed on her Branches located in this State, are subjects of primary importance, and claim the early attention of the Legislature. Whether Congress can erect an immense monied corporation, with power to locate Branches in the
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different States, without their consent, and exempt the stock and capital employed, from the common burden of taxation, to which the stock and capital of the State institutions are subject, are questions of some novelty and of the first magnitude. If the power of taxing has been improperly assumed by the Legislature, it ought to be disclaimed and the law repealed. But if, upon an impartial and dispassionate view of the subject, you should be convinced the power exists, the representatives of the people owe it to themselves and the State to enforce it."

These grievances, as suggested in the Governor's message, are more fully pointed out, in the report of the committee raised during the same session, to examine the Bank of Kentucky. The committee, in their report, set forth the statement which they had received from the Bank itself, in substance as followeth: "That from the month of September 1813, to the 30th of December, 1814, a period of regular business, when no peculiar or extraordinary circumstances occurred to produce oscillations in the operations of the Bank, the capital of the Bank, exclusive of its Branches, had advanced from $263,000 to $359,000; its notes in circulation, advanced from $100,000 to $139,000; the amount of deposits, exclusive of those by the government of the United States and by this State, advanced from $23,000 to $52,000; and the demand on the Bank for specie, was comparatively small; that subsequent to the peace, and the resumption of specie payments, no extraordinary demand for specie was experienced by this Bank, from individuals; but the confidence in this institution, appeared unaffected by the suspension of specie payments during the period of war; that on the 21st of April, 1817, the notes of this Bank, exclusive of its Branches, then in circulation, amounted to $417,000, its capital to $559,000, its deposits to $58,416; that on the 30th of December, 1817, the capital of this Bank was $808,000, its notes were reduced to $229,000; that on the 20th of November, 1818, the capital, exclusive of the Branches, was $635,000; its notes in circulation were reduced to $195,000; deposits $27,000. Since that time the demand for specie has continued, and the notes in circulation at this time, only amount to $161,000. In the course of the present year, this Bank alone, exclusive of its Branches, has imported from New Orleans and from the Eastward of the Alleghany, in specie, $240,000; from the first of January, 1818, to the 20th of November, this Bank, exclusive of its Branches, has paid in specie, about $250,000, of which sum $82,000 has been paid to the Bank of the United States since the first of June last. Notwithstanding these importations, the capital of the Bank has been reduced below what it was in the spring of 1817; that from the 30th of August to the 20th of November last, the sum of ninety-five thousand dollars had been drawn in specie from this Bank exclusive of the sums drawn
from its Branches; that at the time of the suspension of specie payments on the 20th of November last, the balance due and liquidated from this Bank and its Branches to the office of discount and deposit of the United States' Bank at Lexington, was $128,000, and the notes held and unreported, were estimated at a considerable sum; that the amount of the demand at, and immediately before the suspension of specie payments, by the offices of the Bank of the United States at Lexington and Louisville, upon the Bank of Kentucky and its Branches, amounted to the sum of $409,000, including $55,000 in specie, drawn from the Branch at Louisville; that owing to the difficulties and embarrassments of the times and apparent distress of the community, by the abstraction of a considerable portion of the circulating medium of the country, and the increased pressure and embarrassment anticipated, should the Banks attempt a speedy collection of their funds by the curtailment of discounts, balances had been suffered to run on interest at the offices of the Bank of the United States, and some of the Branches of the Bank of Kentucky, calculating on a continuance of their interest accounts, were not prepared to pay their balances to the Bank of the United States upon a short notice; that the cashiers of the offices of the Bank of the United States at Lexington and Louisville, were instructed by the board of directors at Philadelphia, to put an end to the interest accounts, and collect the balances without delay. Upon being informed of such instructions, the Bank of Kentucky appointed a committee, who addressed a letter to the Cashier of the office of discount and deposit at Lexington, requesting whether any, or what indulgence could be given for the balances due? What measure will be pursued with such paper as is now, or may hereafter be received, by said office of discount, &c? The reasons and motives for making the inquiry is the pressure produced by the influx of their paper, &c. They closed the letter by making a proposition to pay one third when due, one third in thirty days, and one third in sixty days, with interest. To which the Cashier of the Branch Bank of the United States at Lexington, returned for answer that he was willing to receive the balances "in good bills" at sixty and ninety days, drawn by individuals and endorsed by the Bank; but that he was prohibited by his "instructions" from granting time, &c. Upon receiving this answer the Bank of Kentucky suspended specie payments. Shortly after, an arrangement was entered into by which the Bank was permitted to pay at the rate of ten per cent. every sixty days, with interest. That at the next session of the Legislature thereafter, the acting Governor, in his message to the Legislature, again notices this subject, an extract of which is here given: "Permit me, before I close this address, once more, to call your attention to a subject which I think of vital importance to the State.
The subject to which I allude is the two offices of discount and deposito located by the Bank of the United States in this State. These institutions, it is believed, have contributed in no small degree, to produce the embarrassments experienced by many of our good citizens, by cashing the paper of the State Bank and its Branches, and thereby restraining them from that freedom of banking operations, which their capital and credit justify and the commercial transactions of the country require. The revenue of the State, it is also believed, has been considerably reduced, and is threatened with still further reductions, by the operation of those offices. If such, upon examination, should be found to be the injurious effects of those institutions upon our citizens, and upon the treasury of the State, it behoves you, gentlemen, to enquire if their bad influence may not be legitimately counteracted. The State should not underrate its power to repel malignant influences from abroad, more than to promote beneficial influences at home. The power to preserve itself, and to promote the prosperity of the community, is inherent in sovereignty, and the State should not hastily or lightly surrender it. But much as we reverence the institutions of the national government, and respect their incumbents, is it not due to the character of sovereignty, that the States who possess it, should enquire into this matter; should assert their right to exercise it, and relinquish it only upon the most thorough conviction that it has been surrendered by the States to the nation? "Again," says the acting Governor, "the State has been restrained by injunction from collecting the taxes imposed by the act of the Legislature, upon those offices. How far it is compatible with the dignity of the supreme power of the State to be manacled, restrained or propelled, by persons clad with authority by the nation, it behoves the State to ascertain. This, gentlemen, is a subject of mighty import: it involves nothing less than the sovereign agency of the States; for if one department of the national government may usurp the sovereignty of the States, and another department consecrate the usurpation, by pronouncing it constitutional, then is the tenure of sovereignty by the States a fit subject for derision. The principle that any portion of its supreme power must be tamely surrendered by a State, in obedience to a decree made by the usurper, sanctifying in one character what he had usurped in another, can never, it would seem to me, be conceded by a rational people." And again, says the acting Governor, "the truth of the position that money is power, is acknowledged by all the elementary writers upon the science of government, and exemplified, practically, by all the governments of which history furnishes any record. The capital of this Bank is thirty-five millions of dollars, with power of issuing bills to the amount of one hundred and five millions, an amount greater, it is believed, than can be whole.
circulated for half a century to come. The president and directors, consisting of twenty-five, are to direct and control this mighty mass of circulating medium—the entire money used by the American Republics—Repulics in name only, for, according to the position above stated, the president and directors of this institution are to govern the nation. They direct and control the money, and of course, possess the power of the nation. This Bank, then, is to be a disguised aristocracy, *enormous in stature,* and *invincible in strength.* It is even now attempting, while an infant, to strangle the States, and the nation, though destined to be its next victim, has uttered, in smiles, its approbation of the horrid deed. It may be thought that I speak too plain on this subject. Disguise is not one of my habits; duty bids me speak, and the importance of the subject demands that I should speak plainly. I do believe that the existence of the Bank of the United States is incompatible with republican civil liberty.”

Your committee also find, that during the same session, an act passed entitled “an act regulating the interest and recovery on notes or obligations given to corporations not created by a law of this State;” by which it was enacted, that any corporation not established by the laws of this State, was forbidden from taking or receiving any greater or other interest, on any note, bill, bond or obligation thereafter to be given, discounted or purchased, by any of the officers or agents of such corporation, than one per centum per annum, upon the amount of any such note, bill or obligation, so discounted or purchased.

Your committee find, upon examination, that the Bank of the United States has listed with the Auditor of public accounts, real estate, lying within this Commonwealth, amounting to $182,152. What amount they hold by mortgage, independent of the above, your committee are unable to state; they presume, however, that they hold in that way, a considerable amount. Most of the real estate which they have listed, lies in Lexington, Georgetown, Frankfort and Louisville, and the vicinity of those places.

Your committee thought it advisable to give the above extracts, in order that the Legislature might have the subject fully before them, and thereby see what has heretofore been done upon this subject. It is very evident, from the above messages of the Executive, and the various acts of the Legislature, that the people of this State have viewed those offices of discount and deposit, as highly injurious to the interest and well-being of the country, and that they were desirous in some way of getting clear of them.

Your committee will not enter into an investigation of the causes of complaint. They believe that the statement made by the Bank of Kentucky, furnishes of itself sufficient evidence that those causes of complaint were well founded. But indepen-
dent of that, your committee are constrained to indulge the presumption, that the executive and representatives of a free and enlightened people, would not be heard to complain from time to time, of the evils and mischiefs of those branches, unless ample cause did exist. Could we indulge in the belief that those complaints were without cause, it would do but little honor to the virtue and intelligence of the people or their representatives. But Kentucky is not the only State that has been heard to complain on this subject. Pennsylvania, South-Carolina, Ohio, and your committee believe several other States, have been all loud in their complaints against the usurpations of the Bank of the United States and its branches. But surely it must be within the knowledge of every intelligent man acquainted with the situation of the country since 1817, that through the instrumentality of those branches, an ample circulating medium, furnished by the Bank of Kentucky, was virtually cut off by those offices cashing their paper, and the people were thrown into great pecuniary embarrassment and distress; indeed, we can trace the origin of our relief measures to those unhappy times.

Your committee have not the means of ascertaining what number of tenants the Bank of the United States has in this State. They can only presume, that from the quantity of real estate, they have a number. Nor has your committee deemed it necessary to enquire whether the officers and agents of the two offices of discount and deposit in this State have exercised any influence over their tenantry; but certain it is, that all experience proves, that in proportion to the dependent condition of men, they are subject to the influence and control of those who have power over them. This position is as forcibly seen in that of landlord and tenant, as in any other; and is there not just cause of alarm, when we find that a corporation, possessed of a capital of thirty-five millions of dollars, is almost daily engaged in accumulating the real estate of the country, by receiving the same in payment of debts due them, and thereby extending their power and influence to every class of the community? A wise statesman will prevent evils by a just and rational anticipation, and not wait until some overt act is committed before he begins to act. But how idle would it be in the General Assembly, to call for proof of the doings of the officers and agents of a corporation, when all that is done by them is done in conclave. The mischiefs might be great, but yet, no direct or positive proof could be adduced, more particularly, (as is the case with the United States' Bank,) where the corporation or its officers are without the control of the Legislature, or any other authority of the State.

Your committee cannot forbear noticing an event of a recent date. The subject to which they allude, is a suit which was commenced and prosecuted in the name of Wayman and Clarke...
against Southard and Starr, in the United States Circuit Court, 7th Circuit, Kentucky District. That case involved the validity of the statutes of this State, in relation to our replevin, execution and endorsement laws. The case was adjourned to the Supreme Court of the United States for their decision; and although this case was purely between individuals, yet Mr. Sergeant and Mr. Cheves, the regular counsel for the Bank of the United States, attended to, and argued said cause before the Supreme Court, for the plaintiffs, and which resulted in the decision of said court, nullifying those laws. Mr. Cheves stated to Mr. Geo. M. Bibb, that he was employed by the United States' Bank, to appear in said cause; and your committee herewith submit the correspondence had with Mr. Bibb in relation to that affair. However justifiable the Bank might be, in prosecuting or defending suits brought for or against her, yet surely none can justify, but all must deplore their interference in a contest between individuals, for the avowed purpose of vacating the laws of the State.

Your committee will not further dilate upon this subject. The only measure which your committee deem necessary to present to the consideration of the present General Assembly, is an amendment to the constitution of the United States, proposed by the Legislature of the State of Pennsylvania, which is in the following words: "Congress shall make no law to erect or incorporate any Bank, or other monied institution, except within the District of Columbia; and every Bank or monied institution, which shall be established by the authority of Congress, shall, together with its branches, be confined to the District of Columbia." This proposed amendment was presented to the Legislature of this State at the session of 1819, and will be found in the Journal of the House of Representatives, page 42. Your committee recommend the adoption of the following resolution:

Resolved by the Senate of the Commonwealth of Kentucky, That it is the duty of this house, at as early a day of this session as practicable, to take up said proposed amendment, and act definitely upon the same.

SAMUEL DAVEISS,
Wm. WOOD,
Ben. SELBY,
H. B. MAYO,
John L. HICKMAN.

Frankfort, November 19, 1825.

Sir:

As Chairman of the Committee raised upon that part of the Governor's message relating to the Bank of the United States, I will ask the favor of you to state, whether Mr. Sergeant and Mr. Cheves, the attorneys for the Bank of the United States, did not
appear and argue the case of Wayman and Clark against Southard and Starr, before the Supreme Court of the United States; and did not one or both of said counsel inform you, that they were employed by the Bank to appear in said case? Did not said cause involve the validity of the replevin, endorsement and execution laws of this State; and did not the above named counsel appear on the side of the plaintiffs, to nullify and vacate our laws? Please to state all you know upon this subject.

I am, respectfully, yours,

SAMUEL DAVEISS, Ch'n.

George M. Bibb, Esq.

FRANKFORT, November 21st, 1825.

Sir:

In answer to your letter of the 19th, addressed to me, I state: That the questions, as adjourned from the court of the United States for the seventh circuit and Kentucky district, to the supreme court, in the case of Wayman and Clark against Southard and Starr, did involve—1st, The application of the execution laws of Kentucky to executions issuing from the federal court; 2d, whether the execution laws of Kentucky, relative to endorsements for bank notes, were not unconstitutional and void, as repugnant to the constitution of the United States and of the State of Kentucky; 3d, whether all the laws of Kentucky, allowing the defendants in executions to enter into replevin bonds, were or were not unconstitutional and void—as will be seen by the report of the case, 10th Wheaton, p. 2.

The questions, as adjourned in the case of the Bank of the United States vs. Halshead, did involve the applicability of the law of Kentucky requiring property under execution to be sold at not less than three fourths of its value, unless the plaintiff consented to take bank notes, to executions from the federal court, and the constitutionality of that law—as will be seen by the report of the case, 10th Wheaton, p. 51.

The questions adjourned in the case of the Bank of the United States vs. January, involved the like questions upon the law of Kentucky abolishing imprisonment for debt, as will be seen by the short note of the case, 10th Wheaton, p. 68, note a; but more fully, by reference to the record of the adjourned questions.

The rule of the supreme court requires of counsel to present to the court, before argument, a printed statement of the case. The statements were furnished by the counsel in these three cases, on behalf of the plaintiffs and defendants, and were interchanged between the opposing counsel. Without detailing all the heads and subdivisions of proposed arguments, they may be thus classed: The counsel for plaintiffs asserted that the execution laws of the States, enacted since 1789, were not applicable to the executions
in question, issued from the federal court; 2dly, that the laws of Kentucky concerning endorsements, replevin, valuation of property, and abolishing imprisonment for debt, were unconstitutional and void. The statements by the counsel for defendants, asserted the applicability and validity of those laws to the executions in question.

Although the three cases did not stand immediately succeeding the one to the other, on the docket, yet when the case of Wayman and Clark was called, the other cases were also taken up, and all three heard together.

After the counsel for the plaintiffs, Mr. Sergeant, had concluded his observations on the first head, that the laws of Kentucky did not apply to the executions of the federal court, the Chief Justice informed the counsel that the court desired them to confine their arguments to that point, which was preliminary, and might render the discussion of the other unnecessary; that after the decision upon the first point, the court would hear the argument on the constitutional questions, if it should not be superseded by the judgment on the first point.

Mr. Sergeant is the regular and standing counsel for the Bank of the United States, in the supreme court. He was noted on the docket as counsel for the plaintiffs, in all three of these cases, and appeared as counsel before the court in all. Mr. Cheves is noted with Mr. Sergeant, as the counsel for plaintiffs, in the case of Wayman and Clark vs. Southard and Starr, but not in the other two, as appears by a copy of the docket now before me. Mr. Cheves did inform me that he appeared at the instance of the Bank of the United States, and appeared in all.

Very respectfully, your fellow citizen,

GEORGE M. BIBB.

Samuel Daviess, Esq. Chairman, &c.

Whereupon it was ordered that the public printers forthwith print 150 copies thereof, for the use of the Senate; and the resolution therein contained was laid on the table for consideration.

Mr. Smith, from the committee of religion, made the following report, to wit:

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

Resolved, That the petition of Samuel D. Waltman, praying to be divorced from his wife, Catherine Waltman, be rejected.

Resolved, That the petition of John W. Brite, praying to be divorced from his wife, Fanny Brite, is reasonable; and that the chairman of this committee report a bill for that purpose, to the Senate.

Which being twice read, was concurred in.
Whereupon Mr. Smith, from said committee, reported a bill for the divorce of John W. and Fanny Brite; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the bill was referred to a select committee of Messrs. Muldrow, M. H. Wickliffe, Howard, C. H. Allen and C. Allan, for amendment.

Mr. Faulkner, from the select committee to which was referred so much of the Governor’s message as relates to the militia, &c., reported thereon a bill to amend the militia law; which passed to a second reading.

The following messages were received from the House of Representatives, to wit:

By Mr. Stephens:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled “an act to amend the act establishing the town of Covington, at the mouth of Licking;” in which they request the concurrence of the Senate.

By Mr. Woodson:

Mr. Speaker—The House of Representatives have passed a resolution which originated in that house, entitled “a resolution instructing the Senators, and requesting the Representatives of this State in Congress, to use their exertions to induce Congress to divide this State into at least three Federal Court districts;” in which they request the concurrence of the Senate.

By Mr. Thomasson:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled “an act making provision for the keepers of lunatics in certain cases;” in which they request the concurrence of the Senate. They have agreed to amendments made in the Senate, to bills which originated in that house, of the following titles, to wit: An act for the benefit of Richard Apperson; an act to regulate the appropriation of fines and forfeitures in certain counties in this Commonwealth; an act to allow additional justices of the peace and constables to sundry counties; an act to compel the owners of warehouses and inspections to keep therein scales and weights made of cast iron, or patent balances. They have also passed a bill which originated in the Senate, entitled “an act to establish the town of Athens;” and have disagreed to a bill which also originated in the Senate, entitled “an act for the benefit of Elizabeth Powell.”

On motion of Mr. J. Allen, the report, documents and resolutions of the select committee to which was referred that part of the Governor’s message which relates to the Judiciary of this State, and which were spread at length on the Journal of yesterday, were taken up; and the resolutions being twice read, Mr. Beaty moved to lay the report, &c. on the table for the present, which was negatived.
Mr. Denny moved to strike out the first resolution, and insert another in lieu thereof.

Whereupon Mr. C. Allen offered the following preamble and resolution, to wit:

Whereas the committee on so much of the Governor's message as relates to the Judiciary, have, without the knowledge of the Senate, entered into a correspondence with the Judges of the Court of Appeals, and requested them to resign, and have reported to this house the responses of the Judges, together with their commentaries thereon. Upon a review of the proceedings of said committee, their correspondence with the Judges and their report on the same, the Senate being convinced that the proceedings of said committee are not warranted by the constitution or by legislative usage, and that the report does not present to the house a proper subject for legislative deliberation: Therefore,

Resolved, That said report be laid on the table until the first day of March next.

Which being twice read, the mover proposed to lay the same, together with the report, &c. on the table for the present; which was negatived.

The question was then taken on postponing the report, &c. as contemplated by Mr. C. Allan's resolution, until the first day of March, and it was decided in the negative—Yea's 11, nay's 21.

The yeas and nays being required thereon by Messrs. Yancey and C. Allan, were as follows, to wit:


The question then recurred on the preceding proposition.

The first resolution, as proposed to be stricken out by Mr. Denny's motion, together with the substitute offered by him, were then read as follows, to wit:

First resolution. "Resolved, That the General Assembly of Kentucky hereby solemnly protest against the exercise of all judicial power by John Boyle, William Owsley and Benjamin Mills, as being not only contrary to law and the constitution, but also contrary to the peace and good order of society."

The substitute. "Resolved, as the opinion of this General Assembly, That the exercise of judicial power by the honorable William T. Barry, James Haggan, John Trimble and Rezin Davidge, or the honorable John Boyle, William Owsley and Benjamin Mills, under existing circumstances, would be inexpedient."
A division of the question being called for, the question was first put on striking out, and decided in the affirmative—Yeas 18, nays 16.

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


The question was then taken on the adoption of the substitute for said first resolution, and the same was adopted—Yeas 20, nays 15.

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


**Nays—** Messrs. C. Allan, Beatty, Cockerill, Faulkner, Garrard, Given, Howard, Lockett, Muldrow, Pope, Selby, J. Ward, White, M. H. Wickliffe and R. Wickliffe.

The question was then taken on concurring with the committee in the last resolution attached to said report, and the same was concurred in—Yeas 27, nays 8.

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


When, without any question being taken on concurring in the report and resolutions as amended,

The Senate adjourned.
FRIDAY, DECEMBER 9, 1825.

The Senate assembled.

Mr. Given presented the petitions of sundry individuals, on behalf of William Bowland and Samuel Gray, praying a donation of land to said Bowland and Gray; which were received, read and referred to the committee of propositions and grievances.

Mr. Ewing, from the committee of propositions and grievances, reported a bill to establish the county of Sharp; which passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the said bill was referred to a select committee of Messrs. Ewing, Worthington, Davis and Given, for amendment. From which committee, Mr. Ewing shortly thereafter reported the same with amendments; which being concurred in, the said bill, as amended, was ordered to be engrossed and read a third time tomorrow.

Mr. Garrard, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act to establish the county of Laurel," reported the same without amendment; which being read a third time, it was

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

Ordered, That Mr. Garrard inform the House of Representatives thereof.

Mr. P. N. O'Bannon, from the committee raised for that purpose, reported a bill to legalize the proceedings of William Hickman and Orson Morrow, of Simpson county; which passed to a second reading, when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and the same being engrossed, it was

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

Ordered, That Mr. P. N. O'Bannon carry the same to the House of Representatives, and request their concurrence.

Mr. Beaty, from the committee raised for that purpose, reported a bill for the benefit of Elijah Combs, of Perry county; which passed to a second reading, when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and the same being engrossed, it was

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

Ordered, That Mr. Beaty carry the same to the House of Representatives, and request their concurrence.
THE SENATE.

Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Given—1. A bill for the benefit of D. Roulett, sheriff of Calloway county.

And on motion of Mr. Denny—2. A bill to secure the faithful collection of fines and penalties.

Messrs. Given, Ewing, Lockett and Worthington were appointed a committee to prepare and bring in the first; and Messrs. Denny, Pope and T. Ward, the second. From which last committee, Mr. Denny reported said bill, which was, for the present, passed over.

On motion of Mr. Corneal, a bill which originated in the House of Representatives, entitled "an act to amend the act establishing the town of Covington, at the mouth of Licking," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and said bill was referred to a select committee of Messrs. Carneal, Denny and R. Wickliffe, for amendment.

Mr. Beaty, from the joint committee raised to examine and report the situation of the Register's office, reported as follows, to wit:

The joint committee of the Senate and House of Representatives, appointed to examine and report the state of the land-office, have performed the duty required, and report as follows: That they find transcribed from the Virginia land-office, 273 bundles of surveys, neatly labelled, with an alphabet; also, 15 bundles containing the caveatated and defective surveys on which grants have issued; 4 bundles caveatated surveys, 2 bundles defective surveys, and 1 bundle of surveys misplaced from their proper bundle—all neatly labelled, and recorded in 11 volumes, well bound, with a complete alphabet. Two bundles of warrants located and mislaid, 1 bundle copies of wills; 16 volumes, the record of grants issued on the aforesaid surveys, in good order, with a complete alphabet; the record of military warrants from the Virginia land-office, in 2 volumes, with alphabets and in good order; a list of Virginia treasury warrants in 2 volumes; the record of pre-emption warrants in 1 volume, containing the record of warrants under the proclamation of 1763, with alphabets and in good order; commissioners' certificates granted in 1779 and '80, in 3 volumes, with alphabets in good order. The sale books of non-residents' lands for the years 1800-1-2 and 4, have a new alphabet—the books are somewhat worn. The books in which the sales of 1805-6-7-8-9-10-11-12-13-14-15-16-17-18-19 and 20 are recorded, they find in good order, with alphabets. Two volumes in which surveys have been registered since 1792, in good order. The said surveys are tied up in 144 bundles, neatly labelled, with an alphabet. The record of these surveys, together with the record of some grants, is in 10 volumes, with an alphabet in good
The grants issued on the aforesaid surveys are in 20 volumes, to which there is an alphabet in good order. The surveys upon head-right claims are neatly registered in 3 volumes, with 2 alphabets, one of which is somewhat worn. The head-right plats and certificates of survey are filed in 307 bundles, neatly labelled, and recorded in 17 volumes, with 2 alphabets in good order; the grants issued thereon, recorded in 27 volumes, well bound, with two alphabets in good order. The land warrants issued under the act of 1800, the surveys and grants on the same, as also the Tellico surveys and grants, are in two volumes; they are registered in 1 volume, the original surveys tied up in 12 bundles, and neatly labelled—all in good order. Nine bundles certificates on which warrants have issued; 7 bundles certificates of sale of non-residents' lands, on which deeds have issued; 1 bundle Attorney-General's opinions to the Register; 3 bundles county court certificates; 8 bundles caveats since 1792; 4 bundles caved surveys since 1792; 2 bundles of surveys not registered for want of fees, since 1792; 1 bundle of defective surveys since 1792; 31 bundles of vouchers, on which the late Kentucky land warrants have issued, all labelled and in good order; 1 volume containing the surveys under the proclamation of 1763, with an alphabet; 2 volumes of certificates granted in 1796, and 3 volumes in 1798, with alphabets; Anderson and Croghan's military entry books, in 2 volumes, with alphabets; the transcript of Lincoln entries, in 2 volumes, with an alphabet in good order; May's entries, (so called,) transcribed in 5 volumes, with 2 alphabets in good order; 1 volume of Green's deputy register of surveys made previous to June 1792; 1 volume relinquishments, in tolerable order; a list of Kentucky warrants issued under the act of 1814, and the subsequent acts, in 2 volumes, and the record of said warrants in 8 volumes; the original surveys made on said warrants are tied up in 199 bundles, neatly labelled, and recorded in 12 volumes, well bound; the grants issued thereon, recorded in 18 volumes, well bound, with an alphabet in good order. Said surveys are neatly registered in 3 volumes, with an alphabet in good order. Three volumes in which caveats are recorded, with alphabets; 11 books of original entries from the county of Fayette, neatly transcribed in 4 volumes, well bound, with an alphabet in good order, agreeably to an act of assembly approved 5th January 1824. 1 book of original entries from the county of Mercer, 1 from Bourbon and 1 from Nelson, have been returned by the surveyors of said counties to the Register's office, agreeably to the requisitions of an act approved February 12, 1820—all of which books of entries are in order fit to be used. The surveyor of Jefferson county has failed to return the original entries of that county to the land-office, as your committee have been informed by the Register. One volume of military grants for lands west of the Tennessee river; 1
volume in which the surveys of that land are registered, and 1 volume in which they are recorded. The surveys are neatly tied up in 2 bundles. One volume in which certificates of sale of the lands west of the Tennessee river are recorded; one volume of grants issued thereon; one volume of Henderson's field notes, (this book is not well bound;) one volume in which surveys of land south of Walker's line are recorded; 1 volume of grants; 1 volume in which the same are registered—all in good order. The surveys of these lands are tied up in 2 bundles, neatly labelled. One volume of the list of warrants for lands south of Walker's line, and 1 volume in which those warrants are recorded.

Your committee find, as their observation will enable them to speak, that the books and papers of this office are in good order, except such as have been injured by continued use, and they believe it due to the Register, to say that the office is well kept. Your committee are satisfied, from actual examination, that the business of the office, in some of its branches, has very greatly increased. Since the reduction of the price of land warrants to five dollars per hundred acres, the demands for them have greatly multiplied. The lands south of Walker's line having been brought into market, is a source of new employment to the Register; and the sale of lands west of the Tennessee river has greatly added to the business of that office. From this increase of business, and from the consequent necessity of multiplying the number of clerks in that office, or of an increased application on the part of the Register and the clerks now employed, your committee are unanimously of opinion that the salary of that officer ought not to be reduced.

Your committee are assured, that the Register is put to much trouble, from being compelled to attend, or to send a deputy, under the command of writs of subpoena, to give evidence, issued by the order of the several circuit courts of this Commonwealth. It is believed that no prejudice would result to suitors, from the passage of a law requiring them to take the deposition of the Register, in those cases in which his testimony may be thought important.

All which is respectfully submitted.

From the Senate,

MARTIN BEATY,
JAMES WARD,
H. B. MAYO.

From the House of Representatives,

J. M. McCONNELL, J. W. BAINBRIDGE,
WILLIAM SPALDING, JAMES TARLETON,
E. F. NUTTALL, J. H. SLAUGHTER,
STEPHEN MULLINS, JOHN PORTER.
Mr. Daveiss, from the select committee to which was referred a bill for the benefit of James Rouse, reported the same with an additional section, by way of amendment; which being twice read, was concurred in, and the bill, as amended, ordered to be read a third time on to-morrow; when, on motion, the rule, constitutional provision and third reading thereof were dispensed with, and the same being engrossed, it was

Resolved, That said bill do pass, and that the title thereof be so amended as to read, “an act for the benefit of James Rouse and others.”

Ordered, That Mr. Lockett carry the same to the House of Representatives, and request their concurrence.

On motion of Mr. Stephens, leave was given him to report a bill for the appropriation of the surplus funds of militia fines in the hands of the paymaster of the 59th regiment Kentucky militia; which was thereupon reported and passed to a second reading, when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and the same being engrossed, it was

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

Ordered, That Mr. Stephens carry the same to the House of Representatives, and request their concurrence.

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

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

On motion of Mr. Muldrow, said message was taken up and read as follows, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, James Clark, Esq. as Attorney for the Commonwealth in the 9th judicial district.

JOSEPH DESHA.

Dec. 9, 1825.

Resolved, That the Senate do advise and consent to said nomination.

Ordered, That Mr. Muldrow inform the Governor thereof, the same being duly certified.

A message from the House of Representatives, by Mr. New:

Mr. Speaker—I am instructed by the House of Representatives, to inform the Senate, that they are now ready to proceed to the election of public officers; and that the same rules will be pursued in conducting the same, as heretofore; to which they desire the Senate may agree.

Whereupon the same were agreed to; and the election of a Treasurer being first in order, Mr. Given nominated Mr. James Davidson as a suitable person to fill that office; Mr. Yancey nom-
THE SENATE.

Dec. 9.]

nated Mr. William T. Smith; Mr. White nominated Mr. George B. Knight; Mr. W. B. O’Bannon nominated Mr. William P. Roper; Mr. Carneal nominated Mr. Joseph Smith, and Mr. Daveiss nominated Mr. Samuel South.

Ordered, That Mr. Daveiss inform the House of Representatives thereof, and that the Senate is likewise ready to proceed with said election, subject to the rules desired by that house.

A message from the House of Representatives, by Mr. Yantis:

Mr. Speaker—I am directed by the House of Representatives, to inform the Senate that the same gentlemen stand in nomination before that house, for the office of Treasurer, as reported from the Senate; and that they are now ready to proceed, by a joint vote, to said election.

Whereupon the Senate proceeded to a vote, which was found to stand thus:


For Mr. W. T. Smith—Messrs. Cockerill, Smith and Yancey—3.


For Mr. Roper—Messrs. Hughes, W. B. O’Bannon and T. Ward—3.

For Mr. J. Smith—Messrs. Barrett, Carneal, Crutcher, Forsythe and Muldrow—5.


Ordered, That Messrs. Ewing, Yancey and Crutcher be appointed a committee on the part of the Senate, to meet a committee on the part of the House of Representatives, to compare the joint vote and report the result to the Senate.

After a short time, Mr. Ewing, from said committee, reported that the committee from the two houses had met and compared the joint vote for Treasurer, and the result was found to be as follows, to wit: For Mr. Davidson, 44; for Mr. W. T. Smith, 8; for Mr. Knight, 20; for Mr. Roper, 17; for Mr. J. Smith, 25; for Mr. South, 19.

From which report, it appearing that neither of the foregoing gentlemen had obtained a majority of all the votes given, (the number being 133,) Mr. W. T. Smith, having the smallest number, was dropped, and the Senate proceeded to ballot again. The second vote was found to stand thus:


For Mr. Roper—Messrs. Hughes, W. B. O'Bannon and T. Ward—3.
For Mr. J. Smith—Messrs. Barrett, Carneal, Crutcher, Forsythe and Muldrow—5.

Ordered, That the same committee compare and report the joint result; which being reported by Mr. Ewing, from said com-
tee, was as follows, to wit: For Mr. Davidson, 48; for Mr. J. Smith, 27; for Mr. Knight, 25; for Mr. Roper, 17; for Mr. South, 15.

It again appearing that neither of the candidates had obtained a majority of the votes given, (to wit, 133, ) and Mr. South having obtained the smallest number, he was dropped, and the Senate proceeded to a third ballot; which being taken, was found to stand as follows, to wit:

For Mr. Roper—Messrs. C. Allan, Daniel, Hughes, W. B. O'Bannon and T. Ward—5.

For Mr. J. Smith—Messrs. Barrett, Carneal, Crutcher, Forsythe and P. N. O'Bannon—5.

And the same committee having been directed to compare and report the joint vote, reported, through Mr. Ewing, the following result: For Mr. Davidson, 50; for Mr. J. Smith, 31; for Mr. Knight, 32; for Mr. Roper, 20.

The number of votes given being 133, and Mr. Roper having the smallest number, he was dropped; and it appearing that neither candidate had yet obtained a majority, the Senate proceeded to ballot a fourth time, the result of which was as follows:

For Mr. Davidson—Messrs. C. Allan, Beaty, Eving, Faulkner, Garrard, Given, Hickman, Howard, Hughes, Lockett, W. B. O'Bannon, Pope, Selby, Stephens, J. Ward, M. H. Wickliffe and R. Wickliffe—17.

The same committee having examined and reported the joint vote, it stood thus: For Mr. Davidson, 69; for Mr. Knight, 43; for Mr. J. Smith, 29—the number of votes given, being 131.

Whereupon, it again appearing that a majority of all the votes given had not been obtained by either candidate, and Mr. J.
Smith having the smallest number, he was dropped, and the Senate proceeded to ballot again; which vote stood as follows, to wit:


The same committee having compared the joint vote, reported it to be as follows, to wit: For Mr. Davidson, 75; for Mr. Knight, 59.

Whereupon, it appearing that James Davidson had obtained a majority of all the votes given, (the number being 134,) he was declared by the Speaker to be duly elected Treasurer of this State for the ensuing year.

A message from the House of Representatives, by Mr. New:

Mr. Speaker—The House of Representatives are now ready to proceed to the election of a Public Printer; and I am instructed to inform the Senate, that Messrs. Jacob H. Holeman and Robert Johnston stand in nomination for that office, in that house.

Whereupon, the same gentlemen being nominated in the Senate, (the first by Mr. M. H. Wickliffe, the second by Mr. Dudley,) and a similar message being returned to the House of Representatives, the Senate proceeded to vote for said officer. The vote being taken, stood thus:


Ordered, That Messrs. Dudley and Given be appointed a committee on the part of the Senate, to meet a committee on the part of the House of Representatives, and to compare and report the joint vote; the result of which, Mr. Dudley shortly thereafter reported to be as follows, to wit: For Mr. Holeman, 81; for Mr. Johnston, 54.

Whereupon, it appearing that 135 votes had been given, and Mr. Holeman having obtained a majority of that number, he was declared duly elected Public Printer for this Commonwealth, for the ensuing year.

The Senate then prepared to proceed to the election of a President of the Bank of the Commonwealth of Kentucky; and the fol-
following gentlemen were put in nomination, to wit: By Mr. Daniel, Mr. David White; by Mr. Howard, Mr. John J. Marshall; by Mr. Daveiss, Mr. Daniel Weisiger.

Ordered, That Mr. Howard inform the House of Representatives of the foregoing nominations, and that the Senate is ready to proceed to said election.

A message from the House of Representatives, by Mr. Hardin:

Mr. Speaker—I am directed by the House of Representatives, to inform the Senate, that they are ready to proceed to the election of a president of the Bank of the Commonwealth of Kentucky, and that the same gentlemen stand in nomination in that house, as in the Senate.

Whereupon the Senate proceeded to said election, and the vote stood thus:


For Mr. Weisiger—Messrs. Daveiss, Forsythe, Hickman, Smith and J. Ward—5.

Ordered, That Messrs. Denny and Daveiss be appointed a committee to meet a committee on the part of the House of Representatives, and to compare and report the result of the joint vote. From which committee, Mr. Daveiss reported the following as the result of the joint vote, to wit: For Mr. Marshall, 62; for Mr. White, 53; for Mr. Weisiger, 15.

From which report it appearing that neither of the gentlemen before named had obtained a majority of all the votes given, (the number being 133,) and that Mr. Weisiger had the smallest number, he was dropped, and the Senate proceeded to ballot again, the result of which was as follows, to wit:


Upon a comparison by the same committee, and report of the joint vote, it was as follows, to wit: For Mr. Marshall, 72; for Mr. White, 63.
From which report, it appearing that Mr. Marshall had obtained a majority, the Speaker declared him duly elected President of the Bank of the Commonwealth of Kentucky for the ensuing year.

Mr. Hughes moved for leave to record his name on the first ballot for President of the Commonwealth's Bank, in favor of Mr. Weisiger, he having been absent when the vote was taken; and the question being taken thereon, it was decided in the negative. (The said application was made before the committee to compare the first joint vote, had reported.)

A message from the House of Representatives, by Mr. Breckinridge:

Mr. Speaker—I am directed by the House of Representatives, to inform the Senate, that, having closed the election of President, they are now ready to proceed to the election of Directors of the Bank of the Commonwealth of Kentucky; and that the following gentlemen stand in nomination in that house, to wit: Messrs. Benjamin B. Johnson, Dixon G. Dedman, Robert Johnston, Gervas E. Russell, Joseph G. Roberts, Jacob Swigert, William Gerard, Francis P. Blair, Thomas Triplett, Willis Field, George B. Knight, Price Nuttall, William Smith, William O. Butler, James Downing, Benjamin Hensley, Lyddall Wilkinson, John Wright and A. S. Parker.

Whereupon Mr. Dudley nominated Mr. John M. Foster, and Mr. C. Allan nominated Mr. James G. Dana for said office.

Ordered, That Mr. Dudley inform the House thereof, and that the Senate is also ready to proceed to said election.

The Senate then went into said election, the result of which was as follows, to wit: For Willis Field, 36; Price Nuttall, 25; William O. Butler, 36; George B. Knight, 36; Benjamin B. Johnson, 24; Robert Johnston, 29; Joseph G. Roberts, 22; Gervas E. Russell, 22; Francis P. Blair, 22; Thomas Triplett, 25; William Gerard, 31; Dixon G. Dedman, 10; Jacob Swigert, 26; John M. Foster, 10; John Wright, 20; James Downing, 11; James G. Dana, 5; William Smith, 12; Benjamin Hensley, 14; Lyddall Wilkinson, 12.

Ordered, That Messrs. Faulkner and J. Allen be appointed a committee to compare and report the joint vote.

From which committee, Mr. J. Allen shortly thereafter reported as follows, to wit: For Willis Field, 122; Price Nuttall, 71; William O. Butler, 123; George B. Knight, 129; Benjamin B. Johnson, 63; Robert Johnston, 114; Joseph G. Roberts, 92; Gervas E. Russell, 64; Francis P. Blair, 62; Thomas Triplett, 98; William Gerard, 115; Dixon G. Dedman, 65; Jacob Swigert, 102; John M. Foster, 18; John Wright, 67; James Downing, 61; James G. Dana, 12; William Smith, 62; Benjamin Hensley, 69; Lyddall Wilkinson, 93; Addison S. Parker, 1.
Whereupon the Speaker declared the following gentlemen duly elected, (each having a majority of all the votes given,) to wit, George B. Knight, William O. Butler, Willis Field, William Gerard, Robert Johnston, Jacob Swigert, Thomas Triplett, Price Nottall, Benjamin Hensley, Lydall Wilkinson, John Wright and Dixon G. Dedman, to serve as Directors of the principal Bank of the Commonwealth of Kentucky, during the ensuing year.

And then the Senate adjourned.

SATURDAY, DECEMBER 10, 1825.

The Senate assembled.

On motion of Mr. Given, a bill which originated in the House of Representatives, entitled "an act further regulating the sale of vacant lands west of the Tennessee river," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the said bill was referred to a select committee of Messrs. Given, Ewing, Faulkner and P. N. O'Bannon, for amendment.

On motion of Mr. Beaty, a bill which originated in the House of Representatives, entitled "an act making an allowance to Thomas S. Page," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Beaty inform the House of Representatives thereof.

On motion of Mr. Daveiss, a bill which originated in the House of Representatives, entitled "an act further to regulate the Bank of the Commonwealth," was taken up and read a third time, as heretofore amended; and the question being taken on the passage thereof as amended, it was decided in the affirmative—Yea 30, nay 2.

The yeas and nays being required thereon by Messrs. C. H. Allen and Cockerill, were as follows, to wit:


Nay—Messrs. Davidson and Howard.

Ordered, That Mr. Daveiss inform the House of Representatives thereof, and request their concurrence in said amendment.
Messages were received from the House of Representatives, announcing the passage of bills which originated in that house, of the following titles, to wit:

By Mr. Walker — An act supplemental to the act for the formation of Russell county.

By Mr. Elliston — An act establishing the town of Williamstown, in Grant county.

And by Mr. Nuttall — An act to allow an additional constable to Henry county.

In each of which the concurrence of the Senate was requested.

Mr. Ewing asked leave to bring in a bill to amend the charter establishing the Commonwealth's Bank; and the question being taken on granting the said leave, it was decided in the negative — Yeas 12, nays 20.

The yeas and nays being required thereon by Messrs. Ewing and P. N. O'Bannon, were as follows, to wit:

**Yea**—Messrs. C. H. Allen, Davis, Ewing, Garrard, Given, Howard, Hughes, Mayo, P. N. O'Bannon, Pope, Selby and Wood.


Leave was given to bring in bills of the following titles, to wit:

On motion of Mr. Beaty — 1. A bill to amend and explain the law establishing the Wilderness and Turnpike Road.

And on motion of Mr. Dudley — 2. A bill to regulate and prescribe the duty of jailers in this Commonwealth.

Messrs. Beaty, Garrard and Faulkner were appointed a committee to prepare and bring in the first; and Messrs. Dudley, Denny, Pope, Howard and J. Allen, the second.

Bills of the following titles, which originated in the House of Representatives, were, on motion, taken up and read the first time, to wit: 1. An act for the benefit of Isaac C. Chenowith; 2. an act supplemental to the act for the formation of Russell county; 3. an act to establish an election precinct in the county of Clarke; 4. an act to authorize the county court of Grayson to appoint trustees to Millerstown; and 5. an act for the benefit of the widow and heirs of Thomas Blincoe, deceased.

On motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

Resolved, That said bills do pass, and that their respective titles be as aforesaid.

Ordered, That Mr. Crutcher inform the House of Representatives of the passage of the first, Mr. Selby the second, Mr. C. Allan the third, Mr. Worthington the fourth, and Mr. Stephens the fifth.
A message from the Governor, by Mr. Loughborough, Assistant Secretary:

Mr. Speaker—I am directed by the Governor, to inform the Senate that he did, on the 9th instant, approve and sign enrolled bills and resolutions which originated in the Senate, of the following titles, to wit: An act for the benefit of Jesse Alcorn; an act to amend a act entitled "an act for the benefit of Daniel Trabue and others," approved January 7th, 1824; an act to remove the location of the seat of justice for McCracken county; an act for the appropriation of the surplus fund of militia fines in the hands of the paymaster of the 70th regiment Kentucky militia; a resolution requesting information of the Auditor, as to the amount of money due this Commonwealth for the sale of vacant and unappropriated land, and resolutions requiring information of the Receiver of public moneys west of the Tennessee river. I am also directed by the Governor, to lay before the Senate a message in writing.

On motion of Mr. J. Allen, a bill for the benefit of Thomas Hinds, &c. was taken up and read a second time, and ordered to be engrossed and read a third time on Monday next; when, on motion, the rule, constitutional provision and third reading thereof were dispensed with, and the same being engrossed, it was

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

Ordered, That Mr. J. Allen carry the same to the House of Representatives, and request their concurrence.

Mr. Denny, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act to amend the acts relative to the Shelbyville and Louisville turnpike road company," reported the same without amendment, and the said bill was ordered to be read a third time; which being done, it was

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

Ordered, That Mr. Denny inform the House of Representatives thereof.

On motion of Mr. Denny, a bill to amend the law of conveying, was taken up and read a second time, and ordered to be engrossed and read a third time on Monday next.

On motion of Mr. Cockerill, an engrossed bill which originated in the Senate, entitled "an act for the benefit of Massey Anderson," was taken up and read a third time.

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

Ordered, That Mr. Cockerill carry the same to the House of Representatives, and request their concurrence.

Mr. Daviess read and laid on the table the following joint resolution, to wit:
Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee, consisting of three from the Senate and six from the House of Representatives, be appointed to receive from Samuel South, late Treasurer, and deliver over to James Davidson, the Treasurer elect, all the books, papers, money and other funds in the treasury, and take his receipt thereof, which they shall file with the Secretary of State, and a duplicate copy thereof with the Auditor of public accounts: Provided, however, that no delivery shall be made to the Treasurer elect, until he enters into bond with security, as required by law, and takes the necessary oath or oaths of office.

When, on motion of Mr. Daveiss, the rule was dispensed with, and the said resolution was taken up, twice read and adopted.

Ordered, That Mr. Daveiss carry the same to the House of Representatives, and request their concurrence.

Mr. Muldrow, from the select committee to which was referred a bill for the divorce of John W. and Fanny Brit, reported the same, with a proviso, by way of amendment, which being twice read and further amended, was concurred in, and the bill, as amended, was ordered to be engrossed and read a third time on Monday next; when, on motion, the rule, constitutional provision and third reading thereof were dispensed with, and the same being engrossed, it was

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

Ordered, That Mr. C. H. Allen carry the same to the House of Representatives, and request their concurrence.

On motion of Mr. Daveiss, the report of the select committee to which was referred so much of the Governor's message as relates to the Judiciary of this State was again taken up.

Mr. Yancey moved a reconsideration of the vote by which the substitute herefore offered by Mr. Denny, was adopted in lieu of the first resolution offered by the committee; which was thereupon re-considered—Yea's 20, nays 14.

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


Nays—Messrs. C. Allan, Beaty, Carneal, Crutcher, Davidson, Faulkner, Garrard, Given, Howard, Pope, Stephens, J. Ward, White and M. H. Wickliffe.

Mr. Daveiss then offered the following as a substitute for the one offered by Mr. Denny, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they hereby solemnly protest against the exercise of all
judicial power by John Boyle, William Owsley and Benjamin Mills, as being not only contrary to law and the constitution, but also, at this time, highly improper; and that any attempt made by said individuals, to take, by force, the papers from the Clerk's office of the Court of Appeals, will be viewed by this Legislature as a violation of law and the good order of society.

And the question being taken on the adoption thereof, it was decided in the affirmative—Yea 19, nay 19, the Speaker voting in the affirmative.

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


The question was then taken on concurring in the report of the committee, and it was decided in the affirmative—Yea 20, nay 17.

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


Ordered, That Mr. J. Allen carry the same to the House of Representatives, and request their concurrence.

Whereupon Mr. Yancey moved that the public printers forthwith print 150 copies of the report, documents and resolutions, for the use of the General Assembly; and the question being taken thereon, it was decided in the affirmative—Yea 19, nay 17.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Yancey, were as follows, to wit:


*Nays*—Messrs. C. Allan, Beaty, Crutcher, Davidson, Denny, Faulkner, Garrard, Given, Hickman, Howard, Lockett, Muldrow, Pope, J. Ward, White, M. H. Wickliffe and R. Wickliffe.
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Ordered, That Mr. Yancey inform the House of Representatives, that the Senate is now ready to proceed to the election of a President and Directors for each of the Branches of the Bank of the Commonwealth, for the ensuing year, and report to that house a list of the names of the gentlemen who stand in nomination before the Senate, to fill those offices. Which duty, Mr. Yancey shortly thereafter reported he had performed.

After interchanging the usual messages, and having ascertained the names of the gentlemen who stood in nomination in each house, the election progressed; and Messrs. Ewing and Daveiss were appointed a committee on the part of the Senate, to compare and report the joint vote; which, in a short time thereafter, Mr. Ewing reported to be as follows, to wit:

For the Branch located at Flemingsburg, William P. Fleming was elected President; and for Directors, G. W. Botts, J. D. Stockton, W. Goddard, J. Alexander, Aaron Owen, Larkin Anderson, John Dougherty, Charles Ward and James Morris.

For the Branch located at Falmouth, P. G. Kennett was elected President; and for Directors, T. G. Hall, James Wilson, James Nailer, F. Chalfant, Absalom Scovin, Enoch Worthen, William W. Southgate and James M. Preston.

For the Branch located at Lexington, John Brand was elected President; and for Directors, Andrew M'Clure, David Megowan, Thomas H. Pindell, Matthew Kennedy, Daniel M'C. Payne, David Thompson, Elijah Craig and Samuel M'Hatton.

For the Branch located at Winchester, James Anderson was elected President; and for Directors, L. Grigsby, John Dudley, C. H. Taylor, Charles C. Moore, Willis Young, Henry T. Duncan, Benjamin Straughan and William Jones.

For the Branch located at Louisville, Worden Pope was elected President; and for Directors, William Reed, Garnett Duncan, James M'Donald, Samuel Q. Richardson, Craven P. Luckett, Benjamin Helm, E. Miles, John M'Michen and Abraham Field.

For the Branch located at Princeton, John H. Phelps was elected President; and for Directors, Joseph R. Given, Jeremiah Rucker, Mercer Wadlington, John S. Anderson, J. P. Campbell, John M'Caughan, Robert C. Bigham and Samuel Woodson.

For the Branch located at Greensburg, John Barrett was elected President; and for Directors, Joseph Akin, E. Creel, Peter E. Atwood, James Leslie, Ignatius Hazel, Nathan Gaither, W. E. Munford, Joseph Alexander, Joseph G. Hardin and Hezekiah P. Murrell.

For the Branch located at Hartford, Charles M'Cready was elected President; and for Directors, Charles Henderson, Benjamin Smith, John H. M'Henry, Richard L. Walker, John Field, John Murray, James Hillyer, William Pollard, John Rogers and Joshua H. Daveiss.
For the Branch located at Bowlinggreen, J. Loving was elected President; and for Directors, Alexander Graham, James T. Morehead, Joseph H. Smith, Asher W. Graham, Samuel Moore, Thomas Hale, William Carson and Thomas S. Slaughter.

For the Branch located at Mountsterling, Henry Daniel was elected President; and for Directors, Cuthbert Banks, S. D. Everett, T. C. Barnes, M. Thomas, Elihu Owings, J. S. Oakley, William Ward and Samuel May.

For the Branch located at Harrodsburg, E. Magoffin was elected President; and for Directors, Joel P. Williams, Christopher Chinn, D. Sutton, Jesse Head, Thomas Head, Thomas E. West, Jesse Coffee and D. L. M'Kee.

For the Branch located at Somerset, William Fox was elected President; and for Directors, J. Griffin, H. James, Joseph Porter, Charles Hays, Benjamin Eve, John Chrisman, James Terrill and Adam Wilson.

Whereupon the Speaker declared the foregoing gentlemen duly elected.

Mr. C. H. Allen, from the committee for courts of justice, to which was referred a bill which originated in the House of Representatives, entitled "an act for the benefit of Daniel Dougherty," reported the same without amendment, and the same was laid on the table for the present.

On motion of Mr. Denny, an engrossed bill which originated in the Senate, entitled "an act to provide for viewing and marking a way for a turnpike road from Maysville to Lexington," was taken up, read a third time and the blank therein filled.

Resolved, That said bill do pass, and that the title thereof be amended, by adding thereto the words, "thence in a direction to Nashville, and for other purposes."

Ordered, That Mr. Hughes carry the same to the House of Representatives, and request their concurrence.

Mr. Beatty moved to take up an engrossed bill which originated in the Senate, entitled "an act for the benefit of Thomas Branscomb," which was thereupon taken up and read a third time; but without a question being taken thereon.

The Senate adjourned.

MONDAY, DECEMBER 12, 1825.

The Senate assembled.

On motion of Mr. Dudley, the following message from the Executive, heretofore received, was taken up, to wit:
There is in the office of the Secretary of State, a receipt from W. Wood, of the town of Frankfort, a copy of which is herewith transmitted, for fifty sets of the Digest of the Statutes, at $6.50 each. It does not appear, that any payment has yet been made to the State, on account of them. Mr. Wood states, as I am informed, that Mr. Cuthbert S. Anderson, who was assistant Secretary at the time the books were received, and who delivered them, was indebted to him on a private account; that the price to be paid for them was assumed by him, and that Mr. Wood was exonerated. Mr. Anderson is since deceased, and without undertaking to determine where the liability rests, I will only remark, that it is obvious that the State has sustained a loss equal to the value of the books, and that Mr. Wood, or the estate of Mr. Anderson, should be made accountable.

The act of 1820, which authorizes the Secretary of State to sell and exchange certain books, "by and with the advice and consent of the Governor," contemplated, in my opinion, that the Governor should take care that no loss should accrue to the State in such transactions. Under this impression, I have conceived it to be my duty, to lay this information before you, leaving it to your discretion to adopt such measures in relation thereto, as you may deem expedient.

JOSEPH DESHA.

December 6, 1825.

Copy of Mr. Wood's receipt.

Received of the Secretary of State, fifty copies of the Digest of the Laws of Kentucky, for which I am to allow the State $6.50 per set.

W. WOOD.

July 28, 1823.

Which being read, the same was referred to a select committee of Messrs. Dudley, Hughes and Faulkner, with leave to report thereon as the nature of the case may in their opinion require.

Mr. Beaty, from the select committee to which was referred, on the 8th instant, a message from the Executive covering the nomination of Henry O. Brown as Circuit Judge for the second judicial district, in place of John Trimble, resigned, reported thereon the following resolution, to wit:

Resolved, That the Senate do advise and consent to the nomination of Henry O. Brown as Judge of the second judicial district.

Which being twice read, Mr. R. Wickliffe moved to lay the resolution on the table until to-morrow; and the question being taken thereon, it was decided in the affirmative—Yeas 22, nays 9.
The yeas and nays being required thereon by Messrs. R. Wickliffe and Ewing, were as follows, to wit:


**Nay**—Messrs. J. Allen, Carneal, Cockerill, Daveiss, Dudley, Ewing, Forsythe, Given and Selby.

Mr. Carneal, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act to amend the act establishing the town of Covington, at the mouth of Licking," reported the same without amendment, which was thereupon ordered to be read a third time; which being done, and the question taken on the passage thereof, it was

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

**Ordered**, That Mr. Carneal inform the House of Representatives thereof.

Mr. Denny read and laid on the table the following joint resolution, to wit:

The constitution provides that "the judicial power of this Commonwealth, both as to matters of law and equity, shall be vested in one supreme court, which shall be styled the Court of Appeals, and in such inferior courts as the General Assembly may, from time to time, erect and establish;" nevertheless, the spectacle is presented, of two sets of individuals claiming each to be Judges of the Court of Appeals, and each exercising judicial powers. The good people of this Commonwealth expect, and the state of the country imperiously demands of the present Legislature, the adoption of such measures as will remedy the evils incident to this state of things; and this General Assembly being desirous to exert all the powers with which they have been clothed by the people, to produce that end,

**Do resolve**, That a committee of six from each house be raised for the purpose of conferring and devising such practicable means as to them shall seem most expedient, in order to settle the difficulties which now unfortunately exist in relation to the appellate court of this Commonwealth; and that said committee report to each house by bill or otherwise.

And the rule being dispensed with, the said resolution was taken up, twice read and adopted—**Yea** 23, nays 2.

The yeas and nays being required thereon by Messrs. Denny and T. Ward, were as follows, to wit:

**Yea**—Messrs. C. Allan, J. Allen, Beaty, Carneal, Daniel, Daveiss, Davidson, Denny, Dudley, Ewing, Faulkner, Forsythe, Garrard, Given, Hickman, Howard, Hughes, Lockett, Mayo, Pope,
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Nays—Messrs. Cockerill and M. H. Wickliffe.

Ordered, That Mr. Denny carry the same to the House of Representatives, and request their concurrence.

Mr. Given, from the committee raised for that purpose, reported a bill for the benefit of Daniel Rowlett, surveyor of Calloway county; which passed to a second reading, when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Given carry the same to the House of Representatives, and request their concurrence.

Mr. Dudley, from the select committee raised for that purpose, reported a bill to regulate and prescribe the duty of jailers in this Commonwealth; which passed to a second reading.

Mr. Hughes, from the select committee raised for that purpose, reported a bill to amend an act entitled "an act to authorise G. M. Bedinger to build a bridge across Main Licking river, at the Lower Blue Licks; which passed to a second reading, when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Hughes carry the same to the House of Representatives, and request their concurrence.

Mr. Given, from the joint committee of enrolments, reported that they had examined sundry enrolled bills which originated in the House of Representatives, of the following titles, to wit: An act to regulate the appropriation of fines and forfeitures in certain counties in this Commonwealth; an act for the benefit of Richard Apperson and Dillard Daniel; an act to compel owners of warehouses and inspections to keep therein steelyards, or scales and weights made of cast iron, or patent balances; an act to establish the county of Laurel; an act supplemental to the act for the formation of Russell county; an act for the benefit of Isaac C. Chenowith and others; an act making an allowance to Thomas S. Page; an act to authorise the county court of Grayson to appoint trustees to Millerstown, and an act to allow additional justices of the peace and constables to sundry counties: That the same were truly enrolled, and signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate also affixed his signature thereto, and the same were delivered to the proper committee, to be by them laid before the Governor, for his approbation and sig-
nature; which duty, Mr. Given shortly thereafter reported they had performed.

On motion of Mr. Pope, an engrossed bill which originated in the Senate, entitled "an act to alter the time of electing members to Congress," was taken up and read a third time.

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

Ordered, That Mr. Pope carry the same to the House of Representatives, and request their concurrence.

Mr. Hickman, from the select committee to which was referred a bill which originated in the Senate, entitled "an act to equalize and regulate the revenue tax of 1824," reported the same with a substitute in part, in lieu of the original bill.

The original bill was read as follows, to wit:

Whereas, by an act passed the 14th of December 1824, further to regulate the valuation of taxable property in this Commonwealth, great inequality has been produced, by the different constructions put upon said law, or by inattention to its provisions; some commissioners having made such valuation at a low specie value, while others have valued in the currency, at double that amount: For remedy whereof,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the commissioners in the several counties in this Commonwealth, who valued and returned a list of taxable property in 1825, for collection in 1826, on or before the first day of April next, to go into the clerks' offices and make a correction in the valuation by them so made, of the books there lodged for the use of the county and for the sheriff, and affix to such valuations and books their value in specie on the 10th day of March last.

§ 2. Be it further enacted, That it shall be the duty of the clerks where such alterations or re-valuations are made, to have the same copied and compared with the original, and certify the same to the Auditor of public accounts, on or before the _____ day of _____ next; and it shall be the duty of the Auditor, where such alterations are made, to settle with the sheriffs of such counties accordingly.

§ 3. Be it further enacted, That the county courts, where such alterations are made, shall certify a reasonable allowance to such commissioners, under the laws regulating compensation for making out the original books.

The substitute proposed to strike out all of said bill after the enacting clause, and insert the following in lieu thereof, to wit:

That it shall be the duty of the sheriff of Bourbon to deduct twenty-five per centum of the amount charged on the commissioners' books for said county for 1825, and the Auditor is authorized and directed to settle with the sheriff aforesaid, accordingly.
Mr. Denny moved to lay said bill and amendment on the table until the first day of June next; and the question being taken thereon, it was decided in the affirmative—Yeas 16, nays 15.

The yeas and nays being required thereon by Messrs. C. Allan and Denny, were as follows, to wit:


And so the said bill was rejected.

A message from the House of Representatives, by Mr. Hardin:

Mr. Speaker—The House of Representatives have unanimously concurred in a resolution which originated in the Senate, entitled "a joint resolution providing for the appointment of a committee of conference in relation to the Court of Appeals," and have appointed a committee on their part.

Whereupon Messrs. Denny, Hughes, Pope, J. Allen, Ewing and Yancey were appointed a committee on the part of the Senate, pursuant to said resolution.

A message from the House of Representatives, by Mr. Prince:

Mr. Speaker—The House of Representatives have received official information that the Governor did, on the 9th instant, approve and sign enrolled bills and a resolution of the following titles, to wit: An act to alter the time of holding the Washington county court; an act to compel free persons of colour to work on roads and highways; an act to authorise the sale of certain ground in the town of Russellville; an act further to regulate the town of Nicholasville; an act to alter the time of the annual meeting of the General Assembly; an act to change the place of voting in the eastern precinct of Hardin county; an act to extend the limits of the town of Mountsterling; an act to authorise the trustees of the Lewis Academy to sell the lands belonging to that institution; an act to remove the seat of justice of Oldham county; an act to amend an act entitled "an act to provide for the running and marking of the county line between the counties of Owen and Grant; an act for the benefit of Jacob Renner, and a resolution appointing joint committees to examine the several offices, the Penitentiary and the Bank of Kentucky.

A message from the House of Representatives, by Mr. Wade:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act for the benefit of William B. Harrison," in which they request the concurrence of the Senate; and they are now ready to proceed to the election of a President and Directors of the Bank of Kentucky, on the part of the State.
Whereupon the Senate resolved to proceed to said election.

Mr. Carneal nominated Mr. John Harvie as a suitable person to fill the office of President of said Bank.

Mr. Davidson nominated the following persons for Directors, to wit: Messrs. Charles Julian, Charles Miles, Robert Alexander and John Morris; Mr. Beaty nominated William Robinson; Mr. Dudley nominated Daniel Weisiger, and Mr. Hickman nominated Peter Dudley.

After interchanging messages with the House of Representatives, the election progressed; and Messrs. Carneal and Garrard were appointed a committee on the part of the Senate, to compare the joint vote, which Mr. Carneal shortly thereafter reported to be as follows, to wit: For President, John Harvie had received an unanimous vote; for Directors, Daniel Weisiger 74, Peter Dudley 94, Robert Alexander 99, Charles Julian 22, John Morris 40, and William Robinson 10.

Whereupon the Speaker declared John Harvie duly elected President of the said Bank, and Daniel Weisiger, Peter Dudley, Robert Alexander and Charles Miles, Directors thereof, for the ensuing year.

Mr. Hughes asked leave to bring in a bill providing for rebuilding the Capitol; and the question being taken on granting said leave, it was decided in the affirmative—Yea 19, nay 15.

The yea and nay being required thereon by Messrs. Cockerill and Yancey, were as follows, to wit:


Ordered, That Messrs. Hughes, Dudley and Ewing be appointed a committee to prepare and bring in said bill.

The following messages were received from the House of Representatives, to wit:

By Mr. Thomasson:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act supplemental to the act entitled an act to remove the seat of justice of Oldham county, approved December 9th, 1826;" in which they request the concurrence of the Senate.

By Mr. Dyer:

Mr. Speaker—The House of Representatives have passed a which originated in that house, entitled "an act to amend the penal laws of this Commonwealth;" in which they request the concurrence of the Senate.
By Mr. Maupin:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act for the benefit of John Richey, of Allen county;" and also, a bill which originated in the Senate, entitled "an act to alter the mode of taking in lists of taxable property," with an amendment, in which amendment they request the concurrence of the Senate.

By Mr. Yantis:

Mr. Speaker—The House of Representatives have concurred in the adoption of a resolution which originated in the Senate, entitled "a resolution relative to the Treasurer elect for the ensuing year;" and have appointed a committee on their part, to perform the duty contemplated by said resolution.

Whereupon Messrs. Daveiss, Muldrow and Daniel were appointed a committee on the part of the Senate.

By Mr. Lee:

Mr. Speaker—The House of Representatives have concurred in amendments made by the Senate, to a bill which originated in that house, entitled "an act to alter the mode of appointing trustees to the Fleming Academy," with amendments, in which they request the concurrence of the Senate.

Bills which originated in the House of Representatives, of the following titles, were severally read the first time, to wit: 1. An act to add a part of Caldwell county to the county of Trigg, and for other purposes; 2. an act for the benefit of John Smoot; 3. an act supplemental to the act entitled "an act to remove the location of the seat of justice of Oldham county," approved 9th December 1825; 4. an act to allow the Independent Banks further time to settle their concerns, and for other purposes; 5. an act for the benefit of William B. Harrison; 6. an act for the benefit of William N. Potts; 7. an act to add a part of Pulaski to the county of Whitley; 8. an act establishing the town of Williamstown, in Grant county.

Whereupon the rule, constitutional provision and further readings of the 1st, 2d, 3d, 4th, 5th, 6th and 8th were dispensed with, and it was

Resolved, That said bills do pass, and that their respective titles be as aforesaid.

Ordered, That Mr. Given inform the House of Representatives of the passage of the first, Mr. Crutcher the second, Mr. Howard the third, Mr. P. N. O'Bannon the fourth, Mr. Dudley the fifth, Mr. Muldrow the sixth, and Mr. Forsythe the eighth.

The rule, constitutional provision and second reading of the 7th were dispensed with, and the said bill was referred to a select committee of Messrs. Howard, Beaty, Garrard and Faulkner, for amendment.
Engrossed bills which originated in the Senate, of the following titles, were severally read a third time, to wit: 1. An act for the benefit of Thomas Branscomb; and 2. an act for the benefit of David White.

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

Ordered, That Mr. Beaty carry the first, and Mr. Cockerill the second to the House of Representatives, and request their concurrence.

And then the Senate adjourned.

TUESDAY, DECEMBER 13, 1825.

The Senate assembled.

On motion of Mr. Smith, a bill which originated in the House of Representatives, entitled "an act concerning the turnpike road from Georgetown to Cincinnati," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the said bill was referred to a select committee of Messrs. Smith, Curnell, Forsythe, Barrett and Hickman, for amendment.

On motion of Mr. Selby, leave was given him to bring in a bill to allow an additional justice of the peace to the county of Casey; and Messrs. Selby, Beaty and Faulkner were appointed a committee to prepare and bring in the same.

From which committee, Mr. Selby shortly thereafter reported the said bill, which passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Selby carry the same to the House of Representatives, and request their concurrence.

On motion of Mr. R. Wickliffe, a bill which originated in the House of Representatives, entitled "an act for the benefit of Richard T. Jones and wife," was taken up and read the first time and ordered to be read a second time; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. R. Wickliffe inform the House of Representatives thereof.

On motion of Mr. C. Allan, a bill which originated in the House of Representatives, entitled "an act for the benefit of Daniel Dougherty," was taken up, the question being on reading the
same a third time; and, on motion of Mr. Carneal, said bill was re-committed to a select committee of Messrs. Carneal, C. Allan and Pope, for amendment.

Mr. Pope, from the select committee to which was referred a bill to authorize the erection of a toll bridge across the Ohio river, at or near the falls thereof, and to incorporate a company for that purpose, (for which a substitute, offered by a select committee, was under consideration when the same was re-committed,) reported the same, and, by way of amendment to the substitute, proposed to add a section, to be numbered the 6th section, and to strike out the 10th section of said substitute; which amendments being twice read, were concurred in, and the substitute, as amended, was adopted, and ordered to be engrossed and read a third time on to-morrow.

On motion of Mr. R. Wickliffe, the Senate took up the resolution reported on yesterday, by the select committee to which was referred the message of the Executive containing the nomination of Henry O. Brown, and heretofore spread on the Journal; and the said resolution being twice read, was concurred in.—Yea 21, nay 17.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Carneal, were as follows, to wit:


By which equivalent vote the said nomination was advised and consented to.

Ordered, That Messrs. Carneal and Hughes inform the Gover­nor thereof, the same being duly certified.

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

Mr. Speaker—I am directed by the Governor, to lay before the Senate two messages in writing, with accompanying documents.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 14, 1825.

The Senate assembled.

Mr. Crutcher presented the petition of Charles Helm, of Har­din county, praying the passage of a law releasing the forfeiture to the State, of certain lands belonging to the petitioner and forfeited for the non-payment of taxes, &c.; which was received,
read and referred to a select committee of Messrs. Crutcher, Stephens and M. H. Wickliffe, with leave to report by bill or otherwise.

From which committee, Mr. Crutcher shortly thereafter reported a bill for the benefit of Charles Helm; which passed to a second reading, when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Crutcher carry the same to the House of Representatives, and request their concurrence.

Mr. Cockerill offered the following certificate and resolution, to wit:

Frankfort, K. Secretary's Office, Dec. 7, 1825.

I certify, that it appears from the Executive Journal, that John C. Smith was nominated to the Senate, by the acting Governor, on the 24th January 1820, as lieutenant colonel of the 61st regiment Kentucky militia, in place of Thomas Sterrett, if promoted; and that Andrew H. Cole was, at the same time, nominated major of the 61st regiment, in place of John C. Smith, if promoted.

J. C. PICKETT, Sec'y of State.

Resolved by the Senate, That a committee be appointed to examine into the above nominations, and report their opinion thereon.

Which resolution being twice read, was adopted, and Messrs. Cockerill, Yancey and Ewing were appointed a committee pursuant thereto.

On motion of Mr. Crutcher, leave was given him to report a bill to authorise the Editors of the Western Intelligencer and Columbia Recorder to insert certain advertisements; which was thereupon reported and passed to a second reading, when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Crutcher carry the same to the House of Representatives, and request their concurrence.

Messages were received from the House of Representatives, announcing the passage of bills which originated in that house, of the following titles, to wit:

By Mr. Taylor (from Mason)—An act to authorise the trustees of the Franklin Academy, in the county of Mason, to sell part of the land belonging to said Academy.

By Mr. Hardin—An act for the benefit of John Caldwell and Thomas Tobin.

In each of which the concurrence of the Senate was requested.

A message was also received from the House of Representatives, by Mr. Yantis, announcing the concurrence of that house, in the

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passage of a bill which originated in the Senate, entitled "an act for the benefit of Paul Barnett."

On motion of Mr. Ewing, an engrossed bill which originated in the Senate, entitled "an act to reduce the salaries of the Judges of the Court of Appeals," was taken up and re-committed to Messrs. Ewing, Daveiss and Yancey—Yea 23, nays 12.

The yeas and nays being required thereon by Messrs. C. Allan and Ewing, were as follows, to wit:


Mr. Given, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act further regulating the sale of vacant lands west of the Tennessee river," reported the same with sundry amendments, the first and second of which, being twice read, were concurred in; when, on motion of Mr. Carneal, the said bill and amendments were laid on the table until the first day of June next.

Mr. Hughes, from the select committee raised for that purpose, reported a bill to change the mode of summoning grand and petit jurors, and to provide for their compensation, and for other purposes; which passed to a second reading.

Mr. Smith, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act concerning the turnpike road from Georgetown to Cincinnati," reported the same with an amendment; which being twice read and concurred in, the bill, as amended, was read a third time.

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

Ordered, That Mr. Smith inform the House of Representatives thereof, and request their concurrence in said amendment.

A message from the House of Representatives, by Mr. Allen:

Mr. Speaker—The joint committee of enrolments have examined sundry enrolled bills and resolutions which originated in each house of the General Assembly, of the following titles, to wit: An act to amend the act establishing the town of Covington, at the mouth of Licking; an act to add a part of Caldwell county to the county of Trigg; and for other purposes; an act supplemental to the act entitled "an act to remove the seat of justice of Oldham county," approved 9th December 1825; an act to amend the acts relative to the Shelbyville and Louisville turnpike road company; an act for the benefit of the widow and heirs of Thomas Blinec;
deceased; an act to establish an election precinct in the county of Clark; an act for the benefit of John Ritchie, of Allen county; an act for the formation of Russell county, out of the counties of Adair, Cumberland and Wayne; an act to establish the town of Athens; a resolution relative to the Treasurer elected for the ensuing year; and a joint resolution providing for the appointment of a committee of conference in relation to the Court of Appeals. The said bills and resolutions are truly enrolled, and have been signed by the Speaker of the House of Representatives, and I am directed to lay the same before the Senate, for the signature of their Speaker.

Whereupon the Speaker of the Senate affixed his signature thereto, and the same were delivered over to the proper committee, to be by them laid before the Governor, for his approval and signature; which duty Mr. Yancey shortly thereafter performed.

Mr. Daveiss moved to take up a bill which originated in the House of Representatives, entitled "an act further to regulate the salaries of some of the officers of government;" and the question being taken on taking up said bill, it was decided in the affirmative—Yea 23, nay 11.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Daveiss, were as follows, to wit:


Whereupon said bill was taken up, and on motion, the same was referred to a select committee of Messrs. Daveiss, Faulkner, Carneal and Hickman, for amendment.

On motion of Mr. Hughes, Mr. C. H. Allen was added to the select committee raised to prepare and bring in a bill providing for rebuilding the Capitol; from which committee, Mr. Allen shortly thereafter reported said bill, which passed to a second reading.

Mr. R. Wickliffe obtained leave to bring in a bill to provide for the further expenses of the Lunatic Asylum; and Messrs. R. Wickliffe, Carneal, W. B. O'Bannon and C. Allan were appointed a committee to prepare and bring in the same. From which committee, Mr. Wickliffe shortly thereafter reported said bill, which passed to a second reading.

Mr. Carneal, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act for the benefit of Daniel Dougherty," reported the same
with an amendment, which was twice read and concurred in, and the bill, as amended, was ordered to be read a third time; which being done, it was

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

Ordered, That Mr. C. Allan inform the House of Representatives thereof, and request their concurrence in said amendment.

Mr. Howard, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act to add a part of Pulaski to the county of Whitley," reported the same with an amendment, which being twice read, was concurred in, and the bill, as amended, was ordered to be read a third time; which being done, it was

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

Ordered, That Mr. Howard carry the same to the House of Representatives, and request their concurrence in said amendment.

Mr. Howard, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act to add a part of Pulaski to the county of Whitley," reported the same with an amendment, which being twice read, was concurred in, and the bill, as amended, was ordered to be read a third time; which being done, it was

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

Ordered, That Mr. Howard carry the same to the House of Representatives, and request their concurrence in said amendment.

Mr. Denny, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act to add a part of Pulaski to the county of Whitley," reported the same with an amendment, which being twice read, was concurred in, and the bill, as amended, was ordered to be read a third time; which being done, it was

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

Ordered, That Mr. Howard carry the same to the House of Representatives, and request their concurrence in said amendment.

On motion of Mr. Denny, leave was given him to report a bill for the relief of Cyrus Talbot; which was thereupon reported and read, when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Denny carry the same to the House of Representatives, and request their concurrence.

Mr. Daveiss offered the following resolution, to wit:

Whereas it is represented to the Senate, that the Clerk's office of the Court of Appeals has been closed during the last week, so that the administration of justice has been impeded: Therefore,

Resolved, That a committee of five be appointed to enquire into the causes which have thus obstructed the regular course of business in said office; and that the said committee have power to send for persons and papers, and report to this house.

Which being twice read, Mr. Garrard proposed to insert, after the word "Appeals," in the second line, the words, "kept by F. P. Blair."

Mr. Beaty moved to lay the resolution on the table until the first day of June next; and the question being taken thereon, it was decided in the negative—Yea's 15, nay's 20.

The yeas and nay's being required thereon by Messrs. Daveiss and Ewing, were as follows, to wit:

Yeas—Messrs. C. Allan, Beaty, Crutcher, Davidson, Faulkner, Garrard, Given, Howard, Lockett, Muldrow, Pope, J. Ward, White, M. H. Wickliffe and R. Wickliffe.

The question then recurred on the amendment proposed by Mr. Garrard, which was rejected—Yeas 15, nays 20.

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

**Yeas**—Messrs. C. Allan, Beaty, Crutcher, Davidson, Faulkner, Garrard, Given, Howard, Lockett, Muldrow, Pope, J. Ward, White, M. H. Wickliffe and R. Wickliffe.


The question was then taken on the adoption of the resolution which was decided in the affirmative—Yeas 21, nays 15.

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


**Nays**—Messrs. C. Allan, Beaty, Crutcher, Davidson, Faulkner, Garrard, Given, Howard, Lockett, Muldrow, Pope, J. Ward, White, M. H. Wickliffe and R. Wickliffe.

Whereupon Messrs. Daveiss, Denny, Dudley, Ewing and J. Allen were appointed a committee pursuant to said resolution.

Bills which originated in the House of Representatives, of the following titles, were severally read the first time, to wit: 1. An act further to regulate the salaries and debts due by this Commonwealth; 2. an act for the benefit of Eliza H. Eakes; 3. an act for the benefit of Elijah Adkins; 4. an act to compel the owners and occupiers of land to fill up, or enclose, or cover pits and wells fallen into disuse; 5. an act to amend the law in relation to delivery bonds; 6. an act to repeal in part an act entitled "an act for the benefit of Zachary Conclude; 7. an act for the benefit of Henry Harlow and others; 8. an act to amend the law requiring clerks of courts to make out complete records in certain cases; 9. an act further to regulate the election precincts of Breckinridge county; 10. an act to authorise James Howe, to build a mill-dam across Little Sandy river; 11. an act allowing justices of the peace a copy of the Digest of the Statutes of Kentucky in certain cases; 12. an act to change the sessions of the Lincoln and Casey circuit courts; 13. an act to authorise county courts to cause to be transcribed certain records and public books; 14. an act to authorise Narcissa to contract for her freedom; 15. an act to allow two additional justices of the peace to the county of Meade; 16. an act further to regulate the Jefferson Seminary; 17. an act for the benefit of John Moore and others; 18. an act to add a part of Caldwell to Livingston county; 19. an act to amend an act enti-
tled an act further to regulate the town of Flemingsburg; 20. an act to establish an election precinct in the county of Meade; 21. an act further to regulate the collection of debts due this Commonwealth; 22. an act further to regulate the Bank of Kentucky; 23. an act to punish swindling in the sale of land; 24. an act to establish an election precinct in the county of Shelby; 25. an act further to regulate certain circuit courts; 26. an act to alter the times of holding certain circuit courts; 27. an act to change the time of holding the Muhlenberg county court; 28. an act to authorise a sale of part of the public square in Hartford; 29. an act to authorise publications, &c. in certain newspapers; 30. an act for the appointment of trustees to the town of Pikeville, in Monroe county; 31. an act to legalize certain proceedings of the Ohio county court, at their November term 1825; 32. an act to release lands belonging to seminaries of learning, from forfeiture, and to exempt them from the payment of taxes; 33. an act to amend an act entitled "an act to erect precincts in certain counties in this Commonwealth," approved December 30, 1824; 34. an act to amend the law concerning constables; 35. an act for the benefit of John Cottrell and others; 36. an act to alter the time of holding the Hart circuit and county courts, and to legalize the proceedings of the county court of said county, and also to alter the time of holding the circuit and county courts of Edmondson, and to provide for running the lines of said county; 37. an act to amend the law concerning the town of Columbus, at the Iron-Banks; 38. an act to allow one additional justice of the peace to the county of Washington; and 39. an act to allow an additional constable to Henry county.

The first was read as follows, to wit:

An Act further to regulate the salaries and debts due by this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases where any debt is now, or hereafter may become due and payable by this Commonwealth, to any of the public creditors and officers of government, if the same shall not be demanded at the public treasury, within three months after such debt or salary shall become due and payable, the Auditor and Treasurer shall scale said debt or salary, and pay no more, in Commonwealth's paper, than the value of such debt or salary when the same became due and payable, any law to the contrary notwithstanding.

And the question being taken on reading the said bill a second time, it was decided in the negative—Yeas 16, nays 18. The yeas and nays being required thereon by Messrs. C. Allard and Faulkner, were as follows, to wit:


And so the said bill was rejected.

The rule, constitutional provision and further readings of the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 14th, 15th, 16th, 17th, 19th, 21st, 22d, 24th, 26th, 27th, 28th, 29th, 30th, 31st, 32d, 33d, 35th, 37th, 38th and 39th, were dispensed with, and it was

Resolved, That said bills do pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary inform the House of Representatives thereof.

The 12th, 20th, 25th and 36th were referred to select committees, (the rule, constitutional provision and second reading thereof being dispensed with),—the 12th, to Messrs. Faulkner, Howard, Selby and Davidson; the 20th, to Messrs. Crutcher, Stephens and Worthington; the 25th, to Messrs. Denny, White, Lockett and C. H. Allen, and the 36th, to Messrs. Cockerill, J. Allen, Yancey and Selby.

The 13th, 23d and 34th were severally laid on the table until a day beyond the session.

The yeas and nays being required by Messrs. Garrard and Crutcher, on the motion to lay the 23d on the table, were as follows, to wit:


Nays—Messrs. C. Allan, Crutcher, Garrard, Given, Hickman, Howard, Hughes, Lockett, Mayo, Muldrow, Pope, Smith, White, R. Wickliffe and Wood—15.

Which bill was read as follows, to wit:

An Act to punish swindling in the sale of Land.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if any person or persons shall, by himself or themselves, or by his or their agent, sell or barter any lands situate in this Commonwealth, to which he or they, at the time of such sale or barter, had no bona fide right or title, either in law or equity, and shall make such sale knowingly, wittingly and willfully, with intent to deceive and defraud the purchaser or purchasers thereof, out of any money or property, such fraudulent vendor or vendors
shall be deemed guilty of felony, and shall, upon conviction there-
of, undergo a confinement in the jail and penitentiary house of this Commonwealth, for any period not less than one, nor more than seven years: Provided, that this act shall not apply to any case where the vendor or vendors shall represent the true state of his claim to the land, or to any improvement he may attempt to sell. This act shall be in force from and after the first day of June next.

And the question being taken on reading the 18th a second time, it was decided in the negative, and so the said bill was rejected.

The following resolutions, which originated in the House of Representatives, were twice read and concurred in, to wit: Resolutions in relation to an amendment to the constitution of the United States, proposed by the State of Georgia.

A bill which originated in the House of Representatives, entitled "an act concerning the town of Bowlinggreen," was read a second time, and ordered to be read a third time on to-morrow; when, on motion, the rule, constitutional provision and third reading thereof were dispensed with, and it was

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

Ordered, That Mr. Cockerill inform the House of Representatives thereof.

Mr. Denny presented the petition of John Cochran, praying for a divorce; which was received, read and referred to a select committee of Messrs. Denny, Beaty and Daveiss, with leave to report thereon by bill or otherwise.

Mr. Hughes offered the following preamble and joint resolutions, to wit:

Whereas in all enlightened countries the fostering care of the government has been extended to the advancement of the interest and wealth of its citizens, as well as to the internal improvement of the country, and more particularly to their public roads; and in no country is that particular part of internal improvement more desirable, than in a country where the government is of the people. The present General Assembly of Kentucky, being impressed with the great public utility, as well as private advantage, that would be certain to result to the citizens of this Commonwealth, from a well regulated system of internal improvement, the Legislature, in behalf of the good people of Kentucky, would give her consent to, and cheerfully unite with the general government, in the construction and formation of an artificial road through this State. And whereas this Legislature, as well as the citizens of Kentucky, with anxious anticipation, look forward to the time when the great national turnpike road from the seat of the general government, on its way to the south-west, will reach the shore of Kentucky at Maysville; and Kentucky being anxious
to participate in this glorious undertaking, proposes to aid the
general government in this great national improvement: There-
fore,

Resolved by the General Assembly of the Commonwealth of Ken-
tycky, That our Senators in Congress be instructed, and our Representa-
tives be requested, to use their best exertions to procure the
passage of an act of Congress, with such an appropriation in
aid of the funds of this State, as will be sufficient to form and
construct an artificial road from Maysville to Lexington, and from
there in such a direction through this State, as may be thought
proper.

Resolved further, That a copy of the foregoing preamble and
resolution be transmitted by the Governor, to each of our mem-
bers in the House of Representatives and the Senators in Congress.

On motion, the rule was dispensed with, and the said preamble
and resolutions were taken up, twice read and adopted.

Ordered, That Mr. Hughes carry the same to the House of Rep-resentatives, and request their concurrence.

On motion of Mr. Howard, a bill which originated in the House of Repre-
sentatives, entitled "an act to amend an act entitled an
act to amend the laws for the recovery of debts cognizable before
a justice of the peace," was taken up; and the same having been
read a second time, was referred to a select committee of Messrs.
Howard, R. Wickliffe and Crutcher, for amendment.

The following committees on the part of the Senate, were
appointed under a joint resolution which originated in the House of Repre-
sentatives, to wit: To examine the Penitentiary, Messrs. J.
Allen, Beaty, Stephens and Mayo; to examine the Bank of Ken-
tucky, Messrs. Howard, Selby, C. Allen and T. Ward.

And then the Senate adjourned.

THURSDAY, DECEMBER 15, 1825.

The Senate assembled.

Mr. Faulkner, from the committee of privileges and elections,
made the following report, to wit:

The committee of privileges and elections have, according to
order, had under consideration the returns from the senatorial
districts, and report the following gentlemen elected, to wit:
From the county of Clark, Chilton Allan; from the county of
Henry, Charles H. Allen; from the county of Green, James
Allen; from the county of Harrison, Peter Barrett; from the
counties of Boone and Campbell, Thomas D. Carneal; from the
counties of Allen and Warren, Johnston J. Cockerill; from the
counties of Hardin, Bullitt and Meade, James Crutcher; from the
counties of Montgomery and Estill, Jesse Daniel; from the county
of Mercer; Samuel Davers; from the counties of Lincoln and Rockcastle, James David; from the county of Jefferson; James W. Denny; from the counties of Franklin and Owen, Jephthah Dudley; from the counties of Christian, Todd and Trigg, Young Elling; from the county of Garrard, John Faulkner; from the counties of Gallatin, Pendleton and Grant, John Forsythe; from the counties of Knox, Harlan, Clay, Perry and Whitley, Daniel Garrard; from the counties of Caldwell, Livingston, Calloway, McCracken, Graves and Hickman, Dickson Given; from the county of Bourbon, John L. Hickman; from the county of Madison, Thomas C. Howard; from the counties of Nicholas and Bracken, Andrew S. Hughes; from the counties of Henderson, Hopkins and Union, Francis Lockett; from the counties of Bath, Floyd, &c. Henry B. Mayo; from the counties of Woodford and Jessamine, Andrew Muldowney; from the counties of Logan and Simpson, Presley N. O'Bannon; from the county of Fleming, William B. O'Bannon; from the county of Washington, John Pope; from the counties of Adair and Casey, Benjamin Selby; from the county of Scott, Rudes Smith; from the counties of Breckinridge, Ohio and Daviess, Robert Stephens; from the county of Mason, James Ward; from the counties of Greenup, Lewis and Lawrence, Thomson Ward; from the county of Shelby, Samuel W. White; from the county of Nelson, Martin H. Wickliff; from the county of Fayette, Robert Wickliff; from the counties of Cumberland and Monroe, William Wood; from the counties of Butler, Graves and Muhlenberg, William Worthington; and from the county of Barren, Joel Yancey.

On motion of Mr. C. H. Allen, the committee for courts of justice was discharged from the further consideration of the petition of Lapscomb Norvell, which was heretofore referred to them.

Mr. Denny, from the select committee to which was referred the petition of John Cochran, praying a divorce, reported a bill for the divorce of John H. and Kitty Cochran; which passed to a second reading.

Mr. Faulkner, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act to change the sessions of the Lincoln and Casey circuit courts," reported the same without amendment, which was thereupon ordered to be read a third time; which being done, it was:

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

Ordered, That Mr. Faulkner inform the House of Representatives thereof.

Mr. Grutcher, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act to establish an election precinct in the county of Meade," reported the same with amendments, which being twice read,
were concurred in, and the said bill, as amended, was ordered to be read a third time; which being done, it was

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

Ordered, That Mr. Crutcher inform the House of Representatives thereof, and request their concurrence in said amendments.

Mr. Hughes, from the committee for courts of justice, to which was referred the petition of John Collier, praying the passage of a law for the relief of himself and his securities, reported a bill for the benefit of John Collier; which was read the first time, as follows, to wit:

Whereas it is represented to the present General Assembly, that a certain Hugh Talbot, while a Director of the Branch Bank at Winchester, did fraudulently make a note for the sum of $1,000, in the name of the said John Collier as the principal, and with Elisha McClelland and John Parker as his securities; all of which, it is alleged by the said Collier, was done without the knowledge or consent of the said Collier or his endorsers; and that suit has been instituted, and a judgment obtained against the said Collier and his endorsers, and that the debt has been reprieved, and the same is well secured, and that if the money is coerced immediately, the endorsers of the said Collier will have to pay the greater part of the same; but by giving the said Collier 18 months, he will be enabled to pay the same by the sale of 112 acres of land, which is mortgaged to him by said Talbot, a suit for the foreclosure of which is now depending in the Bourbon circuit court:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the President and Directors of the Branch Bank of the Commonwealth of Kentucky located at Winchester, be, and they are hereby authorized, if they shall think proper, under such regulations as they may adopt in relation to the said Collier and his securities, to suspend the execution against the said Collier and his securities, for the term of eighteen months: Provided, that the said President and Directors shall have power to take such other or further security for the better securing of said debt, as they may think proper.

Mr. C. Allan moved to lay the said bill on the table until the fourth day of July next; and the question being taken thereon, it was decided in the affirmative—Yea 22, nay 8.

The yeas and nays being required thereon by Messrs. M. H. Wickliffe and Carneal, were as follows, to wit:


Mr. Cockerill, from the select committee to which were referred the certificate of the Secretary of State, and resolution offered on yesterday, relative to certain militia officers, made the following report, to wit:

The committee to which was referred the subject of enquiring into the cause why commissions were issued to John C. Smith, as lieutenant colonel of the 61st regiment of Kentucky militia, in place of Thomas Sterrett, if promoted, and to Andrew H. Cole, as major of said regiment, in place of John C. Smith, if promoted, find that said gentlemen were nominated by the acting Governor (Slaughter) to the Senate, on the 24th of January 1820, for the advice and consent of that body for said commissions, as will more fully appear by reference to a certificate of the Secretary of State, herewith annexed; and we further find that the Senate did advise and consent to said nominations, on the 24th of January 1820, and that Messrs. Johnson and Hardin were ordered to inform the acting Governor thereof. Whether the information was ever communicated to the Executive, your committee have not been able to ascertain; but it appears that commissions never issued to those gentlemen, and your committee are unable to ascertain the cause of the commissions not issuing. All of which is most respectfully submitted.

Mr. Howard, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act to amend an act entitled an act to amend the laws for the recovery of debts cognizable before a justice of the peace," reported the same without amendment, and moved that the said bill be laid on the table until the first day of June next, which was decided in the affirmative.

Mr. Denny, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act further to regulate certain circuit courts," reported the same with an amendment, which was twice read and concurred in, and the said bill, as amended, ordered to be read a third time; which being done, it was

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

Ordered, That Mr. Denny inform the House of Representatives thereof, and request their concurrence in said amendment.

Mr. R. Wickliffe, from the select committee to which was referred a bill concerning the late Independent Banks, reported the same, and by way of amendment, a substitute in lieu of the original bill, after the word "whereas," in the preamble.

The original bill was thereupon read as follows, to wit:

A Bill relative to the late Independent Banks.

Whereas it appears to this General Assembly, that the Farmers and Mechanics' Bank of Lexington was exempted from the opera-
tion of the act entitled "an act for the benefit of the Farmers and Mechanics' Bank of Logan, and for other purposes," approved January 7th, 1824, and this Legislature deeming it proper that all the late Independent Banks should be placed upon the same footing: Wherefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the 11th and 14th sections of the act before referred to, shall apply to the Farmers and Mechanics' Bank of Lexington, any law to the contrary notwithstanding.

§ 2. All laws coming within the purview of this act, shall be, and the same are hereby repealed.

The substitute was then read as follows, to wit:

It is represented to the General Assembly, that sundry Independent Banks in this Commonwealth have not had time to wind up and close their concerns: Therefore,

§ 1. Be it enacted, That where any of the said Independent Banks, or any corporation whatever, shall fail or refuse to pay any debt, or perform any duty required by law, it shall and may be lawful for any person injured thereby, by his action at law or bill in equity, as his case may require, to recover against any such delinquent corporation, and to have such judgment, order or decree as his case may require, notwithstanding that such bank or other corporation shall have forfeited its charter; and the plaintiff in any such suit shall have the same execution against the estate of a corporation, in all cases, that is allowed against the estate of individuals.

§ 2. And be it further enacted, That original and mesne process against a corporation, shall be the same as against individuals, and the service upon the President or Chairman shall be as effectual to enable the plaintiff to proceed to judgment, as service upon natural persons; and where there shall be no President or Chairman of such corporation, then service upon a majority of the Directors or Managers of the corporation, shall be sufficient; and where the President and Directors, or other officers, shall reside without the State, it shall and may be lawful for the plaintiff to proceed against such corporation in the manner prescribed against absent defendants in like cases.

§ 3. And be it further enacted, That where any corporation shall be liable to any debt or duty, and shall become dissolved, or heretofore became dissolved, by misuser or otherwise, so that there shall be neither President nor Directors to sue, it shall and may be lawful for any person having a claim against any such corporation, to institute suit or suits, in the court or courts of the county or circuit where said corporation was located, and to cause process to be served upon all stockholders known to be resident within such circuit and county, and at the same time to cause public notice of the suit and its nature to be made in some newspaper.
printed in the circuit, and if no newspaper be printed in the circuit, then in some newspaper published in the State, and also at the door of the court-house where the suit is depending, at least thirty days before the trial; and on proof of such notice, and the process being returned executed on the resident stockholders, if any within the county, the plaintiff may proceed to judgment, or to have a decree, as in cases where process has been duly executed: Provided, however, that nothing in this act shall be so construed as to deprive the plaintiff of the writ of distraint, as heretofore used.

And whereas doubts have been heretofore entertained, whether banks and other corporations are bound by any promises or assumpsits, or other contracts, not reduced to writing and executed under the seal of the corporation:

§ 4. Be it further enacted, That all corporations, for any promise, express or implied, made with their servants or agents, or in the ordinary and usual course of their trade, occupation or business, shall be liable to the same actions or suits, and judgments and executions, and liable to be sued in the same tribunals, as natural persons, any law, custom or usage to the contrary notwithstanding.

Mr. C. Allan moved to lay the bill and substitute on the table until the 4th day of July next; and the question being taken thereon, it was decided in the affirmative—Yea's 18, Nay's 16.

The yeas and nays being required thereon by Messrs. C. Allan and Hickman, were as follows, to wit:


Mr. Daveiss, from the joint committee raised to examine and report the situation of the Treasurer's office, made the following report, to wit:

The joint committee raised to examine and report the situation of the Treasurer's office, beg leave to make the following report:

We find, upon careful examination, that the Treasurer's report, as made to the Legislature up to the 10th of October last, is correct. Your committee have thought it necessary, as a new Treasurer is about to come into office, to examine and strike the balance up to the 12th instant. Since that time, no business has been done, either in the Treasurer's or Auditor's office.

The Treasurer's statement marked A, is herewith filed and made a part of this report. The Auditor's statement marked B,
is also herewith filed and made a part of this report. These statements show, that to close the accounts of the Auditor and Treasurer, two items (not authorised by law, namely, $8,086 paid by the Treasurer on the order of the Governor, for the reception and accommodation of General Lafayette, and $1,479-35, reported by the joint committee of last year to have been lost at the conflagration of the Capitol, making $9,565-35) must be included, and if authorised by law, will produce an exact agreement between the accounts of the Auditor and Treasurer, up to the 12th inst. inclusive.

Your committee find, that the committee raised to examine the Treasurer's office last year, have omitted to destroy the warrants which had been drawn upon the Treasurer, and paid off by him. These warrants are still in the office, and ought to be destroyed. Your committee were unwilling to incur that responsibility without an order of the General Assembly. Your committee recommend the adoption of the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee be raised and instructed to examine and destroy said warrants.

Committee of the Senate,

SAMUEL DAVEISS,
JESSE DANIEL,
WM. WORTHINGTON.

Of the House of Representatives,

M. W. HALL,
W. MCCLANAHAN,
J. W. WADDLE,
ANSIL DANIEL.

The said resolution was twice read and concurred in.

Ordered, That Mr. Daveiss carry the same to the House of Representatives, and request their concurrence.

Mr. Cockerill, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act to alter the time of holding the Hart circuit and county courts, and to legalize the proceedings of the county court of said county, and also, to alter the time of holding the circuit and county courts of Edmondson, and to provide for running the lines of said county," reported the same with amendments, which were concurred in, and the bill, as amended, was ordered to be read a third time; which being done, it was

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

Ordered, That Mr. Cockerill inform the House of Representatives thereof, and request their concurrence in said amendments.

Mr. Ewing, from the select committee to which was referred a bill to reduce the salaries of the Judges of the Court of Appeals,
reported the same, and by way of amendment, a substitute in lieu of the original bill, after the enacting clause.

Whereupon the original bill was read as follows, to wit:

An Act to reduce the salaries of the Judges of the Court of Appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of January next, there shall be allowed to each of the Judges of the Court of Appeals, a salary of twelve hundred dollars per annum, in that currency which is receivable into the public treasury, payable quarter yearly; and any law allowing a greater sum, is hereby repealed.

The substitute was then twice read; and the question being taken on the adoption of the said substitute, it was decided in the affirmative—Yeas 20, nays 16.

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


Mr. C. Allan then moved to amend the said substitute, as adopted, by striking out the following words, to wit: “And the said Judges provided for by said section, shall hereafter each receive an annual salary of twelve hundred dollars, which shall be paid to them and their successors in office, quarter yearly, out of any money receivable in the public revenue.”

And the question being taken on striking out, it was decided in the negative—Yeas 17, nays 20.

The yeas and nays being required thereon by Messrs. C. Allan and T. Ward, were as follows, to wit:


Whereupon the bill, as amended, was ordered to be re-engrossed and read a third time on to-morrow.

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

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

Which was thereupon taken up and read as follows, to wit:
Gentlemen of the Senate,

James Davidson, Esq., the Treasurer elect for the ensuing year, has tendered to me, the gentlemen herein named, as securities in his office bond, who are submitted to you for your advice and consent, viz. John Logan, John Green, John Pope, Daniel Garrard, Robert Wickliffe, Martin Beaty, Thomas Howard and George Robertson.

December 15, 1825.

Resolved, That the Senate do advise and consent to the nominations contained therein.

Ordered, That Mr. Carneal inform the Governor thereof, the same being duly certified.

A message from the House of Representatives, by Mr. Prince:

Mr. Speaker—The House of Representatives have received official information that the Governor did, on the 14th instant, approve and sign enrolled bills which originated in that house, of the following titles, to wit: An act to amend the acts relative to the Shelbyville and Louisville turnpike road company; an act to add a part of Caldwell county to the county of Trigg, and for other purposes; an act supplemental to the act entitled "an act to remove the seat of justice of Oldham county," approved 9th December 1825; an act for the benefit of the widow and heirs of Thomas Blincoe, deceased; an act to establish an election precinct in the county of Clarke; an act to amend the act establishing the town of Covington at the mouth of Licking; an act supplemental to the act for the formation of Russell county.

Messages were received from the House of Representatives, announcing the passage of bills which originated in that house, of the following titles, to wit:

By Mr. Hardin—An act to give to the county of Spencer a county court in January next.

By Mr. Maupin—An act to provide for the public expences of the current year.

By Mr. Yantis—An act to amend an act entitled "an act for the benefit of Jonathan Taylor," approved 12th of January 1825.

By Mr. Thomasson—An act granting further powers to the trustees of the town of Louisville, and for other purposes.

And by Mr. M'Millan—An act to establish election precincts in certain counties, and for other purposes.

In each of which the concurrence of the Senate was requested.

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

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

On motion of Mr. White, a bill which originated in the House of Representatives, entitled "an act to give to the county of Spen-
cer a county court in January next," was taken up and passed to a second reading: when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. M. H. Wickliffe inform the House of Representatives thereof.

Mr. C. Allan moved to take up a resolution which originated in the House of Representatives, entitled "a resolution requesting the resignation of the Governor, Lieutenant Governor, Judges of the Court of Appeals and members of the General Assembly, and providing for the election of Senators and Representatives to fill their vacancies;" and the question being taken on taking up said resolution, it was decided in the negative—Yea 17, nay 20.

The yeas and nays being required thereon by Messrs. C. Allan and R. Wickliffe, were as follows, to wit:


Mr. Daveiss, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act further to regulate the salaries of some of the officers of government," reported the same without amendment.

Mr. Howard moved to amend the bill, by attaching thereto the following, as an additional section, to wit:

Be it further enacted, That so much of any law as allows to the clerks of the circuit courts compensation out of the public treasury, for ex officio services, shall be, and the same is hereby repealed.

And the question being taken on the adoption of said amendment, it was decided in the negative—Yea 16, nay 21.

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


Mr. Beaty then moved to strike out the following words in said Bill, to wit: "To the Register, fifteen hundred dollars," which
was rejected, and the bill, as amended, was ordered to be read a third time; which being done, it was

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

Ordered, That Mr. Beatty inform the House of Representatives thereof.

The yeas and nays were also required on the passage of the bill, by Messrs. Cockerill and Smith, and were as follows, to wit:


Mr. Hughes read and laid on the table the following preamble and joint resolutions, to wit:

The people of Kentucky view with deep concern, the attempt by the Supreme Court of the United States, in the case of Wayman and Clark vs. Southard and Star, to establish the principles, under the authority of which, the Federal Court for the district of Kentucky has framed "Rules concerning executions and the mode of proceeding under them." Whatever name the Court may choose to give to its system of "rules," the people can consider it nothing less than a system of laws, affecting their persons and property in a mode and to an extent to which they have never assented, either in their State or National Legislature. The principle that the person and property of the citizen shall not be approached, except under the authority of laws, to which, as a citizen, he hath given his sanction, is the basis of Representative government; it is recognized in different forms of expression, in many of the State Constitutions, and is ingrained into that of the Union. It is obvious, that unless this principle be preserved in its purity, government must everywhere degenerate into despotism, and persons of every condition become liable to oppression. To guard against this evil, as well as to provide for the common wants and weakness, by the strength and resources of all, in every instance alluded to, has a constitution been established, which, in the enactment of laws, requires the sanction of the people, to be expressed through the Legislature. In no instance has the legislative power been delegated by the people to the judiciary, nor could it be, without a manifest departure from the principles of free government, which require the separation of the three great branches of power, Legislative, Judicial and Executive, into distinct departments. By express provision in the federal constitution, all legislative power to be exercised under it by the general government, is vested in Congress, and it is an axiom in the
representative system, that the delegate of legislative power cannot re-delegate it to be exercised by another.

In the case referred to, the Supreme Court distinctly admit, that Congress cannot delegate to the courts, or to any other tribunal, powers which are strictly and exclusively legislative; yet, it is believed, that the court, by construction, attempted to derive a power, under the acts of Congress referred to in their decision, which that body never intended to communicate, and which it could not, if it had, a power which, by the operation of the "rules" established by the direction and under the authority of the Supreme Court, has the force and effect upon the person and property of the citizen, precisely characteristic of that which has ever been held strictly and exclusively legislative. It is believed, that Congress, after adopting the execution laws of the several States for the use of the Federal Courts, intended to communicate to the judiciary, that power only, which should enable it to control "forms" and regulate its practice; and so much it was entirely competent to delegate. The line which separates those important subjects which must be entirely regulated by the Legislature itself, from those of less interest, in which general provisions may be made, and power given to those who are to act, to fill up the details, in relation to the present subject, is, it is conceived, that Congress, after adopting the execution laws of the several States for the use of the Federal Courts, intended to communicate to the judiciary, that power only, which should enable it to control "forms" and regulate its practice; and so much it was entirely competent to delegate. The line which separates these important subjects which must be entirely regulated by the Legislature itself, from those of less interest, in which general provisions may be made, and power given to those who are to act, to fill up the details, in relation to the present subject, is, it is conceived, that which distinguishes rules of practice, the orderly conducting business in court, from rules of property, which consist in the rule of decision and the mode of proceeding, both before and after judgment. The former refer only to matters of form and convenience in the despatch of business, and may, therefore, well be left to the discretion of the Judge. The latter determine upon what principles, and in what manner the citizen shall be deprived of his property or constrained in his person, and should have the sanction of laws. The precise boundary of the power delegated to the courts to regulate their practice, may, in many cases, be a subject of delicate and difficult inquiry; though, even then, it seems, should be applied the maxim, that a doubtful exercise of power should not be indulged. But whenever the regulation extends to declaring what property shall be subject to execution and what shall be exempt, the time, place and manner of sale, the mode of conveyance, the restraint which may be imposed upon the person, it seems clearly within the province of legislative enactment. Such regulations go to affix limits to the rights of property and personal liberty, and are, therefore, those in which the citizen is most deeply interested. Certainly no power of government can be deemed more important than that which authorizes an agent, against the will of the citizen, to enter his domicile, and take and carry away his property. None requires more detailed and guarded regulations than that which determines what property shall be taken under execution, and what shall not;
how it shall be disposed of; how, when and where it shall be sold, how and when it shall be redeemed; when and under what circumstances the person shall be arrested, how confined, and how and when released. These are subjects of the most vital importance, and enter into the very foundations of personal freedom and social happiness. Instead of being properly subject to the discretion of the Judge, who frames his "rules" by his fireside, and makes them known only upon his order book, they seem to require the combined effort and consent of the people themselves, expressed through the Legislature, and proclaimed to the knowledge of all. Hence, usage and common consent have, in all time past, referred the power in question to the legislature. In England, the writs of execution, and the mode of proceeding under them, have been, from the earliest history of its laws, the subject of repeated legislation; the courts never took upon themselves to aid the statute by rules of their own adoption. The English statute books are full of provisions regulating the proceedings of officers in the execution of process. The rules of court control these proceedings with respect to the time and manner of returning writs; every thing else is subject to the general law. In all the different States, both before and since the revolution, "executions and the manner of proceeding under them" have been the subject of much legislation; indeed, so far as can be ascertained, the entire subject is regulated and controlled by legislative enactment.

The "rules" recently adopted by the Kentucky Federal Judges, under the authority of the Supreme Court, given after a silence of thirty-five years, are the first examples of courts attempting to new model entirely the modes of proceeding upon executions, according to their own discretion; and if it be not an unmixed act of legislation, it is not easy to conceive what act might justly bear that character. The "rules" prescribe what property shall be subject to execution, what shall be exempt, the manner of sale, the mode of conveyance, and the restraint to which the liberty of the defendant shall be subjected. Thus, according to any acceptance of the term heretofore held by the people of this country, comprising a complete and absolute system of legislation, the power which gives construction to the "rules" is the one which makes them, and through its executive officers, carries them into execution. Here is then, at least, a direct and palpable union of judicial and legislative jurisdiction. This is believed to be an obvious departure from the principles of our government, a glaring violation of the constitution, and a most dangerous usurpation. It is forbidden by the principle upon which our government is based, requiring a separation of Legislative, Judicial and Executive power, into distinct departments, as well as by the great principle of the revolution, which requires consent
on the one side, before obedience could be exacted on the other; and by the principle which requires that the citizen shall have the means of knowing the law which he is bound to obey. As a violation, then, of the great and fundamental principles of personal and civil liberty, and an infraction of the constitution, it calls for an expression of disapproval by the people of this State, corresponding in strength to the depth of the sentiment felt. It is an evil which demands redress at the hands of the nation, which having guaranteed to the States individually, a republican form of government, will preserve in purity the principles of its own constitution. And as the force of public opinion is that which it is believed will ever be sufficient to obtain it: Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the power exercised by the Federal Courts in framing their "Rules concerning executions and the mode of proceeding under them," is a power which properly belongs to the legislative department, and that Congress, if it possesses that power, cannot delegate it to the courts, or to any other tribunal.

Be it further resolved, That Congress has not, in any statute, attempted to do so.

Be it further resolved, That the attempt by the Federal Judiciary to exercise such power, is a dangerous encroachment upon the province of the Legislature, and as a violation of the constitutional limits of jurisdiction, strikes deep at the basis of civil liberty and social happiness.

Be it further resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their exertions to procure the passage of a declaratory act by that body, prohibiting the Federal Courts from proceeding under their "rules" aforesaid, or from the exercise of power in making such regulations in future, and directing them to be governed by the execution laws of the State; and that the Governor be requested to forward a copy of this preamble and resolutions to each of our Senators and Representatives in Congress.

On motion of Mr. Carneal, the Senate proceeded to take up and consider the resolutions from the House of Representatives, relative to the resignation of sundry officers, &c. which were read as follows, to wit:

The act to repeal the act organizing the Court of Appeals and to re-organize a Court of Appeals, has, in its effects, paralyzed the operations of the supreme judicial tribunal of this State, and in consequence of the disagreement which exists between the two branches of the Legislature, there can be indulged no rational prospect of repealing the aforesaid act. The novel spectacle is now exhibited, of two Courts of Appeals, each contending for the supremacy, and each adhered to by large portions of
the community, whilst neither is received by the whole people as the supreme constitutional court of this Commonwealth. This contest between the two courts cannot be decided, unless by the interference of the Legislature, which cannot be anticipated so long as the present incumbents of the two departments of that branch of the government continue in office. In the mean time, the good people of this Commonwealth have no supreme judicial tribunal possessing an indisputable and unquestionable claim to all the necessary powers for the administration of justice. They have no avenue open to them, through the medium of which, they can have their grievances redressed, their lives, their property and their liberties protected. There exists in the minds of the people of this State, so much jealousy and distrust of the new Court of Appeals, spoken into existence by the act aforesaid, and at this time pertinaciously sustained in the exercise of their judicial power, by his Excellency the Governor, the Lieutenant Governor, a majority of the Senate and minority of the House of Representatives, that it is believed the people of this State can never be replaced in the safe enjoyment of their rights and privileges, until this court thus erected has been abolished, and the constitutional court unopposed in the exercise of their legitimate and necessary powers. On the other hand, it is thought by his Excellency the Governor, the Lieutenant Governor, the minority of the House of Representatives and the majority of the Senate, that the new court is the constitutional Court of Appeals, and should be sustained by the good people of this Commonwealth. Whilst all the departments of the government, the Executive, the Legislative and the Judicial, unite in recognizing the people of this State as the supreme and ultimate arbiters of all questions involving their rights and privileges; that the people are the source of power; and on an occasion like the present, when the collisions between the several departments of the government, threaten in their train of consequences, anarchy, confusion and civil war, there should be an immediate appeal to their judgments for a final settlement of this momentous controversy. For the purpose, therefore, of deciding this great political difference, so dangerous to the peace, the lives, the liberties and the property of the good people of this Commonwealth, and inasmuch as that purpose can be effectuated in no other mode than by an immediate appeal to the good people of this State, the righteous judges in all cases relating to their essential interests: Therefore,

Be it resolved, That it is the opinion of this General Assembly, that the crisis has arrived which will induce every lover of his country to surrender and sacrifice to the public good, every consideration of a personal or selfish character, and that, therefore, the Governor, the Lieutenant Governor, each member of the
Senate and of the House of Representatives, and the Judges of
the old and of the new Court of Appeals, ought to resign their
respective offices, and thereby put it in the power of the people
to settle this question according to their own will, and to restore
peace and harmony to a distracted country.

2. Resolved, That a joint committee of four from the Senate
and eight from the House of Representatives, be raised for the
purpose of corresponding with the Governor, the Lieutenant
Governor and the Judges of the old and of the new Court of
Appeals on this subject, and thereby ascertain whether this mode
of settling this great question will receive their approbation and
consent.

3. Resolved further, That the resignation of the Governor,
Senators and Representatives, ought to take place immediately
after the adjournment of the present session of the Legislature,
and that in corresponding with the different officers aforesaid,
the committee will ascertain from each one distinctly, whether
he will resign at that time, and that the Lieutenant Governor
and Judges will resign their offices on the third Monday of May—
previous to which time, however, the Lieutenant Governor will,
as acting Governor, issue writs of election to fill the vacancies
in each house of the Legislature, occasioned by the resignations
aforesaid, to be held on the first Monday in May: and that he
will issue his proclamation convening the Legislature on the
third Monday in May.

Extract, &c.—Attest,

R. S. TODD, C. H. R.

Whereupon Mr. Carneal offered the following as a substitute, in
lien of the said preamble and resolutions, to wit:

In order to restore peace and tranquility to our divided coun-
ty, it is resolved by this General Assembly, that the several indi-
viduals who claim to be Judges of the Court of Appeals, ought,
as patriots, forthwith to decline their respective claims to the
office of Judge of the Court of Appeals, that a court may be es-

Established without compromising principle on either side.

Mr. Ewing then moved to lay the original and substitute on the
table until the first day of June, next; and the question being
taken thereon, it was decided in the affirmative—Yeas 21, nays 16.

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

Yeas—Messrs. J. Allen, Barrett, Carneal, Cockerill, Crutcher,
Daniel, Daveiss, Denny, Dudley, Ewing, Forsythe, Mayo, P. N.
O'Bannon, W. B. O'Bannon, Pope, Selby, Smith, T. Ward, Wood,
Worthington and Yancey.

Nays—Messrs. C. Allen, C. H. Allen, Beaty, Davidson, Faulk-
ner, Garrard, Hickman, Howard, Hughes, Lockett, Muldrow,

And then the Senate adjourned.
The Senate assembled.

Mr. T. Ward presented the memorial of sundry citizens of the county of Greenup, in relation to the “act to repeal the law organizing the Court of Appeals, and to re-organize a Court of Appeals;” which was received, read and referred to the committee for courts of justice.

On motion of Mr. Daveiss, an engrossed bill which originated in the Senate, entitled “an act to reduce the salaries of the Judges of the Court of Appeals,” was taken up and read a third time; and the question being taken on the passage thereof, it was decided in the affirmative—Yea 28, nays 6.

The yeas and nays being required thereon by Messrs. Yancey and C. Allan, were as follows, to wit:


The title of the bill was then amended, by attaching thereto the words, “and to repeal so much of the act re-organizing the Court of Appeals, passed 24th December 1824, as creates the office of a fourth Judge of said Court.”

Ordered, That Mr. Yancey carry said bill to the House of Representatives, and request their concurrence.

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

Mr. Speaker—I am directed by the Governor, to inform the Senate, that he did, on the 14th instant, approve and sign enrolled bills and resolutions which originated in the Senate, of the following titles, to wit: An act for the benefit of John Richie, of Allen county; an act to establish the town of Athens; an act for the formation of the county of Russell, out of the counties of Adair, Cumberland and Wayne; a joint resolution providing for the appointment of a committee of conference in relation to the Court of Appeals, and a resolution relative to the Treasurer elect for the ensuing year. I am also directed by the Governor, to lay before the Senate two messages in writing.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined sundry enrolled bills, of the following titles, and had found the same truly enrolled, to wit: An act to authorize the sale of part of the public square in Hartford; an act
to change the time of holding the Muhlenberg county courts; an act establishing the town of Williamstown, in Grant county; an act to authorise publications in certain newspapers; an act to alter the time of holding certain circuit courts; an act to establish election precincts in Shelby county; an act to alter the mode of appointing trustees to the Fleming Academy; an act for the benefit of Elijah Adkins; an act for the benefit of Paul Barnett; an act for the benefit of Eliza H. Eaches; an act for the benefit of Henry Harlow and others; an act to amend the law in relation to delivery bonds; an act to repeal in part an act entitled "an act for the benefit of Zachary Conclude;" an act for the benefit of William B. Harrison, and an act to compel the owners or occupiers of land to fill up, or enclose, or cover pits and wells fallen into disuse.

On motion of Mr. Denny, a bill from the House of Representatives, entitled "an act granting further powers to the trustees of the town of Louisville, and for other purposes," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the said bill was referred to a select committee of Messrs. Denny, R. Wickliffe, Crutcher and Carneal, for amendment; from which committee, Mr. Denny shortly thereafter reported the same without amendment; and thereupon the rule, constitutional provision and third reading thereof were dispensed with, and it was

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

Ordered, That Mr. Denny inform the House of Representatives thereof.

On motion, the following message from the Governor was taken up and read, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, Moses Thompson, Esq., to be commissioned Assistant Judge in and for Hickman county, in place of Thomas James, resigned.

December 10, 1825.

JOSEPH DESHA.

Resolved, That the Senate do advise and consent to said nomination.

Ordered, That Mr. Given inform the Governor thereof, the same being duly certified.

On motion, the following message from the Governor was also taken up and read, to wit:

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

In compliance with a request contained in certain resolutions of the General Assembly, approved on the 9th instant, concerning the Receiver of public money for the land west of the Tennessee river, I did, on the 12th, address a letter to him, calling for the desired information.

In reply to it, he has this morning made a report, which, with my letter to him, is herewith transmitted.

The list of lands entered and sold by him, is on file in the office of the Secretary of State.

The securities of said Receiver, which were taken pursuant to law on the 5th day of January 1825, are Chittenden Lyon, John Porter, Arthur H. Davis, Enoch Prince, Charles Caldwell, Edmund Watkins, Presley N. O'Bannon, Presley Morehead and Thomas Middleton. I deemed them amply sufficient, but should the Legislature think otherwise, Mr. Curd informs me he is prepared to give more.

Dec. 13, 1825.

JOSEPH DESHA.

EXECUTIVE DEPARTMENT, Frankfort, Dec. 12, 1825.

Sir:

I enclose you a copy of certain resolutions of the General Assembly, approved on the 9th instant, relative to yourself and your office.

Pursuant to the request contained therein, I desire that you will immediately lay before me, such information as is called for in the resolutions, concerning the affairs of your office; that you will state particularly the measures you have taken therein since your appointment, and that you will make known the amount of public money received by you, and the amount you have deposited in the Princeton branch of the Commonwealth's Bank, pursuant to the provisions of law.

Also, for greater security to the public, I desire that you will give additional securities in your bond of office.

I am, &c.

JOSEPH DESHA.

E. Curd, Esq. Receiver.

FRANKFORT, December 12th, 1825.

To his Excellency the Governor of the Commonwealth of Kentucky.

Sir:

In obedience to your request under this date, and pursuant to certain resolutions of the General Assembly of the Commonwealth of Kentucky, I immediately proceed to lay before you,
the information required by said resolutions and contained in your Excellency's communication, which is as follows, to wit: After preparing the necessary books and papers, the said office was opened in the town of Waidshoro', Calloway county, Ky. on the first Monday in June last, for the reception of the entry or entries of any actual and bona fide settlers, on their producing satisfactory proof of their having been so settled on the first day of November 1824, which testimony is of record in said office; and kept the same open for such entries, until ten days previous to the first Monday in October last, at which time the public sales commenced and continued from day to day until the 29th day of October 1825, at which time the whole of the unappropriated land west of the Tennessee river, had been offered for sale; and have received for the Commonwealth, twenty-nine thousand two hundred and fifty seven dollars, up to the date of the last entry, which was November 17, 1825, of which I have deposited in the Branch Bank of the Commonwealth at Princeton, twenty-eight thousand seven hundred and sixty dollars, and five hundred dollars the percentage due me, which leaves a balance in my favor of three dollars.

I herewith transmit to your honor, the certificate of the Auditor of public accounts, setting forth the amount paid into the Branch Bank at Princeton, together with a detailed account of the sales and entries of lands which have been made by me in said office.

And notwithstanding I believe my securities are solvent and good, I am still willing, at any time, to give such additional security as shall be satisfactory in full.

Respectfully, your ob't. servant,

EDMUND CURD, Receiver.

Auditor's Office, 12th Dec. 1825.

I do certify, that Edmund Curd, Receiver of public moneys for sale of lands west of Tennessee river, filed in this office a certificate of deposit in the Commonwealth's Bank at Princeton, on the 9th September 1825, to the amount of $11,400 00

And on the 10th of this month, another certificate of deposit in said Bank to the amount of 17,360 00

Making in all, $28,760 00

Given under my hand the date above.

P. CLAY, Auditor.

On motion, the said message was referred to a select committee of Messrs. Ewing, Given, Crotcher, Cockerill, Lockett and Worthington, with leave to report thereon as in their opinion may be necessary.
On motion, the following messages from the Governor were also taken up and read, to wit:

**Gentlemen of the Senate,**

The following persons have been constitutionally recommended to me as officers of the county of Laurel, formed at the present session, and they are nominated for your advice and consent: Samuel M‘Hergen, William Freeman, James Jackson, David Weaver, William Smith, James M‘Neal, John Pearl, Jacob Boyer and James Ward, justices of the peace; Thomas Buford, sheriff; and Samuel S. Griffin, coroner.

December 13, 1825.

JOSEPH DESHA.

**Gentlemen of the Senate,**

I nominate for your advice and consent, James Alcorn, as sheriff of the county of Livingston, to succeed Richard Miles, whose commission will expire with the present session.

Also, Larkin Martin, major of the 98th regiment, vice Joseph Lecompte, resigned.

John Vanhoose, major of the 98th regiment.

And James Warring, major of the 70th regiment, vice William Jordan, rejected.

December 15, 1825.

JOSEPH DESHA.

**Gentlemen of the Senate,**

I nominate for your advice and consent, the following gentlemen, who have been recommended to me agreeably to the constitution, to fill certain offices in the county of Russell: Nathan Moore, Thomas Shaw, John Ballinger, Obadiah Stephens, William Lair, James Duncan, Robert Trabue, William Green, John Williams, Marcus Huling and Samuel Wilburn, justices of the peace; Berryman Holt, sheriff; and Nathaniel Judd, coroner.

December 15, 1825.

JOSEPH DESHA.

**Resolved, That the Senate do advise and consent to said nominations.**

**Ordered, That Messrs. Garrard, Selby and T. Ward inform the Governor thereof, the same being duly certified.**

The nomination contained in a message from the Governor, which is spread upon the Journal at page 167, of George W. Baylor, as Attorney for the Commonwealth, for the 10th judicial district, was taken up: and the question being taken on advising and consenting to said nomination, it was decided in the affirmative—Yea’s 29, nay’s 7.
The yea and nays being required thereon by Messrs. Howard and Beaty, were as follows, to wit:


_Nays—Messrs. C. Allan, Beaty, Faulkner, Hickman, Howard, Lockett and R. Wickliffe._

Ordered, That Mr. Carneal inform the Governor thereof, the same being duly certified.

On motion of Mr. J. Ward, a bill from the House of Representatives, entitled "an act to authorise the trustees of the Franklin Academy, in the county of Mason, to sell part of the land belonging to said Academy," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. J. Ward inform the House of Representatives thereof.

On motion of Mr. Daveiss, the Senate proceeded to a consideration of the orders of the day.

A bill which originated in the Senate, entitled "an act to alter the mode of taking in lists of taxable property," was first in order, pending on amendments made in the House of Representatives to said bill; which amendments being twice read, were concurred in.

Ordered, That Mr. T. Ward inform the House of Representatives thereof.

Bills which originated in the Senate, of the following titles, were severally read a second time, to wit; 1. A bill to amend the law concerning the action of detinue; 2. a bill for the benefit of Martha Bridges; 3. a bill to amend an act entitled "an act to establish a Lunatic Asylum;" 4. a bill to establish the town of Mount Carmel, in Fleming county, and for other purposes; 5. a bill for the benefit of Jesse Wooldridge and others; 6. a bill for the benefit of Polly Toney; and 7. a bill to allow those who have paid instalments on lands which they have lost by prior claims, to apply the same in payment for other lands of the same kind.

And thereupon the rule, constitutional provision and third reading of the 2d, 5th and 6th bills were dispensed with, and the same being engrossed, it was

Resolved, That said bills do pass, and that their respective titles be as aforesaid.

Ordered, That Mr. Yancey carry the 2d and 6th, and Mr. Crutcher the 5th, to the House of Representatives, and request their concurrence.
The rule, constitutional provision and third reading of the 3d and 4th being dispensed with, the blanks therein filled, and the same being engrossed, it was

*Resolved*, That the said bills do pass, and that their respective titles be as aforesaid.

*Ordered*, That Mr. Daveiss carry the 3d, and Mr. W. B. O'Bannon the 4th, to the House of Representatives, and request their concurrence.

The first was ordered to be engrossed and read a third time on to-morrow; and the question being taken on reading the 7th a third time, it was decided in the negative, and so the said bill was rejected.

On motion of Mr. R. Wickliffe, the orders of the day were for the present dispensed with, and an engrossed bill entitled "an act to provide for the further expences of the Lunatic Asylum," was taken up and read a third time.

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

*Ordered*, That Mr. R. Wickliffe carry the same to the House of Representatives, and request their concurrence.

A message from the House of Representatives, by Mr. Timberlake:

*Mr. Speaker*—The House of Representatives have passed a bill which originated in that house, entitled "an act for the benefit of the Judge of the 10th judicial district," in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Yantis:

*Mr. Speaker*—The House of Representatives have adopted a joint resolution which originated in that house, entitled "a resolution directing the burning the Auditor's warrants on the Treasurer, for 1824."

Whereupon the said resolution was taken up, twice read and concurred in.

*Ordered*, That Mr. Daveiss inform the House of Representatives thereof.

On motion of Mr. Pope, leave was given him to report a bill concerning the Court of Appeals; which was thereupon reported and passed to a second reading, when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and said bill was referred to a select committee of Messrs. Carneal, Pope, Ewing, Dudley, Denny, Daveiss, Yancey, Hughes, C. Allan and J. Allen, for amendment.

A message from the House of Representatives, by Mr. Underwood:

*Mr. Speaker*—The House of Representatives have passed a bill which originated in the Senate, entitled "an act further to regulate the debt due the Commonwealth for the sale of vacant land,"
with amendments, in which they request the concurrence of the Senate.

On motion of Mr. Cockerill, the said amendments were taken up, twice read and concurred in.

Ordered, That Mr. Cockerill inform the House of Representatives thereof.

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

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

On motion of Mr. Barrett, a bill which originated in the House of Representatives, entitled “an act authorising the trustees of county academies to draw their stock from the Bank of Kentucky,” was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Barrett inform the House of Representatives thereof.

On motion of Mr. M. H. Wickliffe, a bill which originated in the House of Representatives, entitled “an act for the benefit of John Caldwell and Thomas Tobin,” was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. M. H. Wickliffe inform the House of Representatives thereof.

On motion of Mr. Crutcher, an engrossed bill entitled “an act authorising the trustees of Elizabethtown to make conveyances in certain cases,” was taken up and read a third time.

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

Ordered, That Mr. Crutcher carry the same to the House of Representatives, and request their concurrence.

On motion of Mr. Hughes, the resolutions heretofore submitted by him, were taken up and read as follows, to wit:

1st. Resolved, That a law ought to pass, directing the several sheriffs and other collectors of the revenue tax for the year 1825, to collect the sum of three and one eighth cents, in notes of the Bank of the Commonwealth, for each $100 value of property, in lieu of the sum now authorized by law.

2d. Resolved, That a law ought to pass, authorising and directing the President and Directors of the Bank of the Commonwealth of Kentucky and its branches, to receive from each debtor to
said institution, the sum of sixty-six and two thirds of a cent, in gold or silver, in lieu of each dollar in notes of the said Bank, that may be owing by such debtor to said institution, with a proviso in said law, that full payment shall be made by any such debtor, on or before the first day of January 1826.

3d. Resolved, That a law ought to pass, authorising and permitting the debtors of the Bank of the Commonwealth or its branches, to renew their notes half yearly, instead of three times a year, and that the calls ought to be suspended (excepting the interest on the amount) until the first day of January 1827.

4th. Resolved, That a committee of three be raised, and that said committee be, and they are hereby, instructed to ascertain the amount of the debt due the Commonwealth from the Bank of Kentucky, the amount of money belonging to the State which has fallen into or has been deposited in the Bank of the Commonwealth or its branches, the amount of the net proceeds of the sales of public lands, and that said committee, in like manner examine, ascertain and report the amount and situation of the school fund; and that said committee have power to send for records, persons and papers for their information, and that they make report to the present General Assembly.

Whereupon Mr. Garrard moved to lay said resolutions on the table until the first day of June next; but a division of the question being called for, the question was first taken on the postponement of the first resolution, which was decided in the affirmative—Yees 24, nays 4.

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


Nays—Messrs. Daniel, Hughes, P. N. O'Bannon and Yancey.

The question was then taken on laying the remainder of said resolutions on the table, and decided in the affirmative—Yeas 26, nays 2.

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


On motion of Mr. R. Wickliffe, a resolution which originated in the House of Representatives, entitled "a resolution providing
for the appointment of a joint committee to examine the Bank of
the Commonwealth, and to cancel a portion of the notes issued by
said Bank," was taken up; but previous to any question being
taken thereon,
The Senate adjourned.

SATURDAY, DECEMBER 17, 1825.

The Senate assembled,
Mr. Yancey, from the joint committee of enrolments, reported
that they had examined sundry enrolled bills, of the following ti-
tles, and had found the same truly enrolled, to wit: An act fur-
ther to regulate the salaries of some of the officers of government;
an act concerning the town of Bowlinggreen; an act allowing
justices of the peace a copy of the Digest of the Laws of Kentucky
in certain cases; an act to amend an act entitled an act further
to regulate the town of Flemingsburg; an act further to regulate
the election precincts of Breckinridge county; an act to amend the
laws concerning the town of Columbus, at the Iron-Banks; an act
to amend an act entitled an act to erect precincts in certain coun-
ties in this Commonwealth; an act to amend the law requiring
clerks of courts to make out complete records in certain cases;
an act to release the lands belonging to seminaries of learning
from forfeiture, and to exempt them from the payment of taxes;
an act to allow one additional justice of the peace in the county of
Washington; an act further to regulate the Bank of Kentucky;
an act for the benefit of John Moore and others; an act to legalize
certain proceedings of the Ohio county court, at their November
term 1825; an act to authorise Narcissa to contract for her free-
dom; an act to allow two additional justices of the peace to the
county of Meade; an act to authorise James Howe to build a
mill-dam across Little Sandy river; an act for the benefit of John
Cottrell and others; an act to change the sessions of the Lincoln
and Casey circuits courts; an act to allow an additional constable
to Henry county; an act for the appointment of trustees for the
town of Pikeville, in Monroe county; an act further to regulate
the Jefferson Seminary; an act further to regulate the collection
of debts due this Commonwealth; an act granting further powers
to the trustees of the town of Louisville, and for other purposes;
an act to give to the county of Spencer a county court in January
next; an act authorising the trustees of the county academies to
draw their stock from the Bank of Kentucky; an act to authorise
the trustees of the Franklin Academy, in the county of Mason, to
sell part of the land belonging to the said Academy, and an act for
the benefit of John Caldwell and Thomas Tobin; and that the
said bills were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and the same were delivered over to the proper committee, to be by them laid before the Governor, for his approbation and signature; which duty Mr. Yancey shortly thereafter reported they had discharged.

On motion of Mr. C. H. Allen, the committee for courts of justice was discharged from the further consideration of certain memorials of sundry citizens of the county of Greenup, in relation to the appellate court, &c.

Mr. J. Allen, from the joint committee raised to examine and report the situation of the Penitentiary, made the following report, to wit:

The joint committee from the Senate and House of Representatives, appointed to examine and report to the Legislature the situation of the Penitentiary, make the following statement in relation to the state of that institution on the 16th day of the present month:

The rapid improvement of the situation of the institution, has far surpassed the most sanguine expectations of your committee. The cells are well secured, clean and comfortable, and the convicts entirely healthy, and seem to be engaged in their different employments with cheerfulness and activity. They are well fed on good, healthy victuals; their beds are clean, and well supplied with clothes to keep them warm; they are at present furnished with good clothes, and the Keeper is now preparing linsey garments, variegated by different colours, to distinguish them in case they should make an escape.

The Keeper has happily turned his attention to the manufacturing of articles which do not remain on hand any length of time; indeed, the demand for a great many articles is so great he can scarcely supply it.

Your committee cannot refrain from expressing their gratification, on seeing within the walls of a Penitentiary, a steam engine in complete operation, the power of which, drives into operation a wool-carding machine and fulling-mill. Other labor saving machinery is in operation, all of which promise the most flattering prospects, and encourage your committee to hope that the day is not distant, when this institution will become a source of considerable revenue to the State.

Your committee have examined the books of the Penitentiary, and the manner in which they are kept. The Clerk keeps a book in which he records an invoice of all the manufactured articles; another book, in which he charges all the cash sales; also, a Day Book, Journal and Ledger, in which the accounts are kept by double
entry. The books are all well bound, and the accounts entered in a plain, fair handwriting.

The Clerk was prompt in giving your committee every information which was required. Your committee cannot help expressing their belief that the Clerk has kept a faithful and honest account of the concerns of the institution.

Your committee would suggest the propriety of permitting the Keeper to furnish a fire engine for the Penitentiary. One of the shops was lately near being consumed by fire. Such accidents may frequently occur, and much loss sustained, which the use of an engine may, and no doubt will prevent; for which the Keeper proposes to draw no money from the treasury, but to charge the price of it to the State.

The Keeper represents to your committee, that when he received the convicts and took charge of the Penitentiary, they were almost without clothing of any kind, and that he was obliged to furnish them with clothing, at the very commencement of the term, in order to place them in a situation to render himself or the State any service; for which he does not desire to draw any money from the treasury, but to receive a credit for the amount of his account for clothing, in his settlement. The following is the account submitted by the Keeper to the committee:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>456 1/2 yards of jeans and linsey, at 75 cents</td>
<td>342.375</td>
</tr>
<tr>
<td>20 lb. sewing thread for making clothes, at $1.25</td>
<td>25.00</td>
</tr>
<tr>
<td>83 pairs yarn socks for convicts, at 50 cents</td>
<td>41.50</td>
</tr>
<tr>
<td>40 pairs of shoes for convicts, at $2.50</td>
<td>100.00</td>
</tr>
<tr>
<td>207 yards tow linen, at 25 cents</td>
<td>51.75</td>
</tr>
<tr>
<td>Making 40 garments, at 25 cents</td>
<td>10.00</td>
</tr>
</tbody>
</table>

All which is respectfully submitted.

JAMES ALLEN, Chairman
Com. of the Senate.

CYRUS WALKER, Chairman
Com. House of Rep's.

Mr. Hughes moved that the Senate do now take up and consider the preamble and resolutions heretofore offered by him in relation to the Rules of the Federal Court; and the question being taken thereon, it was decided in the affirmative—Yea 28, nay 3.

The yeas and nays being required thereon by Messrs. Hughes and C. H. Allen, were as follows, to wit:


Whereupon, the same being taken up and twice read, Mr. C. Allan offered the following as a substitute in lieu of said preamble and resolutions, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators and Representatives in Congress be requested to use their influence to have the practice and rules in the courts of the United States regulated by law, and that so much of any acts of Congress as gives to the said courts power to form their own rules and practice, may be repealed, except such rules as may be necessary for the ordinary despatch of business.

Which being also twice read, Mr. Daviss moved that the original and substitute be, for the present, laid on the table; which was agreed to.

A message from the House of Representatives, by Mr. Sanders:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act for the appropriation of money;" in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Crittenden:

Mr. Speaker—The House of Representatives have adopted a resolution rescinding the resolution for the adjournment of the General Assembly, and fixing on a day for the adjournment; in which they request the concurrence of the Senate.

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

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

Mr. Howard, from the joint committee raised to examine and report the situation of the Bank of Kentucky, made the following report, to wit:

The joint committee appointed to examine the Bank of Kentucky, respectfully report, that they have received from the President thereof, a statement herewith returned, marked A. containing a correct representation of the situation of that institution.

From the Senate,

THOMAS C. HOWARD,
CHILTON ALLAN,
WILLIAM WOOD,
BEN. SELBY.

From the House of Representatives,

S. H. WOODSON,
WILLIAM GORDON,
JOHN P. GAINES,
HENRY TIMBERLAKE,
JAMES WILSON.

DEBTOR.

Due to other Banks, - - - - - 3,242 59
Notes issued, - - - - - - - 111,930 64
Surplus profits, - - - - - - - 200,497 84
Current profits since 1st July, - - - - - - 26,122 33
Stock, - - - - - - - 1,050,134
Do. residuary, - - - - - - - 183,540
Treasurer United States, - - - - - - - 27,363 12
Individuals, - - - - - - - 241,982 06

$1,530,812 58

Deposites in Kentucky notes, due to individuals, - 34,505 14
Do. Treasurer United States, - - - 27,363 12
Do. Specie, due to individuals, - - - 14,913 32

$976,731 58

CREDITOR.

Current expences, - - - - - - - 10,190 59
Due from other Banks, - - - - - - - 4,047 93
Real estate, - - - - - - - 367,341 27
Due from individuals, - - - - - - - 1,286,863 14
Defalcations at branches, - - - - - - - 29,370 11
Cash on hand—Specie, - - - - - - - 29,998 89
Notes of other banks, - - - - - - - 6,435 25
Kentucky notes, - - - - - - - 111 75
Commonwealth's notes, 99,953 65-132,499 54

$1,530,812 58

The Bank holds notes for rent of property, which have not been taken into the general accounts, amounting to $10,131 80.

On motion of Mr. Carneal, the resolution from the House of Representatives, just reported by Mr. Crittenden, in relation to the adjournment of the General Assembly, was taken up and twice read; and the question being taken on concurring therein, it was decided in the affirmative—Yea 24, nays 12.

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

Mr. Carneal, from the select committee to which was referred a bill concerning the Court of Appeals, reported the same, and by way of amendment, a substitute in lieu of the original bill, which being twice read, was concurred in.

The question was then taken on engrossing and reading said bill a third time as amended, which was decided in the affirmative—Yea 23, nay 13.

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


Whereupon Mr. Daveiss moved to dispense with the further reading of said bill, and that the same be now put on its passage; and the question being taken thereon, it was decided in the affirmative—Yea 31, nay 5.

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


**Nays**—Messrs. Crutcher, Faulkner, Garrard, M. H. Wickliffe and R. Wickliffe.

And the question being taken on the passage of said bill, (the same being engrossed,) it was decided in the affirmative—Yea 22, nay 14.

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


Ordered, That the title thereof be as aforesaid, and that Mr. Pope carry the same to the House of Representatives, and request their concurrence.
The enrolled bills reported on yesterday, by Mr. Yancey, as being truly enrolled and signed by the Speaker of the House of Representatives, were signed by the Speaker of the Senate.

Ordered, That the proper committee lay the same before the Governor, for his approbation and signature; which duty Mr. Yancey shortly thereafter reported they had discharged.

Mr. Dudley, from the select committee to which was referred a message from the Executive and the receipt of William Wood for certain books, &c. made the following report thereon, to wit:

The select committee to which was referred the Governor's message covering a copy of the receipt of W. Wood for fifty sets of the Digest of the Laws of this State, at $6.50 per set, have, according to order, had the same under consideration, and make the following report:

It was in testimony before your committee, that Mr. C. S. Anderson, while acting as Assistant Secretary of State, delivered to Mr. Wood fifty sets of the Digest referred to, for which he was to account at $6.50, and that there was a private account between Mr. C. Julian and Mr. Anderson, and in closing that account, the latter gave the former an order on Mr. Wood for $130 or $140, which he, Julian, understood to be the balance due between Wood and Anderson; that Mr. Wood spoke of his receipt, to which Anderson replied, that it was a mere matter of form, and that it would be adjusted. From these facts, your committee state, that between Mr. Wood and Mr. Anderson, the government has sustained a loss of $325; but who the defaulter is, can only be known by judicial investigation. Your committee, therefore, recommend the adoption of the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Attorney-General be requested to commence suit against Mr. Wood, upon his receipt, for the sum of $325; and upon the trial of such suit, if it shall appear that Mr. Wood has paid the whole or any part of said debt, that the Attorney-General be requested to commence suit against the estate of said Anderson, for the whole or such part of said sum as may have been paid to him.

The said resolution being joint, will of course lie one the table one day for consideration.

And then the Senate adjourned.

MONDAY, DECEMBER 18, 1823.

The Senate assembled.

Messages were received from the House of Representatives, announcing the passage of bills which originated in that house, of the following titles, to wit:
By Mr. Blackburn—An act to provide for the running the line between the counties of Shelby and Spencer; an act to declare Red river a navigable stream; an act for the benefit of William Davis and others, and an act to exempt the citizens of Clay and part of Laurel counties from paying toll at the turnpike gate on the salt-works road.

By Mr. Breck—An act to alter and amend the laws in relation to administrators and executors.

By Mr. Brown—An act to amend the act entitled “an act to incorporate the Louisville and Portland Canal Company.”

By Mr. B. E. Watkins—An act for the benefit of William Steele.

By Mr. Hall—An act regulating proceedings in actions of tort.

By Mr. Lackey—An act to establish the town of Sharpsburg, in the county of Bath, and for other purposes.

By Mr. Wingate—An act to incorporate the Spring Creek Seminary, in Gallatin county.

By Mr. Skyles—An act to give remedy against the securities of executors and administrators in certain cases.

By Mr. Blackburn—An act to encourage the establishment of private schools.

By Mr. M’Connell—An act to amend the several acts respecting the turnpike road from the mouth of Triplett’s creek to Big Sandy.

And by Mr. Bruce—An act to authorise certain county courts to permit gates to be put across public roads; and an act for the benefit of the Simpson Seminary, and for other purposes.

In each of which the concurrence of the Senate was requested.

Mr. Ewing, from the select committee to which was referred the Governor’s message relative to the Receiver of public money west of the Tennessee river, made the following report, to wit:

The committee to which was referred the message of the Governor, with the accompanying documents, respecting the Receiver of public moneys for the sale of lands west of the Tennessee river, have had the same under consideration, and beg leave to report:

That so far as your committee can learn from the documents aforesaid, they have no hesitation in saying it is their opinion, that the Receiver has discharged his duty, in receiving and paying over all public moneys, as directed by law; and they further report, that the securities heretofore given by the Receiver, are sufficient to secure the government against any or all losses or damages from the acts of the said Receiver; consequently, no further or other security is necessary.

Which being twice read, was concurred.

Mr. Hughes moved for a re-consideration of the vote by which a bill which originated in the House of Representatives, entitled “an act further regulating the sale of vacant lands west of the Tennessee river,” was laid on the table until the first day of June next; which was decided in the negative.
A message from the House of Representatives, by Mr. Bruce:

Mr. Speaker—The House of Representatives have concurred in amendments made by the Senate, to a bill which originated in that house, entitled "an act to establish election precincts in certain counties," with amendments, in which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Nuttall:

Mr. Speaker—The House of Representatives have concurred in amendments made by the Senate, to a bill which originated in that house, entitled "an act further to regulate the Bank of the Commonwealth," with amendments, in which they request the concurrence of the Senate.

On motion of Mr. Stephens, who voted in the majority for the passage of a bill entitled "an act concerning the Court of Appeals," it was ordered that he have leave to change his vote, by recording his name against the passage thereof; which was done accordingly.

On motion of Mr. J. Allen, leave was given him to report a bill to reduce the salary of the President of the Bank of the Commonwealth; which was thereupon reported and passed to a second reading, when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. J. Allen carry said bill to the House of Representatives, and request their concurrence.

A message from the House of Representatives, by Mr. Woodson:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act to extend the terms of certain circuit courts in this Commonwealth," with an amendment, in which they request the concurrence of the Senate.

Mr. Ewing, from the committee of propositions and grievances, to which was referred the petition of sundry citizens of Middletown and Jefferson county, praying for an appropriation of money in aid of a Theological School, &c. made the following report, to wit:

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of Middletown and Jefferson county, praying for an appropriation in aid of a Theological School at Middletown, and also for a lottery for the purpose of aiding said School, and beg leave to report, that the present state of the finances of the country will not justify, at this time, an appropriation of public money; but they will recommend to the Senate, to grant that part of the petition which prays for a lottery. They, therefore, recommend the adoption of the following resolution:

20
Resolved, That so much of the petition of sundry citizens of Middletown and Jefferson county, as prays for a lottery in aid of a Theological School at Middletown, is reasonable.

Which being twice read, was concurred in.

On motion of Mr. Dudley, the report of the select committee to which was referred the Governor's message covering the receipt of William Wood for fifty sets of the Digest of the Laws of Kentucky, was taken up.

Mr. Hughes offered the following as an amendment in lieu of the resolution proposed by the select committee, to wit:

Resolved, That the Attorney-General be, and he is hereby requested to bring such suit, and against such person or persons, as he may think proper, for the purpose of adjusting and recovering the amount, and the value of the books aforesaid, or such part thereof as may appear to be due the Commonwealth.

Which being twice read, was adopted.

Mr. Yancey, from the joint committee of enrolments, reported that they had laid before the Governor, for his approbation and signature, the bills last signed by the Speakers of the two houses.

On motion of Mr. Denny, a bill which originated in the House of Representatives, entitled "an act to amend an act entitled an act to incorporate the Louisville and Portland Canal Company," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Denny inform the House of Representatives thereof.

Mr. Given, from the joint committee of enrolments, reported that they had examined enrolled bills which originated in the Senate, of the following titles, to wit: An act further to regulate the debt due the Commonwealth for the sale of vacant land, and an act to alter the mode of taking in lists of taxable property: That the same were truly enrolled, and signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate also affixed his signature thereto, and the same were delivered to the proper committee, to be by them laid before the Governor, for his approbation and signature.

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

Mr. Speaker—I am directed by the Governor, to inform the Senate, that he did, on the 17th instant, approve and sign an enrolled bill which originated in the Senate, entitled "an act for the benefit of Paul Burnett," and that he did, on this day, approve and sign enrolled bills of the following titles, to wit: An act further to
...regulate the debt due the Commonwealth for the sale of vacant lands, and an act to alter the mode of taking in lists of taxable property.

On motion of Mr. Daveiss, a bill which originated in the House of Representatives, entitled "an act to alter and amend the laws in relation to administrators and executors," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the same was ordered to be read a third time on to-morrow.

Messages were received from the House of Representatives, announcing the concurrence of that house in amendments made by the Senate, to bills which originated in that house of the following titles, to wit:

By Mr. Coleman—An act concerning the turnpike road from Georgetown to Cincinnati; an act to alter the time of holding the Hart circuit and county courts, and to legalize the proceedings of the county court of said county, and also to alter the time of holding the circuit and county courts of Edmondson, and to provide for running the lines of said county.

By Mr. Spalding—An act for the benefit of Daniel Dougherty, and an act further to regulate certain circuit courts.

And by Mr. Chenowith—An act to establish an election precinct in the county of Meade.

A message from the House of Representatives, by Mr. Bruce:

Mr. Speaker—The House of Representatives have disagreed to a bill which originated in the Senate, entitled "an act concerning the Court of Appeals."

A message from the House of Representatives, by Mr. B. E. Watkins:

Mr. Speaker—The House of Representatives concur in amendments made by the Senate, to a bill which originated in that house, entitled "an act to add a part of Pulaski to the county of Whitley."

On motion of Mr. R. Wickliffe, the joint resolution from the House of Representatives, entitled "a resolution providing for the appointment of a joint committee to examine the Bank of the Commonwealth, and to cancel a portion of the notes issued by said bank," was taken up, the substitute heretofore reported by the select committee, in lieu of the original, being under consideration; which were read as follows, to wit:

THE ORIGINAL RESOLUTION.

Resolved by the General Assembly of the Commonwealth of Kentucky, That [a joint committee of four from the Senate and eight from the House of Representatives, be appointed to examine the Commonwealth's Bank, and] count the notes on hand, and proceed immediately to cancel, by burning, the amount which may
be found in said bank, except so much as the appropriations here­
tofo-re made and not complied with, if any, and contingent purposes
of said bank, if any such contingency may be found expedient; and
that said committee report herein as speedily as possible.

THE SUBSTITUTE.

The Bank of the Commonwealth of Kentucky was established
for the purpose of furnishing a circulating medium, for relieving a
distressed community from pecuniary embarrassment; and, there­
fore, it was differently constituted from all other monied institu­
tions. In its original organization, it was peculiarly adapted to
attain the ends and designs of its creation, and was justly called
and considered the bank of the people, competent to redeem them
from impending and inevitable sacrifice. The bank was founded
upon the capital, and originated in the will of the people. It
has been hitherto cherished by the larger portion of the citizens
of Kentucky, with a feeling of deep and intense interest. The
friends of the bank have not been disappointed in their objects;
their wishes and hopes, in regard to its beneficial operations, have
been realized beyond their most sanguine expectations. The
country has been relieved, to a considerable extent, from those
difficulties and distresses which threatened destruction to its po­
litical and social relations; the people have been saved from ruin,
and peace and tranquility are measurably restored between debtor
and creditor. At the same time, the revenue of the State has
been handsomely advanced by the net profits and proceeds of the
bank, affording means in the hands of the Legislature, to establish
and support various useful literary and benevolent institutions,
which, if properly managed, are eminently calculated to perpetu­
ate our republican principles, and to shed additional honors and
benefits on the Commonwealth. The institution, although vio­
ently assailed by its enemies, relying solely upon the resources
placed within its reach by the exertions of the people, has failed
in nothing towards the attainment of its original designs, and will
certainly, unless radically changed by legislative interposition,
close its concerns in safety, if that shall be the sense of the Legisla­
ture, and ultimately produce to the State still greater advantages.

In the same proportion that the paper of the bank shall be with­
drawn from circulation, it will increase in value, and finally, with­
out the least hazard, may be converted into a specie-paying bank,
and thereby become more useful to the treasury, by producing a
fund in sound currency, that will enable the government to com­
mence and prosecute a system of permanent improvement.

Every consideration, therefore, demands that the institution
should be continued in that form given it by the Legislature and
approved by the people, until the object for which it was created
shall be finally consummated. Sudden and radical changes in its
relations, might destroy its efficiency: Wherefore,
1. Resolved by the General Assembly of the Commonwealth of Kentucky, That it is inexpedient, at this time, to make any change in the laws for the establishment and for the management of the Bank of the Commonwealth of Kentucky.

2. Resolved further, That the President and Directors of the Bank of the Commonwealth of Kentucky shall, in the presence of the Auditor and Treasurer, on the third Monday of February next, proceed to cancel by burning, $300,000 of its notes, which have been withdrawn from circulation and become the property thereof, selecting that part which have been most abused and defaced.

3. Resolved further, That the said President and Directors, in presence of the Auditor and Treasurer, shall then proceed to count the balance of said notes on hand, file them in bundles of suitable size, (each denomination to itself,) endorse the amount thereon, with the names of the President, Auditor and Treasurer, place them in a box or boxes, and deposite the box or boxes in the vault of the Bank of Kentucky in which the seal is kept; and it is hereby made the duty of the Auditor and Treasurer, with the President of the Bank of Kentucky, to inspect the same, within the first ten days of each month in the year.

4. Resolved further, That the President and Directors of the Bank of Kentucky, in presence of the Auditor and Treasurer, shall, on the third Tuesday of February next, proceed to cancel by burning, the whole of the notes of that bank, which have been withdrawn from circulation and become the property thereof.

On motion of Mr. Muldrow, the original resolution was amended, by attaching thereto the following proviso, to wit: "Provided, the amount thus cancelled shall not exceed the calls and voluntary payments."

Mr. Hickman moved to amend the proviso, by adding thereto the following words, to wit: "And amount of stock received from the Bank of Kentucky." And the question being taken thereon, it was decided in the negative—Yeas 9, nays 19.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Faulkner, were as follows, to wit:


On motion of Mr. C. Allan, the said resolution was further amended, by striking out the words enclosed in brackets, and inserting in lieu thereof the following words, to wit: "The President and Directors of the Bank of the Commonwealth of Kentucky, in presence of the Auditor and Treasurer, proceed to."
On motion of Mr. Hughes, the said original resolution was further amended, by attaching thereto the following resolution, to wit:

Resolved further, That the President and Directors of the Bank of Kentucky, in presence of the Auditor and Treasurer, shall, on the day of next, proceed to cancel by burning, the whole of the notes of that bank, which have been withdrawn from circulation and become the property thereof.

Mr. Pope then moved to strike out the preamble to the substitute, and first resolution reported by the select committee; which was decided in the affirmative.

The question was then taken on the adoption of the substitute as amended, in lieu of the original resolution as amended; which was also decided in the affirmative—Yeas 19, nays 13.

The yeas and nays being required thereon by Messrs. R. Wickliffe and C. Allan, were as follows, to wit:


_Nays—_Messrs. C. Allan, Crutcher, Denny, Faulkner, Garrard, Given, Hickman, Howard, Hughes, Muldrow, Stephens, White and R. Wickliffe.

Mr. R. Wickliffe moved to strike out that part of the third resolution contained in the substitute, which was decided in the affirmative.

Mr. R. Wickliffe then moved to strike out of the second resolution the sum of $300,000, and to insert in lieu thereof the sum of $700,000; and a division of the question being called for, the question was first taken on striking out, which was decided in the negative—Yeas 12, nays 19.

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

_Yeas—_Messrs. C. Allan, Crutcher, Faulkner, Garrard, Given, Hickman, Howard, Muldrow, Selby, Stephens, White and R. Wickliffe.


Mr. Pope then moved to amend the third resolution, by inserting in lieu of the words stricken out, the following words, to wit: "In the vault of said bank, or other place of security." And the question being taken thereon, it was decided in the affirmative—Yeas 21, nays 12.

The yeas and nays being required thereon by Messrs. R. Wickliffe and C. Allan, were as follows, to wit:
THE SENATE.


Mr. Hughes then moved to strike out of the second resolution the words, "to cancel by burning $300,000," and to insert in lieu thereof the following words, to wit: "To cancel by burning $500,000."

A division of the question being called for, the question was first taken on striking out, and decided in the negative—Yea 14, nay 19.

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

Yeas—Messrs. C. Allan, Carneal, Crutcher, Faulkner, Garrard, Given, Hickman, Hughes, Muldrow, Selby, Stephens, White, M. H. Wickliffe and R. Wickliffe.


The blanks in said substitute being severally filled, the question was then taken on the adoption thereof, as amended, and decided in the affirmative—Yea 21, nay 10.

The yeas and nays being required thereon by Messrs. Yancey and R. Wickliffe, were as follows, to wit:


Ordered, That the title be so amended as to read, "a resolution directing the burning of part of the paper of the Bank of the Commonwealth."

The Speaker laid before the Senate a letter from the President of the Bank of Kentucky, covering a report made in pursuance of a resolution of the Senate; which was received and laid on the table for the present.

On motion of Mr. Hughes, a bill from the House of Representatives, entitled "an act for the appropriation of money," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the same was referred to a committee of the whole house on the state of the Commonwealth, for to-day.
Whereupon the Senate resolved itself into a committee of the whole, Mr. Howard in the chair; and after some time spent therein, the committee rose, and Mr. Howard reported, that the committee of the whole had, according to order, had under consideration a bill which originated in the House of Representatives, entitled "an act for the appropriation of money," and had made some progress therein; but not having time to go through the same, asked leave to sit again.

On motion of Mr. Ewing, it was ordered that said committee be discharged from a further consideration of said bill.

And then the Senate adjourned.

TUESDAY, DECEMBER 20, 1825.

The Senate assembled.

Messages were received from the House of Representatives, of the following import, to wit:

By Mr. Prince:

*Mr. Speaker*—The House of Representatives have received official information that the Governor did, on the 17th instant, approve and sign enrolled bills which originated in that house, of the following titles, to wit: An act for the benefit of William B. Harrison; an act to repeal in part, an act entitled an act for the benefit of Zachary Conclude; an act to amend the law in relation to delivery bonds; an act for the benefit of Henry Harlow and others; an act to compel owners and occupiers of land to fill up, or enclose, or cover pits or wells fallen into disuse; an act for the benefit of Eliza H. Eaches; an act for the benefit of Elijah Adams; an act to alter the mode of appointing trustees to the Fleming Academy; an act to alter the times of holding certain circuit courts; an act to establish election precincts in the county of Shelby; an act to change the time of holding the Muhlenberg county courts; an act to authorise a sale of part of the public square in Hartford; an act to authorise publications, &c. in certain newspapers; an act establishing the town of Williamstown, in Grant county; an act for the benefit of John Smoot; an act concerning the town of Bowlinggreen; an act to allow the Independent Banks further time to settle their concerns, and for other purposes; an act for the benefit of Richard T. Jones and wife; an act for the benefit of William N. Potts; an act further to regulate the election precincts of Breckinridge county; an act to amend an act entitled an act further to regulate the town of Flemingsburg; an act to amend an act entitled an act to erect precincts in certain counties in this Commonwealth, approved December 30, 1824; an act to amend the laws concerning the town of Columbus, at the Iron-Banks; an act to authorise James Howe to erect a mill-dam.
across Little Sandy river; an act to amend the law requiring clerks of courts to make out complete records in certain cases; an act to release lands belonging to seminaries of learning from forfeiture; and to exempt them from the payment of taxes; an act to allow two additional justices of the peace to the county of Washington; an act further to regulate the Bank of Kentucky; an act to authorize Narcissa to contract for her freedom; an act for the benefit of John Cottrel and others; an act to change the sessions of the Lincoln and Casey circuit courts; an act to allow an additional constable to Henry county; an act for the appointment of trustees for the town of Pikewi1e, in Monroe county; an act authorising the trustees of county academies to draw their stock from the Bank of Kentucky; an act further to regulate the Jefferson Seminary; an act further to regulate the collection of debts due the Commonwealth; an act further to regulate the salaries of some of the officers of government; an act to authorise the trustees of the Franklin Academy, in the county of Mason, to sell part of the land belonging to said academy; an act to give the county of Spencer a county court in January next; an act granting further powers to the trustees of the town of Louisville, and for other purposes; an act for the benefit of John Caldwell and Thomas Tobil; an act to legalize certain proceedings of the Ohio county court, at their November term 1825; an act for the benefit of John Moore and others, and an act allowing justices of the peace a copy of the Digest of the Statutes of Kentucky, in certain cases.

By Mr. Thomason:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act to repeal in part, the act entitled "an act concerning ferries, approved January 1st, 1824;" in which they request the concurrence of the Senate. They have also passed a bill which originated in the Senate, entitled "an act for the benefit of Cassandria Abrell, widow of Jacob Abrell, deceased," with amendments, in which they request the concurrence of the Senate.

By Mr. Napier:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act to alter the mode of disposing of the vacant lands of this Commonwealth," in which they request the concurrence of the Senate.

By Mr. Daniel:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act for the benefit of Robert Davis," in which they request the concurrence of the Senate.

By Mr. Lackey:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act to prohibit the
appropriation of a part of the vacant land in this Commonwealth," in which they request the concurrence of the Senate.

By Mr. Sanders:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act to provide for the distribution and preservation of public law books."

By Mr. Blackburn:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act to provide for binding out poor free children of colour," with amendments, in which they request the concurrence of the Senate.

By Mr. McMillan:

Mr. Speaker—The House of Representatives have concurred in amendments made by the Senate to a resolution which originated in that house, entitled "a resolution providing for the appointment of a joint committee to examine the Bank of the Commonwealth, and to cancel a portion of the notes issued by said bank."

By Mr. Hanson:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act to reduce the salaries of the Judges of the Court of Appeals, and to repeal so much of the act re-organizing the Court of Appeals, passed 24th December 1824, as creates the office of the fourth Judge of said court," with amendments, in which they request the concurrence of the Senate.

By Mr. Chenowith:

Mr. Speaker—The House of Representatives have passed bills which originated in the Senate, entitled "an act for the appropriation of the surplus funds of militia fines in the hands of the paymaster of the 59th regiment Kentucky militia," and "an act for the benefit of Robert Blakeley, deputy sheriff of Meade county."

By Mr. Breck:

Mr. Speaker—The House of Representatives have concurred in the several amendments made by the Senate to a bill which originated in that house, entitled "an act for the appropriation of money," with the exception of that which makes an appropriation of one thousand dollars to the Augusta College, to which they disagree.

By Mr. M'Clanahan:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act to provide for holding a chancery term in the county of Nicholas."

By Mr. Gaines:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act for the benefit of Joseph R. Given, late sheriff of Caldwell county," with amendments, in which they request the concurrence of the Senate.
By Mr. Brown:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act for the benefit of Peter Carr," in which they request the concurrence of the Senate; and they have passed bills which originated in the Senate, of the following titles, to wit: An act to appoint commissioners to examine and receive the improvements made on the Louisa fork of Sandy river, and an act to add a part of the county of Barren to the county of Allen.

By Mr. James:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act to authorize the clerks of the M'Cracken circuit and county courts to transcribe certain records," with amendments, in which they request the concurrence of the Senate.

And by Mr. Haskin:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act to amend the several laws regulating the towns of Harrodsburg and Richmond," in which they request the concurrence of the Senate.

On motion of Mr. Howard, a bill which originated in the House of Representatives, entitled "an act to establish the town of Sharpsburg, in the county of Bath, and for other purposes," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Howard inform the House of Representatives thereof.

On motion of Mr. Wood, a bill which originated in the House of Representatives, entitled "an act to establish election precincts in certain counties, and for other purposes," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof being dispensed with, the bill was amended, by striking out all that part relative to the county of Woodford, and the bill, as amended, was ordered to be read a third time on to-morrow; and thereupon the rule, constitutional provision and third reading thereof were dispensed with, and it was

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

Ordered, That Mr. Wood inform the House of Representatives thereof, and request their concurrence in said amendment.

On motion of Mr. Daveiss, a bill which originated in the House of Representatives, entitled "an act to authorize Narcissa to contract for her freedom," was taken up, and the amendment,
made in the House of Representatives, to amendments made in the Senate to said bill, were twice read and concurred in.

Ordered, That Mr. Daveiss inform the House of Representatives thereof.

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

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

Which was thereupon taken up and read as follows, to wit:

Gentlemen of the Senate,

I nominate for your approbation, Thomas Alexander, to be commissioned brigadier general of the 29th brigade Kentucky militia.

JOSEPH DESHA.

December 17, 1825.

Resolved, That the Senate do advise and consent to said nomination.

Ordered, That Mr. Hughes inform the Governor thereof, the same being duly certified.

On motion of Mr. Daveiss, amendments made in the House of Representatives, to a bill which originated in the Senate, entitled "an act to extend the terms of certain circuit courts in this Commonwealth," were taken up, twice read and concurred in.

Ordered, That Mr. Daveiss inform the House of Representatives thereof.

On motion of Mr. Denny, an engrossed bill which originated in the Senate, entitled "an act authorising the trustees of Middletown to levy a tax," was taken up and read a third time.

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

Ordered, That Mr. Denny carry the same to the House of Representatives, and request their concurrence.

On motion of Mr. Hughes, a bill which originated in the House of Representatives, entitled "an act to authorise certain county courts to permit gates to be put across public roads," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Hughes inform the House of Representatives thereof.

Mr. Crutcher moved to take up a bill which originated in the House of Representatives, entitled "an act to amend the penal laws of this Commonwealth;" and the question being taken thereon, it was decided in the affirmative—Yeas 14, nays 13.

The yeas and nays being required thereon by Messrs. Crutcher and Beaty, were as follows, to wit:
On motion of Mr. P. N. O'Bannon, a bill which originated in the House of Representatives, entitled "an act for the benefit of the Simpson Seminary, and for other purposes," was taken up and passed to a second reading; and the rule, constitutional provision and second reading thereof being dispensed with, the same was referred to a select committee of Messrs. Hughes, Crutcher, M. H. Wickliffe, T. Ward, Selby and Garrard, for amendment. From which committee, Mr. Hughes soon thereafter reported said bill with sundry amendments, which, being twice read, were concurred in, and the bill, as amended, was ordered to be read a third time on to-morrow; when, on motion, the rule, constitutional provision and third reading thereof were dispensed with, and it was

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

Ordered, That Mr. P. N. O'Bannon inform the House of Representatives thereof, and request their concurrence in said amendments.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined sundry enrolled bills, of the following titles, to wit: An act further to regulate certain circuit courts; an act to add part of Pulaski county to the county of Whitley; an act for the benefit of Daniel Dougherty; an act concerning the turnpike road from Georgetown to Cincinnati; an act to alter the time of holding the Hart circuit and county courts, and to legalize the proceedings of the county court of said county, and also to alter the time of holding the circuit and county courts of Edmondson, and to provide for running the lines of said county; an act to establish an election precinct in the county of Meade; and
a resolution directing the burning of the Auditor's warrants on the Treasurer, for 1824: That the same were truly enrolled, and signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and the same were delivered over to the proper committee, to be by them laid before the Governor, for his approbation and signature; which duty Mr. Yancey shortly thereafter reported they had discharged.

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

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

Which was thereupon taken up and read as follows, to wit:

Gentlemen of the Senate,

I did, on the 16th of the present month, nominate for your advice and consent, Rezin Davidge, Esq. as fourth Associate Justice of the Court of Appeals of this Commonwealth. I have since learned that it is his determination to continue in office no longer; therefore, beg leave to withdraw his nomination.

Dec. 20, 1825.
JOSEPH DESHA.

Ordered, That the Executive have leave to withdraw said nomination; which was thereupon withdrawn.

On motion of Mr. T. Ward, leave was given him to report a bill for the benefit of John Bevins; which was thereupon reported and passed to a second reading, when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. T. Ward carry the same to the House of Representatives, and request their concurrence.

Mr. Hickman asked leave to bring in a bill to restrain the Bank of the Commonwealth and branches from making further loans; and the question being taken on granting said leave, it was decided in the negative—Yeas 8, nays 21.

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

Yea—Messrs. C. Allan, Garrard, Given, Hickman, Howard, Hughes, Mayo and White.


The Senate then proceeded to a consideration of the orders of the day.
Amendments made by the House of Representatives, to amendments made in the Senate, to a bill which originated in the House of Representatives, entitled "an act to establish election precincts in certain counties," were twice read and concurred in.

Ordered. That Mr. Daniel inform the House of Representatives thereof.

A bill which originated in the House of Representatives, entitled "an act to continue in force the law providing for the appointment of Commonwealth's Attorneys," was read the first time, and ordered to be read a second time on to-morrow; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Ewing inform the House of Representatives thereof.

A bill which originated in the House of Representatives, entitled "an act to provide for the public expenses of the current year," was passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the said bill was ordered to be read a third time on to-morrow.

The Senate then resumed the consideration of a bill which originated in the House of Representatives, entitled "an act for the appropriation of money."

Mr. Howard moved to amend the section of said bill which appropriates $3,000 to the trustees of the town of Frankfort, to be applied to rebuilding the Church lately occupied as a Representative Hall, or to rebuilding the Capitol, by striking out said sum of $3,000; and the question being taken thereon, it was decided in the negative—Yeas 17, nays 18.

The yeas and nays being required thereon by Messrs. C. H. Allen and Cockerill, were as follows, to wit:


Mr. Daveiss moved to fill the blank in the section making an appropriation to William Holeman for the use of the Methodist Church, with $50; which was agreed to.

Mr. Hughes moved to strike out of said bill the section making an allowance to the Asylum for the instruction of the Deaf and Dumb; and the question being taken thereon, it was decided in the negative—Yeas 11, nays 21.
The yeas and nays being required thereon by Messrs. Hughes and Cockerill, were as follows, to wit:

**Yea**—Messrs. Cockerill, Crutcher, Dudley, Hickman, Hughes, Muldrow, W. B. O'Bannon, Selby, White, M. H. Wickliffe and Yancey.


Mr. Howard moved to attach to said bill an additional section, directing the Auditor to allow the Treasurer a credit of $8,036, drawn by virtue of a resolution authorising the Governor to prepare for the reception of General Lafayette; which was adopted.

The said bill was, on motion of Mr. Dudley, further amended, so as to allow the following claims, to wit: To the late Treasurer, $40.50, the amount of counterfeit money received by him the first year after he was elected to that office; to A. Crockett, $255.50, for wood furnished for the use of the Senate during the present session; to A. C. Keen, $30, as per account; to Samuel Johnson and Co., $3.05, as per account; to J. Dudley, $5.25, as per account; to Bob and Regis, for services rendered, $15 each.

Mr. Hughes then offered the following amendment, to wit:

"To the trustees of the Augusta College, for the purpose of purchasing books and philosophical apparatus for said institution, $1,000, to be paid out of the Literary Fund, and to be charged against the county of Bracken;" which was adopted.

Whereupon said bill, as amended, was ordered to be read a third time on to-morrow; when, on motion, the rule, constitutional provision and third reading thereof were dispensed with, and it was

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

**Ordered**, That Mr. Hughes inform the House of Representatives thereof, and request their concurrence in said amendments.

The orders of the day were then dispensed with.

On motion of Mr. R. Wickliffe, a bill providing for rebuilding the Capitol, was taken up, read the second time, and ordered to be engrossed and read a third time on to-morrow.

The yeas and nays being required on engrossing and reading the said bill a third time, by Messrs. Daveiss and C. H. Allen, were as follows, to wit:


On motion of Mr. Howard, a bill which originated in the House of Representatives, entitled "an act to amend the several laws regulating the towns of Harrodsburg and Richmond," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and second reading thereof were dispensed with, and the said bill was referred to a select committee of Messrs. Howard, Carneal, Daveiss and Faulkner, for amendment.

On motion of Mr. Forsythe, a bill which originated in the House of Representatives, entitled "an act to incorporate the Spring Creek Seminary, in Gallatin county," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Forsythe inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Coleman:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act authorizing Samuel Shannon to sell a slave owned by his ward, Mary Shannon," in which they request the concurrence of the Senate. They have also passed a bill which originated in the Senate, entitled "an act to legalize the proceedings of William Hickman and Orson Morrow, of Simpson county;" and they have disagreed to a bill which originated in the Senate, entitled "an act for the benefit of Elijah Combs, of Perry county."

A message from the House of Representatives, by Mr. Skyles:

Mr. Speaker—The House of Representatives concur in amendments made by the Senate, to a bill which originated in that house, entitled "an act for the benefit of the Simpson Seminary, and for other purposes;" and they have disagreed to a bill which originated in the Senate, entitled "an act for the benefit of the heirs of Achilles Sneed, deceased."

A message from the House of Representatives, by Mr. Brown:

Mr. Speaker—The House of Representatives concur in amendments made by the Senate, to a bill which originated in that house, entitled "an act to establish election precincts in certain counties, and for other purposes;"

A message from the House of Representatives, by Mr. Skyles:

Mr. Speaker—The House of Representatives have passed bills which originated in the Senate, of the following titles, to wit: An act for the benefit of Martha Bridges, and an act for the benefit of Thomas Hinds, &c.

On motion of Mr. Muldrow, a bill which originated in the Senate, entitled "an act to provide for binding out poor free chil-
dren of colour," was taken up, and the amendments made to said bill by the House of Representatives, were twice read and concurred in.

On motion of Mr. Carneal, a bill which originated in the Senate, entitled "an act for the benefit of Joseph R. Given, late sheriff of Caldwell county," was taken up, and the amendments made thereto by the House of Representatives, were twice read and concurred in.

Ordered, That Mr. Carneal inform the House of Representatives thereof.

On motion of Mr. R. Wickliffe, a bill which originated in the Senate, entitled "an act to reduce the salaries of the Judges of the Court of Appeals," was taken up, pending on amendments made by the House of Representatives to said bill.

Mr. T. Ward moved that the Senate disagree to said amendments; and the question being taken on disagreeing, it was decided in the affirmative—Yeas 20, nays 12.

The yeas and nays being required thereon by Messrs. T. Ward and Yancey, were as follows, to wit:


 Nays—Messrs. C. Allan, Crutcher, Faulkner, Garrard, Given, Hickman, Howard, Lockett, Muldrow, Pope, White and R. Wickliffe.

Ordered, That Mr. Yancey inform the House of Representatives thereof.

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

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

Mr. Denny moved to take up said message, which was decided in the affirmative—Yeas 17, nays 15.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Denny, were as follows, to wit:


 Nays—Messrs. C. Allan, Carneal, Crutcher, Faulkner, Garrard, Given, Hickman, Howard, Hughes, Lockett, Muldrow, Pope, White, R. Wickliffe and Wood.

Whereupon said message was taken up and read as follows, to wit:

 Gentlemen of the Senate,

I nominate for your advice and consent, Frederick W. S. Grayson, Esq. to be commissioned third Associate Justice of the Court
of Appeals of this Commonwealth, in place of John Trimble, resigned. Also, Robert P. Henry, Esq. to be commissioned fourth Associate Justice of the same court, in place of Rezin Davidge, resigned.

JOSEPH DESHA.

Dec. 20, 1825.

The question was first taken on advising and consenting to the nomination of F. W. S. Grayson, Esq. and decided in the affirmative—Yea's 19, nays 13.

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


Nays—Messrs. C. Allan, Carneal, Crutcher, Faulkner, Garrard, Given, Hickman, Howard, Lockett, Muldrow, Pope, White and R. Wickliffe.

The question was then taken on advising and consenting to the nomination of R. P. Henry, Esq. and it was also decided in the affirmative—Yea's 19, nays 14.

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


Nays—Messrs. C. Allan, Carneal, Crutcher, Faulkner, Garrard, Given, Hickman, Howard, Lockett, Muldrow, Pope, White, M. H. Wickliffe and R. Wickliffe.

Ordered, That Messrs. Ewing and Denny inform the Governor thereof; the same being duly certified.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 21, 1825.

The Senate assembled.

Mr. Daveiss, from the select committee raised to enquire into the causes which obstruct the progress of the Court of Appeals, and why the office of the Clerk has been closed, made the following report, to wit:

The committee raised on the part of the Senate, pursuant to the resolution of the 14th instant, to enquire into the causes which have led to the closing of the Clerk's office of the Court of Appeals, beg leave to make the following report:
Your committee addressed to Francis P. Blair, Esq., a copy of the letter hereto annexed, marked A, as also a copy of said resolution, and received from him, in answer thereto, the annexed letter marked B, all of which are respectfully submitted as a part of this report.

Your committee would further report, that, during this session, a committee was raised in the House of Representatives, for the purpose of enquiring into the causes that led to the closing of said office, and of the obstruction of the regular course of business in the office of the Clerk, with power to send for persons and papers; and that, from the threats made by the friends of the late Judges, as well as the peremptory order of the said Judges, that the papers should be taken by force, the said Blair was, as your committee believe, justly alarmed for the safety of the records and papers in his office, and made the disposition of them as set forth in his letter; and from all the examination they have been able to make, and the information which they have received, they are well satisfied that Mr. Blair has had just cause of alarm, and is not at all censurable for his conduct in this affair; but your committee are now pleased to say, that they have no doubt that the office will, from henceforth, be kept open and free to all persons and suitors who may have business to transact therein.

Your committee are compelled to be brief in their report, and pray to be discharged from the further consideration of the matters in the resolution to them submitted.

SAMUEL DA VEISS,
JAMES ALLEN,
YOUNG EWING,
JAMES W. DENNY,
J. DUDLEY.

(A.)

FRANKFORT, December 15th, 1823.

Sir:

As chairman of the committee raised in pursuance of the enclosed resolution, I must, on behalf of the committee, request of you as early a response as possible, to the subject-matter of said resolution, and such other matters as are necessarily connected therewith. As the Legislature is expected to adjourn on Saturday next, it is therefore the more necessary to have your answer without delay.

Yours respectfully,

SAMUEL DA VEISS.

F. P. BLAIR, Esq.
Clerk of the Court of Appeals.
Dec. 21.]

THE SENATE.

(B.)

FRANKFORT, December 17, 1825.

Sir:

I have received your communication transmitting a resolution of the Senate, requiring information from me with regard to the causes which have compelled me to close the doors of my office, during some portion of the time of the present session of the Legislature. I can say, in general terms, that I was prompted to take this course, as the only way to preserve the records, &c. belonging to the public office, and to prevent them from being torn from it, and transferred from my possession to that of another, who, under the laws of the country, has no right to a control over them. The office which contained the books, papers, &c. being removed some distance from my dwelling-house, I could not, under such circumstances, extend to it that protection which the violence meditated rendered indispensable. I resolved, for the greater security, to place the contents of the office in an apartment of my house. The transfer of so great a mass of books, records, &c. which required, when removed, considerable time in the arrangement, necessarily suspended for a few days the regular progress of public business. I have resumed the discharge of the duties of my office, and I hope, by perpetual vigilance, that I shall be enabled to proceed without further interruption.

I am sensible that the delay which has occurred in the administration of public justice, requires justification; and if I had conceived that the honorable committee possessed the power of extorting confessions from persons implicated, I could have called before them persons from whom abundant evidence might have been obtained, of the designs which made it necessary to remove the public office, to preserve it from violation. Without such assistance, I persuade myself that I shall hereafter be enabled to present facts and explanations, to the tribunal to which I am responsible, and to my fellow-citizens, which will satisfy them of the propriety of my conduct as a public officer.

I am, Sir, your obedient servant,

F. P. BLAIR.

SAMUEL DAVEISS, Chairman, &c.

Mr. Howard, from the select committee to which was referred a bill which originated in the House of Representatives, entitled "an act to amend the several laws regulating the towns of Harrodsburg and Richmond," reported the same with amendments; which being twice read, were concurred in, and the bill, as amended, was ordered to be read a third time on to-morrow; when, on motion, the rule, constitutional provision and third reading thereof were dispensed with, and it was
Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Ordered, That Mr. Howard inform the House of Representatives thereof, and request their concurrence in said amendments.

A message from the House of Representatives, by Mr. M'Millan:—Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act to amend an act authorising the sale of the vacant land between Walker's line and the latitude of 36° 30' north, in the State of Tennessee, 'and for running and marking the latitudinal line.'

On motion of Mr. C. H. Allen, the vote discharging the committee for courts of justice from the further consideration of the memorial of sundry citizens of Greenup county, relative to the Court of Appeals, &c. (he having voted in the majority,) was reconsidered; and said petition being re-delivered, by order of the Senate, to said committee, Mr. C. H. Allen made the following report, to wit:

The committee for courts of justice have had under consideration a petition of sundry citizens of the county of Greenup, to them referred, praying the Senate to vote for the repeal of the law re-organizing the Court of Appeals, passed at the last session, and also remonstrating against the Governor's attempting, by military force, to carry said act into effect, and have come to the following report thereupon, to wit:

The committee entertain a high respect for the opinions expressed, and the petitioners themselves; but they are constrained to state, that they believe that the petitioners have been induced to sign said petition and address, under mistaken suggestions by those who have made themselves active in the procurement of their signatures, inasmuch as the printed address itself, upon its face, carries with it suggestions and conclusions wholly unjust and improper, in relation to the communication of the Governor, addressed to both branches of the Legislature, at the commencement of the present session. The committee have no hesitation in saying, that it is as foreign from the views and wishes of the Governor, to engage in a civil war of that unholy character depicted in the address of the petitioners, and forego its consequences, as it is from the views and wishes of any one of the petitioners; and if any expression of his has gone forth, which is calculated to produce this dreadful alarm in the minds of the good citizens of the county of Greenup, the committee are in hopes that peace and quiet will be restored to their disturbed feelings, by giving the language used by the Governor in his late message to the House of Representatives, in reply to certain resolutions addressed to him by that body, in relation to the judicial encroachments of the federal tribunals, &c. After having shown the dangers to be apprehended from that tribunal, he says:
"It seems to me, that he who can see no cause of alarm in all this, is ready to surrender our republican representative government, and submit to despotlic power in principle and practice.

But had we no cause of alarm in the acts of our federal functionaries, there appears to me to exist in our own bosom, enough to have shielded me from the imputation in your preamble. Since the last session of the Legislature, the supreme judicial power of this State has been claimed, and still is, by two sets of men, each supported by numerous partizans. To enforce their several claims, would at once bring one part of society in conflict with another, and produce civil war. Do the representatives of the people, whatever may be their political faith, see no new cause of alarm in this? Do they view with entire apathy, a state of things which it requires but a spark to kindle into civil strife, and make our peaceful streets run with blood? I could not feel thus cold and indifferent, when the peace of my country was at stake, and therefore did I recommend to you a compromise of our fatal dissensions, in my former message. If the representatives of the people view that recommendation as springing rather from a hostile than a peaceful spirit, they mistake the feelings and do injustice to the motives by which it was dictated. If our present unhappy divisions shall end in mobs and civil broils, the first blow shall not be struck by me."

The committee are, therefore, of opinion, that the language used by the Governor in the above recitation of his second address, ought to be sufficient to satisfy the petitioners and the world, that they have no cause of alarm in relation to the Governor's wishing to excite a civil war and the shedding of blood; but, on the contrary, he recommends a compromise between the two great contending parties, which compromise is deemed by the committee to be based upon principles of perfect equality.

The committee state, that in relation to the repeal of the act of last session, a compliance has been had on the part of the Senate, and under its provisions, peace and happiness, as we conceive, can be restored, if complied with on the part of the House of Representatives.

C. H. ALLEN, Chairman.

On motion of Mr. Lockett, leave was given him to change his vote on the bill concerning the Court of Appeals; which is hereby done.

A message from the House of Representatives, by Mr. Blackburn:

Mr. Speaker—The House of Representatives have discovered, that, through inadvertence, a bill which originated in that house, entitled "an act further to regulate the Bank of the Commonwealth," has passed both houses and been enrolled, with a blank therein, as to the time at which said bill shall take effect; and it
is requested, that, by the concurrence of both houses, said blank be filled with the first day of January next; which was agreed to.

Ordered, That Mr. Ewing inform the House of Representatives thereof.

Mr. Denny, from the joint committee of conference in relation to the Court of Appeals, made the following report, to wit:

The committee on the part of the Senate, raised under a joint resolution, to confer with a committee on the part of the House of Representatives, in relation to the Court of Appeals, beg leave to report: That they submitted to the committee on the part of the House of Representatives, the propositions contained in the papers marked A and B; in answer to which, they received the reply marked C; to which your committee returned the response marked D, which closed the conference. They are pained to say, that their efforts have been unsuccessful. They did hope, that this disagreeable controversy would be ended by the exertions of the joint committee, without any sacrifice or compromise of principle on either part, and they solace themselves with the reflection, that they have done every thing in their power to produce that end.

JAMES W. DENNY,
JOEL YANCEY,
YOUNG EWING,
JOHN POPE,
ANDREW S. HUGHES,
JAMES ALLEN.

(A.)

The committee on the part of the Senate, raised to confer with the committee on the part of the House of Representatives, in relation to the Court of Appeals, offer the following propositions:

1st. The appellate court to be constituted on equal and reciprocal terms.

2d. All the individuals claiming to be Judges of the Court of Appeals, to yield their pretensions, and a new court, to consist of four Judges, (without regard to party,) to be formed as may be agreed on.

3d. Or two of the late Judges and two of the present Judges.

4th. Or, if the committee of the House of Representatives prefer it, six Judges to be appointed, the old Judges to be three of them, to receive new commissions, with a salary of $1,000 per annum.

The committee of the House of Representatives may have choice of the above propositions; and in case of the acceptance of either, the re-organizing act of last session, and the act regulating the salaries of the Judges of the Court of Appeals, to be repealed; and in case of the acceptance of the fourth proposition, it will be provided by law, that when the number of Judges shall be redu-
§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Court of Appeals shall hereafter consist of four Judges, who shall be commissioned according to law, any three of whom shall constitute a court. One of them shall be commissioned and called the Chief Justice of Kentucky, and the others the 2d, 3d and 4th Judges.

§ 2. That the act approved December 19th, 1796, commencing with the second section, be, and the same is hereby revived and re-enacted, from and after the passage of this act; and the Judges of the Court of Appeals commissioned under this act, shall hereafter be governed by the same, in all its provisions.

§ 3. That all other acts or parts of acts concerning the Court of Appeals, which were in force prior to the 24th day of December 1824, except so much as gives any salary to the Judges of the Court of Appeals, shall be, and the same are hereby re-enacted, from and after the passage of this act.

§ 4. That no law which shall have passed according to the forms required by the constitution, shall be declared unconstitutional, without the unanimous concurrence of all the Judges in open court.

§ 5. That the Judges of the Court of Appeals commissioned according to this act, shall hereafter receive a salary of $1,200 each, to be paid quarter yearly, and to commence from the time said Judges shall take the oaths of office respectively, out of any money in the treasury receivable as public revenue.

§ 6. That the act entitled "an act to repeal the acts organizing the Court of Appeals," approved December 24th, 1824, and the "act to regulate the salaries of the Judges of the Court of Appeals, and for other purposes," approved January —, 1825, be, and the same are hereby repealed.
The committee appointed on the part of the House of Representatives, to confer with a like committee on the part of the Senate, in relation to the Court of Appeals, have had the propositions of the committee of the Senate under consideration, and in answer thereto report:

That the committee cannot accept of the proposition for six Judges, because the number is too great, and a court thus organized would be unfit for business. In addition to that, the situation of the treasury forbids such a measure, and public sentiment would not sanction it.

The proposition for four Judges is equally inadmissible—First, because it compels the House of Representatives to recognize the power in the Legislature to re-organize the Judges of the Court of Appeals out of office, when they have solemnly voted that such a power did not belong to the Legislature, but to the people. This objection likewise applies to the proposition for six Judges. Secondly, it compels them to turn men out of office, who, in their opinion, do not deserve it, when the constitution says the cause of removal shall be reasonable. Thirdly, it is putting the majority of the House of Representatives in the power of the Governor, who, in this particular controversy, does not stand in the attitude of an impartial umpire between the contending parties, but as an avowed partisan on the new court side of the question.

The committee for the House of Representatives would here remark, that in the event of the resignation of the Judges whom the committee on the part of the Senate are pleased to denominate late Judges, they would not insist on their re-appointment. They protest against every proposition predicated upon the idea that they are engaged in a struggle for men. To settle the limit of legislative power, constitutes the great object of the House of Representatives.

The committee submit the following propositions on the part of the House of Representatives:

1st. To add a fourth Judge to the Court of Appeals, the salary to be reduced to twelve hundred dollars each, annually, to be paid in Commonwealth's paper; that no law shall be declared unconstitutional, unless the court is unanimous; that the act which passed last session, re-organizing the Court of Appeals, and the act fixing the salary, shall be repealed.

If this proposition is not accepted on the part of the committee of the Senate, then the committee on the part of the House of Representatives offer this second proposition: That the Governor, Lieutenant Governor, Judges of both Courts, Senators and Representatives, shall all resign, and submit the whole question again to the people, to which tribunal a reference of all great fundamental principles of government ought to be made.
The committee from the Senate have received from the committee of the House of Representatives their reply to the propositions which the former had the honor this morning to present, and have also received two propositions from the latter committee.

The committee on the part of the Senate can declare, with the utmost sincerity, that when they entered into these conferences, it was with an earnest hope that the distractions of the country would be terminated by their labors, and with a confident belief that it might be effected without any sacrifice of principle on either side of this great political contest. They regret to say, that the hopes which they had indulged, are destroyed, and the dreary prospect is left to them and their country, of a continued controversy, without promise of a speedy termination, or any alleviation of the bitterness with which it has been waged.

It has been our aim to present nothing to the committee on the part of the House of Representatives, to which they could not accede without a sacrifice of any principle which they profess, and all our propositions have been made with frankness and sincerity.

The first presented by us, which contemplates the resignation of the old and new Judges, and the appointment of four new Judges, without regard to party, is that which would be most acceptable to us, and, we believe, to the country in general. You say, this proposition is inadmissible, because it compels the House of Representatives to recognize the power in the Legislature to re-organize the Judges of the Court of Appeals out of office; because “it compels them to turn men out of office, who, in their opinion, do not deserve it,” and because “it is putting the majority of the House of Representatives in the power of the Governor.” Surely the committee from the House of Representatives have wholly mistaken both the language and tenor of the proposition. It is, in so many words, predicated on all the individuals claiming to be Judges of the Court of Appeals, “yielding their pretensions.” How, then, does it compel the House of Representatives to recognize the power of the Legislature to re-organize the Judges of the Court of Appeals out of office, or compel them to turn men out of office, who, in their opinion, do not deserve it? The committee from the Senate cannot believe that either the old or new Judges would for a moment refuse to resign their pretensions, did they know it to be the wish of every party in the Legislature, when the object was to quiet the troubles of their country. Indeed, you admit that they would do so, in your last proposition, which promises their resignation whenever that proposition shall be acceded to.

The committee from the Senate are at a loss to conceive how the acceptance of their first proposition can “put the majority of the House of Representatives in the power of the Governor.”
By a solemn pledge to appoint two from each political party, the Governor has in fact put himself in their power. He has put it in their power to secure an equality in the Court of Appeals, and to end this unfortunate and disastrous contest, in a manner which should compromise no principle, give an able court, and restore confidence and peace to a distracted country. That this pledge would be faithfully redeemed, the committee from the House of Representatives have no cause to doubt. Indeed, they have the collateral pledges of many honorable men, to which we do not hesitate to add our own. It is peace which we, and, we believe, the Governor, most earnestly desire; and hence it has been placed in the power of the House of Representatives to dictate who shall constitute one half of the Court of Appeals.

But, thinking it possible that the House of Representatives might be desirous to retain a portion of the old Judges, we reluctantly submitted our second proposition, founded on perfect equality and reciprocity, proposing to retain two of the old and two of the new Judges. We did not wish to retain any of the present incumbents or former Judges, because we believed a new set, who had not so deeply participated in the feelings and agitations peculiar to the times, would better unite and secure the confidence of the country; but, to attain an end so desirable as peace to the country, we were willing to sacrifice something of our opinions and feelings, and accept two of the old Judges as members of the court. Nay, more; had you preferred it, we would, although much against our inclination, have consented that the whole three old Judges should be retained, associating them with three more, with the express condition that their salaries should not exceed $1,000 each, and that on the resignation of three, the court should thereafter consist only of that number. The burden on the treasury would have been $2,000 less than the present salaries; and, as a temporary expedient to end the controversy and restore peace, public sentiment would certainly have sanctioned it. But this last, and to us most disagreeable alternative, is, like all the rest, wholly inadmissible with you.

You reject a compromise which excludes all the individuals of both the old and new court; you reject one which includes two of your Judges; and finally, you reject one which includes all of your Judges, and promises them perpetual continuance of salary and judicial power. What ground do you leave us to hope for a settlement of our great controversy? We turn for it in vain to your propositions and the incidents attending their presentation.

Your first proposition contemplates the repeal of the act of last session, and an unqualified acknowledgment on our part, of the late Judges, as still the constitutional Judges of the Court of Appeals; and when we have thus abandoned our principles and acknowledged our errors, you will suffer us to associate a fourth
THE SENATE.

Dec. 21.

Judge with Messrs. Boyle, Owsley and Mills. We would consider the acceptance of the proposition as an acknowledgment that we were guilty of legislative perjury, in voting for an unconstitutional act; and for thus humiliating and disgracing ourselves, you would accord to us one fourth of the Court of Appeals. If we were capable of acceding to this proposition, we should not deserve to have one Judge of our party upon the bench; but ought to be branded by you and all honest men, with proscription and execration.

Your second proposition is no less extraordinary. By the caption of your propositions, as well as the resolution in pursuance of which we were appointed, we learn that your powers, as well as ours, extend only to the subject of the Court of Appeals; yet, under the instructions of the General Assembly, to confer for the exclusive and specified purpose of putting an end to the anarchy which exists in relation to that court, you ask us to transcend our powers; and agree, not only that the Senate which deputed us with powers thus limited, shall dissolve itself; but also, that the Governor and Lieutenant Governor, of whose constitutional existence there is no doubt, over whom the Senate itself have no power, and who are no parties in this negotiation, shall also abandon their posts. You scarcely expected us to say, that we have no power to accept such a proposition; for this fact must be known to you, equally with ourselves. It pains us to say, that such propositions, made without authority, to those who have no authority to accept them, look too much like managing this subject with a view rather to defeat than promote an adjustment of this important matter—a consummation which is ardently desired by the houses who appointed us to confer, and the people for whom we act.

Finally, in neither of your propositions do we see any thing in which we can concur, consistently with our duty, our principles and our honor, except the reduction of the Judges' salaries to $1,200. On that point, the Senate have already showed a disposition to meet the views of the House of Representatives; and since all compromise on reciprocal terms is pronounced inadmissible, we will also recommend to the Senate the reduction of the number of the present Judges to three, in which we shall hope to receive the aid of the House of Representatives.

With the conviction that we have done every thing which in honor and honesty we could do, to heal the afflictions of our country, we leave the consequences to the people whom we serve.

Mr. Given, from the joint committee of enrolments, reported that they had examined sundry enrolled bills, of the following titles, to wit: An act to establish the town of Sharpsburg, in the county of Bath, and for other purposes; an act to authorise cer-
tain county courts to permit gates to be put across public roads; an act for the benefit of the Simpson Academy, and for other purposes; an act to incorporate the Spring Creek Seminary, in Gallatin county; an act to continue in force the law providing for the appointment of Commonwealth's Attorneys; an act to establish election precincts in certain counties, and for other purposes; and an act further to regulate the Bank of the Commonwealth:

That the same were truly enrolled, and signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate also affixed his signature thereto, and said bills were delivered to the proper committee, to be by them laid before the Governor, for his approbation and signature; which duty Mr. Given shortly thereafter, reported they had discharged.

On motion of Mr. Yancey, Messrs. Garrard and Mayo were added to the committee of enrolments.

On motion of Mr. R. Wickliffe, a bill which originated in the House of Representatives, entitled "an act for the appropriation of money," was taken up—the House of Representatives having disagreed to an amendment made in the Senate to said bill, appropriating $1,000 to the Augusta College; from which amendment, Mr. R. Wickliffe moved that the Senate do recede, which was agreed to.

Ordered, That Mr. R. Wickliffe inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Wade:

Mr. Speaker—The House of Representatives concur in amendments made in the Senate, to a bill which originated in that house, entitled "an act to amend the several laws regulating the towns of Harrodsburg and Richmond."

A message from the House of Representatives, by Mr. Timberlake:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act to regulate the terms of the Bourbon circuit court, and for other purposes," in which they request the concurrence of the Senate.

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

Mr. Speaker—I am directed by the Governor, to lay before the Senate two messages in writing.

Which said messages, together with one previously received, were taken up and read as follows, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, William Beall, to be commissioned colonel of the 4th regiment of Kentucky militia, in place of S. L. Moreland, resigned.
December 16, 1825.

Gentlemen of the Senate,

I nominate for your advice and consent, Stephen Mullins, to be commissioned lieutenant colonel of the 21st regiment Kentucky militia, in place of John Riddle, resigned.

Also, Robert Rollins, to be commissioned major of the 21st regiment, in place of Stephen Mullins, if promoted.

December 18, 1825.

JOSEPH DESHA.

December 19, 1825.

Gentlemen of the Senate,

I nominate for your advice and consent, James W. Denny, Esq. as Attorney-General of this Commonwealth, in place of Frederick W. S. Grayson, Esq. resigned.

Dec. 21, 1825.

Resolved, That the Senate do unanimously advise and consent to said nominations.

Ordered, That Messrs. White and Forsythe inform the Governor thereof, the same being duly certified.

On motion of Mr. R. Wickliffe, an engrossed bill which originated in the Senate, entitled “an act for re-building the Capitol,” was taken up—Yea 20, nay 15.

The yeas and nays being required on the motion to take up said bill, by Messrs. Daveiss and Cockerill, were as follows, to wit:


And the said bill being read a third time, Mr. Daveiss offered the following amendment, by way of engrossed copy, to wit:

Provided, however, That no part of the aforesaid sum shall be drawn from the public treasury, until after the first day of January 1827; nor shall any contract or contracts be made, until after the said first day of January 1827, exceeding $5,000.

And the question being taken on the adoption thereof, it was decided in the negative—Yea 14, nays 20.
The yeas and nays being required thereon by Messrs. Yancey and R. Wickliffe, were as follows, to wit:


The question was then taken on the passage of said bill, and it was decided in the affirmative—_Yeas 20, nays 14._

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


_Ordered, That the title thereof be as aforesaid, and that Mr. R. Wickliffe carry the same to the House of Representatives, and request their concurrence._

Mr. Yancey, from the joint committee of enrolments, reported that they had examined sundry enrolled bills and a resolution, of the following titles, to wit: An act to establish election precincts in certain counties; an act to provide for the distribution and preservation of the public law books; an act for the benefit of Thomas Hinds and others; an act to legalize the proceedings of William Hickman and Orson Morrow, of Simpson county; an act for the benefit of Massey Anderson; an act for the benefit of Robert Bleakley, deputy sheriff of Meade county; an act to provide for holding a chancery term in the county of Nicholas; an act to add a part of the county of Barren to the county of Allen; an act to appoint commissioners to examine and receive the improvements made on the Louisa fork of Sandy river; an act for the benefit of certain sheriffs; an act for the appropriation of the surplus funds of militia fines in the hands of the paymaster of the 50th regiment Kentucky militia; an act to amend the several acts respecting the turnpike road from the mouth of Triplett's creek to Big Sandy; an act to regulate the terms of the Bourbon circuit court, and for other purposes; an act for the benefit of William Steele; an act to amend an act entitled "an act for the benefit of Jonathan Taylor," approved 12th January 1825; an act for the benefit of the Judge of the 10th judicial district; an act for the benefit of William Davis and others; an act to provide for the running the line between the counties of Shelby and Spencer; an act to exempt
the citizens of Clay and part of Laurel counties from paying toll at the turnpike gate on the Salt-works road; an act for the benefit of Robert Davis; an act to provide for the removal of two slaves now confined in the jail at Morgantown, to Russellville, for safe-keeping; an act to authorise purchasers of tobacco to export the same without inspection, and a resolution directing the burning of part of the paper of the Bank of the Commonwealth: That the same were truly enrolled, and signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and the same were delivered over to the proper committee, to be by them laid before the Governor, for his approbation and signature.

Messages were received from the House of Representatives, of the following import, to wit:

By Mr. Haskin:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act for the benefit of Martha Bridges."

By Mr. Nuttall:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act to authorise purchasers of tobacco to export the same without inspection," in which they request the concurrence of the Senate.

By Mr. Porter:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act to provide for removing two slaves now confined in the jail in Morgantown, to Russellville, for safe-keeping," in which they request the concurrence of the Senate.

By Mr. Bruce:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act for the benefit of John Bevis."

By Mr. Brown:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act for the relief of Cyrus Talbot."

On motion of Mr. P. N. O'Bannon, a bill which originated in the House of Representatives, entitled "an act to declare Red river a navigable stream," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. O'Bannon inform the House of Representatives thereof.

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On motion of Mr. White, a bill which originated in the House of Representatives, entitled "an act to provide for the running the line between the counties of Shelby and Spencer," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. White inform the House of Representatives thereof.

The following messages were received from the House of Representatives, to wit:

By Mr. Blackburn:

Mr. Speaker—The House of Representatives have passed a bill which originated in that house, entitled "an act to make an allowance to Col. William Steele," in which they request the concurrence of the Senate.

By Mr. Hansford:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act for the benefit of Thomas Branscomb."

By Mr. Yantis:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act to allow an additional justice of the peace to the county of Casey."

By Mr. M'Clanahan:

Mr. Speaker—The House of Representatives have passed bills which originated in the Senate, of the following titles, to wit: An act to establish the town of Mount Carmel, in Fleming county, and for other purposes; and an act for the benefit of Daniel Rowlett, surveyor of Calloway county.

On motion of Mr. Given, a bill which originated in the Senate, and was amended in the House of Representatives, entitled "an act to authorise the clerks of the M'Cracken county and circuit courts to transcribe certain records," was taken up, and the amendments made by the House of Representatives were twice read and concurred in.

Ordered, That Mr. Given inform the House of Representatives thereof.

Mr. Carneal asked leave to report a bill supplemental to the act entitled "an act further to regulate the Bank of the Commonwealth," which was refused.

A message from the House of Representatives, by Mr. Harvie:

Mr. Speaker—the House of Representatives have adopted a resolution protesting against the act of Congress under which certain Rules of the Federal Court of Kentucky have been made; in which they request the concurrence of the Senate.
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On motion of Mr. Hickman, a bill which originated in the House of Representatives, entitled "an act to regulate the terms of the Bourbon circuit court, and for other purposes," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Hickman inform the House of Representatives thereof.

On motion of Mr. Hickman, a bill which originated in the House of Representatives, entitled "an act for the benefit of the Judge of the 10th judicial district," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Hickman inform the House of Representatives thereof.

On motion of Mr. Faulkner, a bill which originated in the House of Representatives, entitled "an act to amend an act entitled an act for the benefit of Jonathan Taylor, approved the 12th of January 1825," was taken up and passed to a second reading; when, on motion, the rule, constitutional provision and further readings thereof were dispensed with, and it was

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

Ordered, That Mr. Faulkner inform the House of Representatives thereof.

On motion of Mr. Faulkner, a bill which originated in the House of Representatives, entitled "an act to provide for the keeping of lunatics in certain cases; an act to provide for removing two slaves now confined in the jail in Morgantown, to Russellville, for safe-keeping; an act authorising Samuel Shannon to sell a slave belonging to his ward, Mary Shan-
non; an act to authorise purchasers of tobacco to export the same without inspection; an act making an allowance to Col. William Steele; an act to prohibit the appropriation of part of the vacant land in this Commonwealth, and an act making an additional appropriation to defray the expenses of General Lafayette's visit. Which last bill was just reported from the House of Representatives by Mr. Sanders.

A bill which originated in the House of Representatives, entitled "an act to amend the several acts for encouraging the manufacture of salt in this Commonwealth," was read the first time; and the question being taken on reading the same a second time, it was decided in the negative, and so the said bill was disapproved to, of which the House of Representatives were duly informed.

A bill from the House of Representatives, entitled "an act to provide for the public expenses of the current year," was read a third time.

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

Ordered, That Mr. Daveiss inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Chenowith:

Mr. Speaker—The House of Representatives have passed bills which originated in the Senate, of the following titles, to wit: An act authorising the trustees of Elizabethtown to make conveyances in certain cases, and an act to authorise the Editors of the Western Intelligencer and Columbia Reporter to insert certain advertisements—with amendments to the latter, in which they request the concurrence of the Senate.

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

Mr. Yancey, from the joint committee of enrolments, reported that they had examined sundry enrolled bills of the following titles, to wit: An act for the appropriation of money; an act to amend the several laws regulating the towns of Harrodsburg and Richmond; an act to provide for binding out poor free children of colour; an act to declare Red river a navigable stream, and an act to provide for the public expenses of the current year: That the same were truly enrolled, and signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate also affixed his signature thereto, and said bills were delivered to the proper committee, to be by them laid before the Governor, for his approbation and signature.

A message from the House of Representatives, by Mr. Chenowith:

Mr. Speaker—The House of Representatives have passed a bill which originated in the Senate, entitled "an act for the benefit of Charles Helm."
A resolution from the House of Representatives, in relation to the Act of Congress and the Federal Rules made under the same, was taken up and twice read as follows, to wit:

Be it resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That they do most solemnly protest against that Act of the Congress of the United States, which is assumed by the Federal Court of the District of Kentucky, as an authority for the creation of certain Rules of Court, which ordain execution laws, and adopt different court process, from any known to the country; and that they do view the said Rules of Court as a violation of the true spirit of the Federal constitution, and as an infringement on the rights and privileges of the freemen of this State.

Be it further resolved, That our solemn reverence for the Union, and our firm reliance on the exalted virtue and patriotism of the functionaries of the general government, prompt us to expect a speedy repeal of the aforesaid Act of Congress, as the only means of redressing the grievances of the country, arising from the adoption of the Rules of the Federal Court.

Whereupon Mr. Hughes offered the preamble and resolutions heretofore submitted by him in relation to the same subject, as a substitute in lieu of the foregoing resolutions; and the question being taken on the adoption thereof, it was decided in the affirmative—Yeas 17, nays 12.

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


Nays—Messrs. C. Allan, Beaty, Crutcher, Faulkner, Garrard, Given, Howard, Lockett, Muldrow, White, M. H. Wickliffe and R. Wickliffe.

The question was then taken on the adoption of the said preamble and resolutions, as amended, and decided in the affirmative—Yeas 19, nays 9.

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


Nays—Messrs. C. Allan, Beaty, Faulkner, Garrard, Howard, Lockett, Muldrow, White and R. Wickliffe.

Ordered, That Mr. Hughes inform the House of Representatives thereof, and request their concurrence in the adoption of said substitute.

Mr. R. Wickliffe read and laid on the table the following joint resolution, to wit:
Resolved by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Treasurer of the Commonwealth to superintend and take care of the Capitol grounds, and the fence and buildings thereon, during the recess of the Legislature.

On motion, the rule was dispensed with, and the said resolution was taken up, twice read and adopted.

Ordered, That Mr. R. Wickliffe carry the same to the House of Representatives, and request their concurrence.

And shortly thereafter, Mr. Breckinridge informed the Senate that the House of Representatives had concurred in said resolution.

Mr. Ewing offered the following resolution, to wit:

Resolved by the Senate, That Francis P. Blair have the use of the Senate Chamber, until the first day of December 1826, he being responsible for all the public books and property that may remain in said Chamber at the close of the present session.

And the said resolution being twice read, Mr. C. Allan moved to lay the same on the table for the present; which was decided in the affirmative—Yea's 16, nays 11.

The yeas and nays being required thereon by Messrs. R. Wickliffe and Crutcher, were as follows, to wit:

Yea's—Messrs. C. Allan; Beaty, Carneal, Cockerill, Crutcher, Faulkner, Garrard, Hickman, Howard, Lockett, Muldrow, P. N. O'Bannon, White, M. H. Wickliffe, R. Wickliffe, and Wood.


Amendments made in the House of Representatives, to a bill which originated in the Senate, entitled "an act for the benefit of Cassandra Abrell, widow of Jacob Abrell, deceased," were taken up, twice read and concurred in.

Ordered, That Mr. Selby inform the House of Representatives thereof.

Amendments made in the House of Representatives, to a bill which originated in the Senate, entitled "an act to allow an additional justice of the peace to the county of Casey," were also taken up, twice read and concurred in, of which the House of Representatives were duly informed.

A message was received from the Governor, by the Assistant Secretary, which was taken up and read as follows, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, Alexander M. Henry, to be commissioned brigadier general of the 17th brigade, vice Alney M'Lean, resigned; Matthew Herron, to be colonel of the 76th regiment, vice A. M. Henry, promoted; and Samuel B. Nesbit, to be lieutenant colonel of the same, vice M. Herron, promoted.

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JOSEPH DESHA.
Resolved, That the Senate do advise and consent to said nominations.

Ordered, That Mr. Lockett inform the Governor thereof; the same being duly certified.

Mr. Yancey, from the joint committee of enrolments, reported that they had examined enrolled bills and a resolution of the following titles, to wit: An act for the benefit of Peter Carr; an act authorising Samuel Shannon to sell a slave owned by his ward, Mary Shannon; an act to prohibit the appropriation of a part of the vacant land in this Commonwealth; an act making provision for the keepers of lunatics in certain cases; an act to amend an act authorising the sale of the vacant lands between Walker's line and the latitude of 36° 30' north, in the State of Tennessee, and for running and marking the latitudinal line; an act authorising the trustees of Elizabeth town to make conveyances in certain cases; an act for the benefit of Daniel Rowlett, surveyor of Calloway county; an act to establish the town of Mount Carmel, in Fleming county, and for other purposes; an act for the benefit of Thomas Branscomb; an act for the relief of Cyrus Talbot; an act for the benefit of John Bevins; an act to authorise the clerks of the McCracken county and circuit courts to transcribe certain records; an act for the benefit of Martha Bridges; an act to authorise the Editors of the Western Intelligencer, the Columbia Reporter, and the Iris, to insert certain advertisements; an act to allow an additional justice of the peace to the county of Casey; an act for the benefit of certain sheriffs; an act for the benefit of Cassandria Abrell and others; an act making an additional appropriation to defray the expenses of General Lafayette's visit, and a resolution in relation to the Capitol grounds and public buildings: That the same were truly enrolled, and signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate also affixed his signature thereto, and the same were delivered to the proper committee, to be laid before the Governor, for his approbation and signature.

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

Mr. Speaker—The Governor did, on this day, approve and sign the following enrolled bills which originated in the Senate, viz.: An act to provide for the distribution and preservation of the public law books; an act to add a part of the county of Barren to the county of Allen; an act for the benefit of Robert Bleakley, deputy sheriff of Meade county; an act to provide for holding a chancery term in the county of Nicholas; an act for the benefit of Massey Anderson; an act to legalize the proceedings of William Hickman and Orson Morrow, of Simpson county; an act for the benefit of Thomas Hinds and others; an act for the appropriation of the surplus funds of militia fines in the hands of the paymaster of
the 59th regiment of Kentucky militia; an act for the benefit of certain sheriffs; an act to appoint commissioners to examine and receive the improvements made on the Louisa fork of Sandy river; an act authorising the trustees of Elizabethtown to make conveyances in certain cases, and for other purposes; an act to authorise the Editors of the Western Intelligencer, Iris and Columbia Reporter to insert certain advertisements; an act for the benefit of Daniel Rowlett, surveyor of Calloway county; an act to establish the town of Mount Carmel, in Fleming county, and for other purposes; an act to amend an act authorising the sale of the vacant land between Walker's line and the latitude of 36°30', north, in the State of Tennessee, and for running and marking the latitudinal line; an act to allow additional justices of the peace to the counties of Casey, Hopkins and Hickman; an act to provide for binding out poor free children of colour; an act to authorise the clerks of the McCracken county and circuit courts to transcribe certain records; an act to alter the time of electing Representatives to Congress; an act for the benefit of Cyrus Talbot; an act for the benefit of John Bevins; an act for the benefit of Thomas Brauncomb; an act for the benefit of Cassandra Abrell and others, and an act for the benefit of Charles Helm.

On motion,

Resolved, That all further legislative business be laid on the table for the present.

After interchanging messages with the House of Representatives, a committee was appointed to wait on the Governor, and inform him that the General Assembly had closed their legislative business and were now ready to adjourn without day, and to enquire if he had any further communications to make. From which committee, Mr. Yancey shortly thereafter reported that they had discharged the duty assigned them, and that the Governor had no further communications to make.

The Speaker having delivered an affectionate valedictory address, the question was taken on an adjournment, and decided in the affirmative; and thereupon the Speaker declared the Senate adjourned without day.

Mr. Ewing was then called to the chair, and Mr. Denry offered the following resolution, to wit:

Resolved, That the thanks of the Senate be presented to the Hon. Robert B. M'Afee, for his able, dignified and impartial discharge of the duties of the chair, during the present session.

Which was unanimously adopted.