JOURNAL

OF THE

SENATE

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY, THE FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD 1828, AND OF THE COMMONWEALTH THE THIRTY-SEVENTH.

FRANKFORT:
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1828.
AT a General Assembly begun and held for the State of Kentucky, in the Town of Frankfort, on Monday the first day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the thirty-seventh year of the Commonwealth:

It being the day appointed by Law, for the annual meeting of the General Assembly, John Breathett, Lieutenant-Governor, appeared and took the Chair, and the following members of the Senate appeared and took their seats, to-wit: From the counties of Adair, Casey and Russell, Benjamin Selby; from the counties of Barren and Edmonson, Robert D; Maupin; from the counties of Cumberland and Monroe, William Wood; from the counties of Allen and Warren, Johnson J. Cockerill; from the counties of Logan and Simpson, Thomas S. Slaughter; from the counties of Butler, Grayson and Muhlenburg, William Cunningham; from the counties of Hopkins, Henderson and Union, James Townsend; from the counties of Calloway, Hickman, Graves, McCracken, Livingston and Caldwell, Dickson Given; from the counties of Christian, Trigg and Todd, Francis Summers; from the counties of Daviess, Ohio and Breckinridge, Willis Green; from the counties of Green and Hart, James Allen; from the counties of Hardin and Meade, John C. Ray; from the counties of Jefferson and Bullitt, John Hughes; from the counties of Henry and Oldham, John Rodman; from the county of Shelby, Samuel W. White; from the county of Washington, John Pope; from the county of Mercer, Samuel Davies; from the county of Garrard, John Faulkner; from the county of Madison, Archibald Woods; from the counties of Pulaski and Wayne, John Griffin; from the counties of Knox, Clay, Harlan, Perry and Whitley, Daniel Garrard; from the counties of Nelson and Spencer, Benjamin Hardin; from the counties of Boone and Campbell, Thomas D. Caney; from the counties of Grant, Pendleton and Gallatin, David Gibson; from the counties of Franklin, Owen and Anderson, Cyrus Wingate; from the county of Scott, Garrett Wall; from the county of Harrison, Peter Barrett; from the counties of Bracken and Nicholas, Samuel Fulton; from the county of Bourbon, John L. Hickman; from the county of Mason, Robert Taylor; from the counties of Greenup, Lewis and Lawrence, John M. McCr.
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nell; from the county of Fleming, William P. Fleming; from the counties of Montgomery and Estill, James Mason; from the county of Clarke, William M. Millen; from the counties of Woodford and Jessamine, Andrew Muldrow; from the counties of Bath, Morgan, Pike and Floyd, David K. Harris; and from the county of Fayette, Robert Wickliffe.

The said Robert D. Maupin, Benjamin Selby, James Townsend, James Allen, John C. Ray, John Faulkner, John Griffin, Cyrus Wingate, Garrett Wall, Samuel Fulton and James Mason, severally produced certificates of their having been duly elected at the last General Election, and took the several oaths required by the constitution of the United States, and the constitution and laws of this State.

Mr. Carmel nominated James Stonestreet as a proper person to fill the office of Clerk to the Senate, during the present session; and Mr. W. Green nominated Francis Payton; and upon taking a vote between them, it appeared that Mr. Stonestreet had a majority of all the votes, and was declared duly elected.

Whereupon he took the oaths of office.

Anthony Crockett was elected Sergeant at Arms for the Senate during the present session.

Whereupon he took the oaths of office.

Mr. Given nominated Littleberry Batchelor as a proper person to discharge the duties of Door Keeper to the Senate during the present session; Mr. Wingate nominated George Todd, and Mr. Muldrow nominated Robert C. Bell; and upon taking the vote Mr. Batchelor having received a majority of all the votes was declared duly elected.

Whereupon he took the oaths of office.

Mr. Wingate nominated Joseph Carter, as a proper person to fill the office of Assistant Clerk to the Senate during the present session; Mr. Barnett nominated Thomas P. Burnett; Mr. Allen nominated B. O. Carlisle; Mr. White nominated Benjamin R. Pollard; Mr. McConnell nominated Alfred Nichols and Mr. W. Green nominated Francis Payton; after taking three several votes, Benjamin R. Pollard having received a majority of all the votes was declared duly elected.

Whereupon he took the oaths of office.

Ordered, That a message be sent to the House of Representatives informing that body, that the Senate having met, formed a quorum and elected its officers, is now ready to proceed to Legislative business; and that Mr. Davies carry said message.

A message from the House of Representatives by Mr. Blackburn:

Mr. Speaker—I am directed by the House of Representatives to inform the Senate, that the House having met, formed a quorum, and elected its officers, is now ready to proceed to Legisla-
tive business; and has appointed a committee of six members, to act with the committee to be appointed on the part of the Senate, to wait on the Governor, and inform him that the General Assembly has convened, and is now ready to receive any communication he may think proper to make.

And then he withdrew.

Whereupon Messrs. Fleming, Hardin and Wickliffe were appointed a committee on the part of the Senate.

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

The said committee on the part of the Senate then retired, and after a short time returned, when Mr. Fleming reported that the committee had discharged the duty assigned them, and were informed by the Governor, that he would make a communication in writing, by way of message, to each branch of the General Assembly, in their respective chambers, to-morrow at eleven o'clock A. M.

Mr. M'Millan presented the petition of Samuel L. Williams, contesting the right of James Mason to a seat in the Senate and praying that he may be permitted to take a seat in the place of the said Mason;

Which petition was received, read and laid on the table.

Mr. Carneal moved that the Rules of the session of 1826, be adopted as those of the present session.

The fourth Rule was read as follows, viz: "The Speaker shall appoint committees, subject to addition by the House."

Mr. M'Connell moved to amend the said Rule by inserting before the word "committee," the word "select."

Mr. Pope moved to amend the said amendment by adding thereunto the words "and standing."

And the question being taken on adopting the said amendment proposed by Mr. Pope, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Carneal, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Carneal, Cockrell, Davies, Fulton, Given, W. Green, Griffin, Harris, Hughes, Mason, Maupin, Pope, Ray, Rodman, Solby, Slaughter, Summers, Wall, Wingate and Wood—22.


The said amendment as amended was then concurred in.

The said Rules being further amended were adopted.

Ordered, That a committee for courts of justice be appointed, and a committee was appointed, consisting of Messrs. Wickliffe, Davies, Carneal, J. Green, M'Connell, Solby and Fleming, who are to take under consideration all matters relating to courts of
justice, and such other matters as may be from time to time referred to them, and report their proceedings, with their opinion thereupon, to the Senate; and the said committee is to inspect the journals of the last session, and draw up a statement of the matters then pending and undetermined, and the progress made therein; also to examine what laws have expired since the last session, and inspect such temporary laws as are near expiring, and report the same to the Senate, with their opinion thereupon, which of them ought to be revived and continued.

Ordered, That a committee of propositions and grievances be appointed; and a committee was appointed, consisting of Messrs. Allen, McMillan, Hickman, Garrard, Maupin, Barrett and Harris, together with such other members as may, from time to time, choose to attend, who are to take under consideration all propositions and grievances that may be referred to them, from time to time, and report their proceedings, together with their opinion thereupon, to the Senate.

Ordered, That a committee of privileges and elections be appointed; and a committee was appointed, consisting of Messrs. Faulkner, Cockerill, Cunningham, Rodman, Wall, Summers and Ray, who are to take under consideration and examine all returns of the election of Senators to serve in the present General Assembly, and compare the same with the forms prescribed by law, and to take into consideration all questions concerning elections, and such other matters as may, from time to time, be referred to them, and to report their proceedings together with their opinion thereupon, to the Senate.

Ordered, That a committee of Religion be appointed; and a committee was appointed, consisting of Messrs. Wood, Hughes, Barrett, White, Wingate, Townsend and Fulton, who are to take under consideration all matters and things relating to religion and morality, and such other matters as may, from time to time, be referred to them, and to report their proceedings together with their opinion thereupon, to the Senate.

Ordered, That a committee on internal improvement and domestic manufactures be appointed; and a committee was appointed, consisting of Messrs. Pope, Taylor, Given, Slaughter, Woods, Muldrow, Griffin and Hughes, who are to take under consideration all matters concerning the public highways and navigable streams, and relating to the condition and improvement of the manufactures of the country, and such other matters and things as may, from time to time, be referred to them, and report their proceedings, with their opinion thereupon, to the Senate.

Ordered, That a committee of finance be appointed; and a committee was appointed, consisting of Messrs. Hardin, Selby, Taylor, Daviess and Carneal, who are to take under consideration, all matters and things relating to, or connected with, the
The Senate assembled.

Mr. John Green, a member of the Senate from the counties of Lincoln, Rockcastle and Laurel, appeared and took his seat. Mr. M'Connell presented the petition of sundry citizens of Greenup county, praying that a law may pass establishing an election precinct in said county.

Which petition was received, read, and referred to the committee of propositions and grievances.

Mr. Carneal moved for leave to bring in a bill to take the sense of the people of this Commonwealth, as to the propriety and expediency of calling a convention.

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

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


Messrs. Carneal, Daviess and Garrard were appointed a committee to prepare and bring in said bill.

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

On the motion of Mr. Hardin—1. A bill to amend the law in relation to public roads.

On the motion of Mr. Harris—2. A bill to add a small part of Morgan county to the county of Floyd.

On the motion of Mr. M'Connell—3. A bill to amend the law in relation to executors and administrators.

On the motion of Mr. Muldrow—4. A bill to alter the mode and to allow pay for working on public roads.
On the motion of Mr. Daviess—5. A bill to amend the law in relation to elections.

On the motion of Mr. J. Green—6. A bill more effectually to prevent the importation of Slaves.

On the motion of Mr. Carneal—7. A bill to incorporate the Covington Cotton Manufacturing Company in the town of Covington, Campbell county Kentucky.

On the motion of Mr. Rodman—8. A bill for the benefit of John Stockton.

On the motion of Mr. Wingate—9. A bill to change the time of holding the Owen county court; and,

On the motion of Mr. Wood—10. A bill to continue in force an “act for the benefit of headright and Tellico settlers, and for other purposes,” passed December 28th, 1826.

Messrs. Hardin, M'Millan and Townsend were appointed a committee to prepare and bring in the first; Messrs. Harris, M'Connell and Garrard the second; Messrs. M'Connell, Given and Hardin the third; Messrs. Muldrow, M'Connell and Wingate the fourth; Messrs. Daviess, Ray and Cockerill the fifth; Messrs. J. Green, Carneal and Hughes the sixth; Messrs. Carneal, Hardin and W. Green the seventh; Messrs. Rodman, Harris and Wingate the eighth; Messrs. Wingate, M'Connell and Ray the ninth; Messrs. Wood, Summers, Griffin, Given and Cockerill the tenth.

Mr. Cockerill presented the petition of Absalom and Elizabeth Hughes, administrator and administratrix of the estate of Richard P. Hughes, deceased, praying that a law may pass authorizing them to sell a portion of the land and slaves of the deceased, for the purpose of paying his debts.

Which petition was received, read and referred to the committee of courts of justice.

A message from the Governor by Mr. Robertson, Secretary of State.

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

And then he withdrew.

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

Gentlemen of the Senate,

And of the House of Representatives.

Under the auspices of the Ruler of all Nations, we have reached the fifty-second year of our National Independence, and the thirty-seventh of this Commonwealth; and in our contemplations of the past, the present, and the future, we have abundant reason to be grateful for the manifold blessings we have enjoyed and continue to enjoy, as well as for the cheering prospect of independence and happiness for succeeding generations.
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We have the peculiar felicity to meet at a time, when our country is blessed with unusual, if not unparalleled prosperity at home, and with peace and respect abroad. It is for us to indulge in the proud reflection, that the constitution of our Union, which is the offspring of virtuous intelligence and patriotism, has thus far, been found to be adequate to all the great purposes for which it was designed. If, in the reckless struggles of unchastened ambition, too often incident to free government, individuals among us, have occasionally displayed some feeling of hostility to the principles contained in the sacred charter of our noble confederacy, that feeling has invariably passed away with the fleeting delusions that produced it.

Superficial observers may descant upon our complex system of liberty and denounce it for its supposed tendency to consolidation, or to disunion and anarchy, while we point to the experiment of more than half a century, and cheer and animate the American people, with the gratifying spectacle of a government, under which our fathers and ourselves have enjoyed the choicest blessings, and which seeks for continued support from us, and from posterity, by an appeal to reason and not to force.

If we have occasionally heard in our land, the feeble, distant cry of encroachment, uttered against our national legislature, for the protection and security which it gives to our own industry, against foreign competition, and for its aid to the improvement of the interior of the States, it has had no other effect than to awaken our vigilance over our rights, and increase our veneration for the memory and "the great work" of our revolutionary Heroes and Statesmen.

As a member of this confederacy, the State of Kentucky stands upon ground not less elevated or enviable for her prowess and patriotism, than that of any of her sister States. And if among ourselves, we have unhappily had some political disinterations, it is but the natural consequence of the liberty we enjoy, and which I sometimes fear, we do not duly appreciate. Similar disinterations however, may be found in the history of every State, and of every free government on earth. But I am persuaded that no virtuous citizen, or any other man who regards public sentiment as the rock upon which to build his political fortress, will attempt to renew the old, or provoke any new disturbances. For, unless I am greatly mistaken, the wise and good men of our State, without distinction of party, are anxious to witness a manly effort on the part of their public agents, to harmonize, and in their zeal for the public good, to lose sight of all unworthy party considerations. In these just expectations, so far as the executive is concerned, his constituents shall not be disappointed. To promote their peace, tranquility and happiness, will be the most
appropriate, and he doubts not the most acceptable acknowledg-
ment he can make of their kindness and confidence.

The prosperity of the Commonwealth demands the utmost
flow of our gratitude. Agriculture was never more flourishing.
Manufacturing and commercial enterprise, is rapidly reviving.
Our currency is ample for all reasonable purposes, and no longer
creates distrust and inquietude, by its fluctuations in value.—
Confidence in the public agents is generally restored. Justice
is reasonably sure and speedy. The horn of plenty overflows
upon the head of the husbandman. Abundance rewards the
hand of industry. Want is a stranger to the dwelling of the
virtuous. The weak are protected, the strong restrained. Every
free man’s voice is heard in our councils. Every cottage is by
law a castle—every hearth a sanctuary. The light of the Gospel
illuminates every valley, and sheds its mild radiance upon every
hill. Health and competence pervade our borders; and peace
and charity we have a right to hope, will be permitted, soon, to
crown all our blessings.

The public institutions are prosperous. Under new auspices
Transylvania, once the pride of the west, appears to be fully re-
tored to public confidence.

The Centre College is already the rival of older institutions
of celebrity.

The Augusta College is extensively patronized, and deserv-
edly esteemed.

The Cumberland College, on the Feilenburg plan, has thus
far more than equalled public expectation, and the hope may
be indulged, that it will be extensively useful. Its example of
teaching the arts of agriculture, and mechanics, in connexion
with the exact and liberal sciences, might be advantageously fol-
lowed, to some extent, in some of our subordinate and primary
schools.

The Asylum for teaching the deaf and dumb (one of the first
honors of the State) rejoices the hearts of the wise and benevolent
throughout the confederacy. Its prospects are cheering.

St. Joseph’s College maintains its high character, and retains
a very liberal support from Kentucky and from other States.

Some of the county Seminaries have been converted into ele-
mentary schools, and are thus very advantageously employed;
others are unoccupied.

Female Schools are increasing, and are beginning to engage
some attention and approbation.

The Lunatic Hospital at Lexington is well managed; and
happily fulfills the purposes of humanity for which it was wisely
founded.

The condition of the Infirmary at Louisville, and of that at
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the mouth of the Cumberland river, will be more accurately made known to you from other sources.

The Louisville canal is in progress, and may be expected, in the course of the next year to be completed.

The Shelbyville and Louisville turnpike road is also in the progress of construction, and is finished from Louisville about fifteen miles. But it is feared that its entire completion is contingent.

The rail roads contemplated by your predecessors, are not commenced, although much zeal has been manifested in projecting them.

The Maysville and Lexington turnpike road company, have as yet, done but little, except to survey and ascertain the most eligible ground for the location of the road. A reconnaissance of this road, as a part of that which has been designated to be run from Zanesville in Ohio, through Nashville in Tennessee to Florence in Alabama, has been made by experienced Engineers, who were appointed by the Secretary of War for that purpose. The ascertained utility and practicability of this road, (as appears from the report of the Engineers,) would doubtless, sooner or later ensure its entire construction by the general government. But it is believed that the legislature of this State can hasten the action of the federal government, by co-operating in the measure. This can be done by an amendment to the Act of Incorporation, pledging the State to subscribe for a portion of the stock, on condition that Congress will make an appropriation to aid in the construction, and that private stock holders shall subscribe such amount as may be thought expedient.

The Capitol, as you will see, is not finished; but when completed, it will be an edifice creditable to the State and worthy of the age.

Since I came into office, I have taken some notice of the Penitentiary. Great improvement is visibly stamped upon the whole face of the establishment. But by raising the outside wall a few feet higher, and building a Hospital within its enclosure, the Superintendent will be enabled to discharge the obligations of humanity to the sick, with much more convenience than at present, and the chances of escape be diminished.

It may be thought worthy of your consideration, whether the colonization society is not still entitled to the approval and countenance of the legislature; and, as in some degree connected with the same subject, I think it my duty to suggest, that as the law prohibiting the importation of slaves, is not enforced, it will be proper, if the legislature mean not to repeal it, to adopt some constitutional and more efficient plan for enforcing the interdict.

I will also make the suggestion, whether it is not in your
power to revise and amend the law concerning occupying claimants of land, so as more fully to protect the occupant, and put an end to vexatious and ruinous source of litigation. The State of Virginia has no right to complain of any law that you may think proper to pass. It was by the improvident legislation of that State, that the evil consequences of land litigation have been entailed upon us. After having sold about four times as much land in the first place, as was contained in the district in which it was to be located, the legislature of that State has boldly and in the face of the Nation, violated, not only her original compact with Kentucky, but also her pledge subsequently given by her representative, Mr. Leigh. Availing herself of the confidence of Kentuckians in her high character, and scrupulous integrity in the fulfilment of her engagements, she encouraged the legislature of this State, at an expense of several thousand dollars, to send her representatives to appear before commissioners to be selected by the two States according to the provisions of the compact and the stipulations of Mr. Leigh, and then declined the faithful fulfilment of her obligation and promises. She now entrenches herself behind the ramparts of the constitution, by which as a sovereign State, her impunity is secured against the suits of individuals, who might otherwise present just claims to millions in damages for the injuries which she brought upon them; and she avails herself of the obligations imposed by the same instrument to escape other consequences incident to an issue between two sovereign and independent States. Obligations of this sort, between two of these United States, appear to be but honorary, having legally no binding effect. By her readiness and anxiety to comply with the provisions of the compact, Kentucky has sustained her honor. How far Virginia has done so, will be for those who are acquainted with the circumstances to judge. Brought to this issue, it behooves us to make no further advances to the State of Virginia. Nor should we tantalize the occupant by remonstrances and appeals to Congress, which cannot extend the desired relief. We have the power to do whatever is right and just, and should act for ourselves, and for the laborious occupants, to the utmost extent of our constitutional competency.

The public land belonging to the State, is an important resource; and I submit to the Legislature, whether it ought to be sold to monopolizing capitalists for the purposes of speculation, and whether the sales ought not to be confined to those who would seat upon, cultivate, and improve it? It is not believed to be good policy in any government, by a system of injudicious legislation, to cause the capital and enterprise of any portion of its citizens, to flow into channels which will obstruct the general prosperity; or create a war of interests between the capitalists
and the great body of the community who are cultivators of the soil.

It was by thus diverting the resources of a portion of our citizens from all productive and useful employments, that, in the disposal of the national domain, much injury has been done, and our prosperity as a people retarded. The fortunate owner of surplus capital, will of course seek the most profitable investment of it; and by closing the door to land speculation, against him, he would subscribe for road stock, or engage in manufacturing; or in some way employ his capital where it would be useful to his country, as well as to himself; and the land, which is the best capital for the use of the indigent, would be highly productive to them and the State. Our population would rapidly increase, and our estates become more desirable. It is better to dispose of the land at a low rate to the actual settler, than at a much higher price to the monopolist. Such a policy is benevolent and wise. It will have a tendency to improve the character of our population, and give it more strength, solidity and permanence.

The action of government is most forcibly and extensively felt in the administration of justice. Laws are useless unless they are enforced. To insure their enforcement, they must be intelligible and simple—the offspring of the public reason, and well adapted to the ends of their enactment. The jurisprudence of Kentucky, although characterised by a spirit of justice and freedom, is supposed to be susceptible of improvement. Experience has shown many defects and points to the appropriate remedies. A system so complicated, composed of immemorial customs, imported from England; and of the various innovations, constitutional and statutory, which a free people have, in a series of years, superadded, cannot be expected to be perfect. It is in many respects incongruous and unintelligible, and consequently, instead of preventing, not unfrequently produces vexation and litigation. Even our own statutes sometimes perplex our most acute lawyers and enlightened jurists. I would therefore recommend a revision, for the purpose of simplifying the system and rendering it intelligible and harmonious. Excessive legislation is one of the errors of popular government. Laws should not only be plain and simple, but stable—so that they may be understood and revered. The means for administering the laws, should be such as to fulfill public expectation: Economy, dispatch, and rectitude of decision, are contemplated by the constitution. I submit to your consideration, whether our judiciary is so constructed, as to insure these desirable results. That it is not, almost all feel and acknowledge. Its organization is radically good. But in its details, it is imperfect, and in some respects inadequate. I do not consider myself qualified to give instruction on a subject so foreign from my general reading and former pur-
suits. It is a delicate and difficult question, and should be touched with great care and caution, and by none but the skilful. I will however venture, most respectfully to suggest some modification of the system, for your consideration. The delays, uncertainty and expense, incident to our chancery proceedings, are subjects of general complaint. There is, as I understand, such a radical difference, between the principles of equity and the technical rules of the common law, that a man may be a good judge of the latter, and by no means an able chancellor. The decision of each class of cases by the same man, is an anomaly in our jurisprudence. This incongruity should be corrected if it can be done. In many counties in the State, the judge seldom reaches the chancery docket during his term—the consequence of which is, that chancery trials are postponed, the cases are not attended to, or well prepared; and when tried, are not unfrequently decided unjustly, in most instances perhaps, for the want of due preparation. The natural remedy for this great evil seems to be, the separation of chancery and common law jurisdiction. This, I suppose may be done, without the imposition of additional burthen upon the treasury, and greatly to the relief and advantage of litigants, by constituting as many chancery districts as may be necessary, (say four,) with a Chancellor to each, holding his court at as many places in the district as the public interest may require, and charged exclusively with the decision of chancery causes. This modification will authorize a correspondent one in the circuit courts—such as the reduction of the number of circuit judges; and possibly of the number of their terms from three to two in the year. It would certainly enable you to reduce the number of circuit judges, and to make other improvements, which might result very much to the interest of litigants, and to the increased certainty, despatch and cheapness of legal trials. Under this, or some similar arrangement, chancery causes might be tried without inconvenient delay. They could be well prepared, and their decision would not so often require revision. And I believe, the people would soon feel the striking improvement in the system.

I would also, with great deference, advise some increase in the jurisdiction of the Magistrates. I know of no reason why in cases of contract, in which their jurisdiction is now as high as fifty dollars, it might not be raised to one hundred; nor why in plain tort cases, it might not be extended to at least fifty dollars, where the damages may be laid within that sum. In cases of a small and plain character, the delays and expenses incident to the trial in the circuit courts, are sometimes oppressive and generally disproportionate to the magnitude of the interest involved. In many of the States of this Union, the jurisdiction of the magistrates has been extended higher than I have ventured to sug-
gest; and it may be urged as a strong argument in favor of the increased jurisdiction, that such laws when passed, are never repealed, so decidedly do they meet the approbation of society. Good laws are not more desirable than a faithful enforcement of them in all cases. Hence I have thought that it would be well to make Commonwealth's Attorneys conservators of the peace, and ex officio bound to notice all infractions of the penal law coming under their view or knowledge. The private citizen feels a repugnance to any interference with the public justice; and the vigilance of the magistracy is often evaded, and the penal laws are relaxed by habitual connivance at their violation.

The legitimate design of the best government, is to preserve to all the citizens the equal enjoyment of the absolute rights of personal security and private property, and the relative rights, civil, social and domestic, of rational and virtuous freemen. That government which could attain this end—would be perfect. No human contrivance has ever yet effected, or can effect it, to the extent which is speculatively just and desirable. But that system is comparatively best, which approximates most nearly to this theoretic standard. Kentucky is among the most favored States. Blessed with a rich soil, genial climate, intelligent and patriotic population, a wise and free constitution, securing to every man the right of self government, freedom of speech, and of conscience, and the security of person and property in the most enlarged and comprehensive range; what more has she to desire to consummate her happiness, and fill up the measure of her glory? Nothing, surely, but that she may have the wisdom to be contented with her lot, and to manifest gratitude to Heaven for such peculiar privileges, by wisely improving and peacefully enjoying them.

Such is the faint outline of the portrait of Kentucky. It remains for the virtue and intelligence of the people to preserve the harmony and beauty of its proportions, and wipe off the few blemishes by which the full drawn likeness is unhappily shaded. But we, their representatives, cannot be idle or irresponsible. We may do much good or lasting mischief. From past experience we may draw useful lessons of instruction to guide our path for the future. Kentucky has unhappily, for years past, been harassed by angry controversy. This conflict has left but little worthy to be remembered, except the mischiefs to be apprehended in a free State, from the excited passions of a warm and zealous people. In its progress the peace of society has been disturbed, and the welfare of the commonwealth sometimes neglected. I entertain the sincere hope, that the errors and passions of the past will be buried deeper than the tomb of the "Capulets," and that a season more propitious to the public good
may be improved, by a general spirit of moderation and enlightened policy.

Our constitution is excellent—and our laws are, in the general, free from just exception. But these will not be sufficient for our security and prosperity, unless reason and virtue shall preserve in all our councils, legislative, executive and judicial, and by means of increased and more diffusive influence, continue to enlighten the minds, and instruct the hearts of the rising generations, to fit and prepare them for the active business of life, social and political. Public opinion acknowledges no superior—it feels no lasting restraint—it is the arbiter in the last resort of all our rights—it is the main spring of our complicated machine of State; it controls the government through the agents by whom it is administered. What then are the elements of our political power and safety? The aggregate mind and morals of our freeman—The wise man clings to the reason and justice, and religion of his State, as the strong anchors of his liberty. Without the prevalence of these peaceful guardians, he has no security and no rational hope. Whenever these predominate, there is “no one to make him afraid.” As long as they exercise a controlling influence, he knows that his peace will be undisturbed—his rights respected, and his country exalted. The first and the last prayer of the elevated patriot and philanthropist is, that his fellow citizens may all be enlightened—that every one may be instructed in his own rights, and the rights of others; and taught to understand and observe his duties to his God, his country and his fellow men.

If all men were thus educated, liberty would be established, constitutions preserved, and the laws respected. Legislation would be liberal and wise—the citizen would be secure in his property, his reputation and his repose; and conscience would be, in politics and religion, free from the rude insults of malice, infatuation and intolerance; and then, too, justice would be free from the influence of the passions generated by ignorance and vice, and not subject to the artifices of selfish and designing ambition.

No people have been long free without a general diffusion of the light of knowledge. And the history of mankind proves, that they have been happy and free in proportion to their virtue and intelligence. In Turkey and Russia, and India, the mass of the people are destitute of elementary education. In France, two-thirds are uneducated, and sixteen millions cannot read. In some parts of Ireland, not one in five hundred is taught to read. But in Scotland, Sweden, Hanover, Switzerland, and the Protestant States of Germany, parish schools are established, as in New-England, in which the poor are taught gratuitously. In Scotland, (excepting the Highlands,) and in Switzerland, there is
not one in sixty who cannot write. In England, though the system of mutual instruction has been introduced there, two millions of her population are unprovided with the means of education, and three millions are dependant on Sunday schools. In Mexico and South America, before their emancipation from Spain, the people were left in ignorance and superstition. But since they have been free, they have liberally provided the means for general education.

The people of Kentucky have all the means necessary for their general education, and in this respect are signalized favored. Nothing is wanting but the countenance and patronage of the government. But with moral and political advantages equal to those of most other States; and physical resources, superior in some particulars, to those of any other community, Kentucky is in the rear of a majority of her sister states, and even of Scotland and Sweden, on the great and vital subject of common education. Is not this a reproach? Does it not rebuke us for our unprofitable and wasteful party strife and struggles? The literary fund has been encroached on and very much diminished. In New-York there is a literary fund of one million of dollars, and in 1820, nine-tenths of all the children in that State, were receiving the benefits of instruction in their common schools. Connecticut has a like fund of one million seven hundred thousand dollars, which annually distributes more than the expenses of the State government. Virginia has appropriated more than one million of dollars for education, forty-five thousand of which is applied to common schools.

Kentucky has been liberal to institutions for collegiate education. But what has she yet done for the poor? Nothing, but to report to the people, to convince them how desirable and practicable a diffusive education would be. Whether common schools should now be begun, and to what extent, and how provided for, are subjects for your consideration, and decision. I can only evince my anxiety that something should be attempted. I have confidence that our constituents will approve any measure, which their own welfare and that of their children and country would recommend. As one resource, (but certainly not the only one,) I would suggest the propriety of an appeal to the National legislature for an appropriation of a portion of the public lands to the purpose of education in our State. A better appropriation could not be made—even if it should be extended to all the middle and Atlantic States which have not (as all the western States except Kentucky, have) received grants for such object. Two hundred thousand acres of public land have been given to Tennessee—and to every other western State except Kentucky, Congress has given one thirtieth of all the public land within their limits, for education, amounting in the aggre-
gate to more than fourteen millions of acres. Kentucky has a right to participate in this bounty. The public lands are the property of all the States, and each has an equal right to a participation of their value. The claim of our State is fortified too, by the consideration, that she is the oldest State in the west — was the first offspring of the Union; her hardy and adventurous sons led the way to the population and civilization of the great valley of the west — and by their perils, toil and blood, have found and secured homes for millions of freemen. I cannot believe that her appeal will be disregarded or denied by a wise and magnanimous congress; and if it should be granted, an ample fund will be furnished for the establishment of every grade of school, from the most humble to the most exalted — in which every child of the commonwealth, male and female, may be taught the exercises and the arts, the letters and the sciences, necessary to qualify them to be useful citizens, in all their duties and relations, public and private, political and domestic. But if in this just expectation we should be disappointed, our own resources are ample, if judiciously applied. The literary fund, now inactive, might alone be sufficient by the adoption of the plan of New-York, to make a commencement which could only result in happy consequences.

Before I dismiss this subject, permit me to offer for your consideration, some reflections upon the propriety and expediency of extending the public munificence to a most interesting, but much and long neglected portion of society. Anxious, as every friend to the perpetuation of our republican institutions must be, for the education of our sons, as the solid foundation of our civil, political and religious rights, I submit to your wisdom and justice to say, whether the public bounty ought to be confined to the education of our sons exclusively? Are our daughters less entitled to the parental care, and beneficence of the government? In every age and in every clime, man in the exercise of his dominion over his companion, has made it extremely difficult for her to rise with himself in the scale of intelligence. Among the barbarous and uncivilized, how cheerless is her condition! How degraded by the creed of the Musselmans? In every quarter of the world, how hopeless are her prospects, except it be under the auspices and in the bosom of a christian community? It may, to his honor, be said of the christian, that he has done much for the improvement and amelioration of her condition. And in doing so, he has contributed but little less to his own, than to her happiness. It is true that she acts her part in the shade of domestic retirement. She is not often an active agent in the perils of war: Her voice is not heard in our Senates. But this detracts nothing from the importance of her station. Her place in life is one of high, if not of awful responsibility. We are indebted to her for our first, and frequently for our best impressions. In susceptible
childhood, while we are looking up to her as the most pure and the most perfect, as she is sure to be the most beloved of created beings, she imparts to us our first lessons of morality and religion. The wild and irregular passions of fantastic infancy, are subjected to her soft and endearing control. In riper years, she exercises no small degree of influence over us; and in the dreary winter of our days, she sustains us by her fortitude, whilst from her kindness and fidelity, we draw the last and greatest of all our earthly consolations. Surely her mind should be cultivated and adorned by the instructions and the grace of a systematic education.

Will not the legislature of Kentucky confer upon their State, the honor of having taken the first step for the promotion of this desirable object? The act, I am persuaded, will be hailed with delight by the present, and succeeding generations; and monuments dedicated to its authors, may rise by the side of those which are intended to commemorate the deeds of our heroes and sages of the revolution.

However little may be done for education, or however inadequate may be the provisions which you may recommend, it is important to do something. Let us "BEGIN," and the people will carry on "the good work." Our children must be educated; and they should be taught things instead of names. Education should be more practical than it has been; "Mutual instruction" might be introduced advantageously. And if the legislature will only give impulse and organization to an eligible system of common schools, and assure such aid as may be conveniently furnished, however small, there can be no rational doubt of the final success and lasting utility of their efforts—nor of the gratitude and blessings of an intelligent and happy posterity.

Next to the intellectual and moral improvement of the people, I consider the physical improvement of the country, as most essential to the welfare of the State. Facilities for social and commercial intercourse, promote the comfort, strength and wealth of society. Good roads facilitate not only the courtesies and charities of life, and stimulate commercial enterprise; but they encourage and improve agricultural industry, and enhance the price of its products, and the value of every species of property. And nothing tends more certainly to assimilate the diversified tastes and sentiments of the citizens, and to harmonize the discordant elements of the body politic. No State in the union needs more than Kentucky does, the construction of good roads; few, if any, have been less attentive to this great interest, and none is more able to provide the requisite means, by the judicious and vigorous application of her latent resources. A liberal and enlightened spirit of improvement is all that is necessary. In this, as in education, it is all important to "begin." And an impulse given by
the legislature, may eventually retrieve much that has been lost by the last few blank and inglorious years of political wrangling.

There is some reason to hope that the general government, contemplating the extension of the Cumberland road, and feeling the importance to the Union, of internal improvement in Kentucky, would co-operate in any eligible and initiatory effort, you may be willing to make; such aid, has been liberally extended to other States. And nothing can contribute more obviously to the Union of the whole, than a wise and just distribution among them, of the common resources for the encouragement of internal improvement. Nor can it escape the attention of congress that it is very desirable to improve the post roads in Kentucky, where in the winter and spring they are scarcely passable. The state of agriculture as well as of civilization is generally indicated by the condition of the public roads. In Turkey, Poland, Peninsular Europe and Southern Italy, where agriculture is depressed and the soil neglected, good roads are seldom to be seen. But in China, where the population is overflowing—In Switzerland and Belgium, where it is more than two hundred to the square mile—In England and Northern Italy, particularly in the Bason of the Po, in all of which countries agriculture is prosperous, good roads abound. Since the late renovation of France, her agriculture and her roads are beginning to improve. But her roads are greatly inferior to those of England. And although her soil is richer and her climate more propitious, one fifth more is produced on the same surface in England, than in France.

In Persia, Asia and northern Africa, where they travel on camels—and in India where they travel on elephants and in Palæstine, there are no good roads. In England and in many parts of continental Europe, and even some parts of the United States, travelling in stages and other combustible carriages is expeditious, and instead of being toilsome or fatiguing is pleasant and interesting. It is true, that in the rich alluvial soil of Kentucky, it will be more difficult to construct and preserve good bridges and highways, than in soils of primitive and secondary formation. But this fact only increases the necessity of early and persevering attention to this extensively important interest.

When we read of the great public highways of the old world, and compare the improvements of Kentucky with those of New-England and Pennsylvania; we have but little cause for self-complacency. Pennsylvania has appropriated more than eight millions of dollars to roads and canals, and the people feel the expenditure only in its benefits. New-England is covered with good roads, constructed without any oppressive inconvenience or burthen; and her wonderful prosperity illustrates the wisdom of her policy. Shall it longer be said that Kentucky has
done and will do nothing on this interesting subject? Shall this generation pass away without leaving behind it some such memorials as the Cumberland road or Appian way, to attest its wisdom, public spirit and munificence? I submit to the judgment of the members of this legislature whether something, however disproportionate to the ultimate object, may not now be projected? And whether they are not willing to share, some of the honor of an undertaking, which, when perfected, will reflect imperishable renown on all those by whose agency it shall have been accomplished?

The state of the treasury may appear to present some obstacle to the immediate commencement of the various improvements which I have suggested. But our resources are ample for every useful purpose, if skillfully applied. From what causes the deficit of about $85,565 97 which will occur at the end of the next fiscal year, has resulted, it will be your peculiar province to ascertain; and if improper legislation or other errors in the administration of the government, have had any agency in extending the expenditure beyond the income, I felicitate myself not more on account of our abundant resources, than my entire confidence in the collected wisdom of the legislature, and its ability to devise the appropriate remedies without any unnecessary or inconvenient burthens upon the people.

I have in my possession a report of the "committee on the militia," to the House of Representatives of Congress, on the subject of organizing and disciplining the militia of the United States, which report has never yet received the consideration of that body. As the author of that report, permit me to present to your consideration, some of the reasoning, in substance which it contains in favor of a reduction of the number now held to perform militia duty in the United States. I am fully aware that the legislature of a State has not the power to give due and proper efficiency to the system, or to uphold this strong arm of the national defence and protection in all its dignity and usefulness. But in pursuance of the provisions of the constitution, and of an act of congress, extending to the legislature the right to grant exemptions, a single State may do something for the benefit of the system, and still more to relieve society from services worse than useless and burdensome. When the present system for the enrollment of the militia of the United States was adopted, comparatively, our numbers were few. We were without a navy; and had no fortifications. The British had not then delivered up all the forts and posts which during the war, they had established within our borders; and our settlements were exposed to the invasions of the Indians. Hence the necessity, at that time, of assuming as the basis of enrollment, the age from 18 to 45 years. The proposed reduction is also urged
on the ground, that the time which is lost in training, operates as a tax upon all those who are subjected to the service. It seriously affects the common business and daily occupations of the community; and no equivalent advantages result, from thus breaking up the order and business of civil life.

In some of the States, exemptions have already been granted to at least one half of the whole number of militia between the age of 18 and 45 years; and it has been ascertained that the annual appropriation made by Congress for training the militia of the United States, (if instead of increasing in the contemplated ratio, the present number were to remain stationary,) would not effect that object, in less than seventy-five years. According to the present system of enrollment, each militiaman is held to service for the term of twenty-seven years. A board of officers, convened at Washington City, recommended a term of service for the militia, of from eight to ten years; and the committee referred to, recommended a standard of enrollment between the ages of twenty-one and thirty-five years; which is thirteen years less, than the term of service which is now required. This recommendation was made, not for a war—but for a peace establishment. Concurring as I did, and still do, in the report of that committee as presenting the best system when adapted to the militia of the United States, I nevertheless doubt the propriety or expediency of applying the same rule, to a single State; especially as any other than a gradual reduction, might so derange the present organization as to render the experiment troublesome, if not impracticable. But I can perceive no good reason for subjecting the youth of our country to the performance of militia duty until they are at least 21 years of age; and I submit to the legislature, whether, for a peace establishment we may not, on the ascending scale, adopt the age of 40, instead of 45, for exemption.

In favor of the proposition which I make respecting the junior class, I will remark, that, in many of the States and in the District of Columbia, exemptions have already been granted to students in colleges. To this I can see no well grounded objection, except that it creates an invidious distinction, and therefore ought not to be tolerated in this republic. Is it reasonable or just, to grant exemptions to students in colleges, and not to those who, on account of their poverty or that of their parents, are excluded from a collegiate education? Why not also exempt the students of other schools—and those who are so poor, as to be excluded from the benefits of any education at all? Why not exempt those who are learning trades, or studying professions to become useful, or ornamental members of society? As I am now speaking in reference to the minor class, I will add, that I can see no good reason for subjecting any portion of them to the
2. J.

performance of militia duty in a time of peace. It causes a loss of time and operates as a drawback upon the parental authority, for which society receives no equivalent. And it cannot be supposed in this enlightened age, that an unwieldy multitude of unarmed militia will intimidate our enemies. Assuming eighteen to forty years as the standard of enrollment, we shall never arm and discipline the militia. The number must be reduced, or forever remain inefficient. In times of war, for the purpose of drafting, the system will bear expansion, without any inconvenience, so as to insure the most equitable operation.

Before I close this communication, permit me in the spirit of meekness and moderation, and deep regret, to speak of, and to deplore the disaffection to the government of the Union, which has recently manifested itself among some of our brethren of the South. Not content with their due weight and influence in the councils of the nation—Not disposed to submit to the decision of any majority in Congress, however large it may be, on questions of deep interest and high national import, they openly avow sentiments, at war with the fundamental principles of the Union.

Besides several flourishing Territories, this confederacy is now composed of twenty-four States, each of which is equal in sovereignty—equal in dignity—equally entitled to have its interests debated and decided upon in Congress by the immediate representatives of the whole, and equally bound by every principle of patriotism as well as by obligations imposed by the constitution, to abide that decision. But notwithstanding these high and solemn obligations which we are under to each other, to posterity, and to the friends of freedom, wherever they may be, to preserve the harmony of our complicated and delicate system of government, we have the mortification to see the firebrand of discord thrown among us by hands that ought to be the first to remove every obstacle to our peace and quietude. According to the views of these men, if the minority cannot rule, they are at liberty to dissolve the government. The promulgation of these principles forms but a part of the business of those political empiricks. Laying aside the courtesies of life, they strike at the sensibilities and honor of those who constitute the majority on the subject of a protecting tariff, no matter to which side they may belong, according to recent divisions of party. The motives of your sages and patriots are assailed; strong epithets of denunciation employed; and the advocates of the American system traduced. Kentuckians are reproached because of their long established and fixed opinion of public policy, as if it originated in time serving and unworthy motives. But while I consider it my duty to point to this disaffection, originating as it does, with men filling exalted stations, I am gratified in the belief, that
we may rely with perfect safety upon the constituted authorities to carry into effect the laws of which they complain, and against which they would have their constituents to rebel. The great body of our Southern brethren are too patriotic—too well aware of their own interest, and too strongly attached to the republic, to countenance any treasonable designs.

We have contributed our due portion of revenue to build fortifications along the Seaboard, and to create and support a Navy for the benefit of foreign commerce, in which the South is more immediately interested than we are. In like manner we contributed our due portion of revenue and of soldiers for conducting the late war, which had been waged to protect our sailors and support foreign commerce, in which our Southern brethren must have felt a more immediate interest than we did. It is hardly possible then, that any serious attempt to promote disunion will be countenanced in that quarter. But with this solitary exception, what is our condition as a nation? Your responses are anticipated, and will be heard with delight by your countrymen.

Our public debt incurred for the defence of our sacred rights, is nearly extinguished, and is in a fair way, very soon to be paid to the last cent. We are at peace with all nations—respected by all. Our rights are not infringed by any one of them, at home or abroad. The pirates no longer infest our coasts or depredate our commerce. Every gale wafts the fruits and treasures of some distant clime, in return for the products of our toil and industry. Every breeze brings us some of the good things of this life, upon terms of fair and equal reciprocity; and the “Star Spangled Banner” waves not only unmolested, but highly respected in every Sea in which it is beheld.

With such signal proofs of the wisdom and virtue of those who have hitherto been selected to fill the high places confided to them; and of the continued guardianship of Him, to whose mercy and forbearance we are indebted for all our enjoyments, may we not indulge the cheering hope that we shall continue to flourish and be happy as a people, under each new and successive administration? And shall we not manifest our gratitude, by cherishing towards each other, feelings of kindness and confidence, and mutual respect, while in the discharge of our arduous and highly responsible duties, we labor together as co-ordinate departments of the government, to advance the best interests of our beloved country and State?

Unaccustomed to the duties of the station to which I am called, and fully aware of its responsibilities, I shall despair of contributing as much as I desire, to the public good, without the liberal cooperation of the legislature. We are all only the trustees of the people; and to be faithful to our trust, we must look beyond the space which bounds our own individual wishes and aims,
and like men truly wise, make the permanent interest of our constituents the controlling motive of our public conduct. Justice, Morality, and Frugality, and Industry, must ever be the main sources of political as well as of personal prosperity; and are as essential to our national as to our individual character and success. The Statesman who can ever suffer these cardinal elements of social order and political economy, to be overruled by a puerile selfishness, or by the ignoble resentments or sinister designs of an infatuate partizan zeal, certainly will not consult, either the dictates of an honorable ambition, or the welfare of his country. All that Kentucky wants is peace and unity at home. Whether she shall have them, soon, or ever, will depend very much on the course we, her servants shall adopt for ourselves and recommend to others. Whatever is necessary for the concord and prosperity of families, is equally indispensable to the power and tranquility of free States. By cherishing the pride of conquest, or unworthy feelings of personal aggrandizement, we shall eventually disappoint our own expectations, and incur the reproaches of our fellowmen. Their own degradation and that of the State, must be the consequence of continued discord and intolerance in the public agents. We cannot faithfully represent the people unless we can extend to one another, the charity and indulgence which we all so much need.

Anxious to do my duty in the true spirit which should guide the chief magistrate of a just and magnanimous people, I shall endeavor to overlook every consideration not essentially involved in a sincere devotion to their happiness.

With corresponding dispositions in the other departments, we may expect to see the fruits of our common labors, in the restored peace and increasing prosperity of our State, in whatsoever may be necessary to its comfort, power and character. And then we may have the consolation of having been instrumental in hastening the blessed era, when our beloved Commonwealth, freed from the dominion of misguided passions, shall, by a prudent attention to the maxims of experience, steadily progress towards the high destiny plainly allotted by a benignant Providence.

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

Mr. Carneal from the committee appointed for that purpose, reported a bill to take the sense of the people of this Commonwealth as to the propriety and expediency of calling a convention.

Which was read the first time, and the question being taken on reading the same a second time, it was decided in the affirmative.

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


Mr. Wickliffe moved the following resolutions, which were twice read and adopted, viz:

Resolved, That the committee of courts of justice be instructed to inquire into the expediency of amending the several acts concerning the judiciary.

Resolved, That the keeper of the Penitentiary report to the Senate, the number of convicts now in the Penitentiary, and what has been the average number during three years preceding this time: also the number of cells in the Penitentiary, and of the rooms used, as work shops: also the manner of labour and confinement in the Penitentiary, stating specially the time appropriated to labour, and to solitary confinement, and the manner and kind of dieting, clothing, &c. also stating particularly how many convicts have been convicted of new crimes after their discharge from former confinement: also to state whether any building within the Penitentiary, can be appropriated to a place of worship and school house, and if not, what will be the probable expense of the erection of such building: also to state what number of cells will enable him to confine the convicts separately during the hours appropriated to solitary confinement, and what will be the probable expense of each of such cells.

The petition of Samuel L. Williams was taken up, and together with the depositions in relation thereto, which were delivered to the Clerk of the Senate, by the Secretary of State on yesterday, referred to a select committee of Messrs. M'Millan, Daviess, Hardin, Selby, Pope, Given and Wickliffe.

And then the Senate adjourned.
The Senate assembled.

1. Mr. Given presented the petition of Edward H. Earle, late sheriff of Hopkins county, praying that a law may pass authorizing the Branch Bank of the Commonwealth at Princeton, to refund to him, the amount of damages paid by him to said Bank, in consequence of the failure of his deputies to pay the said Bank monies collected by them.

2. Mr. Summers presented the petition of sundry citizens of Christian county, praying that a law may pass allowing an additional justice of the peace to said county; and,

3. Mr. Cunningham presented the petition of James Ferry, praying compensation for his services for surveying a road from Brandenburg, by the way of Litchfield to Bowling Green.

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

On the motion of Mr. Harris, the following resolution was adopted, viz:

Resolved, That so much of the Governor's message as relates to further securing the occupants in this Commonwealth, be referred to the committee of courts of justice, and they be instructed to report to the Senate by bill or otherwise.

On the motion of Mr. Given, the following resolution was adopted, viz:

Resolved, That so much of the Governor's message as relates to sale of public lands, be referred to a select committee, with leave to report by bill or otherwise;

And Messrs. Given, Maupin, Summers, McConnell, Griffin and Allen were appointed a committee pursuant thereto.

On the motion of Mr. Allen, the following resolutions were adopted, viz:

1. Resolved, That so much of the Governor's message as relates to the Penitentiary, be referred to a select committee.

2. That so much of said message as relates to the revision of the laws of this Commonwealth, be referred to the committee for courts of justice.

3. That so much of said message as relates to the judiciary, be referred to the committee for courts of justice.

4. That so much of said message as relates to general and common education, be referred to a select committee.

5. That so much of said message as relates to internal improvements, be referred to the committee on internal improvement.

6. That so much of said message as relates to a deficit in the public Treasury, be referred to the committee of finance.
7. That so much of said message as relates to the militia of this Commonwealth, be referred to a select committee.

And Messrs. M‘Connell, Muldrow, White, Woods, Rodman, Summers and Wickliffe, were appointed a committee pursuant to the first resolution; Messrs. Daviess, Fleming, Carneal, Taylor, J. Green, Mason and Barrett, pursuant to the fourth resolution; and Messrs. Allen, Cockerill, Gibson, W. Green, Garrard, Griffin and Faulkner, pursuant to the seventh resolution.

On the motion of Mr. Daviess, leave was given to bring in a bill to erect a bridge over Dicks river, on the public road from Danville to Lancaster.

And Messrs. Daviess, J. Green, Pope and Faulkner were appointed a committee to prepare and bring in the same.

Mr. J. Green from the committee appointed for that purpose, reported a bill more effectually to prevent the importation of slaves.

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

Ordered, That the public printer print one hundred and fifty copies of said bill for the use of the Senate.

A message in writing was received from the Governor, by Mr. Robertson, Secretary of State.

And the rule of the Senate having been dispensed with, the said message was taken up and read as follows, viz:

Frankfort, Dec. 2, 1828.

Gentlemen of the Senate,

I nominate to the Senate, for its advice and consent, George R. Herndon, for sheriff of Logan county, to fill the vacancy occasioned by the death of Charles Morchhead, late sheriff, whose term has not expired.

The said message was then laid on the table.

The Speaker laid before the Senate a letter from the Auditor of public accounts, covering his annual report of the situation of that office; which letter and report are as follows, viz:

State of Kentucky,
Auditor’s Office, Frankfort, 3d December, 1828.

Dear Sir—Please lay before the House over which you preside, the documents accompanying this, from No. 1, to 9 inclusive, and oblige Yours Respectfully,


John Breathitt, Esq. Lieutenant Governor, &c.

No. 1.

A statement of monies received and paid at the Treasury for the year ending on, and including the 10th day of October, 1827, to wit:

For Bank Stock Fund, to wit: On lands granted under the acts of 1815, 1820 and 1825, denominated Land Warrants,
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ditto, under the acts of 1795, 97, and 1800, denominated hendright lands</td>
<td>1151-47</td>
</tr>
<tr>
<td>Ditto, under the acts for encouraging the manufacture of Salt</td>
<td>6 80</td>
</tr>
<tr>
<td>Ditto, under the acts for appropriating the lands, acquired by the treaty of Tellico,</td>
<td>2 94—3815 46</td>
</tr>
<tr>
<td>Non-Residents lands: Received on re-depns,</td>
<td>261 14</td>
</tr>
<tr>
<td>Ditto, on receipts,</td>
<td>2659 77—2920 91</td>
</tr>
<tr>
<td>Loans to the Penitentiary: Received of agent on account of collections made,</td>
<td>742 57</td>
</tr>
<tr>
<td>Purchasers of non-residents lands: For amount received for their benefit,</td>
<td>92 07</td>
</tr>
<tr>
<td>Lands west of Cumberland river: For amount received for the sale of warrants, to be laid on lands west of Cumberland river, lying in the state of Tennessee,</td>
<td>353</td>
</tr>
<tr>
<td>Bank of the Commonwealth of Kentucky: For the nett proceeds of said institution, received as revenue, no report received since the 10th October last,</td>
<td>10,486 27</td>
</tr>
<tr>
<td>For revenue collectable by Sheriffs, for the year</td>
<td>818,412 88</td>
</tr>
<tr>
<td>Ditto, 1820,</td>
<td>49 59</td>
</tr>
<tr>
<td>Ditto, 1824,</td>
<td>236 09</td>
</tr>
<tr>
<td>Ditto, 1825,</td>
<td>403 96</td>
</tr>
<tr>
<td>Ditto, 1826,</td>
<td>60,826 79</td>
</tr>
<tr>
<td>Ditto, 1827,</td>
<td>1541 89—63,058 32</td>
</tr>
<tr>
<td>For revenue collectable by Clerks: For taxes received by Clerks of the Circuit and County Courts, on law process, deeds, seals, &amp;c. Also, taxes received by the clerk of the Court of Appeals and clerk of the General Court,</td>
<td>12,300 00</td>
</tr>
<tr>
<td>For fees received by the Register of the Land Office,</td>
<td>1356 79</td>
</tr>
<tr>
<td>Ditto, by the Secretary of State,</td>
<td>10—13,702 88</td>
</tr>
<tr>
<td>Warrants to confirm titles: For amount received for the sale of Warrants to confirm titles to forfeited lands,</td>
<td>31 20</td>
</tr>
<tr>
<td>Warrants to be laid on forfeited lands: For amount received for the sale of warrants to be laid on forfeited lands,</td>
<td>628</td>
</tr>
<tr>
<td>Lands west Tennessee River: For amount received for the sale of lands west of Tennessee river,</td>
<td>33,883 78</td>
</tr>
<tr>
<td>Lands east Cumberland River: For amount received for sale of warrants to be laid on lands east of</td>
<td>33,883 78</td>
</tr>
</tbody>
</table>
Cumberland river, lying in the state of Tennessee,

Commissioners of Navigation: For amount received for monies overpaid,

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

Miscellaneous Receipts: For amount received for miscellaneous receipts,

Total amount received by the Treasurer, for the year ending on, and including the 10th day of October, 1823.

Paid same time: Warrants reported to have been paid by the treasurer, same time, 154,509.27.

Stock subscribed in the Bank of the Commonwealth of Kentucky, during same time,

Total paid by the Treasurer, 194,344.27

To which add the balance due from the Commonwealth on the 10th day of October, 1827, 5,429.93

Making a sum of 199,774.20

From which deduct the amount of the above named receipts, 158,816.11

Leaving a balance due from the Commonwealth, on the 10th day of October 1828, of 30,958.09

There still remains in the Treasury—specie to the amount of 790.60

Ditto, in Illinois money, 20

No. 2.

A statement of Warrants, drawn by the Auditor of Public Accounts on the Treasurer, from the 11th day of October 1827 to the 16th day of October, 1828, inclusive, showing the amount of Warrants drawn for each source of expenditure, and the amount of Warrants paid and unpaid same time, to wit:

Jailors—committing and releasing criminals, $143.82

Dieting criminals, 3916.33

Attending on circuit courts, furnishing fuel, &c., 2015.29

Jailors guarding criminals, 637

Jailors ironing criminals, 7.25—6.994.50

Contingent Expenses—Tipstaff attending Court of Appeals, $284

Sergeant do. do. 4.37
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stationary furnished receiver of public monies west of Tennessee river</td>
<td>32 37</td>
</tr>
<tr>
<td>Advertising lands west of Tennessee river</td>
<td>40 75</td>
</tr>
<tr>
<td>Stove for Court of Appeals</td>
<td>41 50</td>
</tr>
<tr>
<td>Carpet for do</td>
<td>30 50</td>
</tr>
<tr>
<td>Pulleys &amp;c. for do</td>
<td>20 27</td>
</tr>
<tr>
<td>Tipstaff attending General Court</td>
<td>20</td>
</tr>
<tr>
<td>Salary of receiver of public monies west of Tennessee river</td>
<td>200</td>
</tr>
<tr>
<td>Sergeant attending General Court</td>
<td>32 50</td>
</tr>
<tr>
<td>Sergeant Court of Appeals for serving notices on clerks</td>
<td>10 85</td>
</tr>
<tr>
<td>David Jones, for sundries</td>
<td>11 13</td>
</tr>
<tr>
<td>Repairs of public buildings</td>
<td>77 75</td>
</tr>
<tr>
<td>Blanks for land office</td>
<td>43</td>
</tr>
<tr>
<td>Do for Quarter-Master General</td>
<td>41 87</td>
</tr>
<tr>
<td>Binding extra journals</td>
<td>125</td>
</tr>
<tr>
<td>Storage of public arms</td>
<td>129 55</td>
</tr>
<tr>
<td>Stationary for Adjutant General</td>
<td>21 13</td>
</tr>
<tr>
<td>Freight and other expenses on public arms</td>
<td>213 16</td>
</tr>
<tr>
<td>Advertising proposals for distributing laws</td>
<td>6</td>
</tr>
<tr>
<td>Executive offices for stationary, fuel, &amp;c.</td>
<td></td>
</tr>
<tr>
<td>Land office</td>
<td>797 37</td>
</tr>
<tr>
<td>Auditor's office</td>
<td>563 83</td>
</tr>
<tr>
<td>Treasury office</td>
<td>227 50</td>
</tr>
<tr>
<td>Secretary's office</td>
<td>302 74</td>
</tr>
<tr>
<td>Kentucky Institution for support of deaf and dumb—for support of indigent pupils</td>
<td>$2,286 57</td>
</tr>
<tr>
<td>Money refunded—taxes twice paid</td>
<td>13 17</td>
</tr>
<tr>
<td>Fees paid into the Treasury for the attorney general and clerk of the general court</td>
<td>614 28</td>
</tr>
<tr>
<td>Costs improperly paid into the Treasury</td>
<td>8</td>
</tr>
<tr>
<td>$640 45</td>
<td></td>
</tr>
<tr>
<td>Public printer—advertising non-residents lands</td>
<td>90 09</td>
</tr>
<tr>
<td>Distributing acts and journals Dec. Session 1827</td>
<td>325 74</td>
</tr>
<tr>
<td>Public Communications:</td>
<td></td>
</tr>
<tr>
<td>Governor and Secretary</td>
<td>354 55</td>
</tr>
<tr>
<td>Auditor public accounts</td>
<td>211 84</td>
</tr>
<tr>
<td>Quarter master general</td>
<td>50</td>
</tr>
<tr>
<td>Internal Improvements:</td>
<td></td>
</tr>
<tr>
<td>Building boat, provisions &amp;c. furnished engineers in conformity to an act of assembly, approved 11th day of February 1828</td>
<td>1,341 39</td>
</tr>
<tr>
<td>Decisions Court of Appeals</td>
<td></td>
</tr>
<tr>
<td>Third volume of reports</td>
<td>1,268</td>
</tr>
</tbody>
</table>

Dollars 17,773 09
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Prosecutions</td>
<td>11,422 25</td>
</tr>
<tr>
<td>Veniremen, (attendance of,)</td>
<td>1633</td>
</tr>
<tr>
<td>Constables apprehending criminals</td>
<td>364 54</td>
</tr>
<tr>
<td>Do, summoning witnesses</td>
<td>3370 81</td>
</tr>
<tr>
<td>Services of guards</td>
<td>4306 75</td>
</tr>
<tr>
<td>Attendance of witnesses</td>
<td>573</td>
</tr>
<tr>
<td>Sheriffs summoning venires</td>
<td>648 42</td>
</tr>
<tr>
<td>Do, do witnesses</td>
<td>3</td>
</tr>
<tr>
<td>Elizors summoning venire's</td>
<td>74 33</td>
</tr>
<tr>
<td>Constables whipping criminals</td>
<td>308</td>
</tr>
<tr>
<td>Sheriffs apprehending do</td>
<td>351 76</td>
</tr>
<tr>
<td>Do, executing process for contempt</td>
<td>1227 20</td>
</tr>
<tr>
<td>Do, conveying criminals to the Penitentiary</td>
<td>4 20</td>
</tr>
<tr>
<td>Do, ironing criminals</td>
<td>36 46</td>
</tr>
<tr>
<td>Do, whipping do</td>
<td>2 47</td>
</tr>
<tr>
<td>Constables conveying criminals to jail</td>
<td>443 03</td>
</tr>
<tr>
<td>Sheriffs, do, do, do</td>
<td>81 11</td>
</tr>
<tr>
<td>Do, summoning juries in cases of idiots</td>
<td>54 48</td>
</tr>
<tr>
<td>Do, attending circuit courts vice jurers</td>
<td>19 50</td>
</tr>
<tr>
<td>Error in account of 1826-7</td>
<td>10</td>
</tr>
<tr>
<td>Salaries—Judiciary,</td>
<td>12,230 78</td>
</tr>
<tr>
<td>Assistant Judges</td>
<td>144</td>
</tr>
<tr>
<td>Executive officers</td>
<td>7421 67</td>
</tr>
<tr>
<td>Attorneys—Salaries of same</td>
<td>3,827 88</td>
</tr>
<tr>
<td>Lunatics—For support of idiots</td>
<td>10,632</td>
</tr>
<tr>
<td>Do, Lunatics</td>
<td>100</td>
</tr>
<tr>
<td>Military expenditures—witnesses attending court martials</td>
<td>15 13</td>
</tr>
<tr>
<td>Brigade inspectors</td>
<td>240</td>
</tr>
<tr>
<td>Provost Martial</td>
<td>9</td>
</tr>
<tr>
<td>Judge advocate</td>
<td>16</td>
</tr>
<tr>
<td>Clerks services—For record books</td>
<td>1720 87</td>
</tr>
<tr>
<td>Commissioners books</td>
<td>2657 82</td>
</tr>
<tr>
<td>Presses</td>
<td>470 48</td>
</tr>
<tr>
<td>Ex officio services</td>
<td>3185</td>
</tr>
<tr>
<td>Circuit court seals</td>
<td>20</td>
</tr>
<tr>
<td>General court seals</td>
<td>10</td>
</tr>
<tr>
<td>Office rent for Court of Appeals</td>
<td>50</td>
</tr>
<tr>
<td>Lunatic Asylum—For amount of appropriation Dec.</td>
<td>5,113 97</td>
</tr>
<tr>
<td>Session 1827,</td>
<td></td>
</tr>
<tr>
<td>Public Roads—For amount paid commissioners for</td>
<td>5,051 91</td>
</tr>
<tr>
<td>their services on the road from Mountsterling</td>
<td></td>
</tr>
<tr>
<td>to the Virginia line</td>
<td>48 75</td>
</tr>
</tbody>
</table>
Sheriffs Comparing Polls:
For amount paid for comparing polls for
Senator, $31.77
Do. For Congress, 809.94
Do. For electors, 19
Do. For General and Lieutenant Governor 1393.84—2,304.55
Legislature, Dec. Session 1827.
Pay of members: 21,290.93
Do. witnesses, 114.42—21,405.35

Appropriations December Session 1827.
To Porter Clay, $500
James Davidson, 50
Joe (a colored man), 10
Braxton and William (coloured men), 30
Lewis M. Taylor, 71.25
Anthony Crockett, 351
Committee to visit Transylvania University, 36
Robert S. Todd, 985
Samuel Payne, 122.66
C. and J. Samuel, 6.56
L. B. Parks, 71.30
John M'Kee, 7
Public Printer, 2,910
Roger Divine, 298.25
Wight and Robson, 75.22
W. P. Miller, 21.50
Cumberland Hospital, 1000
W. R. Crockett, 75
Thomas M. Smith, 30
James Stonestreet, 985
Joseph Taylor, 7
Evan Evans, 18
James Paton, 300
A. Kendall, 12
Joel Scott, 522.50
John P. Cammack, 32
John J. Vest, 10
Jephthah Dudley, 14
Commissioners of Pond River, 800
Benjamin Edrington, 44
Speaker of the Senate, 285.49
L. Batchelor, 232
William Wood, 602.28
John M. Foster, 500

Dollars, 119,627.73
Appropriations December Session 1826.
For support of a Lunatic of Morgan county, 50
Sheriffs for Revenue 1826.
For amount of Revenue overpaid, 211 84
Slaves executed—for amount paid for the execution of slaves, 1,115
Sheriffs for Revenue of 1825.
For amount of Revenue overpaid, 14 62
Appropriations November Session 1825.
For amount paid Roger Divine as door keeper of the House of Representatives, 225 43
Sheriffs for Revenue 1824.
For amount of revenue overpaid, 4 68
Purchasers of Non-Residents Lands.
For amount refunded purchasers of non-residents lands, the same having been paid into the Treasury for their benefit, 3 32
Commissioners of Tax—For amount paid commissioners of tax for taking in lists of taxable property for 1828, 1347 50

Total amount of warrants issued from the 11th day of October 1827, to the 10th day of October 1828, inclusive, 154,534 56
To which add the amount of Warrants unpaid on the 10th day of October 1827, 2,767 63
Making a sum of $157,302 19

From which deduct, the amount of Warrants reported to have been paid by the Treasurer, from the 10th day of October 1827 to the 10th day of October 1828, 154,500 27

Leaving a balance of Warrants unpaid on the 10th day of October 1828, of $2,792 92
No. 2.

A statement of balances due to the Government, on the 10th day of October, 1828, 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>1805 36</td>
</tr>
<tr>
<td>1796</td>
<td>101 36</td>
</tr>
<tr>
<td>1797</td>
<td>217 25</td>
</tr>
<tr>
<td>1798</td>
<td>172 26</td>
</tr>
<tr>
<td>1799</td>
<td>31 99</td>
</tr>
<tr>
<td>1800</td>
<td>1662 21</td>
</tr>
<tr>
<td>1801</td>
<td>615 28</td>
</tr>
<tr>
<td>1802</td>
<td>279 43</td>
</tr>
<tr>
<td>1803</td>
<td>48 53</td>
</tr>
<tr>
<td>1804</td>
<td>52 44</td>
</tr>
<tr>
<td>1805</td>
<td>10 26</td>
</tr>
<tr>
<td>1806</td>
<td>754 54</td>
</tr>
<tr>
<td>1807</td>
<td>942 66</td>
</tr>
<tr>
<td>1808</td>
<td>472 30</td>
</tr>
<tr>
<td>1809</td>
<td>2044 02</td>
</tr>
<tr>
<td>1810</td>
<td>169 78</td>
</tr>
<tr>
<td>1811</td>
<td>1362 02</td>
</tr>
<tr>
<td>1812</td>
<td>578 38</td>
</tr>
<tr>
<td>1813</td>
<td>1119 09</td>
</tr>
<tr>
<td>1814</td>
<td>1918 69</td>
</tr>
<tr>
<td>1815</td>
<td>150 32</td>
</tr>
<tr>
<td>1816</td>
<td>7127 84</td>
</tr>
<tr>
<td>1817</td>
<td>1105 06</td>
</tr>
<tr>
<td>1818</td>
<td>5010 54</td>
</tr>
<tr>
<td>1819</td>
<td>65126 10</td>
</tr>
<tr>
<td>1820</td>
<td>577 80</td>
</tr>
</tbody>
</table>

Debts receivable, 7127 84
Tax on Bank stock (Independent Bank) 1105 06
Clerks for taxes, 5010 54
Loans to the Penitentiary, 65126 10
Treasurer Town of Columbus, 577 80

Total amount of debts due government on the 10th day of October 1828, $93,546 49
Bank Stock—Amount of Stock owned by the State in the Bank of Kentucky on the 10th day of October 1828, 268,515

No. 4.

A statement of balances due from government on the 10th day of October 1828, and for which the Treasury is bound on the same day for the payment, under the existing laws, to wit:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheriffs for revenue 1813,</td>
<td>8 32</td>
</tr>
<tr>
<td>Attorneys for 1819,</td>
<td>86 96</td>
</tr>
<tr>
<td>Warrants unpaid,</td>
<td>2732 92</td>
</tr>
</tbody>
</table>
### No. 5.

A statement showing the debts and credits of the revenue of 1826, due from Sheriffs, during the year ending on, and including the 10th day of October, 1826, viz:

<table>
<thead>
<tr>
<th>DEBITS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance on the books, the 10th October, 1827,</td>
<td>$69,312.51</td>
</tr>
<tr>
<td>Additional lists</td>
<td>$4,320.73</td>
</tr>
<tr>
<td>Warrants issued for accounts overpaid</td>
<td>$211.84</td>
</tr>
<tr>
<td>Costs charged</td>
<td>$51.00</td>
</tr>
<tr>
<td><strong>Total debits</strong></td>
<td>$73,896.02</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CREDITS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount paid Treasurer</td>
<td>$60,326.79</td>
</tr>
<tr>
<td>Delinquents, exonerations, forfeited lands, errors and remissions</td>
<td>$4,190.97</td>
</tr>
<tr>
<td>Commissions for collecting</td>
<td>$5,223.63</td>
</tr>
<tr>
<td>Wolves killed</td>
<td>$1,736.00</td>
</tr>
<tr>
<td><strong>Total credits</strong></td>
<td>$71,977.49</td>
</tr>
</tbody>
</table>

Balance due government, on the 10th day of October, 1826, as per Statement No. 3, $1,918.69

### No. 6.

A statement showing the debts and credits of the accounts of Clerks, for the collection of law process, deeds, seals, &c., for the year ending on, and including the 10th day of October, 1826, viz:

<table>
<thead>
<tr>
<th>DEBITS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance due on the 10th October, 1827</td>
<td>$5,463.69</td>
</tr>
<tr>
<td>Accounts rendered</td>
<td>$13,370.21</td>
</tr>
<tr>
<td>Costs, interest, &amp;c.</td>
<td>$481.28</td>
</tr>
<tr>
<td><strong>Total debits</strong></td>
<td>$19,317.18</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CREDITS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>By amount paid Treasurer</td>
<td>$13,702.88</td>
</tr>
<tr>
<td>Commission for collecting</td>
<td>$533.76</td>
</tr>
<tr>
<td>Amount of a seal furnished for, the Anderson circuit court</td>
<td>$10.00</td>
</tr>
<tr>
<td><strong>Total credits</strong></td>
<td>$14,306.64</td>
</tr>
</tbody>
</table>

Balance due 10th of October 1826, as per Statement No. 3, $5,010.54
A statement shewing the probable amount of expenditures of the government, for the year ending on, and including the 10th day of October 1829, to wit:

For the amount of salaries of the officers of the executive and judiciary departments, attorney general and attorneys for the commonwealth, $30,000

For the ex officio services of clerks, record books, &c., 9,000

Legislature, December session, 1828, and all expenses incident thereto, (supposing the Legislature to sit seven weeks,) 30,000

Military expenditures, 300

Public communications, 1,300

Sheriffs comparing polls, 2,300

Criminal prosecutions, 25,000

The execution of slaves, 1,500

Printing and binding Acts and Journals of December session, 1828, 3,000

Jailors attending circuit courts, &c., 9,500

Contingent expenses, 2,500

Executive offices, for fuel, stationary, &c., 2,400

Money refunded for taxes twice paid, &c., 600

Purchasers of non-residents' lands, 200

Lunatic Asylum, 6,000

Distributing Acts and Journals, Dec. session, 1828, 400

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

Decisions, Court of Appeals, 3,000

Public printers, for advertising non-residents lands, 30

Drawbacks on vacant lands, 125

Sheriffs, for revenue overpaid, 250

Public roads, 75

Lunatics and idiots, 11,000

Commissioners of tax, for taking in lists of taxable property, 9,000

Internal improvements, 1,500

Total amount expected to be expended $170,530

A statement of the amount of monies which is expected to be paid into the Treasury, during the year ending on, and including the 10th day of October, 1829, subject to the expenses of government, to wit:

The gross amount of revenue collectable by sheriffs for the year 1827, and made payable on the first Monday in December next, is $70,812.98
The loss on the collection of the revenue by the sheriffs, including commissions, insolvent, exonerations and compensation for killing wolves, is presumed will be about 18 per cent, amounting to 12,746 65.

Leaving 58,066 65

Of which said revenue was paid previous to the 10th October, 1828, 1,541 89

The delinquents on the part of the sheriffs this year, will be 2,000 00 3,541 89

Which leaves a sum which may be expected with some certainty to be collected and paid into the Treasury, during the ensuing year, of 54,254 76

From clerks for taxes on law process, deeds, seals, &c., including the amount expected to be received from the Secretary of State and Register of the land office, will be about 15,000

For miscellaneous receipts 40

For taxes on non-residents lands 2,800

From the Bank of the Commonwealth of Kentucky 20,000

From Bank stock fund, to-wit: vacant lands and headrights 3,000

For the sale of lands east and west of Cumberland river 350

For the sale of lands west of Tennessee river 25,000

From forfeited lands and warrants to confirm titles on forfeited lands 300

Of the balances stated to be due government as in statement No. 3, will be collected of the revenue due from sheriffs, about 2,500

Ditto as due from clerks, about 2,500

Ditto due from Treasurer town of Columbus 577 80

Of the other balances nothing is expected to be collected.

Total amount expected to be received 126,592 56
Balance due from government on the 10th day of October 1828, as per statement No. 1 30,958 09
Ditto, " 4 10,670 44
Amount of statement " 7 170,538

Making 212,158 53

From which deduct the amount expected to be received, as stated above 126,592 56

Leaving a balance due from government on the 10th day of October, 1829, of 85,555 97
A statement exhibiting the amount of revenue receivable by the clerks and sheriffs of each county, during the year ending on, and including the 10th day of October 1828, and the amount of the expenditures of each county for said time; also showing the difference between the revenue and expenditures, to-wit:

<table>
<thead>
<tr>
<th>Counties</th>
<th>Amount of revenue</th>
<th>Amount of expenditures</th>
<th>Nett revenue</th>
<th>Expenses exceeding rev.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adair</td>
<td>813 84</td>
<td>463 54</td>
<td>350 30</td>
<td>135 63</td>
</tr>
<tr>
<td>Allen</td>
<td>561 23</td>
<td>212 52</td>
<td>348 71</td>
<td>87 79</td>
</tr>
<tr>
<td>Anderson</td>
<td>35 63</td>
<td>171 26</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bracken</td>
<td>581 41</td>
<td>454 67</td>
<td>126 74</td>
<td></td>
</tr>
<tr>
<td>Bullitt</td>
<td>600 69</td>
<td>429 04</td>
<td>171 65</td>
<td></td>
</tr>
<tr>
<td>Bourbon</td>
<td>3837 34</td>
<td>266 69</td>
<td>2660 65</td>
<td></td>
</tr>
<tr>
<td>Bath</td>
<td>1100 66</td>
<td>741 69</td>
<td>359 17</td>
<td></td>
</tr>
<tr>
<td>Barren</td>
<td>1970 12</td>
<td>470 33</td>
<td>1099 79</td>
<td></td>
</tr>
<tr>
<td>Breckinridge</td>
<td>892 70</td>
<td>624 73</td>
<td>267 97</td>
<td></td>
</tr>
<tr>
<td>Boone</td>
<td>877 85</td>
<td>534 58</td>
<td>343 37</td>
<td></td>
</tr>
<tr>
<td>Butler</td>
<td>248 33</td>
<td>356 12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Campbell</td>
<td>840 80</td>
<td>480 63</td>
<td>360 17</td>
<td></td>
</tr>
<tr>
<td>Caldwell</td>
<td>881 78</td>
<td>769 28</td>
<td>32 50</td>
<td></td>
</tr>
<tr>
<td>Cumberland</td>
<td>691 55</td>
<td>1468 07</td>
<td>776 52</td>
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Dec. 3.

THE SENATE.

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<th>Counties</th>
<th>Amount of Revenue</th>
<th>Amount of Expenditures</th>
<th>Nett Revenue</th>
<th>Expenses exceeding Rev.</th>
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63,004.84 64,689.63 29,679.76 11,514.57

PORTER CLAY, Auditor Public Accounts.

October 10th, 1828.

Ordered, That the said report be referred to the committee of finance.

A bill to amend the law in relation to public roads; and,
A bill to take the sense of the people of this Commonwealth as to the propriety and expediency of calling a convention;
Were each read the second time; the former bill was committed to the committee of internal improvements, and the latter to the committee of the whole house on the state of the Commonwealth, for to-morrow.

On the motion of Mr. M'Connell, the following resolution was adopted, viz:

Resolved, That the committee of finance be instructed to enquire into the propriety and expediency of calling in the branches of the Bank of the Commonwealth of Kentucky, preparatory to winding up that institution, or to the payment of specie for its notes.

Mr. Wingate, from the committee appointed for that purpose, reported a bill to change the time of holding the Owen county court.

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

And thereupon the rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to a select committee of Messrs. Daviess, Wingate and Cockerill.

The Speaker laid before the Senate, a letter from the Treasurer, covering his annual report of the state of the Treasury.

Which letter and report are as follows, viz:

STATE OF KENTUCKY, TREASURER'S OFFICE;

Frankfort, December 3, 1828.

DEAR SIR—You will please lay before the house over which you preside, the enclosed statement, which gives a concise view F
of the situation of the Treasury, from the 11th day of October, 1827, to the 10th day of October 1828, inclusive.
Respectfully yours,

JAMES DAVIDSON, Treasurer.
John Breathitt, Esq. Lieutenant Governor, And Speaker of the Senate.

No. 1.
A statement showing the amount of monies received by the Treasurer, (under their appropriate heads,) from the 11th day of October, 1827, to the 10th day of October, 1828, inclusive, to wit:

BANK STOCK FUND.

From Headright lands,
   1,151 47
   " vacant lands,
   2,654 25
   " Tellico lands,
   2 94
   " Lands granted for encouraging the
     manufactures of salt,
   6 60—3,615 46
   " lands west of the Cumberland river,
   655 00
   " " east,
   56 75—411 75
   " Sheriffs for revenue of 1820,
   49 59
   " " 1824,
   236 09
   " " 1825,
   403 95
   " " 1826,
   60,553 46
   " " 1827,
   1,815 32—63,958 32
   " Clerks for taxes, &c.
   12,300 09
   " Register of the land office,
   1,356 79
   " Secretary of State,
   46 00—13,702 88
   " loans to Penitentiary,
   743 57
   " non-residents lands,
   3,013 58
   " miscellaneous receipts,
   70 56
   " lands west of Tennessee river,
   33,383 75
   " warrants to be laid on forfeited lands,
   253 00
   " " confirm titles to forfeited lands,
   31 20
   " Bank of Kentucky for stock,
   29,835 00
   " " the Commonwealth of Kentucky,
   10,485 27
   " Commissioners of navigation,
   1 77

Total amount received,
$158,316 11

No. 2.
A statement showing the amount of warrants, paid by the Treasurer, (under their appropriate heads,) from the 11th day of October, 1827, to the 10th day of October, 1828, inclusive, to wit:

Salaries of the Executive and Judicial departments, 25,771 45
Legislature, December Session, 1827,
   21,405 55
Appropriations, same time,
   31,875 36
Public Printer,
   90 09
Dec. 3]

THE SENATE.

Lunatics,........................................... 10,711 94
Criminal Prosecutions,.......................... 24,678 36
Jailors,............................................. 7,039 49
Clerks services,.................................. 8,018 36
Sheriffs comparing polls,......................... 2,316 23
Commissioners of tax,............................ 1,347 50
Executive offices,................................ 2,311 44
Contingent expenses,.............................. 1,767 26
Public roads,...................................... 56 70
Decisions of the Court of Appeals,.............. 1,268 00
Military expenditures,........................... 280 12
Distributing Acts and Journals,.................. 325 74
Slaves executed,.................................. 1,115 00
Lunatic Asylum,................................. 5,051 91
Ky. Institution for the tuition of the Deaf and Dumb, 2,286 57
Money refunded,................................... 410 45
Purchasers of non-residents lands,................ 3 32
Public communications,........................... 616 39
Attorneys for the Commonwealth,.................. 3,592 55
Internal Improvement,............................. 1,841 39
Sheriffs,.......................................... 292 85
 Appropriations, December Session, 1825, 59 00

Total amount of Warrants paid,$154,509 27
Balance due from the Commonwealth, 10th October, 1827, 5,429 93
Amount of stock subscribed in the Bank of the
Commonwealth. 29,835 00

From which, deduct the amount of monies received as per statement No. 1, $189,774 20

Balance due the Commonwealth, 10th Octo-
ber 1826, 30,958 09

Specie remaining in the Treasury, 10th Octo-
ber 1826, 790 09

There yet remains in the Treasury, in Illinois money, 20

JAMES DAVIDSON, Treasurer.

Ordered, That the said report be referred to the committee of
finance.

And then the Senate adjourned.
THURSDAY, DECEMBER 4, 1828.

The Senate assembled.

1. Mr. Faulkner presented the petition of Thomas Kennady and Polly Holmes, administrator and administratrix of the estate of Samuel Holmes, deceased, praying that a law may pass authorizing them to sell a tract of land in Lincoln county, for the purpose of paying the balance of the price yet due by said deceased, for said land.

2. Mr. Allen presented the petition of Sundry citizens of Greensburg, praying that a law may pass adding two alleys in said town to the burying ground.

3. Mr. Cunningham presented the petition of Sundry citizens of Grayson county, praying that a road may be opened from the mouth of Salt River, by the way of Litchfield to Bowling Green.

4. Mr. Daviess presented the petition of Sundry citizens, praying that a law may pass more effectually to prevent the importation of Slaves into this Commonwealth; and,

5. Mr. Given presented the petition of Sundry inhabitants and improvers of the public lands south west of the Tennessee river, praying that a law may pass reducing the State price of said lands.

Which petitions were severally received and read; the first was referred to the committee of courts of justice; the second to the committee of propositions and grievances; the third to the committee of internal improvements, the fifth to the select committee to whom was referred so much of the Governor's message as relates to the public lands; and the fourth was laid on the table.

Mr. Daviess from the committee to whom was referred a bill to change the time of holding the Owen county court; reported the same without amendment.

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

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

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

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

Mr. Wood from the committee appointed for that purpose, reported a bill to continue in force "an act for the benefit of headright and Tellico settlers, and for other purposes," passed December the 28th, 1826.

Which was read the first time and ordered to be read a second time.
And thereupon the rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed:

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

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

Mr. Daviess from the committee appointed for that purpose, reported a bill to amend the law in relation to elections.

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

And thereupon the rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee of courts of justice.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the Commonwealth, Mr. McMillan in the Chair; after some time spent therein, the Speaker resumed the Chair, when Mr. McMillan reported, that the committee had, according to order, had under consideration, a bill to take the sense of the people of this Commonwealth as to the propriety and expediency of calling a convention, and had gone through the same, and made amendments thereto, which he handed in at the Clerk's table.

The said amendments were twice read and concurred in, and the said bill was laid on the table.

The Speaker laid before the Senate a letter from the President of the Bank of the Commonwealth of Kentucky, covering his annual report of the situation of that institution, which letter and report are as follows, viz:

**Bank of the Commonwealth of Kentucky.**

Frankfort, December 4th, 1828.

I herewith transmit a report of the situation of this Bank, which please lay before the Senate.

I have the honor to be, respectfully,

Your obedient servant,

JOSEPH SMITH, President.

To the Hon. JOHN BREATHITT, Speaker of the Senate,


To the members of the Senate, and

House of Representatives.

In order to comply with the thirteenth section of the law establishing the Bank of the Commonwealth of Kentucky, which makes it the duty of the President to "report the names of the persons borrowing money, and the amount so borrowed, and the manner in which the same has been secured."
I have the honor herewith to communicate to the General Assembly, a report of the situation of this Bank and its branches, on the 10th day of October 1828, and to the House of Representatives a list of the individual debtors and their securities, except the branch at Harrodsburg, a list from which has not yet come to hand; but when received will be communicated.

There has, in every instance, been a discrimination of the good, doubtful and bad debts, except in the report of the branch at Lexington. To judge from the discrimination which has been made, the institution has not sustained the loss that was to have been anticipated, from the winding up of the concerns of so extensive an institution; except in the branch at Bowling Green, where the bad debts are equal to four fifths of the bad debts reported to be due the Bank and its branches, and the doubtful to nearly one half. I would respectfully suggest to the General Assembly, the propriety of an early investigation of the situation of this branch. From the careful and minute details made in the report of its assiduous Cashier, the General Assembly will at once see the extent of its deranged situation, and their prudence and deliberation will apply such a corrective as its concerns may require.

The condensed view of the situation of this institution as exhibited in the report of the Cashier of the principal Bank herewith transmitted, gives to the General Assembly a concise view of its whole concerns, on the 10th day of October last. It appears that the notes under discount have been diminished since the former report $234,617.91; and that the notes in suit have been lessened $17,475.95; and that there has been paid in stock, by the Bank of Kentucky, the amount of $29,836.00. The amount of notes on hand is $627,218. The notes in circulation amount to $573,648. This sum is predicated upon the supposition that the whole amount of the deposits are subject to be withdrawn, which is not, however, the case with nearly one half of the amount reported to be on deposit.

From the present rapid withdrawal of the paper of this Bank from circulation, the time is not far distant, when all its paper will have been drawn in and paid off. Its profits will then be so curtailed that its expenses will nearly equal them. In about two years, upon a supposition, that the amount paid in each year should equal that of the past year, nearly the whole amount of the notes of this Bank will have been paid off, leaving $916,832, due in the notes of its debtors, which will have to be paid in specie or its equivalent.

In conformity with a resolution passed during the last session, the General Assembly ordered four hundred thousand dollars of the most mutilated paper of this institution, to be burnt on the first Monday in March. The President and Directors, as a pre-
A STATEMENT

Of the situation of the Bank of the Commonwealth of Kentucky, on the first day of October, one thousand eight hundred and thirty-eight.

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<th>Stock</th>
<th>Notes payable</th>
<th>Discounts</th>
<th>Individual Depositors</th>
<th>Due to other Banks</th>
<th>Literary Fund</th>
<th>Stock</th>
<th>Notes payable under discounts</th>
<th>Due from other Banks</th>
<th>Real estate</th>
<th>General expenses</th>
<th>Due from the representatives of A. Moorehead, dec'd.</th>
<th>Due from Treasury</th>
<th>Profit and loss</th>
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<td>Principal Bank, Branch in Bowling Green</td>
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<td>12,430</td>
<td>45,120</td>
<td>10,173</td>
<td>9,638</td>
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<td><strong>Total</strong></td>
<td><strong>5912,723</strong></td>
<td><strong>5,572</strong></td>
<td><strong>56,758</strong></td>
<td><strong>157,758</strong></td>
<td><strong>6,496</strong></td>
<td><strong>86,161</strong></td>
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<td><strong>978,418</strong></td>
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<td><strong>4,773</strong></td>
<td><strong>56,160</strong></td>
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RECAPITULATION

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<th>Dr.</th>
<th>By amount of notes in suit, $390,497 34</th>
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<td>To Stock</td>
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<td>Amount of discounts, 43,615 36</td>
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<td>Amount due individual depositors, 140,902 10</td>
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<td>Amount due literary fund, 140,917 44</td>
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<td><strong>Total</strong></td>
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Ch.

| Notes of the Bank of Kentucky and Branches, 562 50 |
|---|---|
| Notes of the Bank of the United States and Species, 11,927 73 |
| Notes of the Bank of the Commonwealth and Branches, 627,412 63 |
| **Total** | 538,367 86 |

EDMUND H. TAYLOR, Cashier.
paratory measure, caused that amount of the most mutilated paper to be counted and prepared. A majority of the board of Directors, on account of the badness of the weather, and the absence of some of the Directors residing in this place, did not attend on the day fixed by the resolution. On the 14th day of March, a majority of the board met and entered into a resolution to burn the paper on that day, in the presence of the Auditor and Treasurer, (the Governor being absent,) which was accordingly done.

JOSEPH SMITH, President.

Ordered, That the said report be referred to the committee of finance.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will on the day of this inst. proceed, by the joint vote of both houses of the General Assembly, to elect a Treasurer, Public Printer, President and Directors of the Bank of the Commonwealth of Kentucky, and President and Directors of the Bank of Kentucky.

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on the day of this inst. proceed, by the joint vote of both branches of the General Assembly, to elect a Senator, to serve in the Congress of the United States, in the place of Richard M. Johnson, one of our present Senators, whose term of service will expire on the 4th day of March 1829.

On the motion of Mr. Allen, leave was given to bring in a bill to amend the laws in relation to the inspection of Tobacco; and Messrs. Allen, Maupin and Muldrow were appointed a committee to prepare and bring in the same.

And then the Senate adjourned.

FRIDAY, DECEMBER 5, 1828.

The Senate assembled.

Mr. Given presented the petition of Isaac Darwayne, praying that a law may pass granting him, for ten years, a section of land in M'Cracken county, for the use of a Seminary of learning; and,

Mr. Fulton presented the petition of John Roberts, praying an additional allowance for distributing the acts and journals of the Legislature of this Commonwealth.

Which petitions were severally received, read and referred; the former to the committee on that part of the Governor's message which relates to education, and the latter to the committee of finance.

The Senate took up the Governor's message nominating
George R. Herndon for Sheriff of Logan county, to fill the vacancy occasioned by the death of Charles Morehead, late Sheriff, whose term has not expired.

Resolved, That the Senate advise and consent to the said appointment.

Ordered, That Mr. Slaughter inform the Governor thereof.

Mr. Rodman read and laid on the table a resolution to appoint a joint committee to examine the Deaf and Dumb Asylum at Danville.

On the motion of Mr. Summers, the following resolution was adopted, viz:

Resolved, That the committee of courts of justice be instructed to inquire into the propriety and expediency of passing a law, allowing to suitors in common law cases, the right to take the depositions of witnesses, when the distance of the residence of the witness may exceed miles from the court in which the suit may be pending.

Mr. M'Connell read and laid on the table a resolution to appoint joint committees to examine the public offices, the Bank of Kentucky, the Bank of the Commonwealth, and the Penitentiary.

Mr. M'Connell from the committee appointed for that purpose, reported a bill to amend the law in relation to executors and administrators.

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

Ordered, That the public printer print one hundred and fifty copies of said bill for the use of the Senate.

On the motion of Mr. Wingate the following resolution was adopted, viz:

Resolved, That a committee of three be appointed to examine the Baptist meeting house, in the town of Frankfort, and ascertain whether it is the pleasure of the society owning said house, that the Senate should occupy the same during the present session of the Legislature, and also to ascertain the probable expense of putting said house in a state of preparation for the same.

And Messrs. Wingate Allen and Carnell were appointed said committee.

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

On the motion of Mr. Carnell—1. A bill to amend the several laws concerning the town of Covington.

On the motion of Mr. Townsend—2. A bill to authorize the Clerks of Union and Nicholas county courts, to transcribe certain record books.

On the motion of Mr. Harris—3. A bill to allow Daniel Hamilton to establish a gate across the county road from Middle creek Salt works to Abbot creek, by way of said Hamiltons; and 4. A
A bill more effectually to prevent the importation of slaves, was read the second time and together with the petition on that subject, presented by Mr. Daviess on the 4th, committed to the committee of courts of justice.

A message was received from the House of Representatives, announcing the passage of a bill entitled "an act giving further time for the completion of the Louisville and Portland Canal."

The said bill was taken up and read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee of internal improvements.

A message was received from the House of Representatives, announcing the passage of a bill entitled "an act to provide for the safe keeping of William Hall and Jesse Hide."

The said bill was read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with:

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

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

The Speaker laid before the Senate the annual report of the Keeper of the Penitentiary, showing the condition of that institution, and his answer to the resolution adopted by the Senate on the second instant, which are as follows, viz:

In obedience to the law by which I hold my place as superintendent of the Penitentiary, I now ask leave to communicate through you, to the House over which you preside, a report of the condition of the institution. Since my last annual report, nothing deserving very special notice has occurred. With improved regularity and increasing prospects of being more and more useful and productive, the affairs of the establishment may be considered prosperous.

Unusual health has been enjoyed by the convicts during the year; they have been, I hope, advantageously employed, well fed and clad, and have generally been subordinate and faithful; their number is now eighty-seven. None have died this year,
and nothing has occurred among them worthy of your consideration, except the escape of six of them by stratagem; five of whom have been retaken.

I forbear to report any opinion as to the probable profits of the year, as they may materially depend on the settlement with the commissioners. From thirty to fifty of the convicts have been employed in work for the commissioners for building the Capitol. This service has been performed without any special contract between the commissioners and myself. I have also paid their orders in favor of individuals, for work done on the Capitol, and for materials under its construction, to the amount of $2,989.53, and $732.05, accounts that I calculate are to be settled through the commissioners.

I should be very grateful for occasional visits and inspections by the members individually. I can state, generally, that all the manufactured articles are in demand, and sell so readily that the total value now on hand is not more than $600; and I am now well assured, that my first expectations in regard to the value of the institution to the State, and its productiveness to myself, under the operation of the new system introduced, will not be disappointed.

By the personal observation, which I invite, members can obtain more accurate and satisfactory information of the profits and prospects, as well as the superintendence of the institution, than they could derive from a report ever so minute from me. Some small additions and improvements would be necessary for the security and health of the convicts which will be manifest to any who will inspect the walls, doors and cells. I indulge the hope that the Legislature will find much to approve in the new arrangement of the institution.

For the success of its various operations under my superintendence, I feel greatly indebted to the vigilance and prompt assistance of the Assistant, Mr. McIntosh, and the Clerk, Mr. Bell, and to the fidelity of the guard.

Respectfully yours,

JOEL SCOTT.

Frankfort, 4th December 1828.

The Honorable the Speaker of the Senate:

Sir—Permit me, through you, to make the following communication to the Senate, in conformity with a resolution entered up on the 2d inst. making the following inquiries:

1st. The number of convicts in the Penitentiary. To which I answer, eighty-seven.

2d. What has been the average number during the last three years?
The number has fluctuated from 75 to 93, but I am of the opinion that the average number is 80.

3d. The number of Cells?
There is 34 new cells, and 16 old ones. Which old cells I consider too unsafe to keep convicts in.

4th. How many work shops?
There is a wagon makers shop, an eating room and cooper's shop, in the ground or cellar story. A carpenters, chair shop, a room for wool carding and one that we finish cloth in, on the second story. A spinning room, weaving room and painters room in the third story of the main building. There is a house that we call the engine house to hold the steam engine, in which is a grist mill, fulling mill, layth to turn iron and other machinery in. The building that was formerly a blacksmiths shop, is now used as a dye house and batters shop. There is two rooms at the east end of the old row of cells, used as a shoemakers shop, and the rooms above them as shops to finish wool hats in; and a blacksmith shop separate and apart from all the other buildings.

5th. The manner of labor and confinement?
I unlock as early in the morning as it is light enough to see to work; the hands then wash and go to work, and remain until the breakfast bell rings, all hands then go to the table and eat; as soon as they are done eating; they return to work until dinner, then they work till evening shade admonish us to lock them up. They are put up, 1, 2 and 3 in a cell, as circumstances require. We work the shoemakers and blacksmiths until nine or ten o'clock at night, during the winter. The are fed in summer with bacon, corn bread and vegetables, and they have ropy coffee at breakfast; in the winter they have beef, pork, bacon and vegetables, hominy, soup, &c. as much as they want, two meals in winter and three in summer. They are clothed in summer with a tow lineu. shirt and pantaloons; in winter a jeans hunting shirt, vest, hats, shoes, socks, &c. of variegated colours. There are fourteen who have been in this prison more than once. The carpenters shop will answer for a room to worship in and for a school room. As relates to the number of cells necessary to be built to confine each man separate, I cannot speak, unless I knew whether the old cells would be used; I have built eight small cells that will hold one man, and except in them, solitary confinement is not practicable here; and as to the cost of building cells, I cannot speak with any reasonable correctness, unless I knew the kind of cell that would be wanted. Should it be left to my judgment, I would have small cells of about eight feet long, four feet wide, and seven feet high, the building two story high, a porch in front, brick wall, lined with two inch oak plank. which would cost about $150 a cell. And there is forty-six of the convicts that say they lost their parents before they were sixteen years old;
there is thirty that cannot read, and there are some of them that
can read, have learned to read since they came to the Peniten-
tiary. All of which is very respectfully submitted by,
Your obedient servant.

JOEL SCOTT, S. P.

The said report and answer were referred to the committee to
whom was referred so much of the Governors message as relates
to the Penitentiary.

A message was received from the House of Representatives,
informing the Senate of the passage of a bill entitled, an act to
authorize the insertion of advertisements in the "Rural Visitor,"
printed in Glasgow.

On the motion of Mr. Wickliffe the following resolution was
adopted, viz:

Resolved, That the committee of courts of justice be instructed
to inquire into the propriety of providing by law, for compelling
county courts to keep in their respective counties, sufficient court
houses, jails and clerks offices.

She speaker laid before the Senate a report of the receiver of
public monies, south west of the Tennessee river; which is as
follows, viz:

To the honorable Speaker of the Senate, and through you to the hon-
orable body over which you preside.

It is made my duty, by a resolution of the General Assembly,
at their session in 1826, as receiver of public monies south west
of the Tennessee river, to make report fully, within the first week
of the present session, of all monies received by me each year,
and paid into the Princeton branch bank; to which I most res-
pectfully herewith submit the following report:

For the year 1825, $29,576.75, Percentage $500
Do. 1826, 18,189.00 do. 500
Do. 1827, 37,109.50 do. 300
Do. 1828, 21,046.81 do. 300

Total, 105,863.06

EDMUND CURD.

November 6th, 1826.

Ordered, That the said report be referred to the committee of
finance.

And then the Senate adjourned.

SATURDAY, DECEMBER 6, 1826.

Mr. Wickliffe, from the committee of courts of justice, to whom
was referred a bill more effectually to prevent the importation of
slaves, reported the same with an amendment.

Which was twice read and concurred in.
Mr. Wickliffe moved to lay the said bill on the table until the first day of June next.

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

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


A part of the second section of the said bill is as follows, viz:

**Sec. 2.** Be it further enacted, That no suit or action shall be commenced by any person of colour, claiming his or her freedom under the provisions of this act, against any bona fide purchaser for a valuable consideration, from the original importer, or against any bona fide sub-purchaser, unless such suit or action shall be commenced within two years from and after such bona fide purchase first made from the original importer.

Mr. Daviess moved to amend the same by striking out the word "two" printed in italics, and inserting in lieu thereof the word "five;" and by striking out the words "such bona fide purchase first made from the original importer," also printed in italics, and inserting in lieu thereof the words, "the time such slave or slaves are brought within the State."

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

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


The question was then taken on engrossing the said bill and reading the same a third time on Monday next, and it was decided in the affirmative.

Messages were received from the House of Representatives, announcing the passage of bills of the following titles, viz:

An act to establish election precincts in certain counties.

An act to regulate the appointment of Sheriffs for Simpson county.

An act to change the time of holding the circuit and county courts of Hickman and M'Cracken, and for other purposes; and,
An act for the benefit of the present and former managers of the Turnpike and Wilderness road.

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

The committee of propositions and grievances, to whom was referred sundry petitions, have, according to order, had the same under consideration, and have come to the following resolutions thereon, viz:

1. Resolved, That the petition of sundry citizens of Christian county, praying that a law may pass, allowing an additional justice of the peace to said county, is reasonable.

2. Resolved, That the petition of sundry citizens of the county of Greenup, praying that a law may pass, establishing an election precinct in said county, is reasonable.

3. Resolved, That the petition of sundry citizens of Greensburg, in the county of Green, praying that a law may pass, adding two alleys in said town to the public burying ground, is reasonable.

Which was twice read and concurred in.

Ordered, That the committee of propositions and grievances prepare and bring in bills pursuant thereto.

Mr. Pope, from the committee of internal improvements, to whom was referred, a bill from the House of Representatives, entitled, "an act giving further time for the completion of the Louisville and Portland canal," reported the same with an amendment.

Which was twice read and concurred in.

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

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with;

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

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

Mr. Wingate from the committee appointed for that purpose, made the following report, viz:

The committee appointed on the part of the senate to confer with the committee appointed on the part of the Baptist society in the town of Frankfort, to ascertain whether the meeting house belonging to said society could be obtained for the use of the senate, during the present session of the legislature, have performed that duty, and beg leave to make the following report:

The committee were assured by the gentlemen who represented the society, that the Senate were entirely welcome to the use of their house, if they thought proper to occupy it; and that it would afford the Church great pleasure, if they could by any
means render the Senate comfortable during their stay in Frankfort; your committee had the counsel and advice of a practical house joiner, as to the probable expense which would be necessarily incurred in preparing said house for the reception of the Senate; and his estimate is six dollars and fifty cents, and your committee suppose that the furniture necessary to be removed from the Senate chamber to said house, can be placed there at a very trifling expense, say five dollars—and your committee would further state, that they are assured by the committee on the part of the Church, that they know from experience, that the stoves in said house will keep it comfortably warm, in the coldest weather; your committee therefore, would beg leave to recommend the adoption of the following resolution:

Resolved, That be appointed a committee to take such measures as may be necessary to put said house in a state of preparation for the reception of the Senate, agreeably to the plan adopted by the committee raised for that purpose.

Which was twice read, and the question being taken on occurring therein, it was decided in the negative:

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


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

By Mr. Allen—1. A bill to amend the laws in relation to the inspection of Tobacco.

By Mr. Harris—2. A bill to change the time and place of comparing polls for Senator in the 37th senatorial district; and,

By Mr. Harris—3. A bill to allow David Hamilton to establish a gate across the road leading from the Middle creek Salt works to Abbot creek, by way of said Hamilton's,

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

And thereupon the rule of the Senate, constitutional provision and second and third readings of the second bill having been dispensed with, and the same being engrossed;

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

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

And then the Senate adjourned.
The Senate assembled.

Mr. Solby presented the petition of Benjamin Burton, representing that he stands indicted for forgery in the Wayne circuit court, and that owing to the undue influence and extensive connection of the prosecutor, he cannot have a fair and impartial trial in said county, and praying for a change of venue.

Which petition was received, read and referred to the committee of courts of justice.

A message from the House of Representatives by Mr. Ford:

Mr. Speaker—The House of Representatives have adopted a resolution to appoint joint committees to examine the Auditors, Treasurers and Register's offices, the Bank of Kentucky and Commonwealth, and the Penitentiary.

And then he withdrew.

The said resolution was taken up, twice read and concurred in.

Ordered, That Mr. M'Connell inform the House of Representatives thereof.

And thereupon Messrs. M'Connell, Wood and Maupin were appointed a committee on the part of the Senate to examine the Auditor's office; Messrs. M'Millan, Hughes and Harris the Treasurers' office; Messrs. White, W. Green and Cockrell the Register's office; Messrs. Davie, Fleming and Slaughter the Bank of Kentucky; Messrs. Wingate, Townsend and Ray the Bank of the Commonwealth and Messrs. J. Green, Mason and Fulton the Penitentiary.

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

On the motion of Mr. Fleming—1. A bill for the benefit of the heirs of Thomas D. Andrews, deceased.

On the motion of Mr. W. Green—2. A bill to authorize the insertion of advertisements in the Kentucky Statesman, printed at Elizabethtown.

On the motion of Mr. Wood—3. A bill to amend an act entitled, "an act to reduce into one the execution laws of this state," passed February 12, 1826; and,

On the motion of Mr. M'Connell—4. A bill to amend the laws in relation to writs of error and appeals to the Court of Appeals.

Ordered, That the committee of courts of justice prepare and bring in the first bill; and Messrs. W. Green, Harris and Ray were appointed a committee to prepare and bring in the second; Messrs. Wood, Allen and M'Connell the third, and Messrs. M'Connell, Davie and Woods the fourth.

A bill from the House of Representatives entitled, "an act to authorize the insertion of advertisements in the Rural Visitor," printed in Glasgow.

Was read the first time and ordered to be read a second time.
And thereupon the rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same having been amended:

Resolved, That the said bill, as amended, do pass, and that the title be amended by adding thereto, "and the Kentucky Statesman printed at Elizabethtown."

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

Bills from the House of Representatives of the following titles:
1. An act to establish election precincts in certain counties.
2. An act to regulate the appointment of Sheriff for Simpson county.
3. An act for the benefit of the present and former managers of the turnpike and wilderness road; and,
4. An act to change the time of holding the circuit and county courts of Hickman and McCracken, and for other purposes.

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

And thereupon the rule of the Senate, constitutional provision and second reading of the first, second and third bills, and the second and third readings of the fourth bill having been dispensed with; the first was committed to a committee of Messrs. Garrard, Hardin, Ray, M'Connell and Cockerill; the second to the committee of courts of justice, and the third to a committee of Messrs. J. Green, Garrard, Woods, Griffin and Harris.

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

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

A message in writing was received from the Governor by Mr. Robertson Secretary of State.

And the rule of the Senate having been dispensed with, the said message was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate to you, for your advice and consent, Richard French, for circuit judge of the 10th judicial district of this Commonwealth.

THOMAS METCALFE.

Resolved unanimously, That the Senate advise and consent to the said appointment.

Ordered, That Mr. Hickman inform the Governor thereof.

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

Gentlemen of the Senate:

Since the adjournment of the Legislature, in February, 1828, the following militia officers have been commissioned until the end of your present session.
I therefore nominate them for your advice and consent, to be commissioned for the offices respectively annexed to their names, to-wit:

Robert Matson, to be major general in the 10th division vice Andrew S. Hughes, resigned.

John Conner brigadier general of the 4th brigade vice Robert Matson, promoted.

Pleasant Sandridge, brigadier general of the 10th brigade vice Samuel Wilson, resigned.

William Newton, brigadier general of the 12th brigade vice W. Ewing, refused to accept.

Edward Burgess, brigadier general of the 14th brigade vice W. Waring, resigned.


John Duff, brigadier general of the 18th brigade vice T. M. Silton, removed.

Blanch Shacklef, brigadier general 23d brigade vice R. Martin, promoted.

Elijah His, quarter master of the 1st division vice T. M'Cleland, resigned.

James Brassfield, inspector for the 5th division vice J. Clark resigned.

Edward Watkins, inspector for the 11th division, W. C. Wigginton quarter master for the same.

Edward Carter, quarter master for the 5th brigade vice S. Smith, promoted.

Wm. D. Barret, quarter master for the 10th brigade.

B. J. Peters, quarter master for the 15th brigade.

Absalom Hunt, quarter master for the 25th brigade vice Wm. H. N. Drake.

Robert Martin, major general of the 4th division vice J. Simpson resigned.

Thomas Lyons, colonel of the 4th regiment vice W. M. Beal, resigned.

A. McElroy, lieut. colonel 4th regiment vice T. Yates resigned.

S. Elaer, major of the 4th regiment.

C. Swindler, major of the 5th regiment vice Cardwell, promoted.

John R. Dunlap, lieut. colonel of the 5th regiment vice A. Dudley, resigned.

Geo. W. Daraaby, major 3th regiment vice J. R. Dunlap, promoted.

Walter M'Cormack, colonel of the 13th regiment vice S. Snapp, resigned.

John Conway, lieut. colonel of the 13th regiment vice W. M'Cormack, promoted.
Dec. 8.

THE SENATE.

James Still, major of the 13th regiment vice J. Conway, promoted.

Wm. Cakley, lieut. colonel of the 16th regiment vice J. Woodward, promoted.

J. Hatcher, major of the 16th regiment vice W. Cakley, promoted.

John Owen, colonel of the 17th regiment vice B. Parish, resigned.

Wm. Palmer, lieut. colonel 17th regiment vice J. Owen promoted.

Pleasant Bush, major of the 17th regiment vice W. Palmer, promoted.

Wm. P. Sutton, colonel of the 20th regiment vice J. Conner, promoted.

Geo. W. Berry, lieut. colonel 20th regiment vice W. P. Sutton promoted.

Michael Fry, major of the 20th regiment vice G. W. Berry, promoted.

Thos. B. Monroe, major of the 22d regiment vice Livingston, deceased.

Elijah Hickman, major of the 23d regiment vice H. Sudduth, resigned.

William Faulkner, colonel of the 26th regiment vice A. Doty, resigned.

Oliver Terril, lieut. colonel of the 26th regiment vice Faulkner, promoted.

Henry D. Samuel, major of the 28th regiment vice J. S. Morris, promoted.

Joseph M. Davis, lieut. colonel of the 27th regiment vice S. Reasoner refused.

Green Duncan, major of the 27th regiment vice J. M. Davis, promoted.

James Fee, major of the 28th regiment vice J. Best, refused.

Jasper S. Morris, colonel 29th regiment vice C. Dobbins, deceased.

John Waller, lieut. colonel 29th regiment vice J. S. Morris, promoted.

James Dougherty, major of the 29th regiment vice J. Waller promoted.

Christopher Harris, colonel of the 35th regiment vice N. Hooker, resigned.

John Noland, lieut. colonel of the 35th regiment vice C. Harris, promoted.

Eli Park, major of the 35th regiment vice J. Noland promoted.

George P. Hill, lieut. colonel of the 38th regiment vice J. Woodson, resigned.
Joseph Wagland, major of the 38th regiment vice G. P. Hill, promoted.
James Powell, colonel of the 41st regiment vice John Newman promoted.
William Ping, colonel of the 44th regiment.
Daniel Swinney, lieut. colonel of the 44th regiment vice W. Ping, promoted.
William Herrin, major of the 44th regiment vice S. Evans, refused.
James Thacher, major of the 48th regiment vice G. Daniel, refused.
Harvy Lister, colonel of the 52d vice Simms Winphrey, resigned.
Uriah Taylor, lieut. colonel of the 53d regiment vice Wm. Brudshaw, resigned.
William S. Patterson, major of the 53d regiment vice H. Lister, promoted.
James R. Dodson, colonel of the 53d regiment vice L. Dodson, resigned.
Abraham Davis, lieut. colonel of the 53d regiment vice J. R. Dodson, promoted.
James Jones, major of the 53d regiment vice A. Davis promoted.
Elijah Green, colonel of the 54th regiment vice J. Bailey, deceased.
H. Branson, lieut. colonel of the 54th regiment vice E. Green, promoted.
John Lewis, major of the 54th regiment vice H. Branson, promoted.
John A. Turner, major of the 65th regiment vice L. Stone, promoted.
Urban E. Sharp, major of the 66th regiment vice G. W. Cook.
Hugh A. Pugs, major of the 70th regiment vice G. W. Gammon, promoted.
John H. Priest, lieut. colonel of the 73d regiment.
Bannister Wall, major of the 73d regiment.
Thomas Terril, lieut. colonel of the 74th regiment vice T. Blain.
Dy Keman Shooke, major of the 74th regiment vice T. Terril, promoted.
Lott Pitman, lieut. colonel of the 75th regiment vice Bledsoe, resigned.
William Paris, major of the 75th regiment vice L. Pitman, promoted.
[Dec. 3.]

THE SENATE.

John Allen, lieut. colonel of the 76th regiment vice H. M'Quaid, promoted.

H. B. Cox, major of the 7th regiment vice D. H. Thomason, resigned.

James C. Anderson, colonel of the 81st regiment vice A. S. Bramblet.

Mark Marlow, lieut. colonel of the 81st regiment vice J. C. Anderson, promoted.

Anslem Guthrie, major of the 81st regiment vice M. Marlow, promoted.

R. P. Mitchell, colonel of the 85th regiment vice J. Scott, removed.

F. P. Rogers, lieut. colonel of the 85th regiment vice R. P. Mitchell, promoted.

William Bayne, major of the 85th regiment vice F. P. Rogers, promoted.

James Green, major of the 88th regiment vice L. Martin, resigned.

Baker E. Watkins, lieut. colonel of the 89th regiment vice J. S. Laughlin, resigned.

M. D. Snider, major of the 89th regiment vice Baker E. Watkins, promoted.

James Gilmore, lieut. colonel of the 93d regiment vice J. S. Nelson.

John Bell, major of the 93d regiment vice W. W. Bailey.

Daniel Hager, lieut. colonel of the 98th regiment vice J. Vanhoose, promoted.

John Haywood, major of the 98th regiment.

Isaac Bolt, colonel of the 110th regiment vice E. Burgess, promoted.

Joseph R. Ward, lieut. colonel of the 110th regiment vice J. Bolt, promoted.

William Moore, major of the 110th regiment vice J. R. Ward, promoted.

William Armstrong, colonel of the 112th regiment vice J. C. Dodds, resigned.

Wm. Rayburn, lieut. colonel of the 114th regiment vice J. S. Morgan, resigned.

J. B. Blair, major of the 114th regiment vice W. Rayburn, promoted.

Henry M'Kenry, colonel of the 115th regiment vice L. Power, resigned.

Joseph Hanna, lieut. colonel of the 115th regiment vice Henry M'Kenry, promoted.

Samuel B. Steel, lieut. colonel of the 116th regiment vice J. Shirley, promoted.

THOMAS METCHALFE.
An engrossed bill entitled, an act more effectually to prevent the importation of slaves, was read the third time.

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

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

YEAS—Messrs. Allen, Barrett, Carneal, Cunningham, Davies, Faulkner, Fulton, Garrard, Gibson, Given, J. Green, W. Green, Griffin, Hughes, Mason, Maupin, Muldrow, Pope, Ray, Rodman, Summers, Townsend, Wall, White and Wingate—25.


Resolved, That the title of said bill be as aforesaid.

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

A bill to amend the laws in relation to the inspection of Tobacco.

Was read the second time and committed to a committee of Messrs. M'Millan, Allen and Maupin.

A bill to allow David Hamilton to establish a gate across the road leading from Middle Creek Salt works to Abbott creek by way of said Hamilton's.

Was read the second time and ordered to be engrossed and read a third time to-morrow:

On the motion of Mr. Wickliffe, leave was given to bring in a bill to amend the laws concerning free persons of color; and Messrs. Wickliffe, Hardin and Garrard were appointed a committee to prepare and bring in the same.

A message was received from the House of Representatives, announcing the passage of a bill entitled, "an act authorizing the election of trustees in the town of Owenton, in Owen county.

A bill to take the sense of the people of this Commonwealth as to the propriety and expediency of calling a convention, was taken up, and is as follows, viz:

Whereas, it is provided by the 9th article of the constitution of this State, that when experience shall point out the necessity of amending the constitution, that it shall be the duty of the Legislature to provide for an expression of opinion by the people, of the expediency and propriety of calling a convention:

Sec. 1. Therefore, Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Sheriffs and Judges, at the several places appointed to hold the annual elections, in the year 1825, to open a column in the several poll books, for qualified voters to vote for a convention—and it shall be the duty of the several Sheriffs, to make a true and faithful return to the Secretary of State within thirty days after the
close of the polls, of all the votes which may have been given, within their respective counties for a convention, to be by said Secretary, laid before the General Assembly at their next annual session, within the first week thereof.

Sec. 2. Be it further enacted, That any Sheriff failing to transmit by mail, his official statement of the votes given, as above provided, shall be subject to a fine of $500, to be recovered by action of debt, by any person suing for the same, in any court having competent jurisdiction thereof, and shall also be subject, upon conviction of such failure, to removal from office.

Sec. 3. And be it further enacted, That it shall be the duty of the several Sheriffs, to read or cause to be read, this act, at their several places of voting in their respective counties, at the opening of the polls on each day of the next annual election, and in case of failure so to do, the said officer shall be subject to the same penalties which are above prescribed for failing to transmit his official statement.

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

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

YEAS—Messrs. Allen, Barrett, Carneal, Cockerill, Davies, Fulton, Given, W. Green, Griffin, Harris, Hughes, Mason, Mau­
pin, McConnell, Ray, Rodman and Wood—17.


The following message in writing was received from the Governor, by Mr. Robertson Secretary of State, viz:

Gentlemen of the Senate,

William Owsley and Benjamin Mills, the late associate judges of the Court of Appeals, having communicated to me a joint resignation of their offices, which took place on the fifth inst. I deem it important to the public interest, that the seats thus vacated, should be filled without any unnecessary delay.

Having no other wish, than to ascertain my duty and discharge it faithfully, I have deliberated on the course that my station requires me to take, in reference to the interesting and delicate charge now devolved on me.

After having carefully considered all the circumstances presented to me, as the ex-judges are earnestly and strongly recommended to me, and in explaining the motives for their resignation in their joint letter, have left me to infer that they might be willing again to go on the bench, and as I have been unable to perceive that others can now be appointed, possessing in talents,
attainments, and experience, all their eminent qualifications for so important a trust. In this case, I therefore, with the most entire submission to the opinion of the approving power, nominate for your advice and consent, Benjamin Mills and William Owsley, for associate Justices of the Court of Appeals of this Commonwealth.

THOMAS METCALFE.

The resolutions fixing a day to elect the several public officers and a Senator in Congress were read and laid on the table by Mr. Wingate on the 4th inst. were taken up, twice read and laid on the table.

And then the Senate adjourned.

TUESDAY, DECEMBER 9, 1826.

The Senate assembled.

Messages were received from the House of Representatives, announcing the passage of bills of the following titles, viz:

An act to add a part of the county of Harrison to the county of Grant.

An act to repeal the law establishing an election precinct in the South fort in Wayne county.

Of bills which originated in the Senate of the following titles, viz:

An act to change the time of holding the Owen county court.

And an act to continue in force, an act for the benefit of the Headright and Tellico settlers, and for other purposes, passed December 28th 1826.

And that the House of Representatives have concurred in the amendments proposed by the Senate to a bill from that House, entitled, "an act giving further time for the completion of the Louisville and Portland canal.

Mr. Daviess, from the committee of courts of justice, reported a bill to provide for the appointment of attorneys for the Commonwealth.

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

Mr. Summers, from the committee appointed for that purpose, reported a bill allowing an additional justice of the peace in Christian county.

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

And thereupon the rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass and that the title thereof be as aforesaid.
Ordered, That Mr. Summers carry the said bill to the House of Representatives and request their concurrence.

Mr. Townsend, from the committee appointed for that purpose, reported a bill to authorize the clerks of Union and Nicholas county courts to transcribe certain record books.

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

And thereupon the rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee of courts of justice.

Mr. Garrard, from the select committee to whom was referred a bill from the House of Representatives, entitled, an "act to establish election precincts in certain counties," reported the same with amendments.

Which were twice read and concurred in.

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

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with;

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

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

A message in writing was received from the Governor, by Mr. Robertson Secretary of State.

The rule of the Senate having been dispensed with, the said message was taken up and read as follows, viz:

Gentlemen of the Senate:

In making out nominations for militia officers, supposed to have been commissioned in the recess of the Senate, I was governed by the militia journal of my predecessor.

But I have ascertained by comparing this journal, with that of the Senate of last session, that some of those whom I was induced (by the dates of their commissions as registered,) to nominate to you, had been approved.

I therefore ask leave to withdraw the nomination of Robert Matson as major general, Pleasant Sandridge, as brigadier general, (John Duff, inserted in the list by mistake of the copyist) as brigadier general and Daniel Hager as lieut. colonel of the 98th regiment.

I would add, that the name of Benjamin Mills was unintentionally written before that of William Owley, in the nomination of Judges for the Court of Appeals. It was my intention, if the Senate should approve the nominations, to commission them, to take the rank which they had held. And I suppose that the accidental transposition of the name in the nomination, could have no influence on the order or date of the commissions. I have al-
Juded to this unimportant mistake, only to remove any suspicion of a desire or wish to change the position of the judges on the Bench.

Respectfully, &c. &c.

THOMAS METCALFE.

Resolved, That leave be given to withdraw the nominations of the said Robert Matson, Pleasant Sandridge, John Duff and Daniel Hager.

Ordered, That Mr. Slaughter inform the Governor thereof.

Mr. M'Millan, from the committee to whom was referred, a bill to amend the laws in relation to the inspection of Tobacco, reported the same with an amendment.

Which was twice read and concurred in.

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

Mr. Wickliffe from the committee appointed for that purpose, reported a bill to amend the laws concerning free persons of colour.

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

Ordered, That the public printer, print one hundred and fifty copies of the said bill for the use of the Senate.

A bill to amend the law in relation to executors and administrators; was read the second time and committed to the committee of courts of justice.

Bills from the House of Representatives of the following titles, to-wit:

1. An act authorising the election of trustees in the town of Owenton in Owen county.

2. An act to add part of the county of Harrison to the county of Grant.

3. And an act to repeal the law establishing an election precinct in the south fork in Wayne county.

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

And thereupon the rule of the Senate, constitutional provision and second reading of the second and third bills having been dispensed with; the second was committed to the committee of propositions and grievances, and the third to a committee of Messrs. Cockerill, Griffin and Ray.

An engrossed bill entitled, an act to allow David Hamilton to establish a gate across the road leading from Middle creek Salt works to Abbot creek by way of said Hamilton's; was read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.
THE SENATE.

Dec. 9th.

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


Resolved, That the title of the said bill be as aforesaid.

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

The resolution read and laid on the table by Mr. Rodman on the 5th inst., was taken up and twice read as follows, viz:

Resolved by the Senate and House of Representatives, That a committee of two from the Senate and four from the House be appointed to examine into the state and condition of the deaf and dumb asylum at Danville, that they report the result of their inquiries, &c.

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

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

YEAS—Messrs. Barrett, Carneal, Cunningham, Fulton, Gibson, Given, J. Green, Harris, Maupin, M'Millan, Muldrow, Rodman, Selby, Slaughter, Townsend, Wall, Wickliffe and Wingate—18.


Ordered, That Mr. Rodman carry the said resolution to the House of Representatives and request their concurrence.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 10, 1828.

The Senate assembled.

Mr. Wingate presented the petition of James Smither, praying a divorce from his wife Eliza Smither.

Which was received, read and referred to the committee of religion.

Mr. Wickliffe, from the committee of courts of justice, to whom was referred, a bill from the House of Representatives, entitled, "an act to regulate the appointment of Sheriff for Simpson county," reported the same with the following resolution thereon, viz:

Resolved, That said bill ought not to pass.

The said bill and resolution were laid on the table.
Mr. Wickliffe, from the committee of courts of justice to whom was referred, a bill to amend the law in relation to elections, reported the same with amendments.

Which were twice read and concurred in.

Ordered, That the said bill be laid on the table; and that the public printer print one hundred and fifty copies thereof for the use of the Senate.

Mr. Wickliffe from the committee of courts of justice, reported a bill for the benefit of the widow and heirs of Richardson P. Hughes deceased.

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

And thereupon the rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed;

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

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

Messages were received from the House of Representatives announcing the passage of bills of the following titles, viz:

An act to authorize a change of venue in the case of Rene Williamson.

An act supplementary to an act, entitled, "an act for the benefit of the heirs of Chauncey Walton deceased," approved December 6, 1822.

An act for the benefit of the Baptist church called Six Mile in Shelby county; and,

An act to divorce Julia Murdock from her husband Willis Murdock.

And of the passage of a bill which originated in the Senate, entitled, an act allowing an additional justice of the peace to Christian county, with amendments.

Mr. Allen from the committee of propositions and grievances, reported a bill to extend the lot appropriated for a burying ground in the town of Greensburg.

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

Mr. Cockerill, from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to repeal the law establishing an election precinct in the South Fork, in Wayne county," 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.

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,
Resolved, That the said bill, as amended, do pass and that the title be amended to read, an act to repeal the laws establishing an election precinct in the South fork in Wayne county, and an election precinct in Allen county.

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

Mr. McConnell, from the committee appointed for that purpose reported a bill to amend the laws in relation to writs of error and appeals to the Court of Appeals.

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

Mr. Carneal moved to take up the nomination of William Owsley and Benjamin Mills for associate justices of the Court of Appeals of this Commonwealth.

And the question being taken thereon, it was decided in the affirmative. The Senate being equally divided the Speaker voted in the affirmative.

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


Mr. McConnell moved to refer the said nomination to a select committee.

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

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


The question was then taken on advising and consenting to the appointment of William Owsley, as an associate justice of the Court of Appeals for this Commonwealth, and it was decided in the negative.

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


The question was then taken on advising and consenting to the appointment of Benjamin Mills as an associate justice of the Court of Appeals for this Commonwealth, and it was decided in the negative.

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


Ordered, That Messrs. W. Green, Daviess and Carneal be appointed a committee to inform the Governor thereof.

And then the Senate adjourned.

THURSDAY, DECEMBER 11, 1928.

The Senate assembled.

1. Mr. J. Green presented the petition of Isaac and Alfred Shelby, praying that a law may pass authorizing the State road from Danville to the Tennessee line, in the direction of Murfreesborough to be changed where it passes through their land.

2. Mr. J. Green presented the petition of the Widow, and the administrator of the estate of Isham Gilbert deceased, praying that a law may pass authorizing the sale of a part of the land of the deceased, for the purpose of paying his debts.

3. Mr. W. Green presented the petition of the heirs and representatives of David J. Lewis, deceased, (the infant heirs by their guardians,) praying that a law may pass authorizing the sale of a tract of land in Breckenridge county, which descended to them from the said Lewis.

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

Mr. Wickliffe from the committee of courts of justice to whom was referred, a bill to authorize the clerks of Union and Nicholas county courts to transcribe certain record books, reported the same with an amendment.
Which being twice read, the said bill and amendment were committed to a committee of Messrs. Hardin, Wickliffe, Daviess, Townsend and M'Connell.

Mr. Wickliffe from the committee of courts of justice, reported a bill for the benefit of the heirs and representatives of Samuel Holmes.

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

And thereupon the rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with;

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

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

Mr. Hardin from the committee of finance, made the following report, viz:

The committee of finance has had the petition of James Ferry and Edward H. Earle under consideration, and report a bill for the benefit of James Ferry and others, and a bill for the benefit of Edward H. Earle.

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

And thereupon the rule of the Senate, constitutional provision and second and third readings of the said bills having been dispensed with;

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

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

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

On the motion of Mr. Daviess—1. A bill authorizing the trustees of the Harrodsburg Seminary to sell the whole or a part of the lands belonging to said Seminary.

On the motion of Mr. Allen—2. A bill for the benefit of the heirs of Benjamin Holland deceased; and,

On the motion of Mr. Ray—3. A bill to amend the laws in relation to military fines.

Messrs. Daviess, Maupin and Allen were appointed a committee to prepare and bring in the first; Messrs. Allen, Cockerill and Slaughter the second, and Messrs. Ray, Hardin, Daviess, Cockerill and Hughes the third.

Mr. Wingate moved to take up the resolutions fixing a day for the election of the several public officers and a Senator in Congress.

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


Messages were received from the House of Representatives, announcing the passage of bills of the following titles, viz:

An act to amend an act entitled, "an act to establish a ferry on the land of James Riddle," approved December 6, 1822.

An act to annul the marriage contract between Benjamin D. Fowler and Elizabeth Fowler.

An act to establish Anderson academy.

An act to authorize certain county courts to permit gates to be erected across mill roads, and for other purposes.

An act to take the sense of the people as to the propriety of calling a convention.

An act to declare Trade Water river a navigable stream and to improve the navigation thereof.

An act to divorce Huldah Oder from her husband Martin Oder; and,

An act to divorce Ann Gustin from her husband William B. Gustin.

And that the House of Representatives have concurred in a resolution from the Senate, to appoint a joint committee to examine the deaf and dumb asylum at Danville, with an amendment.

Mr. Taylor moved the following resolution, viz:

Resolved, That the committee of religion be instructed to report against all petitions and bills for divorces referred to them, wherein the cause for divorce is provided for by the statute authorizing the circuit courts to decree divorces.

Which was twice read and adopted.

The amendments proposed by the House of Representatives, to a bill from the Senate, entitled, "an act allowing an additional justice of the peace in Christian county."

Were twice read and concurred in with amendments.

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

A bill to provide for the appointment of attorneys for the Commonwealth, was read the second time and committed to a select committee of Messrs. M'Connell, Hardin, Maupin, J. Green and Davies.
Mr. Given from the joint committee of enrolments reported, that the committee had examined enrolled bills of the following titles, viz:

An act to change the time of holding the circuit and county courts of Hickman and McCracken, and for other purposes;
An act giving further time for the completion of the Louisville and Portland canal;
An act to provide for the safe keeping of William Hall and Jesse Hide; and,
An act to authorize the insertion of advertisements in the Rural Visitor printed in Glasgow, and the Kentucky Statesman, printed in Elizabethtown.

And had found the same truly enrolled, and that said bills were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

And then the Senate adjourned.

FRIDAY, DECEMBER 12, 1828.

The Senate assembled.

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

By Mr. Daviess— A bill authorizing the trustees of the Harrodsburg seminary to sell all or part of the lands belonging to said seminary; and,
By Mr. Allen— A bill for the benefit of the heirs of Benjamin Holland deceased.

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

And thereupon the rule of the Senate, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed:

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

Ordered, That Mr. Daviess carry the former and Mr. Allen the latter bill to the House of Representatives and request their concurrence.

Mr. Given from the committee on that part of the Governor's message which relates to the public lands, reported a bill to reduce the price of the vacant land west of the Tennessee river to actual settlers, and more effectually to encourage the settlement and improvements of said lands.

Which was read the first time and ordered to be read a second time.
A bill from the House of Representatives, entitled, "an act to regulate the appointment of Sheriff for Simpson county, and the report of the committee thereon, were taken up and recommitted to the committee of courts of justice.

On the motion of Mr. M'Millan, he was excused from serving on the committee to examine the Treasurers office, and Mr. Summers was added to said committee.

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

On the motion of Mr. Summers—1. A bill appointing commissioners to lay off and mark a state road from Harrodsburg to Smithland in the county of Livingston.

On the motion of Mr. Fulton—2. A bill to alter the mode of laying the county levy; and,

On the motion of Mr. Carneal—3. A bill for the benefit of Absalom Graves.

Messrs. Summers, Allen, Maupin, Cockerill, Given and Slaughter were appointed a committee to prepare and bring in the first; Messrs. Fulton, W. Green and Maupin the second; Messrs. Carneal, M'Millan and Faulkner the third.

A resolution fixing a day to elect public officers, and a resolution fixing a day to elect a Senator in Congress, were taken up, the Mains therein filled with the 23rd inst. and adopted.

Ordered, That Mr. Wingate carry the said resolutions to the House of Representatives, and request their concurrence.

The amendment proposed by the House of Representatives to a resolution from the Senate to appoint a joint committee to examine the deaf and dumb asylum at Danville, was twice read and concurred in.

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

Whereupon Messrs. Rodman and Carneal were appointed a committee on the part of the Senate to examine the deaf and dumb asylum at Danville; and Messrs. Allen and M'Connell were appointed a committee on the part of the Senate, to examine Transylvania University and the Lunatic asylum at Lexington.

A message was received from the House of Representatives, announcing the passage of a bill entitled, "an act to change the name of Nancy D. Ray to Nancy R. Davis.

An engrossed bill entitled, an act to amend the laws in relation to the inspection of Tobacco, was read the third time.

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

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

A bill from the House of Representatives entitled, "an act authorizing the election of trustees in the town of Owenton in Owen county."
Was read the second time and ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with.

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

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

A bill from the House of Representatives entitled, "an act to take the sense of the people as to the propriety of calling a convention," was read the first time as follows, viz:

Whereas it is represented that many of the good people of this Commonwealth are desirous of having an opportunity of voting in regard to the necessity and expediency of calling a convention, to consider of amending the constitution of this State:

Sec. 1. Therefore, Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Sheriffs and Judges, at the several places appointed to hold the annual elections, in the year 1829, to open columns in their several poll books, for qualified voters to vote for a convention—and it shall be the duty of the several Sheriffs aforesaid, to make a true and faithful return to the Secretary of State within thirty days after the close of the polls, of all the votes which may have been given, within their respective counties for a convention, to be by said Secretary, laid before the General Assembly at their next annual session, within the first week thereof.

Sec. 2. Be it further enacted, That any Sheriff failing to transmit by mail, his official statement of the votes given, as above provided, shall be subject to a fine of $500, to be recovered by action of debt, by any person suing for the same, in any court having competent jurisdiction thereof, and shall also be subject, upon conviction of such failure, to removal from office.

Sec. 3. And be it further enacted, That it shall be the duty of the several Sheriffs, to read or cause to be read, this act, at their several places of voting, in their respective counties, at the opening of the polls on each day of the next annual election, and in case of failure so to do, the said officer shall be subject to the same penalties which are above prescribed for failing to transmit his official statements.

Sec. 4. And be it further enacted, That the public printer shall, upon a separate leaf or sheet, print 1,000 copies of this act, and furnish them to the Secretary of State, who shall send to each county, at the time of forwarding the acts of Assembly, &c. forward to the clerk's office of the county court of each county in this State, nine of these copies; and the Secretary shall take a receipt of the carriers therefor, who shall take the receipts of the respective clerks to whom he may deliver them, and the respective clerks of county courts shall deliver the same to the high
Sheriff of his county, and take his receipt for the same, a copy of which shall be by such Sheriff delivered to each of his deputies, to be by them read at their several precincts as required by this act.

And the question being taken on reading the said bill a second time, it was decided in the negative and so the said bill was disagreed to:

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


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

Bills from the House of Representatives of the following titles, viz:

1. An act to authorize a change of venue in the case of Reno Williamson.

2. An act supplementary to an act entitled, "an act for the benefit of the heirs of Claiborne Walton deceased," approved December 6, 1822.

3. An act to divorce Julia Murdock from her husband Willis Murdock.

4. An act to declare Trade Water a navigable stream and to improve the navigation thereof.

5. An act to establish Anderson Academy.

6. An act to annul the marriage contract between Benjamin D. Fowler and Elizabeth Fowler.

7. An act to amend an act entitled, "an act to establish a ferry on the land of James Riddle," approved December 6, 1822.

8. An act to divorce Huldah Oder from her husband Marth Oder; and,


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

And thereupon the rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with, they were committed; the first, second, and fifth to the committee of courts of justice; the third, sixth, eighth and ninth to the committee of religion; the fourth to the committee of internal improvements, and the seventh to a select committee of Messrs. Carneal, Hardin and J. Green.
Bills from the House of Representatives of the following titles:

An act for the benefit of the Baptist church called Six Mile, in Shelby county; and,
An act to change the name of Nancy D. Ray to Nancy R. Davis.

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

And thereupon the rule of the Senate, constitutional provision and second and third readings of the said bills having been dispensed with.

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

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

A bill to extend the lot appropriated for a burying ground in the town of Greensburg, and a bill to amend the laws in relation to writs of error and appeals to the Court of Appeals.

Were each read the second time and ordered to be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the said bills having been dispensed with and the same being engrossed.

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

Ordered, That Mr. Allen carry the former and Mr. McConnell the latter bill to the House of Representatives and request their concurrence.

The Speaker laid before the Senate, a letter from the President of the Bank of Kentucky, covering a general statement of the situation of that institution; which are as follows, viz:

BANK OF KENTUCKY, December 11th, 1828.

THE HONORABLE JOHN BREATHITT,
Speaker of the Senate.

SIR: I have the honor to transmit herewith a general statement of the situation of the Bank of Kentucky, to the 10th instant, inclusive.

In transmitting this statement, I deem it a duty I owe to the representatives of the people, to the individual stockholders, and to the officers of the Bank, to accompany it with such explanatory remarks as may be necessary to arrive at a correct conclusion as to the true condition of the Institution.

The "current expenses" of the Institution since the 31st December last, as will be seen by reference to the Report, amounts to $10,831.74, which, including all the expenses of the Institution for officers' salaries, Judicial proceedings for the recovery of debts due to the Bank, and other contingencies — a considera-
SATURDAY, DECEMBER 13, 1828.

The Senate Assembled.

1. Mr. Rodman presented the petition of Hezekiah L. Force, praying a law may pass authorizing the sale of one hundred acres of land in Shelby county, which was devised to his infant children by their grand-father John Bracket.

2. Mr. Hickman presented the petition of Thomas Wetherspoon and Sarah W. Wetherspoon his wife, praying that a law may pass authorizing them to remove to the State of Alabama, four slaves which were allotted to the said Sarah as her dower in the slaves of her former husband.

3. Mr. Mason presented the petition of sundry citizens of Montgomery county, praying that a law may pass changing the place of voting in the Beaverton precinct in said county; and,

4. Mr. Given presented the petition of William Gordon, praying that a law may pass, releasing him from the payment of a debt due by him as security to the Branch Bank of the Commonwealth, at Princeton.

Which petitions were severally received, read and referred, the first to a committee of Messrs. Rodman, White and Daviess; the second to the committee of courts of justice; the third to a committee of Messrs. Mason, Maupin and W. Green; and the fourth to the committee of finance.

Mr. Hardin from the committee to whom was referred a bill to authorize the Clerks of Union and Nicholas county courts to transcribe certain record books, reported the same with an amendment;

Which was twice read and concurred in.

Ordered, that the said bill be engrossed and read a third time on Monday next.

Messages were received from the House of Representatives announcing the passage of bills of the following titles, viz:

An act authorizing the Surveyor of Muhlenburg county to receive and record certain plats and certificates; and

An act for the divorce of Cynthia Clark, from her husband James Clark.

And that the House of Representatives have concurred in a resolution from the Senate, fixing a day to elect a Senator in Congress, with an amendment.

The said amendment was taken up, twice read and concurred in.

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

Mr. Garrard from the committee to whom was referred a bill from the House of Representatives, entitled, an act for the bene-
fit of the present and former managers of the Turnpike and Wilderness road, reported the same without amendment.

Ordered, That the said bill be read a third time.

On motion—Ordered, That Mr. J. Green have leave of absence from the service of the Senate for one week; and that he be excused from serving on the committee on the part of the Senate to examine the Penitentiary, and that Mr. Woods be added to said committee.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on Wednesday the 24th of December instant, they will adjourn without day.

On the motion of Mr. Wickliffe, leave was given to bring in a bill declaring what shall be held to be an actual residence within the several counties in this Commonwealth, and for other purposes.

And Messrs. Wickliffe, Carneal, Hardin, M'Connell and Cockerill were appointed a committee to prepare and bring in the same.

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

By Mr. Summers—1. A bill appointing commissioners to lay off and mark a State road from Harrodsburg to Smithland in the county of Livingston.

By Mr. Muldrow—2. A bill to alter the mode, and allow pay for working on public roads.

By Mr. Carneal—3. A bill to incorporate the Covington Manufacturing Company in the town of Covington, Campbell county Kentucky.

By Mr. Ray—4. A bill to amend the law in relation to militia fines.

By Mr. Wickliffe, from the committee of courts of justice, as unfinished business of the last session—5. A bill for opening and keeping in repair the public roads in the several counties in this Commonwealth. And—6. A bill concerning escheats.

The said bills were severally read the first time and ordered to be read a second time.

And thereupon the rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with, they were committed; the first, second and fifth to the committee of internal improvements; the third to a committee of Messrs. Carneal, Hardin and Daviess; the fourth to a committee of Messrs. Maupin, Ray, Fulton and M'Connell, and the sixth to the committee of courts of justice.

A bill to reduce the price of the vacant land west of the Ten-
nessee river to actual settlers, and more effectually to encourage the settlement and improvement of the said land.

Was read the second time and committed to a committee of Messrs. Hardin, Given and McConnell.

A bill from the House of Representatives entitled, "an act to authorize certain county courts to permit gates to be erected across mill roads, and for other purposes.

Was read the second time and committed to the committee of courts of justice.

Bills from the House of Representatives entitled:

An act for the divorce of Cynthia Clarke from her husband James Clarke; and,

An act authorizing the surveyor of Muhlenburg county to receive and record certain plats and certificates.

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

And thereupon the rule of the Senate, constitutional provision and second reading of the former bill having been dispensed with, it was committed to the committee of religion.

On the motion of Mr. Wickliffe—Ordered, That a message be sent to the House of Representatives requesting leave to withdraw the report of the passage of a bill from that House with amendments, entitled, "an act to establish election precincts in certain counties," and that Mr. Wickliffe carry the said message.

After a short time the said bill was returned to the Senate.

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

On the motion of Mr. Ray—1. A bill to appropriate two thousand dollars from the Treasury, to graduate and pave Muldrow's bill, on the road leading from Elizabethtown to the mouth of Salt river, and the balance to be appropriated towards building a bridge across Nolin where the State road crosses the same, leading from Elizabethtown to Nashville.

On the motion of Mr. Wickliffe—2. A bill for the benefit of Transylvania University; and,

On the motion of Mr. Carneal—3. A bill to provide for the establishment of common schools throughout the Commonwealth.

Ordered, That the committee of internal improvements prepare and bring in the first bill; Messrs. Wickliffe, Carneal and Taylor were appointed a committee to prepare and bring in the second, and Messrs. Carneal, W. Green and McConnell the third.

Mr. W. Green was added to the committee of courts of justice.

And then the Senate adjourned.
The Senate assembled.

Mr. M'Connell presented the petition of Francis Tierman and Andrew Beirne, representing that in consequence of a mistake in the commissioners book of Lawrence county in the year 1825, they have been compelled to pay $12 77 1-2 as tax upon a retail store, more than they were bound by law to pay, and praying that said sum be refunded to them.

Which was received, read and referred to the committee of finance.

Mr. Fleming from the committee of courts of justice, reported a bill for the benefit of the heirs and representatives of Thomas D. Anderson deceased.

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

And thereupon the rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with;

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

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

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

The committee of religion have, according to order, had under consideration the petition of James Smither, praying that a law may pass divorcing him from his wife Eliza Smither, and have come to the following resolution thereon, viz:

Resolved, That said petition be rejected.

Which was twice read and concurred in.

Mr. Wood from the committee of religion to whom was referred, a bill from the House of Representatives entitled, "an act to annul the marriage contract between Benjamin D. Fowler and Elizabeth Fowler, reported the same without amendment.

Ordered, That the said bill be read a third time. And it was thereupon read the third time.

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

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

Mr. Wood from the committee of religion to whom was referred, a bill from the House of Representatives, entitled, "an act for the divorce of Cynthia Clarke from her husband James Clarke," reported the same without amendment.

Ordered, That the said bill be read a third time. And it was thereupon read the third time as follows, viz:
Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage between James Clarke and Cynthia Clarke, be, and the same is hereby dissolved, and the said Cynthia Clarke shall possess all the rights and privileges of a Female.

And the question being taken on the passage thereof it was decided in the negative; and so the said bill was disagreed to.

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


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

On motion—Ordered, That Mr. Ray have leave of absence from the service of the Senate for one week.

Mr. Given from the committee of enrolments reported that the committee had examined enrolled bills, and a resolution of the following titles:

An act to change the time of holding the Owen county court.

An act to continue in force “an act for the benefit of the Headright and Tellico settlers, and for other purposes,” passed December 28, 1826; and,

A resolution to appoint committees to examine the Auditor’s, Treasurer’s and Register’s offices, the Banks of Kentucky and the Commonwealth, and the Penitentiary.

And had found the same truly enrolled, and that said bills and resolution had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Given reported that the committee had discharged that duty.

Mr. Wickliffe, from the committee appointed for that purpose, reported a bill for the benefit of Transylvania University.

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

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee of courts of justice.

Mr. Carneal from the committee appointed for that purpose, reported a bill for the establishment of common schools throughout the Commonwealth.
Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee of the whole house on the state of the Commonwealth.

Ordered, That the public printer, print one hundred and fifty copies of the said bill for the use of the General Assembly.

Mr. Hardin, from the committee to whom was referred a bill to reduce the price of the vacant land west of the Tennessee river to actual settlers, and more effectually to encourage the settlement and improvement of said land, reported the same with the following amendment, to be added to the bill as an additional section, viz:

Be it further enacted, That nothing in this act shall authorize any person or persons whatever, to obtain either directly or indirectly, more than one certificate, and in obtaining his certificate as above directed, it may be for a less quantity of land than one quarter section, such as a fraction or fractions, but the same shall in no wise, include more than one quarter section.

Which being twice read, Mr. Carneal moved to amend the same by striking out, "one quarter section," where it occurs, and inserting in lieu thereof "one half quarter section."

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

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


The said amendment was then concurred in.

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

A message was received from the House of Representatives announcing their concurrence in a resolution from the Senate, fixing a day to elect public officers.

Mr. Wickliffe, from the majority on the vote by which a bill from the House of Representatives entitled, "an act to establish election precincts in certain counties," passed the Senate as amended, moved a reconsideration thereof.

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

The said bill was then recommitted to a committee of Messrs. Wickliffe, M'Millan and Mason.
Leave was given to bring in the following bills, viz:
On the motion of Mr. Wickliffe—1. A bill to amend the laws concerning the lunatic asylum.
On the motion of Mr. Fulton—2. A bill to authorize the insertion of advertisements in the Reflector, published in Augusta, Bracken county Kentucky.
On the motion of Mr. Davies—3. A bill further to regulate the service of warrants of forcible entry and detention; and,
On the motion of Mr. W. Green—4. A bill to prohibit slaves from retailing spirituous liquors.
Messrs. Wickliffe, Carnesal and McConnell were appointed a committee to prepare and bring in the first; Messrs. Fulton, Harris and Taylor the second; Messrs. Davies, McConnell and Hardin the third, and Messrs. W. Green, Wingate and Cockrell the fourth.
An engrossed bill entitled, an act to authorize the clerks of Union and Nicholas county courts to transcribe certain record books, was read the third time.
Resolved, That the said bill do pass, and that the title be, "an act to provide for making out new records in the several courts in this Commonwealth in certain cases."
Ordered, That Mr. Townsend carry the said bill to the House of Representatives and request their concurrence.
A bill from the House of Representatives entitled "an act authorizing the surveyor of Muhlenburg county to receive and record certain plats and certificates."
Was read the second time and ordered to be read a third time. And then the Senate adjourned.

TUESDAY, DECEMBER 16, 1828.

The Senate assembled.
The Speaker laid before the Senate the annual report of the commissioners of the Lunatic Asylum at Lexington; which is as follows, viz:

To the General Assembly of the Commonwealth of Kentucky.

In pursuance of the act of Assembly, the commissioners of the Lunatic Asylum beg leave to make their annual report:

The commissioners refer you to the annexed paper marked (A) which exhibits the number of patients, their age, disease, the date when received and the county from which they came.—Within the last year, thirty-six patients have been received into the Asylum, six have been discharged cured, and six have been discharged at the request of friends partially relieved: ten cases of mortality have occurred; and there remained on the 27th November, 1822, fifty-one males and thirty-four females, making
a total of eighty-five patients, of whom eight have the means and pay their board, and the remainder are supported by the bounty of your honorable body.

By this paper you will also perceive that since the opening of the Asylum in 1824, there have been received one hundred and ninety-six patients, of whom thirty-five have died, sixty-six have been discharged as cured or by request of friends more or less relieved and ten have escaped. The pleasing hope is entertained, that many of the remaining will, ere long, be restored to a right use of their mental faculties, to their friends and to society.

The commissioners refer you to the annexed paper marked (B) which exhibits the income and expenditure. By this paper you will perceive the great saving that has accrued to the State for the support of Lunatics since the year 1823, the expense being now, less by one half, what it was then. In addition this unfortunate class of persons are now much better provided for, having the aid of the Medical Faculty of Transylvania University, whose services have been generously and unremittingly given gratis) and the daily attendance of a regular physician, and competent and experienced nurses.

In compliance with the requisition of the last General Assembly, the commissioners advertised for four weeks, for written proposals to build a wall around a part of the grounds of the Asylum, which proposals and a plat of the grounds, also designating the extent of the proposed wall, are hereby annexed and marked (C.) Inquiry has been made to ascertain whether the owners of adjoining lots would be willing to sell their grounds, and a great reluctance has been shown.

The commissioners would particularly call your attention to the increased number of patients. It has been ascertained from experience that a greater space is required to accommodate Lunatics than was originally contemplated, and the buildings are barely sufficient for the present number, to render their situation comfortable. It is not reasonable to expect an augmentation of twenty patients for the approaching year, and if so, the rooms are not there to accommodate them—they must be turned off or put into the already crowded rooms; which would aggravate rather than alleviate the sufferings of this unfortunate class of the human family.

By the annexed papers marked (C) you will perceive that three walls are proposed to be built, to enclose a yard sufficiently large to give all the patients air and exercise in good weather. These walls will cost, including foundation, about twelve or thirteen hundred dollars in currency; and to add an additional wing containing fifteen or twenty rooms, would cost about three thousand five hundred dollars, and for all other expenses about six thousand two or three hundred dollars. The commissioners
would suggest the expediency of making all improvements of a permanent character, for the double advantage of durability and security against fire.

In conclusion, the commissioners would feel gratified to have the opportunity of exhibiting to a committee of your honorable body, the vouchers for last year’s expenditure, also the general state of the Institution, for which purpose they respectfully request the appointment of such committee.

All which is respectfully submitted,

"By order of the Board,

JOHN W. HUNT, Chairman.

Lexington, December 1, 1828.

(A)

List of Patients remaining in Hospital. November 1828.

<table>
<thead>
<tr>
<th>Date</th>
<th>Sex</th>
<th>Age</th>
<th>Disease</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 4, 1828</td>
<td>Male</td>
<td>23</td>
<td>Idiocy</td>
<td>Fayette</td>
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<td>Female</td>
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<td>Mania</td>
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<td>Male</td>
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<td>Female</td>
<td>36</td>
<td>Epilepsy</td>
<td>Nicholas</td>
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<td>32</td>
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<td>Female</td>
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<td>Franklin</td>
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<td>Madison</td>
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<td>Scott</td>
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<td>Male</td>
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<td>Idiocy</td>
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<td>Wayne</td>
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<td>April 14</td>
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<tr>
<td>June 15</td>
<td>&quot;</td>
<td>28</td>
<td>do</td>
<td>Jefferson</td>
</tr>
<tr>
<td>Sep. 25</td>
<td>&quot;</td>
<td>35</td>
<td>do</td>
<td>Harrison</td>
</tr>
<tr>
<td>Oct. 1</td>
<td>Male</td>
<td>22</td>
<td>Idiocy</td>
<td>Jefferson</td>
</tr>
<tr>
<td>Nov. 23</td>
<td>&quot;</td>
<td>30</td>
<td>do</td>
<td>Mason</td>
</tr>
<tr>
<td>Dec. 15</td>
<td>Male</td>
<td>43</td>
<td>Mania</td>
<td>Jefferson</td>
</tr>
<tr>
<td>Jan. 27</td>
<td>&quot;</td>
<td>45</td>
<td>Idiocy</td>
<td>Clarke</td>
</tr>
<tr>
<td>Mar. 12</td>
<td>&quot;</td>
<td>20</td>
<td>Epilepsy</td>
<td>Fleming</td>
</tr>
<tr>
<td>Mar. 12</td>
<td>&quot;</td>
<td>33</td>
<td>Mania</td>
<td>Fayette</td>
</tr>
<tr>
<td>May 10</td>
<td>&quot;</td>
<td>27</td>
<td>Epilepsy</td>
<td>Scott</td>
</tr>
<tr>
<td>June 6</td>
<td>Female</td>
<td>48</td>
<td>do</td>
<td>Fayette</td>
</tr>
<tr>
<td>Jan. 27</td>
<td>&quot;</td>
<td>50</td>
<td>Mania</td>
<td>Washington</td>
</tr>
<tr>
<td>Oct. 6</td>
<td>&quot;</td>
<td>22</td>
<td>Idiocy</td>
<td>Mason</td>
</tr>
<tr>
<td>Nov. 21</td>
<td>Male</td>
<td>24</td>
<td>do</td>
<td>Pendleton</td>
</tr>
<tr>
<td>Dec. 12</td>
<td>Female</td>
<td>38</td>
<td>Mania</td>
<td>do</td>
</tr>
<tr>
<td>Feb. 15</td>
<td>Male</td>
<td>30</td>
<td>Epilepsy</td>
<td>Anderson</td>
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<tr>
<td>Apr. 10</td>
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<td>42</td>
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<td>Apr. 18</td>
<td>Male</td>
<td>26</td>
<td>do</td>
<td>M'Cracken</td>
</tr>
<tr>
<td>May 7</td>
<td>Female</td>
<td>26</td>
<td>Apothe</td>
<td>Mercer</td>
</tr>
<tr>
<td>June 6</td>
<td>&quot;</td>
<td>40</td>
<td>do</td>
<td>Mercer</td>
</tr>
<tr>
<td>Jul. 20</td>
<td>Male</td>
<td>39</td>
<td>do</td>
<td>Todd</td>
</tr>
<tr>
<td>Aug. 4</td>
<td>Female</td>
<td>40</td>
<td>Epilepsy</td>
<td>Spencer</td>
</tr>
<tr>
<td>Aug. 7</td>
<td>Male</td>
<td>11</td>
<td>do</td>
<td>Wayne</td>
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<td>Idiocy</td>
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<td></td>
<td></td>
<td>do</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Sex</td>
<td>Age</td>
<td>Disease</td>
<td>County</td>
</tr>
<tr>
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<tr>
<td>12, “</td>
<td>&quot;</td>
<td>28</td>
<td>Dolora</td>
<td>Bourbon</td>
</tr>
<tr>
<td>26, “</td>
<td>&quot;</td>
<td>35</td>
<td>Mania</td>
<td>Fayette</td>
</tr>
<tr>
<td>29, “</td>
<td>&quot;</td>
<td>49</td>
<td>Apotee</td>
<td>Harland</td>
</tr>
<tr>
<td>Sept. 13, “</td>
<td>&quot;</td>
<td>28</td>
<td>Epilepsy</td>
<td>Boone</td>
</tr>
<tr>
<td>Oct. 2, &quot;</td>
<td>Female</td>
<td>13</td>
<td>Idiocy</td>
<td>Fayette</td>
</tr>
<tr>
<td>&quot;</td>
<td>Male</td>
<td>75</td>
<td>Apotee</td>
<td>Nelson</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;</td>
<td>32</td>
<td>Mania</td>
<td>Barren</td>
</tr>
<tr>
<td>&quot;</td>
<td>&quot;</td>
<td>41</td>
<td>Apotee</td>
<td>Fayette</td>
</tr>
<tr>
<td>Nov. 7, “</td>
<td>Female</td>
<td>24</td>
<td>Mania</td>
<td>Jessamine</td>
</tr>
<tr>
<td>21, “</td>
<td>&quot;</td>
<td>22</td>
<td>Epilepsy</td>
<td>Hart</td>
</tr>
</tbody>
</table>

Patients remaining in Hospital 1st Dec. 1827,
Of whom have died, 7
Been discharged, cured, 2
By request and relieved, 2

Received into the Hospital from 1st. Dec. 1827, to 27th November 1828, 11
Of whom have died 3
been discharged, cured, 4
by request and relieved, 4

Patients remaining this 27th Nov. 1828, 11
Of whom are paupers, 77
Boarders, 8

Since the opening of the institution, January 1824, to 27th November 1828, there have been received, 186
Patients,
Of whom have died, 35
been discharged, cured or by request, 66
of friends, more or less relieved, 10
Eloped, 18

Remain as above, 25
Abstract of the receipt and expenditure of the Lunatic Asylum for the year ending 30th November 1828.

**CHARGE.**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance in Bank 1st December 1827</td>
<td>$470.64</td>
</tr>
<tr>
<td>Board from Patients</td>
<td>$804.39</td>
</tr>
<tr>
<td>State appropriation</td>
<td>6,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$7,275.03</strong></td>
</tr>
</tbody>
</table>

**DISCHARGE.**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provisions</td>
<td>$2,063.25</td>
</tr>
<tr>
<td>Clothing</td>
<td>1,060.60</td>
</tr>
<tr>
<td>Furniture and bedding</td>
<td>405.96</td>
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<tr>
<td>Repairs</td>
<td>212.64</td>
</tr>
<tr>
<td>Extras</td>
<td>163.02</td>
</tr>
<tr>
<td>Medicine and Physicians fee</td>
<td>169.65</td>
</tr>
<tr>
<td>Fuel</td>
<td>618.12</td>
</tr>
<tr>
<td>Salaries</td>
<td>1,478.88</td>
</tr>
<tr>
<td>Conveying Patients</td>
<td>480.91</td>
</tr>
<tr>
<td><strong>Balance in Commonwealth’s Bank</strong></td>
<td><strong>$7,275.03</strong></td>
</tr>
</tbody>
</table>

Lexington, 1st December, 1828.

A literal copy of offers for building the wall around the Hospital.

FROM BENJAMIN FORD.

To the Honourable Committee of the Lexington Hospital—Being informed that you wish to build certain walls around the back yard of the Hospital next year, to be built of brick and to be laid in sand and lime mortar, I will furnish suitable common bricks to build said walls with, and have them laid in sand and with lime in a good, complete, workmanlike manner, for six dollars and fifty cents per thousand, deliver me the walls, and will make suitable bricks to cap the walls with, yours with respect, at a fair price. November 7th, 1828.

BENJAMIN FORD.

FROM JOHN SHROCK.

To the Commissioners for inclosing the yard of Hospital.

Gentlemen—I have made a calculation of three walls, two, two hundred and thirty-one feet long each, and one, one hundred and eighty-two feet long, all to be nine feet high of brick work, including the capping, and to be made one brick and a half thick or what is usually called a thirteen inches wall, and find that said walls will take one hundred and twenty-three thousand bricks to build them, which I propose to furnish and lay in sand and lime
morter, and face each side of the wall with hard brick, at seven dollars per thousand including the capping, or free from any extra charge for said capping; therefore the walls, as above described, will cost eight hundred sixty-one dollars; I will build them for this sum or I will build them at seven dollars per thousand, counted when finished, and the commissioners may enlarge the job if they choose, at the price per thousand, at any time, by giving me timely notice. I would respectfully suggest as my opinion, that the walls as proposed are not sufficiently thick to stand well; walls of their height and length, will be powerfully operated upon by hard winds, so much so as to cause them to very much warp if not fall down, particularly in wet seasons when the foundation is soft; the additional quantity of brick which they would take to make them two bricks thick, would only be thirty thousand seven hundred and fifty, which at the seven dollars per thousand would be two hundred and fifteen dollars twenty-five cents, making the total one thousand and seventy-six dollars twenty-five cents; but if the commissioners should think proper to increase the thickness to two brick, will furnish and lay them as above described at six dollars and seventy-five cents per thousand, which would be one thousand and thirty-seven dollars.

Recapitulation.—The walls one and a half brick thick will take one hundred and twenty-three thousand at seven dollars, eight hundred and sixty-one dollars; the same walls two brick thick, will take one hundred and fifty-three thousand seven hundred and fifty at six dollars seventy-five cents, is one thousand and thirty-seven dollars.

I have laid before you different propositions, any of which I will abide by, leaving you to make your election; should you accept any one of my proposals, you will please to give me information of the fact as early as it may be expedient to do so, that I may know how to make my arrangements.

I am gentlemen, respectfully, your servant.

JOHN SHROCK.

Ashton, { Commissioner.
Logan, } Higgins, 

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

Resolved, That the general law in relation to the sale of infant's real estate, fully embraces the objects of the petition of the heirs of David J. Lewis deceased, and that therefore the said petition be rejected.

Which was twice read and concurred in.

Mr. Wickliffe from the committee of courts of justice, reported a bill for the benefit of Thomas Wetherspoon.
Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with.

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

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

Mr. Pope from the committee of internal improvement, to whom was referred, a bill appointing commissioners to lay off and mark a state road from Bowlinggreen to Smithland in the county of Livingston, reported the same without amendment.

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

Mr. Hardin from the committee of finance, made the following report, viz:

The committee of finance has had the petition of William Gordon under consideration and submit the following resolution: 

Resolved, That the said petition be rejected.

Which was twice read and concurred in.

Mr. Wickliffe from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to establish election precincts in certain counties," reported the same with amendments, which were twice read and concurred in, and the said bill as amended was ordered to be again read a third time.

The said bill was accordingly read the third time.

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

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

After a short time a message was received from the House of Representatives, announcing their concurrence in the said amendments.

Mr. Carneal from the committee to whom was referred, a bill to incorporate the Covington Cotton Manufacturing Company in the town of Covington, Campbell county, Kentucky, reported the same with an amendment.

Which was twice read and concurred in, and the said bill was recommitted to a committee of Messrs. Hardin, M'Connell and Carneal.

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

By Mr. Daviess—1. A bill further to regulate the service of warrants of forcible entry and detainer.

By Mr. Wickliffe—2. A bill to amend the laws concerning the Lunatic Asylum; and,
By Mr. Fulton—5. A bill authorizing the insertion of advertisements in the Reflector, published in Augusta, Bracken county. Which bills were severally read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the second bill, and the second and third readings of the first and third bills having been dispensed with, the second was committed to the committee of courts of justice.

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

Ordered, That Mr. Daviess carry the first and Mr. Fulton the third bill to the House of Representatives and request their concurrence.

Messages were received from the House of Representatives announcing the passage of bills of the following titles, viz:

An act to establish an election precinct in Anderson county; and to alter the name of the place of holding the election in Todd county.

An act to allow additional constables to certain counties.

An act for the benefit of James Climore, Sen.

An act for the benefit of Clayton Miller, Elijah Stapp and Jacob Frederick.

An act for the removal of the seat of justice for Hickman county.

An act to establish the town of Ashby'sburg in Hopkins county; and,

An act for the relief of James Stone for keeping Polly Norman a lunatic, three months.

And of the passage of a bill which originated in the Senate, entitled, "an act for the benefit of James Ferry and others.

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

On the motion of Mr. Daviess—1. A bill to amend the penal laws of this Commonwealth in relation to the punishment of slaves.

On the motion of Mr. White—2. A bill the more effectually to prevent Slaves from hiring themselves.

On the motion of Mr. Allen—3. A bill to encourage medical learning and regulate the practice of medicine.

On the motion of Mr. Selby—4. A bill for the benefit of the heirs of John Williams deceased.

On the motion of Mr. Wickliffe—5. A bill to amend and explain the laws concerning ferries, and for other purposes.

On the motion of Mr. Rodman—6. A bill to extend the powers of the trustees of the town of New-Castle.

On the motion of Mr. Maupin—7. A bill to amend the militia laws of this Commonwealth, and for other purposes.
On the motion of Mr. Wingate—8. A bill for the benefit of the Sheriff of Owen county.

On the motion of Mr. M'Connell—9. A bill to amend and declare the law in relation to the liabilities of assignors to their assignees.

On the motion of Mr. Harris—10. A bill to provide for the finishing of the State road from Floyd court house to the Virginia State line, by way of Pikeville; and,

On the motion of Mr. Townsend—11. A bill to extend the time of closing the concerns of the Independent Bank of Henderson.

Messrs. Daviess, Hardin, Wickliffe and Pope were appointed a committee to prepare and bring in the first; Messrs. White, Maupin and Carneal the second; Messrs. Allen, Hardin and Muldrow the third; Messrs. Selby, W. Green and Rodman the fourth; Messrs. Rodman, Gibson and Slaughter the sixth; Messrs. Maupin, Pope, Hardin and M'Connell the seventh; Messrs. Wingate, Gibson and Barrett the eighth; Messrs. M'Connell, Carneal and Pope the ninth; Messrs. Townsend, Gibson and W. Green the eleventh; the committee of courts of justice were directed to prepare and bring in the fifth, and the committee of internal improvement the tenth.

A message was received from the Governor, informing the Senate that the Governor approved and signed, on the 15th inst. an enrolled bill which originated in the Senate entitled, an act to change the time of holding the Owen county court.

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

Mr. Carneal, from the committee to whom was referred, a bill from the House of Representatives, entitled, "an act to amend an act entitled, "an act to establish a ferry on the land of James Riddle," approved December 6, 1822, reported the same with an amendment.

Which was twice read and concurred in.

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

And the rule of the Senate, constitutional provision and third reading of said bill having been dispensed with.

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

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

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the President and Directors of the Bank of the Commonwealth of Kentucky, shall, on or before the third Monday in
February next, in the presence of the Governor, Auditor and Treasurer, proceed to count, and to destroy by burning dollars of the notes of said Bank, that have been withdrawn from circulation, and that they select such of said notes for that purpose, as have been most defaced.

An engrossed bill entitled, an act to reduce the price of the vacant land west of the Tennessee river to actual settlers, and more effectually to encourage the settlement and improvement of said land, was read the third time.

Mr. Selby moved to amend the said bill by attaching thereto the following engrossed clause, by way of rider, viz:

*Be it further enacted, That any young man above the age of eighteen years, who actually proves that he is a bona fide house keeper, on any such land, shall have the same benefits of any person having a family.*

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

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

**YEAS**—Messrs. Allen, Barrett, Cockerill, W. Green, Pope, Rodman, Selby and Wall—8.

**NAYS**—Messrs. Carneal, Faulkner, Fulton, Gibson, Given, Griffin, Harris, Hickman, Hughes, Mason, Maupin, M'Connell, M'Millan, Multrow, Slaughter, Summers, Taylor, Townsend, White, Wingate, Wood and Woods—22.

The said bill was then amended by way of rider.

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

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

A bill from the House of Representatives entitled "an act authorizing the surveyor of Muhlenburg county to receive and record certain plats and certificates," was read the third time.

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

*Ordered, That Mr. Cunningham inform the House of Representatives thereof.*

A bill from the House of Representatives entitled, "an act to establish an election precinct in Anderson county, and to alter the name of the place of holding the election in Todd county," was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was amended and ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill was then dispensed with.
Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act to establish an election precinct in Anderson county, and for other purposes.

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

Bills from the House of Representatives entitled:
   An act to allow additional constables to certain counties; and,
   An act for the benefit of Clayton Miller, Elijah Stapp and Jacob Frederick.

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

The rule of Senate, constitutional provision, and second and third readings of the said bills having been dispensed with.

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

Ordered, That Messrs. Allen and Selby inform the House of Representatives thereof.

Bills from the House of Representatives of the following titles:
1. An act for the benefit of James Climore, Sen.
2. An act to establish the town of Ashbyburg in Hopkins county.
3. An act for the removal of the seat of justice for Hickman county; and,
4. An act for the relief of James Stone for keeping Polly Norman, a lunatic, three months.

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

And thereupon the rule of Senate, constitutional provision and second reading of the third and fourth bills having been dispensed with; the third bill was committed to the committee of propositions and grievances, and the fourth to the committee of finance.

Mr. Townsend from the committee appointed for that purpose reported, a bill concerning the Independent Bank of Henderson.

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

And thereupon the rule of Senate, constitutional provision and second reading of the said bill having been dispensed with; it was committed to the committee of courts of justice.

And then the Senate adjourned.
The Senate assembled.

Mr. Harris presented the petition of sundry citizens of Owingsville in Bath county, praying that a law may pass authorizing the sale of a part of the public square in said town.

And Mr. Given presented the remonstrance of sundry citizens of Hickman county, against the removal of the seat of justice of said county.

Which were received, read and referred, the former to a committee of Messrs. Harris, M'Connell and Fleming, and the latter to the committee of propositions and grievances.

A message was received from the House of Representatives announcing their concurrence in the amendments proposed by the Senate, upon concurring in the amendments proposed by that House, to a bill from the Senate entitled, an act allowing an additional justice of the peace in Christian county, with amendments.

The said amendments were taken up, twice read and concurred in.

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

A message was received from the House of Representatives announcing the passage of a bill entitled, "an act further to regulate the powers of the trustees of South Frankfort.

The said bill was taken up, read the first time and ordered to be read a second time.

The following bills were reported from the several committees appointed for that purpose, viz:

By Mr. White—1. A bill for the benefit of Keziah Force and others.

By Mr. M'Connell—2. A bill to amend and declare the law in relation to the liabilities of assignors to their assigns; and,

By Mr. Wingate—3. A bill for the benefit of the Sheriff of Owen county.

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

The rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with, the first and second were committed to the committee of courts of justice, and the third was amended and ordered to be engrossed and read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the third bill having been dispensed with, and the same being engrossed.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.
Ordered, That Mr. Wingate carry the said bill to the House of Representatives and request their concurrence.

Leave was given to bring in the following bills, viz: On the motion of Mr. Hickman—A bill to amend and explain the law in relation to venire-men; and, on the motion of Mr. Hardin—A bill for the benefit of Jesse Crume.

Messrs. Hickman, Fleming and McMillan were appointed a committee to prepare and bring in the former, and Messrs. Hardin, W. Green and Allen the latter bill.

Mr. Hardin from the committee to whom was referred a bill to incorporate the Covington Cotton Manufacturing Company, in the town of Covington, Campbell county Kentucky, reported the same with amendments, which were twice read and concurred in.

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

An engrossed bill entitled, an act appointing commissioners to lay off and mark a State road from Bowlinggreen to Smithland in the county of Livingston; was read the third time.

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

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

A bill from the House of Representatives entitled, "an act for the benefit of James Climore, Sen." was read the second time, amended, and ordered to be read a third time.

And thereupon the rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

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

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

A bill from the House of Representatives entitled, "an act to establish the town of Ashbyburg in Hopkins county," was read the second time and ordered to be read a third time.

And then the Senate adjourned.

THURSDAY, DECEMBER 18, 1828.

The Senate assembled.

Mr. Selby presented the petition of William and Edward Tri- bune, praying that a law may pass authorizing them to raise their mill dam across Green river four and a half or five feet high; and also, a petition counter thereeto.

Mr. Given presented the petition of sundry citizens of Hick...
man county, praying that a law may pass to remove the seat of justice of said county.

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

Messages were received from the House of Representatives announcing the passage of bills of the following titles, viz:

An act to allow an additional justice of the peace to Todd county.

An act authorizing the commissioners for building the court house of Spencer county, to change the contract made for the building of the same.

An act for the benefit of Abner W. Quinn.

An act for the benefit of Richard Hart of Pulaski county and others.

An act to change the time of holding the county and circuit courts of Casey; and,

An act concerning the town of Henderson.

Mr. Wickliffe from the committee of courts of justice, to whom was referred, a bill to amend the law concerning free persons of colour, reported the same with amendments.

Which were twice read, and the said bill and amendments were laid on the table.

Mr. Wickliffe from the same committee, to whom was referred, a bill for the benefit of Transylvania University, reported the same with an amendment.

Which was twice read and concurred in.

The said bill was further amended, and ordered to be engrossed and read a third time to-morrow.

Mr. Wickliffe from the same committee, to whom was referred, a bill to amend the laws concerning the Lunatic Asylum, reported the same without amendment.

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

Mr. Wickliffe from the same committee to whom was referred, a bill concerning the Independent Bank of Henderson, reported the same without amendment.

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

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

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

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

Mr. Wood from the committee of religion, to whom was referred, a bill from the House of Representatives entitled, "an act
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to divorce Julia Murdock from her husband Willis Murdock, reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. Pope from the committee of internal improvement, reported a bill appropriating money for opening the State road from Prestonsburg to the Virginia State line, and a bill to establish a State road from the mouth of Salt river to intersect the State road leading from Brandenburg to Bowling Green.

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

The rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with, they were committed, the former to Messrs. Harris, McConnell, Fleming and McMillan, and the latter to Messrs. W. Green, Cunningham and Ray.

Mr. Pope from the same committee, to whom was referred, a bill to alter the mode and to allow pay for working on public roads, reported the same with an amendment.

Which was twice read and concurred in.

Ordered, That the said bill be committed to a committee of the whole House on the state of the Commonwealth for Monday next; and that the public printer print one hundred and fifty copies thereof for the use of the General Assembly.

Mr. Daviess from the committee on that part of the Governor's message which relates to education, made the following report:

The committee on that part of the Governor's message which relates to education, have, according to order, had under consideration the petition of Isaac Darneille to them referred, and have come to the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Which was twice read and concurred in.

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

An act for the benefit of the Baptist Church called "Six Mile," in Shelby county.

An act to change the name of Nancy D. Ray to Nancy R. Davis.

An act authorizing the election of trustees in the town of Owenton, Owen county.

An act to repeal the law establishing an election precinct in the South Fork in Wayne county, and an election precinct in Allen county.

An act to annul the marriage contract between Benjamin D. Fowler and Elizabeth Fowler.

An act for the benefit of James Ferry and others.

A resolution fixing a day to elect public officers.

A resolution fixing a day to elect a Senator in Congress; and,
A resolution to appoint joint committees to examine the deaf and dumb asylum at Danville, and Transylvania University and the lunatic asylum at Lexington.

And that the same had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Given reported that the committee had discharged that duty.

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

By Mr. Hardin—1. A bill for the benefit of Jesse Crume.

By Mr. White—2. A bill more effectually to prevent Slaves from hiring themselves; and,

By Mr. Harris—3. A bill to provide for the sale of a part of the public ground in the town of Owingsville, and for other purposes.

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

And thereupon the rule of the Senate, constitutional provision and second reading of the second bill, and the second and third readings of the first and third bills having been dispensed with, and the first and third being engrossed; the second bill was committed to the committee of courts of justice.

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

A bill from the House of Representatives entitled "an act authorizing the commissioners for building the court house in Spencer county, to change the contract made for the building of the same.

Was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of said bill having been dispensed with.

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

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

On the motion of Mr. Carneal—A bill to repeal so much of all laws as allows to clerks of this Commonwealth pay for ex officio services where the fees of said clerks exceed five hundred dollars; and,

On the motion of Mr. Selby—A bill for the benefit of the Sheriff of Casey county.

Messrs. Carneal, Hardin and Wickliffe were appointed a committee to prepare and bring in the former, and Messrs. Selby, Griffin and Maupin the latter bill.
On the motion of Mr. Wickliffe, the following were adopted as additional rules of the Senate, viz:

The Clerk shall, once in every week see that all the books belonging to the Senate, or for the use of the Senate, shall be placed in order, according to some fixed arrangement, and make report to the Speaker of the Senate of such books as are missing.

That it shall be the duty of the clerk, or assistant clerk to report all bills to the House of Representatives that shall pass the Senate, except where the Senate shall otherwise direct.

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

*Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of two from the Senate and two from the House of Representatives, be appointed to draft a memorial to Congress for an appropriation of public land for the purpose of internal improvements in this State.*

And then the Senate adjourned.

**FRIDAY DECEMBER 19, 1828.**

The Senate assembled.

Mr. Garrard presented the petition of sundry citizens of Whitley county, praying that a part of said county may be added to the county of Laurel.

Which was received, read and referred to the committee of propositions and grievances.

Mr. W. Green from the committee of courts of justice, to whom was referred a bill from the House of Representatives, entitled an act to regulate the appointment of Sheriff for Simpson county, reported the same with an amendment.

Which was twice read and concurred in.

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

The rule of the Senate constitutional provision, and third reading of the said bill having been dispensed with.

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act to amend the laws respecting Sheriffs.

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

By Mr. Selby—A bill for the benefit of the Sheriff of Casey county; and

By Mr. Hickman—A bill to amend and explain the law in relation to veniremen.

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

The rule of the Senate constitutional provision, and second
reading of the latter bill having been dispensed with, it was committed to the committee of courts of justice.

Bills from the House of Representatives entitled, an act for the benefit of the present and former managers of the turnpike and wilderness road: and an act to establish the town of Ashby'sburg, in Hopkins county, were each read the third time.

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

A bill from the House of Representatives entitled, an act further to regulate the powers of the trustees of South Frankfort, was read the second time and committed to Messrs. Wingate, Pope, Hardin and Hickman.

Bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of Abner W. Quinn.
2. An act for the benefit of Richard Hart of Pulaski county, and others.
3. An act to change the time of holding the county and circuit courts of Casey; and

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

The rule of the Senate constitutional provision, and second reading of the first, second and third bills, and the second and third readings of the fourth bill having been dispensed with; the first was committed to a committee of Messrs. Mason, M'Connell and Harris; the second to the committee of propositions and grievances; and the third to a committee of Messrs. Daviess, W. Green, Selby, Faulkner and Griffin.

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

An engrossed bill entitled, an act to incorporate the Covington Cotton Manufacturing Company, in the town of Covington, Campbell county, Kentucky, was read the third time.

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

A bill from the House of Representatives entitled, an act to allow an additional justice of the peace to Todd county.

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

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was amended and ordered to be read a third time.

The rule of the Senate constitutional provision, and third reading of the said bill having been dispensed with.

Resolved, That the said bill as amended do pass and that the title be amended to read, an act to allow additional justices of the peace to Todd and Mason counties.
Messages were received from the House of Representatives, announcing the passage of bills of the following titles, viz:

An act to amend the law in relation to ferries; and
An act to establish the county of Hancock, out of the counties of Breckinridge, Daviess and Ohio.

And bills which originated in the Senate entitled, an act authorizing the insertion of advertisements in the Reflector, published in Augusta, Bracken county, and an act for the benefit of the Sheriff of Owen county.

A message in writing was received from the Governor, by Mr. Metcalfe, assistant Secretary.

A bill from the House of Representatives entitled, an act to divorce Julia Murdock, from her husband Willis Murdock, was read the third time as follows, viz:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage between Willis Murdock and Julia Murdock be, and the same is hereby dissolved, and that the said Julia shall hereafter enjoy all the rights and privileges of a female.*

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

The yeas and nays being required thereon by Messrs. M'Connell and Wood, were as follows, viz:

**YEAS—** Messrs. Fulton, Griffin, Harris, Hughes, Mason, Mappin, Rodman, Summers, Townsend, Wingate and Wall—11.


On the motion of Mr. Carneal, the committee of the whole was discharged from the further consideration of a bill providing for the establishment of common schools throughout the Commonwealth, and the said bill was placed in the orders of the day.

On the motion of Mr. Daviess, a bill to amend the law in relation to elections, was taken up and placed in the orders of the day.

And then the Senate adjourned.

SATURDAY DECEMBER 20, 1828.

The Senate assembled.

Mr. Fulton presented the petition of the devisees of William Johnson, deceased, some of whom are under the age of twenty-one years, praying that a law may pass authorizing the sale of one hundred acres of land, in Nicholas county.

Which was received, read and referred to the committee of courts of justice.
A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz:

An act to authorize John Grider and Timothy Burgess of Russell county, to erect gates across the public highway, and for other purposes.

An act for a change of venue in the prosecutions against Jesse Hyde, and William Hall.

An act to establish the county of McKee, out of the South part of Washington county.

An act to amend the law relating to the securities of administrators and executors.

An act to regulate Lawrenceburg.

An act to alter the time of holding the Hart county court.

An act for the divorce of Jane Pemberton, from her husband Henry Pemberton.

An act dissolving the marriage contract between Joseph Gilmore and Betsy Gilmore.

An act to divorce Agnes Whitehead, from her husband Armstrong Whitehead.

An act for the benefit of Sally Floyd.

An act to divorce Polly Baker, from her husband Thomas Baker, and John Cochran from his wife, Catharine Cochran.

An act to divorce Berriman Adams, from his wife Lucinda Adams.

An act to divorce Mary Drysdale, from her husband Reuben Drysdale; and

An act to legalize the proceedings of the court of assessment, of the 71st and 34th regiments of Kentucky militia.

Mr. Allen from the committee of propositions and grievances, made the following reports, viz:

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of Whitley county, praying that a law may pass, adding a small part of said county to the county of Laurel, and have come to the following resolution thereon, to-wit:

Resolved, That said petition is reasonable.

The committee of propositions and grievances have, according to order, had under consideration the petition of Wm. and Edward Trabue, praying to increase the height of their mill dam across Green river in Adair county, and have come to the following resolution thereon, to-wit:

Resolved, That said petition is reasonable.

Which were twice read and concurred in.

Ordered, That the committee of propositions and grievances prepare and bring in bills pursuant thereto.

Mr. Allen from the same committee to whom was referred bills from the House of Representatives entitled,
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An act for the benefit of Richard Hart of Pulaski county, and others; and
An act for the removal of the seat of justice for Hickman county, reported the same without amendment.
Ordered, That the said bills be read a third time.
The rule of the Senate constitutional provision, and third reading of the latter bill having been dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Mason from the committee to whom was referred, a bill from the House of Representatives entitled, an act for the benefit of Abner W. Quinn, reported the same without amendment.
Ordered, That the said bill be read a third time.
The rule of the Senate constitutional provision, and third reading of the said bill having been dispensed with.
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Harris from the committee to whom was referred a bill appropriating money for opening the state road from Prestonsburg to the Virginia state line, reported the same without amendment.
Ordered, That the said bill be engrossed and read a third time on Monday next.

Mr. Wingate from the committee to whom was referred, a bill from the House of Representatives entitled, an act further to regulate the powers of the trustees of South Frankfort, reported the same with an amendment.
Which was twice read and concurred in.
Ordered, That the said bill as amended, be read a third time.
The rule of the Senate constitutional provision, and third reading of the said bill having been dispensed with.
Resolved, That the said bill as amended, do pass, and that the title thereof be as aforesaid.

Mr. W. Green, from the committee to whom was referred, a bill to establish a state road from the mouth of Salt river, to intersect the State road leading from Brandenburg to Bowling-green, reported the same with an amendment.
Which was twice read and concurred in.
Ordered, That the said bill be engrossed and read a third time on Monday next.
The message received from the Governor on yesterday, was taken up and read as follows, viz:

Gentlemen of the Senate:
I nominate for the advice and consent of the Senate, George Robertson and Joseph R. Underwood, Esqrs. as Associate Justices of the Court of Appeals of this Commonwealth to fill the vacancies now existing in the said court.

THOMAS METCALFE.
Ordered, That the said nominations be laid on the table.

On the motion of Mr. Wingate—Ordered, That a subpoena duces tecum be issued for the Clerk of the county court of Estill, or the person who may have in his possession the original poll book or books, containing the votes for Senator in said county, at the last general election, to bring with him the said book or books, to be used as evidence in the contested election of Senator from the counties of Montgomery and Estill.

On the motion of Mr. Wingate, leave was given to bring in a bill to provide for laying out and marking a State road from Mew-Castle in the county of Henry to Covington in the county of Campbell; and Messrs. Gibson, Carneal, Wingate, and Rodman were appointed a committee to prepare and bring in the same.

Mr. Given from the joint committee of enrolments reported that the committee had examined enrolled bills of the following titles, viz:

An act for the benefit of Clayton Miller, Elijah Stapp and Jacob Frederick.

An act to allow additional constables to certain counties.

An act authorizing the surveyor of Muhlenburg county to receive and record certain plats and certificates.

An act authorizing the commissioners for building the courthouse of Spencer county, to change the contract made for building the same.

An act authorizing the insertion of advertisements in the Reflector, published in Augusta Bracken county; and,

An act for the benefit of the Sheriff of Owen county.

And had found the same truly enrolled; and that said bills had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Given reported that the committee had discharged that duty.

A bill from the House of Representatives entitled, "An act to establish the county of Hancock, out of the counties of Brackenridge; Ohio and Daviess."

Was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee of propositions and grievances.

Mr. Slaughter from the joint committee appointed to examine the Bank of Kentucky, made the following report, viz:

The joint committee appointed by the Senate and House of Representatives, to examine the Bank of Kentucky, have performed that duty. They counted the money on hand, found the same all safe and correct.
They find that the Bank during the last year, was able to collect the sum of $114,913.04 and during same period have received and extinguished stock of said Bank to the amount of $24,445. We find that the expenses of the current year is less than the last by the sum of $2,439.06, and that of the current expenses during the present year, the sum of $4,899.65, was paid out for expenses in prosecuting law suits, a large part of which may be repaid into said Bank; on the real estate there will be great loss, but your committee have been unable to ascertain the amount; and of the amount reported as due from individuals, there will be a serious loss.

All of which is respectfully submitted.

THO. S. SLAUGHTER,
WILLIAM P. FLEMING,

Committee from Senate.

G. WOOLFOLK, C. C. H. R.
JOHN YANTIS,
JQB STEVENSON,
BENJ. ALLEN,
WH. H. CAPERTON,
R. C. HARRISON,

Committee House of Representatives.


Sir,—In answer to your inquiry of the probable amount paid during the present year, for the expenses of law suits and which forms a part of the sum of $10,881.74, reported as current expenses, I find from an examination of that account, the amount is $4,899.65 cents.

Yours respectfully,

H. BLANTON, CH.

Cash on hand at the close of the Bank, Dec. 18, 1828.

Silver, $1,230.26
Eastern notes on Specie paying Banks, 5.537
Commonwealth’s Bank notes, 54,062.36
Uncurrent notes, 2,408.25
Kentucky notes, 441.25

$56,829.68

And then the Senate adjourned.

MONDAY, DECEMBER 22, 1828.

The Senate assembled.

Mr. Allen from the committee of propositions and grievances, reported a bill to add a part of the county of Whitley to the county of Laurel.

Which was read the first time and ordered to be read a second time.
The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed,

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

Mr. Allen from the same committee to whom was referred, a bill from the House of Representatives entitled, "an act to establish the county of Hancock out of the counties of Breckinridge, Daviess and Ohio, reported the same without amendment.

The said bill was amended and ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with.

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

The yeas and nays being required on the passage of the said bill by Messrs. Hardin and Maupin, were as follows, viz:


Mr. Wickliffe from the committee appointed for that purpose, reported, a bill to amend the law concerning ferries, and for other purposes.

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

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee of courts of justice.

Ordered, That the public printer print one hundred and fifty copies of said bill for the use of the General Assembly.

Mr. W. Green from the committee appointed for that purpose, reported, a bill prohibiting Slaves from retailingspirituous liquors.

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

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee of courts of justice.

The Senate took up the nomination of George Robertson, Esq., as an associate justice of the Court of Appeals of this Commonwealth.

Mr. Davies moved to lay the said nomination on the table, and that the Senate take up the nomination of Joseph R. Underwood, Esq., as an associate justice of the Court of Appeals.
Mr. Wickliffe called for a division of the question. And the question being taken on laying the nomination Mr. George Robertson on the table, it was decided in the negative.

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


Mr. Harris moved to lay the said nomination on the table until Wednesday next.

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

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


The question was then taken on advising and consenting to the appointment of George Robertson as an associate justice of the Court of Appeals of this Commonwealth, and it was decided in the affirmative.

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


The question was then taken on advising and consenting to the appointment of Joseph R. Underwood as an associate justice of the Court of Appeals of this Commonwealth, and it was decided in the affirmative.

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


Ordered, That Messrs. Carneal, J. Green and Given inform the Governor thereof.

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

- An act requiring certain duties of the clerks within this Commonwealth.
- An act for the benefit of Polly Jordan, administratrix of Samuel Jordan deceased.
- An act to regulate the formation and guaging of liquor barrels.
- An act allowing John Rogers compensation for keeping a lunatic; and,
- An act for the benefit of John Robinson, John Lemmon and Daniel McClelland.

Of bills which originated in the Senate of the following titles, viz:

- An act for the benefit of the widow and heirs of Richardson P. Hughes deceased.
- An act authorizing the trustees of Harrodsburg Seminary to sell all or a part of the lands belonging to said Seminary.
- An act for the benefit of the heirs of Benjamin Holland deceased.
- An act to extend the lot appropriated for a burying ground in the town of Greensburg.
- An act for the benefit of Absalom Graves.
- An act to reduce the price of the vacant land west of the Tennessee river to actual settlers, and more effectually to encourage the settlement and improvement of said land; and,
- An act for the benefit of the heirs and representatives of Thomas D. Andrews deceased.

And that the House of Representatives had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

- An act for the benefit of James Clinore, Sen.
- An act to establish an election precinct in Anderson county, and for other purposes.
- An act to amend an act entitled, "an act to establish a ferry on the land of James Riddle," approved December 6, 1822.
- An act to allow an additional justice of the peace to Todd county.
- An act to establish election precincts in certain counties; and,
- An act to establish the county of Hancock out of the counties of Breckinridge, Daviess and Ohio.

And then the Senate adjourned.
THE SENATE.

TUESDAY, DECEMBER 23, 1828.

The Senate assembled.

A message was received from the Governor by Mr. Metcalfe, Assistant Secretary, announcing that on yesterday the Governor approved and signed enrolled bills and resolutions which originated in the Senate of the following titles, viz:

A resolution to appoint joint committees to examine the Deaf and Dumb Asylum at Danville, and Transylvania University and the Lunatic Asylum at Lexington.

An act for the benefit of James Ferry and others.

A resolution fixing a day to elect a Senator in Congress.

A resolution fixing a day to elect public officers.

An act to continue in force, "an act for the benefit of the head right and Tellico settlers, and for other purposes," passed the 28th December one thousand eight hundred and twenty six.

An act for the benefit of the Sheriff of Owen county; and,

An act authorizing the insertion of advertisements in the Reflector, published in Augusta Bracken county.

The following messages in writing were received from the Governor by Mr. Metcalfe assistant Secretary, viz:

EXECUTIVE DEPARTMENT, 22, December, 1828.

Gentlemen of the Senate:

The following gentlemen having been commissioned by my predecessor until the end of your present session, I therefore nominate them for your advice and consent, viz:

John C. Bucklin for Mayor of the city of Louisville.

John B. Grayham assistant judge for Calloway county.

John L. Prewitt Escheator for Mead county.

Owen Willis Inspector of Tobacco at Scaggs's Warehouse in Grayson.

THOMAS METCALFE.

Gentlemen of the Senate:

I nominate to you, for your advice and consent, the following gentlemen for the offices in the militia annexed to their names respectively, viz:

Bannister Wall colonel of the 73d regiment vice William Newton, promoted.

James L. Holmes, lieutenant colonel of the 73d regiment vice James Bryant, removed.

Richard C. Jett, major of the 73d regiment vice John H. Priest, resigned.

Richard R. Taylor, lieutenant colonel of the 49th regiment vice Jesse Mosebey, promoted.

Richard M. Barret, major of the 49th regiment vice R. R. Taylor promoted.

Tandy Sandifer, major of the 41st regiment.
John N. Payne, quarter master of the 15th brigade vice Bedford J. Peters, declined.

Samuel Wilson, lieut. colonel of the 87th regiment vice James Easor, resigned.

John M. McCalla, major general of the 5th division vice James Dudley, resigned.

Thomas L. Hill, colonel of the 76th regiment vice Henry McQuaid, removed.

Lawson Robison, major of the 76th regiment, vice H. B. Cox, resigned.

Joseph Wayland, major of the 38th regiment vice S. P. Hill, promoted.

Mr. White from the joint committee appointed to examine the Register's office made the following report, viz:

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:

That they find transmitted from the Virginia land office, surveys in bundles numbered from 1 to 273, neatly and newly labelled with an alphabet; also, 25 bundles containing the caveat and defective surveys on which grants have issued; 2 bundles caveat surveys; 2 bundles defective surveys, and one bundle of surveys mislaid from their proper bundles, all neatly and newly labelled, and recorded in 11 volumes well bound, with a complete alphabet; 2 bundles of warrants located and mislaid; one bundle copies of wills; 16 volumes, the record of the grants issued on the aforesaid surveys in good order, with a complete alphabet; the record of military warrants from the Virginia land office in two volumes with alphabets in good order; a list of Virginia treasury warrants in two volumes; the records of pre-emption warrants in one volume, and one volume containing the record of warrants under the proclamation of 1763, with alphabets and in good order; commissioners certificates granted in 1779 and 80, in three volumes, with alphabets in good order. The sale books of non-residents lands, for the years 1800, 1, 2 and 4, have a new alphabet, (though 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 bundles numbered from 1 to 146, neatly and newly labelled, with an alphabet. The record of these surveys together with the record of some grants is in 11 volumes, with an alphabet, in good order, the grants issued on the aforesaid surveys are in 19 volumes, to which there is an alphabet, in good order. The surveys on headright claims are neatly registered in three volumes, with two alphabets, one of which is somewhat worn; the headright plats and certificates of
surveys are filed in numbers from 1 to 311 bundles neatly and newly labelled and recorded in 17 volumes, with two alphabets, in good order; the grants issued thereon, are recorded in 23 volumes well bound, with two alphabets, in good order; land warrants issued under the act of 1800, the surveys and grants on the same, as also the Telico surveys and grants, are in two volumes, they are registered in one volume, the original surveys tied up in 13 bundles, neatly and newly labelled, all in good order; 9 bundles of certificates, on which warrants have issued; 7 bundles certificates of sales of non-residents lands on which deeds have issued; one bundle attorney general opinions to the register; 3 bundles county court certificates; 7 bundles caveats, since 1792; 4 bundles caveated surveys, since 1792; 2 bundles of surveys not registered for want of fees, since 1792; one bundle defective surveys since 1792; 37 bundles of vouchers, on which the late Kentucky land warrants have issued, all neatly and newly labelled and in good order; one volume containing the surveys under the proclamation of 1763, with an alphabet; two volumes of certificates granted in 1798, and three volumes in 1799, with alphabets; Anderson and Croghan's military entry books, in two volumes, with alphabets, the transcript of Lincoln's entries, in two volumes, with an alphabet, in good order; May's entries, (so called,) transcribed in five volumes, with two alphabets, in good order; one volume of Green's deputy register of surveys, made previous to June, 1792; one volume relinquishments, in tolerable order; a list of Kentucky land warrants issuing under the acts of 1814, and subsequent acts, in two volumes, and the record of said warrants, in 10 volumes. The original surveys made on said warrants, are tied up in 271 bundles, neatly and newly labelled and recorded in 16 volumes, well bound; the grants issued thereon, recorded in 24 volumes, with two alphabets, in good order; the said surveys are neatly registered in 3 volumes, with two alphabets, 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 four volumes, well bound, with an alphabet, in good order; agreeably to an act of assembly, approved, 5th January, 1824, one book of original entries from the county of Mercer, one from Bourbon, and one from Nelson, have been returned by the surveyors of said counties, to the registers office, agreeably to requisitions of an act of assembly, approved, February 12th, 1820, all of which books of entries, are in order fit to be used; the surveyor of Jefferson county, has failed to return the original entries of that county to the registers office, as your committee have been informed by the Register; one volume of military grants for land west of the Tennessee river; one volume in which the surveys of that land are registered, and one volume in which they are
recorded, the surveys are neatly tied up in 6 bundles, each volume, having a separate alphabet; one volume in which certificates of sales of land west of the Tennessee river, are recorded; two volumes of grants issued thereon, with alphabets in good order; one volume of Henderson's field notes, (this book is not well bound;) one volume in which surveys of lands south of Walkers line are recorded; two volumes of grants, one volume in which the same are registered with alphabets, in good order; the surveys of the lands are tied up in 15 bundles neatly labelled; one volume of the list warrants S. W. E. one volume in which those warrants are recorded; one volume in which the surveys on forfeited lands are registered; one volume the record of surveys; one volume of grants on the same, with alphabets, in good order; three bundles of certificates of sales of lands west of the Tennessee river on which grants have issued, neatly labelled.

Your committee would here remark, that the alphabet to the headright register before spoken of, as being somewhat worn, is also so much defaced from common use, that your committee are of opinion that it ought to be transcribed, which matter was by your former committee suggested to this House.

The Register exhibited great promptitude in attending to and assisting us in the necessary examination of his office, and afforded every facility therein, that could have been asked, all of which, is respectfully submitted.

Your committee are satisfied from the examination they have made, that the business in the land office, has greatly increased; owing to the reduction of the price of land warrants, and the bringing into market the lands in the State of Tennessee, south of Walkers line. Your committee are also satisfied; that the Register pays about seven hundred dollars, owing to the increased labors in that office.

Given under our hands, this 20th day of December, 1828.

SAMUEL W. WHITE,
WILLIS GREEN,
JOHNSON J. COCKERILL.
On the part of the Senate.

THOMAS MARSHALL,
THOMAS P. METCALFE,
ROBT. H. PARIS,
HENRY CRITTENDEN.
On the part of the House of Representatives.

A bill from the House of Representatives entitled, an act to establish the county of M'Kee out of the south part of Washington county.

Was read the first time and ordered to be read a second time. The rule of the Senate, constitutional provision and second
reading of the said bill having been dispersed with, it was committed to the committee of propositions and grievances.

A bill for the benefit of the Sheriff of Casey county, was read the second time, amended, and committed to the committee of courts of justice.

A message was received from the House of Representatives announcing the passage of a resolution for a recess of the General Assembly.

A message from the House of Representatives by Mr. Blackburn:

Mr. Speaker—The House of Representatives are now ready, by a joint vote with the Senate, to proceed to the election of a Senator in Congress.

Ordered, That the Clerk inform the House of Representatives that the Senate is now ready to proceed to the said election.

A message was received from the House of Representatives, announcing that George M. Bibb and John Pope are in nomination before that body for Senator in Congress.

Mr. Pope rose in his place and stated that he had been nominated without his knowledge, and requested that his nomination should be withdrawn.

A message was received from the House of Representatives, announcing that the nomination of Mr. Pope for Senator in Congress was withdrawn.

Mr. J. Green nominated Mr. John P. Oldham as a proper person to fill the office of Senator in Congress.

Ordered, That the Clerk inform the House of Representatives thereof.

The nomination of Mr. Oldham was then withdrawn.

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

Mr. Garrard then nominated Mr. Tuastall Quarles.

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

A message was received from the House of Representatives by Mr. Guthrie, informing the Senate that Mr. Quarles declined the nomination, and that Mr. Bibb was the only person in nomination before that House.

Mr. Garrard then withdrew the nomination of Mr. Quarles.

Mr. Faulkner nominated General John Adair.

Ordered, That the Clerk inform the House of Representatives thereof.

A message was received from the House of Representatives by Mr. Guthrie, informing the Senate that the nomination of Mr. Adair was withdrawn, and that Mr. Bibb and Burr Harrison stood in nomination before that House.

Ordered, That the Clerk inform the House of Representatives.
that the same persons stand in nomination before the Senate, and that the Senate is now ready to proceed to the election.

The Senate then proceeded to take the vote which stood thus:


For Mr. Harrison—Messrs. Cunningham, Faulkner, Garrard, Gibson, J. Green, W. Green, Hickman, M'Connell, M'Millan Muldrow, Summers, Taylor, Townsend, White, Wickliffe and Woods—16.

Messrs. Carneal and Faulkner were appointed a committee on the part of the Senate, to meet a committee on the part of the House of Representatives and compare the joint vote.

After a short time Mr. Carneal from the said committee, reported, that the joint vote stood thus:

For George M. Bibb, 83,
For Burr Harrison, 50,
Scattering, 1

Mr. Bibb was thereupon declared duly elected Senator in Congress from this State for six years, commencing on the 4th day of March next.

Messages were received from the House of Representatives informing the Senate that the House of Representatives was ready, by a joint vote with the Senate, to proceed to the election of a Treasurer, President and Directors of the Bank of Kentucky, Public Printer and President and Directors of the Bank of the Commonwealth of Kentucky.

And a message was sent to the House of Representatives informing them that the Senate is now ready, by a joint vote with that body, to proceed to the said election.

Nominations having been made and interchanged between the houses.

The Senate proceeded to the said election, and appointed committees on their part to meet committees from the House of Representatives to compare the joint votes; the result thereof was reported to stand thus:

For Treasurer on the first vote.
James Davidson, 68,
Robert Johnson, 54,
Samuel Todd, 14,

On the second vote.
James Davidson, 70,
Robert Johnson, 66,

James Davidson having a majority of all the votes given was thereupon declared to be duly elected Treasurer of this Commonwealth.
For President of the Bank of Kentucky,
Peter Dudley, 74,
Joseph Roberts, 62,
Mr. Dudley having a majority of all the votes given, was declared duly elected.

For Directors of the Bank of Kentucky, first vote.
Henry Wingate, 86,
Charles S. Bibb, 67,
Benjamin B. Johnson, 64,
Gervis E. Russell, 53,
Henry Wingate having a majority of all the votes given, was declared duly elected.
The nominations of Mr. Bibb and Mr. Russell were withdrawn and on the second vote,
For Benjamin B. Johnson, 124,
He was thereupon declared duly elected.

For Public Printer.
Amos Kendall and Albert G. Meriwether, 75,
Jacob H. Holeman, 60,
Messrs. Kendall and Meriwether having a majority of all the votes were declared duly elected.

For President of the Bank of the Commonwealth of Kentucky.
For Francis P. Blair, 74,
For Samuel Q. Richardson, 57,
Mr. Blair having received a majority of all the votes was declared duly elected.
The vote was then taken for Directors of the Bank of the Commonwealth of Kentucky and delivered to the committee on the part of the Senate, and they retired to meet the committee on the part of the House of Representatives, and compare the votes.
The resolution from the House of Representatives for a recess of the General Assembly, was then taken up and twice read as follows, viz:

In the House of Representatives, 23d Dec. 1828.
Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on Wednesday the 24th they will adjourn to meet again on Monday the 29th inst.

Att.
JNO. M. McALLA.

Mr. J. Green moved to strike out the words, "Wednesday the 24th, they will adjourn to meet again on Monday the 29th inst." printed in italics, and to insert in lieu thereof, "the fifteenth of January next, they will adjourn without day."
Mr. McMillan called for a division of the question.
The question was taken on striking out the said words, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. McConnell and Cockerill, were as follows, viz:


The said resolution was then laid on the table until Monday week next, and then the Senate adjourned.

WEDNESDAY, DECEMBER 21, 1828.

The Senate assembled.

Mr. Woods from the committee on the part of the Senate, appointed to compare the joint vote for directors of the bank of the commonwealth of Kentucky, reported the result to stand thus:

For William O. Butler, 114; George B. Knight, 110; John Wright, 107; John McIntosh, 93; Ezra Richmond, 89; Benjamin Hickman, 77; Jephtha Dudley, 74; Dandridge C. Freeman, 61; Willis Lang, 62; Herman Bowmer, 61; Willis Field, 59; James Downing, 59; Alexander R. Depew, 58; James Davidson, 56; John J. Marshall, 56; Thomas S. Page, 55; Robert Samuel, 55; A. W. Dudley, 52; and William Wood, 49.

The twelve gentlemen first named having received the highest number and a majority of all the votes given, were declared duly elected.

Mr. Rodman was excused from serving on the committee on the part of the Senate, to examine the deaf and dumb asylum at Danville, and Mr. Townsend was added to the said committee.

A message in writing was received from the Governor.

The rule of the Senate having been dispensed with, the said message was taken up and read as follows, viz:

Gentlemen of the Senate: I nominate for your advice and consent, Thomas T. Crittenden, Esq., as secretary of state for this commonwealth.

THOMAS METCALFE.

Resolved, That the Senate advise and consent to the said appointment.

Ordered, That Mr. Hardin inform the Governor thereof.

The Speaker laid before the Senate, the annual report of the trustees of the Cumberland Hospital, which is as follows, viz:

Report of the Cumberland Hospital.

Received as per appropriation of the Legislature in 1826, from the Branch Bank of the Commonwealth at Princeton.
Dec. 24.]  THE SENATE.

Received upon our order, in favor of Thomas P. Clack, from the Treasury of this State, as per appropriation in 1827, $4000.

1827.

DISBURSEMENTS.

May 10, paid John Adamson for stone work, $105 00
paid James McCauley for one acre of ground, 400 00
paid Leroy Brooks for brick work, as per contract, 499 00
paid George Wilson for carpenters and joiners work, materials, &c. as per contract, 774 00
Oct. 15, paid Leroy Brooks for additional brick work, 54 40
1828, paid George Wilson for painting, 154 75
paid Thomas M'Cormick for plastering and ceiling, 196 00
paid the printer of the Museum for advertising the letting the building said Hospital, 15 00
April 20, sold five hundred dollars Commonwealth paper for $400 specie, 20 pr. ct. discount, is $100 00
paid Leroy Brooks for the stone and brick work of a smoke house and kitchen, 240 00
paid George Wilson for locust posts, rails and paling in the Hospital lot, 120 00
paid Sheldon and Dixon of N. Orleans for bill medicine and shop furniture, 106 46
paid Thomas M'Cormick for extra ceiling under stairs, 4 00
paid for Matrasses and furniture for same in New Orleans, 106 46
paid for laying hearths, bed ticking, &c. &c. 23 31
paid for planting locust trees on said lot for shades, 2 50
paid D. J. Brown for going twice to Princeton to draw the money according to the appropriation, 15 00
paid George Wilson for extending the piazza and gallery one foot wider than the contract, 28 66
paid freight from New Orleans on 1217 lb. a 1-2 c.

$2986 08
4000 00

Cash on hand, $1013 92

The foregoing receipts and disbursements shew a balance in our hands of one thousand and thirteen dollars and ninety-two
cents; out of which there will be shortly to be paid for digging a well, walling, &c. about one hundred and twenty dollars; and for the carpenters and joiners work of the kitchen and smoke house, about one hundred dollars; and we suppose that it may take about one hundred dollars to cover the expenses of the sick that have been in the Hospital, and all other claims that may be against us, which will leave a balance unexpended of six hundred and ninety-three dollars and ninety-two cents. There is yet to be procured for the use of the institution, a medical stand, cots or bedsteads, some common chairs.

We put the Hospital in operation on the 10th day of October last; we could not possibly get it ready during the most sickly part of the season, consequently have had but few patients; we have entered into an arrangement with a man to live in said Hospital, and to take care of the patients, furnishing them with such diets and drinks (wines excepted,) as the attending physician or the trustees may direct, for which we pay him three dollars per week in Commonwealth's paper, for each. We have employed Doctor D. B. Saunders, as attending physician, and are to pay him such price at the end of the year as we may deem reasonable, which will be settled according to the number of patients and the character of the disease. There has been only three patients in the Hospital since opened, viz:

John Rickett's entered 10th October, 1828, discharged 10th November, 1828, cured, a native of Cookstown Pa. 23 years old.
Thomas Mellon, entered 10th October, 1828, discharged 19th November, 1828, cured, native of Vermont, 35 years old.
Edward Cashill, entered 6th November, 1828, discharged 18th same month, cured, native of Wheeling Va. 20 years old.

The Cumberland Hospital is now in complete order for the reception of the sick, and we shall probably have the means to carry it on for the next season, but how it is to be supported after the present fund is exhausted, is the question. We would humbly suggest the propriety of your honorable body calling on Congress for an annual appropriation out of the marine fund, or for a donation of land in Illinois or elsewhere. Tennessee, Ohio and Indiana, should each feel a lively interest in this establishment, as their citizens are as likely to become its patients as those of Kentucky. Would they not contribute something to its support, if proper application was made. The three patients that have been cured in the Hospital, when they entered, were in a very low state of health, with diseases contracted on the river; neither of them had the means of supporting themselves, or paying a physician, being destitute of money.

WILLIAM GORDON,
JOSEPH HAYDOCK,
THOMAS WILLIS,

The said report was referred to Messrs. Given, Hardin and Allen.

Mr. Maupin from the committee to whom was referred, a bill to amend the law in relation to militia fines, reported the same without amendment, and the said bill was placed in the orders of the day.

The Speaker laid before the Senate, the annual report of the visitors to the Penitentiary, which is as follows, viz:

STATE OF KENTUCKY,  
Frankfort, 22d December, 1828.

DEAR Sir: By an act of the General Assembly of the Commonwealth of Kentucky, approved the 10th day of January, 1825, concerning the Penitentiary, the undersigned were appointed a board of visitors to said institution, for the purposes therein mentioned, and to make report to each successive legislature, their opinion, as to the management and government of the same.

In discharging that duty, we now beg leave to state, that they have once in each month, since their last report, regularly visited the Penitentiary, and that the government of the same, has been conducted with great propriety and in strict observance of the laws heretofore passed, for the conduct of, and management of the same. The dormitories and cells are clean— the health of the convicts has been remarkable during the last year, there has not been more than three on the sick list at any one time, who were not able to perform their usual daily labor. Their diet is sound and wholesome, and well adapted to those who have to labor; their has been one death since our last report, produced most probably, from a long course of intemperance, contracted anterior to his becoming an inmate in the institution, we lament the necessity that has compelled the Keeper to forego the inconvenience of two much rubbish in the yard, during the last and present years, from the quantity of stone he has been compelled to cut for the rebuilding of the State House, but we anticipate in future, less difficulty in that respect, as the great portion of that description of labor is now completed.

In conclusion, we are gratified in stating it as our unaltered opinion, that Mr. Scott possesses talents in a very eminent degree, qualifying him for the station he now fills.

We have the honor to be, &c.

PORTER CLAY, Auditor.
JAMES DAVIDSON, Treasurer.
JOHN M. FOSTER, Register.
J. W. DENNY, Attorney General.

John Breathitt, Esq. Lt. Governor, and
Speaker of the Senate.
The Speaker laid before the Senate, the resignation of Thomas S. Slaughter, a member of the Senate, from the counties of Logan and Simpson, which was read as follows, viz:

FRANKFORT, Dec. 24, 1828.

Sir: On account of my engagements, which are incompatible with my station as Senator, you will please accept this, as my resignation of that office, from the counties of Logan and Simpson.
Very respectfully, your ob't. serv't.

THOMAS S. SLAUGHTER.

Mr. Allen from the committee of propositions and grievances, reported a bill for the benefit of Isaac and Alfred Shelby. Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed.

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

The original poll book containing the votes of Estill county, at the last August election for Senator, from the counties of Montgomery and Estill, was delivered to the Senate, and referred to the select committee appointed on the contested election of Senator, for said district.

Ordered, That Mr. Wingate have leave of absence from the service of the Senate, until Monday next; and Mr. Maupin, until next Monday two weeks.

Mr. McConnell was excused from serving on the committee appointed on the part of the Senate, to examine the Transylvania University and the Lunatic Asylum at Lexington; and Mr. Gibson was added to the said committee.

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

On the motion of Mr. Summers—1. A bill for the benefit of the trustees of the Trigg Seminary.
On the motion of Mr. Cockerill—2. A bill for the benefit of Patsy Anderson, of Allen county.
On the motion of Mr. Given—3. A bill to provide for viewing and marking a State road from the Iron Banks to the Tennessee river, in a direction to Hopkinsville, and to the State line, in a direction to Paris.
And on the motion of Mr. Cunningham—4. A bill authorizing the Paymaster of the 40th Regiment of Kentucky Militia, to pay over certain monies to the county court of Muhlenburg.

Messrs. Summers, Hardin and Given, were appointed a committee to prepare and bring in the 1st; Messrs. Cockerill, Maupin and Allen, the 2d; Messrs. Given, Summers and Hardin, the 3d; and Messrs. Cunningham, Townsend and McConnell, the 4th.
Mr. Harris moved for leave to bring in a bill to regulate the payments of debts due to the Bank of the Commonwealth of Kentucky and its branches.

Mr. J. Green moved to lay the said motion on the table.

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

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


NAYS—Messrs. Allen, Carneal, Cockerill, Given, Griffin, Harris, Mason, Maupin, Selby, Taylor, Wall and Wood—12.

On motion—Ordered, That the sergeant at arms of the Senate have leave of absence till Monday next.

And then the Senate adjourned.

THURSDAY, DECEMBER 25, 1828.

The Senate assembled.

At 25 minutes past ten o'clock, A. M. Mr. Wickliffe moved that the Senate do now adjourn.

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

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


FRIDAY DECEMBER 26, 1828.

The Speaker took the Chair, a quorum not appearing, at half past ten o'clock, A. M. Mr. Hardin moved that the members present do now adjourn.

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

The yeas and nays being required thereon by Messrs. J. Green and M'Connell, were as follows, viz:


NAYS—Messrs. Barrett, Cockerill, Given, J. Green, Griffin, Harris, Mason, Pope, Selby and Wood—10.

On the motion of Mr. Cockerill there was a call of the House.
The names of the members being twice called, it appeared that the following gentlemen were absent, viz:
Messrs. Maupin and Wingate had obtained leave of absence.
Messrs. Allen and Gibson, the committee on the part of the Senate to examine Transylvania University and the Lunatic Asylum at Lexington, were attending to that duty, and Messrs. Carneal and Townsend, the committee on the part of the Senate to examine the Deaf and Dumb Asylum at Danville, were attending to that duty.
And then the members present adjourned.

SATURDAY DECEMBER 27, 1828.

At 10 o'clock A. M. the Speaker took the Chair, and there not being a quorum present, Mr. Hardin moved that the members present do now adjourn.
And the question being taken thereon it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. M'Connell and Cockerill, were as follows, viz:
NAYS—Messrs. Given, Mason and Pope—3.

MONDAY, DECEMBER 29, 1828.

The Senate assembled.
Mr. Ray presented the petition of Elizabeth Wilson, praying a divorce from her husband Marvin A. D. Wilson.
Which petition was received, read and referred to the committee of religion.
Mr. M'Connell from the committee of courts of justice to whom was referred, a bill to amend and explain the law in relation to venire men, reported the same with an amendment.
Which was twice read and concurred in.
Ordered, That the said bill be engrossed and read a third time.
The rule of the Senate constitutional provision, and third reading of the said bill having been dispensed with and the same being engrossed.
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.
The following bills were reported from the several committees appointed to prepare and bring in the same, viz:
By Mr. Cockerill—1. A bill for the benefit of Patsy Anderson of Allen county.

By Mr. Summers—2. A bill for the benefit of the trustees of Trigg Seminary.

By Mr. Cunningham—3. A bill authorizing the paymaster of the 40th regiment of Kentucky militia to pay over certain monies to the county court of Muhlenburg.

By Mr. Daviess—4. A bill to amend the law in relation to the punishment of Slaves; and,

By Mr. Carneal—5. A bill to amend the laws concerning the town of Covington.

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

The rule of the Senate constitutional provision, and second reading of the fourth bill; and the second and third readings of the second and fifth bills having been dispensed with, the fourth was committed to the committee of courts of justice; the second and fifth being engrossed.

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

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators and Representatives in Congress be requested to use their best endeavors to procure an appropriation of money by Congress, to aid in colonising the free people of colour of the United States in Africa, under the direction of the President of the United States.

Resolved, That the Governor of this State be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress and to the Governors of the several States.

Mr. Cockerill moved for leave to bring in a bill to amend and declare the law in relation to recording deeds under decrees of courts; and,

Mr. Fleming moved for leave to bring in a bill for the benefit of the heirs of William D. Bell deceased.

The said motions were referred to the committee of courts of justice.

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

On the motion of Mr. Daviess—1. A bill to amend an act entitled, “an act establishing a Female Academy in the town of Harrodsburg.

On the motion of Mr. Given—2. A bill for the benefit of Augustin Burns, heir and representative of John Burns dec’d; and,

On the motion of Mr. W. Green—3. A bill to amend the law respecting commissioners appointed to take in lists of taxable property.
Messrs. Daviess, J. Green and Barrett were appointed a committee to prepare and bring in the first; Messrs. Given, Carneal and Hardin the second, and Messrs. W. Green, Ray and Summers the third.

A bill to establish common schools throughout the Commonwealth, was committed to a select committee of Messrs. Carneal, Pope, Cockerill, Daviess and M'Connell.

A bill to amend the law in relation to elections, was ordered to be engrossed and read a third time to-morrow.

Bills from the House of Representatives of the following titles, viz:

1. An act to amend the laws in relation to ferries.
2. An act to amend the law relating to the securities of administrators and executors.
3. An act to regulate Lawrenceburg.
4. An act to divorce Mary Drysdale from her husband Reuben Drysdale.
5. An act to divorce Berriman Adams from his wife Lucinda Adams.
6. An act to divorce Polly Baker from her husband Thomas Baker, and John Cochran from his wife Catharine Cochran.
7. An act to divorce Agnes Whitehead from her husband Armstead Whitehead.
8. An act for the benefit of Sally Floyd.
10. An act for the divorce of Jane Pemberton from her husband Henry Pemberton.
11. An act requiring certain duties of the clerks within this Commonwealth.
13. An act to regulate the formation and gauging of liquor barrels.
14. An act allowing John Rogers compensation for keeping a lunatic; and,

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

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were committed: the first, second and eleventh to the committee of courts of justice; the third to a select committee of Messrs. Wingate, M'Connell and Daviess; the fourth, fifth, sixth, seventh, eighth, ninth and tenth to the committee of religion; the twelfth to a select committee of Messrs. Hardin, Rodman and Cockerill:
the thirteenth to a committee of Messrs. Hardin, Maudrow and Pope, and the fourteenth and fifteenth to the committee of finance.

A bill from the House of Representatives entitled, an act to authorize John Grider and Timothy Burgess of Russell county to erect gates across the public highway, and for other purposes, 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 disagreed to.

Bills from the House of Representatives of the following titles:
- An act to alter the time of holding the Hart county court; and,
- An act to legalize the proceedings of the court of assessment of the 71st and 84th regiments of Kentucky militia.

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

The rule of the Senate constitutional provision, and second and third readings of the said bills having been dispensed with.

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

An engrossed bill entitled, an act appropriating money for opening the State road from Prestonsburg to the Virginia State line, was laid on the table.

An engrossed bill entitled, an act to establish a State road from the mouth of Salt river to intersect the State road from Brandenburg to Bowlinggreen, was read the third time.

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

A bill from the House of Representatives entitled, an act for the benefit of Richard Hart of Pulaski county, and others, was read the third time.

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

A bill to amend the law in relation to militia fines, was committed to a committee of Messrs. McConnell, W. Green and Ray.

Mr. Given presented the account of John H. Tyler against the Commonwealth, for going to the State of Mississippi, receiving and conveying to the State of Kentucky, by authority of the Governor, Hugh H. Sparkman, a fugitive from justice, which, with the accompanying documents, was referred to the committee of finance.

And then the Senate adjourned.
The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills which originated in the Senate of the following titles, viz:

An act to incorporate the Covington Manufacturing Company in the town of Covington, Campbell county, Kentucky.

An act for the benefit of Jesse Crume; and,

An act appointing commissioners to lay off and mark a State road from Bowling Green to Smithland in the county of Livingston.

And that they have concurred in the amendments proposed by the Senate to a bill from the House of Representatives, entitled, "an act further to regulate the powers of the trustees of South Frankfort.

Mr. Harris presented the petition of Evan Evans, praying that a law may pass authorizing a conveyance to him of one hundred acres of land in Floyd county, which he heretofore conveyed to his children, some of whom are infants.

Which was received, read and referred to the committee of courts of justice.

Mr. Daviess from the committee of courts of justice to whom was referred, a bill to amend the law in relation to the punishment of slaves, reported the same with an amendment.

Which was twice read and concurred in.

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

Mr. Garrard, from the committee of propositions and grievances, reported a bill for the benefit of William and Edward Trubuc.

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

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed.

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

Mr. Wingate from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to regulate Lawrenceburg, reported the same with an amendment.

Which was twice read and concurred in.

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

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with.

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

Mr. McConnel from the committee on that part of the Gover
ORS message which relates to the Penitentiary, made the following report, viz:

The committee raised on that part of the Governors message which relates to the Penitentiary, have had that subject under consideration, and now submit the following report:

Your committee not considering it their duty to investigate the pecuniary concerns of the institution, or examine into the details of its machinery or operations, have confined their inquiries to its elementary principles, and to its effects upon the convicts, and its consequences to society.

Your committee most cordially subscribe to the humanity of the laws which substituted this mode of punishment for death; and agree that in all its features, it is highly calculated to produce reformation, leaving the offender against our laws, that existence which was the gift of a wise Creator, and time, during his natural life, to prepare to answer in another world, for all the iniquities of this. This mode of punishment has been ordained, and practically understood in this commonwealth, for thirty successive years. It has met the approbation of all legislatures since the time of its first establishment, and your committee are aware of no serious effort to repeal it. Seeing that it is thus permanently engraven on our criminal code of laws, it is a high duty which we owe the community, to remedy as far as possible, all defects in the system, and render it productive as far as practicable, of all the ends of its philanthropic founders, and subservient to the purposes of the community in maintaining and continuing it. To that end, your committee have sought for, and obtained all the information within their circumscribed limits, as to necessary improvements in regard to the building itself, and in regard to the discipline, labor, instruction and general treatment of the convicts. They held a correspondence with Joel Scott, the keeper of the penitentiary, from which they have acquired a knowledge of several important facts. They were also furnished by him, with the "third annual report of the board of managers of the prison discipline society" of Boston, which has shed much light upon the subject. This pamphlet presents a precise statement of the buildings, discipline, instructions, and general treatment of the convicts in most of the penitentiaries in the United States. We also derive from it, satisfactory information as to the effects of the several modes of treatment upon the morals and future life and habits of the convicts.

All the facts collected by us in regard to this matter, tend to rivet us more firmly in the opinion, that solitary confinement at night, and close application to labor during the day, with regular preaching, at least once every Sunday, and instructions in the ordinary branches of learning during the residue of the day, with such a course of discipline at all times, as would render the con-
victs so far as regards conversations with each other, or with any visito
t wholly out the question, are the most efficient means of reform. By this mode of discipline, which we believe entirely practicable, each convict would, for all the purposes of punishment, be wholly insulated from all his fellow convicts, and would thereby be prevented from holding those communications by which they encourage each other to a total disregard of the punishment inflicted, and impart their knowledge and experience in the commission of crime, and no doubt excite each other to deeds of desperation. "Iron sharpeneth iron; so a man sharpeneth the countenance of his friend." Proverbs. With a slight parody, this might well apply to these offenders against the laws of society. By this mode of discipline, they would not only be cut off from all social intercourse with each other, and be thereby prevented from devising or maturing schemes of future villany, but they would have time and opportunity to reflect upon the evil of their ways, and would be strongly induced to enter into, and every night repeat to themselves, the firmest resolves on reformation. In this abstracted and lonely situation, the mind, after repeated wanderings abroad, would naturally be forced back upon itself, and be led to bitter repentance for the acts that had thus doomed the man to an ignominious exile, scarce to be endured. If to this you would add the expanding and illuminating influence of even common education, and the persuasive eloquence of zealous preaching, it seems to your committee, that but few would be so hardened, or so abandoned, as not to be brought back to the line of duty and the path of rectitude.

Your committee regret to be informed that for the want of a sufficient number of cells, the keeper is now compelled to commit for the night, three or four to the same apartment. By this course, it is believed that the prominent objects of the institution are often frustrated; for, instead of producing reform, it is but an inferior Pandemonium.

There are now thirty-two cells, capable of being divided by partition walls in each; which would double the number. This done, the keeper informs us, that by building thirty-four more, the number will be sufficient to lodge each one separately, and will in all probability be enough for some time to come. The costs of building these new cells is estimated by the keeper, at one hundred dollars each. It is believed that this sum will make the partition walls so thick and tight, as not to admit of any correspondence between the tenants of different cells, and at the same time so strong as to prevent escapes. The cost of partitioning the cells already erected, has not been estimated, but it is presumed that it will be trifling in amount.

The committee find that there have been 190 convictions to the penitentiary, since the commencement of the present keeper's
term. That of these, thirty-three had tolerable education; eighteen could read badly, most of the residue were reported to be wholly unlettered; and if any of them had education, it is not known. Of these, twelve have been convicted a second time; two a third time; two a fourth time; and nine have been in the penitentiaries of other states, previous to their coming here. Many of them are shown by the report, to be orphan boys, destitute of education.

The course of treatment herein recommended, would not in any degree diminish the quantity of labor, which they might be required to perform.

Your committee beg leave to mention, that from the report of the prison discipline society above alluded to, it is found that of 160 convicts, who had served in the penitentiary at Auburn, in the state of New-York, one hundred and twelve are decidedly steady and industrious, or greatly improved in their morals and habits; twelve somewhat reformed; two not much improved; four, of whom nothing certain was known; two yet suspicious; two deranged and twenty-six decidedly bad. This state prison at Auburn, is managed on the plan alluded to in this paper. From the same pamphlet, we are assured that the state prison in the City of New-York, in which the prisoners are allowed converse with each other, and the discipline in other respects, is loose and irregular, the number of reformations are much fewer, in proportion to the number convicted, and the number of recommittals, a second, a third and a fourth time, much greater.

Hence, not only from the light of reason, but from the force of experience, we are compelled to recommend, and urge to the legislature, the necessity of increasing the number of cells in the penitentiary, for solitary confinement, and of affording the means of at least partially educating the untaught offenders, whose ignorance and orphanage, in many instances, plead to some extent their excuse for the commission of crime. The correspondence between the committee and the keeper of the penitentiary, is submitted with this report, for the inspection of the Senate, and his letter made a part of it. They cannot discuss this subject, without noticing the willingness and promptitude with which Mr. Scott furnished all the information required, so far as it was within his control.

The keeper informs the committee, that he has caused divine service to be performed in the penitentiary, once on each sabbath day, for some time past; but that owing to the corrupted state of the feelings from the causes above alluded to, he does not perceive from it much good effect. His letter will more fully explain the course of treatment that he would adopt, if the cells were provided, and the necessary arrangements made within the walls.
The committee recommend the adoption of the following resolution, viz:

Resolved, That a law ought to pass providing for the increase in the number of solitary cells in the penitentiary, equal to the probable number of convicts that will be placed therein, and for the education, at least partially by Sunday schools, of the uneducated offenders, that may be sent to the institution, and for a rigid and regular course of discipline amongst the convicts, and for the performance of divine service on each Sabbath day.

The Honorable, the select committee of the Senate, raised on that part of the Governor's message relating to the Penitentiary.

GENTLEMEN:—I have the honor to acknowledge the receipt of your communication, dated the 10th instant, containing many interrogatories relative to the Kentucky penitentiary, and requiring various information, which I am gratified with having the opportunity to give. I believe you ought to know the facts asked, and hope that it will lead to the improvement of the institution.

The table here submitted, will answer your 1st, 2d, 3d, 4th, 5th and 6th questions.

Answer to your seventh question. I have had a sermon preached to the convicts nearly every Sunday, and have paid two dollars in Commonwealth, for a sermon. As to educating them, with the penitentiary in its present situation, it would be difficult to educate them with advantage; there has been several attempts made to educate them, all of which attempts, have caused some difficulties; which stopped it; yet I am decidedly of opinion, that it may be practised and that to advantage, with the penitentiary differently arranged. As to their morals, I am as careful to prevent every thing immoral in the institution, as I can; on those subjects I will say more, when I come to answer your eleventh question.

Answer to your ninth question. There are eight small cells made of oak timber 10 inches square lined outside, spiked on with large iron spikes; the logs are bolted together with iron bolts; the cells are three feet wide, four feet high and seven feet long, designed to put such convicts in, as attempt to break the other cells. They cost about fifty dollars each.

In answer to your tenth question. There are thirty cells that are susceptible, in part, of being divided; and by building a row in front, as is laid down in the drawing herewith submitted, it will make thirty-four more; then by dividing a few of the old cells, we shall be enabled to keep each convict separate at night. I would build the back and end walls of stone; the stone on the inside of the wall, should not be less than three feet long and as much longer as they could be had; the wall at least three feet thick; the partition walls should be of brick, twenty-four inches thick—the walls well laid in mortar of sand and lime; the build—
I would have the cells three and a half or four feet wide, eight feet long, six and a half feet high. I am not able to speak particularly as to the cost, but think they will cost about one hundred dollars each.

Answer to your eleventh question. I would put each man in a separate cell at night, and not suffer a word to be spoken by them after they were locked up at night; work them hard all day, and prevent communication as much as possible; and on Sunday morning keep them locked in their cells with their books, until breakfast, then unlock the doors of all the cells, at the ring of the bell let every man come out, form and march in single file in presence of myself or assistant, to the eating room, make them take their seats and eat in silence; then, at a word, march them in single file to the school room, there spend an hour and a half or two hours instructing them to read, write or in arithmetic; then have a sermon preached to them, then lock them up until dinner, then march them in order to dinner and as above, to the school room; there spend two hours with them, then return them to their cells; there to remain until Monday morning; and during the week use every precaution to prevent evil communication; often in a kind and friendly way give them moral lectures—it leads me to your twelfth question.

It would cost me about one hundred and fifty dollars to put the above plan into operation, more than I now pay for divine service. All of which is very respectfully submitted, by your very obedient servant.

JOEL SCOTT, Keeper of the Ky. Penitentiary.

The said resolution was twice read and concurred in.

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

Mr. Carneal moved that the public printer print one thousand copies of the said report for the use of the General Assembly.

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

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

YEAS—Messrs. Cockerill, Fleming, Garrard, Gibson, J. Green, W. Green, Harris, Hickman, Hughes, M'Connell, Muldrow, Pope, Rodman, Summers, Wall, White and Wingate—17.


Mr. M'Connell, from the committee to whom was referred, a bill to amend the law in relation to militia fines, reported the same with amendments.

Which being twice read, Mr. Cockerill moved to amended the said amendments by striking out the following section, viz:
Be it further enacted, That hereafter there shall be but one company muster in each year, in time of peace and when there is no apprehension of invasion, insurrection, or war, which shall be had in the month of June, in each company; at which the annual returns shall be made out, and everything else required by law in relation to company duty shall be performed. But the commandant of any regiment may, upon apprehension of danger, from insurrection in his neighbourhood, order other company, battalion or regimental musters, and the Governor may, upon apprehending any of the dangers aforesaid, also order additional musters or parades when he shall think the safety of the country requires it.

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

The yeas and nays being required the yeas by Messrs. M'Connell and Cockeill, were as follows, viz:

YEAS—Messrs. Cockeill, Faulkner, Garrard, Given, Hughes, M'Millan and Rodman—7.


The said amendments were amended and concurred in.

The said bill was then recommitted to a committee of Messrs. M'Connell, Carneal and Ray.

On the motion of Mr. Harris, leave was given to bring in a bill to establish the Floyd and Pike county line, and Messrs. Harris, M'Connell and Rodman were appointed a committee to prepare and bring in the same.

On the motion of Mr. Faulkner—Ordered, That a message be sent to the House of Representatives requesting leave to withdraw the report from the Senate of a bill from that House entitled, "an act to authorize John Grieder and Timothy Burgess of Russell county to erect gates across the public highway, and for other purposes," and that Mr. Selby carry said message. After a short time the said bill was returned to the Senate, when, Mr. Faulkner, who voted in the majority, moved a reconsideration of the vote by which the said bill was disagreed to.

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

Ordered, That the said bill be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with.

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

A bill for the benefit of Patsy Anderson, was read the second time as follows, viz:
Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Patsy Anderson of Allen county, to enter with the receiver of public monies for lands west of the Tennessee river, one quarter section of vacant land west of the Tennessee river, without paying the State price therefor; and it shall be the duty of the Register of the Land office to issue a patent to the said Patsy Anderson for the said quarter section of land, as in other cases, without fee.

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

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


NAYS—Messrs. Barrett, Carneal, Cunningham, Davies, Faulkner, Fleming, Garrard, Gibson, J. Green, W. Green, Hardin, Harris, Hickman, M'Connell, M'Millan, Muldrow, White and Wingate—18.

A bill authorizing the paymaster of the 40th regiment of Kentucky militia, to pay over certain monies to the county court of Muhlenburg,

Was read the second time and ordered to be engrossed and read a third time.

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

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

An engrossed bill entitled, an act to amend the law in relation to elections, was read the third time.

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

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

1. An act to authorize the citizens of the county of Oldham to select by vote a permanent seat of justice.
2. An act more effectually to coerce the payment of money officially collected by Sheriffs, Constables and Lawyers.
3. An act to establish an election precinct in the county of Ohio, and other counties.
4. An act for the benefit of Hezekiah Smallwood.
5. An act for the benefit of John Ash.
6. An act to declare Eagle creek and the Big South Fork of Cumberland river navigable streams.
7. An act to amend an act incorporating the Shelbyville and Louisville turnpike road company.
3. An act to provide for widening the road from Lexington to Maysville.

9. An act changing the place of voting in the lower precinct of Mercer county, from Lucto to Salvador.

10. An act for the benefit of William Fish, Robert Langford and John Prewit.

11. An act allowing one additional justice of the peace and two additional constables to Anderson county, and one additional justice of the peace to Calloway county.


13. An act to amend an act entitled, "an act to incorporate the Cumberland college at Princeton."

14. An act to enlarge the powers of the trustees of Cynthiana.

15. An act for the benefit of the Sheriffs of Scott and Barren counties.

16. An act to review a part of the State road leading from Franklin to Owenborough.

17. An act to amend an act entitled, "an act to amend an act entitled, an act imposing duties on sales at auction for the benefit of the Louisville Hospital, approved December 17th, 1821, approved February 5, 1828."

18. An act for the benefit of the securities of Charles Morehead, late Sheriff of Logan county.

19. An act to incorporate the Ohio Bridge Company; and,

20. An act to incorporate the Kentucky and Ohio Bridge Company.

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

The rule of the Senate, constitutional provision and second reading of the said bills, except the first and seventeenth, having been dispensed with, the second bill was committed to the committee of courts of justice; the third to a committee of Messrs. Clay, McConnel, Mason, Selby and W. Green; the fourth, fifth, fifteenth and eighteenth to the committee of finance; the sixth, seventh, nineteenth and twentieth to the committee of internal improvements; the eighth to a committee of Messrs. Flemming, Taylor, Wickliffe, Hickman and Fulton; the ninth to a committee of Messrs. Davis, J. Green, Wingate and Faulkner; the tenth to a committee of Messrs. J. Green, Selby and Faulkner; the thirteenth to a committee of Messrs. Given, Hardin, Pope and J. Green; the sixteenth to a committee of Messrs. Selby, Cunningham and W. Green; the eleventh and twelfth were amended, and with the fourteenth ordered to be read a third time.

The rule of the Senate constitutional provision, and third reading of the said eleventh, twelfth and fourteenth bills having been dispensed with.
Resolved. That the said bills do pass, and that the titles thereof be as aforesaid.
And then the Senate adjourned.

WEDNESDAY, DECEMBER 31, 1828.

The Senate assembled.
Mr. Harris presented the petition of James Remy, praying compensation for conveying Samuel and Ambrose Garland charged with felony, from Floyd to Whitley county.
Which petition was received, read and referred to the committee of finance.
Mr. Daviess from the committee of courts of justice to whom was referred, a bill from the House of Representatives, entitled, an act to amend the law in relation to ferries, reported the same with amendments.
The said bill and amendments were recommitted to the committee of courts of justice.
A message was received from the House of Representatives, announcing the passage of bills of the following titles, viz:
1. An act for the benefit of the Sheriff of Casey county.
3. An act to establish an election precinct in Daviess county; and,
4. An act to regulate the precincts in the north of Washington county and to change the place of voting in the south precinct.
The said bills were severally read the first time and ordered to be read a second time.
The rule of the Senate, constitutional provision and second reading of the second bill having been dispensed with, it was committed to the committee of courts of justice.
The rule of the Senate constitutional provision, and second and third readings of the third and fourth bills having been dispensed with.
Resolved. That the said bills do pass and that the titles thereof be as aforesaid.
Mr. M'Connell from the committee of courts of justice to whom was referred, a bill from the House of Representatives, entitled, "an act requiring certain duties of the clerks within this Commonwealth, reported the same with an amendment; Which was twice read and concurred in.
Ordered, That the said bill as amended, be read a third time.
The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with.
Resolved, That the said bill as amended, do pass, and that the title thereof be as aforesaid.
Mr. Given from the joint committee of enrollments reported
that the committee had examined enrolled bills of the following titles, viz:

An act authorizing the trustees of the Harrodsburg Seminary to sell all, or part of the lands belonging to said seminary.
An act for the benefit of the widow and heirs of Richardson P. Hughes deceased.
An act for the benefit of Absalom Graves.
An act to extend the lot appropriated for a burying ground in the town of Greensburg; and,
An act for the benefit of the heirs of Benjamin Holland, deceased.

And had found the same truly enrolled; that said bills had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Given reported that the committee had discharged that duty.

Mr. W. Green from the committee of courts of justice, to whom was referred, a bill from the House of Representatives entitled, "an act to amend the law relating to the securities of administrators and executors," reported the same with an amendment.

Which was twice read and concurred in.

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

Mr. Wood from the committee of religion to whom was referred, bills from the House of Representatives entitled, "an act to divorce Ann Gustin from her husband William B. Gustin, and an act to divorce Agnes Whitehead from her husband Armstead Whitehead," reported the same with the following resolution, viz:

Resolved, That the said bills be disagreed to.

Which was twice read and concurred in.

Mr. Wood from the same committee made the following report, viz:

The committee of religion have, according to order, had under consideration the petition of Elizabeth S. Wilson, to them referred, praying a law might pass divorcing her from her husband, Marvin A. D. Wilson, and have come to the following resolution, viz:

Resolved, That said petition be rejected.

Which was twice read and concurred in.

Mr. Hardin from the committee of finance to whom was referred, bills from the House of Representatives, entitled, "an act for the benefit of John Ash," and "an act for the benefit of the Sheriffs of Scott and Barren counties," reported the same without amendment.

Ordered, That the said bills be read a third time.

The yeas and nays being required on ordering the former bill
to be read a third time, by Messrs. Faulkner and Cockerill, were as follows, viz:

YEAS—Messrs. Barrett, Daviess, Fulton, Given, W. Green, Griffin, Hardin, Harris, Hughes, Ray, Rodman, Selby, Summers, Townsend, Wall, White and Wingate—17.


Mr. Hardin from the same committee, to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of the securities of Charles Morehead late Sheriff of Logan county," reported the same with an amendment.

Which was twice read and concurred in, and the said bill as amended, was ordered to be read a third time.

The rule of the Senate constitutional provision, and third reading of the said bill having been dispensed with.

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

Mr. Ray from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to establish an election precinct in the county of Ohio, and other counties," reported the same with amendments.

Which were twice read and concurred in.

Ordered, That the said bill, as amended, be read the third time.

The rule of the Senate constitutional provision, and third reading of the said bill having been dispensed with.

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

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

By Mr. Daviess—1. A bill to amend an act entitled, "an act establishing a female academy in the town of Harrodsburg.

By Mr. Harris—2. A bill to establish the Floyd and Pike county line; and,

By Mr. Given—3. A bill to provide for viewing and marking a State road from the Iron Banks on the Mississippi, to the Tennessee river in a direction to Hopkinsville.

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

The rule of the Senate, constitutional provision and second reading of the first and second bills having been dispensed with, the first bill was committed to a committee of Messrs. Hardin, Daviess and J. Green, and the second to a committee of Messrs. Harris, M'Connell and Fleming.

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

On the motion of Mr. Harris—A bill for the benefit of John E. M'Daniel; and.
On the motion of Mr. Hardin—A bill to incorporate the Louisville Marine and Fire Insurance Company.

Messrs. Harris, Ray, W. Green and Given were appointed a committee to prepare and bring in the former, and Messrs. Hardin, M'Connell, Hughes and Wickliffe the latter bill.

Mr. Wingate moved for leave to bring in a bill to amend the law in relation to divorces; and,

Mr. Pope moved for leave to bring in a bill to incorporate the trustees of the Baptist education society.

Which motions were referred to the committee of courts of justice.

An engrossed bill entitled, an act for the benefit of Transylvania University, was read the third time.

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

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


An engrossed bill entitled, an act to amend the laws concerning the Lunatic Asylum, was read the third time and committed to a select committee of Messrs. Wickliffe, J. Green and Woods. After a short time Mr. Wickliffe from the said committee reported the said bill with amendments. Which were twice read and concurred in.

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

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with.

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

An engrossed bill entitled, an act to amend the laws in relation to the punishment of slaves, was read the third time.

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

Bills from the House of Representatives of the following titles: An act to authorize the citizens of Oldham county to select a permanent seat of justice; and,

An act to amend an act entitled, "an act to amend an act entitled, an act imposing duties on sales at auction for the benefit of the Louisville Hospital, approved December 17th, 1821," approved February 5th 1828.

Were each read the second time and committed; the former
to the committee of propositions and grievances, and the latter to
the committee of courts of justice.
On the motion of Mr. Muldrow, the committee of the whole
House was discharged from the further consideration of a bill to
alter the mode and to allow pay for working on public roads.
On the motion of Mr. Hardin, the committee of internal im-
provements was discharged from the further consideration of a
bill to amend the law in relation to public roads.
And the said bills were placed in the orders of the day.
Mr. M'Connell from the committee to whom was referred a bill
to amend the laws in relation to militia fines, reported the same
with amendments.
Which were twice read and concurred in.
Ordered, That the said bill be engrossed and read a third time
the-morrow.
Mr. W. Green from the committee to whom was referred a bill
from the House of Representatives entitled, "an act to review a
part of the State road leading from Franklin to Owenborough,
reported the same without amendment."
Ordered, That the said bill be read a third time.
The rule of the Senate, constitutional provision and third read-
ning of the said bill having been dispensed with.
Resolved, That the said bill do pass, and that the title thereof
be as aforesaid.
On the motion of Mr. Harris, an engrossed bill entitled, an
act for appropriating money for opening a State road from Prest-
tonsburg to the Virginia State line, was taken up and placed in
the orders of the day.
And then the Senate adjourned.

THURSDAY, JANUARY 1, 1829.

The Senate assembled.
Mr. Fulton presented the petition of Anna Hon, widow of
Daniel Hon, deceased, praying that a law may pass authorizing
the sale of a tract of land in Nicholas county, of which the said
Hon died possessed; and that the proceeds of the sale be vested
in other land, for the benefit of his infant children.
Mr. Harris presented the petition of the widow and adult heirs
of John Hackworth, deceased, praying that a law may pass au-
thorizing the sale of a tract of land in Floyd county, which des-
cended to them and others who are infants, may be sold for the
purpose of paying the debts of the deceased.
Mr. Hughes presented the petition of John Deverin, represent-
ing that in the year 1825, he paid the clerk of the Fayette coun-
ty court five hundred dollars, for a license to keep a billiard table
for one year, that he was prevented from settling up said table,
and praying that a law may pass authorizing him to set up and keep a billiard table for one year without paying for a license.

And, Mr. Hughes presented the petition of William Field, praying that his acts as sheriff of Jefferson county may be legalized, and a further time given him to pay a part of the revenue of said county into the public Treasury.

Which petitions were received, read and referred, the first, second and fourth to the committee of courts of justice, and the third to the committee of finance.

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

Resolved, That the petition of the widow and devisees of William Johnson deceased, praying that a tract of land devised to them and his infant children, be sold and the proceeds of the sale placed at interest, be rejected.

Which was twice read and concurred in.

Mr. Wickliffe from the same committee to whom was referred bills from the House of Representatives of the following titles, viz: an act for the benefit of Henry G. Hawkins, and an act supplementary to an act entitled, an act for the benefit of the heirs of Clarbourne Walton, deceased, approved December 6th, 1822, reported the same with amendments.

Which were twice read and concurred in.

Ordered, That said bills, as amended, be read a third time.

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

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

Mr. Wickliffe from the same committee to whom was referred a bill for the benefit of Keziah Force and others, reported the same without amendment.

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

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

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

Mr. Wickliffe from the same committee to whom was referred a bill for the benefit of the sheriff of Casey county, and bills from the House of Representatives entitled,

An act to establish Anderson Academy.

An act to authorize a change of venue in the case of Rene Williamson. And,

An act to authorize certain county courts to permit gates to be erected across mill roads, and for other purposes; reported the said bills with the following resolution thereon, viz:

Resolved, That the said bills ought not to pass.
Which was twice read and concurred in, and so the said bills were disagreed to.

Mr. Wickliffe from the same committee to whom was referred a bill more effectually to prevent slaves from hiring themselves, reported the same with the following resolution thereon, viz:

Resolved, That the said bill ought not to pass, which was twice read.

On the motion of Mr. White, the said bill was recommitted to a committee of Messrs. White, Daviess and Pope.

Mr. Wickliffe from the same committee reported a bill for the benefit of the heirs of Isham Gilbert, deceased.

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

The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with, and the same being engrossed.

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

Mr. Wickliffe from the same committee, to whom was referred, a bill to amend and declare the law in relation to the liabilities of assignors to their assignees, reported the same without amendment. The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the bona fide assignee of any note or other instrument of writing, made assignable by statute, which shall, after this act takes effect, be assigned, having entitled himself to recourse upon his assignor, may proceed and recover against any remote as well as his immediate assignor, the amount of the debt or damages to which he shall shew himself entitled, and the amount of debt or damages secured by such writing or resulting from the covenants or conditions therein contained, shall be prima facie evidence of the amount to which such assignee is entitled, subject however, to be diminished or extinguished by any competent evidence on the part of the defendant or either of them, shewing the true consideration for which the assignment was by him made, or fraud, payment, or may shew that he was not liable by reason of the failure of his immediate or any subsequent assignee to use due diligence in collecting the same, or other proper defence.

Sec. 2. Be it further enacted, That where any such assignable instrument shall have passed by assignment made after the taking effect of this act into the hands of a second, third or other assignee of a higher number, the last assignee may bring his suit in chancery against the whole of the assignors, and upon bringing the proper parties before the court, he may proceed to trial as in other cases, and upon shewing himself entitled to recover, the decree shall be in his favor against all the defendants, with directions, however
or, that the amount which the first assignor ought rightfully to pay, shall be made of his the first assignor's estate, and no other, if he have estate sufficient to satisfy the same, and if not, then of the estate the assignor next succeeding him in point of time, and so on, until the decree be satisfied, if estate equivalent thereto, be found in the hands of any of the defendants, and where the first or any intermediate assignor may have died, after the making of the assignment, the complainant shall, when he proceeds in chancery, make his personal, and may make his legal representatives parties to such suit.

Sec. 3. In all cases of suits herein provided for, no assignee shall succeed unless he shall show due diligence on his part as heretofore, but the return of a fieri facias, by the officer of the proper county "no property found" or to that effect, shall be considered as a prosecution to insolvency; unless it shall appear that such return was procured by fraud or improper conduct, of the assignee claiming the benefit thereof. But where the assignee shall shew upon the trial of any suit at law or in chancery under this act, that the obligor, and where there is more than one, then all the obligors in the note are wholly insolvent, and nothing whatever can or could be made of him or them by suit, or that he or they have removed out of this Commonwealth, and have left no estate of which the debt or any part can be made and that there has been no neglect or delay on his part in doing what ordinary diligence requires to make the money, it shall be lawful for him to sue and recover in the same manner as though he had prosecuted the obligor or obligors to insolvency.

Sec. 4. Be it further enacted, That this act shall take effect, and be in force from and after the first day of January, 1830. The question being taken on engrossing the said bill and reading it a third time, it was decided in the negative, and so the said bill was rejected.


Mr. Wood from the committee of religion, to whom was referred, a bill from the House of Representatives entitled, "an act to divorce Berriman Adams from his wife Lucinda Adams, reported the same without amendment. The said bill is as follows:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage between Berriman Adams
and Lucinda Adams be, and the same is hereby dissolved, and the
said Berriman Adams shall possess all the privileges of an unmar-
ried man.
And the question being taken on reading the said bill a third
time, it was decided in the negative, and so the said bill was dis-
agreed to.
The yeas and nays being required thereon by Messrs. Hardin
and Wood, were as follows, viz:
YEAS—Messrs. Fulton, Harris, Townsend and Wingate—4.
NAYS—Messrs. Barrett, Cockeill, Cunningham, Daviess,
Faulkner, Fleming, Garrard, Gibson, Given, J. Green, W. Green,
Griffin, Hardin, Hickman, Hughes, Mason, M'Connell, M'Millan,
Muldrow, Pope, Ray, Rodman, Selby, Summers, Taylor, Wall,
White, Wickliffe, Wood and Woods—30.
A message was received from the Governor, by Mr. Metcalfe,
assistant Secretary, informing the Senate that the Governor on
yesterday, approved and signed the following enrolled bills which
originated in the Senate, viz:
An act for the benefit of the heirs of Benjamin Holland dec'd.
An act to extend the lot appropriated for a burying ground in
the town of Greensburg.
An act for the benefit of Absalom Graves.
An act for the benefit of the widow and heirs of Richardson
P. Hughes, deceased.
An act authorizing the trustees of the Harrodsburg Seminary
to sell all, or part of the lands belonging to said Seminary.
Mr. Hardin from the select committee to whom was referred,
the petition of Samuel L. Williams, contesting the election of
James Mason, as a Senator from the counties of Montgomery
and Estill, made the following report, viz:
The select committee to whom was referred, the petition of
Samuel L. Williams, in which petition he alleges that James
Mason, who is returned by the Sheriffs of Montgomery and Estill,
as being duly elected a Senator for the senatorial district com-
posed of the counties of Montgomery and Estill, for four years, com-
-mencing after the last August election, was not duly elected;
and that he, the said Samuel L. Williams, was duly elected for
the senatorial district aforesaid, and for the aforesaid time, has
had that subject under consideration and report:
The committee, immediately after their appointment, entered
upon the investigation of the subject referred to them; they have
examined the whole of the depositions, poll books, petition, notices
and objections; the parties were heard by themselves and counsel;
and upon due consideration, the committee submit to the Se-
nate the following exposition of facts, and their opinions thereon.
The petitioner, Samuel L. Williams, on the 14th of August
1820, which was within ten days after the election, wrote a notice
in due form and delivered the same to Benjamin F. Thomas, a
deputy Sheriff for Helin, Sheriff of Montgomery county, to
be executed on James Mason, the member returned, which notice
was on the same day, executed by said deputy, by delivering a
copy, (as the return says,) to the wife of James Mason, at his the
said Mason's residence, he, the said Mason, being from home, and
the Sheriff then and there explained the contents to Mrs. Mason.
The counsel of Mr. Mason objected to the service of this notice,
as insufficient—after the objection was made, and before it was
decided, the counsel of Williams produced to the committee the
said Deputy Sheriff, and asked for permission to prove by him,
that instead of delivering a copy of the notice, two counter parts
were given him by Williams, both originals and both alike, and
that it was one of those notices he gave to Mrs. Mason. The
committee warred a viva voce examination of the Sheriff and in­
formed the counsel to take his affidavit, and that it should have
the same effect as if the Sheriff was sworn and examined by the
committee in the presence of the adversary party, which affidavit
was filed with the committee, the notice and service is here re­
ferred to marked (A) and the affidavit (B). The committee are
of opinion that this notice and service do not only in
sub stance, but in letter, comply with the
requirements of the law. The act
of Assembly does not say how this notice shall be served, but
leaves the previous existing laws to regulate it. By an act of
the Virginia Legislature, passed in 1788, 2d volume of the digest,
page 957, it is provided that notice on reprieve bonds and other
legal occasions, wherein no particular mode is or shall be pre­
scribed, shall be good if given to the party in person or delivered
in writing to any free white person above the age of sixteen years
who shall be a member of the family of such person, and shall be
informed of the purport of such notice; by an act passed 1808,
Sheriffs and Constables are authorized to execute notices, page of
the digest 957; now this notice has been served up to the fullest
requirements and demands of the law. That the statutes above
referred to are considered in full force and have been considered
the law of this land, (See 1st Bibb, page 574,) an opinion deliv­
ered by Judge Bibb and also (1st Monroe, 225,) an opinion deliv­
ered by Judge Boyle. In those two cases the service of notice is
sustained with a defective return made by a Sheriff, but of the
same kind as the present, and it is done upon the ground that
the officer is presumed to do his duty until the contrary is made,
appear and that his official acts ought to be construed liberally to
sustain them, and not rigidly to render them void. It was further
objected that the original should have been delivered and not a co­
py. In all cases of a notice, the law does not require two originals,
nor is it material when executed, whether the officer delivers a
copy and keeps the original or delivers the original and keeps a
copy; but in this particular case there were two originals, one left
and the other retained, and surely no objection could exist as to
the power of the committee to have the officer sworn to that fact.

For the purpose of giving to this report as much perspicuity
in the arrangement of the matter, as practicable the committee will
proceed to give a statement of the polls. First of the votes taken
at Mountsterling, counting the polls at that place by the face
of the poll book, and the endorsements on the back of said
book, but when the endorsements on the back of the book can
only be explained by depositions, then those endorsements are not
to be investigated under this first division of the subject, but re-
served for another part of this report.

Secondly, of the Red river precinct in Montgomery county.

Thirdly, the entire vote of Estill county.

The vote at Mountsterling as it counts on the poll book, is for
Mason, 664; for Williams, 647.

The poll book when counted by its front and the endorsement
on the back stands thus. Take from Mason, one for Andrew Alex-
ander, see page 3, and also the back of the book; take one for
Arthur Everman, see page 26, and back of the book, William
Spratt voted for Williams on the first day; in page 3, and on the
third day he came in, had his vote altered, and voted for Mason,
page 41. His vote on the poll book counts both for Williams
and Mason, the committee determined that he had no right, after
voting the first day for Williams, to change it on the third, for
Mason; such a right would open a door to tampering and bribery;
the result of the decision is, that one is to be taken from Mason,
and Williams' is to stand; one to be added to Mason, for Thomas
Terrys vote, where two nines follow each other, page 36; but
this one is balanced by a mistake in the count, page 38; which
mistake is in Mason's column, and is made by putting down the
figure 4, after the figure 2; the whole corrections of the poll
book, as to Mason, when made as above stated, reduces his num-
ber 3, which makes his vote at Mountsterling, 661. The correc-
tions as to Williams, when made in the same manner, stand thus;
Peter Evans is erased on the poll book, page 44, but yet it is
counted, which takes one from Williams—Arthur Everman is
to be added to Williams' poll; see back of the poll book; those
two corrections, when made, leaves Williams' vote at Mountster-
ling, still at 647.

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<thead>
<tr>
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<th>Mason</th>
<th>Williams</th>
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<tbody>
<tr>
<td>Red river precinct</td>
<td>664</td>
<td>647</td>
</tr>
<tr>
<td>Estill county</td>
<td>352</td>
<td>260</td>
</tr>
<tr>
<td></td>
<td>1039</td>
<td>1044</td>
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Majority in favor of Williams, 5
The committee will now proceed to investigate the votes which were given for Mason and which Williams alleges are illegal. The proof consisted principally, of depositions and occasionally a reference to the back of the poll book, connected with the depositions. The committee took a separate vote upon each voter, as challenged. Some were decided legal votes by a unanimous vote, some by a majority only, of four to three; others were decided illegal votes by a unanimous vote, others were decided illegal by a majority of four to three.

Those who voted for Mason, and were decided by the committee as not being entitled to vote, are the following persons: John Alfrey, Jacob Butt, Isaac Butt, James Epperson, Nathaniel H. Foster, David Hathaway, Garrett Jackson, John Judy, Elijah H. Lockridge, Abner Maxwell, Hiram Moore, William Robertson, Edmond Smart, Kendall Shockey, Daniel Sublett, George Thompson, William Underwood, Moses Tharp, Edward Wells, Henry Hart, Moses Gilvin, Thomas Glover, Berry Howell, Elijah Henderson, James Jemison, William Morgan, John Welch and Nelson Tapp; making in all 28. Of these 28 votes, it is alleged by a minority of the committee consisting of three, that seven of them are not within the notice; the other members of the committee consisting of four, are of a different opinion. The voters who are alleged not to be within the notice, are Isaac Butt, Nathaniel H. Foster, Elijah H. Lockridge, Abner Maxwell, Hiram Moore, George Thompson and Edward Wells.

The notice, after naming a number of persons by name, contains the following words: "and each and every of the persons who voted for you, and were set down for you on the poll book, were under twenty-one years of age, were not resident in Montgomery or Estill counties, and had not resided in the state two years, nor in the counties of Montgomery or Estill one year next before the election, and were destitute of the necessary and legal qualifications to entitle them to vote in Montgomery or Estill counties." A majority of the committee are of opinion, that this specification is certain, to a common and reasonable intent; nay, that special pleading which is never favoured in courts, much less in a parliamentary body, would not require greater certainty. It is a rule of law, without an exception, that when one instrument of writing refers to another, the other shall be taken as a part thereof. If an article of agreement, or a deed, refers to another article or deed, the same shall be taken as a part thereof, so far as the article which refers to the other makes the reference. The land laws of this state require entries for land to be special, definite and precise in description; yet if one entry refers to another the entry referred to, shall be considered as a part of the last entry, so far as it may be needful to give the last entry locality. How often does one survey refer to the lines of other surveys?
and when the lines of other surveys are found, it aids in fixing the position of the survey, making the reference; all these cases are of one class, and depending upon the same principle, which is an obvious one, that when one paper refers to another, the other shall be resorted to, to explain the facts referred to. The same doctrine holds to an act of Assembly, where one act refers to another both shall be taken together. See the numerous decisions of the court of appeals, and also, 1st volume of Espinasse N. P. 313; 2 Ventriss 140.

Now when you apply this rule to the case under consideration, the notice refers to the poll books, and alleges, that each voter on those books, who voted for Mason, were not, by the constitution, qualified to vote, and gives the causes of disqualification; such as non-residency, infancy and a want of citizenship. It may be asked here, what specially is further required in the notice? Those who are opposed to a majority of the committee, say their names are not given. The answer to that is, that the names are given, because the poll books are referred to, and that gives the names; and can there be any difference in referring to the poll books and making them thereby a part of the notice, and copying it in the notice? None, in estimation of law or common reason, and a reference to the poll book is much the most convenient way. It cannot be successfully alleged, that the disqualification is not alleged, because in truth and fact, not one of the seven voters who are contended not to be within the notice, were adjudged illegal voters for any other disqualification, than what is specially enumerated in this notice.

In deciding on this question, the Senate ought not to give into a mode of construction, which would render the right to contest an election, a mere mockery. You tell to an injured individual in the language of the constitution and the act of assembly, that he has a right to contest an election and claim a seat which the voice of the people of his county has given to him; and yet you exact from him a compliance with conditions which are impracticable. Suppose a sheriff, as was the fact in this case, should choose to withhold the polls, how can he obtain them? is there any law to compel the sheriff to give them to him? the answer is, none. Is there any law to compel the sheriff to permit him to examine the polls? Surely it will not be pretended there is any. The truth is, that by law, the sheriff is to keep them to compare the polls for governor, &c. It is a matter of astonishment how Williams could give as many names from memory as he did. In reasoning upon this subject, as to the inconvenience which is to result by adopting the construction of the law and constitution as contended for, on the other side, it is to be borne in mind, that the notice must be made out and served within ten days after election. What is the real fact of this case in relation to
these seven voters? Is Mason taken by surprise? No! Did he not attend and take proof in relation to their qualification? he did! They are not qualified voters, and yet Colonel Mason wishes the Senate, by a construction more technical than ever was adopted in a court of justice, to permit him to retain a seat in the Senate given to him by men not qualified by the constitution to vote. Colonel Mason and his friends ought to abandon such an objection, and if he will not do it, the Senate ought to be too mindful of its high standing and great responsibility to the people, to let the constitution and common sense be entangled and fall victims to cobweb technicalities.

But Colonel Mason may be asked, by what law is it, you attempt to purge the poll of General Williams? The act of assembly is totally silent on the subject. The answer is, and one that this committee subscribes to, that the genius of our government and the constitution will not permit a man to hold a seat in our legislative councils, without being put there by the voice of the people. The committee will now proceed to investigate the votes which were given to General Williams, and which Colonel Mason alleges are illegal votes. In deciding upon these votes, the committee adopted the same rule as they did when deciding upon the votes alleged to be illegal that were given to Colonel Mason. And the diversity of opinion in the committee was nearly of the same character. A majority of the committee determined that the following persons who voted for General Williams, were not qualified to vote, and that their votes were illegal, to-wit: George W. Anderson, Elijah Allen, Bennet Barrow, Wm. Cromwell, Nixon Covy, James Davis, Joseph Irvine, William Gillispie, Bingham A. Graves, Alexander Haddin, William Hatten, John Kibbey, Howell Monier, John Peyton, Henry Read, Andrew Rafferty, George Rogers and James Yocum, making, 18.

The polls when purged by the committee according to the foregoing report, stands thus:

Stricken from the poll of Mason, 28
Stricken from the poll of Williams, 18

The previous part of this report show the aggregate number of Mason's votes, after counting the poll books of Mount Sterling by its face and endorsements on the back of the same, to be, 1039

From which, deduct the 28 purged by the depositions, &c. 28

The residue of Mason's votes. 1011
The aggregate number of Williams' votes, when ascertained the same way is, 1044. Deduct the 18 purged by depositions, &c. 18
1026
1011

Williams's majority, 15

Not to purge the polls of Mason, of the seven votes which are contended not to be within the notice, Williams's majority will be eight. It was originally the intention of the committee, to give an abstract of all the proof exhibited to them, but upon reflection, it is found to be impracticable, owing in part, to the immense size of the volume of testimony. The committee will therefore class the voters decided upon, presenting each point of law arising in their decisions; this, they apprehend, can be done by showing under which disqualification, as pointed out in the constitution, each voter fell, and then the Senate can refer to the depositions, if there should be any controversy about the facts. As to those who voted for Mason, and whose votes have been decided illegal—John Alfrey was a citizen of Fleming, and his vote directed to be erased by the judges, on back of the poll book; Jacob Butt lived in Bath, and went to the judges to get his vote taken off; (see the back of the poll book;) Isaac Butt, under age, his name on the poll book, and was at the election; James Epperson, lived in Bath, name on the poll book; Nathaniel H. Foster, under age, name on the poll book; David Hathaway, under age, name on the poll book; Garret Jackson, under age, and lived in Bath, name on the poll book; John Judy, lived in Grant, was at the election, name on the poll book; Elijah H. Lockridge, lived in Indiana, was at the election, voted, name on the poll book; Abner Maxwell, lived in Clarke, was at the election, name on poll book, and kept out of the way from fear of the law; Hiram Moore, lived in Bath, voted on the poll book; William Robertson, under age, on the poll book; Edmond Smart, lived in Bath, on the poll book; Kendall Shockley, voted twice; Daniel Sublett, lived in Bath, name on poll book; George Thompson, lived in Bath, voted, on the poll book; William Underwood, had not resided two years in the State, or one in Montgomery county, voted, on the poll book; Moses Tharp, lived in Boone, voted, on the poll book; and challenged at the polls; Edward Wells, lived in Bath, voted, on the poll book; Henry Hart, lived in Bath, on the poll book; Samuel Hart, lived in Bath, on the poll book; Moses Gelvin, under age, and on the poll book; Thomas Glover, admitted by Mason to be bad, because he had not been either two years in the State, or one in Montgomery county; Berry How-
ell, lived in Fleming county, voted, on the poll book, and applied to get his name taken off; Elijah Henderson, lived in Bath, voted, name on the poll book; James Jemison, lived in Bath, voted, name on poll book; William Morgan, lived in Bath, name on the poll book; John Welsh, name on the poll book, had not been two years in the State or one in the county; Nelson Tapp, voted, on the poll book, lived in Bath, and fined for voting.

Those who voted for Mason and were alleged by Williams to be illegal votes, but were decided by the committee to be legal voters, are the following:

John Jividen, alleged to live in Bath, but not proven to the satisfaction of the committee; Franklin Orear, alleged to be underage, but not proven; William Ballard, alleged to live in Clarke, but not proven, in the opinion of a majority of the committee; Garrett Ballard, alleged to live in Clarke, but not proven to the satisfaction of a majority of the committee; John Donohoo, alleged to live in Bath, but not proven in the opinion of a majority of the committee; Jacob Donohoo, alleged to be under age, but not proven; Stephenson Ellison, alleged to have removed to Texas, was gone there five years, but a change of residency not proven to the satisfaction of a majority of the committee; Benjamin Fortune, alleged to be a non-resident but not proven; Isaac Lewis, alleged to have moved to Indiana, but not proven; John Kirkpatrick, alleged to have moved out of the State, but not proven; Robert Raybourn, intended to have voted for Williams, but his name was set down for Mason, the committee would not permit his vote to be changed; Andrew Armstrong, did not vote for Mason, as proven by a person who heard him vote, but the name was set down for Mason, and the committee would not permit it to be taken off; Jehu Donohoo, alleged to live in Bath, but not proven.

The committee in deciding upon the votes given for Mason, and which were determined illegal by a majority of the committee, had to determine what should be a sufficiency of proof, that the person whose vote was challenged, did vote. In some cases there was positive proof; in other cases, the proof was circumstantial only. In the case of John Jividen, and John Donohoo, the question was a mere matter of fact, where the Bath and Montgomery line ran. The proof upon this subject is voluminous, and if the Senate wish to see it, the depositions upon that point are referred to.

In the case of Robert Raybourn and Andrew Armstrong, the committee considered that it was a dangerous precedent, to permit a vote that was given one way to be changed by parol proof that it was either given or intended to be given another way. The committee will pursue the same method in relation to the
votes given for Williams, which Mason alleges were illegal and which have been so decided by the committee.

George W. Anderson and Henry Read, admitted by Williams to be illegal; Joseph Irwin, proved to be under age, his name on the poll book; Elijah Allen, lived in Morgan, name on the poll book; Bennett Barrow, proved to be under age, his name on the poll book by the name of Benjamin Barrow, and proof by his brother that he was sometimes called Benjamin; William Cromwell admitted by Williams to be illegal; Nixon Covy, name on the poll book and proved to have been a citizen of Ohio until a few months before the election; James Davis, name on the poll book and proved to have moved to this State not one year before the election; William Gillispie, name on the poll book, proved to be under age; Bingham A. Graves, name on the poll book, proved to be under age; Alexander Hadden, proven to the satisfaction of a majority of the committee that he had been a citizen of Pennsylvania, and had not resided either two years in the State or one in Montgomery county; name on the poll book; William Hatten, name on the poll book, proven that he moved from Indiana Christmas before the election; John Kirkly, name on the poll book, proven to be under age; Howell Monier proves that he voted for Williams and was under age; John Peyton and Andrew Rafferty, admitted by Williams that their votes are illegal; George Rogers, name on the poll book, it is proved that he had neither been a citizen of the State two years or county of Montgomery one year; James Yocum voted for Williams, decided by a majority of the committee to be illegal, because he was deaf and dumb, although proved to be intelligent; the committee was partly influenced by some proof tending to shew he was overreached.

Those who were alleged by Mason to be illegal votes but who were decided by a majority of the committee to be legal are the following:

Harvy Berry, alleged to live in Bath, not proved; William Brown, alleged to live in Morgan, not proved; Willis Clark, alleged to be under age and it is so proven, but no man by that name voted, William Clark voted and not proven to be the same man; Young Griffin, alleged to be under age but not proved; John Moss voted for Williams, proved that he intended to vote for Mason, the vote was not changed, for the same reason that Raybourn's and Armstrong's votes were refused to be changed; Edward Roberts, some mistake alleged in entering his vote but none proved; James Todd, alleged that he was no citizen and an idiot, but neither allegation proved.

The committee would here remark, that there are about the same number of votes which were given to Williams and decided
illegal upon about the same circumstantial evidence of the persons having in fact voted, as there were given to Mason, and decided also illegal upon the same character of circumstantial evidence of the persons having in fact voted, so if the Senate were to differ with the committee upon that point, it cannot change the result in the present contest.

The committee also report the following resolutions:

Resolved, That James Mason who has been returned by the sheriffs of Montgomery and Estill counties, to have been duly elected a senator for the senatorial district composed of those counties, at the last August election, to serve for four years next ensuing, was not duly elected at the election aforesaid, a senator for the aforesaid senatorial district, by the qualified voters of said district.

Be it further resolved, That the petitioner, Samuel L. Williams was duly elected a senator for four years then next ensuing, at the time aforesaid, and for the senatorial district aforesaid, by the qualified voters in said district, and that the said Samuel L. Williams is entitled to his seat, as senator, for the time aforesaid.

The said report was committed to a committee of the whole House on the State of the Commonwealth for Monday next.

Ordered, That the public printer print one hundred and fifty copies of said report for the use of the General Assembly.

The Speaker laid before the Senate, a letter from a committee of the trustees of the Kentucky Institution for the tuition of the Deaf and Dumb, covering their annual report of the situation of that institution; which letter and report are as follows, viz:

DANVILLE, DEC. 30, 1828.

Sir: We 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 tuition of the Deaf and Dumb.

We are, respectfully, your ob't. serv'ts.

DAVID G. COWAN,
JAMES BARBOUR.

Committee.

HON. JOHN BREATHITT,
Lieut. Governor and Speaker of the Senate.

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

In obedience to law, the Trustees of the Kentucky Institution for the tuition of the Deaf and Dumb, respectfully report:

During the past year the pupils have enjoyed good health, and
have received due attention both as to moral and intellectual instruction. The Superintendant and Matron, we are fully persuaded, have faithfully attended to whatever might contribute to the comfort and health of the pupils.

It must be obvious to all, that to instruct a deaf and dumb person must require more time and attention than one who has the use of all his faculties. The period of time fixed by law, at our suggestion, it is believed is sufficient to give a mute such a knowledge of language as will enable him to do ordinary business and converse on common subjects. To this, our teachers endeavor to add a little knowledge of History, especially of our own country, and a little of Geography and Astronomy. When a mute first enters the Asylum, he has not the most distant idea of his Creator, or of the immortality of the soul. Some of the most plain and practical duties that he owes to his God and to his fellow men are taught him in the progress of his studies.

The number of students in the Asylum, it will be perceived, has decreased since our last report; chiefly because the time allowed by law for the continuance of some of the indigent pupils has expired. We have ascertained that much the greatest number of deaf and dumb persons are the children of indigent parents, who in many instances, are unwilling to dispense with the labor of their children, or perhaps are unable to furnish them with clothing for the necessary length of time.

That a satisfactory demonstration might be given to persons at a distance, that the deaf and dumb can be taught our language, Mr. Jacobs, the principal teacher made an extensive tour through the State, and took with him one of the pupils. His exhibitions, as we learn, were highly gratifying to all spectators, and contributions were given sufficient to defray the expenses of his trip, and leave between forty and fifty dollars to be thrown into the fund for supplying the wants of indigent pupils. Mr. Jacobs wrote down the names of all the mutes he could hear of, (which we caused to be published,) the number amounting to between seventy and eighty.

Since our last report we have received from our agent in Florida, Col. R. C. Allen, the sum of two thousand dollars. This has enabled us to pay the balance due for the ground and buildings purchased for the Asylum. But our agent has met with great and unexpected difficulties and obstacles in the prosecution of the business entrusted to him. He has had to contend with many claimants who have under one pretext or other, (counselled and assisted by the delegate from Florida,) opposed and prevented our obtaining patents in time to make sales to any
considerable amount during the last year 1828. Our agent found it necessary to go to Washington City, and remain there some time, to counteract the efforts of those who were endeavoring to defeat us by false pretenses. There are yet in controversy, lands supposed to be worth 8 or 10,000 dollars. We have hopes from our latest information from our Agent, that we shall be able to bring our business in Florida, nearly to a close in the year 1829; and when we have effected sales of the lands, we trust we will be enabled so far to lessen the expenses of instruction, &c. to the Deaf and Dumb, that most of those unfortunate persons, both in our own and the adjoining States will be brought to this institution for instruction.

We have Col. Allen's bond, with security deemed amply sufficient for the faithful discharge of his trust.

The usual documents concerning the pupils, together with the receipts and expenditures of the last year, are presented herewith.

We refer you to two specimens of composition, by two young ladies educated in this Asylum; one of which, is a letter written to Mr. and Mrs. Kerr, from Lebanon, Ky. by a pupil who left this institution about a year since; the other is a reply to a request by a gentleman of Indiana, that the writer would go there and instruct his three Deaf and Dumb children, (all he has!)

We conclude this report, by expressing our hope, that the same spirit of humanity, which gave birth to this institution, still exists, and will continue to actuate the legislature to extend to it its fostering care and protection.

JAMES BARBOUR, Committee.

DAVID G. COWANS


PHYSICIANS.—Joseph Weisiger and Alban G. Smith.
### Pupils in the Asylum on the 3d. November, 1828.

<table>
<thead>
<tr>
<th>Names</th>
<th>Age</th>
<th>When Admitted</th>
<th>Where From</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kitty Ann Pyle</td>
<td>19</td>
<td>July 20. 1825</td>
<td>Adair county</td>
<td>Pauper</td>
</tr>
<tr>
<td>Sally Pyle</td>
<td>17</td>
<td>Aug. 29. 1826</td>
<td>&quot; &quot;</td>
<td>Pauper</td>
</tr>
<tr>
<td>Eliza Atwater</td>
<td>16</td>
<td>Oct. 1. 1826</td>
<td>Illinois</td>
<td>Pays all charges</td>
</tr>
<tr>
<td>John White</td>
<td>18</td>
<td>May 26. 1826</td>
<td>Jessamine Co.</td>
<td>Pauper</td>
</tr>
<tr>
<td>Deborah Philips</td>
<td>16</td>
<td>Aug. 7. 1826</td>
<td>Madison</td>
<td>&quot; &quot; Pauper</td>
</tr>
<tr>
<td>Mary A. Brown</td>
<td>13</td>
<td>Nov. 22. 1826</td>
<td>Breckinridge</td>
<td>Pauper</td>
</tr>
<tr>
<td>George W. Ross</td>
<td>15</td>
<td>Jan. 9. 1827</td>
<td>Ohio</td>
<td>&quot; &quot; Pauper</td>
</tr>
<tr>
<td>Levi Elliott</td>
<td>16</td>
<td>Jan. 24. 1827</td>
<td>Madison</td>
<td>&quot; &quot; Pauper</td>
</tr>
<tr>
<td>Louisa Fullas</td>
<td>17</td>
<td>April 1. 1827</td>
<td>Tennessee</td>
<td>&quot; &quot; Pays charges</td>
</tr>
<tr>
<td>Rebecca Wiley</td>
<td>23</td>
<td>May 5. 1828</td>
<td>Bourbon Co.</td>
<td>&quot; &quot; Pauper</td>
</tr>
<tr>
<td>Littleb'y Bailey</td>
<td>15</td>
<td>May 7. 1828</td>
<td>Franklin</td>
<td>&quot; &quot; Pauper</td>
</tr>
<tr>
<td>Thomas Kennon</td>
<td>23</td>
<td>May 3. 1828</td>
<td>Mississippi</td>
<td>&quot; &quot; Pays charges</td>
</tr>
<tr>
<td>Charles H. Bliss</td>
<td>21</td>
<td>July 5. 1828</td>
<td>Ohio</td>
<td>&quot; &quot; Pays charges</td>
</tr>
<tr>
<td>Giles Chapin</td>
<td>37</td>
<td>May 6. 1828</td>
<td>S. Carolina</td>
<td>&quot; &quot; Pays charges</td>
</tr>
<tr>
<td>Wm. Rodman</td>
<td>15</td>
<td>May 16. 1824</td>
<td>Henry county</td>
<td>&quot; &quot; Pays charges</td>
</tr>
<tr>
<td>Riley Walker</td>
<td>22</td>
<td>Sept. 13. 1824</td>
<td>Estill &quot; &quot;</td>
<td>&quot; &quot; Pauper</td>
</tr>
<tr>
<td>Betsy B. Luckett</td>
<td>10</td>
<td>Nov. 2. 1824</td>
<td>Shelby &quot; &quot;</td>
<td>&quot; &quot; Pays charges</td>
</tr>
<tr>
<td>Matilda Grissom</td>
<td>17</td>
<td>Oct. 30. 1824</td>
<td>Adair &quot; &quot;</td>
<td>&quot; &quot; Pauper</td>
</tr>
</tbody>
</table>

**Names of Pupils who have at different times left the Institution.**
Lucy Barbee, Martha Bailey, John Withers, Thomas Hoagland, Samuel Strickler, (since dead,) Enoch Wright, Laury Hall, Billy Holloway, Angelina Baker, Rebecca MacKen, Patsy Terrill, Alexander Thompson, Abram Williams, John Goggin, (since dead,) Ehilone Sherrill, Jabez Gaddie, William Morehead, Edith Lewellen, Moses Lewellen, Barney Mahon, Martin Reed, John Heke, Beverly Parker, Isaac Jones, Anthony L Story, James Story, Waller Rodes, William Grissom, Narcissa Fowler, Nancy M'Clensky, Schour Goins, Jacob Sagaser, Thomas Gatewood, Job Carter, Mary Robertson, Margaret Bryan and Louisa Hamilton.

The following statement will show the situation of the funds of the Institution.

**1827.**
Nov. 3. To balance on hand, (see last report,) $1012 24 19
" this amount received from the Treasury.
Journal of the support of indigent pupils for one year, ending 3d Nov. 1828.

" tuition fees received, 1838 00
" cash received from the sale of land in Florida, $2000 specie, equal 2500 00
" cash received from C. Henderson on his subscription, 50 00

$6530 97 1-2

Credit.

By fuel for school room last winter, 25 00
cash paid Mr. Kerr for boarding indigent pupils, 929 77
do paid for boarding B. M'Mahon, 75 00
do paid for Mr. Kerr's salary one year, 400 00
do paid Mr. Jacobs' salary same time, $300 specie, equal to $825, board $75, 700 00
cash paid Mr. Kerr for one quarters boarding for Mr. Jacobs, 25 00
cash paid Tompkins for balance of the lot and buildings purchased by trustees, 2163 33
do paid Agent for collecting and transmitting $2000, at 5 pr. ct. $100 specie, equal 125 00
C. Henderson's account for sundry articles furnished for the use of the Asylum, 108 27
Tho: Collin's account, 5 25
Contingencies, 40 17

Balance on hand, $4596 79

$6530 97 1-2

To balance on hand 3d Nov. 1828, $1934 18 1-2

JAMES HARLAN, Sec. B. T.

Danville, Nov. 3d, 1828.

Mr. Garrard presented the petition of the Sheriff of Harlan county praying that a further time be given him to pay into the public Treasury, the revenue of said county.

Which was received, read and referred to a committee of Messrs. Garrard, Harris and Fleming.

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

An act to compel litigants to give security for costs in certain cases.

An act to change the place of voting in the counties of Caldwell and Greenup.
An act concerning the towns of Shelbyville, Georgetown, Hopkinsville and New-Castle.
An act for the benefit of P. N. O'Bannon.
An act for the benefit of the Clerks, Sheriffs and Jailors of Ohio, Breckenridge and Daviess counties.
An act adding an additional justice of the peace to the counties of Gallatin, Washington and Pulaski; and,
An act for the benefit of the Stockholders of the Bank of Owingsville.
And of the passage of bills from the Senate of the following titles,
viz:
An act to allow David Hamilton to establish a gate across the road leading from Middle creek Salt works to Abbott creek by way of said Hamilton's; and,
An act to change the time and place of comparing polls for Senator in the thirty-seventh Senatorial district, with amendments to the latter bill.
And then the Senate adjourned.

FRIDAY JANUARY 2, 1829.

The Senate assembled.

Mr. Wickliffe from the committee of courts of justice to whom was referred, a bill to amend the law in relation to executors and administrators, reported the same with an amendment.
Which was twice read and concurred in.
Ordered, That the said bill be committed to a committee of the whole House on the State of the Commonwealth for tomorrow.

A message in writing was received from the Governor by Mr. Metcalfe, assistant Secretary.
The rule of the Senate was dispensed with, and the said message was taken up and read as follows, viz:

Gentlemen of the Senate.

I nominate for your advice and consent, the following persons for the offices designated, to-wit: Robert Rollins, Colonel of the 21st regiment; William H. Hand, to be Lieutenant Colonel of said regiment; Stephen Lee, to be Lieutenant Colonel of the 15th regiment; Jacob A. Slack, to be Major of the 15th regiment; Lieutenant Colonel James Flippin, to be Colonel of the 109th regiment; in the room of Richardson P. Hughes, deceased; Major Radford Maxy, to be Lieutenant Colonel in the room of James Flippin, if promoted; Captain Philip Emmers, to be Major in the room of Radford Maxy, if promoted.
I also nominate Joseph Lewis, to be sheriff of Nelson county, in the place of Moses Lane, deceased.

THOMAS METCALFE.
Resolved, That the Senate advise and consent to the appointment of Joseph Lewis, as Sheriff of Nelson county, in the place of Moses Lane, deceased:

Ordered, That Messrs. Hardin and Harris inform the Governor thereof.

The other nominations were laid on the table.

Mr. M'Millan from the committee of propositions and grievances, to whom was referred a bill from the House of Representatives entitled, an act to authorize the citizens of the county of Oldham, to select by vote a permanent seat of justice, reported the same with an amendment.

The said bill is as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the qualified voters of the county of Oldham are hereby authorized to vote for their permanent seat of justice in the following manner:—The polls shall be opened at all the places in said county, at which elections are authorized by law to be held for the representative, on the first Monday of August next, and the two succeeding days; and be held and continued open for three days in the manner and under the same regulations that govern elections in this Commonwealth; and that the county court of said county shall, at their next July term make such arrangements and appoint such officers as are necessary, and required of them by law for conducting elections of representative; and each qualified voter as he comes to the polls, shall be requested by the judges conducting said election, to designate one of the positions that may be offered to the said county for locating the permanent seat of justice for said county; and the votes so given, shall be set down accordingly in books to be prepared by the clerks of said election, under the direction of the judges thereof, for that purpose: And provided, That the county court shall, in appointing judges to preside at each place at which the polls are to be opened under the provisions of this act, appoint one in favor of Westport, and one in favor of another place or places, should such difference be found to exist in said county court.

Sec. 2. Be it further enacted, That it shall be the duty of the judges and clerks of said election to certify a list or lists of all the voters, and the place or places for which they vote, and forward the same to the clerk of the circuit court, after which the judge of said court shall hear and determine upon the illegal votes which may have been taken, and expunge the same; which list or lists of votes shall be acted upon at the first circuit court of said county next ensuing such election, unless for good cause shown a continuance be granted; and the court having examined the polls should they find that either of the named sites has a majority of the qualified voters of said county, then the site having such ma-
majority, shall be the permanent seat of justice in and for said county, provided such number as aforesaid shall be a majority of all the qualified voters of said county, which shall be not less than six hundred and fifty qualified voters of said county; and when the site is so ascertained, the circuit court shall certify the same to the county court, which they shall enter of record.

Sec. 3. Be it further enacted, That if no choice of said seat of justice be made at the August election as herein provided for, the polls shall be opened in like manner and under the same regulations on the first Monday of September next ensuing, and the second succeeding days, and be kept open for three days in like manner, and the vote lists and numbers be disposed of and managed in the same way required in relation to the election first provided for, in fixing the permanent seat of justice for said county.

Sec. 4. Be it further enacted, That the county court of Oldham, shall, and may at any court previous to said election, receive any written proposition from any person or persons, for a site upon which to fix said seat of justice, any subscriptions of money, materials, land or other donations; provided said subscriptions be in writing, signed in the proper hand of the person or persons making the same, for the purpose of aiding in the erection of the public buildings for said county; at the respective sites proposed, and the duplicates thereof shall be delivered to the justices of the county court, or some one or more of them appointed for that purpose; and all such propositions or agreements made in relation to the sites which may be chosen agreeably to the provisions herein, shall be binding and obligatory on those who make them according to the terms in the writing proposed; and the county court of Oldham by their name and style of the county court of Oldham, shall have full power to sue for, recover and enforce the same in any court of competent jurisdiction.

Sec. 5. Be it further enacted, That the said county court as soon as practicable, after it be ascertained which site shall be determined upon by a majority of the citizens, qualified voters of said county, as their permanent seat of justice, to cause a town to be laid off, upon any land or lands, which may be given to, or purchased by said county court for that purpose, agreeably to the laws now in force, authorizing the establishment of towns; provided the said site should not be chosen where there is already a town laid off; and to proceed as soon as practicable, to provide for, and erect the necessary and suitable buildings for the use and accommodation of the said county and the courts thereof.

Sec. 6. Be it further enacted, That it shall be the duty of the clerks of the circuit and county courts of said county, to remove the papers and records belonging to their respective offices, to the site so chosen, so soon as suitable houses can be prepared
and furnished for such purposes by the said county court, and the circuit and county courts in and for said county, shall, as soon as suitable buildings are erected, prepared and furnished for that purpose, at the said site so chosen, hold their respective courts therein; which shall henceforward be and remain the permanent seat of justice for said county of Oldham.

Sec. 7. Be it further enacted, That the circuit and county courts of said county shall continue to be held as at present located, till a different site be chosen, and the provisions of this act be complied with: Provided, That, not more than three sites shall be put in nomination to be voted for, one of which shall be Westport, one Lagrange and one Lynchburgh; and if neither site shall, at the first election have the majority required by this act, then the site having the least number of qualified votes shall be dropped, and the second election shall be held between the two sites having the highest number of votes, unless a majority of those voting for one of the sites having the highest number of votes, shall petition the circuit court, before whom the polls are returned, to drop such site having a higher number of votes, and put in nomination the site having the lowest number of votes in which case, the circuit court shall make an order accordingly: Provided, That if a second election shall be necessary, then, and in that case, the election shall be held at George Varble's, adjoining Lynchburgh, where all the qualified voters of Oldham county, shall meet and vote for one of the two sites then in nomination, and no poll shall be opened at any other place in said county.

Sec. 8. Be it further enacted, That in the event that the qualified voters of said county should locate the permanent seat of justice at Lynchburgh, or refuse to remove it from Westport, then, and in that case, it shall be the duty of the circuit court of the Oldham circuit at its first term thereafter, to appoint three commissioners to make sale of the public ground upon which a court house has been erected, together with all the appurtenances thereof belonging at Lagrange, and to apply the proceeds of such sale to the erection of the public buildings at such place as shall be the permanent seat of justice; and they are hereby authorized and required to do the same: Provided, Lagrange shall not be voted for as the seat of justice aforesaid, unless the proprietor of the land on which the court house and other public buildings at Lagrange have been erected, previously binds himself to the county court of said county of Oldham, absolutely and unconditionally for a valid title to said land.

The said amendment proposes to strike out six hundred and fifty, in the latter part of the second section, printed in italics, and to insert in lieu thereof seven hundred?

Mr. Wickliffe moved to lay the said bill and amendment on the table until the first day of June next.
And the question being taken thereon, it was decided in the affirmative.

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


Mr. Wood from the committee of religion, to whom was referred a bill from the House of Representatives entitled, an act to divorce Mary Drysdale from her husband Reuben Drysdale, reported the same with the following resolution thereon, viz:

Resolved, That the said bill be disagreed to.

Which was twice read and concurred in.

Mr. Pope from the committee of internal improvements to whom was referred, bills from the House of Representatives of the following titles, viz:

An act to incorporate the Kentucky and Ohio bridge company;
And, an act to incorporate the Ohio bridge company, reported the same without amendment.

Ordered, That the said bills be laid on the table, and that the public printer, print one hundred and fifty copies of the latter bill for the use of the General Assembly.

Mr. Hardin from the committee of finance, reported a bill for the relief of John Deverin, which was read the first time.

And the question being taken on reading the said bill a second time, and it was decided in the affirmative.

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


Mr. Hardin from the same committee to whom was referred, a bill from the House of Representatives entitled, an act for the benefit of John Robinson, John J. Lemmon and Daniel McClelland, reported the same with the following resolution thereon, viz:

Resolved, That the said bill ought not to pass.

And then the Senate adjourned.
The Senate assembled.

Mr. Carneal presented the proceedings of a meeting of the citizens of Boone county, in relation to the Burlington Academy, recommending a change in the laws concerning said institution, which with the accompanying documents was referred to a committee of Messrs. Carneal, Gibson, Taylor and Barrett.

Mr. Barrett presented the petition of sundry Merchants of Cynthiana, praying that the laws taxing merchandise may be amended; and,

Mr. Wall presented the petition of John Bayne, praying compensation for pursuing and apprehending a negro man charged with murder.

Which petitions were received, read and referred to the committee of finance.

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

An act to amend the law respecting Sheriffs.

An act to establish the town of Ashby'sburg in Hopkins county.

An act for the benefit of the present and former managers of the Turnpike and Wilderness road.

An act concerning the town of Henderson.

An act to amend an act entitled, "an act to establish a ferry on the land of James Riddle," approved December 6th, 1822.

An act for the removal of the seat of justice for Hickman county.

An act to establish election precincts in certain counties.

An act further to regulate the powers of the trustees of South Frankfort.

An act to legalize the proceedings of the court of assessment of the 71st and 36th regiments of Kentucky militia.

An act to establish the county of Hancock, out of the counties of Breckenridge, Daviess and Ohio.

An act to allow additional justices of the peace to the counties of Todd and Mason.

An act to establish an election precinct in Anderson county, and for other purposes.

An act for the benefit of James Climore, Senr.

An act for the benefit of Abner W. Quinn.

An act appointing commissioners to lay off and mark a State road from Bowling-green to Smithland in the county of Livingston.

An act allowing additional justices of the peace and constables to certain counties.

An act to incorporate the Covington Manufacturing Company in the town of Covington, Campbell county Kentucky.
An act to allow David Hamilton to establish a gate across the road leading from Middle creek Salt works to Abbott's creek by way of said Hamilton's; and,
An act for the benefit of Jesse Crume.
That said bills had been signed by the Speaker of the House of Representatives.
Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.
After a short time Mr. Gibson reported that the committee had performed that duty.

Mr. Wickliffe from the committee of courts of justice made the following report, viz:
The committee of courts of justice have, according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereon, viz:

Resolved, That the petition of the widow and heirs of John Hackworth deceased, praying that a law might pass authorizing the sale of a tract of land lying in the county of Pike, belonging to said heirs, for the purpose of paying the debts of said decedent, be rejected.
Resolved, That the petition of Benjamin Burton, praying that a law may pass, granting him a change of venue from the county of Wayne to some other county, be rejected.
Resolved, That the petition of Anna Honn, praying for the passage of a law authorizing the sale of the tract of land belonging to the heirs of Daniel Honn deceased, and the proceeds thereof to be vested in other lands, be rejected.
Resolved, That the petition of Evan Evans, praying the passage of a law authorizing his children to reconvey to him a certain tract of land lying in the county of Floyd, be rejected.

Which being twice read;

On the motion of Mr. Harris, the first resolution was amended by striking out "be rejected," and inserting in lieu thereof "is reasonable."

The said report was then concurred in.

Ordered, That Messrs. Harris, Hardin, J. Green and M'Connell prepare and bring in a bill pursuant to the first resolution.

A message was received from the House of Representatives, informing the Senate of their disagreement to a bill from the Senate, entitled, an act to add a part of the county of Whitley to the county of Laurel.

Mr. Wickliffe from the committee of courts of justice to whom was referred, a bill from the House of Representatives entitled, "an act more effectually to coerce the payment of money officially collected by Sheriffs, Constables and Lawyers," reported the same with the following resolution thereon, viz:
Resolved, That the said bill be disagreed to.
Which being twice read—On the motion of Mr. Fleming, the said bill was recommitted to a committee of Messrs. Fleming, Hardin, Pope, M'Connell and Maupin.
Mr. Wickliffe from the committee of courts of justice, reported, a bill to incorporate the trustees of the Baptist Education Society. Which was read the first time and ordered to be read a second time.
The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with.
Mr. Daviess moved to amend the same by attaching thereto the following proviso, viz:
Provided further, That the aforesaid trustees shall fix the location or site of said institution within three years from the passage of this act, and in case they shall fail to do so, their corporate powers shall cease.
And the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Wickliffe and Carneal, were as follows, viz:
Mr. Hardin moved to amend the said bill by adding thereto the following proviso, viz:
Provided further, That no more than one site for said institution shall be selected, but nothing herein shall be so construed as to prevent the trustees from removing or changing the said site.
The question being taken on adopting the said proviso, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Hardin and Cunningham, were as follows, viz:
Ordered, That the said bill be engrossed and read a third time.
The rule of the Senate constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed.
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin who voted in the majority, moved a reconsideration of the vote by which a bill from the House of Representatives, entitled, "an act for the benefit of the securities of Charles Morehead, late Sheriff of Logan county," passed the Senate with amendments.

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

On the motion of Mr. Hardin, the vote by which the said bill was ordered to be read the third time, and the said amendment was adopted, were also reconsidered.

The said amendment was then rejected, and the said bill was ordered to be read a third time.

The rule of the Senate constitutional provision, and third reading of said bill having been dispensed with.

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

Mr. Wickliffe from the committee of courts of justice reported, a bill for the benefit of the Sheriff of Jefferson county.

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

The rule of the Senate, constitutional provision and second reading of the said bill was dispensed with.

And then the Senate adjourned.

MONDAY, JANUARY 5, 1820.

The Senate assembled.

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

An act to regulate the town of Lawrenceburg.

An act to enlarge the powers of the trustees of Cynthiana.

An act to authorize John Grider and Timothy Burgess of Russell county to erect gates across the public highway and for other purposes.

An act to alter the time of holding the Hart county court.

An act for the benefit of Richard Hart of Pulaski county, and others.

And that the same had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Gibson reported that the committee had discharged that duty.
Mr. Wingate from the joint committee appointed to examine the Bank of the Commonwealth, made the following report, viz:

The joint committee raised for the purpose of examining the Bank of the Commonwealth of Kentucky, have performed that duty and beg leave to report—That they find the books and papers of the Bank in excellent order, the situation of the institution flourishing, and the several duties required of the different officers of the institution performed with great punctuality, skill, and ability, and the debts due the institution generally well secured.

We found in the Bank, United States' notes and specie $4,981 27
Notes of the Bank of Kentucky, 161 25
Frankfort Independent Bank, 598
Eastern and Southern notes, 819
Notes of the Bank of the Commonwealth of Kentucky, 546,386 65

$553,146 17

A small proportion of the notes of the Bank of the Commonwealth are very much worn, and too much defaced to be again used.

For a more enlarged view of the institution and a more particular detail of its concerns, we beg leave to refer to the report received from the President and Cashier of the Bank, a copy of which is now before each branch of the General Assembly, all of which is respectfully submitted by your committee.

Cyrus Wingate,
James Townsend,
John C. Ray,
Committee from the Senate.

W. B. Blackburn,
A. G. Daniel,
Rodes Garth,
Edwards King,
S. C. Pinckard,
Tho. A. Marshall,
Committee from the House of Representatives.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the State of the Commonwealth, Mr. Wingate in the Chair; after some time spent in committee, Mr. Speaker resumed the Chair, when Mr. Wingate reported that the committee had, according to order, had under consideration the report of the select committee on the contested election of Senator for the counties of Montgomery and Estill, and had gone through the same without making any amendment thereunto.

And then the Senate adjourned till to-morrow morning nine o'clock.
The Senate assembled.
1. Mr. Selby presented the petition of Joseph Turner, praying that a law may pass granting him one thousand acres of poor land in Adair county, for the use of salt works.
2. Mr. Wall presented the petition of sundry citizens of Scott county, praying that a law may pass, allowing an additional constable to said county.
3. Also, a petition counter thereto.
Which were received and referred, the first to the committee of propositions and grievances; and the second and third to a committee of Messrs. Wall, Barrett and Summers.
A message was received from the House of Representatives, announcing the passage of a bill entitled, an act for the benefit of the citizens of the town of Jefferson, in Jefferson county, and of the passage of bills which originated in the Senate, of the following titles, viz:
An act authorizing the paymaster of the 40th regiment of Kentucky militia, to pay over certain monies to the county court of Muhlenburg. And,
An act for the benefit of Isaac and Alfred Shelby, with an amendment to the latter bill.
And that the House of Representatives have disagreed to a bill from the Senate entitled, an act to amend the law in relation to elections.
That the House of Representatives have concurred in the amendments proposed by the Senate, to the following bills which originated in that House.
An act to regulate Lawrenceburg.
An act for the benefit of Henry G. Hawkins.
An act supplementary to an act, entitled an act for the benefit of the heirs of Claiborne Walton, deceased, approved December 6th, 1822.
An act to establish an election precinct in the county of Ohio, and other counties.
An act allowing one additional justice of the peace and two additional constables to Anderson county, and one additional justice of the peace to Calloway county.
An act supplemental to an act incorporating St. Joseph's College.
And that the House of Representatives have received official information that the Governor on the third instant, approved and signed enrolled bills which originated in that House, of the following titles, viz:
An act to amend the laws respecting sheriffs.
An act to establish the town of Ashbysburgh, in Hopkins county.
An act for the benefit of the present and former managers of
the turnpike and wilderness road.
An act concerning the town of Henderson.
An act to amend an act entitled, "an act to establish a ferry
on the land of James Riddle," approved December 6th, 1822.
An act for the removal of the seat of justice for Hickman
county.
An act to establish election precincts in certain counties.
An act further to regulate the powers of the trustees of South
Frankfort.
An act to legalize the proceedings of the courts of assessment of
the 71st and 34th regiments of Kentucky militia.
An act to establish the county of Hancock, out of the coun­
ties of Breckinridge, Daviess and Ohio.
An act to allow additional justices of the peace to the counties
of Todd and Mason.
An act to establish election precincts in Anderson county, and
for other purposes.
An act for the benefit of James Climore, Sen. And,
An act for the benefit of Abner W. Quinn.
The Senate took up the report of the select committee on the
contested election of Senator for the counties of Montgomery and
Estill.

Mr. Daviess moved to strike out of the said report the names
of Isaac Butt, Nathaniel H. Foster, Elijah H. Lockridge, Hiram
Moore, Edward Wells, George Thompson and Abner Maxwell,
because their names were not specifically set forth in the notice
given by Williams to Mason, and who were adjudged by the
committee to be illegal votes.
And the question being taken thereon, it was decided in the
negative.
The yeas and nays being required thereon by Messrs. Daviess
and Wickliffe, were as follows, viz:
YEAS—Messrs. Allen, Barrett, Carneal, Cockerill, Daviess,
Fulton, Griffin, Harris, Hughes, Maupin, Pope, Ray, Rodman,
Selby, Wall, Wingate and Wood—17.
NAYS—Messrs. Cunningham, Faulkner, Fleming, Garrard,
Gibson, Given, J. Green, W. Green, Hardin, Hickman, McConnell,
M'Millan, Muldrow, Summers, Taylor, Townsend, White,
Wickliffe and Woods—19.

At 20 minutes after 5 o'clock P. M. Mr. Maupin moved that
the Senate do now adjourn.
And the question being taken thereon, it was decided in the
negative.
The yeas and nays being required thereon by Messrs. Daviess
and Carneal, were as follows, viz:
YEAS—Messrs. Allen, Barrett, Carneal, Daviess, Fulton, Giv-
en, Griffin, Harris, Hughes, Maupin, Pope, Ray, Rodman, Selby, Wall, Wingate and Wood—17.


Mr. Pope moved that the following be adopted as a substitute for the said report, viz:

In the case of the contested election between Samuel L. Williams and James Mason, it appears to the Senate, from an attentive examination of the poll books, and the adjudications of the judges of the election, on the poll book and considered as part thereof, that James Mason has been regularly and correctly returned as the member elected by the Senatorial district composed of the counties of Montgomery and Estill; and whereas, there does not appear to be any ground for the imputation of fraud or malpractice against either of the candidates, or of fraud or partiality, or unfairness, on the part of the judges or officers of the election; but it is contended by Williams, that Mason has received illegal votes, and in his notice to Mason has specified a number of voters as illegal, and stated the facts upon which he bases the contest. Williams has proved a part of the votes specified to be illegal; and Mason on his part has proved a portion of the votes given to Williams to be illegal, and some charged on both sides to be illegal are of a doubtful character, and from the nature and character of the cases, and the doubtful and conflicting testimony presented for the consideration of the Senate, it is difficult to ascertain whether Mason or Williams is the choice of the people of the counties of Montgomery and Estill; and it seems to the Senate more congenial with the genius and spirit of our free government, in a close and doubtful contest, to refer it to the people to be represented, to decide who shall be their Senator, than to have one placed in this body by the arbitrary power of the Senate; Therefore,

Resolved by the Senate, That after the most mature consideration of the subject, a new election ought to be awarded, to enable the people to make their choice of a Senator, and that a writ of election issue accordingly for an election of Senator, to be held on the first Monday in August next, to fill the vacancy of James Mason, whose seat is hereby declared to be vacated.

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

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


Mr. Maupin moved to recommit the said report to a select committee.

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

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


The question was then taken on adopting the first resolution in the said report, and it was decided in the affirmative.

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


The question was then taken on adopting the second resolution in the said report, and it was decided in the affirmative.

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


And then the Senate adjourned.

WEDNESDAY, JANUARY 7, 1829.

The Senate assembled.

Samuel L. Williams who was adjudged by the Senate on yesterday, to be duly elected and entitled to a seat as a member of the Senate from the counties of Montgomery and Estill, appeared
and took the oaths required by the constitution of the United States and the constitution and laws of this State.

Mr. Gibson from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to regulate the precincts in the north of Washington county and to change the place of voting in the south precinct.
An act to establish an election precinct in Daviess county.
An act to review a part of the State road leading from Franklin to Owenborough.

And had found the same truly enrolled, and that said bills had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Gibson reported that the committee had performed that duty.

A message was received from the Governor by Mr. Metcalfe, assistant Secretary, informing the Senate that the Governor did on the 5th inst. approve and sign the following enrolled bills which originated in the Senate, viz:

An act to incorporate the Covington Cotton Manufacturing Company in the town of Covington, Campbell county Kentucky.
An act to allow David Hamilton to establish a gate across the road leading from Middle creek Salt works to Abbotts' creek, by way of said Hamilton's.
An act appointing commissioners to lay off and mark a State road from Bowlinggreen to Smithland in the county of Livingston.
An act for the benefit of Jesse Crume.
An act allowing additional justices of the peace and constables to certain counties.

Mr. Gibson presented the petition of sundry citizens of the counties of Gallatin, Grant and Boone praying the formation of a new county out of parts of each of said counties; and also, a remonstrance against the same.

Which were received, read and referred to the committee of propositions and grievances.

Mr. Wickliffe from the committee of courts of justice to whom was referred a bill from the House of Representatives entitled, "an act to amend an act entitled, an act to amend an act entitled, an act imposing duties on sales at auction for the benefit of the Louisville Hospital," approved December 17, 1821, approved February 5th, 1828, reported the same with the following resolution thereon, viz:

Resolved, That said bill be disagreed to.

Which was twice read and concurred in.

Mr. Wickliffe from the same committee, reported a bill to
amend and declare the law in relation to recording deeds under
decrees of courts;
Which was read the first time, and ordered to be read a second
time.
Mr. Allen from the committee of propositions and grievances,
to whom was referred, a bill from the House of Representatives
titled, "an act to establish the county of M'Kee out of the
South part of Washington county," reported the same without
amendment.
The said bill is as follows, viz:
Sec. 1. Be it enacted by the General Assembly of the Common-
wealth of Kentucky, That from and after the second Monday in
February 1829, all that part of Washington county contained in
the following bounds, to-wit: Beginning at a half way point be-
tween Springfield and Lebanon, thence running due west to Har-
dins creek, thence down Hardins creek to where the road lead-
ing from Springfield to Elizabethtown crosses Hardins creek,
where John Helm formerly lived, and where Samuel Philips now
lives, thence with the said Elizabethtown road to the Nelson
county line at or near where the brick Roman Catholic Church
stands on Pottingers creek, including said Church in the new
county, thence with the Nelson county line to the Hardin county
line, thence with the Hardin county line to the Green county
line, thence with the Green county line to the Casey county line,
thence with the Casey county line to the Mercer county line,
thence with the Mercer county line to a point from whence a
due west course will strike the half way point between Spring-
field and Lebanon, shall be a distinct county to be called and
known by the name of the county of M'Kee, in honor of the late
Samuel M'Kee of this State.
Sec. 2. Be it further enacted, That said county of M'Kee shall
be entitled to eleven justices of the peace who shall meet at the
house of Basil Hayden, in the town of Lebanon, on the third Mon-
day in February next, and after taking the necessary oaths of
office as prescribed by the constitution of the United States and
the constitution and laws of the State of Kentucky, they shall
proceed to appoint a clerk, a majority of all the justices in com-
mission being present.
Sec. 3. Be it further enacted, That the county court of M'Kee
shall be held on the second Mondays in each month, and the coun-
ty of M'Kee shall compose a part of the twelfth judicial district,
and the circuit court shall be held at the house of Basil Hayden
in the town of Lebanon, on the third Mondays in April, July and
October, and sit six juridical days at each term, if the business
shall require it.
Sec. 4. Be it further enacted, That the circuit and county courts
of Washington, and justices of the peace therein, shall have juris-
diction over all matters in law and equity, prior to the time this law takes effect; and that the Sheriff of Washington shall collect all fines and other monies, execute all process, precepts, writs, and executions, which are put into his hands prior to the time this act takes effect.

Sec. 5. Be it further enacted, That the county court of M'Kee, shall as soon as practicable after it is organized, cause the necessary public buildings to be erected.

Sec. 6. Be it further enacted, That the county and circuit courts of M'Kee, shall continue to be held at the house of Basil Hayden in the town of Lebanon, until suitable public buildings shall be erected, or at such other place in said town as the county court may direct.

Sec. 7. Be it further enacted, That the said county of M'Kee shall be entitled to seven constables, to be appointed by the county court thereof, and that the Sheriff and constables aforesaid, shall enter into bond and security in the office of the clerk of said county, according to law.

Sec. 8. Be it further enacted, That the seat of justice for the county of M'Kee shall be fixed at the town of Lebanon on such ground as a majority of the justices of the peace of said county may fix on, and they shall have full power and authority to receive such donations of land and money as may be offered or subscribed for the erection of the public buildings—and the county court of M'Kee shall have full power, in the name of the county court of M'Kee, to sue for and recover all real estate, money or other property that is or may hereafter be subscribed for the erection of the public buildings in the said county of M'Kee, against all persons that may have so subscribed and failed to comply with the terms of their subscription, in any court or before any justice of the peace having jurisdiction in such cases.

Sec. 9. Be it further enacted, That the voters residing within the bounds shall vote at their several places of voting as heretofore, until after the next apportionment of representatives.

Sec. 10. Be it further enacted, That William M. Beall of Washington county and David Graham of the county of M'Kee, are hereby appointed commissioners who may proceed as soon as practicable, to run and mark the dividing line between the county of Washington and the county of M'Kee, agreeably to the provisions of the first section of this act, and the said commissioners shall make out and return to each of the county courts for the counties aforesaid, a plat of the line as run by them, which shall be entered of record by their clerks, as a guide for the officers of their respective counties, and the said commissioners shall receive as a compensation for their services, the sum of two dollars each per day, to be paid by the county of M'Kee.
Mr. M'Connell moved to lay the said bill on the table till the first day of June next.
And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Hardin, were as follows, viz:


A message was received from the House of Representatives, announcing the passage of a bill which originated in the Senate, entitled, "an act to incorporate the trustees of the Baptist Education Society," with amendments.

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

On the motion of Mr. Wickliffe—1. A bill more effectually to provide for the erection of the public buildings in the county of Oldham.

On the motion of Mr. Ray—2. A bill for the benefit of the Sheriff of Hardin county; and,

On the motion of Mr. M'Connell—3. A bill to legalize certain proceedings of the Logan county court.

And thereupon Messrs. Wickliffe, Garrard and Hughes were appointed a committee to prepare and bring in the first; Messrs. Ray, W. Green and Hardin the second, and Messrs. M'Connell, Summers and Cockerill the third.

Mr. Wood from the committee of religion to whom was referred, a bill from the House of Representatives entitled, "an act for the divorce of Jane Pemberton from her husband Henry Pemberton," reported the same without amendment.

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

Mr. Pope from the committee of internal improvement to whom was referred, a bill from the House of Representatives entitled, "an act to declare Eagle creek and the Big South Fork of Cumberland river navigable streams," reported the same without amendment.

Mr. Gibson moved to amend said bill by striking out so much thereof as relates to Eagle creek.

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

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

YEAS—Messrs. Carneal, Cunningham, Faulkner, Gibson,

Ordered, That the said bill be read a third time.

A bill from the House of Representatives entitled, an act for the benefit of John Robinson, John J. Lemon and Daniel McClelland, was taken up, and the report made by the committee of finance thereon, was twice read and concurred in, and so the said bill was disagreed to.

A bill for the benefit of the Sheriff of Jefferson county was taken up, amended and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill being dispensed with, and the same being engrossed.

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

The yeas and nays being required on the passage of said bill by Messrs. Hardin and Hickman, were as follows, viz:


Mr. Hardin from the committee of finance, to whom was referred the petition of John Roberts, praying for an additional allowance for distributing the acts and journals of 1827, made the following report thereon, viz.

Resolved, That said petition be rejected.

Which was twice read and concurred in.

Mr. J. Green from the committee to whom had been referred, a bill from the House of Representatives entitled, "an act for the benefit of William Fish, Robert Langford and John Prewitt," reported the same without amendment.

The said bill was amended and ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill being dispensed with.

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

Mr. Fleming from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to provide
for widening the road from Lexington to Maysville," reported said
bill without amendment.
Ordered, That the said bill be read a third time.
Mr. Given from the committee to whom was referred, a bill
from the House of Representatives entitled, "an act to amend an
act entitled, an act to incorporate the Cumberland College at
Princeton," reported the same with an amendment.
Which was twice read and concurred in.
Ordered, That the said bill be read a third time.
The rule of the Senate constitutional provision, and third
reading of the said bill being dispensed with.
Resolved, That said bill, as amended, do pass, and that the
title thereof be as aforesaid.
The following bills were reported from the several committees
appointed to prepare and bring in the same, viz:
By Mr. Hardin—1. A bill for the benefit of John H. Tylor
and Thomas Griffy.
By Mr. Carneal—2. A bill for the benefit of the Burlington
Academy.
By Mr. Wickliffe—3. A bill more effectually to provide for
the erection of the public buildings in the county of Oldham.
By Mr. Wall—4. A bill allowing the county court of Scott to
appoint constables; and,
By Mr. Hardin—5. A bill to incorporate the Louisville Marine
and Fire Insurance Company.
The said bills were severally read the first time and ordered to
be read a second time.
And the rule of the Senate constitutional provision, and second
reading of the first, third and fifth bills being dispensed
with, they were severally committed, the first to the committee
of finance and the third and fifth to the committee of courts of
justice.
The rule of the Senate constitutional provision, and second
and third readings of the second and fourth bills having been dis­
pensed with.
Resolved, That the said bills do pass and that the titles thereof
be as aforesaid.
Mr. M'Connell from the committee to whom was referred, a bill
for the appointment of attorneys for the commonwealth, reported
the same with an amendment; which was twice read,
And then the Senate adjourned until 9 o'clock to-morrow
morning.
Jan. 8,] THE SENATE.

THURSDAY, JANUARY 8, 1829.

The Senate assembled.

Mr. Given from the committee of enrollments reported that said committee had examined enrolled bills of the following titles, viz:

An act to reduce the price of the vacant land west of the Tennessee river to actual settlers, and more effectually to encourage the settlement and improvements of said land; and,

An act for the benefit of the heirs and representatives of Thomas D. Andrews deceased.

And had found the same truly enrolled; and that said bills had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to said committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Given reported that the committee had discharged that duty.

Mr. Harris from the committee to whom was referred, a bill to establish the Floyd and Pike county line, reported the same with amendments.

Which were twice read and concurred in.

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

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

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

Mr. Fulton from the committee appointed for that purpose, reported a bill to alter the mode of laying the county levy.

Which was read the first time, and the question being taken on reading the said bill a second time, it was decided in the affirmative.

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


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

By Mr. Harris—1. A bill for the benefit of John E. M'Daniel.

By Mr. Gibson—2. A bill to provide for the opening of a road from New-Castle to Covington, opposite Cincinnati.
By Mr. M'Connell—3. A bill to legalize certain proceedings of the Logan county court.

By Mr. Garrard—4. A bill for the benefit of the Sheriff of Harlan county.

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

The rule of the Senate, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed.

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

Mr. Hardin from the committee of finance made the following report, viz:

The committee of finance has had the petition of John Bayne under consideration, and report a resolution.

Resolved, That said petition be rejected.

Which was twice read and concurred in.

Mr. Given from the committee appointed to prepare and bring in a bill for the benefit of Augustine Burns, heir and representative of John Burns deceased, reported the same;

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

And thereupon the rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee of finance.

Mr. Hardin from the committee of finance, to whom had been referred, a bill for the benefit of John H. Tylor and Thomas Griffin, reported the same with an amendment.

Which was twice read and concurred in; and on motion of Mr. Hughes, the said bill was recommitted to the same committee.

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

On the motion of Mr. Fulton—1. A bill for the benefit of the Clerk of the circuit court of Nicholas.

On the motion of Mr. Hickman—2. A bill for the benefit of the judge of the tenth judicial district.

On the motion of Mr. Summers—3. A bill to settle the south boundary of Trigg county.

On the motion of Mr. Taylor—4. A bill to change the time of holding the Mason circuit courts.

On the motion of Mr. Allen—5. A bill for the benefit of the Sheriff of Green county.

Messrs. Fulton, M'Connell and Daviess were appointed a committee to prepare and bring in the first; Messrs. Hickman, Williams and M'Millan the second; Messrs. Taylor, M'Connell and Fleming the fourth; Messrs. Summers, Cockerill and Hardin the third, and Messrs. Allen, W. Green, Selby and Carneal the fifth.
Mr. Carneal presented the petition of the Sheriff of Campbell county, praying a law may pass giving him further time to return his delinquent list.

Which petition was received read and referred to a committee of Messrs. Allen, W. Green, Selby and Carneal.

A message was received from the Governor by Mr. Metcalfe, assistant Secretary, informing the Senate that the Governor had approved and signed the bills which were signed by the Speaker of the Senate to-day.

A message in writing was received from the Governor by Mr. Metcalfe, assistant Secretary.

The rule of the Senate having been dispensed with the said message was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent James G. Lindsey, (who now holds a commission pro. tem.) as Sheriff of the county of Campbell, to fill the residue of the vacancy occasioned by the death of William Reddick.

I also nominate Euclid L. Johnson, (who now holds a commission pro. tem.) as Sheriff of Scott county, to fill the vacancy occasioned by the resignation of George Berry.

THOMAS METCALFE.

Resolved, That the Senate advise and consent to the said appointments.

Ordered, That Messrs. Carneal and Wall inform the Governor thereof.

Mr. Carneal from the committee to whom was referred, a bill to establish common schools throughout the Commonwealth, reported the same without amendment, and the said bill was recommitted to a committee of the whole House on the State of the Commonwealth for to-morrow.

A bill to alter the mode and to allow pay for working on roads, was committed to a committee of the whole House on the State of the Commonwealth for to-morrow.

On motion—Ordered, That a writ of election be issued to fill the vacancy occasioned by the resignation of Thomas S. Slaughter, a member of the Senate from the counties of Logan and Simpson, and that the election be held on the first Monday in August next, and the Tuesday and Wednesday succeeding.

Mr. Fleming moved to take up the resolution for a final adjournment of the General Assembly, read and laid on the table by Mr. Cockerill on the 13th of last month.

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

The yeas and nays being required thereon by Messrs. M'Cornell and Cockerill, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Carneal, Cockerill, Cunning
Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on the 24th of December, instant, they will adjourn without day.

The said resolution was amended by striking out “the 24th of December,” printed in italics.

Mr. Fleming moved to fill the blank occasioned thereby with “Thursday the 22d of January.”

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

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


The said resolution was then adopted.

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


An act to extend the limits of the town of Versailles; and,

An act for the improvement of the public roads in Harlan county.

And of the passage of bills which originated in the Senate, with amendments, of the following titles, viz:

An act to provide for the sale of a part of the public ground in the town of Owingsville, and for other purposes.

An act concerning the Independent Bank of Henderson.

An act for the benefit of the trustees of the Trigg Seminary.

An act for the benefit of William and Edward Trabue.

An act to amend the laws concerning the town of Covington; And an act to establish a State road from the mouth of Salt river to intersect the State road leading from Brandenburg to Bowlinggreen.

And that the House of Representatives have concurred in the amendment proposed by the Senate to a bill from that House
entitled, "an act requiring certain duties of the Clerks within this Commonwealth," with an amendment.

And that they have received official information, that the Governor on the 5th inst. approved and signed the following enrolled bills which originated in the House of Representatives, viz:

An act to enlarge the powers of the trustees of the town of Cynthiana.

An act to authorize John Grider and Timothy Burgess of Russell county to erect gates across the public highway and for other purposes.

An act to regulate Lawrenceburg.

An act to change the time of holding the Hart county court.

An act for the benefit of Richard Hart of Pulaski county, and others.

And then the Senate adjourned.

FRIDAY JANUARY 9, 1829.

The Senate assembled.

Mr. McConnell presented the petition of James Rice, praying a divorce from his wife Rebecca Rice.

Also the petition of John Bryant, praying that a law may pass authorizing a conveyance of the interest of three of his children who are infants, in six hundred acres of land in Lawrence county.

Which petitions were received and referred, the former to the committee of religion, and the latter to the committee of courts of justice.

On the motion of Mr. Cockerill the following resolution was adopted, viz:

Resolved, That on each day during the residue of the present session, when the Senate adjourns they will adjourn to meet on the next day at 9 o'clock, A. M. Sundays excepted.

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

An act for the benefit of the Sheriffs of certain counties.

An act to establish an election precinct in Jessamine county, and to change the place of voting in the lower precinct in Hopkins county.

An act making a further appropriation for rebuilding the capitol.

An act to extend the boundary of the town of Williamstown in the county of Grant; and,

An act for the divorce of Charles Newkirk from his wife Camilla Newkirk.

And that the House of Representatives have received official information that the Governor on the 7th inst. approved and
signed the following enrolled bills which originated in the House of Representatives, viz:

An act to regulate the precincts in the north of Washington county and to change the place of voting in the south precinct.

An act to establish an election precinct in Daviess county.

An act to review a part of the State road leading from Franklin to Owenborough.

The amendment proposed by the House of Representatives, upon concurring in the amendment proposed by the Senate to a bill from that House entitled, “an act requiring certain duties of the clerks within this Commonwealth,” was taken up twice read and concurred in.

The amendments proposed by the House of Representatives to bills from the Senate of the following titles, were severally twice read and concurred in, viz:

An act to change the time and place of comparing polls for Senator in the thirty-seventh senatorial district.

An act for the benefit of Isaac and Alfred Shelby.

An act for the benefit of William and Edward Trabue; and,

An act to amend the laws concerning the town of Covington.

The amendments proposed by the House of Representatives to a bill from the Senate entitled, an act to incorporate the trustees of the Baptist Education Society, were twice read, the first and second concurred in and the third disagreed to.

The amendment proposed by the House of Representatives to a bill from the Senate entitled, an act to establish a State road from the mouth of Salt river to intersect the State road leading from Brandenburg to Bowlinggreen, was twice read and disagreed to.

The amendments proposed by the House of Representatives to a bill from the Senate entitled, an act concerning the Independent Bank of Henderson, were twice read and concurred in, with amendments.

A bill from the House of Representatives entitled, “an act making a further appropriation for rebuilding the capitol” was read the first time and ordered to be read a second time.

The rules of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee of finance.

A bill from the House of Representatives entitled, an act for the benefit of the Sheriffs of Scott and Barren counties, was read the third time.

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

A bill from the House of Representatives entitled, “an act for the benefit of the Sheriffs of certain counties.”
Jan. 10.]  

THE SENATE.

Was read the first time, and ordered to be read a second time. The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with. 

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

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

By Mr. Hickman—A bill for the benefit of the Judge of the 10th judicial district; and,

By Mr. Taylor—A bill to change the time of holding the Mason circuit courts.

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

The rule of the Senate, constitutional provision, and second reading of the former bill having been dispensed with, it was committed to the committee of courts of justice.

The rule of the Senate constitutional provision, and second and third readings of the latter bill having been dispensed with, and the same being engrossed.

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

A bill from the House of Representatives entitled, “an act for the benefit of the Sheriff of Casey county.”

Was read the second time and ordered to be read a third time.

On the motion of Mr. Wall, leave was given to bring in a bill for the benefit of the heirs of Joseph Leach; and Messrs. Wall, Cockerill and Barrett were appointed a committee to prepare and bring in the same.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole House on the State of the Commonwealth, Mr. Daviess in the Chair; after some time spent in committee, the Speaker resumed the Chair, when Mr. Daviess reported that the committee had, according to order, had under consideration bills of the following titles, viz:

A bill to alter the mode and to allow pay for working on roads.

A bill to establish common schools throughout the Commonwealth; and,

A bill to amend the law in relation to executors and administrators.

And had gone through and made sundry amendment to each of said bills; which he handed in at the Clerks table.

And then the Senate adjourned.

SATURDAY, JANUARY 10, 1829.

The Senate assembled.

Mr. Daviess presented the petition of Daniel Hazlewood, praying that the claim of the Commonwealth to a small tract of
land in Mercer county on which he resides, and which has been stricken off to the Commonwealth for the tax thereon, may be relinquished to him; and,

Mr. Fleming presented the petition of James Crawford, praying compensation for his services as attorney for the Commonwealth at the last July terms of the Greenup, Lewis and Mason circuit courts.

Which petitions were received and referred, the former to the committee of courts of justice and the latter to the committee of finance.

Bills of the following titles were reported from the committees appointed to prepare and bring in the same:

By Mr. Allen—1. A bill to encourage medical learning and regulate the practice of Physicians.

By Mr. Summers—2. A bill to settle the south boundary of Trigg county.

By Mr. M'Connell—3. A bill better to regulate the Penitentiary; and,

By Mr. Fulton—4. A bill for the benefit of the clerk of the Nicholas circuit court.

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

And thereupon the rule of the Senate, constitutional provision and second reading of the first bill having been dispensed with, it was committed to a committee of the whole House for Tuesday next.

The rule of the Senate, constitutional provision and second and third readings of the second and fourth bills having been dispensed with, and the same being engrossed;

Resolved, That the said bills do pass, that the title of the second be, "an act to run and mark the south boundary of Trigg county; and that the title of the fourth be "an act for the benefit of certain clerks and surveyors.

Ordered, That the public printer, print one hundred and fifty copies of the first bill for the use of the General Assembly.

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

On the motion of Mr. Cunningham—1. A bill to declare Rough creek a navigable stream to Lamptons mill.

On the motion of Mr. Given—2. A bill supplementary to an act entitled, "an act to reduce the price of vacant land south of Tennessee river to actual settlers and more effectually to encourage the settlement of the same; and,

On the motion of Mr. Cunningham—3. A bill to amend the law to open a road from Elizabeth town by the way of Litchfield, Hartford and Madisonville to Princeton in Caldwell county.

Messrs. Cunningham, W. Green and Ray were appointed a committee to prepare and bring in the first; Messrs. Given, Sum-
Amendments to a bill were read and concurred in.

Mr. McConnell moved to amend the said bill by striking out the tenth section, which reads as follows, viz:

Sec. 10. Be it further enacted, That there shall be, and is hereby appropriated out of the money in the Bank of the Commonwealth, the sum of $200,000 for the improvement of the roads or public highways in this Commonwealth, to be apportioned among the several counties in proportion to the number of qualified voters in each county, according to the county auditor's books returned to the Auditor's office, for the year 1828, the proportion of each county to be paid to the order of the court, upon a certificate of said court, being produced to the President and Directors of said Bank, that the said court has laid a levy of at least three cents on each one hundred dollars worth of property, according to the second section of this act, and a tax of fifty cents on each male tithe, and it shall be the duty of the President and Directors to pay to the orders of each court, its proportion of the $200,000 aforesaid, according to the foregoing rate, upon the production of the certificate aforesaid, and it shall be the duty of the several county courts, and the commissioners appointed under this act, to apply the money received under this act from the Bank, to the improvement of the roads as contemplated in this act.

Mr. Carneal then moved to lay the said bill on the table.

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

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


NAYS—Messrs. Allen, Barrett, Cockerill, Cunningham, Daviess, Faulkner, Fulton, Gibson, Given, W. Green, Grinn, Har-
The question was then taken on striking out the said tenth section, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. M'Connell and W. Green, were as follows, viz:


Mr. Muldrow moved to amend the said bill by attaching to the tenth section the following proviso, viz:

Provided, That no notes shall be drawn from the Bank of the Commonwealth under the provisions of this act, should said notes fall below the rate of eighty-five cents in the dollar.

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

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


Mr. Muldrow then moved to amend the said tenth section by striking out the words "number of qualified voters," printed in italics, and inserting in lieu thereof, "amount of revenue to be collected."

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

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


Mr. Muldrow moved to amend the said bill by adding thereto these words: "This act shall be in force from and after the first of January 1830."

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


The question was then taken on engrossing the said bill and reading it a third time on Monday next, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Fleming, were as follows, viz:


Mr. Gibson from the joint committee of enrollments reported, that they examined enrolled bills of the following titles, viz:

An act for the benefit of the Sheriffs of certain counties; and,

An act allowing one additional justice of the peace and two additional constables to Anderson county, and one additional justice of the peace to Calloway county,

And had found the same truly enrolled; and said bills had been signed by the Speaker of the House of Representatives.

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

After a short time Mr. Gibson reported that the committee had discharged that duty.

The amendments reported from the committee of the whole House on yesterday, to a bill providing for the establishment of common schools throughout the Commonwealth, were twice read and concurred in, and the said bill was recommitted to a select committee of Messrs. M'Connell, Carneal and Pope.

The amendments reported from the committee of the whole House on yesterday, to "a bill to amend the law in relation to executors and administrators," were twice read and concurred in.

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

The amendments proposed by the House of Representatives, to a bill from the Senate entitled, an act to provide for the sale of a part of the public ground in the town of Owingsville and for other purposes; were twice read and concurred in with an amendment.
Bills from the House of Representatives of the following titles, were severally read the first time and ordered to be read a second time, viz:

1. An act for a change of venue in prosecutions against Jesse Hide and William Hall.
2. An act to compel litigants to give security for costs in certain cases; and,
3. An act to change the place of voting in the counties of Caldwell and Greenup.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were committed; the first and second to the committee of courts of justice, and the third to a committee of Messrs. M'Connell, Given and Fleming.

A bill from the House of Representatives, entitled, "an act to amend the law relating to the securities of administrators and executors," was read the third time, as amended, and committed to a committee of Messrs. Daviess, Carneal and Hardin.

A bill from the House of Representatives, entitled, "an act for the benefit of John Ash," was read the third time.

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

The yeas and nays being required thereon by Messrs. M'Connell and Cockerill, were as follows, viz:


Resolved, That the title of said bill be as aforesaid.

A bill to provide for viewing and marking a State road from the Iron Banks on the Mississippi to the Tennessee river in a direction to Hopkinsville, and a bill to amend the law in relation to public roads, were each read the second time; the former bill was committed to a committee of Messrs. Given, Townsend and Cunningham; the latter was amended and ordered to be engrossed and read a third time on Monday next.

An engrossed bill entitled, "an act to amend the laws in relation to militia fines," was read the third time;

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

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

MONDAY, JANUARY 12, 1829.

The Senate assembled.

Mr. Taylor presented the petition of Elisha Cowgill and Samuel Cracraft, trustees of Shannon Meeting House, praying that a law may pass authorizing the executors of David Thomas to pay over to them a legacy of one hundred dollars for the use of said Meeting House.

Mr. Wall presented the petition of Nancy Moore praying a divorce from her husband Benjamin Moore.

Mr. Ray presented the petition of Nancy Pearman, widow of Samuel Pearman deceased, praying that a law may pass authorizing the sale of one hundred acres of land on Rough creek, for the purpose of supporting her infant children.

Which petitions were severally received, read and referred; the first and third to the committee of courts of justice, and the second to the committee of religion.

Mr. Daviess from the committee of courts of justice to whom was referred, a bill for the benefit of the judge of the tenth judicial district, reported the same with an amendment.

Which was twice read and concurred in.

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

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

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

The yeas and nays being required on the passage of the said bill by Messrs. Ray and Hardin, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Cockerill, Cunningham, Daviess, Faulkner, Fleming, Garrard, Gibson, Given, W. Green, Griffin, Harris, Hickman, Hughes, Maupin, McConnell, Muldrow, Selby, Summers, Taylor, Wall, White, Williams, Wingate, Wood and Woods—27.


A message was received from the House of Representatives, announcing the passage of bills and resolutions of the following titles, viz:

An act to add additional magistrates and constables to certain counties.
An act to declare Rough creek a navigable stream as high as Lampton's mill.

An act allowing Thomas Foster a change of venue.

Resolutions concerning a donation of public lands by Congress.

Resolutions on the petition of Frederick Brown concerning the disease called the milk sickness.

And that they have receded from their third amendment to a bill from the Senate entitled, an act to incorporate the trustees of the Baptist Education Society.

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

By Mr. Daviess—1. A bill to amend the law in relation to divorces.

By Mr. M'Connell—2. A bill for the benefit of the infant children of Sarah Bryan deceased.

By Mr. W. Green—3. A bill to reinvest the title to lands stricken off to the State for the non-payment of taxes.

By Mr. Cunningham—4. A bill to amend an act entitled, "an act to open a road from Elizabethtown by way of Litchfield, Hartford and Madisonville to Princeton in Caldwell county," approved January 31st, 1828.

By Mr. Given—5. A bill supplementary to an act entitled, "an act to reduce the price of vacant land south of Tennessee river to actual settlers, and more effectually to encourage the settlement of the same," approved 8th January 1829.

By Mr. Wall—6. A bill for the benefit of the heirs of Joseph Leach deceased.

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

The rule of the Senate, constitutional provision and second reading of the fifth and sixth bills having been dispensed with, they were committed; the fifth to a committee of Messrs. Daviess, Given, Carnell, Pope and Hardin, and the sixth to a committee of Messrs. Wall, Hardin and Carnell.

The rule of the Senate, constitutional provision and second and third readings of the second and fourth bills having been dispensed with, and the same being engrossed.

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

A message in writing was received from the Governor by Mr. Metcalfe, assistant Secretary.

Mr. W. Green from the committee of courts of justice, to whom was referred, a bill prohibiting slaves from retailing spirituous liquors, reported the same with an amendment in lieu of the same.

The said bill is as follows, viz:

*Be it enacted by the General Assembly of the Commonwealth of*
Kentucky, That if any slave shall sell, or attempt to sell spiritual liquors of any kind, by the gallon or a less quantity, he shall, on conviction thereof, before a justice of the peace, be liable to receive ten lashes on his bare back, for each and every such offence, and whatever quantity of spiritual liquors he may have in his possession, seized and destroyed.

Be it further enacted, That it shall be the duty of justices of the peace, constables and patrollers of the county, to faithfully have the provisions of this act carried into effect, and it shall be lawful for any other person to make complaint to a justice of the peace, whose duty it shall be to issue his warrant to compel said slave to be brought before him, or some other justice of the peace; and if said slave shall be found guilty of the offence aforesaid, the justice shall cause, by his constable, the infliction of the stripes aforesaid.

Be it further enacted, That if any slave shall be found with spiritual liquors in his possession, selling or attempting to sell the same within one mile of any camp ground or place of worship of any religious society, it shall be lawful for any member of said religious society, to seize and destroy whatever quantity of spiritual liquors said slave may have in his possession.

Be it further enacted, That whenever any slave is convicted before a justice of the peace for a violation of this act, the justice and constable shall be entitled to demand and receive of the master of such slave, such fees as he is entitled to receive and demand for similar services. This act shall be in force from and after the 1st day of July next.

The said amendment was twice read as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if any slave shall sell or attempt to sell spiritual liquors of any kind, on conviction thereof, before a justice of the peace, he shall receive ten lashes on his bare back, for each and every such offence, and whatever quantity of spiritual liquors he may have in his possession seized and destroyed.

Be it further enacted, That any free person who shall purchase any spiritual liquors from a slave, shall, on conviction of the offence before a justice of the peace, be fined in the sum of $5, to be appropriated towards lessening the county levy, and shall pay all costs.

Be it further enacted, That any slave found with spiritual liquors in his possession, selling or attempting to sell the same, within one mile of any camp ground or place of worship of any religious society, it shall be lawful for any member of said religious society, to seize and destroy whatever quantity of spiritual liquors said slave may have in his possession.

Be it further enacted, That whenever any slave is convicted before a justice of the peace, under this act, the justice of the peace
and constable shall be entitled to demand and receive of the master of such slave the same fees authorized by law for similar services. This act shall be in force from and after the 1st day of July next.

Mr. Hardin moved to lay the said bill and amendment on the table until the first day of June next.

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

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


On the motion of Mr. Hardin, leave was given to report a bill relative to the Court of Appeals. He thereupon reported said bill.

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

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed.

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

Mr. Daviess from the committee to whom was referred, a bill from the House of Representatives entitled, “an act to amend the law relating to the securities of administrators and executors,” reported the same with the following amendment to be added to the bill, viz:

And provided further, That this act shall not operate upon any cause of action which may exist before the passage of this act, but the law shall remain as to all such causes of action as though this act had not passed.

Which was twice read, and the question being taken on concurring in the said amendment, it was decided in the affirmative.

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


Ordered, That the said bill, as amended, be again read a third time.

Mr. McConnell from the committee to whom was referred, a bill from the House of Representatives entitled, “an act to change the place of voting in the counties of Caldwell and Greenup,” reported the same with an amendment.

Which was twice read and concurred in.

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

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That said bill, as amended, do pass, and that the title be amended to read, an act to change the place of voting in certain precincts in the counties of Caldwell and Greenup.

A message was received from the House of Representatives, announcing the passage of a bill which originated in the Senate, entitled, “an act relative to the Court of Appeals.”

Mr. Carneal from the committee to whom was referred, a bill to establish common schools throughout the Commonwealth, reported the same with amendments.

Which were twice read and concurred in.

The question was then taken on engrossing the said bill and reading it a third time to-morrow, and it was decided in the affirmative.

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


Mr. Given from the committee of enrollments reported that the committee had examined enrolled bills of the following titles, viz:

An act for the benefit of the trustees of the Trigg Seminary and for other purposes.

An act to amend the laws concerning the town of Covington.

An act for the benefit of William and Edward Trabue.

An act to change the direction of the State road running through the land of Isaac and Alfred Shelby.

An act to change the time of comparing polls for Senator in the thirty-seventh senatorial district.

An act authorizing the paymaster of the 40th regiment of Kentucky militia to pay over certain moneys to the county court of Muhlenburg; and,

An act relative to the Court of Appeals.

And had found the same truly enrolled; and that the Speaker of the House of Representatives had signed the same.
Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to said committee to be presented to the Governor for his approval and signature.

After a short time Mr. Given reported that the committee had discharged that duty.

Mr. Ray from the committee appointed for that purpose, reported a bill for the benefit of the Sheriff of Hardin county, 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.

A bill to provide for the appointment of attorneys for the Commonwealth, was taken up.

The amendment reported by the select committee was read as follows, viz:

Be it further enacted, That in all cases of misdemeanor where a jury is sworn, and the Commonwealth shall be successful, the clerk shall tax a dockett fee in favor of the attorney for the Commonwealth of two dollars and fifty cents; and it shall be the especial duty of the attorney for the Commonwealth, to see that all fines assessed in favor of the Commonwealth, are duly collected and appropriated; and the attorney shall not receive his dockett fee until the whole fine is first collected, unless remitted by the Governor.

Be it further enacted, That it shall not be competent for the attorney for the Commonwealth to enter a nolle prosequi or discontinue any prosecution or plea of the Commonwealth without the express leave of the court.

Be it further enacted, That when any person shall, by petition duly sworn to, complain against any attorney for the Commonwealth for malfeasance, misfeasance or nonfeasance in his office, the court shall, in its discretion award a rule against such attorney, unless he be present when the petition is presented, and upon the return of such rule shall proceed to hear evidence for and against the accused, and shall cause the clerk of his court to take the same down in writing, and if such court shall be of opinion that the accused ought to be removed from his office of Commonwealth's attorney, he shall cause the testimony so taken down, to be certified and sent to the House of Representatives at their next session, that an impeachment may be predicated thereon, if such House shall think proper to prefer the same, and the evidence so taken and certified, shall be competent upon the trial of such impeachment; and it shall be the duty of the court to assign some able attorney of the court in which the accusation is made to interrogate the witnesses, and see that the evidence is properly taken down, which he shall do without fee or reward, and upon his failure faithfully to perform the duties so assigned him, he shall be liable to be suspended from practising
law for six months thereafter, unless he shall shew good and sufficient reasons for such failure.

Be it further enacted, That each attorney for the Commonwealth, who may be commissioned under this act, shall, before he enters upon the discharge of his duties, take the oath of office prescribed by the constitution and laws of this State, to other practising attorneys, and shall in addition thereto, make solemn oath "that he will not prosecute, or aid, or abet any prosecution for any fee or reward, other than such as is expressly allowed by law; and that he will not decline prosecuting in good faith, any person legally accused, by reason of any fear, favor or affection, or any reward, or hope or promise thereof, and that he will not knowingly prosecute or endeavor to procure the conviction of any innocent person, nor suffer the guilty to escape punishment, if in his power to prevent it."

Be it further enacted, That it shall be the duty of the attorney for the Commonwealth, to examine all accounts presented to the circuit court, payable out of the public treasury, and see that the same are proper accounts within the law, and properly proven, or sworn to, and to move the rejection of all such as are doubtful, either because the law does not provide for their payment, or because they are unjust: Provided however, That nothing herein contained shall be construed to dispense with a critical examination of all accounts on the part of the Auditor and the rejection of the same, if they be not properly payable by law.

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

The yeas and nays being taken on concurring in the said amendment it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Ray, were as follows, viz:


NAYS—Messrs. Carlisle, Davies, Fleming, Garrard, Given, W. Green, Griffin, Hughes, Pope, Selby, Summers, Taylor, Townsend, Wall and Woods.—15.

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

A bill to amend and declare the law in relation to recording deeds under decrees of courts.

Was read the second time, and ordered to be engrossed and read a third time.

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

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.
Bills from the House of Representatives of the following titles,
1. An act allowing Thomas Foster a change of venue.
2. An act concerning the towns of Shelbyville, Georgetown, Hopkinsville and New-Castle.
3. An act for the benefit of P. N. O'Bannon.
4. An act for the benefit of the Sheriffs, Clerks and Jailors of Ohio, Breckenridge and Daviess counties.
5. An act allowing an additional justice of the peace to the counties of Gallatin, Washington and Pulaski.
8. An act to extend the limits of the town of Versailles.
10. An act for the improvement of the public roads in Harlan county.
11. An act to establish an election precinct in Jessamine county, and to change the place of voting in the lower precinct in Hopkins county.
12. An act to extend the boundary of the town of Williams-town in the county of Grant.
13. An act for the divorce of Charles Newkirk from his wife Camilla Newkirk; and,
14. An act providing for reviewing and marking a way for a road from Columbus to the State line in the direction to Paris in Tennessee.

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

The rule of the Senate, constitutional provision and second reading of the first, third, fourth, sixth, twelfth, thirteenth and fourteenth bills having been dispensed with, they were committed; the first and sixth to the committee of courts of justice; the third and thirteenth to the committee of religion; the fourth and fourteenth to the committee of finance, and the twelfth to a committee of Messrs. Carrnel, Gibson and Wall.

The rule of the Senate, constitutional provision and second and third readings of the fifth, seventh, ninth tenth and eleventh bills having been dispensed with.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid, except the fifth, and that it be amended to read, an act adding an additional justice of the peace to the counties of Gallatin, Washington, Pulaski, Meade and Lewis, and an additional constable to Meade county.
A bill from the House of Representatives, entitled, "an act to declare Eagle creek, and the Big South fork of Cumberland river navigable streams, was read the third time.

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

A bill to alter the mode of laying the county levy, and a bill better to regulate the Penitentiary, were, each read the second time and committed; the former to the committee of finance, and the latter to the committee of courts of justice.

A bill from the House of Representatives, entitled, "an act for the benefit of the Sheriff of Casey county," was read the third time, and committed to a committee of Messrs. Selby, M'Connell and Maupin.

An engrossed bill entitled, an act to alter the mode and to allow pay for working on public roads, was taken up regularly in the orders of the day.

When at ten minutes past three o'clock P. M. Mr. Fleming moved that the Senate do now adjourn.

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

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


Mr. M'Connell then moved that the consideration of the said bill be postponed for the present.

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

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


And then the Senate adjourned.
The Senate assembled.

Mr. Griffin presented the petition of Jane Williams, praying a divorce from her husband Sherod Williams.

Which was received and referred to the committee of religion.

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

The committee of courts of justice have, according to order, had under consideration, the petition of Nancy Pearman to them referred, and have come to the following resolution thereon, to wit:

Resolved, That said petition be rejected.

Which was twice read and concurred in.

Mr. McConnell from the committee of courts of justice, to whom was referred a bill from the House of Representatives entitled, an act allowing Thomas Foster a change of venue, reported the same with an amendment.

Which was twice read and concurred in.

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

The rule of the Senate constitutional provision, and third reading of the said bill having been dispensed with.

And the question being taken on the passage thereof as amended, it was decided in the affirmative.

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


Resolved, That the title of said bill be as aforesaid.

A message was received from the Governor informing the Senate that on yesterday, he approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act to change the direction of the State road running through the land of Isaac and Alfred Shelby.

An act for the benefit of the trustees of the Trigg Seminary, and other purposes.

An act authorizing the paymaster of the fortieth regiment Kentucky militia, to pay over certain monies to the county court of Muhlenburg.

An act to change the time of comparing the polls for Senator, in the thirty-seventh Senatorial district.
An act relative to the Court of Appeals.

An act for the benefit of William and Edward Trabue; and,

An act to amend the laws concerning the town of Covington.

A message in writing was received from the Governor, by Mr. Metcalfe assistant Secretary.

Mr. Carneal from the joint committee appointed to examine the Deaf and Dumb asylum at Danville, made the following report, viz:

The joint committee appointed to visit and examine the state and condition of the asylum for the Deaf and Dumb at Danville, have discharged the duty assigned them; and beg leave respectfully to present the following report:

That as early as convenient after their appointment, they repaired to Danville and made those enquiries and examinations deemed of greatest interest to the State.

The annual report of the trustees which has been submitted to the Legislature constitutes the principal source of information which was offered to your committee, and furnishes more ample satisfaction, than could result from any abstract, as to the receipts and disbursements of the institution.

Your committee found the rooms, beds, and boarding provided for the pupils, as comfortable as could be desired or expected, great pains is bestowed by the superintendent and matron of the institution, to render the condition of the pupils as comfortable and satisfactory as possible.

Your committee attended in the school room and witnessed an interesting examination of the pupils, various questions was propounded to them by Mr. Jacobs their teacher, and by some of your committee, connected with history, science, politics, &c. in answering which, they displayed an intimate knowledge of men and things, so as to convince all of us of the entire practicability of giving them the rudiments of an education, and making them respectable scholars: the cultivation of the minds of the unfortunate Deaf and Dumb, is a subject in every way worthy of Kentuckians, and after witnessing the various exercises of those unfortunate mutes, your committee felt much pride in the reflection, that Kentucky is the first western state, who has provided an institution where they may be taught how to think, to reason and examine for truth, to know it when found, and its application to the affairs of life, and of the world, and they only regret that its blessings and advantages are not extended to a much larger number of this interesting but unfortunate part of society. The number of pupils has diminished since the last session, there being only eighteen at this time, eleven of those are paupers, and the remaining seven pay all charges. But the diminution is not such as necessarily indicates any decline in public confidence, the principal professor or teacher, being a gentleman whose rep 
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ulation furnishes a pledge that any institution of a like character entrusted to his superintendence, will be conducted so as to increase that reputation, do credit to the choice and redound beneficially to the state. The longest time allowed the mutes to remain in the asylum is four years, which enables them to acquire sufficient knowledge to transact the ordinary business of life, and the stock of knowledge acquired in this short space, would not suffer much by a comparison with that of other pupils acquired in the same time, possessing in perfection all the senses.

But your committee are assured, and from the entire qualification of the teachers, they have no doubt, that they might be taught nearly the whole circle of sciences, if they were allowed to remain long enough at the institution. It is respectfully submitted to the Legislature, whether it would not be proper to make provision by law, for the support and education of indigent pupils, for a longer time than four years, leaving it to parents who are able to defray all expenses, the right to continue their children as long as they thought proper. From a late tour performed by Mr. Jacobs through a portion of the state, it appears that the number of Deaf and Dumb persons in the whole State, is about two hundred. The education of all those who might feel disposed to attend the asylum, would be a work of great benevolence and charity.

Your committee are of opinion that they ought to be invited and encouraged to enter the institution, and its benefits pointed out to them. The very liberal donation made to the asylum by Congress, will, in a very short time, raise a fund sufficient to maintain and educate the whole number in the state, from its annual proceeds, and it certainly ought to be expended in that way, and if a sufficient number do not enter the institution from our own state, let the invitation be extended to our sister States, to send their unfortunate sons and daughters there to be educated, without distinction—poor or rich; this course has been adopted by the state of Connecticut, and her asylum at Hartford, has been found, amply sufficient for the accommodation and education of nearly, perhaps all the unfortunate mutes of New-England, and her sister States hail with eulogy and thanksgiving, the enlightened epoch, which gave birth and life to that institution. As yet but a small portion of the donation has been realized, owing to some difficulties which could not be foreseen; but the most sanguine expectations is entertained that a great portion of it will be realized in a short time.

Your committee would conclude by remarking, that in their opinion, the funds of the institution has been judiciously appropriated by the trustees, and the building and ground purchased by them for the benefit of the institution are comfortable, and were obtained at a low price; as the number of pupils increases.
as we hope it will, it may become necessary to enlarge the size of the school room, and the number of dormitories, but at present they are entirely ample.

THOMAS D. CARNEAL,
JAMES TOWNSEND,
Committee of the Senate.

JOHN A. TOMLINSON,
S. H. ANDERSON,
E. THOMPKINS,
JOHN S. BARLOW,
Committee of the House of Representatives.

Mr. Carneal from the committee to whom was referred, a bill from the House of Representatives entitled, an act to extend the boundary of the town of Williamstown, in the county of Grant, reported the same without amendment, and it was ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with.

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

Mr. Given from the committee to whom was referred, a bill supplementary to an act entitled, an act to reduce the price of vacant land south of the Tennessee river to actual settlers, and more effectually to encourage the settlement of the same, approved 8th January, 1829, reported the same without amendment.

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

On the motion of Mr. Hickman leave was given to bring in a bill to ascertain the true boundary line between the counties of Bourbon and Harrison, and Messrs. Hickman, M'Connell and Barrett were appointed a committee to prepare and bring in the same.

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

By Mr. Daviess—A bill to authorize Elisha Cowgill and Samuel Cracraft, to receive from the executors of David Thomas, deceased, a bequest for the benefit of the Shannon meeting house.

And by Mr. Allen—A bill to amend an act entitled, an act to reduce into one, the execution laws of this State, passed February 12th, 1828.

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

The rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with, they were committed to the committee of courts of justice.

A message was received from the House of Representatives, announcing the passage of a bill of the following title, viz:
An act to alter the mode of summoning juries.
And the passage of bills from the Senate of the following titles:
An act for the benefit of the Sheriff of Harlan county.
An act for the benefit of the Judge of the 10th judicial district.
An act for the benefit of certain Clerks and Surveyors.
An act to legalize certain proceedings of the Logan county court.
An act to establish the Floyd and Pike county line.
An act for the benefit of the Burlington Academy.
An act for the benefit of John E. M'Daniel.
An act to provide for the opening of a road from New-Castle to Covington opposite Cincinnati.
An act for the benefit of the Sheriff of Jefferson county; and,
An act allowing the county court of Scott to appoint constables.

With amendments to the three last mentioned bills.
That the House of Representatives have concurred in the amendments proposed by the Senate upon concurring in the amendments proposed by that House to a bill from the Senate entitled, an act concerning the Independent Bank of Henderson.
That they have receded from the amendment proposed by them to a bill from the Senate entitled, an act to establish a State road from the mouth of Salt river to intersect the State road leading from Brandenburg to Bowlinggreen.
That they have concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:
An act to amend an act entitled, "an act to incorporate the Cumberland College at Princeton; and,
An act for the benefit of William-Fish, Robert Langford and John Prewitt.

And that they have received official information that the Governor, on the 10th instant, approved and signed enrolled bills which originated in that House of the following titles, viz:
An act allowing one additional justice of the peace and two additional constables to Anderson county and one additional justice of the peace to Calloway county; and,
An act for the benefit of the Sheriffs of certain counties.

An engrossed bill entitled, an act to amend the law in relation to executors and administrators, was read the third time and recommitted to a committee of Messrs. Carneal, Hardin, M'Connell, J. Green and Pope.
An engrossed bill entitled, an act to amend the law in relation to public roads, was read the third time.
Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles:
An act to add additional magistrates and constables to certain counties.

An act to declare Rough creek a navigable stream as high as Lampton's mill.

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

The rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with, they were committed; the former to the committee of courts of justice and the latter to a committee of Messrs. W. Green, Cunningham and Ray.

Resolutions from the House of Representatives on the petition of Frederick Brown, concerning the disease called the milk sickness, were twice read and concurred in, with an amendment.

A bill to amend the law in relation to divorces, was read the second time.

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

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


NAYS—Messrs. Carneal, Cockerill, Garrard, J. Green, Hardin, Harris, Taylor and Woods—8.

A bill to reinvest the title to lands stricken off to the State for the non-payment of taxes, was read the second time and committed to the committee of courts of justice.

An engrossed bill entitled, an act to establish common schools throughout the Commonwealth, was read the third time.

Mr. Given moved to amend the said bill by attaching thereto the following engrossed clause by way of rider, viz:

Provided however, That such counties which fail to carry this act into effect, the fines and forfeitures shall remain as heretofore.

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

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

YEAS—Messrs. Allen, Barrett, Carneal, Cockerill, Cunningham, Daviess, Garrard, Gibson, Given, J. Green, W. Green, Griffin, Hardin, Harris, Hughes, Maupin, Muldrow, Pope, Ray, Rodman, Selby, Summers, Taylor, Townsend, Wall, White, Williams and Wingate—28.

The question was then taken on the passage of the said bill and it was decided in the affirmative.

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


Resolved, That the title of the said bill be as aforesaid.

Bills from the House of Representatives of the following titles:
An act concerning the towns of Shelbyville, Georgetown, Hopkinsville and New-Castle; and,
An act to extend the limits of the town of Versailles.
Were each read the second time and committed; the former to a committee of Messrs. Rodman, Summers, Cockrell and Wall, and the latter to a committee of Messrs. Muldrow, Wall and J. Green.

A bill from the House of Representatives entitled, "an act to amend the law relating to the securities of administrators and executors," was read the third time as amended.

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

An engrossed bill entitled, an act to alter the mode and to allow pay for working on roads," was read the third time.

Mr. Fleming moved to lay the said bill on the table.

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

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


NAYS—Messrs. Allen, Cockrell, Daviess, Given, W. Green, Griffin, Hardin, Harris, Maupin, Pope, Ray, Rodman, Selby, Wall, White, Wingate, Wood and Woods—18.

Mr. Muldrow moved to amend the said bill by attaching thereto the following engrossed clause by way of rider, viz:

Be it further enacted, That no notes shall be drawn from the Bank of the Commonwealth under the provisions of this act, if such notes should fall in public estimation, to the value of 66 2-3 cents in each dollar.

Mr. Garrard moved to commit the said bill and amendment to a select committee.
Mr. Wickliffe then, at 25 minutes after six o'clock P. M. moved
that the Senate do now adjourn.

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

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


The question was then taken on committing said bill to a select committee, and it was decided in the negative.

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


At nine minutes before seven o'clock, P. M. Mr. Wickliffe moved
that the Senate do now adjourn.

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

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


The question was then taken on adopting the amendment proposed by Mr. Muldrow, and it was decided in the negative.

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


NAYS—Messrs. Allen, Barrett, Carneal, Cockerill, Davies, Faulkner, Given, J. Green, W. Green, Griffin, Hardin, Harris, Maupin, Pope, Ray, Rodman, Selby, Summers, Wall, White, Wingate, Wood and Woods—23.
The said bill was then amended by way of rider.
The question was then taken on the passage thereof and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Daviess and Carneal, were as follows, viz:
Resolved, That the title of said bill be as aforesaid.
And then the Senate adjourned.

WEDNESDAY JANUARY 14, 1829.

The Senate assembled.
Mr. M'Connell presented a letter from Edward Wells and Lewis Ringleby, commissioners to improve the road from Louisa in Lawrence county, to the Beaver iron works, and suggesting the propriety of a further appropriation of three hundred dollars for the improvement of said road.
Which was received, read and referred to a committee of Messrs. M'Connell, Harris, Fleming and Williams.
Mr. Williams was added to the committee of propositions and grievances.
Mr. Rodman from the committee to whom was referred, a bill from the House of Representatives, entitled, "an act concerning the towns of Shelbyville, Georgetown, Hopkinsville and New-Castle," reported the same with amendments.
Which were twice read and concurred in.
The said bill was further amended, and ordered to be read a third time.
The rule of the Senate constitutional provision, and third reading of the said bill having been dispensed with.
Resolved, That the said bill, as amended, do pass, and that the title be amended by adding thereto, "and New-Liberty in Owen county."

Mr. Summers from the committee appointed to examine the Treasurers office, made the following report, viz:
The joint committee appointed to examine and report the condition of the Treasury, have performed that duty, and beg leave to report:
That they have carefully examined the books of said office, containing the debits and credits of the Treasury, from the 11th day of October 1826 to the 10th day of October 1827, inclusive,

THE SENATE.

(no examination having been made in that year;) and from the 11th day of October 1827 to the 10th day of October 1828, and find the items in each year supported by legal and appropriate vouchers.

The committee deem it unnecessary to make a report in detail, as the annual report of the Treasurer for those years, shew the condition of the institution; and to make a report in detail, would only be a recapitulation of receipts and disbursements, which have already been furnished by that officer to the General Assembly.

In closing their report the committee feel constrained to say, in justice to that officer, that his books have been kept with fidelity and accuracy.

F. SUMMERS, C. S.
JOHN HUGHES,
DAVID K. HARRIS,
W. B. BOOKER, C. H. R.
JAMES LOVE,
WM. HICKMAN,
THO. Q. WILLSON,
SIMEON CREEL.

Mr. Hardin read a bill from the committee to whom was referred, a bill to amend an act establishing a Female Academy in the town of Harrodsburg, reported the same without amendment.

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

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

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

Mr. W. Green from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to declare Rough creek a navigable stream as high as Lampton's mill," reported the same with an amendment.

Which was twice read and concurred in.

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

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

The Senate took up the nominations of officers made by the Governor on the 8th, and the 23d of last month; and on the 2d, 12th and 13th instant; the messages received on the 12th and 13th instant were read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, William Henry, as lieutenant colonel to the 97th regiment of Kentucky militia, in the place of lieutenant colonel John Lander resigned, and James P. Caldwell as major to the same regiment in the place of major Jno. M'Gee resigned.

THOMAS METCALFE.

Gentlemen of the Senate:

I nominate for your approbation, Jesse D. Oldham as colonel of the 77th regiment Kentucky militia, in the place of Alex. M'Hatton resigned; Thomas Vallandingham as lieutenant colonel in the place of Jesse D. Oldham, if promoted, and Allen Withers as major to the said regiment in the place of Thomas Vallandingham, if promoted.

THOMAS METCALFE.

Resolved, That the Senate advise and consent to the whole of said appointments except to those of Robert Matson, as major general, Pleasant Sandridge as brigadier general, John Duff as brigadier general and Daniel Hager as lieutenant colonel, (which were withdrawn by the Governor,) Edward Burgess as brigadier general of the 14th brigade, James C. Anderson colonel of the 81st regiment, Mark Marlow lieutenant colonel of the 81st regiment and Aslem Guthrie major of the 81st regiment.

Ordered, That Messrs. Cockerill, Harris and Allen inform the Governor thereof.

The nomination of the said Edward Burgess was committed to a committee of Messrs. Faulkner, Williams and Fleming.

The nominations of the said Anderson, Marlow and Guthrie were committed to a committee of Messrs. Wood, Allen, Selby and Cockerill.

Mr. Summers moved to take up the resolution read and laid on the table by him on the 16th of last month.

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

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

YEAS—Messrs. Barrett, Cunningham, Daviess, Faulkner, Fleming, Garrard, Gibson, Green, J. Green, W. Green, Hardin,
The said resolution was read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the President and Directors of the Bank of the Commonwealth of Kentucky, shall, on or before the third Monday in February next, in the presence of the Governor, Auditor and Treasurer, proceed to count and to destroy by burning, dollars of the notes of said Bank, that have been withdrawn from circulation, and that they select such of said notes, for that purpose, as have been most defaced.

Mr. Hardin moved to fill the blank in the said resolution with "three hundred thousand dollars."

Mr. M'Connell moved to fill said blank with "four hundred thousand dollars."

And Mr. Cockerill moved to fill the said blank with "two hundred thousand dollars."

The question was taken on filling the said blank with four hundred thousand dollars, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cockerill and Mau-pin, were as follows, viz:

YEAS—Messrs. Cunningham, Faulkner, Fleming, Garrard, Gibson, J. Green, W. Green, Hickman, Hughes, M'Con nell, Muldrow, Summers, Taylor, Townsend, Wickliffe and Williams—16.


The question was then taken on filling the said blank with "three hundred thousand dollars," and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Wood, were as follows, viz:


Mr. Maupin moved to amend the said resolution by striking out the words, "or before the third Monday in February next, in the presence of the Governor, Auditor and Treasurer," printed in italics, and to insert in lieu thereof "Monday the 19th of
January instant, in the presence of the Senate, or a majority of that body."

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

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

YEAS—Messrs. Allen, Given, Griffin, Harris, Maupin, Rodman, Selby and Townsend—8.


The question was then taken on adopting the said resolution, and it was decided in the affirmative.

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


The Speaker laid before the Senate the following communication from the Governor, viz:

SECRETARY'S OFFICE,

January 14, 1829.

Sir: On yesterday the report and map of the survey of the Kentucky river, made during the last summer by Lieutenant Turnbull, agreeably to the instructions of the war department, and in compliance with the wishes of the "temporary board of internal improvement" of the State of Kentucky; were deposited in this office. Presuming that the honorable body over which you preside, would desire to obtain all the information possible, upon this interesting subject; I hasten to lay this matter before you, that you may take such measures as may seem necessary.

THOMAS METCALFE.

JNO. BREATHTTT, Lieutenant Governor,
And Speaker of the Senate.

A message in writing was received from the Governor by Mr. Metcalfe, assistant Secretary.

A message was received from the House of Representatives announcing the passage of bills of the following titles, which originated in that House, viz:

A bill to provide for the appointment of attorneys for the Commonwealth.
An act for the benefit of the estate of Joshua Fry Lawrence.
An act for the benefit of William W. Sharp.
An act supplemental to an act entitled, an act to reduce the price of vacant lands west of the Tennessee river, to actual settlers, and more effectually to encourage the settlement and improvement of said land, approved January 3, 1829.

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

An act to amend the laws in relation to writs of error and appeals to the Court of Appeals.
An act for the benefit of the heirs and representatives of Samuel Holmes; and,

An act to change the time of holding the Mason circuit court.
With amendments to the latter bill.

The said amendments were twice read and committed to Messrs. Wingate, Gibson, J. Green, Selby, Cockerill, Daviess, Taylor and Rodman.

Mr. M'Connell read and laid on the table resolutions in relation to the Bank of the Commonwealth of Kentucky.

The amendments proposed by the House of Representatives to bills from the Senate of the following titles, were twice read and concurred in viz:

An act to provide for opening a road from New-Castle to Covington opposite Cincinnati.
An act allowing the county court of Scott to appoint constables; and,

An act for the benefit of the Sheriff of Jefferson county.
A bill from the House of Representatives entitled, “an act to incorporate the Kentucky and Ohio Bridge Company,” was taken up and amended.

And the question being taken on reading the said bill, as amended, a third time, it was decided in the affirmative.

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

YEAS—Messrs. Barrett, Carneal, Daviess, Gibson, J. Green, W. Green, Griffin, Hardin, Harris, Hughes, Maupin, Muhrow, Pope, Ray, Rodman, Selby, Summers, Wall, White and Wingate—20.


A bill from the House of Representatives, entitled, “an act to incorporate the Ohio Bridge Company,” was taken up and amended.

And the question being taken on reading the said bill, as amended, a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Fleming, were as follows, viz:
And then the Senate adjourned.

THURSDAY, JANUARY 15, 1829.

The Senate assembled.
Mr. Hughes presented the petition of a committee of the quarterly meeting conference of the Methodist church in Jefferson county, praying that a law may pass authorizing the sale of a house and lot in Floydsburg, held by trustees for the use of the preacher in said circuit, and that the proceeds of the sale be applied to the purchase of another residence for said preacher.
Which was received, read and referred to a committee of Messrs. Hughes, Allen and Cockerill.
Mr. Wood from the committee of religion, to whom was referred, a bill from the House of Representatives entitled, an act for the divorce of Charles Newkirk, from his wife Camilla Newkirk, reported the same without amendment.
Ordered, That the said bill be read a third time.
Mr. Wood from the same committee, reported a bill to divorce Polly Moore from her husband Benjamin Moore, 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.
A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate, to a bill from that House entitled, an act allowing Thomas Foster a change of venue.
And the passage of bills which originated in that House of the following titles, viz:
An act for the benefit of Sally Willis administratrix of the estate of Joseph Willis, deceased.
An act to regulate the manner of voting of the citizens of Spencer, Anderson and Edmonson, at elections for members of Congress.
An act to exempt the United States' mail carriers, from the payment of tolls on the Cumberland Turnpike and Wilderness road.
An act concerning the town of Henderson.
An act to complete the road leading from Bowlinggreen to the mouth of Clover.
An act to amend the law relative to Pilots, at the falls of Ohio.

An act authorizing the county court of Bourbon, to allow William M. Ferguson to erect gates across Chinn's mill road.

An act to establish a ferry across the Ohio river, opposite James McFarlands.

An act to authorize the county court of Jefferson, to increase the width of certain roads.

An act to regulate the appointment of trustees for the Jefferson Seminary.

An act for the relief of the county of Wayne, and the trustees of Monticello.

An act to amend the dueling law.

An act to establish election precincts in Hart and Shelby counties.

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An act to amend the dueling law.

An act to establish election precincts in Hart and Shelby counties.

An act to authorize the county court of Jefferson, to increase the width of certain roads.

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An act to authorize the county court of Jefferson, to increase the width of certain roads.

An act to regulate the appointment of trustees for the Jefferson Seminary.

An act for the relief of the county of Wayne, and the trustees of Monticello.
The question was then taken on reading the said bill a third time as amended, and it was decided in the negative, and so the said bill was disagreed to.

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

Resolved. That the petition praying for the formation of a new county out of the counties of Gallatin, Grant and Boone, be rejected.

Which was twice read and concurred in.

Mr. Allen from the same committee to whom was referred, a bill from the House of Representatives entitled, an act to add a part of the county of Harrison to the county of Grant, reported the same with the following resolution thereon, viz:

Resolved. That the said bill be disagreed to.

Mr. Gibson moved to amend the said resolution by striking out the words "be disagreed to," and inserting in lieu thereof, the words "ought to pass."

And the question being taken on adopting the said amendment, and it was decided in the negative, and so the said bill was disagreed to.

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


On the motion of Mr. Daviess leave was granted to Mr. Albert G. Meriwether, to take a seat in the Senate chamber for the purpose of taking sketches of the debates and proceedings of the Senate.

Mr. Pope moved the following resolution, viz:

Resolved. That the committee of internal improvements be instructed to inquire into the expediency of appropriating one hundred thousand dollars to be vested in stock in a turnpike road to be made from Maysville to Lexington; sixty thousand dollars to be vested in stock in a turnpike road from Shelbyville by Frankfort to Lexington; forty thousand dollars to be vested in stock in the turnpike road from Louisville to Shelbyville; and fifty thousand dollars to be vested in stock in a turnpike road to be made from Louisville to Bardstown, and that so much of the stock and funds in the State bank and the bank of the Commonwealth, over and above what may be necessary to redeem the notes and pay the debts of said banks, be set apart and pledged to meet said appropriations, and that said committee have leave to report by bill or otherwise.

Which was twice read and laid on the table.
Mr. Hickman from the committee of propositions and grievances, reported a bill for the benefit of Joseph Turner.

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

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was committed to a committee of Messrs. Garrard, Harris, Selby, Manpin and Daviess.

Mr. Hardin from the committee of finance to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Hezekiah Smalwood.

An act for the benefit of the clerks, sheriffs and jailors of Ohio, Breckinridge and Daviess counties; and,

An act for the relief of James Stone for keeping Polly Norman, a lunatic, three months; reported the same without amendment.

Ordered, That the said bills be read a third time.

The yeas and nays being required on reading the latter bill a third time by Messrs. Wickliffe and Harris, were as follows, viz:


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

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

Mr. Hardin from the same committee reported a bill for the benefit of James Crawford.

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

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed, and the blank therein filled.

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

Mr. Hardin from the same committee, reported a bill for the benefit of Francis Tiernan and Andrew Beirne, which was read the first time as follows, viz:

Whereas Francis Tiernan and Andrew Beirne, merchants of the county of Lawrence, had a store in said county in the year 1826, and listed the same for taxation, which amounted to $2,370, that the Commissioner in entering the same on the books, entered it for $22,700 through mistake, and was compelled to pay the tax upon the amount of $22,700; they ask to be relin-
bursed the amount over paid, which is $12,77 1-2, which petition is reasonable, and for remedy whereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts shall issue his warrant on the public treasury, for the sum of $12,77 1-2, in favor of the said Francis Tierman and Andrew Beirne, and the Treasurer is hereby directed to pay the same out of any Commonwealth's paper in the public treasury not otherwise appropriated.

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

The yeas and nays being required thereon by Messrs. Wickliffe and M'Connell, were as follows, viz:


Mr. Hardin from the same committee to whom was referred a bill from the House of Representatives entitled, an act providing for reviewing and marking a way for a road from Columbus to the State line in the direction to Paris, in Tennessee, reported the same with an amendment.

Which was twice read and concurred in.

The question being taken on reading the said bill as amended, a third time, it was decided in the affirmative.

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


The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with.

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

Mr. Gibson from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to establish a State road from the mouth of Salt river, to intersect the State road leading from Brandenburg to Bowlinggreen.
An act to incorporate the trustees of the Baptist Education Society.
An act for the benefit of John E. McDaniel.
An act to legalize certain proceedings of the Logan county court; and,
An act for the benefit of certain Clerks and Surveyors.
And had found the same truly enrolled; and that said bills had been signed by the Speaker of the House of Representatives.
Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.
After a short time Mr. Gibson reported that the committee had discharged that duty.
Mr. Hardin from the committee of finance, to whom was referred a bill for the benefit of John H. Tyler and Thomas Griffy, reported the same without amendment.
And the question being taken on engrossing the said bill and reading it a third time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. McConnell and Cockeill, were as follows, viz:
YEAS—Messrs. Barrett, Carneal, Daviess, Fulton, Garrard, Given, W. Green, Hardin, Harris, Hughes, Maupin, Ray, Rodman, Summers, Taylor and Wall—16.
Mr. McMillan from the majority on the said vote, moved a reconsideration thereof.
And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cockeill and W. Green, were as follows, viz:
The said bill was then ordered to be engrossed and read a third time.
The rule of the Senate constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed.
The question was taken on the passage thereof, and it was decided in the affirmative.

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

YEAS—Messrs. Barrett, Carneal, Cunningham, Daviess, Fleming, Fulton, Garrard, Given, J. Green, W. Green, Griffin, Hardin, Harris, Hughes, Maupin, M'lllan, Ray, Rodman, Summers, Taylor, Wall, White, Wickliffe, Williams, Wingate, Wood and Woods—27.


Resolved, That the title of said bill be as aforesaid.

Mr. Hardin from the same committee to whom was referred, a bill to alter the mode of laying the county levy, reported the same with the following resolution thereon, viz:

Resolved, That said bill ought not to pass.

The said bill and resolution were laid on the table.

On the motion of Mr. Carneal leave was given to bring a bill regulating the price of taking up boats on the Ohio river, and Messrs. Carneal, Gibson, Wall and McConnell were appointed a committee to prepare and bring in the same.

After a short time Mr. Carneal reported the said bill.

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

The rule of the Senate, constitutional provision and second reading of said bill having been dispensed with, it was committed to a committee of Messrs. Carneal, Muldrow, Given, McConnell and Gibson.

On the motion of Mr. Harris, leave was given to bring in a bill to alter a small part of the State road at Mason William's, in Morgan county; and Messrs. Harris, McConnell and Williams were appointed a committee to prepare and bring in the same.

The communication from the Governor laid before the Senate by the Speaker, yesterday was taken up, and referred to the committee of internal improvement.

The amendments proposed by the House of Representatives, to a bill from the Senate entitled, an act to run and mark the south boundary of Trigg county; were committed to a committee of Messrs. Summers, McConnell, Hardin and Given.

A bill from the House of Representatives entitled, an act to alter the mode of summoning juries, was read the first time.

Mr. Maupin moved to lay the said bill on the table until the first day of June next.

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

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


Ordered, That the said bill be read a second time.

The resolution in relation to the Colonization Society, read and laid on the table by Mr. Garrard, on the 29th of last month was taken up, and twice read.

And then the Senate adjourned.

FRIDAY, JANUARY 16, 1829.

The Senate assembled.

Mr. Pope presented the petition of Jereboam Beauchamp, praying that a law may pass, repealing so much of the law as prohibits mills to be built across the Rolling fork of Salt river, at the Big falls, at the Horse-shoe bend of said river; or to compensate him for his loss sustained by the passage of said law.

Which petition was received, read and referred to the committee of internal improvement.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House, of the following titles, viz:

An act authorizing the Kentucky Sentinel to publish advertisements.

An act to amend an act providing for the appointment of an engineer to survey the Kentucky Licking and Green rivers; and, an act to open a State road from Louisville by way of Harrodsburg and Greenville, to Hopkinsville in Christian county.

And the passage of a bill from the Senate entitled, an act to amend the law in relation to the militia, with amendments.

Mr. Wickliffe from the committee of courts of justice, to whom was referred a bill from the House of Representatives entitled, an act for the benefit of the stockholders of the bank of Owingsville, reported the same with amendments.

Which were twice read and concurred in.

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

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with.

Resolved, That the said bill, as amended, do pass, and that the title be amended by adding thereto “and the Farmers and Mechanics bank of Lexington.”

Mr. Wickliffe from the same committee to whom was referred,
a bill to authorize Elisha Cowgill and Samuel Cracraft, to receive from the executors of David Thomas, deceased, a bequest for the benefit of the Shannon meeting house, reported the same with an amendment.

Which was twice read and concurred in.

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

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

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

A message was received from the Governor by Mr. Metcalfe, assistant Secretary, announcing that the Governor on yesterday approved and signed the following enrolled bills which originated in the Senate, viz:

An act to establish a State road from the mouth of Salt river, to intersect the State road leading from Brandenburg to Bowling-green.

An act to legalize certain proceedings of the Logan county court.

An act for the benefit of certain clerks and surveyors.

An act for the benefit of John E. M'Daniel; and,

An act to incorporate the trustees of the Baptist Education Society.

Mr. Wickliffe from the committee of courts of justice, to whom was referred, a bill better to regulate the Penitentiary, reported the same with an amendment.

Which was twice read, concurred in, and the said bill ordered to be engrossed and read a third time.

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

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

The message in writing received from the Governor on the 14th instant, was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, George Robertson, now the Senior Judge of the Court of Appeals of this Commonwealth, as Chief Justice of said court; and in the event of his approval, I nominate Richard A. Buckner, Esq. Judge of said court.

THOMAS METCALFE.

Resolved, That the Senate do not advise and consent to the appointment of George Robertson, as Chief Justice of the Court of Appeals of this Commonwealth.

Ordered, That Mr. Fleming inform the Governor thereof.
The yeas and nays being required thereon by Messrs. Hardin and Daviess, were as follows, viz:


Mr. Hardin moved the following preamble and resolution, viz:

The Senate views with feelings of deep regret, the manner in which the Governor has intimated to the Senate, that he would recommend for their advice and approval, Richard A. Buckner, as second Judge of the Court of Appeals, provided the Senate would advise and approve of George Robertson as Chief Justice. Such a communication was highly improper, and very unadvisedly done.

Therefore, be it resolved by the Senate, That there is no vacancy in the office of either second or third Judge of the Court of Appeals.

Which being twice read, Mr. J. Green moved to lay the same on the table.

And the question being taken thereon, it was decided in the negative. The Senate being equally divided, the Speaker voted in the negative.

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


A division of the question was called for.

And the question was taken on adopting the said resolution, and it was decided in the affirmative.

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


The question was then taken on adopting the said preamble, and it was decided in the affirmative. The Senate being equally divided the Speaker voted in the affirmative.

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

**YEAS**—Messrs. Allen, Barrett, Carneal, Cockerill, Daviess, Given, Griffin, Hardin, Harris, Hughes, Maupin, Pope, Ray, Rodman, Selby, Wall, Wingate and Wood—18.


On the motion of Mr. Wickliffe, the following resolutions were adopted, viz:

Resolved, That the committee of finance be instructed to enquire into the propriety of providing more effectually for a compliance with the law requiring calls and discounts to be paid to the Commonwealth's Bank and its Branches.

Resolved, That the said committee enquire into the expediency of withdrawing the Branches of said Bank or a part of them.

Resolved, That the said committee enquire into the expediency of reducing the salaries of the officers of said Bank and its Branches; and further, of the expediency of winding up the Bank through the Auditor and Treasurer of the State, or by Commissioners; and that said committee report by bill or otherwise.

Messrs. Gibson and Cunningham from the committee of enrolments reported that the committee had examined enrolled bills of the following titles, viz:

An act requiring certain duties of the Clerks within this Commonwealth.


An act for the improvement of the public roads in Harlan county.

An act for the benefit of the securities of Charles Morehead, late Sheriff of Logan county.

An act for the benefit of the Sheriffs of Scott and Barren counties.

An act to declare Eagle creek and the Big South fork of Cumberland river, navigable streams.

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

An act to establish an election precinct in Jessamine county, and to change the place of voting in the lower precinct in Hopkins county.
An act to extend the boundary of the town of Williamstown, in the county of Grant; and,
An act allowing Thomas Foster a change of venue.

That they had found them truly enrolled, and that the Speaker of the House of Representatives had signed said bills.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Gibson reported that the committee had discharged that duty.

Mr. Harris from the majority moved a reconsideration of the vote concurring in the amendment proposed by the House of Representatives, to a bill from the Senate entitled, an act to provide for the sale of the public ground in the town of Owingsville, and for other purposes, with amendments.

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

The said amendment was then concurred in.

Mr. Garrard from the committee to whom was referred, a bill for the benefit of Joseph Turner, reported the same with amendment;

Which was twice read and concurred in.

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

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

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

Mr. Wingate from the committee to whom was referred, the amendments proposed by the House of Representatives, to a bill from the Senate entitled, an act to change the time of holding the Mason circuit court, reported the same without amendment, and they were re-committed to a committee of Messrs. Daviess, Gibson, J. Green, Selby, Rodman and White.

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

By Mr. Fleming—1. A bill for the benefit of the heirs of William D. Bell deceased.

By Mr. W. Green—2. A bill to amend the law respecting commissioners appointed to take in lists of taxable property.

By Mr. Hickman—3. A bill to ascertain the true boundary line between the counties of Bourbon and Harrison.

By Mr. Hughes—4. A bill for the benefit of the Methodist Episcopal church in the Jefferson circuit.

By Mr. Pope, with the leave of the Senate—5. A bill to improve the road between Shelbyville and Louisville.
The said bills were read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the second and fifth bills having been dispensed with, they were committed; the second to the committee of courts of justice, and the fifth to the committee of internal improvements.

The rule of the Senate, constitutional provision and second and third readings of the first, third and fourth bills having been dispensed with and the same being engrossed.

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

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

On the motion of Mr. Rodman—A bill to establish the line between the counties of Henry and Franklin; and,

On the motion of Mr. Wingate—A bill to change certain judicial districts.

Messrs. Rodman, Wingate and White were appointed a committee to prepare and bring in the former, and Messrs. Wingate, Hardin, W. Green, Rodman, Pope and Ray the latter.

And then the Senate adjourned.

SATURDAY, JANUARY 17, 1829.

The Senate assembled.

Mr. Daviess from the committee to whom was referred, the amendments proposed by the House of Representatives, to a bill from the Senate entitled, an act to change the time of holding the Mason circuit court, reported the same with amendments.

Which were twice read and concurred in; and the said amendments proposed by the House of Representatives were concurred in with amendments.

A message was received from the House of Representatives, informing the Senate that they had received official information that the Governor, on yesterday, approved and signed the following enrolled bills which originated in the House of Representatives:

An act for the improvement of the public roads in Harlan county.

An act to repeal the third section of an act entitled, "an act for the regulation of the town of New-Market in Washington county," approved 11th February, 1826.

An act for the benefit of the securities of Charles Morehead, late Sheriff of Logan county.

An act for the benefit of the Sheriffs of Scott and Barren counties.

An act to declare Eagle creek and the Big South fork of Cumberland river navigable streams.
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An act for the benefit of the citizens of the town of Jefferson, in Jefferson county.  
An act allowing Thomas Foster a change of venue.  
An act to establish an election precinct in Jessamine county and to change the place of voting in the lower precinct in Hopkins county.  
An act to extend the boundary of the town of Williamstown in the county of Grant.  
An act requiring certain duties of the Clerks within this Commonwealth.  
That they have disagreed to the second amendment and concurred in the first and third amendments proposed by the Senate to a bill from that House entitled, "an act adding an additional justice of the peace to the counties of Gallatin, Washington and Pulaski," with amendments.  
That they have passed bills which originated in the Senate of the following titles, viz:  
An act for the benefit of Thomas Witherspoon.  
An act for the benefit of the infant children of Sarah Bryan deceased.  
An act to amend an act entitled, "an act to open a road from Elizabethtown, by the way of Litchfield, Hartford and Madisonville, to Princeton in Caldwell county," approved, January 31st, 1829.  
And that they have passed bills which originated in the House of Representatives of the following titles, viz:  
An act to equalize the distribution of intestate's estates.  
An act for the benefit of Enos Daniel, Sheriff of Pendleton county.  
An act to authorize certain county courts to permit gates to be erected across certain roads.  
An act for the benefit of the devisees of Hugh Mercer Tenant and others.  
An act for the benefit of Catharine Bradley, executrix of Samuel Bradley deceased.  
An act for the benefit of Hugh Brent and William Hodge; and,  
An act for the benefit of the wife and children of Thomas Q. Roberts.  
The resolutions in relation to the colonization of free persons of color, in Africa, were taken up, amended, and adopted as follows, viz:  
Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators and Representatives in Congress be requested to use their best endeavors to procure an appropriation of money by Congress, to aid, so far as is consistent with the constitution of the United States, in colonizing the free people of
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color of the United States, in Africa, under the direction of the President of the United States.

Resolved, That the Governor of this State be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress, and to the Governor of the several States.

The yeas and nays being required on adopting the said resolutions, by Messrs. Wood and Hickman, were as follows, viz:


A communication in writing was received from the Governor by Mr. Metcalf assistant Secretary, which was read as follows:

Gentlemen of the Senate:

I have seen with feelings of deep regret and surprise, a preamble and resolution which I understand to have been adopted yesterday, by the casting vote of the Lieut. Governor, in relation to the nominations which I had made, of George Robertson as chief justice of this Commonwealth, and in the event of his approval, of Richard A. Buckner, Esq. as a judge of the said court. I regret the error in point of fact, which is contained in the preamble of the Senate; and upon which their opinion of the propriety of my previous communication appears to have been predicated.

And I am surprised at the vessels of the Senate, "that there is, no vacancy in the office of either second or third judge of the Court of Appeals," for I did not suppose that the Senate could, for a moment imagine, that the Executive held any other opinion than that which is contained in the resolution. Certainly not, after the rejection of Mr. Robertson as chief justice, I did not nominate Mr. Buckner to the Senate as "second judge" of the Court of Appeals in the event of Mr. Robertson's approval, as asserted in the Senate's preamble. I knew that I had not the power to do so; and if I had had the power, I should not have done it. But that matter is settled by the law which gives rank to the associate judges according to the dates of their respective commissions. In calling the attention of the Senate to this subject, I design to afford to that body an opportunity, if they think proper, of contrasting what I did say in my communication, with what their preamble makes me to say, without making a single suggestion, as to any thing further on their parts in relation to myself. Disclaiming any motive in the nominations I made of Messrs. Robertson and Buckner, other than that by which I have been governed the practice of almost every day in nominating other officers in
like manner; and which is certainly not without a precedent of high authority in the Executive department of this government; and persuaded that it must afford the Senate sincere pleasure to be convinced of an error, on their part, most certainly unintentional which had been the occasion of such unwarrantable sensibility, I have been induced respectfully to make this communication.

THOMAS METCALFE.

Resolutions from the House of Representatives in relation to the seven years limitation law, were twice read as follows, viz:

HOUSE OF REPRESENTATIVES, 10th, January, 1829.

Whereas, in the case of John Doe, ex dem of Joshua Barney, lately decided in the United States circuit court for the district of Kentucky, the constitutionality of the act of the General Assembly of the Commonwealth of Kentucky, entitled, "an act for the speedy adjustment of land claims," commonly called the seven years limitation law, is involved. And whereas, the said case is now pending in the Supreme Court of the United States, and the representatives of the people, believing that their constituents are deeply impressed with the necessity and expediency of said law; and that their most vital interests may be affected by the decision to be rendered in said case; Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That John Rowan and Richard M. Johnson, our Senators in Congress, and George M. Bibb, our Senator elect, be requested to appear before the Supreme Court of the United States, and in the argument of the case of Doe ex dem of Joshua Barney vs. John Hawkins and William May, insist upon and maintain the constitutionality of the "act for the speedy adjustment of land claims."

Be it further resolved, That the Governor of this Commonwealth, be requested to transmit to John Rowan, Richard M. Johnson and George M. Bibb, Esquires, a copy of the foregoing preamble and resolution.

An extract, &c. At John M. McCalla, c. n.

On the motion of Mr. J. Green, the said resolutions was amended by striking out the names of John Rowan, Richard M. Johnson and George M. Bibb, and the words, "our Senators in Congress," and "our Senator elect."

Mr. Carnell moved to commit the said resolutions to a select committee.

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

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


NAYS—Messrs. Barrett, Cunningham, Fleming, Fulton, Gar-
rard, Gibson, J. Green, W. Green, Griffin, Hardin, Harris, Hick-
man, Hughes, M'Connell, M'Millan, Muldrow, Ray, Rodman,

On the motion of Mr. Hardin, the blanks in said resolutions,
occasioned by striking out the names of said Rowan, Johnson and
Bibb were filled by inserting the names of Charles A. Wickliffe
and Richard A. Buckner.

Mr. Woods moved to amend the first resolution by adding
thereunto the following proviso, viz:

Provided, That no appropriation shall be made out of the pub-
lic Treasury therefor.

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

The yeas and nays being required by Messrs. Wood and Fut-
ton, were as follows, viz:

YEAS—Messrs. Cockerill, Cunningham, Faulkner, Garrard,
Given, Griffin, M'Millan, Taylor, Townsend, Wickliffe, Williams
and Woods—12.

NAYS—Messrs. Allen, Barrett, Carneal, Daviess, Fleming,
Fulton, Gibson, J. Green, Hardin, Harris, Hickman, Hughes,
Maupin, M'Connell, Pope, Ray, Selby, Summers, White, and
Wood—20.

The question was then taken on adopting the said resolu-
tions as amended, and it was decided in the affirmative.

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

YEAS—Messrs. Allen, Barrett, Carneal, Daviess, Fleming,
Fulton, Gibson, Given, J. Green, Griffin, Hardin, Harris, Hick-
man, Hughes, Maupin, M'Connell, Pope, Ray, Selby, Townsend
and White—21.

NAYS—Messrs. Cockerill, Cunningham, Faulkner, Garrard,
M'Millan, Summers, Taylor, Wickliffe, Williams, Wood and
Woods—10.

At 2 o'clock P. M. Mr. J. Green moved that the Senate do now
adjourn.

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

The yeas and nays being required thereon by Messrs. Cocke-
ril and Daviess, were as follows, viz:

YEAS—Messrs. Barrett, Carneal, Daviess, Fulton, Garrard,
Gibson, J. Green, Griffin, Hardin, Hughes, M'Millan, Ray, Sum-
mers, Taylor, White, Williams, Wood and Woods—18.

NAYS—Messrs. Allen, Cockerill, Cunningham, Faulkner,
Fleming, Given, Harris, Maupin, M'Connell, Pope, Selby, Town-
send and Wickliffe—13.
The Senate assembled.

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

An act providing for the settlement of the accounts of the Penitentiary.

An act for the benefit of William Toney and Servina Toney.

An act for the benefit of Barbara Tartar.

An act for the benefit of Polly Griffith.

An act to divorce Maria Kepheart from her husband Simon Kepheart.

An act to divorce Elizabeth Bracken.

An act to divorce Eliza Ballard from her husband Evan Ballard.

An act to divorce Susanna Johnson from her husband Hiram Johnson.

An act for the divorce of Nancy Bryant; and,

An act to divorce Eliza Young.

Mr. M'Connell from the committee appointed for that purpose, reported a bill providing for further improving the road from Louisa to the Beaver Iron Works.

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

Mr. Pope from the committee of internal improvement, to whom was referred, a bill from the House of Representatives entitled, an act to amend an act incorporating the Shelbyville and Louisville turnpike road company, reported the same without amendment.

Ordered, That the said bill be read a third time.

And thereupon the rule of the Senate the constitutional provision, and third reading of the said bill having been dispersed with,

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

Mr. Pope from the same committee reported a bill for the benefit of Jereboom Beauchamp.

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

The rule of the Senate the constitutional provision and second reading of said bill having been dispersed with, it was committed to the committee of courts of justice.

Resolved, That the Senate recede from the second amendment proposed by them to a bill from the House of Representatives entitled, an act adding an additional justice of the peace to the counties of Gallatin, Washington and Pulaski, and that they concur in the amendments proposed by the House of Representatives.
tives to the first and third amendments proposed by them to the said bill.

The amendments proposed by the House of Representatives, to a bill from the Senate entitled, an act to amend the law in relation to the militia, were taken up and committed to a committee of Messrs. M'Connell, Allen, Cockerill, Gibson, W. Green, Garrard, Griffin and Faulkner.

Resolutions concerning a donation of public lands by Congress, for the use of schools, were twice read as follows, viz:

*Resolutions of the Senate of Kentucky, January 12, 1839.*

Resolved, by the Senate of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives requested to use their exertions to procure the passage of a law by the Congress of the United States, appropriating a portion of the unappropriated lands of the United States to this State, to be used and disposed of, for the purpose of diffusing education by the establishment of some general system of public schools in this State.

Resolved, That the Governor of this Commonwealth is requested to cause to be transmitted to each of our Senators and Representative in the Congress of the United States, a copy of these resolutions.

Mr. Hardin moved to lay the same on the table until Thursday next.

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

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


Mr. Pope moved to amend the first resolution by adding there to these words "and for the purpose of internal improvements."

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

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

**YEAS—** Messrs. Allen, Barrett, Carneal, Cockerill, Daviess, Fulton, Given, Griffin, Harris, Hughes, Maupin, Pope, Ray, Rodman and Selby—13.

**NAYS—** Messrs. Cunningham, Faulkner, Fleming, Garrard, Gibson, J. Green, Hardin, Hickman, M'Connell, M'Millan, Mul-
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The question was then taken, on concurring in the said resolutions, and it was decided in the affirmative.

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


A message in writing containing militia nominations was received from the Governor, by Mr. Metcalf assistant Secretary.

An engrossed bill entitled, an act appropriating money for opening the State road from Prestonsburg to the Virginia State line, was read the third time.

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

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


Resolved, That the title of said bill be as aforesaid.

A bill for the benefit of John Deverin, was read the second time as follows, viz:

It appearing to the present General Assembly, that John Deverin, in the month of December 1825, obtained from the clerk of the Fayette county court, a license to set up and use a billiard table for the term of one year, for which the said Deverin paid into the public treasury of Kentucky, the sum of five hundred dollars, but owing to causes over which it is represented the said Deverin had no control, he was unable to set up and use said table.

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the said John Deverin be, and he is hereby authorized and permitted to set up and use a billiard table in the town of Lexington or elsewhere, for the term of one year, tax free, any law to the contrary notwithstanding.

And the question being taken on engrossing the said bill and reading it a third time, it was decided in the negative, and so the said bill was rejected.
The yeas and nays being required thereon by Messrs. Fulton and J. Green, were as follows, viz:


An engrossed bill entitled, an act supplementary to an act entitled, an act to reduce the price of vacant lands south of the Tennessee river to actual settlers, and more effectually to encourage the settlement of the same, approved January 8, 1829, was read the third time, and committed to a committee of Messrs. Given, Pope and Maupin.

An engrossed bill entitled an act to amend the law in relation to divorces, was read the third time as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in addition to the causes for which by the existing laws, the circuit courts are authorized to grant divorces, they are authorized agreeably to the rules of chancery practice, and the provisions of the act in relation to divorces, to grant the same for the following causes, to-wit: In favor of a wife where her husband shall have been sold as a vagrant, and she shall not have lived with him afterwards; where the husband shall have been convicted to the Penitentiary, and she shall not have afterwards lived with him; where he shall have been convicted for a felony, and shall have escaped without this Commonwealth as a fugitive from justice, and remained absent for the space of twelve months, and she shall not have lived with him after his escape. In favor of either husband or wife, where there is plain proof of impotency in the defendant in regard to animal organization.

Sec. 2. No person shall obtain a divorce under this or any other act, unless it shall appear to the court in evidence, that the complainant has been for twelve months next preceding the filing of his or her bill, a resident citizen of the county in which suit is brought; but this act shall not affect any suit for a divorce brought, before it take effect. Any law coming within the per-view of this act, shall be, and the same is hereby repealed.

And the question being taken on the passage thereof, and it was decided in the negative, and so the said bill was rejected.

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


NAYS—Messrs. Allen, Barrett, Carneal, Cockerill, Cunningham, Faulkner, Garrard, Gibson, Given, J. Green, Hardin, Hick-
A bill from the House of Representatives entitled, an act to provide for widening the road from Lexington to Maysville, was read the third time.

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

A bill from the House of Representatives entitled, an act to provide for the appointment of attorneys for the Commonwealth. Was read the first time and ordered to be read a second time. The rule of the Senate constitutional provision, and second and third readings of the said bill having been dispensed with, The question was taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McCon nell and Hardin, were as follows, viz:


NAYS—Messrs. Faulkner, J. Green, Hickman, M'Connell, Rodman, Selby, Taylor and Woods—8.

Resolved, That the title of the said bill be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

1. An act supplemental to an act entitled, an act to reduce the price of vacant lands west of the Tennessee river to actual settlers, and more effectually to encourage the settlement and improvement of said land, approved January 8, 1829.

2. An act for the benefit of the estate of Joshua Fry Lawrence.

3. An act for the benefit of William W. Sharp.

4. An act for the benefit of Sally Willis, administratrix of the estate of Joseph Willis, deceased.

5. An act to regulate the manner of voting of the citizens of Spencer, Anderson and Edmonson, at elections for members of Congress.

6. An act to amend the charter of the Louisville Insurance company.

7. An act to establish election precincts in Hart and Shelby counties.

8. An act for the benefit of the county of Wayne, and the trustees of Monticello.

10. An act to authorize the county court of Jefferson to increase the width of certain roads.
11. An act to establish a ferry across the Ohio river opposite James McFarland's.
12. An act to complete the road leading from Bowlinggreen to the mouth of Clover.
14. An act to amend an act providing for the appointment of an Engineer to survey the Kentucky, Licking and Green rivers.
15. An act providing for the settlement of the accounts of the Penitentiary.
16. An act authorizing the "Kentucky Sentinel" to publish advertisements.
17. An act to equalize the distribution of intestates estates.
18. An act or the benefit of Enos Daniel, Sheriff of Pendleton county.
19. An act to authorize certain county courts to permit gates to be erected across certain roads.
20. An act for the benefit of the devisees of Hugh Mercer Tenant, and others.
22. An act for the benefit of Hugh Brent and William Hodge.
23. An act for the benefit of the wife and children of Thomas Q. Roberts.
25. An act for the benefit of Polly Griffith.
Which bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate constitutional provision and second reading of the 1st, 2d, 3d, 4th, 5th, 7th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22d, 23d and 26th bills having been dispensed with, they were severally committed; the 1st to a committee of Messrs. Given, Pope and Maupin; the 2d, 11th, 17th and 20th, to the committee of courts of justice; the 3d and 15th to the committee of finance; and the 14th to a committee of Messrs. Carneal, Allen, Cockerill, Fleming, Maupin and Barrett.

And the rule of the Senate constitutional provision, and second and third readings of the 4th, 5th, 7th, 9th, 10th, 12th, 13th, 16th, 18th, 21st, 22d, 23d and 25th bills having been dispensed with. 

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

A message in writing containing a nomination of the securities of the Treasurer, was received from the Governor by Mr. Metcalfe assistant Secretary.

A bill from the House of Representatives entitled, an act to amend the dwelling law, was read the first time as follows, viz:
THE SENATE.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever it may become necessary to administer the oath directed by the several acts of Assembly, "more effectually to suppress the practice of duelling," to any officer of this Commonwealth, it shall be so changed as to insert the first day of December 1828, instead of the first day of November 1824: Provided however, That no person shall be entitled to the benefit of this act, who was relieved by the act of 1824, on the subject of duelling.

Sec. 2. Be it further enacted, That if any public officer or attorney at law, who shall hereafter take an oath against duelling, in pursuance of the law now in force, shall, as principal or second, offend against the provisions of said law, before he resigns his office; or if he be an attorney, before he enters of record a discontinuance of his practice as such; any officer or attorney so acting, shall be deemed and considered as violating his oath against duelling.

Mr. Carneal moved to lay the said bill on the table until the first day of June next.

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

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


A bill from the House of Representatives entitled, an act authorizing the county court of Bourbon, to allow William M. Furguson to erect gates across Chinn's mill road.

Was read the first time and ordered to be read a second time.

The rule of the Senate constitutional provision, and second reading of the said bill having been dispensed with, it was amended and ordered to be read a third time.

A bill from the House of Representatives entitled, an act to amend the law relative to Pilots, at the falls of Ohio, 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 disagreed to.

A bill from the House of Representatives entitled, an act to exempt the United States' mail carriers, from the payment of tolls on the Cumberland turnpike and Wilderness road, was read the first time and laid on the table until the first day of June next.

A bill from the House of Representatives entitled, an act for
the divorce of Charles Newkirk from his wife Camilla Newkirk, was read the third time.

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

A bill from the House of Representatives entitled, an act to alter the mode of summoning juries, was read the second time, and committed to the committee of courts of justice.

A bill from the House of Representatives entitled, an act for the benefit of William Toney and Servina Toney, was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage between William Toney and Servina Toney, shall be, and the same is hereby annulled, and both parties shall possess all the rights and privileges that they would have done, if they had not married: Provided, That nothing in this act contained, shall be construed to impair any claim that the said Servina Toney, otherwise Servina Whiting, may have on the property of the said William Toney, in virtue of any settlement made in writing between the parties, previous to the passage of this act, or whatever property real or personal, that may have heretofore come to her, or may hereafter come to her by gift, grant, devise, decent or otherwise, and which the said Toney has not already reduced to possession, but the same shall entitle her to the said property, free and discharged from any claim which the said Toney may have acquired by virtue of the said marriage or of any gift or sale thereof which she may have heretofore made to him.

And the question being taken on reading the said bill a second time, it was decided in the negative, and so the said bill was disagreed to.

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


Bills from the House of Representatives of the following titles, viz:

An act to divorce Maria Kepheart from her husband Simon Kepheart.
An act to divorce Elizabeth Bracken.
An act to divorce Eliza Ballard from her husband Evan Ballard.
An act to divorce Susanna Johnson from her husband Hiram Johnson.
An act for the divorce of Nancy Bryant; and,
THE SENATE.

An act to divorce Eliza Young.
Were severally 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 bills were disagreed to.
And then the Senate adjourned.

TUESDAY, JANUARY 20, 1829.

The Senate assembled.
Mr. Muldrow from the committee to whom was referred, a bill from the House of Representatives entitled, an act to extend the limits of the town of Versailles, reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate constitutional provision, and third reading of the said bill having been dispensed with;

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

Mr. Hardin from the committee to whom was referred, a bill from the House of Representatives entitled, an act to regulate the formation and guaging of liquor barrels, reported the same with amendments.

Which were twice read and concurred in.

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

Mr. Selby from the committee to whom was referred, a bill from the House of Representatives entitled, an act for the benefit of the Sheriff of Casey county, reported the same with an amendment.

Which was twice read and concurred in:

Ordered, That the said bill be read a third time.

The rule of the Senate constitutional provision, and third reading thereof having been dispensed with;

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

Mr. Hardin from the committee to whom was referred, a grossed bill entitled, an act to amend the law in relation to executors and administrators, reported the same with an amendment.

Which was twice read and concurred in.

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

Mr. Rodman from the committee appointed for that purpose, reported a bill to ascertain the true boundary line between Henry and Franklin counties.

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

The rule of the Senate constitutional provision and second
reading of the said bill having been dispensed with, it was committed to a committee of Messrs. Wingate, Rodman and White.

Mr. Carneal from the committee to whom was referred, a bill from the House of Representatives entitled, an act providing for the appointment of an Engineer to survey the Kentucky, Licking and Green rivers, reported the same with an amendment.

Which was twice read, and the said bill and amendment were re-committed to the same committee.

Mr. Carneal from the committee to whom was referred, a bill regulating the price of taking up boats on the Ohio river, reported the same with amendments.

Which were twice read and concurred in.

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

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

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

Mr. Daviess from the committee to whom was referred, a bill from the House of Representatives entitled, an act changing the place of voting in the lower precinct of Mercer county, from Lucto to Salvisa, reported the same with an amendment.

Which was twice read and concurred in.

The said bill was further amended and ordered to be read a third time.

The rule of the Senate constitutional provision and third reading of the said bill having been dispensed with.

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act fixing the place of voting in certain precincts in Mercer and Owen counties.

Mr. Given from the committee to whom was referred, a bill from the House of Representatives entitled, an act supplemental to an act entitled, an act to reduce the price of vacant lands west of the Tennessee river to actual settlers, and more effectually to encourage the settlement and improvement of said land, approved January 8th, 1839, reported the same with an amendment.

Which was twice read and concurred in.

The said bill was further amended and ordered to be read a third time.

The rule of the Senate constitutional provision and third reading thereof being dispensed with.

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

On the motion of Mr. Wickliffe leave was given to bring in a bill to amend the laws regulating the town of Lexington.
Ordered, That the committee of courts of justice prepare and bring in the same.

A bill providing for the further improvement of the road from Louisa to the Beaver Iron Works, was read the second time, and ordered to be engrossed and read a third time to-morrow.

A bill from the House of Representatives entitled, an act to open a State road from Louisville by way of Hardinsburg, Hartford and Greenville to Hopkinsville in Christian county, was read the first time and ordered to be read a second time.

The rule of the Senate constitutional provision and second reading of said bill having been dispensed with, it was committed to a committee of Messrs. W. Green, Hughes, Cunningham, Ray and Summers.

An engrossed bill entitled an act to provide for the appointment of attorneys for the Commonwealth, was laid on the table.

A message in writing was received from the Governor, by Mr. Metcalfe assistant Secretary.

A bill from the House of Representatives entitled, an act to incorporate the Kentucky and Ohio bridge company, was read the third time as amended.

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

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

YEAS—Messrs. Allen, Barrett, Carneal, Cunningham, Davis, Gibson, Given, J. Green, W. Green, Griffin, Hardin, Harris, Hughes, Maupin, Muldrow, Pope, Ray, Rodman, Summers, Wall, White and Wingate—22.


A bill from the House of Representatives entitled, an act to incorporate the Ohio bridge company, was read the third time as amended.

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

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

YEAS—Messrs. Allen, Barrett, Carneal, Cunningham, Davis, Gibson, Given, J. Green, W. Green, Griffin, Hardin, Harris, Hughes, Maupin, Muldrow, Pope, Ray, Rodman, Summers, Wall, White and Wingate—21.


Resolved, That the titles of said bills be as aforesaid.

Mr. Gibson from the joint committee of enrollments reported
that the committee had examined enrolled bills which originated in the Senate, of the following titles, viz:

An act to amend the laws in relation to writs of error and appeals to the court of appeals.

An act for the benefit of the Burlington Academy.

An act concerning the Independent Banks of Henderson, Shepherdsville and Harrodsburg.

An act for the benefit of the heirs and representatives of Samuel Holmes.

An act to provide for the opening a road from New-Castle to Covington, opposite Cincinnati.

An act allowing the county courts of certain counties to appoint constables.

An act for the benefit of the Sheriff of Jefferson county.

An act to provide for the sale of a part of the public ground in the town of Owingsville, and for other purposes.

An act for the benefit of Thomas Witherspoon.

An act for the benefit of the infant children of Sarah Bryan, deceased.

An act to amend an act entitled, an act to open a road from Elizabethtown by the way of Litchfield, Hartford and Madisonville to Princeton in Caldwell county, approved Jan. 31, 1822.

An act for the benefit of the Sheriff of Harlan county.

An act for the benefit of the Judge of the 10th judicial district; and,

An act to establish the Floyd and Pike county line.

Mr. Cunningham from the same committee reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, viz:

An act to declare Rough creek a navigable stream as high as Lampton's mill.

An act to amend the law relating to the securities of executors and administrators.

An act for the benefit of the Sheriffs, Clerks and Jailors of Ohio, Breckenridge and Daviess counties.

An act to change the place of voting in certain precincts in the counties of Caldwell and Greenup.

An act for the relief of James Stone for keeping Polly Norman a lunatic, three months; and,

An act for the benefit of Hezekiah Smalwood.

And that the said bills were truly enrolled and signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Gibson reported that the committee had performed that duty.
On the motion of Mr. Summers the select committee to whom was referred, the amendments proposed by the House of Representatives to a bill from the Senate entitled, an act to run and mark the south boundary of Trigg county, was discharged from the further consideration thereof, and the said amendments were referred to the committee of courts of justice.

A message was received from the House of Representatives informing the Senate that they had adopted a resolution to appoint a joint committee to examine and report the situation of the government house.

And then the Senate adjourned.

WEDNESDAY, JANUARY 21, 1829.

The Senate assembled.

Mr. Wickliffe from the committee of courts of justice to whom was referred, a bill for the benefit of Jereboam Beauchamp, reported the same without amendment.

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

Mr. Wickliffe from the same committee reported a bill to amend the laws concerning the town of Lexington.

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

The rule of the Senate constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee of courts of justice.

Mr. Wickliffe from the same committee to whom was referred, a bill to incorporate the Louisville Marine and Fire Insurance Company, reported the same with amendments;

Which were twice read and concurred in.

Mr. Carneal moved to amend the said bill by adding thereto the following section, viz:

Be it further enacted, That when any insurance is made from one point to any given point, that the hazard of such insurance shall be at the risk of the Marine insurance, throughout the voyage, at all the intermediate points, and not at the risk of the insured, unless the provisions of this section are waived by the parties and set forth on the policy.

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

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

YEAS—Messrs. Allen, Barrett, Carneal, Cockeill, Cunningham, Fulton, J. Green, Griffin, Harris, Ray, Rodman, Selby, White, Wingate and Woods—15.

NAYS—Messrs. Daviess, Faulkner, Fleming, Garrard, Gib-
The question was then taken on engrossing the said bill and reading it a third time to-morrow, and it was decided in the affirmative.

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


A message was received from the House of Representatives informing the Senate of the passage of bills which originated in that House of the following titles, viz:

An act to incorporate the Female Literary Institution of Nazareth, near Bardstown.

An act to appropriate the fines and forfeitures of Oldham and Scott counties.

An act to incorporate certain turnpike road companies.

An act further to restrain clerks of courts from practising as attorneys and counsellors at law; and,

An act to amend an act incorporating the city of Louisville.

Mr. Given from the joint committee of enrollments reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, viz:

An act to amend an act entitled, an act to incorporate the Cumberland College at Princeton.

An act for the benefit of John Ash.

An act for the benefit of William Fish, Robert Langford and John Frewitt.

An act for the benefit of Henry G. Hawkins.

An act supplemental to an act entitled, an act for the benefit of the heirs of Claiborne Walton, deceased, approved December 6, 1832.

An act supplemental to an act entitled, an act incorporating St. Joseph's College; and,

An act to establish an election precinct in Ohio county and other counties.

That the committee had found said bills truly enrolled, and the Speaker of the House of Representatives had signed the same.

Whereupon the Speaker of the Senate affixed his signature.
thereafter, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Given reported that the committee had discharged that duty.

Mr. Wickliffe from the committee of courts of justice to whom was referred, bills from the House of Representatives of the following titles, viz:

An act for the benefit of the devisees of Hugh Mercer Tenant, and others; and,

An act to add additional magistrates and constables to certain counties, reported the same with an amendment to the latter bill. Which was twice read and concurred in.  
Ordered, That the said bills be read a third time.

The rule of the Senate constitutional provision, and third reading of the said bills having been dispensed with,  
Resolved, That the said bills, the latter as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Wickliffe from the same committee to whom was referred, a bill from the House of Representatives entitled, an act for the benefit of the estate of Joshua Fry Lawrence, reported the same without amendment, and the said bill was ordered to be read a third time.

Mr. Wickliffe from the same committee to whom a bill to amend an act entitled, an act to reduce into one the execution laws of this State, passed February 12th, 1828, reported the same with an amendment, which was twice read and concurred in, and the said bill ordered to be engrossed and read a third time tomorrow.

Mr. Allen from the joint committee appointed to examine Transylvania University, and the Lunatic Asylum at Lexington, made the following report, viz:

The joint committee appointed to examine the Lunatic Asylum, and the Transylvania University and its concerns, repair to Lexington on the 25th of December last, in discharge of that duty, and now submit the following report:

Your committee examined the buildings of the Asylum and its furniture, as also the clothing and diet of the patients, with attention. The building is well adapted to the convenience and comfort of the patients; the rooms and apartments are clean and in good order, the beds are clean and well supplied with good blankets; two or three of the rooms in which the patients were obliged to be mostly confined, on opening the door, the smell was unpleasant; notwithstanding the rooms were clean, as well as the beds and furniture and the clothes of the patients; and on enquiring into the cause, was told by those who superintended the Asylum, that it was owing to a peculiar effluvia arising from the patients themselves; but your committee thought it was in
no small degree attributable to the rooms being warmed by steam from stoves in the lower story. Some of your committee happened to enter the dining room of the females while they were at dinner; they were sitting at a long table covered with a clean table cloth, well furnished with table furniture and loaded with good wholesome victuals. There are about eight patients who are kept in a small brick building at a little distance from the main building; these miserable creatures are obliged to be kept in boxes, and are extremely troublesome, being most unruly and outrageous. All except these appear to be generally innocent and inoffensive.

The public ground on which the buildings are situated is only in part enclosed; there is one yard enclosed with plank, in which the male patients are permitted to exercise; it would be desirable to have another yard enclosed in which the female patients might also exercise.

Your committee would suggest the propriety of enclosing this yard with a brick or stone wall, believing that a wall of this description would be cheaper in the end. Your committee would also suggest the propriety of authorizing the managers of the institution, or a special committee appointed for that purpose, to purchase a reasonable quantity of land adjoining or near the institution; in the cultivation of which, to engage such of the male patients as would be thought proper to exercise in that way. Your committee on an inspection of the patients, discovered many who were quite able to labour, and with proper attention, might be very profitably employed, so much so indeed, as to furnish the institution with a sufficient quantity of bread, meat, milk and vegetables for all the patients; and a surplus perhaps for market.

Your committee further state, there are now in the Asylum 85 patients, of whom 51 are males and 34 females; of that number there are 77 paupers and 3 pay-patients; the number of those restored annually will average about 11, the average annual increase is about 20. Your committee were informed by the managers that there was room for only a very few more patients, and the annual increase of the patients being greater than the decrease, the necessity for additional buildings follows as an unavoidable consequence.

Your committee rejoice to find the academical department arising with fresh vigor from her former languishing state and likely to become, through the instrumentality of President Wood, and under the direction of a kind Providence, once more an honor and blessing to the Commonwealth. Your committee cannot communicate a more full and complete knowledge of all the departments of the University, than by laying before the Legislature.
ture the correspondence between the trustees of the University and your committee.

After one day spent in the examination of the Asylum, the medical hall, its library, chemical apparatus, anatomical preparations and mineralogical collections, and also the library and apparatus of the academical department; your committee commenced a written correspondence with the trustees of the university, which is as follows:

LEXINGTON, December 27th, 1828.

Sir:—Believing that it would not be practicable for the committee to know much about the situation of the university, by any examination that its members could make within the time allowed to them, and believing that more information can be obtained by certain enquiries of the board, through you; we would beg leave to enquire,

1st. What is the present state of the funds of the University, stating concisely the amount of the debits and credits by which the committee may be able to ascertain how much the institution owes, if any?

2nd. Whether any accession to the library and apparatus is necessary, and if so, what would be the probable amount of money needed to purchase the additional books and apparatus?

3rd. If you have not reported to the Legislature the number of students in the preparatory department and the college proper, please give us that information.

4th. What is the condition of the medical school, and how many medical students are there? You will be so good as to give the committee your views of what might be done to advance the prosperity of this valuable department of the institution.

5th. Please inform the committee what number of volumes there are in the college proper, as also in the medical department? Any further information which you suggest will be gladly received by your humble servants,

JAMES ALLEN, Chairman
Of the committee on the part of the Senate.

JNO. P. OLDHAM, Chairman
Of the committee House of Representatives.

To the Chairman of the Trustees of the University.

To the above interrogatories were answered very promptly and satisfactorily by the trustees of the University, as follows:

The committee appointed to answer the following interrogatories in relation to Transylvania University, propounded by a committee of the Legislature of Kentucky, present the annexed answers:

Interrogatory 1st. "What is the present state of the funds of the Institution, stating concisely the amount of the debits and
credits, by which we may be able to ascertain how much the Institution owes, if any?"

2nd. "Whether an accession to the Library and apparatus is necessary, and if so, what would be the probable amount of money needed, to purchase the additional books and apparatus?"

3rd. "If you have not reported to the Legislature the number of students in the preparatory department and the college proper, please give us that information?"

4th. "What is the condition of the Medical School, and how many Medical Students are there?"

5th. "You will be so good as to give us your views of what might be done to advance the prosperity of this valuable department of the Institution?"

6th. "Please inform us, what number of volumes there are in the college proper, as also in the Medical Department?"

7th. "Give us some information in relation to the internal regulation and government of the Institution, particularly as to school hours and hours of relaxation from study?"

Answer to 1st interrogatory.—The only fund of the Institution, consists of the fines collected in Fayette county, and a tax on sales at auction in Lexington. The amount which has come into the Treasury from these sources for the year 1828 has been $37 08. There has also been paid into the Treasury for tuition in the same year $182 83 1-3. There is a debt of $504 62 which it is probable will be received. The interest of the Morrison legacy, which is $1,500 is appropriated to the Morrison professorship.

The means which enabled the trustees to procure a president and professors, and to put the institution into operation, was acquired by a subscription from the citizens of the town of Lexington and its vicinity, and by the corporation of Lexington. This subscription amounts to $3,500 per annum for four years. Out of this sum any deficiency in the current expenses of the Institution, after deducting therefrom the amount received for tuition, is to be paid in a rateable proportion to each individual subscription.

The debts due by the institution are to professors for services rendered nearly two years ago, and amount to $1,020 in which is included $80 for servant hire.

The answer to the second interrogatory is given by the president and is that $500 would be sufficient to enable us to supply the most important deficiencies in the Library and philosophical apparatus.

The answer to the 3rd is also given by the president and is 114.

Answers to the 4th and 5th interrogatories, and part of the 7th will be found at page in the address of the Dean of the med.
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THE SENATE.

ical faculty herewith enclosed and respectfully submitted as satisfactory answers to those interrogatories.

Answers to part of the 6th, and the 7th interrogatory, will be found in the president’s letter herewith enclosed, and is, that “there are in the library of the college proper besides pamphlets, about 2,775 volumes.”

That “there are in the English department of the college proper 24 students.

“The classes are employed three hours a day in recitations, six and a half or seven hours in study, and four and a half are allowed to meals and recreations.

There are public quarterly examinations in all the studies of the quarter and in every part of them.

“No student is allowed to pass on to a higher class, unless he sustains a satisfactory examination in all the studies of the previous year, and make up any deficient recitation in that year.

“In the Academical department of the University, there are five professors and teachers, wholly devoted to the business of instruction.”

The college buildings suffer much for want of painting, and the roof leaks considerably. The fence enclosing the lot is so old and rotten that it cannot be kept up. These are repairs absolutely necessary to preserve the property, and which cannot be made without funds.

JOHN BRADFORD, Chm. Com.

Your committee on further consultation, being desirous to enter more minutely into the examination of the situation of the institution, subjoined additional interrogatories which were also satisfactorily answered as follows:

(See additional interrogatories marked A)
(Also see response marked B)

A

Additional interrogatories by the committee.

1. Is there any plan adopted by which an accurate and thorough English education may be obtained unconnected with the study of the classes?

2. What system or course of instruction is followed in the English department?

3. Is it designed to have regular classes in that department, and if so, what are the requisites for entering the first class?

4. What are the principal studies which are proposed for the completion of an English education?

5. May a parent have his child taught any one of those branches, without taking the regularly prescribed course, have you at this time any students belonging to this department, and how many?
6. How many hours in the course of the day are devoted to public instruction?
7. What time are the students required to attend the University in the morning?
8. Have the regulations been such as have insured a strict and punctual observance of the different duties prescribed?
9. What system of rewards and punishment have been adopted?
10. What is the price of tuition in the Academical department?
11. What is the customary charge for boarding in genteel houses in Lexington by the year?
12. How is the college year divided, and how many vacations are there, and the duration of each?
13. Is there any refectory now kept, and if so, what is the cost of boarding at it? how many boarders are in it.
14. Is there any uniform and cheap dress in which all the students are required to appear? what is that dress?
15. What is the lowest rate at which young men could be educated in the University in behalf of the State, including tuition, board, firewood, candles, washing, &c.?
16. What are the reasons which influenced you to adopt a uniform dress?

Responsive to the additional interrogatories propounded by the committee on behalf of the Legislature of Kentucky, to the Trustees of Transylvania University.

The committee for that purpose, appointed on behalf of the Trustees, report: That there is a plan adopted in the institution, by which an accurate and thorough English education may be obtained, unconnected with the ancient languages or classics. In this department, Arithmetic, Geography, English Grammar, Geometry, Elocution, History, Logic, Rhetoric, Natural History, Intellectual Philosophy, Book keeping, Surveying, Levelling, Moral Philosophy, Political Economy, General Law, Natural and experimental Philosophy, Chemistry, Astronomy, Elements of Criticism and the Constitution of the United States; also, the French language are taught. It is designed to have regular classes in this department (they are already organized) a knowledge of reading, writing, English grammar, Arithmetic, Geography and testimonials of good moral character, are the only requisites for entering the first class. A parent may have his child taught any of the branches without taking the regularly prescribed course. It is the policy of the institution to extend its advantages as far as practicable. A student will be received for any time or any subject of instruction. A diploma or certificate of scholarship will however only be granted to those who may take the regular course and be found worthy upon examin-
There is in this department at this time 29 regular students.

There is no system of pecuniary reward or corporal punishment known in the institution. Its honors constitute the only rewards; admonition, suspension and expulsion, its only punishments. Students are required to attend at college as early as they can see to read in the morning, except during the summer, when sun rise is the time the exercises will commence.

The regulations are such as to secure a strict and punctual observance of the different duties prescribed.

Thirty dollars is the price of tuition in the institution generally—thirty-five dollars required of those who are attached to the regular classes in college proper.

Boarding can be had in genteel families in Lexington at two dollars per week, or for seventy-two dollars the college year.

The subject of sessions—their duration and terms for vacations are now under consideration by the board, heretofore there have sometimes been one session of nine months, sometimes two of four months and one half, each. What will hereafter be the rule upon this subject we are not at this time prepared to answer. There is now a refectory attached to the institution—students are boarded at one dollar fifty cents per week; it is well kept, and there are now eleven boarders within it, attached to college proper, and five to the medical school.

There is a uniformity of dress required of all the students, consisting in winter of blue mixed Casinett or Jeans coat and pantaloons. The coat ornamented with a black ribbon run on the collar on the right side. The pantaloons having a black cord or binding along the seams on the outer side—-a grey cap of the same or similar materials, with leather fronticepiece, and shoes or pumps. In summer & c. blue Nankeen or Cotton goods may be substituted for the Jeans, & c. and a Leghorn or straw hat for the cap.

In the establishment of this dress, two important considerations are involved; economy and discipline. It being the policy of the trustees to extend the advantages of education to all classes of the community, they were impressed that much good would arise, by adopting a cheap comfortable dress, thereby destroying a spirit of rivalry upon that subject among the students; and enabling those in moderate circumstances, to clothe their children as fine as the richest. We have already fully realized the advantages anticipated in this particular.

By requiring the students on all occasions to appear with this dress, the officers of the institution are greatly aided in enforcing the necessary discipline; by the trustees, citizens & c. to whom at all places they would be known and recognized; and, consequently, the students will not so often venture to places where
they should not resort. It is difficult to fix the precise sum, at
which students could be educated for the State, including tuition,
board, firewood, candles, washing &c. It is however believed,
that one hundred and ten dollars each for the college year,
would be sufficient for the purposes enumerated.

Very respectfully,

JOHN BRADFORD, Ch'm. Com.
R. H. CHINN.
BENJ. GRATZ.

Gen. J. ALLEN, Chairman, &c.

Your committee would further state, that in relation to the
interrogatories propounded concerning the medical department
of the institution, they have received a full and able report, by
which it will be discovered that the department is in a flour­
ishing condition; yet might be very much aided in its anatomical
preparations by an act of the Legislature, and the chemical
teachings facilitated by additional apparatus, and enlarging
the mineralogical collections; the report is as follows:

MEDICAL DEPARTMENT OF TRANSYLVANIA UNIVERSITY.

JANUARY 1ST, 1829.

To John Bradford, Esq., Chairman of a committee of the Board of
Trustees.

DEAR SIR:—In answer to certain interrogatories propounded
to the Chairman of the Board of Trustees, by a committee of
the State Legislature, and by yourself referred to the medical
faculty of the school, I am directed by my colleagues, to make
to you the following communication.

Question 1st. "What is the condition of the medical school,
and how many medical students are there?"

Answer. The condition of the school, in relation to the com­
fortable accommodation of the classes—the secure and conven­
ient fixture of the books, museum and apparatus, has been ma­
terially improved since the session of 1826-'27, by the erection
of a suitable building, containing two spacious lecture-rooms,
and together with commodious apartments for the library, resident
librarian, chemical laboratory &c. &c. This edifice was erected
during the summer of 1827, by the medical professors of the
school, aided by the liberality of the citizens of Lexington, at
an expense of about $8,000; and to its rooms were removed the
properties of the school, at the commencement of the session of
1827-'28. This new medical hall is immediately adjoining the
excellent anatomical amphitheatre, which was built the prece­
ding season, by the professor of anatomy and surgery, at his pri­

tive expense, the cost of it being about $4,000. This block of
buildings being detached from other houses, is much less liable to
accidents from fire, than the private apartments formerly occu­
The condition of the school in other respects, may, we think, with great propriety be said to be flourishing. A reference to the accompanying catalogue, will show that the number of students in it for the present session, is two hundred and three; whereof, about one third is from the eastern side of the Allegheny mountains; about the same number from the States south of Kentucky, and the like proportion from our own State. The present class exceeds in number, that of the preceding session by about fifty, and is more numerous by fifteen or twenty, than the class antecedent to the last; whilst the number from some of the southern States is greater than have ever before resorted to this school; so that we are flattered with a hope, that its reputation is extending abroad, and that altogether its condition is flourishing.

Question 2nd. "What can be done to advance the prosperity of this valuable department of the institution?"

Answer. In reply to this interrogatory, the medical faculty are gratified to witness a manifestation of the interest felt by the Legislature, in the prosperity of this department of the State University; and embrace, with much satisfaction, an opportunity of making known to the Legislature, some difficulties under which they have labored, and of suggesting certain measures, by which, in their opinion, these difficulties will be in a great measure overcome, and if removed by the interposition of wholesome legislation, they doubt not, that the medical school of Kentucky will immediately obtain, and be enabled constantly hereafter to maintain a decided ascendency over every other western or southern institution; and as it now is the second school of the kind in America, it will then be able to compete on equal terms, with its only rival—that of Philadelphia.

It will be readily admitted by all, in any degree conversant with the matter, that a correct knowledge of anatomy, or the structure of the human body, is the only sure basis of a correct and safe practice in medicine or surgery; and hence, to its most thorough investigation are the authorities and guardians of all schools of medicine especially directed. This can only be done by the dissection of the human body; yet this absolutely necessary measure is often rendered difficult, if not impossible, by the prejudices of all communities against it; and although in our own school, the want of instruction, derivable from this source, has never been felt to any serious degree, yet it has only been...
afforded by the most strenuous exertions of the professor of anatomy; and that too at an expense of much anxiety, time, labor and money; and owing to the increasing difficulties attending the procurement of dead bodies for dissection, it is feared that, in dispite of all private exertions, this source of medical education will become still farther abridged.

To remove therefore, in some degree, these difficulties, and to facilitate the study of this most important branch of the profession, the faculty of the school would respectfully suggest the passage of a law, by which the bodies of all convicts, who die at the State Penitentiary, and of all criminals executed in different parts of the State, be transferred to the anatomical rooms of this school for public demonstration. In addition to the facilities which such a law would afford to the study of anatomy: may it not be worthy of consideration in a moral point of view? since, owing to the dread of dissection after death by law, or under conviction, individuals might be detered from the commission of crimes.

For the purpose moreover, of aiding the students of medicine resorting to this school, in procuring a practical knowledge of the profession, the faculty would respectfully suggest the establishment and endowment of a Dispensary and Infirmary in the town of Lexington, to be connected with the medical school, and under the medical and surgical treatment of its professors. In this institution all the sick poor of the town and surrounding country, would receive gratuitously advice, medical and surgical aids; whilst from those patients who might choose to resort to it, and were able to pay, a moderate compensation might be required; which fund would be appropriated towards defraying the expenses of the institution. To all the wards of this establishment, medical students should have free access, and by witnessing the treatment, noting the symptoms, and watching the progress of each case, become practically conversant with the duties of the profession.

The cost of such an establishment cannot be readily estimated, since the expenditures would be proportionate to the number of patients who might seek relief from it; but it is believed that the citizens of Lexington would contribute towards the founding and sustenance of a public charity of the kind.

The museum of the school is as yet but limited, and although there are in it, some fine specimen of wax-work, illustrating the structure and functions of different parts of the body; yet the anatomical preparations, made from human subjects, owing to their constant tendency to decomposition, and the great difficulty of keeping them safely for any considerable length of time, are less valuable and instructive than when recent, and consequently this part of the museum is greatly in need of increase and re-
newal. The chemical teachings would also be aided by some
additions to the apparatus, and by an enlargement of the
mineralogical collection; and much benefit would unequivocally re-

result from a collection of specimens in Botany and other depart-
ments of natural history, in illustration of the lectures on materia
medica. For the exhibition, arrangement and study of a very
large cabinet, there is now, as before intimated, sufficient unoc-

cupied space in the new medical hall; which, at an expense of

$1,000 may be converted into a suitable gallery.

In connexion with the views elicited by this interrogatory; the
faculty cannot omit this opportunity of expressing their decided
conviction, that much might be done to advance the interests of
the medical department of the school, and at the same time to
contribute greatly to the respectability and usefulness of the
profession throughout the State, by the enactment of a law re-

quiring the qualifications of all persons commencing the practice
of medicine or surgery in the State, to be tested by examination
before a competent tribunal; unless such applicant for practice
be a graduate in medicine from the Transylvania University, or
of some other medical college, recognized by it as a respectable
school of medicine.

Question 3rd. "What number of volumes is there in the med-

ical library?"

Answer. The number of volumes in the medical library of
the University, is between twenty-seven and twenty-eight hun-
dred, and is gradually, though slowly increasing as the funds
available by this department will permit. But it is entirely ob-

vious that the interests of the school and its attractions to stu-
dents would be greatly enhanced by a more rapid increase in the
number of books in the different departments of medicine, and
the associate sciences. All which is very respectfully submitted.

I have the honor to be, Sir,

With great esteem,

Your ob't. serv't.

C. W. SHORT, M. D.

Dean of the Medical faculty of Transylvania University.

Mr. Harris from the committee appointed for that purpose,
reported a bill for the benefit of the widow and heirs of John
Hackworth deceased.

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

The rule of the Senate constitutional provision and second
and third readings of the said bill having been dispensed with
and the same being engrossed.

Resolved, That the said bill do pass, and that its title be as

aforsaid.
Mr. Cockerill from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to amend an act providing for the appointment of an Engineer to survey the Kentucky, Licking and Green rivers," reported the same with an amendment.

Which was twice read and concurred in.

Ordered, That the said bill be read a third time.

The rule of the Senate constitutional provision and third reading thereof having been dispensed with.

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

Mr. M'Connell from the committee to whom was referred, the amendment proposed by the House of Representatives to a bill entitled, an act to amend the law relative to the militia, reported the same without amendment; and the same was recommitted to a committee of Messrs. Maupin, Daviess, Fulton, Harris, Ray, Selby, W. Green, Rodman, M'Millan and Given.

On the motion of Mr. Selby, leave was given to bring in a bill to authorize the trustees of the Liberty Seminary to sell and convey their lands; and Messrs. Selby, Griffin and Allen were appointed a committee to prepare and bring in the same.

Bills from the House of Representatives of the following titles, viz:

1. An act to amend the charter of the Louisville Insurance Company.
2. An act for the relief of the county of Wayne and the trustees of Monticello; and,
3. An act for the benefit of Barbara Tiptar.

Were severally read the second time, and the second bill was committed to a committee of Messrs. Griffin, Wingate and Selby; the first and third were ordered to be read a third time.

The rule of the Senate constitutional provision and third reading of the first bill having been dispensed with.

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

A bill from the House of Representatives entitled, an act to authorize certain county courts to permit gates to be erected across certain roads;

Was read the second time and ordered to be read a third time.

The rule of the Senate constitutional provision, and third reading of the said bill having been dispensed with,

The question was taken on the passage thereof and it was decided in the affirmative.

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

YEAS—Messrs. Allen, Barrett, Carneal, Cunningham, Fann-
The Senate assembled.

Mr. Wickliffe from the committee of courts of justice to whom was referred:
1. A bill to amend the laws concerning the town of Lexington; and,
2. A bill more effectually to provide for the erection of the public buildings in the town of Westport in the county of Oldham.

And bills from the House of Representatives entitled:
3. An act to compel litigants to give security for costs in certain cases.
4. An act to alter the mode of summoning juries.
5. An act to establish a ferry across the Ohio river opposite James M'Farland's.
6. An act to equalize the distribution of intestates' estates; and,
7. An act for a change of venue in prosecutions against Jesse Hyde and William Hall.

Reported the said bills with amendments to the third and fifth bills; the amendment to the fifth bill was twice read and concurred in; the second, third and sixth bills were laid on the table; the fourth bill was committed to a committee of the whole House for to-morrow; the seventh bill was disagreed to; the first and fifth bills were ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bills having been dispensed with and the first being engrossed.

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

A message was received from the House of Representatives, announcing the passage of bills which originated in that House of the following titles, viz:

An act further to regulate the records and duties of certain justices of the peace in this Commonwealth.
An act to reduce the price of headright and vacant lands acquired by the treaty of Tellico and Green river settlers.
An act to regulate the duties of county attorneys.
An act to regulate taverns and restrain tippling houses.
An act for the benefit of Champ Mullens, and other purposes.
An act to alter the name and extend the limits of the town of Mount Vernon in Bullitt county.

An act to amend the law establishing an academy in the county of Caldwell.

An act to establish a State road from Samuel Ford's ferry on the Ohio river in a direction to Dover in the State of Tennessee.

An act to add a justice of the peace to Trigg county, and a constable to Fayette county; and,

A resolution requiring the commissioners taking in lists of taxable property to take a list of all children above four and under fifteen years of age.

And that they have concurred in the resolution from the Senate fixing a day for the final adjournment of the Legislature, with an amendment.

The said amendment proposes to adjourn on the 20th instead of the 22d instant, and was twice read and concurred in.

That the House of Representatives have concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act to incorporate the Ohio Bridge Company.

An act to incorporate the Kentucky and Ohio Bridge Company.

An act for the benefit of the Sheriff of Casey county, and for other purposes.

An act to improve the navigation of Green river.

An act to change the place of voting in the lower precinct in Mercer county from Luckto to Salviss.

An act for the benefit of the stockholders of the Bank of Owingsville; and,

An act supplemental to an act entitled, "an act to reduce the price of vacant lands west of the Tennessee river to actual settlers, and more effectually to encourage the settlement and improvement of said land," approved January 8, 1829.

And that the House of Representatives had received official information that the Governor on this day approved and signed the following enrolled bills which originated in the House of Representatives, viz:

An act to establish an election precinct in the county of Ohio and other counties.

An act for the benefit of Henry G. Hawkins.

An act supplementary to an act entitled, "an act for the benefit of the heirs of Claiberne Walton deceased," approved December 6th, 1822.

An act supplemental to an act incorporating St. Joseph's College.

An act to amend an act entitled, "an act to incorporate the Cumberland College at Princeton.

An act for the benefit of John Ash.
An act for the benefit of William Fish, Robert Langford and John Prewitt.

An act for the relief of James Stone for keeping Polly Norman a lunatic, three months.

An act for the benefit of Hezekiah Smallwood.

An act to declare Rough Creek a navigable stream as high as Lampton's mill.

An act to amend the law relating to the securities of administrators and executors.

An act for the benefit of the clerks, sheriffs and jailors of Ohio, Breckenridge and Daviess counties.

An act to change the place of voting in certain precincts.

A bill from the House of Representatives entitled, "an act to incorporate certain Turnpike road companies.

Was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to the committee of internal improvements.

Mr. Wickliffe from the committee of courts of justice to whom was referred the amendments proposed by the House of Representatives to a bill from the Senate entitled, "an act to run and mark the south boundary of Trigg county," reported the same without amendment.

Ordered, That the said bill and amendment be laid on the table until the first day of June next.

Mr. Hardin from the committee of finance, to whom was referred, a bill from the House of Representatives entitled, "an act making a further appropriation for rebuilding the capitol, reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with, the question was taken on the passage thereof, and it was decided in the affirmative.

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


Resolved, That the title of the said bill be as aforesaid.

Mr. Hardin from the same committee, to whom was referred, a bill from the House of Representatives entitled, "an act for the benefit of William W. Sharp," reported the same without amendment.
Ordered, That the said bill be read a third time.

A message was received from the Governor by Mr. Metcalfe assistant Secretary, informing the Senate that the Governor on this day, approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act to provide for the opening of a road from New-Castle to Covington opposite Cincinnati.

An act for the benefit of Thomas Witherspoon.

An act to provide for the sale of a part of the public ground in the town of Owingsville.

An act allowing the county courts of certain counties to appoint constables.

An act for the benefit of the Sheriff of Jefferson county.

An act for the benefit of the Sheriff of Harlan county.

An act for the benefit of the Judge of the 10th judicial district.

An act concerning the Independent Banks of Henderson, Shepherdsville and Harrodsburg.

An act for the benefit of the heirs and representatives of Samuel Holmes.

An act to amend the laws in relation to writs of error and appeals to the Court of Appeals.

An act for the benefit of the Burlington Academy.

An act to establish the Floyd and Pike county line.

An act for the benefit of the infant children of Sarah Bryan deceased.

An act to amend an act entitled, “an act to open a road from Elizabethtown by the way of Litchfield, Hartford and Madisonville to Princeton in Caldwell county,” approved Jan. 31, 1828.

A message in writing was also received from the Governor by Mr. Metcalfe assistant Secretary.

The Senate took up the message from the Governor, received on the 19th instant, which was read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, Richard A. Buckner, Esq. as Chief Justice of Kentucky.

THOMAS METCALFE.

Resolved, That the Senate do not advise and consent to the said appointment of Richard A. Buckner, Esq. as Chief Justice of Kentucky.

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


NAYS—Messrs. Allen, Barrett, Carneal, Cockerill, Daviess,
Ordered, That Messrs. J. Green and Faulkner inform the Governor thereof.

Mr. Selby from the committee appointed for that purpose, reported a bill to authorize the trustees of the Liberty Seminary to sell and convey their lands.

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

The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with and the same being engrossed.

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

On the motion of Mr. M'Millan, the following resolution was adopted, viz:

Resolved, That the subject of the costs of the contested election from the counties of Montgomery and Estill, be referred to a select committee; and Messrs. M'Millan, Given, Fleming, Wall, M'Connell, Barrett and Hughes were appointed a committee pursuant thereto.

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

Whereas doubts exist as to the true boundary line between this State and the State of Tennessee, whereby the citizens of this State experience great difficulty and inconvenience; Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That his excellency the Governor be requested to apply to the Executive of the State of Tennessee, to enter into arrangements to cause to be ascertainment and plainly marked, the dividing line between said States, east of the Tennessee river, agreeably to the compact between the States, entered into on the 2d day of February 1820, concerning said line, and that he select and appoint the necessary surveyors and agent to act on the part of this State, with such person or persons as shall be appointed on the part of the State of Tennessee; and that in the event of the Governor of Tennessee failing to appoint such agent, then that the Governor cause the said line to be run and ascertained by some skillful surveyor, from some known point in Walker's line, near the south-east corner of Trigg county, to the Tennessee river; and also, that part of the line adjoining Simpson and Allen counties, according to said compact, and to have the same plainly marked and a plat to be returned to the Secretaries office as soon as the nature of the business will admit; and the Auditor is authorized to issue his warrant on the Treasury for such sum as the Governor may deem necessary to cover the expenses of running and ascertaining such boundary line.
The rule of the Senate being dispensed with, the said resolution was taken up twice read and adopted.

Mr. Hardin from the committee of finance to whom was referred, a bill for the benefit of Augustine Byrne, heir and representative of John Byrne deceased; and a bill from the House of Representatives entitled, “an act providing for the settlement of the accounts of the Penitentiary,” reported the same without amendment.

Ordered, That the said bills be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bills having been dispensed with and the former being engrossed.

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

Mr. Harris from the committee appointed for that purpose, reported a bill to change a small part of the State road in Morgan county.

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

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was committed to a committee of Messrs. Harris, M'Connell and Gibson.

Mr. Maupin from the committee to whom was referred, the amendments proposed by the House of Representatives to a bill from the Senate entitled, an act to amend the law in relation to the militia, reported the same without amendment.

Mr. Cockerill moved to lay the said bill and amendment on the table.

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

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


The said amendments were then disagreed to.

On the motion of Mr. Daviess leave was given to bring in a bill authorizing the Partisan Examiner to insert certain advertisements; and Messrs. Daviess, J. Green and Allen were appointed a committee to prepare and bring in the same.

After a short time Mr. Daviess reported the said bill, which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second.
and third readings of the said bill having been dispensed with, and the same being engrossed.

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

And then the Senate adjourned.

FRIDAY, JANUARY 23, 1829.

The Senate assembled.

Mr. Faulker from the committee of privileges and elections, made the following report, viz:

The committee of elections have, according to order, had under consideration the returns from the several senatorial districts, and report the following gentlemen elected, viz:

From the counties of Adair, Russell and Casey, Benjamin Selby; from the counties of Barren and Edmonson, Robert D. Maupin; from the counties of Cumberland and Monroe, William Wood; from the counties of Allen and Warren, Johnson J. Cockrell; from the counties of Butler, Grayson and Muhlenburg, William Cunningham; from the counties of Logan and Simpson, Thomas S. Slaughter, (who has since resigned;) from the counties of Hopkins, Henderson and Union, James Townsend; from the counties of Calloway, Hickman, Graves, McCracken, Livingston and Caldwell, Dickson Given; from the counties of Christian, Trigg and Todd, Francis Summers; from the counties of Daviess, Ohio and Breckenridge, Willis Green; from the counties of Green and Hart, James Allen; from the counties of Hardin and Meade, John C. Ray; from the counties of Jefferson and Bullitt, John Hughes; from the counties of Lincoln, Rockcastle and Laurel, John Green; from the counties of Henry and Oldham, John Rodman; from the county of Shelby, Samuel W. White; from the county of Washington, John Pope; from the county of Mercer, Samuel Daviess; from the county of Garrard, John Faulkner; from the county of Madison, Archibald Woods; from the counties of Pulaski and Wayne, John Griffin; from the counties of Knox, Clay, Harlan, Perry and Whitley, Daniel Garrard; from the counties of Nelson and Spencer, Benjamin Hardin; from the counties of Boone and Campbell, Thomas D. Neal; from the counties of Grant, Pendleton and Gallatin, David Gibson; from the county of Scott, Garrett Wall; from the counties of Franklin, Owen and Anderson, Cyrus Wingate; from the county of Harrison, Peter Barrett; from the counties of Bracken and Nicholas, Samuel Fulton; from the county of Bourbon, John L. Hickman; from the county of Mason, Robert Taylor; from the counties of Greenup, Lewis and Lawrence, John M. McConnell; from the county of Fleming, William P. Fleming; from the counties of Montgomery and Estill, Samuel L. Williams.
from the county of Clarke, William M'Millan; from the counties of Woodford and Jessamine, Andrew Muldrow; from the counties of Bath, Morgan, Pike and Floyd, David K. Harris, and from the county of Fayette, Robert Wickliffe.

The committee find the terms of service of Thomas D. Carneal, Johnson J. Cockerill, Samuel Davies, Daniel Garrard, Dickson Given, John L. Hickman, John Pope, Robert Wickliffe and William Wood expires the present year.

Peter Barrett, William Cunningham, David Gibson, John Green, Samuel Fulton, John M. M'Connell, Andrew Muldrow, Samuel W. White and Archibald Woods the year 1830.

William M'Millan, Benjamin Hardin, Willis Green, John Rodman, David K. Harris, John Hughes, Francis Summers, Robert Taylor and William P. Fleming the year 1831.

Robert D. Maupin, Benjamin Selby, Jaffies Townsend, James Allen, John C. Ray, John Faulkner, John Griffin, Cyrus Wingate, Garrett Wall and Samuel E. Williams in the year 1832.

John Faulkner,
John J. Cockerill,
Jno. Rodman,
Wm. Cunningham,
P. Summers,
John C. Ray.

Mr. Harris from the committee to whom was referred, a bill to change a small part of the State road in Morgan county, reported the same with an amendment;

Which was twice read and concurred in:

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

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

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

Mr. Griffin from the committee to whom was referred, a bill from the House of Representatives entitled, "an act for the relief of the county of Wayne, and the trustees of Monticello," reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate constitutional provision, and third reading thereof having been dispensed with.

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

Mr. Wingate from the committee to whom was referred, a bill to ascertain the true boundary line between Henry and Franklin counties, reported the same with an amendment;

Which was twice read and concurred in.
Ordered, That the said bill be engrossed and read a third time.

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

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

Mr. W. Green from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to open a State road from Louisville by way of Hardinsburg, Hartford and Greenville to Hopkinsville in Christian county," reported the same with amendments;

Which were twice read and concurred in, and the said bill ordered to be read a third time.

The rule of the Senate constitutional provision, and third reading of said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, "an act to open a State road from the mouth of Salt river by way of Hardinsburg and Hartford, to Greenville, in Muhlenburg county.

Mr. W. Green from the committee of courts of justice, to whom was referred, a bill to reinvest the title to lands stricken off to the State for nonpayment of taxes, reported the same with amendments.

Which were twice read and concurred in.

Ordered, That the said bill be recommitted to a committee of Messrs. Daviess, J. Green, Hardin and Pope.

Mr. Hardin moved the following resolution, viz:

Resolved, That the committee of finance be instructed to report a bill to call in the branches of the Bank of the Commonwealth, and to provide in said bill for agents to attend twice a year in each county to receive the interest and discounts, and attend to the concerns of said Bank.

Which was twice read and laid on the table.

Mr. Pope from the committee of internal improvements, to whom was referred, a bill from the House of Representatives entitled, "an act to incorporate certain turnpike road companies," reported the same with amendments.

Which were twice read and concurred in.

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

A bill from the House of Representatives entitled, "an act authorizing the county court of Bourbon to allow William M. Ferguson to erect gates across Chinn's mill road," was read the third time as amended.

On the motion of Mr. Hickman, who voted in the majority, the vote adopting the said amendment was reconsidered, and the said amendment was withdrawn.
The question was then taken on the passage of the said bill, and it was decided in the affirmative.

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

YEAS—Messrs. Cunningham, Faulkner, Gibson, Given, J. Green, Griffin, Hardin, Hickman, Hughes, Maupin, McCONNell, McMillan, Pope, Rodman, Summers, Taylor, Wall, Wood and Woods—19.


A resolution from the House of Representatives to appoint a joint committee to examine and report the condition of the government house, was twice read and concurred in, and Messrs. Wickliffe and Wingate were appointed a committee on the part of the Senate pursuant to said resolution.

Mr. Given from the committee of enrollments reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, viz:

An act to provide for the appointment of attorneys for the Commonwealth.

An act providing for reviewing and marking a way for a road from Columbus to the State line in the direction to Paris in Tennessee; and,

An act concerning the towns of Shelbyville, Georgetown, Hopkinsville and New-Castle.

And had found the same truly enrolled, and that they were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Given reported that the committee had discharged that duty.

After some time a message was received from the House of Representatives informing the Senate, that they had received official information that the Governor had approved and signed said bills.

A message was received from the House of Representatives announcing the passage of bills entitled:

An act to provide a remedy against bail in civil actions; and,

An act for the benefit of Francis P. Blair.

And that they have passed a bill from the Senate entitled, an act to amend and declare the law in relation to recording deeds under decrees of courts, with an amendment.

The said amendment was twice read and disagreed to.

A bill from the House of Representatives entitled, “an act to
regulate the formation and gauging of liquor barrels," was read the third time as amended.

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

An engrossed bill entitled, an act to amend the law in relation to executors and administrators, was read the third time as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever an executor or administrator or any creditor or creditors, shall be of opinion that the estate of any decedent will not be sufficient to pay off the debts due and owing from said estate, to file his, her or their bill in chancery, in the circuit court of the county where letters of administration or probate of the will has been or ought to be granted, verified by oath, stating that fact, the said court shall make an order, worded in an appropriate manner, calling upon all the creditors of said estate, as well the administrator or executor as the creditors, to appear at the next term, to interplead, and set out their respective claims; which order, the person exhibiting said bill, shall cause to be published in some authorized newspaper of this State for two months by successive weekly insertions; and on or before the next term after a certificate of publication shall be made, the said creditors and the executor or administrator shall, in their answers respectively set out their claims and demands, and contest, if they choose, the claims of all other creditors, and upon the hearing of the cause, the court shall enter up judgment in favor of each and every creditor for the amount of their respective claims, and shall also order, if the estate be found not sufficient to pay off said debts, each judgment to be paid a due and rateable proportion according to the amount of the estate, and the amount of each judgment; and all such creditors who shall contest and interplead as aforesaid shall have a preference to all other creditors except judgment creditors, and such only as obtained judgment before the death of the decedent, and also debts due the Bank of the Commonwealth and funeral debts and expenses.

Sec. 2. Be it further enacted, That after said bill shall be filed, as prescribed in the first section of this act, the court before whom the bill shall be filed, shall issue an order enjoining all proceedings as law in that or in any other court against the estate of said decedent, until the cause between the creditors as contemplated in this act shall be decided.

Sec. 3. Be it further enacted, That whenever an executor or administrator shall fail to exhibit his bill, as in the first section herein provided, if the estate shall not be sufficient to satisfy the debts due from said estate, the said executor or administrator and their securities, shall be liable for the deficiency out of their
own property, so far as said deficiency is occasioned by the payment of debts before the filing said bill or the final decree.

Sec. 4. Be it further enacted, That no answer shall be received after the time above pointed out, unless the person offering to file said answer, shall swear that he, she or they did not know of the pendency of said bill at the time pointed out in the order of publication for an answer, and if the second term has elapsed, then the applicant must further swear that he did not know of the term proceeding, of the pendency of said bill. Provided however, that this act shall not affect any executor or administrator, that may have qualified as such, previous to the taking effect of this act, which shall be on the first day of June next.

And the question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was rejected.

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


A message in writing was received from the Governor by Mr. Metcalfe assistant Secretary, containing the nomination of John J. Marshall, Esq., as Chief Justice of the Court of Appeals of Kentucky.

Engrossed bills of the following titles, viz:

An act providing for further improving the road from Louisa to the Beaver iron works; and,

An act for the benefit of Jereboam Beauchamp;

Were each read the third time.

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

An engrossed bill entitled, an act to amend an act entitled, an act to reduce into one the execution laws of this State, "passed February 12, 1828; was read the third time.

Mr. Woods moved to amend the said bill by adding thereto the following engrossed sections by way of rider, viz:

Be it further enacted, That in all judgments before a single magistrate, of sums of five pounds and not exceeding fifty dollars exclusive of costs, where a fieri facias shall have been returned by the proper officer, that no property was found, whereof he could make the same. That it shall be lawful for the magistrate that shall have rendered said judgment, to certify such judgment to the clerk of the circuit court of the county where such judgment may have been rendered, and shall therewith return all the papers in said cause along with such judgment, te.
said clerk; whose duty it shall be, to file such papers, and preserve them, as though they had been papers relating to suits prosecuted in his court, and to record such judgment, in a book to be kept by him for that purpose.

Be it further enacted, That said clerk shall issue execution upon such judgment, in like manner, as though such judgment had been rendered in his court.

Be it further enacted, That the sheriff or other officer, to whom any such execution may be directed, shall be governed in all respects in levying said execution, by the laws now in force, regulating executions upon judgments of the circuit courts; and that in addition to the goods or chattels, the lands of the defendant or defendants, shall be liable to said execution.

Be it further enacted, That the magistrate, clerk and sheriff, shall be entitled to the same fees for services done under this act, as they are now entitled to in similar cases by law.

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

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


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

The resolutions in relation to the Bank of the Commonwealth, read and laid on the table by Mr. M'Connell, were taken up and twice read and amended as follows, viz:

Whereas, the committee of the Senate, to whom was referred at the last session of the General Assembly, the report of the cashier of the bank of the Commonwealth, made a special report (see Senate Journal, page 320,) and recommended the adoption of sundry resolutions, which were not acted on for want of time; and to remedy the evils mentioned in the said report,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the board of Directors of the principal bank, shall forthwith make an order upon the Directors of the several branches, forbidding any loans, either directly or indirectly, upon accommodation transactions, or notes renewable, either to Directors or others; and further, that each of the branches shall so arrange the calls upon those to whom loans have been made, as to insure a total extinguishment of all debts due said institution, by the 10th day of October, 1831.

2. Resolved, That each of the branches report to the pri...
pal bank, immediately preceding the next session of the Legislature, the amount of loans made annually, since the 10th day of October, 1823, upon notes renewable; and also, that each branch, immediately preceding the next and every succeeding session of the Legislature, report to the principal bank, the annual amount of curtailment upon the whole debt due such branch, upon loans and re-loans of the same character, since the same period, and that the principal bank report the same to the Legislature, and include in said report the amount of like loans, and curtailments by the said principal bank.

3. Resolved, That hereafter the principal bank and each of the branches shall keep a separate account of the curtailments of the debt, due such bank or branch by voluntary payments, by regular calls and those made by legal proceedings, and shall annually exhibit a statement of the same in their report, required by the preceding resolution; and nothing herein contained shall be construed as a dispensation on the part of the Legislature, with any information or report heretofore required.

4. Resolved, That the several cashiers of the principal bank, and each of the branches, shall forthwith open an account for judicial expenditures; as actually disbursed by the bank, and when costs or fees are received, set the same to the credit of said account, as provided in the second resolution, and shall, in such report, specially shew the amount paid to attorneys or agents, the amount paid to clerks and other officers separately, under an appropriate head.

5. That the several cashiers of the principal bank and branches shall, in their annual report opposite to each note that has lain over for sixty days or more, make a remark shewing the reason why it has thus lain over without suit; they shall severally shew the date when any note was put in suit; and where suit shall have been brought for more than twelve months preceding the making out of the report, they shall make a remark, shewing the reason why the debt has not been collected.

6. Resolved further, That the president of the principal bank forthwith transmit a copy of the foregoing resolutions, to the cashiers of the several branches, to be by him laid before the directory thereof at their first meetings.

Mr. J. Green moved to strike out "1831," in the last line of the first resolution, and to insert in lieu thereof "1833."

Mr. Harris called for a division of the question.

And the question being taken on striking out "1831," it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garrard and M'Connell, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Carneal, Cockerill, Daviess, Fulton, Given, J. Green, W. Green, Griffin, Harris, Hughes,
Mr. McDowell moved to fill the blank occasioned thereby with "1832." The question was then taken on filling the said blank with "1833," and it was decided in the affirmative. The yeas and nays being required thereon by Messrs. Fleming and Garrard, were as follows, viz: YEAS-Messrs. Allen, Barrett, Carneal, Cockrell, Davises, Fulton, Given, J. Green, W. Green, Griffin, Harris, Hughes, Maupin, M'Millan, Pope, Ray, Rodman, Wall, Wingate and Wood-20.


Mr. McConnel moved to amend the first resolution by adding thereto the following proviso, viz:

Provided however, That nothing in this resolution contained, shall be construed to authorize the director to diminish the calls upon any debtor below the rate of twelve per centum per annum, or to change real transaction loans into accommodation debts.

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


The question was then taken on adopting the first resolution as amended, and it was decided in the affirmative. The yeas and nays being required thereon by Messrs. McConnel and J. Green, were as follows, viz:


The residue of the said resolutions, and the preamble were then adopted.
And then the Senate adjourned.

SATURDAY, JANUARY 24, 1829.

The Senate assembled.
Mr. Wood from the committee of religion, made the following report, viz:

The committee of religion have, according to order, had under consideration the petition of James Rice, for a divorce from his wife Rebecca, to them referred, and have come to the following resolution thereon, viz:

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

Mr. Wood from the same committee, to whom was referred, bills from the House of Representatives of the following titles, viz: An act to divorce Huldah Oder from her husband Martin Oder; and,

An act for the benefit of Sally Floyd;
Reported the same without amendment, and the said bills were laid on the table until the first day of June next.

Mr. Wood from the same committee to whom was referred, a bill from the House of Representatives entitled, "an act dissolving the marriage contract between Joseph Gilmore and Betsy Gilmore," reported the same without amendment.

The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract between Joseph Gilmore and his wife Betsy Gilmore, shall be, and is hereby forever dissolved and set aside, and that the said Joseph Gilmore shall be restored to all the rights and privileges of a single man.

Mr. M'Connell moved to lay the said bill on the table until the first day of June next.

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

The yeas and nays being required thereon by Messrs. J. Green and M'Connell, were as follows, viz:


Mr. Given from the committee to whom was referred, a bill to provide for the viewing and marking a State road from the Iron
Banks on the Mississippi to the Tennessee river in a direction to Hopkinsville, reported the same with an amendment; which was twice read and concurred in.

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

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

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

On the motion of Mr. Allen, the committee of the whole was discharged from the further consideration of a bill to encourage medical learning, and regulate the practice of physicians, and the said bill was placed in the orders of the day.

Mr. W. Green from the committee of courts of justice, to whom was referred, a bill to amend the law respecting commissioners appointed to take in lists of taxable property, reported the same with an amendment;

Which was twice read and concurred in.

The said bill was further amended and ordered to be engrossed and read a third time.

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

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

The message from the Governor received on yesterday was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent John J. Marshall, Esq., as Chief Justice of the Court of Appeals of Kentucky.

THOMAS METCALFE.

On the motion of Mr. Daviess, the consideration of the said nomination was postponed until Monday next.

The messages received from the Governor on the 19th instant were taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, Isaac W. Dabney, as major general of the 6th division of the militia of this Commonwealth in the place of Samuel Ireland resigned.

Jesse Lindsay as brigadier general of the 21st brigade in the place of Isaac W. Dabney, if promoted.

Thomas Easterday as colonel of the 51st regiment in the place of Jesse Lindsay, if promoted.

William O. Butler as lieu. colonel in the place of Thomas Easterday, if promoted.
I also nominate George Collins as colonel of the 119th regiment.

Jno. McCullum as lieutenant colonel to the same regiment in the place of George Collins, if promoted.

John W. Wammable as major in the same regiment in the place of John McCullum, if promoted.

James Dowell as colonel of the 103d regiment in the place of Bluntis Shacklett promoted.

Absalom Ashcraft lieutenant colonel to the same regiment in the place of James Dowell, if promoted; and,

Lewis Triplett as major in the place of Absalom Ashcraft, if promoted.

THOMAS METCALFE.

Januar,y 24, 1829.

Resolved, That the Senate advise and consent to the said appointments, and to the said securities offered by the Treasurer elect.

Ordered, That Mr. McMillan inform the Governor thereof.

On the motion of Mr. Carneal, leave was given to bring in a bill to regulate ferries; and Messrs. Carneal, Given and Townsend were appointed a committee to prepare and bring in the same.

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

Resolved by the Senate and House of Representatives, That they will proceed to the election of Presidents and Directors of the Branch Banks of the Commonwealth’s Bank, on Tuesday the 27th instant.

The rule of the Senate having been dispensed with, the said resolution was taken up, twice read and adopted.

The resolution read and laid on the table by Mr. Hardin on yesterday, directing the committee of finance to report a bill to call in the branches of the Bank of the Commonwealth, and appoint agents; was taken up and twice read.

Mr. Carneal moved to lay the said resolution on the table.

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

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

YEAS—Messrs. Allen, Barrett, Carneal, Cockerill, Daviess,
The yeas and nays being required thereon by Messrs. Hardin and Maupin, were as follows, viz:


The question was then taken on adopting the said resolution, and it was decided in the affirmative.

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


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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the President and Directors of the Bank of the Commonwealth, be instructed to allow to all debtors to the Commonwealth's Bank, or its branches, (except debtors on real transactions) who shall pay the whole amount of their debts on or before the first day of March in the year 1830, in gold or silver money, a deduction at the rate of twenty five dollars from every hundred dollars; and if they pay the amount in notes of the said Bank, then they shall allow a deduction at the rate of fifteen dollars from every hundred dollars.

A message was received from the House of Representatives announcing the passage of a bill of the following title, viz:

An act to establish an additional election precinct in Owen county.

An engrossed bill entitled an act to incorporate the Louisville Marine and Fire Insurance Company, was read the third time.

Mr. Carneal moved to amend the said bill by adding thereto the following engrossed clause by way of rider, viz:

"The right to repeal or modify this charter, from time to time, is reserved to the General Assembly."

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

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

YEAS—Messrs. Allen, Barrett, Carneal, Cockerill, Cunningham, Daviess, Faulkner, Fleming, Fulton, Garrard, Gibson, Given, J. Green, Griffin, Hardin, Hickman, Hughes, M'Millan,
The question was then taken on the passage of the said bill, and it was decided in the affirmative.

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


Resolved, That the title of said bill be as aforesaid.

A bill from the House of Representatives entitled, an act for the benefit of the estate of Joshua Fry Lawrence, was read the third time as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Benjamin Lawrence, administrator of the estate of Elias D. Lawrence, and guardian to Joshua Fry Lawrence, infant son and heir at law of the said Elias D. Lawrence, be, and he is hereby authorized to employ of the money belonging to his Ward, a sum not exceeding eight thousand dollars, in erecting permanent buildings on the real estate of his Ward, in the City of Louisville, if in his opinion it shall be for the benefit and advantage of his Ward. Provided, That the widow's dower in the real estate be first assigned; And provided further, That the buildings to be so erected, shall be insured against fire during the infancy of said Joshua Fry Lawrence.

Sec. 2. Be it further enacted, That it shall be lawful for the said administrator and guardian, to sell such of the slaves belonging to the estate of the said Elias D. Lawrence, as in his opinion there shall be danger of losing, from their disposition to escape from servitude—Provided, He shall first execute bond with approved security, in the county court of Jefferson, in an adequate penalty, payable to the said Joshua F. Lawrence, conditioned faithfully to account to him for the proceeds of such sale, and interest thereon.

And the question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was disagreed to.

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

YEAS—Messrs. Allen, Barrett, Fleming, J. Green, Hughes; Rodman, Townsend, White, and Wickliffe—11.

NAYS—Messrs. Carneal, Cockerill, Faulkner, Fulton, Car-
A bill from the House of Representatives entitled, "an act for the benefit of Barbara Tartar," was read the third time and committed to a select committee of Messrs. Hardin, M'Connell and Maupin.

After a short time Mr. Hardin reported the said bill with an amendment:

Which was twice read and concurred in.

Resolved, That the said bill, as amended, do pass, and that the title be amended by adding thereto, "and other purposes."

A bill from the House of Representatives entitled, "an act to incorporate the Female Literary Institution of Nazareth, near Bardstown," was read the first time as follows, viz:

Whereas, it has been represented to the General Assembly of the Commonwealth of Kentucky, that there is a female literary institution called Nazareth, near Bardstown, founded and sustained by an association of Roman Catholic females, commonly styled "sisters of charity," by means of their own resources, industry and intelligence, under the patronage and direction of the Roman Catholic Bishop of Bardstown; and that the institution has been, and still is, and by its rules and constitution is intended to be open and free for persons of every denomination, on the sole condition of a compliance with the disciplinary regulations, and the observance of moral rectitude, without any violence to the peculiar religious principles of the pupils. And whereas, it is according to the genius of this republic, and the sentiments of this Legislature, to encourage all institutions for the dissemination of learning and virtue, without distinction of the peculiar tenets of the founders and supporters of such institutions.

Sec. 1. Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the said literary institution shall be denominated and known by the name of the Nazareth Female Institution, for the general diffusion of knowledge and virtue, under the patronage and superintendence of the Right Reverend Benedict Joseph Flaget, Catholic Bishop of Bardstown and of his successors in the office of Roman Catholic Bishop of the said Diocese, or in case of vacancy or other suspension of the functions of said office, of such person as shall under the title of administrator, vicar apostolic of other title, duly exercise Episcopal jurisdiction according to the discipline of the Roman Catholic Church.

Sec. 2. Be it further enacted, That the said Benedict Joseph Flaget, and his successors in the Bishopric, or such other person as shall duly exercise Episcopal jurisdiction as aforesaid, for the time being, shall be the moderator ex officio of the board of trust.

Jan. 24.]
ees of the said female institution; and the said board shall consist of eight trustees, besides the said moderator. The ecclesiastical superior for the time being deputed by the said Bishop, or other person, duly exercising Episcopal jurisdiction as above said, to govern the said institution, and continuing to hold such office with his approbation, shall be likewise ex officio one of said trustees; and the female superior duly chosen according to the rules of the said institution to be ex officio one of said trustees; the other six trustees to be nominated or appointed from the body of the “sisters of charity,” by the said moderator, and a majority of the trustees in office. Such trustees so nominated, and their successors forever, by the name of the “Trustees of Nazareth Female Institution,” shall be a body politic and corporate, and have succession forever. The said moderator shall be chairman to the board of said trustees, and when in meeting, his power shall be equal to one of the trustees. The said trustees shall meet at least twice a year, on the first Monday of March, and the first Monday of September, or oftener, according to the determination of the said moderator or other person, designated by the said board. In case of the absence of the said moderator from any meeting of said trustees at the time so specified, and determined by this act, or by the board of trustees, the said trustees or a majority thereof, may appoint one of their number as chairman pro tempore, and proceed as if the said moderator were present. In all such meetings, the said trustees, or a majority thereof, shall form a quorum, and shall have power and authority to pass such by-laws and ordinances, as shall be approved by a majority of the trustees present at such meetings; Provided such by-laws and ordinances, be not contrary to the Constitution of the United States, the Constitution or laws of this State, or the known principles of said literary institution. The proceedings of such meetings shall be regularly recorded in a book or books, to be kept by the secretary or other person appointed by the board of trustees, and to be open to the inspection of all persons whose children are pupils in the said institution, or who express an intention of sending children to be educated therein.

Sec. 3. Be it further enacted, That the said corporation may, under their appellation, and in quality of trustees of the Female Literary Institution of Nazareth, according to law, receive any gift, conveyance, devise or bequest of any property real or personal; and may buy, or otherwise contract for, and legally acquire, own and possess all such property real or personal; as also sell and convey the same, for the purpose of sustaining and carrying on said institution, and may sue and be sued, implead and be impleaded before any court of record, judges or justices of the peace, or body created by law, having jurisdiction of the subject matter about which the said suit or suits may be, and shall
have all other powers appertaining to said institution, that corporate bodies created by law, have, consistent with the laws of this State, and the principles of said institution: Provided, That the rents and profits acquired by this corporate body, upon their real and personal estate, shall at no time exceed the annual amount of ten thousand dollars. The said trustees so nominated and appointed, shall hold their office for one year from the date of this statute, and until other trustees shall as before specified, be duly nominated. The said corporate body may have a seal on which any device or inscription may be impressed, which they may think proper, and may alter or break the same at pleasure. In case of the dissolution of the said corporation from any cause whatever, all the property both real and personal belonging to the same, at the time of the dissolution, shall vest in the Roman Catholic Bishop of Bardstown, or other person for the time being, exercising Episcopal jurisdiction as aforesaid, as trustee for the use and benefit of the said "sisters of charity" and institution: Provided however, That nothing in this act contained, shall prohibit the Legislature from repealing it whenever it may be deemed proper to repeal the said corporation.

And the question being taken on reading the said bill a second time it was decided in the negative, and so the said bill was disagreed to.

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

Mr. Given from the committee of enrollments reported that the committee had examined enrolled bills which originated in the House of Representatives, of the following titles, viz:
   An act to establish election precincts in Hart and Shelby counties.
   An act to provide for widening the road from Lexington to Mansville.
   An act concerning the town of Henderson.
   An act for the benefit of Catherine Bradley, executrix of Samuel Bradley, deceased.
   An act for the benefit of Hugh Brent and William Hodge.
   An act for the benefit of Polly Griffith.
   An act to regulate the appointment of trustees for the Jefferson Seminary.
   An act to authorize the county court of Jefferson to increase the width of certain roads.
An act authorizing the Kentucky Sentinel to publish advertisements.

An act to regulate the manner of voting of the citizens of Spencer, Anderson and Edmonson at elections for members of Congress.

An act adding an additional justice of the peace to the counties of Gallatin, Washington and Pulaski.

An act to complete the road leading from Bowling Green to the mouth of Clover; and,

An act for the benefit of Enos Daniel sheriff of Pendleton county.

And a resolution requesting a donation of land by Congress, for the use of schools.

And had found the same truly enrolled, and that the said bills and resolution had been signed by the Speaker of the House of Representatives.

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

After a short time Mr. Given reported that the committee had performed that duty.

A bill from the House of Representatives entitled, an act further to restrain clerks of courts from practising as attorneys and counsellors at law, was read the first time as follows, viz.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of July next, if the clerk of the court of appeals or the general court shall presume to practice as counsel or attorney at law within this State, or any clerk of the circuit or county court, shall presume to practice as attorney and counsellor at law, in the county in which he shall be clerk, in any cause where the cause has originated in the court whereof he is clerk, or wherein the cause might be brought by appeal or otherwise, except it be wherein such clerk may be a party to the proceeding; every such clerk so offending, shall forfeit and pay the sum of one hundred dollars for each offence, recoverable in the name of the Commonwealth of Kentucky, one half of the fine for the use of the informer, if he shall claim it, and the other half or the whole, if the informer shall not put in his claim) shall be for the benefit of the county in aid of the levy.

Sec. 2. Be it further enacted, That it shall be the duty of the prosecuting attorney for the Commonwealth, where the offence shall be charged, to prosecute all offenders against this act: Provided nevertheless, it shall be lawful for any clerk within the provisions of this act, to proceed to the completion of the business in which he may be employed, previous to the time this act takes effect.
Mr. Hardin moved to lay the said bill on the table until the first day of June next.

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

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


NAYS—Messrs. Barrett, Cockerill, Fulton, Griffin, Harris, Hickman, Manpin, McComnell, Ray, Rodman and Woods—11.

Bills from the House of Representatives of the following titles, viz:

1. An act to appropriate the fines and forfeitures of Oldham and Scott counties.
2. An act to regulate the duties of county attorneys.
3. An act further to regulate the records and duties of certain justices of the peace in this Commonwealth.
4. An act to reduce the price of the headright and vacant lands, acquired by the treaty of Tellico and Green river settlers.
5. An act to regulate taverns and restrain tippling houses.
6. An act for the benefit of Champ Mullens, and other purposes.
7. An act to amend the law establishing an academy in the county of Caldwell; and,
8. An act to add a justice of the peace to Trigg county, and a constable to Fayette county.

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

The rule of the Senate, constitutional provision and second reading of the third, fifth and sixth bills having been dispensed with; the third was ordered to be read a third time; the fifth was committed to the committee of courts of justice, and the sixth to a committee of Messrs. Garrard, J. Green, Woods, Harris and Faulkner.

The rule of the Senate constitutional provision, and second and third readings of the said first, second, seventh and eighth bills having been dispensed with,

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

Bills from the House of Representatives of the following titles, viz:

An act to amend an act incorporating the city of Louisville; and
An act to establish a State road from Samuel Ford's ferry on the Ohio river, in a direction to Dover, in the State of Tennessee, were each read the first time.

And the question being taken on reading the said bills a second
time, it was decided in the negative, and so the said bills were disagreed to.

A bill from the House of Representatives entitled, an act to alter the name and extend the limits of the town of Mount Vernon in Bullitt county,

Was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading thereof having been dispensed with, the same was amended and ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended by adding thereto "and to regulate the powers of the trustees of Glasgow."

A bill from the House of Representatives entitled, an act for the benefit of William W. Sharp, was read the third time.

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

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


Resolved, That the title of the said bill be as aforesaid.

And then the Senate adjourned.

MONDAY, JANUARY 26, 1829.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills which originated in the Senate, of the following titles, viz:

An act to incorporate the Louisville, Marine and Fire Insurance Company; and,

An act to amend the laws concerning the town of Lexington.

And that they have concurred in a resolution to burn a portion of the notes of the Bank of the Commonwealth.

And that they have passed a bill entitled, an act to amend an act entitled, "an act to establish a turnpike on the road leading from Georgetown to Cincinnati, and for other purposes," approved February 3th 1819.

The said latter bill was taken up, read the first time, and ordered to be read a second time.
The rule of the Senate constitutional provision and second and third readings of the said bill having been dispensed with.

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

On the motion of Mr. Davie's, a message was sent to the House of Representatives, requesting leave to withdraw the report of the bill entitled, an act to change the time of holding the Mason circuit court, and the amendments thereto.

After a short time the said bill and amendments were returned to the Senate.

On the motion of Mr. Davie's who voted in the majority, the vote concurring in the amendments proposed by the House of Representatives to said bill with amendments, was reconsidered, and the said amendments were then concurred in with amendments.

Mr. Hardin from the committee of finance, made the following report, viz:

The committee of finance has had the situation of the Bank of the Commonwealth under consideration, and report thereon:

The committee in their inquiry, directed their attention to ascertain as near as practicable, the amount of notes of said Bank in circulation, and will, upon that branch of the subject, submit the following statement.

On the 10th of October, 1828, the books of said bank show that there were at that time $1,070,414.05 out, subject to the following deductions, $512,723.63, of the amount which the books show to be out, has been redeemed by the sale of vacant lands west of the Tennessee, and the dividends of the States interest in the Bank of Kentucky, which leaves $557,690.42. On the 10th of October, 1828, the Treasurer of Kentucky owed the Bank $33,068.39, which sum he has paid in; that sum, with the other payments made since to said Bank, of its notes, according to the estimates of the Cashier of said Bank, will reduce the notes out to $420,000, a part of that $420,000, is now in deposit in said Bank to-wit: $137,074.37, and the sum of $15,480, part of the residue of said notes, has been put in suit in the Federal court. These two sums, although they are part of the debts due by the Bank, yet they operate to lessen the actual amount in circulation, and reduce the $420,000 to the sum of $263,445.55.

The whole debts which the Bank owes, are her paper out, in deposit, and in suit; and put the whole together, it amounts to but the $420,000, and that is all in Commonwealth's paper, except $15,480 of that amount will be converted into specie by the suits in the Federal court.

It will be recollected that there are some special deposits of silver and United States bank notes, which need not be noticed as the same, are yet in Bank, and ready to pay. The amount of that class of deposits is $11,527.73.
The committee will now take into consideration the means of the Bank to redeem said notes. The debts which are actually due the Bank, will be considered under the first head of the means to redeem said notes, and that will be considered under the division of notes in suit and notes under discount.

Notes in suit, $390,357 74
Estimated interest on same, 40,000 00
Notes under discount, 746,448 54
Cost paid in suits and not yet collected, 10,000 00

Total amount of debt due the Bank, $1,186,806 28
Real estate owned by the Bank, 60,511 32

The next head, will be the means owned by the State and pledged for the redemption of the paper.

The State owned originally in the State Bank, the amount of $596,700
Of that sum $333,000, has been applied to redeem the notes of said Bank.
Leaving the sum of $243,700, which are to be applied.
The public lands are estimated to yield the further sum of $30,000.
Which will make the total means of the Bank and State, when put together, to redeem the debts due from the bank the sum of $1,570,017 60
Debts from the Bank, 420,000 00
Difference between the means and debts, $1,150,017 60
From that amount deduct for bad debts as estimated by Cashier, 50,000

Amount of available means over and above debts due from said Bank, $1,100,017 60

The committee will now proceed to inquire into the annual expenses of the institution, which stand thus:

Principal Bank, $3666 36
Bowlinggreen Branch, 2631 36
Falmouth, do 975 77
Flemingsburg, do 874 33
Greensburg, do 1559 58
Hartford, do 905 94
Harrodsburg, do 1313 25
Lexington, do 1770 04
Louisville, do 2131 00
Mountsterling, do 1305 33
Princeton, do 1041 61
Somerset, do 1282 09
Winchester, do 1021 57

Total, $20,469 91
To call in the branches, six agents can attend twice a year in each county, to receive the interest and discounts on the notes and attend to their renewal, and all other matters and things concerning the Bank. Those agents can be procured for $800 each, making $4,800. It will be necessary to have two additional clerks in the mother Bank, which will cost $800 each, making $1,600.

The annual expenses of the mother bank are, $3,666.86
Two additional clerks, 1,600.00
Six agents, 4,800.00

To call in the branches, the total expense will be $9,066.86
The amount in expense saved, if the branches are called in, will be $11,393.04.

The committee will submit no observations upon the policy of calling in the branches, as they are directed by a resolution of the Senate to report a bill to that effect, which bill, they here submit.

Ordered, That the public printer print 500 copies of said report for the use of the General Assembly.

The said bill was read the first time and ordered to be read a second time.

Mr. Fleming from the committee to whom was referred, a bill from the House of Representatives entitled, "an act more effectually to coerce the payment of money officially collected by Sheriffs, Constables and Lawyers," reported the same with an amendment;
Which was twice read and concurred in.

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

On motion of Mr. Taylor, the committee of the whole was discharged from the further consideration of a bill from the House of Representatives entitled, "an act to alter the mode of summoning juries," and said bill was placed in the orders of the day.

A bill from the House of Representatives entitled, "an act to incorporate certain turnpike road companies," was read the third time as amended.

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

Bills from the House of Representatives entitled:
An act for the benefit of Francis P. Blair.
An act to establish an election precinct in Owen county; and,
An act to provide a remedy against bail in civil actions.
Were each read the first time and ordered to be read a second time.

A bill to encourage medical learning and regulate the practice of physicians, was again read the second time as follows:

Sec. 1. Be it enacted by the General Assembly of the Common
That the State be laid off into six Medical districts, as follows, viz: Beginning at Maysville on the Ohio river; from thence along the main highway to the Kentucky river, to the crossing of the same at Shakertown; thence with said river to the mouth thereof; thence up the Ohio river to the beginning, shall be denominated the first Medical district. All that part of the State east of said highway to the crossing of the Kentucky river at Shakertown; thence up said river to the Virginia State line; thence with said line to the Ohio river; thence to Maysville, be denominated the second Medical district. That part of the State, on the west side of the main highway from Shakertown on the Kentucky river to Harrodsburg, Lebanon and Greensburg, on Green river; thence down Green river to the mouth; thence up the Ohio river to the mouth of the Kentucky river; thence up the Kentucky river to Shakertown, including the above named towns, shall be denominated the third Medical district. That part of the State east of the aforesaid highway, from Shakertown, on the Kentucky river, up said river to the Virginia State line, and from Greensburg up Green river to its source; thence east to the Virginia State line, be denominated the fourth Medical district. That part of the State from the crossing of Green river at Greensburg, down said river to the mouth; thence down the Ohio and Mississippi rivers, to the Tennessee State line, with the said State line, to where the main road from Greensburg to Nashville crosses said line; thence with the main road to Green river; thence up Green river to the beginning, shall be denominated the fifth Medical district. That part of the State east of said highway, from Greensburg to Nashville, from where it crosses the Tennessee State line; thence with the said State line to the Virginia State line, and with the Virginia State line to where a line running east from the head waters of Green river, strikes said Virginia line and with that line and Green river, to be denominated the sixth Medical district.

Sec. 2. Be it further enacted, That five examiners shall be appointed in each of the aforesaid Medical districts, who shall reside within the limits thereof, in the mode hereafter to be prescribed, who shall be regularly educated Physicians, whose duty it shall be to meet at some central point in their respective districts, to be agreed upon by them at least once in each year, or oftener, if they may deem it necessary, for the purpose of examining such persons as may wish to obtain a license to practice medicine, and to grant licenses to such persons as may apply therefor without examination, if they, or a majority of them, believe that such applicant or applicants are well qualified to practice medicine in its various departments. The said examiners shall have power to adopt rules for their regulation in
transacting business at their meetings: Provided, they be not contrary to the provisions of this act. A majority of said examiners shall constitute a quorum to do business, and shall fill all vacancies occasioned by death, resignation or otherwise.

Sec. 3. Be it further enacted, That any examiner, at any time previous to the meeting of the board of examiners, may, on examination of any person and finding them duly qualified to practice medicine, grant to such person or persons, a license which shall expire at the succeeding meeting of the board of examiners.

Sec. 4. Be it further enacted, That each person being examined at the meeting of the board of examiners, and shall obtain a license to practice medicine in this State, according to the provisions of this act, shall pay to the board of examiners, the sum of $1.00, to be equally divided among the members present at such meeting.

Sec. 5. Be it further enacted, That no person shall obtain a license according to the provisions of this act, who has not arrived to the age of twenty-one years, and shall not have studied medical science at least three years under the direction of some skillful and scientific Physician. Provided however, if the said board of examiners should think, on examination, that the applicant for examination is well qualified, they, or a majority of them, may grant a license to such person, although he may not have studied the science the whole time required by this section.

Sec. 6. Be it further enacted, That any person having a diploma from the Professors of the medical school in Lexington or any other respectable and accredited medical school, shall be recognized as well educated Physicians, and shall not be subjected to examination by the board of examiners, to obtain a license, unless such person chooses to do so.

Sec. 7. Be it further enacted, That the following persons be, and they are hereby appointed to choose the examiners in the respective districts, to-wit:

and the aforesaid persons shall meet at the town of Danville, on the day of next, who, or a majority of them, shall proceed to elect the examiners in the aforesaid districts, and may adjourn from day to day, and from time to time, until a majority be had; but before they proceed to the election of said examiners, shall take the following oath, of affirmation, before some judge or justice of the peace of this State: “I do swear or affirm (as the case may be) that I will faithfully and impartially perform the duties required of me by an act entitled, “an act to encourage medical learning and regulate the practice of Physicians,” in choosing examiners in the medical districts named in said recited act, without favor, partiality or affection, and according to the best of my judgment, so help me God.” A certificate of which oath shall, if administered by a justice of the peace,
be recorded in the office of the county court, of which said justice is a member; and if by a judge, in the office of the court in which he shall preside; and it shall be the duty of the above named persons, as soon as may be, after they shall have elected the examiners in the aforesaid districts to give to each one of the examiners so elected, a written notification of their election.

Sec. 8. Be it further enacted, That the examiners thus elected, shall, as soon as may be thereafter, before some justice of the peace or judge, take the following oath or affirmation; "I do swear or affirm, (as the case may be) that I will faithfully and impartially perform the duties required of me as an examiner according to an act of Assembly entitled, "an act to encourage medical learning and regulate the practice of Physicians," without favor, partiality or affection, and according to the best of my abilities." A certificate of which oath shall be furnished by such judge or justice of the peace to said examiners and entered of record on the minutes of their board.

Sec. 9. Be it further enacted, That if any person or persons shall prescribe or administer any medicine, with a hope or expectation of receiving any fee or reward therefor, any such person or persons shall forfeit and pay the sum of 290 dollars, to be recovered before any justice of the peace having jurisdiction thereof; one half thereof to be paid over to the examiners of the district in which the judgment is rendered, to be equally divided among them, and the other half to any person who may sue for, and recover the same, which suit shall be brought in the name of the Commonwealth of Kentucky against the person violating the provision of this section. Provided however, That nothing in this act shall be so construed as to prevent any person who shall be a practising Physician within this Commonwealth, at the time of the passage of this act, from continuing to practice as such, or to compel such practising Physician to obtain a license in the manner herein prescribed.

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

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


A bill to alter the mode of laying the county levy, and the report of the committee of finance thereon, were laid on the table.
A bill to amend the laws concerning free persons of colour, was laid on the table.

A bill from the House of Representatives entitled, "an act to compel litigants to give security for costs in certain cases," and the amendments thereto, reported from the committee of courts of justice, were taken up, the said amendment was concurred in.

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

A resolution from the House of Representatives, requiring the commissioners taking in lists of taxable property to take a list of all children above four and under fifteen years of age; was twice read and concurred in.

A bill from the House of Representatives entitled, "an act further to regulate the records and duties of certain justices of the peace in this Commonwealth," was read the third time as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That when any justice of the peace in this Commonwealth, shall intend to absent himself from his county for any time exceeding three months, it shall be his duty to leave the records and papers of his office, so that they may be accessible to the nearest justice resident in his county; and it shall be the duty of the justice nearest to the one who thus absents himself, upon the application of any party to any suit pending before the absent justice, or any party to any judgment, execution, replevin, sale, delivery or forthcoming bond, or other unfinished business appertaining to the office of the absent justice, to do, during the absence of the justice, all judicial business, and to perform the duties which the absent justice could do, or perform, receiving therefor, the customary fees for any duty which he may perform, and shall enter on the record books kept by such absent justice, any and all of his official acts above prescribed and directed.

Sec. 2. Be it further enacted, That in all cases where a justice of the peace in this Commonwealth, shall have been absent from his county more than three months, the nearest justice of the peace in the same county, shall have power to transact any and all the business contemplated and provided for in the first section of this act.

Sec. 3. Be it further enacted, That in all cases where a justice of the peace may so intend to absent himself, or shall absent himself, for more than three months, it shall be the duty of all constables who have precepts or papers or any bond or bonds taken under any precept or process, which by law are to be returnable before the said absentee, to return such precept or process and bond or bonds before the nearest justice resident in his county, and upon failure so to do, such constable so failing, shall be liable to all laws now in force against constables for failing to return
such precepts, process, bond or bonds before the justice of the peace before whom they may be made returnable.

And the question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Mc-Connell and J. Green, were as follows, viz:


A bill from the House of Representatives entitled: "an act to reduce the price of vacant lands acquired by the treaty of Tellico and Green river settlers," was read the second time, and amended to read as follows, viz:

Whereas, it is represented to this General Assembly of the Commonwealth of Kentucky, that the lands remaining to be paid for to this Commonwealth, derived under commissioners and county and circuit court certificates, to settlers south of Green river, and within the territory or bounds acquired by the treaty of Tellico, are generally poor and of but little value; Therefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the owner or owners of any such claim or claims as those recited in the preamble of this act, shall hereafter be permitted to pay for said claims at the rate of five dollars per hundred acres, and at that rate for a smaller or greater quantity, at any time within twelve months after the first day of January, one thousand eight hundred and twenty-nine.

Sec. 2. Be it further enacted, That from and after the first day of January, one thousand eight hundred and twenty-nine, until the first day of January, one thousand eight hundred and thirty, any person or persons who shall pay into the public Treasury the sum of five dollars per hundred acres, and at that rate for a greater or less quantity, and obtaining the Treasurer's receipt therefor, shall, upon filing the same with the Auditor, be entitled to a certificate to the Register of the Land Office, stating the fact of the payment of the money, and that it was paid for the purpose of obtaining a Land Warrant to be surveyed on lands forfeited to the Commonwealth for the non-payment of the State price thereon; and upon filing such certificate with the Register, it shall be his duty to issue a Land Warrant in favor of the person or persons so paying the money, for the number of acres such person or persons may be entitled to, under the provisions of this act, stating on the face of the warrant, that the same may be surveyed on lands forfeited to the Commonwealth for the non-
payment of the State price due thereon; which warrant shall remain in full force until executed by survey.

Sec. 3. Be it further enacted, That the holder or proprietor of any land warrant which may issue under the preceding section of this act, may proceed to have the same surveyed, registered, and patented, including in his, her or their survey, any lands which, prior to the first day of January, one thousand eight hundred and twenty-nine, may be forfeited for the non-payment of the State price due thereon, and which shall not be redeemed; and the surveyor who may execute surveys on any such warrants, shall be governed by the provisions of the act entitled, "an act for appropriating the vacant lands in this Commonwealth," approved February the sixth, one thousand eight hundred and fifteen. The plats and certificates of survey so made out by the surveyor, shall be returned to the Register's office and patents shall issue thereon as in other cases.

Mr. M'Connell moved to lay the said bill on the table until the first day of June next.

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

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


A bill from the House of Representatives entitled, "an act to alter the mode of summoning juries," was taken up and is as follows, viz:

Whereas, the present mode of summoning juries, operates unequally and oppressively upon the citizens of this Commonwealth.

Sec. 1. Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriffs of the several counties, by themselves or their deputies, shall, at least ten days before each common law term of the circuit courts of their respective counties, and not exceeding thirty days, summon thirty jurors to attend said court, who shall be discreet citizens of the county, possessing the qualifications required by the existing laws, except that they need not be house keepers.

Sec. 2. Be it further enacted, That it shall be the duty of the several sheriffs to summon the said jurors from the various sections of the county, in such wise, that no one juror shall reside within one mile of any other juror summoned at the same term; provided that nothing contained in this section, shall prevent the several sheriffs from summoning a due proportion of jurors from
the several towns, according to their relative population to that of the county.

Sec. 3. Be it further enacted, That the several sheriffs shall make a return of the jurors thus summoned, to the clerks of their respective circuit courts, at least three days before the sitting of the court to which they shall have been summoned, and thereupon, it shall be the duty of the clerk to write the name of each juror so returned, upon a small slip of paper, which shall be rolled up and deposited in a small box, to be provided by the clerk for that purpose, with a sliding lid, which shall be sealed and deposited in a place of safety until the meeting of the next court.

Sec. 4. Be it further enacted, That the several sheriffs shall make a return of the jurors thus summoned, to the clerks of their respective circuit courts, at least three days before the sitting of the court to which they shall have been summoned, and thereupon, it shall be the duty of the clerk to write the name of each juror so returned, upon a small slip of paper, which shall be rolled up and deposited in a small box, to be provided by the clerk for that purpose, with a sliding lid, which shall be sealed and deposited in a place of safety until the meeting of the next court.

Sec. 4. Be it further enacted, That on the second day of the term, if a court shall be formed, and if not, then on the first day on which it shall be formed, the jurors summoned as aforesaid, shall be called and the absentees noted of record, and summoned against them for failing to appear, and for such failure they shall be subject to a fine of not less than five dollars nor more than ten dollars, at the discretion of the court, unless they shall have a reasonable excuse for such failure.

Sec. 5. Be it further enacted, That when any indictment or other case shall be called for trial, in which the defendant is entitled to a peremptory challenge of more than three jurors, the clerk under the direction of the court shall draw twelve names from the jury box, who shall compose the jury to try the case, unless some one or more shall be challenged for cause or otherwise; and if any be refused, then the clerk shall draw as many more names as with those received, will complete the panel, and so on in succession, till the panel be completed, or all the names in the jury box be drawn, whichever may first happen; if all the names be drawn from the jury box without completing the panel, then the balance of the jury shall be composed of bystanders, to be summoned as heretofore.

Sec. 6. Be it further enacted, That in all other cases in which a jury may be required, the clerk shall draw from the jury box eighteen names which shall be written on two slips of paper, in the order in which they are drawn, and one shall be handed to the attorney for each party; or to the plaintiff or defendant as the case may be; where no attorney has been employed, each party shall have the privilege of striking three names from the list if they choose to do so, which shall then be returned to the clerk; and he shall thereupon set down on his minute book, the first twelve names not stricken out, or not challenged for cause, as a jury to try the cause on hand. And if challenges for cause renders it necessary to draw more names from the jury box, so many shall be drawn under the direction of the court as may be necessary to complete the jury.
Sec. 7. Be it further enacted, That in all cases when the jury shall be completed, the names of the jurors not on the pannel, shall be returned into the jury box, and the next jury that may be wanting shall be drawn from the remaining names as in the first case, unless the first jury shall have returned with their verdict, in which event their names shall also be returned into the jury box, and be drawn again as herein before directed.

Sec. 8. Be it further enacted, That if any of the jurors, summoned as directed in the first section of this act, shall fail to attend before the second jury be wanting, the sheriff, by order of the court, shall summon so many by-standers or others, as will complete the number of thirty; and those first summoned and who fail to attend, shall no longer be considered as jurors for that term, and shall receive no compensation for their attendance.

Sec. 9. Be it further enacted, That jurors summoned agreeable to the first and eighth section of this act, shall be bound to attend every day during the term, except the first, until the common law business of the term is completed, when they shall be discharged, and shall receive for their services for every day they attend, the sum of fifty cents.

Sec. 10. Be it further enacted, That any juror who shall fail to attend at the hour of adjournment any day during the term, without permission of the court, shall be subject to a fine of not less than one nor more than five dollars, which fine shall, by the clerk, be deducted from the amount to which such juror shall be entitled for previous services.

Sec. 11. Be it further enacted, That the court may, as often as is deemed necessary, direct so many by-standers to be summoned pro hac vice, over and above the standing number of thirty, as may be required, but no such by-stander shall be compelled to serve on more than one jury during any one term, nor shall they be entitled to any compensation for such service: Provided however, that if any person summoned in a criminal case, shall be detained more than one day, he shall be exempt for as many terms as shall be equal to the number of days, he shall have been detained on said jury, but such juror shall not be entitled to any exemption from serving in proper rotation upon the standing juries for the whole term.

Sec. 12. Be it further enacted, That the clerk, within one month after the expiration of each term, shall furnish to each of the standing jurors a certificate of the number of days he attended during the term, which shall be audited and paid out of the public Treasury, subject to the provisions contained in the tenth section of this act.

Sec. 13. Be it further enacted, That the standing jurors, who shall have served one term, shall be exempt from serving for at least three and not exceeding nine succeeding terms; and the
number of terms, during which they shall be exempt, shall be ascertained by an order to be made on the record by the respective courts; and in making said order, the following rule shall be observed by the court—that if the qualified voters of the county are less than eight hundred, the exemption shall be for three terms; between eight hundred and sixteen hundred, for six terms; and over sixteen hundred, for nine terms.

Sec. 14. Be it further enacted, That if the sheriff or clerk shall fail in performing any of the duties assigned to them by this act, they may be fined for such failure, but it shall be no ground of objection to any juror, unless such objection be made before such juror be sworn; nor shall it be any objection to a verdict rendered by such juror.

Sec. 15. Be it further enacted, That it shall be the duty of the several circuit courts, so far as it can be done consistently, with a due regard to justice, to prevent any other business from interfering with the progress of jury trials, until all the jury causes of the term are disposed of; and to that end, the court shall have power to cause all motions and other business in which a jury will not be wanting, to be docketed for such days of the term as will happen subsequent to those set apart for jury trials, and they shall not be taken up till the jury cases are all disposed of.

Sec. 16. Be it further enacted, That in lieu of the fee allowed to the sheriff by the existing laws for summoning a jury, he shall in each civil case, be allowed the sum of fifty cents for each jury case that may be tried, to be charged to the plaintiff and taxed in the bill of costs against the defendant. If the plaintiff succeed in the suit, and this shall be a full compensation for summoning the jury and attending upon the same in court.

Sec. 17. Be it further enacted, That the clerk of each circuit court, shall, within thirty days after each term, make out a fee bill in each case in which a verdict was rendered and a new trial not granted, against the party against whom the verdict was rendered, in the following form, in substance, to-wit: A B (naming the parties) to the Commonwealth of Kentucky, Dr. to jury fee in the suit wherein were plaintiffs, and C D was defendant, in which a verdict was rendered against you at the term of the circuit court in the year two dollars.

Sec. 18. Be it further enacted, That the clerk shall annually, on or before the first day of April, make out three lists of said fee bills, one of which shall be safely preserved by the clerk, one shall be transmitted to the Auditor of Public accounts, and the third shall be placed in the hands of the sheriff of the county, together with the fee bills made out as aforesaid, which the said sheriff shall have authority to collect in the same manner as the other State revenues of the county, and shall be accountable in
the same way, and receive the same fee for collection, and shall also be entitled to and obtain credit for all delinquencies, agreeably to the laws now in force in relation to the public revenues. When the clerk delivers to the sheriff, the list as aforesaid, he shall take his receipt therefor, upon the duplicate retained by him, and shall certify on the list transmitted to the Auditor, that it is a true copy of the one delivered to the sheriff for collection. Provided however, That where a party, against whom a fee bill shall issue, as above provided for, shall reside out of the county where the case is tried, it shall be the duty of the clerk to list the same for collection, with the sheriff of the county where the party shall reside, under the regulations contained above, and be collected and accounted for as above directed; And provided also, That where the party, against whom the verdict is rendered, shall be a non-resident, the fee bill shall be made out against, and collected of the security for costs.

Sec. 19. Be it further enacted, That the Auditor of Public Accounts shall keep a separate and distinct account of all expenses incurred in the payment of jurors, under the provisions of this act; and shall also keep a separate and distinct account of all sums received on fee bills, issued as herein before directed, and also of all sums received for tax on law process, and shall report the same annually to the Legislature. And for any failure on the part of any sheriff, to account for and pay into the Treasury, any sum collected by him under the provisions of this act, he or they shall be proceeded against by the Auditor, in the same manner, any shall be subject to the like penalties, as for failing to account for, and pay into the Treasury the State tax collected by him.

Sec. 20. Be it further enacted, That grand jurors, who shall have served as such, shall not be liable to be summoned as petit jurors during the same term.

Sec. 21. Be it further enacted, That the several courts shall have power to discharge either the whole of the standing jurors or a part thereof, for any particular day or days, on which they may not be wanting, and in such case, the jurors thus discharged, shall not be entitled to compensation, for the time they shall be so discharged.

Sec. 22. Be it further enacted, That the several courts shall have the same power to render judgment per specialty in suits brought by way of petition and summons, as they now have in cases in which a declaration is required, and they shall also have power to render judgment for principal and interest without the intervention of a jury, (unless the defendant shall require one to be empannelled,) upon notes for the payment of a certain sum in Commonwealth's paper, and where an endorsement shall be made, that paper will be received, according to the existing laws on that subject.
Sec. 23. Be it further enacted, That so much of the several acts of Assembly, as directs venires to be summoned in criminal cases, and of all other acts coming within the purview of this act, shall be, and the same are hereby repealed: Provided, That nothing herein shall be so construed as to apply to suits brought by persons who sue as paupers.

Sec. 24. Be it further enacted, That all collectors of public revenue throughout this Commonwealth, shall be, and are hereby required to receive any certificate of a clerk to any jurymen, under the provisions of this act, in payment of revenue at its nominal value.

Sec. 25. Be it further enacted, That this act shall commence and be in force, from and after the first day of August next.

Sec. 26. Be it further enacted, That whenever a special term other than the regular common law terms shall be held, at which a criminal or criminals may be legally tried, the judge presiding in such court, may direct a venire to be summoned in each case so to be tried, returnable to such day of the term as may be directed; and if any of the venire thus summoned should be challenged, the panel shall be completed from by-standers, agreeably to the laws now in force. Each venire man who shall actually serve as such at the trial, shall receive the sum of fifty cents for each day he may attend, to be paid in the same manner as other jurymen, agreeably to the provisions of this act; and shall be entitled to the same exemption as is provided by the eleventh section, in relation to by-standers summoned in criminal cases.

Sec. 27. Be it further enacted, That each grand juror who shall hereafter be summoned and serve as such, shall receive the sum of fifty cents per day, to be paid out of the Treasury; and the clerk of each circuit court within this Commonwealth, is hereby directed to keep a book and record the names of each grand juror who shall so serve, and the term which he may have served; and upon the application of any of such jurors to the clerk, he is hereby directed to certify the same to the Auditor of Public Accounts, and upon the presentation of such certificate to the Auditor aforesaid; he is hereby directed to issue his warrant upon the Treasurer, who is hereby directed to pay the same.

Mr. Faulkner moved to lay the said bill on the table until the first day of June next.

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

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


On the motion of Mr. Woods the said vote was reconsidered.

The question was again taken on laying the said bill on the table until the first day of June next, and it was decided in the affirmative.

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

YEAS—Messrs. Allen, Carneal, Cunningham, Daviess, Faulkner, Garrard, J. Green, W. Green, Griffin, Hardin, Hughes, Maupin, M'Millan, Rodman, Wall, White, Williams, Wingate and Wood—19.


A message was received from the House of Representatives, informing the Senate of the passage of a bill entitled, "an act for the appropriation of money."

The said bill was read the first time and ordered to be read a second time.

The rule of the Senate constitutional provision, and second reading of the said bill having been dispensed with, it was committed to the committee of finance.

Mr. Hardin from the committee to whom was referred, the report of the trustees of the Cumberland Hospital, made the following report, viz:

The select committee to whom was referred, the memorial of the trustees of the Cumberland Hospital, has had the same under consideration and report thereon.

That the State of Kentucky, under an impression that a Hospital located at Smithland, which is situated on the Ohio, at the mouth of the Cumberland river, was an establishment which the wisdom, the policy and the humanity of the States bordering on the Ohio river required, appropriated $4,000 towards the erection of comfortable buildings at that place; which sum has been prudently and judiciously expended; that a large and commodious brick house has been completed and prepared for the reception of the sick, and divided off into a number of well constructed and convenient rooms; that a kitchen and all other necessary buildings have been erected, and every thing in a perfect state for the reception of the sick watermen who may be placed in said Hospital; a regular bred physician has been procured to attend it, and nurses to wait on and administer to the comforts of the patients.

These arrangements were all completed last fall, and every attention from that time to the present, paid those who were in the
Hospital, and all restored to health and thrown back upon society; the committee would here remark, that not one patient who has been in the Hospital, was a resident of Kentucky, but citizens of other States. The committee upon examining into the state of the funds of said Hospital, find that they are all nearly expended, and the continuance of the successful operations of the establishment must depend upon the aid to be afforded by the government of the United States, out of the Marine Hospital fund and the contributions of the States bordering on the Ohio, because all the States on the Ohio are equally interested in saving the sick watermen provided for, and although the same is situated in Kentucky, her citizens are not more deeply interested in it than those of the States of Tennessee, Illinois, Indiana, Ohio, Virginia and Pennsylvania, besides, it is to be born in mind that Kentucky has erected all the buildings; and independent of that fact, has expended upwards of $40,000 in erecting a Hospital at the city Louisville, and now, by her own means, keeps it in operation, and receives into it the sick watermen from every part of the world. The committee feel persuaded that an appeal to Congress and the States, will not be made in vain, for aid to keep up and sustain said institution; the committee submit the following resolutions:

Resolved by the General Assembly of the Commonwealth of Kentucky, That our members in Congress be requested to use their best efforts to obtain a contribution out of the Marine Hospital fund, to be appropriated towards defraying the annual expenses of the Cumberland Hospital, and as additional means for its support, to authorize the State of Kentucky to collect a tax on the commerce of the river, when the same shall land at Smithland.

Resolved, That the Governor of this State be requested to transmit copies of this report and resolutions to the Governors of the States of Pennsylvania, Virginia, Tennessee, Ohio, Indiana and Illinois, and respectfully request the attention of those States to the objects contemplated in this report.

The rule of the Senate having been dispensed with, the said report was taken up, read and adopted.

A message in writing was received from the Governor, by Mr. Metcalfe assistant Secretary.

The rule of the Senate was dispensed with and the said message was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, Benjamin Coplin as colonel of the 101st regiment, in the place of Jacob Burngardner, resigned.

Alexander Gardner as lieut. colonel in the place of Benjamin Coplin, promoted.

And John Wilson as major in the said regiment in the place of John Gardner, promoted.
Also, William White as major of the 51st regiment in the place of William O. Butler, promoted.

THOMAS METCALFE.

Resolved, That the Senate advise and consent to the said appointments.

Ordered, That Messrs. Hickman and Fleming inform the Governor thereof.

A message was received from the House of Representatives, announcing the passage of a bill to authorize Thomas Taylor jr. and George Shreader to erect a mill dam across Rough creek, in Ohio county.

The nomination of John J. Marshall as Chief Justice of the Court of Appeals of Kentucky, was taken up.

And the question being taken on advising and consenting there-to, it was decided in the negative.

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


Ordered, That Messrs. Taylor and Fleming inform the Governor thereof.

And then the Senate adjourned.

TUESDAY, JANUARY 27, 1829.

The Senate assembled.

Mr. Wood from the committee of religion to whom was referred, a bill from the House of Representatives entitled, an act for the benefit of Presly N. O'Bannon, reported the same without amendment, the said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Presly N. O'Bannon, be, and he is hereby absolved and released from all the pains, penalties and disabilities of the sixth section of an act approved January 31st, 1809; entitled, "an act regulating divorces in this Commonwealth," and that he be, and is hereby restored to all the rights of an unmarried man.

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

The yeas and nays being required thereon by Messrs. Gibson and Ray, were as follows, viz:
Mr. Hardin from the committee of finance to whom was referred, a bill from the House of Representatives entitled, an act for the appropriation of money, reported the same with amendments.

One of the said amendments proposes to add to the bill the following clause:

“To the Register of the land office for extra services, and to enable him to employ an additional clerk five hundred dollars, in addition to his salary allowed by law.

Mr. M'Connell moved to strike out “five hundred dollars,” and insert in lieu thereof “two hundred and fifty dollars.”

Mr. Hardin called for a division of the question, and the question was taken on striking out “five hundred dollars,” and it was decided in the negative, the Senate being equally divided the Speaker voted in the negative.

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

YEAS—Messrs. Barrett, Cockerill, Cunningham, Davieis, Faulkner, Fulton, Given, Griffin, Harris, Hughes, Maupin, Ray, Rodman, Wall, Wingate and Wood—16.


Another of the said amendments proposes to add to the bill the following:

“To the Auditor of Public Accounts for extra services, and to enable him to employ an additional clerk “five hundred dollars,” in addition to his salary now allowed by law, being the same allowed last year.”

Mr. Cockerill moved to strike out of the said amendment, “five hundred dollars.”

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

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


NAYS—Messrs. Allen, Carneal, Fleming, Garrard, Given, J. Green, W. Green, Hardin, Harris, Maupin, Millan, Muldrow,

All the said amendments reported by the committee were concurred in.

Mr. Daviess moved to amend the said bill by adding thereto the following:

To Benjamin Hickman for acting as Tipstaff to the new court of appeals, furnishing wood, &c. two hundred and six dollars thirty-seven cents.

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

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


Mr. Cockerill moved to amend the said bill by striking out the following clause, viz:

To John Snyder for his services as a runner to the House of Representatives during the present session, to be placed in the hands of Col. James Davidson for his education and support, five dollars per week.

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

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


A clause in the said bill was read as follows, viz:

Be it further enacted, That the sum of "fifteen hundred dollars," be appropriated for the purpose of repairing, fitting up and furnishing the Government House, and that Thomas S. Page, Henry Wingate and Lewis Sanders, be appointed commissioners to superintend the same, and are hereby vested with full power and authority, to draw on the Treasury in favor of individuals who have or may hereafter perform repairs to, or provide furniture for said House, provided the total amount drawn by them shall not exceed the sum of "fifteen hundred dollars."
Mr. Daviess moved to amend the same by striking out "fifteen hundred dollars," and inserting in lieu thereof "one thousand and sixty dollars."

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

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


The question was then taken on engrossing the said bill and read it a third time, and it was decided in the affirmative.

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


The rule of the Senate constitutional provision, and third reading of the said bill having been dispensed with,

The question was taken on the passage thereof, and it was decided in the affirmative.

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


Resolved, That the title of the said bill be as aforesaid.

A message in writing was received from the Governor by Mr. Metcalfe assistant Secretary.

The rule of the Senate was dispensed with, and the said message taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, the following gentlemen as attorneys for the Commonwealth; to wit:

James Crawford to the 1st judicial district.
Jan. 27.]

THE SENATE.

William K. Wall to the 2nd judicial district.
James Cowan to the 3rd judicial district.
Charles Scott Bibb to the 4th judicial district.
Samuel M. Brown to the 5th judicial district.
Ephraim M. Ewing to the 6th judicial district.
James Brethitt to the 7th judicial district.
Stephen G. Logan to the 8th judicial district.
James Harlan to the 9th judicial district.
William C. Goodloe to the 10th judicial district.
James Trimble to the 11th judicial district.
John Kincaid to the 12th judicial district.
Benjamin Chapelle to the 13th judicial district.
John M'Harry to the 14th judicial district.

I also nominate for your advice and consent, Thomas B. Monroe, as reporter of the decisions of the court of appeals of this Commonwealth.

THOMAS METCALFE.

Resolved, That the Senate advise and consent to the said appointments, except that of Samuel M. Brown, as attorney to the Commonwealth to the 5th judicial district, which was committed to the committee of courts of justice.

Ordered, That Messrs. Allen and Garrison inform the Governor thereof.

The yeas and nays being required on advising and consenting to the said appointment of William C. Goodloe by Messrs. M'Millan and J. Green, were as follows, viz:


When the nomination of the said William C. Goodloe was read, Mr. Hickman presented the memorial of Lucien J. Feaster, against his appointment, which was read.

Mr. Garrard moved to lay the said memorial on the table.

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

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


NAYS—Messrs. Allen, Barrett, Davies, Fulton, Harris, Hick-
On the motion of Mr. Wickliffe the following resolution was adopted, viz:

Resolved, That the committee of courts of justice have leave to request of the executive any papers relative to the nomination of Samuel Brown, Esq. which they may deem pertinent to the subject referred to them.

A message in writing received from the Governor on the 22nd inst. was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, Nathaniel Maxey, James Newton, Charles V. Lander, Samuel Davis, William Metcalfe, John J. Coleman, William Oglesby, John D. Cotton and John Snyder as justices of the peace for Hancock county, and James Dupey as coroner, and John Sterrett as sheriff of the same county.

THOMAS METCALFE.

Resolved, That the Senate advise and consent to the said appointments.

Ordered, That Messrs. Allen and Garrard inform the Governor thereof.

Four messages in writing were received from the Governor by Mr. Metcalfe assistant Secretary.

The rule of the Senate having been dispensed with, they were read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, Joseph Alexander as sheriff of Cumberland county, in the place of George Rowland who failed to give security and qualify.

THOMAS METCALFE.

Gentlemen of the Senate:

I nominate for your advice and consent, William Wilkerson, as Colonel of the 31st regiment, in the place of Thaddeus Williams resigned.

And John Williams as Lieutenant Colonel, in the place of William Wilkerson, if promoted.

THOMAS METCALFE.

Gentlemen of the Senate:

I nominate for your approbation, Andrew Rule as sheriff of Floyd county, in the place of James Lacy who failed to give security and qualify according to law.

THOMAS METCALFE.

Gentlemen of the Senate:

I nominate for your advice and consent, Joseph Robb, as Notary Public for the county of Lewis.

THOMAS METCALFE.
Resolved, That the Senate advise and consent to the said appointments.

Ordered, That Messrs. Allen and Garrard inform the Governor thereof.

Mr. Faulkner from the committee to whom was referred, the nomination of Edward Burgess as brigadier general, made the following report, viz:

Resolved, That the Senate advise and consent to the said appointment.

Which was twice read and concurred in.

Ordered, That Messrs. Allen and Garrard inform the Governor thereof.

The Speaker laid before the Senate the report of the commissioners appointed to improve the navigation of Rough creek, which is as follows, viz:

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

In compliance with the requisitions of an act of the General Assembly, passed last session and approved 12th February 1828, entitled, "an act for the improvement of the navigation of Rough creek;" the undersigned, commissioners appointed in pursuance of said act, beg leave respectfully to report:

That they have drawn from the Bank of the Commonwealth at Hartford, under the provisions of said act, the sum of $800, and have applied the same faithfully towards removing the obstructions to the navigation of said creek.

Rough creek affords the only channel through which a large portion of the citizens of Breckenridge, Grayson and Ohio counties can float their surplus produce to market. This stream being deep but narrow, its navigation is much interrupted by the projecting timber growing upon its banks, which caused the formation of large rafts of floating timber at its winter and spring floods, and prevented the free passage of boats.

Your commissioners commenced their operations in removing these obstructions, at the mouth of said stream, and with great labor have succeeded in carrying into effect the liberal and benevolent intentions of the Legislature, for the distance of about forty miles up said stream; within that distance, the projecting timber which obstructed the free passage of the drift-wood and floating timber, has been cut down and removed, and immense piles of drift-wood cut loose; the passage down this stream has been much widened and its navigation greatly improved. Your commissioners give it as their decided opinion, that within the distance they have proceeded up said stream, the obstructions heretofore existing in its navigation, have been entirely removed and will cease to exist in future, and that great benefit will result to those interested in the navigation of said stream. And your commissioners can further state, with great pleasure, that a consid-
erable increase in the amount of surplus produce annually exported down this stream, has already been the result of the liberal appropriation made last session to this stream.

Your commissioners, in the work performed by them on said stream, have expended the sum of $460.53, and there yet remains on deposit in the Branch Bank at Hartford, a balance unexpended of $139.47, which your commissioners deemed prudent to retain, to aid in removing the timber cut down in the creek, upon the first rise of water.

All which is respectfully submitted.

ISAAC GREEN,
JOHN LITSEY,
WM. C. ROWAN,
TIMOTHY TICHENOR,

Commissioners.

January 20, 1829.

Mr. Daviess from the committee to whom was referred, a bill from the House of Representatives entitled, "an act to change the time of holding the county and circuit courts of Casey county," reported the same with the following resolution thereon, viz:

Resolved, That the said bill ought not to pass.

Which was twice read and concurred in, and so the said bill was disagreed to.

A message was received from the House of Representatives, informing the Senate that they had received official information that the Governor, on yesterday, approved and signed the following enrolled bills which originated in the House of Representatives, viz:

A resolution instructing our Senators and requesting our Representatives in Congress to use their exertions to procure the passage of a law by Congress, appropriating a portion of the unappropriated lands of the United States, to this State, for the purposes of education.

An act adding an additional justice of the peace to the counties of Gallatin and Meade, and additional constables to certain counties.

An act for the benefit of Hugh Brent and William Hodge.

An act for the benefit of Polly Griffith.

An act concerning the town of Henderson.

An act for the benefit of Catharine Bradley, executrix of Samuel Bradley deceased.

An act to establish election precincts in Hart and Shelby counties.

An act to provide for widening the road from Lexington to Maysville.

An act for the benefit of James Daniel Sheriff of Pendleton county.
An act to complete the road leading from Bowlinggreen to the mouth of Clover.

An act authorizing the “Kentucky Sentinel” to publish advertisements.

An act to regulate the manner of voting of the citizens of Spencer, Anderson and Edmonson at elections for members of Congress.

An act to regulate the appointment of trustees for the Jefferson Seminary.

An act to authorize the county court of Jefferson to increase the width of certain roads.

And that they had passed bills of the following titles, viz:

An act to amend the law concerning the turnpike and wilderness road.

An act to amend an act entitled, “an act to incorporate the Frankfort and Lexington turnpike or rail road company.

An act amending the law concerning the road from Licking river to the mouth of Big Sandy.

An act to authorize the trustees of Taylorsville to sell an alley, and to enable the trustees of Springfield to improve the streets and alleys therein; and,

An act authorizing the opening of a State road from Lexington to Augusta, by way of Leesburg, Cynthiana and Claysville.

And that they have passed bills which originated in the Senate of the following titles, viz:

An act for the benefit of Kesiah Force and others.

An act to amend the law in relation to veniremen.

An act to amend an act entitled, “an act establishing a female academy in the town of Harrodsburg.

An act for the benefit of John H. Tyler and Thomas Griffy.

An act to regulate the Penitentiary.

An act to authorize Elisha Cowgill and Samuel Cracraft to receive from the executors of David Thomas, deceased, a bequest for the benefit of the Shannon Meeting House.

An act for the benefit of James Crawford.

An act for the benefit of Jereboam Beuchamp.

An act for the benefit of the heirs of Wm. D. Bell deceased.

An act to ascertain the true boundary line between the counties of Bourbon and Harrison.

An act for the benefit of the Methodist Episcopal church in Jefferson circuit; and,

An act appropriating money for opening the State road from Prestonsburg to the Virginia State line.

And that they have disagreed to the amendments proposed by the Senate to a bill from that House entitled, “an act to add additional magistrates and constables to certain counties,” and the
amendments proposed to resolutions in relation to the seven years limitation law.

And that they have concurred in the amendments proposed by the Senate, upon concurring in the amendments proposed by that House, to a bill from the Senate entitled, an act to change the time of holding the Mason circuit court.

And that they have receded from the amendments proposed by them, to a bill from the Senate entitled, an act to amend the law in relation to the militia, with amendments.

Mr. Wingate from the committee appointed for that purpose, reported, a bill to change certain judicial districts.

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

The rule of the Senate constitutional provision and second reading of the said bill having been dispensed with, it was ordered to be engrossed and read the third time to-morrow.

Mr. Garrard from the committee to whom was referred, a bill from the House of Representatives entitled, an act for the benefit of Champ Mullens, reported the same with an amendment.

And then the Senate adjourned.

WEDNESDAY, JANUARY 28, 1829.

The Senate assembled.

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

An act supplemental to an act to regulate the manner of voting of the citizens of Spencer, Anderson and Edmonson, at elections for members of Congress.

An act appropriating land warrants to open a road in Perry county.

An act to amend the law establishing the Whitley turnpike road.

An act to divorce Susanna Scott from her husband Adam Scott.

An act for the benefit of Vincent B. Simpson; and,

An act to amend the laws regulating changes of venue in civil cases.

That the House of Representatives have concurred in the amendments proposed by the Senate to the following bills which originated in the House of Representatives, viz:

An act to establish a ferry across the Ohio river opposite James M'Farlands.

An act to regulate the formation and guaging of liquor barrels.

An act to open a State road from Louisville by way of Harpinesburg, Hartford and Greenville to Hopkinsville in Christian county.

An act to alter the name and extend the limits of the town of Mount Vernon in Bullitt county.
An act for the benefit of Barbara Tartar.

And that they have concurred in the amendments proposed by the Senate, to a bill from that House entitled, “an act for the appropriation of money,” except the 8th, 9th and 10th to which they disagree.

The said amendments were taken up.

And the question being taken on receding from the 6th amendment, (which allows the Register of the land office five hundred dollars,) it was decided in the affirmative.

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


NAYS—Messrs. Fleming, Garrard, Gibson, Given, J. Green, W. Green, Hardin, Harris, Muldrow, Taylor, Wall, White and Wingate—13.

The question was then taken on receding from the 7th and 10th amendments, (the 7th allows to the Auditor of public accounts five hundred dollars, and the 10th to Benjamin Hickman, tipstaff of the New Court of Appeals §206 37,) and it was decided in the affirmative.

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


NAYS—Messrs. Given and Hughes—2.

A message was received from the House of Representatives, informing the Senate of the passage of bills and resolutions which originated in the Senate, of the following titles, viz:

An act regulating the price of taking up boats on the Ohio river.

An act for the benefit of the widow and heirs of John Hackworth deceased.

An act to authorize the trustees of the Liberty Seminary to sell and convey their lands.

An act authorizing the Partisan Examiner to insert certain advertisements

An act for the benefit of Augustine Byrne heir and representative of John Byrne deceased.

A resolution relative to running and marking the boundary line between this State and Tennessee.

A resolution fixing on a day for the election of Presidents and
Directors to the Branch Banks of the Commonwealth Bank, with an amendment.

The said amendment was twice read and concurred in.

Mr. Wickliffe from the committee to whom was referred, the nomination of Samuel M. Brown, made the following report, viz:

Resolved, That the Senate advise and consent to the appointment of Samuel M. Brown as Commonwealth's attorney for the fifth judicial district.

Which was twice read and concurred in.

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


NAYS—Messrs. Cockerill, Daviess, Fulton, Given, J. Green, Griffin, Hardin, Harris, Hughes, Maupin, Ray, Rodman, Selby, Taylor, Wall, Wingate and Wood—17.

Ordered, That Messrs. Pope and Carneal inform the Governor thereof.

A message in writing was received from the Governor by Mr. Metcalfe, assistant Secretary.

The rule of the Senate was dispensed with and the said message was taken up and read as follows, viz:

Gentlemen of the Senate,

I nominate for your advice and consent, Elisha Smith as Attorney for the Commonwealth in the 15th judicial district.

THOMAS METCALFE.

The said nomination was committed to the committee of courts of justice.

Mr. Pope from the committee of internal improvement, reported the following resolutions, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the board of internal improvements be requested to urge upon the consideration of the Secretary of War, the propriety of adding to the Engineers now engaged in surveying the Kentucky, Licking and Green rivers, a practical building Engineer, and that such Engineer should make such examination of these rivers, as will enable him to report to this General Assembly, at an early day of the next session, the practicability of improving the navigation of these streams, and a plan or plans for such improvements.

Resolved, That the board of internal improvements endeavor to procure all the information in their power, and communicate it to the next General Assembly.

The rule of the Senate was dispensed with and the said resolutions were twice read.
On the motion of Mr. Carneal, the second resolution was amended by adding thereto:

"And that the said board of internal improvements shall call the attention of such Engineer or Engineers as may be deputed by the Secretary of the War Department, to examine the rivers referred to in the foregoing resolution, to the effects of the bridges proposed to be erected on the Ohio river, by two acts of the present session, on the navigation of that river."

The said resolutions were then concurred in.

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

Whereas it is desirable in the adoption of the general system of common schools, that the Legislature should have the benefit of the experience and observation of enlightened and practical men, whose minds have been directed to the subject; Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Reverend Alva Woods and the Reverend Benjamin O. Peers, be respectfully requested to communicate to the General Assembly at its next annual session, any information which they may possess upon the subject of common schools and which in their opinion would aid the Legislature in selecting and adopting the best system for the State of Kentucky.

The rule of the Senate was dispensed with and the said resolution was twice read and adopted.

Mr. Hardin from the committee of finance to whom was referred, a bill from the House of Representatives entitled, an act allowing John Rodgers compensation for keeping a lunatic, reported the same without amendment.

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

Mr. McMillan made the following report, viz:

The select committee raised on the subject of the costs in the contested election, from the Senatorial district composed of the counties of Montgomery and Estill, have had the same under consideration and have come to the following resolution, to wit:

Resolved, That the clerk of the Senate an execution in favor of Samuel L. Williams, against James Mason for the costs taxed and certified by the commissioners of depositions on the poll book now in possession of said clerk, including the costs of the two meetings of the commissioners called by the said Williams.

Which was twice read and concurred in.

On motion—Ordered, That the clerk of the Senate transmit to James Trimble, Esq., attorney for the Commonwealth, the poll books of Montgomery county at the last August election, and to transmit the poll book of Estill county to the clerk of Est.
till county court, which books were filed in the contested election of Senator for said counties.

On motion—Ordered, That Lucien J. Peemster have leave to withdraw his memorial presented yesterday.

Mr. Pope from the committee of internal improvements to whom was referred a bill to improve the road between Shelbyville and Louisville, reported the same with an amendment in lieu thereof.

The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of forty thousand dollars be, and the same is hereby appropriated to finishing the Shelbyville and Louisville turnpike road from the termination of twenty miles east of Louisville to Shelbyville, and that the president and managers of said road appropriate the same to turnpicking and finishing said road on the M'Adams' plan. The president and directors of the Louisville branch of the Commonwealth's bank is authorized and required to pay said sum to the president and managers of said road, from time to time, as it shall be required on their executing bond, faithfully to apply the same in turnpicking said road.

Be it further enacted, That said president and managers shall once in each year, until said road is finished, make out and lay before the Legislature, a full and complete statement of the costs of constructing said road, and the sums expended; they shall also estimate the value of that part of said road already turnpiked between Shelbyville and the point twenty miles east of Louisville, according to the sum which shall be expended in constructing the residue thereof. The Commonwealth of Kentucky and the said president and managers shall own that part of said road in conjunction, and shall divide the profits in proportion to the stock each shall hold; the president and managers shall be entitled to no charge or commission for causing said road to be constructed.

Be it further enacted, That the seventh section of an act approved December 14th, 1825, entitled, an act to amend the acts relative to the Shelbyville and Louisville turnpike road company, shall apply to the whole road from Louisville to Shelbyville and that the president and managers of said road shall, once in each year after the completion of that part of said road commencing twenty miles east of Louisville and thence to Shelbyville, make out a full and fair statement of the tolls received thereon and the costs of collection and repairing said road, and lay the same before the Legislature, and pay into the Treasury of this Commonwealth the part belonging to the State.

Be it further enacted, That said president and managers shall not be compelled to keep the side roads in repair, for the purpose
of waggons and wheel carriages, and shall have the right to compel all waggons and wheel carriages running said road to keep on the turnpike; but they shall keep the side roads in good repair for single horses.

The said amendment is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of forty thousand dollars be, and the same is hereby appropriated to finish the turnpike from the point twenty miles east of Louisville to Shelbyville; and that Benjamin Taylor of the county of Woodford and Joseph Foree of the county of Shelby, and William Pope of the county of Jefferson, be, and they are hereby appointed commissioners to contract with the president and managers of the Shelbyville and Louisville turnpike road company, as to the proportion of stock which shall be held by the State, and the said company in said road, on the States subscribing stock and advancing the sum of forty thousand dollars,

Be it further enacted, That, should said commissioners contract and make an agreement with the president and managers of said company, as to the terms and proportion of holding the stock in said road, by the State and the company; they are hereby authorized to subscribe stock in said company, to the amount of forty thousand dollars, and to draw on the president and directors of the bank of the Commonwealth, in favor of the president and managers of said company for said sum, and to receive from the president and managers of said company, certificates of stock for the sum so subscribed and paid, which certificates of stock and agreement with said company, shall be filed in the office of the Secretary of State, and there safely preserved; and all the provisions of the charter of the Shelbyville and Louisville turnpike road company, shall apply to that part of said road between Shelbyville and the point twenty miles east of Louisville.

Be it further enacted, That, should said commissioners contract with said company, it shall be the duty of the president and managers of the company, in addition to the report now required by law, to make an annual report of the tolls received on said road, and of the expenses of said company and costs of keeping the road in repair, and to pay into the Treasury of this Commonwealth, within six weeks after any dividend shall be declared, the nett profits belonging to the State.

Be it further enacted, That the stock created or which may be acquired by virtue of this act, shall be, and the same is hereby pledged for the redemption of the notes of the bank of the Commonwealth of Kentucky.

Mr. M'Connell moved to lay the said bill and amendment on the table until the first day of June next.
And the question being taken thereon, it was decided in the affirmative.

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


Mr. M'Connell from the majority moved a reconsideration of the vote given on the 19th inst. by which a bill from the House of Representatives entitled, an act to amend the duelling law, was laid on the table until the first day of June next.

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

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


The question was then taken on reading the said bill a second time, and it was decided in the negative, and so the said bill was disagreed to.

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


The amendments proposed by the House of Representatives to a bill from the Senate entitled, an act to amend the law in relation to the militia, were twice read.

The said bill is as follows, viz:

Sec. 1. Be it enacted, by the General Assembly of the Commonwealth of Kentucky, That the second section of an act to amend the militia law, approved the 12th day of February, one thousand eight hundred and twenty-eight, be, and the same is hereby repealed, and that the seventh section of an act to amend the mi-
Sec. 2. That when any person subject to militia duty has no gun, he may make oath of that fact before the commandant of the company on the day of muster, and the commandants of companies respectively are hereby authorized to administer such oath, and upon the oath being made, the commandant shall not report his failure to bring a gun to the court of assessment, nor shall such person be fined for failing to parade with a gun at any muster at which he shall take such oath.

Sec. 3. That all non-commissioned officers, except those belonging to the staff shall be exempt from attending drill musters.

Sec. 4. That hereafter there shall be but one company muster in each year, in time of peace, and when there is no apprehension of invasion, insurrection or war, which shall be held on the second Saturday in June, in each company at which the annual returns shall be made out, and every thing else required by law, in relation to company duty, shall be performed; but the commandant of any regiment may, upon apprehension of danger from insurrection in his neighborhood, order other company, battalion or regimental musters, and the Governor may, upon apprehending any dangers aforesaid, also order additional musters or parades, when he shall think the safety of the country requires it.

Sec. 5. That hereafter the court for the assessment of fines shall be held on the last Monday in November in each year, instead of the time now required by law.

Sec. 6. That it shall not be necessary for the officers to appoint battalion musters in each year, but the only musters that shall be absolutely necessary to be held, shall be one drill muster, one company muster, and one regimental muster in each year, and no person subject to attend any of these musters shall be excused from attendance, on account of any distance he may reside from the place of mustering.

Sec. 7. That at each regimental muster, it shall be the duty of the Colonel to require the Lieutenant Colonel and Major, alternately to give the word of command to the troops, and muster the men under the immediate inspection, superintendence and control of said Colonel.

The said amendments are as follows, viz:

Sec. 2. Strike out the whole section and insert the following:

Sec. 2. "Be it further enacted, That hereafter no private soldier shall be required to parade with fire arms, unless he be furnished with them by the Government."

Sec. 3. After the word "staff" insert "sergeants of companies."
Sec. 4. Strike out "second Saturday" and insert "month of May."

Sec. 6. After the words "company muster" insert "one battalion muster."

Strike out the seventh section, and insert the following in lieu thereof.

"Be it further enacted, That volunteer and uniform companies who have been furnished with arms by the Government, shall be required to muster in company musters not less than twice, nor more than four times in each year."

Mr. Wickliffe moved to lay the said bill and amendments on the table.

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

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


NAYS—Messrs. Carneal, Cunningham, Fleming, Gibson, Given, J. Green, W. Green, Griffin, Hardin, Harris, Maupin, M'Connell, Pope, Ray, Selby, Summers, Taylor, Townsend, White and Wood—20.

Mr. Hughes moved to lay the said bill and amendments on the table until the first day of June next.

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

The yeas and nays being required thereon by Messrs. M'Connell and Harris, were as follows, viz:


Resolved, That the Senate recede from the second and third amendments proposed by them to a bill from the House of Representatives entitled, an act to add additional magistrates and constables to certain counties.

The resolutions from the House of Representatives in relation to the seven years' limitation law, were taken up.

Mr. Wickliffe moved to lay the same on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Wickliffe and Cockerill, were as follows, viz:  
Mr. Hardin moved that the Senate insist on the amendments proposed by them to the said resolutions.  
And the question being taken thereon, it was decided in the affirmative.  
The yeas and nays being required thereon by Messrs. Wickliffe and Hardin, were as follows, viz:  
On the motion of Mr. Hardin—Ordered, That a message be sent to the House of Representatives requesting a conference on the said amendments.  
A message in writing was received from the Governor by Mr. Metcalfe, assistant Secretary, containing the nomination of Joseph R. Underwood, as chief justice of the court of appeals; and if his appointment be approved of, John T. Johnson as a judge of said court, and the nomination of sundry militia officers.  
Mr. J. Green moved to lay down the orders of the day and take up the said nominations.  
And the question being taken thereon, it was decided in the negative.  
The yeas and nays being required thereon by Messrs. J. Green and White, were as follows, viz:  
A bill from the House of Representatives entitled, an act for the benefit of Champ Mullens, and the amendments thereto reported by the select committee were taken up, the said amendments were twice read, amended and concurred in.  
Ordered, That the said bill as amended, be read a third time.
The rule of the Senate constitutional provision, and third reading thereof having been dispensed with.

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read "an act further to regulate the turnpike and wilderness road, and to establish the Floyd and Pike county line."

A bill further to regulate the Bank of the Commonwealth, was read the second time.

And the question being taken on engrossing the said bill and reading it a third time to-morrow, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. M'Connell and Williams, were as follows, viz:


A message was received from the House of Representatives, informing the Senate that the House had appointed a committee of five on their part, to confer with such committee as may be appointed on the part of the Senate, on the amendments proposed by the Senate resolutions in relation to the seven years' limitation law.

Whereupon Messrs. Hardin, Carneal and Fleming, were appointed a committee on the part of the Senate.

A bill from the House of Representatives entitled, an act more effectually to coerce the payment of money officially collected by sheriffs, constables and lawyers, was read the third time as amended.

Mr. Wickliffe moved to lay the said bill on the table.

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

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


The question was then taken on the passage of the said bill as amended, and it was decided in the affirmative.

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


A bill from the House of Representatives entitled, "an act to provide a remedy against bail in civil actions;"

Was read the second time and ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading thereof having been dispensed with,

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

Mr. Given from the joint committee of enrollments reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the estate of Joseph Willis deceased.

An act to amend an act incorporating the Shelbyville and Louisville turnpike road company.

An act to regulate the duties of county attorneys.

An act for the benefit of William W. Sharp.

An act to appropriate the fines and forfeitures of Oldham and Scott counties.

An act to amend the law establishing an academy in the county of Caldwell.

An act to add a justice of the peace to Trigg county and a constable to Fayette county.

That said bills were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Given reported that the committee had performed that duty.

Mr. Gibson from the joint committee of enrollments reported, that the committee had examined enrolled bills and a resolution which originated in the Senate of the following titles, viz:
An act to incorporate the Louisville Marine and Fire Insurance company.

An act to amend the laws concerning the town of Lexington;

And a resolution to burn a portion of the notes of the Bank of the Commonwealth.

And that they had found the same truly enrolled and that the Speaker of the House of Representatives had signed the same.

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

After a short time Mr. Gibson reported that the committee had discharged that duty.

After some time a message was received from the Governor informing the Senate that he had approved and signed the said bills and resolution.

At 10 minutes after 5 o'clock, P. M. Mr. Wickliffe moved that the Senate do now adjourn.

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

The yeas and nays being required thereon by Messrs. M'Connell and J. Green, were as follows, viz:

YEAS—Messrs. Allen, Barrett, Faulkner, Gibson, Given, J. Green, W. Green, Griffin, Hardin, M'Millan, Rodman, Summers, Taylor, Townsend, White, Wickliffe and Woods—17.


THURSDAY, JANUARY 29, 1829.

The Senate assembled.

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

An act to declare Bayou Decham and Little Obian creek, in the county of Hickman, navigable streams.

An act to add an additional justice of the peace to the county of Owen.

An act for the benefit of Nathaniel Reynolds of Hart county;

And an act to establish Seminaries of learning in the counties west of the Tennessee river.

That they had concurred in the amendments proposed by the Senate to a bill from that House entitled, an act to incorporate certain turnpike road companies.

And of the passage of bills and resolutions which originated in the Senate of the following titles, viz:
Jan. 29.]

THE SENATE.

An act providing for the improving the road from Louisa to the Beaver Iron works.

An act to provide for the viewing and marking a State road from the Iron Banks on the Mississippi to the Tennessee river in a direction to Hopkinsville.

A resolution to procure information concerning common schools.

Resolutions to procure information concerning the navigation of certain rivers; and,

Resolutions in relation to the Cumberland Hospital.

And that the House of Representatives received official notification that the Governor, on yesterday, approved and signed the following enrolled bills which originated in the House of Representatives, viz:

An act to amend an act incorporating the Shelbyville and Louisville turnpike road company.

An act for the benefit of Sally Willis, administratrix of the estate of Joseph Willis deceased.

An act to regulate the duties of county attorneys.

An act for the benefit of William W. Sharp.

An act to appropriate the fines and forfeitures of Oldham and Scott counties.

An act to amend the laws establishing an academy in the county of Caldwell.

An act to add a justice of the peace to Trigg county and a constable to Fayette county.

An act for the benefit of the Sheriff of Casey county.

An act supplemental to an act entitled, "an act to reduce the price of vacant lands west of Tennessee river to actual settlers and more effectually to encourage the settlement and improvement of said land.

An act for the benefit of the wife and children of Thomas Q. Roberts.

And that they have passed a bill from the Senate with amendments, entitled:

An act to amend an act entitled, "an act to reduce into one the execution laws of this State," passed February 12, 1828.

The said amendments were taken up and twice read.

The proviso to the last section of the said amendment was amended to read as follows, viz:

Provided, That no execution shall issue upon any judgment or decree until ten days after the rendition of such judgment or decree, unless for good cause, the court or justice of the peace shall order otherwise.

Mr. McConnell moved to strike out the said proviso, as amended.

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


The said amendments were then concurred in as amended.

After a short time a message was received from the House of Representatives announcing their concurrence in the said amendment proposed by the Senate.

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

Resolved, That the Senate advise and consent to the appointment of Elisha Smith as attorney for the Commonwealth to the fifteenth judicial district.

Which was twice read and concurred in.

Ordered, That Messrs. Wickliffe and Williams inform the Governor thereof.

A bill from the House of Representatives entitled, "an act amending the law concerning the road from Licking river to the mouth of Big Sandy.

Was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, the third section thereof was amended to read as follows, viz:

Sec. 3. Be it further enacted, That the sum of two thousand dollars be, and the same is hereby appropriated for the putting said road in good repair, previous to the erection of a toll gate on the same; and Thomas Scott of the county of Greenup and Burtis Ringo of the county of Fleming, are hereby appointed commissioners to draw said sum from the Treasury of this Commonwealth, and to employ hands and appropriate said sum in the repair of said road, and to cause a toll gate to be erected on said road, and to appropriate the tolls as directed in this act. The said commissioners shall make report to the next Legislature, of the condition of said road, the manner in which the sum hereby appropriated has been expended, and what sum has been received for tolls, which will be annually received.

Mr. Garrard moved to amend the said bill by striking out the said section.

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

The yeas and nays being required thereon, by Messrs. M'CConnell and Cockerill, were as follows, viz:


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

The rule of the Senate constitutional provision and third reading of said bill having been dispensed with,

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

After a short time a message was received from the House of Representatives announcing their concurrence in the said amendment.

A bill from the House of Representatives entitled, "an act to amend the law establishing the Whitley turnpike road;

Was read the first time and ordered to be read a second time.

The rule of the Senate constitutional provision and second reading of the said bill having been dispensed with, it was amended and ordered to be read a third time.

The rule of the Senate constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended by adding thereto, "and to mark out a road from Princeton to Waidsworth.

After a short time a message was received from the House of Representatives announcing their concurrence in the said amendments.

A message was received from the House of Representatives, informing the Senate that they are now ready, by a joint vote with the Senate, to proceed to the election of Presidents and Directors of the Branch Banks of the Commonwealth’s Bank.

Ordered, That Mr. Daviss inform the House of Representatives that the Senate is now ready, by a joint vote with that House, to proceed to the said election.

Nomination having been interchanged between the two Houses; the Senate proceeded to the election, and Messrs. Carneal and Wickliffe were appointed a committee on the part of the Senate to meet such committee as may be appointed on the part of the House of Representatives to compare the joint vote.

After a short time Mr. Carneal reported that the following persons were elected Presidents and Directors of the several Branch Banks, and they were declared duly elected, viz:—


Winchester Branch—James Anderson, President; Lewis Grigsby, Charles C. Moore, Benjamin H. Buckner, James B. Barr, Willis Young, Henry T. Duncan, Howard Williams and Benjamin Stranahan, Directors.

Lexington Branch—Charles Humphreys, President; Thomas H. Pindell, David Megowan, Daniel M. Payne, Andrew McClure, George Boswell, Elijah Craig, David Thompson and Samuel H. B. Clarkson, Directors.

Louisville Branch—Worden Pope, President; James Rudd, C. L. Harrison, William T. Spencer, Philip R. Thompson, James Stuart, John Roberts, Edward B. Miles, Abraham Field and Thomas Patton, Directors.


Greensburg Branch—Peter B. Atwood, President; Elijah Creel, John P. Little, William W. Lyle, James Lasley, Ignatius Hazle, Nathan Githter, Thomas Helin, H. P. Laufrey, Isaac Jackson, and George T. Wood, Directors.

Hartford Branch—Charles Henderson, President; Richard L. Walker, Jesse Mosely, Benjamin Smith, John H. M'Henry, Willis Morgan, John Field, James Hillyer, John Rodgers, Jefferson Jennings and Joshua H. Davis, Directors.

Bowling Green Branch—Alexander Graham, President; John Keel, John M. Briggs, Asher W. Graham, Jacob Vanmeter, Thomas Hall, David Caldwell, Samuel Moore and William Carson, Directors.

Mount Sterling Branch—Thomas C. Barnes, President; Clement Comer, Putnam Ewing, William Ward, Samuel May, Mason Williams, Moses Grooms, James Hays and Thomas J. Jouitt, Directors.

Harrodsburg Branch—Beriah Magoffin, President; David Sutton, Christopher Chinn, Jesse Head, Thomas E. West, Joseph Hopper, Joel Sweney, Thomas Head and William Pawling, Directors.

Somerset Branch—William Fox, President; Charles Hays, Henry James, Bourne Goggin, Waldron B. Gilmore, Augustus Hayden, James Terrill, Thales Huston, Benjamin Eve and John Christman, Directors.

A bill from the House of Representatives entitled, "an act for the benefit of Nathaniel Reynolds of Hart county."

Was read the first time and ordered to be read a second time.
Mr. Cunningham moved the following resolution, viz:

Resolved by the Senate, That the public printer forthwith print, for the use of the Senate, 1500 copies of the lists of acts passed at the present session, with a short explanation of each act of which the title will not clearly give the import.
Which was twice read and adopted.

A message was received from the House of Representatives, informing the Senate that they had finished the Legislative business before them and were ready to adjourn without day.

A bill from the House of Representatives entitled, "an act to authorize the trustees of Taylorsville to sell an alley, and to enable the trustees of Springfield to improve the streets and alleys therein.

Was read the first time and ordered to be read a second time.
The rule of the Senate, constitutional provision and second and third readings of the said bill having been dispensed with;

Resolved, That the said bill do pass and that the title thereof be as aforesaid.
The message in writing received from the Governor on yesterday, was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, Joseph R. Underwood as Chief Justice of the Court of Appeals of Kentucky, and in the event of his approval, I nominate John T. Johnson Esq. as Judge of the said court.

I also nominate John B. Lamier as colonel of the 107th regiment in the place of colonel Hodge resigned.

Henry C. Williams, lieut. colonel in the place of John B. Lamier if promoted.

Levi Dickey as major in the place of H. C. Williams if promoted.

Thomas Townsend, lieut. colonel to the 23d regiment in the place of James C. Mansfield resigned.

Sherwood W. Atkinson major in the place of Thomas Townsend if promoted.

And John Fletcher as keeper of the toll gate on the turnpike and wilderness road.

Also, William P. Thomas as lieut. colonel to the 104th regiment in the place of A. Myres resigned.

Westley Porter as major in the place of William P. Thomas if promoted.

THOMAS METCALFE.

Resolved, That the Senate advise and consent to the said appointments, except to those of Joseph R. Underwood and John T. Johnson.

Ordered, That Mr. Fleming inform the Governor thereof.

Mr. Hardin moved to lay the said nominations of Joseph R,
Underwood and John T. Johnson on the table until the first day of June next.

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

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


Mr. Faulkner who voted in the majority, moved to reconsider the vote by which the Senate resolved not to consent to the appointment of John J. Marshall, Esq. as Chief Justice of the Court of Appeals of Kentucky.

The Speaker decided that the motion was not in order.

Mr. Faulkner appealed from the decision of the Chair.

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

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


Mr. Daviess moved that a message be sent to the House of Representatives informing them that the Senate have finished the Legislative business before them and are now ready, on their part, to adjourn without day, and that a committee be appointed on the part of the Senate to act with such committee as may be appointed on the part of the House of Representatives to wait on the Governor, and inform him of the intended adjournment of the General Assembly, and to know whether he has any further communication to make.

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

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


Whereupon Messrs. Darriess, M'Connell and Wingate were appointed said committee on the part of the Senate.

A bill from the House of Representatives entitled, "an act to establish an additional election precinct in Owen county."

Was read the second time and ordered to be read a third time.

The rule of the Senate, constitutional provision and third reading thereof having been dispensed with,

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

On the motion of Mr. Wood the committee to whom was referred the nominations of James C. Anderson, colonel of the 81st regiment; Mark Marlow, heut. colonel of the 81st regiment, and Anslem Guthrie major of the 81st regiment, were discharged from the further consideration of the same.

A bill from the House of Representatives entitled, "an act for the benefit of Vincent B. Simpson."

Was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings thereof having been dispensed with;

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

Mr. Woods (who voted in the majority) moved a reconsideration of the vote by which the nominations of Joseph R. Underwood and John T. Johnson were laid on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative. The Senate being equally divided the Speaker voted in the negative.

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


NAVS—Messrs. Allen, Barrett, Daviess, Fulton, Garrard, Given, Hardin, Harris, Hughes, Maupin, Pope, Ray, Rodman, Selby, White and Wingate—16.

The following bills and resolutions which originated in the House of Representatives were reported from the committee of enrollments as having been examined by them and found truly entitled, viz:

By Mr. Cunningham—An act for the benefit of Barbara Tar-
tar, and other purposes.

An act to amend an act entitled, "an act establishing a turn-
pike on the road leading from Georgetown to Cincinnati, and for other purposes," approved February, 1819.

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An act to establish a ferry across the Ohio river opposite James M'Farlands.

An act to open a State road from the mouth of Salt river, by way of Hardinsburg and Hartford to Greenville in Whitley county.

An act to regulate the formation and guaging of liquor barrels.

An act to alter the name and extend the limits of the town of Mount Vernon in Bullitt county.

An act fixing the place of voting in certain precincts in Mercer and Owen counties.

An act to authorize certain county courts to permit gates to be erected across certain roads.

A joint resolution requiring the commissioners taking in lists of taxable property to take a list of all children above four and under fifteen years of age.

By Mr. Gibson—An act to incorporate the Kentucky and Ohio bridge company.

An act to amend the law establishing the Whitley turnpike road, and to mark out a road from Princeton to Wardsborough.

An act to incorporate certain turnpike road companies.

An act providing a remedy against bail in civil actions.

An act for the appropriation of money.

An act to amend the law concerning the road from Licking river to the mouth of Big Sandy.

An act to regulate the turnpike and wilderness road, and to establish the Floyd and Pike county line.

An act to establish an additional election precinct in Owen county.

An act to authorize the trustees of Taylorsville to sell an alley, and to enable the trustees of Springfield to improve the streets and alleys therein.

An act for the benefit of Vincent B. Simpson; and,

An act to add additional magistrates and constables to certain counties.

By Mr. Given—An act to incorporate the Ohio bridge company.

An act making a further appropriation for rebuilding the capitol.

An act to extend the limits of the town of Versailles.

An act to amend the charter of the Louisville Insurance company.

A resolution to appoint a joint committee to report and examine the condition of the Government House, &c.

An act to provide for the settlement of accounts of the Penitentiary.

An act for the benefit of the stockholders of the bank of Owingsville and the Farmers and Mechanics bank of Lexington.
An act more effectually to coerce the payment of money officially collected by sheriffs, constables and lawyers.

An act for the benefit of the devisees of Hugh Mercer Tenant and others.

An act to amend an act providing for the appointment of an Engineer to survey the Kentucky, Licking and Green rivers.

An act authorizing the county court of Bourbon to allow William M. Ferguson to erect gates across Chinn's mill road.

And an act for the relief of the county of Wayne and the trustees of Monticello.

The said bills and resolutions had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

The committee reported that they had performed that duty.

After some time a message was received from the House of Representatives informing the Senate that they had received official information that the Governor had approved and signed the said bills and resolutions, except the bill entitled, an act to add additional magistrates and constables to certain counties.

The following bills and resolutions which originated in the Senate, were reported from the committee of enrollments as having been examined by them, and found truly enrolled, viz:

An act to provide for the running and marking a State road from the Iron Banks on the Mississippi to the Tennessee river, in a direction to Hopkinsville.

An act for the benefit of John H. Tyler and Thomas Gruffy.

An act to regulate the Penitentiary.

An act to amend an act entitled, "An act establishing a female academy in Harrodsburg.

An act to change the time of holding certain courts.

An act for the benefit of Kesiah Force and others.

An act for the benefit of the heirs of Wm. D. Bell deceased.

An act to ascertain the true boundary line between the counties of Bourbon and Harrison.

An act to amend the law in relation to venire men.

An act for the benefit of Jeroboam Beauchamp.

An act for the benefit of the Methodist Episcopal church in Jefferson circuit.

An act to authorize Elisha Cowgill and Samuel Cracraft to receive from the executors of David Thomas, deceased, a bequest for the benefit of the Shannon Meeting House.

An act for the benefit of James Crawford.

An act to authorize the trustees of the Liberty Seminary to sell and convey their lands.

An act authorizing the Partisan Examiner to insert certain advertisements.
A resolution relative to running and marking the boundary line between this State and Tennessee.

A resolution fixing on a day for the election of Presidents and Directors to the branch banks of the Commonwealth’s bank.

An act regulating the price of taking up boats on the Ohio river.

An act providing for further improving the road from Louisville to the Beaver Iron Works.

An act to amend an act entitled, an act to reduce into one the execution laws of this State, passed February the twelfth, one thousand eight hundred and twenty-eight.

A resolution to procure information concerning common schools.

Resolutions to procure information concerning the navigation of certain rivers.

An act to amend the law respecting Commissioners appointed to take in lists of taxable property.

An act appropriating money for opening the State road from Prestonsburg to the Virginia State line.

An act for the benefit of Augustine Byrne heir and representative of John Byrne deceased.

Resolutions in relation to the Cumberland Hospital.

An act for the benefit of the widow and heirs of John Hackworth deceased.

Said bills and resolutions having received the signature of the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

The committee reported that they had performed that duty.

After some time a message was received from the Governor by Mr. Metcalfe assistant Secretary, informing the Senate that he had approved and signed said bills and resolutions.

The Speaker having retired, Mr. Faulkner was called to the Chair, when Mr. Hardin offered the following resolution, which was read and adopted, viz:

Resolved, That the acknowledgments of the Senate be tendered to John Breathitt, Lieutenant Governor, for the able and impartial manner in which he has discharged the duties of Speaker during the present session.

The Speaker having resumed the Chair, Mr. Davie from the joint committee appointed to wait on the Governor, reported that the committee had discharged the duty assigned them, and were informed by the Governor that he had no further communication to make.

Whereupon the Speaker having delivered an appropriate address adjourned the Senate without day.