JOURNAL
OF
THE SENATE
OF THE
COMMONWEALTH OF KENTUCKY,
BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY THE SEVENTH
DAY OF DECEMBER, IN THE YEAR OF OUR LORD, 1840, AND
OF THE COMMONWEALTH THE FORTY NINTH.

DECEMBER SESSION, 1840.

FRANKFORT, KY.
A. G. HODGES...STATE PRINTER.
1840.
UNIVERSITY OF KENTUCKY
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At a General Assembly, begun and held for the State of Kentucky, at the Capitol, in the town of Frankfort, on Monday the 7th day of December, one thousand eight hundred and forty, it being the day appointed by law for the meeting of the General Assembly. Manlius V. Thomson, the Lieutenant Governor, took the Chair as Speaker of the Senate, and the following members of the Senate appeared and took their seats, to wit:

From the first Senatorial district, Thomas James; from the second, James C. Weller; from the third, Samuel B. Jesup; from the fourth, James V. Walker; from the fifth, William R. Griffith; from the seventh, Asa Young; from the eighth, James C. Simpson; from the ninth, John S. Barlow; from the tenth, Parker C. Hardin; from the fifteenth, Henry Pirtle; from the sixteenth, James N. Hughes; from the seventeenth, George W. Johnston; from the eighteenth, G. Clayton Slaughter; from the twentieth, John A. Tomlinson; from the twenty second, Winfred G. Bailey; from the twenty fourth, Franklin Ballinger; from the twenty seventh, John S. Morgan; from the twenty eighth, Cyrus Wingate; from the twenty ninth, John Pratt; from the thirtieth, Mark E. Huston; from the thirty first, Robert Wickliffe; from the thirty second, William Clarke; from the thirty third, Samuel L. Williams; from the thirty sixth, Thomas Y. Payne; from the thirty seventh, Mason Williams; from the thirty eight, Samuel Hanson.

The said Henry Pirtle and Robert Wickliffe, severally produced certificates of their election, and took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

James Stonestreet was elected Clerk of the Senate during the present session; whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

John Mayhall was elected Sergeant-at-Arms of the Senate, during the present session; whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

Mr. Barlow nominated Henry C. Banks as a proper person to fill the office of Door Keeper of the Senate, during the present session.
Mr. Pirtle nominated Lewis B. Fenwick. Upon taking the vote it stood thus:

Those who voted for Mr. Banks, were—

Messrs. Bailey, Hughes, Simpson, Tomlinson, Pirtle.
Ballinger, Huston, Walker, J. V.,
Barlow, James, Weller,
Clarke, Jesup, Wickliffe,
Griffith, Morgan, J. S.,
Hanson, Payne, Williams, M.,
Hardin, Pratt, Young—21.

Those who voted for Mr. Fenwick, were—

Pirtle.
Williams, S. L.,

Henry C. Banks having received a majority of all the votes given, was declared duly elected Door Keeper of the Senate during the present session; whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

On the motion of Mr. Wickliffe,
Resolved, That a select committee be appointed to prepare and report rules for the Senate.

Whereupon Messrs. Wickliffe, Wingate, Jesup, and Hanson were appointed a committee pursuant to said resolution.

On the motion of Mr. Huston,
Resolved, That the Clerk of the Senate be authorized to appoint an assistant Clerk during the present session; and that he be responsible for the discharge of the duties of the same; and that he shall have power to remove such assistant Clerk at pleasure.

The Clerk, with the concurrence of the Senate, appointed Theodore Kohlhass, assistant Clerk; whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

Mr. William De Courcy, a member of the Senate from the twenty sixth Senatorial district, appeared and took his seat.

A message was received from the House of Representatives, by Mr. Ford, announcing that they had met, formed a quorum, and are now ready to proceed to legislative business; and that they had appointed a committee, on their part, to wait upon the Governor, and inform him that the General Assembly have convened, and are ready to receive any communication he may think proper to make.

On the motion of Mr. Wingate,
Ordered, That a message be sent to the House of Representatives, in
forming them that the Senate have met, elected their officers, and are now ready to proceed to legislative business; and Mr. Pratt was directed to carry said message.

Messrs. Payne, Hardin, and Tomlinson were appointed a committee, on the part of the Senate, to wait on the Governor, and inform him that the General Assembly have convened, and are now ready to receive any communication he may think proper to make.

The committee on the part of the Senate retired, and after a short time returned, when Mr. Payne reported that the joint committee had performed the duty assigned them, and were informed by the Governor that he would make a communication, in writing, to each House at 12 o’clock to day.

Mr. Tunstall Quarles, a member of the Senate from the eleventh Senatorial district, and Mr. Daniel Morgan, a member of the Senate from the thirty fifth Senatorial district, appeared and took their seats.

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

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

As the representatives of a free and enlightened people, you have again assembled to devote your time and talents in devising the best means for the promotion of the welfare and happiness of our common country. As a co-laborer in this responsible task, I welcome you with the assurance of my hearty co-operation in every measure that may be calculated to advance our country's good. The history of the last few years affords us a salutary lesson of the vicissitudes of life, and of the instability of human affairs, and forcibly admonishes us of our dependence upon Him who controls the universe, and bestows his blessings and inflicts his chastisements, as well upon nations as upon individuals. We should be grateful that our own beloved State, which is fortunately more agricultural than commercial in the habits and occupations of its people, has suffered comparatively but little, and escaped many of the calamities that usually follow the disorganization of the commerce and currency of the country. The political excitements, the convulsions in trade, and the derangement of the currency, which have characterized the times and paralized the energies of the whole country, are rapidly passing away, and we may confidently look forward to a speedy restoration of a wholesome standard of value, and a well regulated and prosperous commercial intercourse, both foreign and domestic.

I regret to be compelled to inform you, that the expenses of the Government for the year ending the 10th of October last, have exceeded the revenue collected and paid into the Treasury. This however is not unusual. By reference to the annual reports of the Auditor and Treasurer it will be seen that a deficiency existed every year since 1833. Heretofore it has been
supplied by over drafts on the Bank. The Treasurer, in virtue of the joint resolution passed at the extra session of the Legislature, obtained from the Branch Bank in this place on loan, thirty thousand dollars, to meet the current charges on the Treasury.

The receipts and expenditures for the fiscal year ending the 10th of October last, and an estimate of those for the next year, will be laid before you by the Second Auditor. It is estimated by that officer, that the current receipts will fall short of the expenditures the ensuing year by about seventeen thousand dollars. I submit to the Legislature the propriety and necessity of adopting some measure by which a sufficient amount of money may be collected to defray the ordinary expenses of the Government without resorting to loans. That the revenue to be collected should equal the demands on the Treasury, is a proposition about which no contrariety of opinion can exist. What changes in the existing laws should be made to effect that object, is submitted to the consideration of the General Assembly.

In the message of my distinguished predecessor, (Lieutenant and acting Governor Wickliffe,) the attention of the Legislature was called to the debt owing by the Lexington and Ohio Railroad Company, for the payment of which this State is surety. At the last extra session, the subject was again alluded to, and a copy of the correspondence between him and the Auditor of Public Accounts was submitted as a part of the message. The Company having failed to pay the several instalments of interest which had fallen due on said loan, the Treasurer, in order to preserve the faith of the State, promptly advanced the amount due. The whole amount paid and to be paid to the close of the present year, will be eighteen thousand eight hundred and fifty dollars and ten cents. As early as the 6th March, 1839, the President of the Company informed the Chief Magistrate, that he would not be able to meet the then ensuing instalments of interest, and might not be able to pay any more in future.

I have been at some pains to ascertain the condition of the pecuniary affairs of that Company; and am of opinion it will never be able even to reimburse the amount already paid by the State as its surety; and that the whole debt, principal and interest, will have to be borne by the Treasury. The State has no guaranty but such as is provided by the act of the 2d February, 1833, in virtue of which the loan was obtained. It authorized the Company to borrow one hundred and fifty thousand dollars, at a rate of interest not exceeding six per centum per annum, to execute bonds for the payment twenty years after date, and "for the redemption of which, and the due payment of interest to the holders of such bonds, the faith and credit of the State was pledged." The loan was obtained, and the Company, pursuant to the act, executed an assignment by way of mortgage, on all its lands, machinery, and other property, its stock laid out and expended in said road,
The necessity of prompt action is apparent; this drain on the Treasury ought not to be permitted to continue. I therefore recommend that immediate steps be taken to sell the road, and indemnify the State for the money already advanced, and that which she is bound to pay for the Company.

The Keeper of the Penitentiary, by authority of law, and under the supervision of the Commissioners of the Sinking Fund, is progressing with the erection of the two hundred and fifty cells, and the enlargement of the area of the prison. The work is being constructed of excellent materials, and in a manner substantial, and calculated to endure for ages. The health and safety of the convicts absolutely required, and will be greatly promoted by, this improvement. From my frequent visits to the prison, I am satisfied that the convicts are humanely treated, and their morals and health regarded; and that the management of the institution appears to be frugal and productive.

As requested by the Executive of the State of Virginia, I lay before you the accompanying copy of a preamble and resolutions passed by the legislature of that State, relative to the demand by the Executive of Virginia upon the Executive of the State of New York for the surrender of three fugitives from justice, for your consideration.

The gentleman employed by the Bank of Kentucky to separate the fraudulent from the genuine stock, has been for months industriously engaged, and has recently informed me that he will be unable, with all the diligence that he can exert, to bring his labors to a close before the termination of the present session of the Legislature. It is believed that, until the original stock is traced and the spurious designated, there will be no final adjustment of the fraud perpetrated by the Cashier of the Schuykill Bank. The President of the Bank of Kentucky is now in Philadelphia, and will, upon his return, communicate to you such facts as will enable the Legislature to act under-
standingly upon the subject, accompanied by such suggestions as the Directory may conceive best calculated to hasten the ultimate settlement of this unfortunate affair.

The law authorizing the organization of the Board of Commissioners of the Sinking Fund, directs that an annual report of the proceedings of the Board shall be made to the Legislature, accompanied by such suggestions for the improvement and management of the Fund as may be deemed expedient. The absence from the State, upon business connected with the banking institutions over which they preside, of two of the members of the board, will necessarily postpone, to a remote period of your session, the annual report of the Commissioners. In order, therefore, that your deliberations upon this important branch of the financial department of the government may not be delayed, I herein embody a synopsis of the present condition of the Fund. The expose of the liabilities of the Fund, and the limited, precarious and insufficient means at present provided for their liquidation, renders it obvious that decisive and efficient action upon the subject is absolutely essential to the maintenance of the character and credit of the State. That the resources of a Sinking Fund should not only be made equal to the payment, as it accrues, of all of the interest upon the public debt, but should also be rendered adequate to the ultimate redemption of the principal, is a proposition so palpable, that it needs no illustration. This course being adopted and adhered to, the system fulfils the intention of its creation, and guarantees the almost imperceptible extinguishment of the State debt, without the necessity of resorting to onerous taxation.

Since the organization of the Sinking Fund, in October, 1836, the aggregate receipts, including the Surplus Revenue received from the General Government, and invested for the benefit of Common Schools, have amounted to the sum of one million five hundred and eighty two thousand six hundred and twenty six dollars and fifty eight cents, and the expenditures to one million five hundred and eighty thousand and forty two dollars and nine cents, leaving a balance of only two thousand five hundred and forty four dollars and forty nine cents. In consequence of the suspension of the payment of dividends on the capital stock in the Bank of Kentucky, the Sinking Fund has been deprived of an annual income exceeding one hundred thousand dollars, which has much embarrased the operations of the Fund, and will cause a deficit in the amount necessary for the payment of the instalment of interest due upon the bonds of the State in January next. The Commissioners, regardful of the integrity of the Commonwealth, resolved that nothing on their part, calculated to sustain the solemnly pledged faith of the State, should be omitted, effected a conditional arrangement with the Bank of Kentucky, by which they can obtain an amount sufficient to meet the January instalment of interest due to foreign holders of State
company, which refers me to a previous letter of yours, on the same subject, to which I verbally responded that I needed time to gather the necessary information; for, at that time, I was totally ignorant of what my duty was, and, in fact, the further I look into the subject-matter under consideration, the darker and deeper it appears—and almost I am ready to say, that without further legislation in the matter, that I feel unprepared to act. But such conclusion would be in opposition to the opinion of the Committee on Internal Improvement of the Senate, last session, who reported that no further action of Legislature is necessary, therefore, I should hesitate before a single step is taken by me with a seeming appearance of opposition to the report made by the honorable committee above referred to; for in truth, sincerely told, I mean nothing but an honest, fair move on all subjects, and particularly in this, where such almost unlimited powers are vested in me, as Auditor of Public Accounts, in a matter wherein the State of Kentucky hold such deep and heavy interest. I am yet in vigilant search for other and further light into the ramified interest of said company. Perhaps there may be surplus unincumbered claims which could be spared from the road, to raise funds sufficient to meet the present demands on the Company—I mean unincumbered, except the lien the City of Louisville holds, which may amount to the total suspension of the State's lien for a time, of which I have not, but will shortly inquire. The Legislature is expected to be called earlier than the time of the regular session, to which (if I am not previously prepared) I would be pleased their attention were drawn.

I am, very respectfully, yours, &c.,

BEN. SELBY, Auditor.

CHARLES A. WICKLIFFE, Esq.,
Lieutenant and Acting Governor.

EXECUTIVE DEPARTMENT,
May 27, 1840.

DEAR SIR:
Yours of the 20th May has this day been received by me. My absence since the 21st, may account for its not having been earlier noticed. You have assigned no reasons sufficient, in my judgment, to justify your delay. If you have difficulties of a legal character, in the discharge of any official act, the law makes it your duty to call upon the Attorney General for his opinion and advice, and to request it in writing. When given in this form, it is then your justification. You speak of liens which the City of Louisville has upon the road. Have you any evidence, legal or official, that Louisville has any lien? And, if you have, are you the person to settle its effects? What have you, as Auditor, to do with hunting up or selling other means or effects than those embraced in the mortgage? If Louisville has a lien upon the whole or any part of the road (that she has none paramount to the State's lien, I have satisfied myself, and of which fact the committee of the Legislature were also satisfied,) she can assert it as well after as before the sale. The Legislature expected this law to have been executed; and, while I am willing to allow your claim in this case—"that in truth, sincerely told, you mean nothing but an honest, fair move in all cases, and particularly in this," &c.—yet, I must be permitted to say, you have made, in the
execution of this law, a very slow "move." I know enough of the affairs
of this Company to know that the delay to act (and which you say you will
still continue until the Legislature meets) has been and will be detrimental
to the interest of the State. Having, however, done my duty, in requiring
you to act, I shall leave the question of responsibility to you and the Legislature, to be settled in the way which the public interest shall dictate.

Yours, respectfully,

C. A. WICKLIFFE.

BEN. SELBY, Esq.,
Auditor of Public Accounts.

BANK OF KENTUCKY,
Louisville, May 3th, 1840.

SIR:
At the annual election of Directors on the part of the Stockholders,
held on the 4th inst. the following gentlemen were elected for the ensuing
eyear, viz:
William Fellowes, James Guthrie, D. S. Benedict, Wm. B. Phillips, Ange-
reau Gray, George Keats, John Bustard, Jacob Beckwith.
At a meeting of the Board of Directors on this day, VIRGIL McKnight,
Esq., (a Director on the part of the State,) was elected President, in the
place of Wm. H. Pope, Esq. resigned.
Below you have the President's signature.

Very respectfully,
GEO. C. GWATHMEY, Cashier.

[Virgil McKnight.]

To His Excellency, CHARLES A. WICKLIFFE,
Frankfort, Ky.

BANK OF KENTUCKY,
Louisville, May 11, 1840.

DEAR SIR:
I have the honor to hand you, annexed, the proceedings of the stock-
holders of this Institution, at their late annual meeting.
It will afford me pleasure to receive or impart any information which is
deemed important to the Commonwealth, in adjusting the difficulties arising from the over-issue of the stock of this Bank by the agency in
Philadelphia.

Very respectfully,
Your obedient servant,

VIRGIL McKnight.

To His Excellency, CHARLES A. WICKLIFFE,
Frankfort, Ky.
At the annual meeting of the stockholders of the Bank of Kentucky, convened at their banking house in the City of Louisville, on Monday, the 4th day of May, 1840—present, His Excellency Charles A. Wickliffe, lieutenant and acting Governor of Kentucky, representing the stock and interest of the Commonwealth, and of the Commissioners of the Sinking Fund, and of the Board of Education; James Guthrie, stockholder, and George Keats, John W. Heintz, for himself and as proxy for Logan's heirs, Richard Pindell, the Lexington Life, Fire and Marine Insurance Company, E. P. Johnson, A. D. Hunt and J. O. Harrison, and Wm. Fellowes, stockholders, and Wm. Drayton, Geo. Handy and B. W. Richards, for themselves respectively as stockholders and as proxies for divers other stockholders, whose stock amounts in the whole, to 9,541 shares of the capital stock of said bank, whose names and the amount of whose stock respectively are stated in their powers of attorney presented to the meeting and filed in the archives of the bank; also, Thos Smith, as owner of 100 shares, and as proxy for others owning 500 shares; also, John Bustard, as holder of 400 shares, and M. R. Stealey of 30 shares, C. Samuel of 5 shares, Wm. B. Phillips of 25 shares, and as agent for 41 shares, and Virgil McKnight as owner of 26 shares, L. L. Shreve of 21 shares, Th. Anderson of 237 shares as owner and proxy; P. G. Kintner of 50 shares, Edw. McAlister of 95 shares, Thos. T. Shreve of 41 shares, J. B. Bowles of 387 shares, A. Gray of 25 shares, Chas. Miles of 25 shares, J. Manners of 240 shares, J. C. Wentzel of 35 shares, Paul Reinhard of 25 shares, D. S. Benedict of 25 shares, Joseph Swagar of 25 shares, A. S. Parker of 439 shares, G. W. Meriwether of 1 share, W. H. Pope of 25 shares, Thomas M. Hickey of 53 shares, Frederick Schorch of 25 shares, and David Heran of 25 shares.

On motion, Col. Wm. Drayton, of Philadelphia, was called to the chair, and Thos. M. Hickey was appointed Secretary: whereupon, Jas. Guthrie, Esq. offered the following resolutions, viz:

Resolved, That in all meetings of the stockholders, for any purpose other than that of electing directors to the bank, the Commonwealth of Kentucky has a right to be represented to the extent of her stock, as the other stockholders.

Resolved, That, in the election of directors for the Bank of Kentucky, on this day, all who appear to be stockholders on the books of the principal bank, and at the agency in Philadelphia and New York, shall be permitted to vote; and that such exercise of the privilege shall in no way affect the question of an over-issue of certificates, either for or against the holders of the genuine, or of the excessive issues of certificates.

Which resolutions were adopted.

His Excellency O. A. Wickliffe, offered the following resolutions:

Resolved, That the President and Directors of the Bank of Kentucky be, and they are hereby directed, to proceed with all practicable despatch, to ascertain the amount of the spurious stock, and the holders thereof, which has been issued by the transfer agency at Philadelphia; and that they pursue, with as little delay as may be consistent with the nature of the business, all the remedies furnished by the law to recover indemnity from the President, Directors and Company of the Schuykill Bank, for the loss sustained by the Kentucky Bank, consequent upon such issue of spurious stock by the agency at Philadelphia.

Resolved, That the President and Directors be authorized to employ a
special agent to superintend the interest of the Bank concerning this subject, at a fair compensation; and they are further authorized to empower such agent to make, on the part of the Bank of Kentucky, with the Schuylkill Bank, under the advice of counsel, an agreed case of the facts upon the question of liability of the said Bank to the Kentucky Bank, and thereby bring the subject to that speedy adjustment which the interest of all parties demands.

Resolved, That a committee consisting of five persons, to be named by the chairman, be appointed to take such means as they shall deem to be expedient to bring before the Legislature of this State, all questions which may be raised as to the rights of the stockholders in the Bank of Kentucky, holding their certificates from the agency of the Schuylkill Bank at Philadelphia, or the Union Bank at New York, or such as may have originally derived the stock from such agencies, for the purpose of obtaining from the Legislature the passage of an act to settle, upon just and equitable principles, the rights of the said stockholders, and of the other stockholders in the Bank of Kentucky; and that said committee have power to fill any vacancies that may arise in their body.

Which were unanimously adopted.

On motion, the meeting adjourned until to-morrow morning at 9 o'clock.

(Signed) WM. DRAYTON, Chairman.

THOS. M. HICKEY, Secretary.

Tuesday, May 5th, 1840.

The Stockholders met pursuant to adjournment.

On motion of James Guthrie, Esq. the following resolution was adopted:

Resolved, That the President and Directors of the Bank of Kentucky be, and they are hereby authorized, until the next annual meeting of the stockholders, to allow any director or directors a reasonable compensation for any extraordinary services which they may find it to the interest of the Bank to require from a Director.

On motion of B. W. Richards, Esq. the following resolution was adopted:

Resolved, That the directors be instructed to declare no dividend until the claims upon the Bank, arising from the fraudulent issues of stock by the agency of the Schuylkill Bank, are finally adjusted.

His Excellency Charles A. Wickliffe, offered the following resolution, which was adopted:

Resolved, That the provisions of the act, entitled, an act to restore the privileges of the Banks when they resume specie payments, approved the day of February, 1840, so far as the same change any of the principles or provisions of the original charter, be adopted by the corporators as part of the charter of the Bank of Kentucky.

The chairman appointed the committee of five under the resolution of yesterday, requiring such committee, viz: For the Commonwealth of Kentucky, Messrs. James Weir, Jas. G. Dana, and Thos. Smith, of Henry; for the Commonwealth of Pennsylvania, B. W. Richard, and for the State of New York, John Rathbone.

On motion of His Excellency, Charles A. Wickliffe,
Resolved, That the proceedings of this meeting be signed by the chairman and secretary, and preserved in the archives of the Bank, and published under the direction of the Board of Directors.

And the meeting adjourned.

(Signed)

WM. DRAYTON, Ch'n.

Ordered, That the Public Printer print 3000 copies of the said message, and 150 copies of the accompanying documents, for the use of the Senate.

Mr. Jesse Craddock, a member of the Senate from the fourteenth Senatorial district, appeared, and produced a certificate of his election, and took the several oaths required by the Constitution of the United States and the Constitution and Laws of this State, and took his seat.

On the motion of Mr. Griffith—Leave was given to bring in a bill prescribing the mode of choosing Electors to vote for President and Vice President of the United States.

Messrs. Griffith, Guthrie and Payne were appointed a committee to prepare and bring in the same.

After a short time, Mr. Griffith reported the said bill—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings 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.

Mr. DeCourcy moved for leave to bring in a bill to amend an act, entitled, an act to provide for the payment of the public contractors, and to preserve the faith of the State.

The question being taken thereon, it was decided in the negative; and so the said motion was rejected.

Mr. Guthrie having obtained leave, reported a bill to add the county of Owen to the Fourth Judicial District, and for other purposes.

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

The constitutional rule as to the 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. Guthrie moved the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on Thursday the 20th instant, they will adjourn without day.

The rule of the Senate being dispensed with, the said resolution was twice read, and adopted.

And then the Senate adjourned.
THURSDAY, AUGUST 20, 1840.

Mr. Winfred G. Bailey, a member of the Senate from the twenty second Senatorial district, appeared and produced a certificate of his election, and took the several oaths required by the Constitution of the United States and the Constitution and Laws of this State, and took his seat.

Mr. John A. Tomlinson, a member of the Senate from the twentieth Senatorial district, and Mr. James M. Rice, a member from the thirty fourth Senatorial district, appeared and took their seats.

Four messages in writing were received from the Lieutenant and Acting Governor, By Mr. Bullock, Secretary of State.

The rule of the Senate being dispensed with, they were taken up, and read, as follows, viz:

**EXECUTIVE DEPARTMENT,**

*August 19, 1840.*

*Gentlemen of the Senate:*

I nominate for your advice and consent:

Henry Childers, to be Lieutenant Colonel of the 104th Regiment, in place of R. L. Coleman, removed.

John F. Gooch, to be Major of the 104th Regiment, in place of Henry Childers, if promoted.

C. A. WICKLIFFE.

**EXECUTIVE DEPARTMENT,**

*August 19, 1840.*

*Gentlemen of the Senate:*

Since the adjournment of the Legislature in February last, the following 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, viz:

Charles Pope, to be Major of the 1st Regiment, in place of F. L. Smith, refused.

Peter Kinearson, to be Major of the 5th Regiment, in place of Joseph Armstrong.

Benjamin Wickersham, to be Colonel of the 11th Regiment, in place of Z. White, resigned.

Samuel C. Scott, to be Lieut. Colonel of the 11th Regiment, in place of B. Wickersham, if promoted.

Daniel Scarce, to be Major of the 11th Regiment, in place of S. C. Scott, if promoted.

Alexander Hunter, to be Lieutenant Colonel of the 15th Regiment, in place of James Myers, deceased.

William Pickett, to be Major of the 15th Regiment, in place of A. Hunter, if promoted.

Daniel K. Mitchell, to be Major of the 18th Regiment, in place of T. W. Harford, removed.
John W. Clutcher, to be Lieutenant Colonel of the 21st Regiment, in place of R. S. Fugate.
Harvey Smith, to be Major of the 21st Regiment, in place of W. H. Casey.
Abraham Campbell, to be Colonel of the 23d Regiment, in place of Thos. H. Drane.
Isaac Whitton, to be Lieutenant Colonel of the 25th Regiment, in place of C. Still, resigned.
Charles A. Still, to be Major of the 25th Regiment, in place of P. C. Morehead, removed.
Marcus Gill, to be Lieutenant Colonel of the 34th Regiment, in place of John Lyons, resigned.
Wm. F. White, to be Major of the 34th Regiment, in place of H. Evans, deceased.
Fleming H. Garnett, to be Major of the 37th Regiment, in place of D. Noland, removed.
John W. Thompson, to be Lieutenant Colonel of the 39th Regiment, in place of P. N. O. Thompson, resigned.
Wm. A. Sims, to be Major of the 39th Regiment, in place of Thompson Fruit, resigned.
Armstrong Hendricks, to be Lieutenant Colonel of the 44th Regiment, in place of Wm. Price, resigned.
Wm. Gastineau, to be Major of the 44th Regiment, in place of A. Hendricks, if promoted.
Thomas Allen, to be Lieutenant Colonel of the 52d Regiment, in place of J. Popplewell, removed.
Abijah Guthrie, to be Major of the 52d Regiment, in place of Benton Blair, resigned.
Joshua Givens, to be Major of the 69th Regiment, in place of J. T. Carrington, removed.
Wm. Hopson, to be Lieutenant Colonel of the 72d Regiment, in place of John Cunningham, resigned.
Stanley Thomas, to be Major of the 72d Regiment, in place of Jas. Cunningham, resigned.
Winston Bowman, to be Colonel of the 74th Regiment, in place of M. Slaughter, resigned.
Patrick W. Napier, to be Lieutenant Colonel of the 74th Regiment, in place of Winston Bowman, if promoted.
George Dry, to be Major of the 74th Regiment, in place of P. W. Napier, if promoted.
Edward Norvell, to be Major of the 75th Regiment, in place of James Hall, refused.
Thomas J. Clark, to be Major of the 83d Regiment, in place of Geo. W. Whitecotton, resigned.
M. A. Rucker, to be Lieutenant Colonel of the 84th Regiment.
Isham Petty, to be Lieutenant Colonel of the 87th Regiment, in place of Phillip Fulkerson, resigned.
Joseph B. Turner, to be Lieutenant Colonel of the 88th Regiment, in place of Wm. Harden, resigned.
John Mallon, to be Major of the 88th Regiment, in place of J. B. Turner, if promoted.
James W. Irwin, to be Colonel of the 91st Regiment, in place of Magee McClain.
Kineon C. Mason, to be Lieutenant Colonel of the 91st Regiment, in place of David Porter.
Fleming Williams, to be Major of the 91st Regiment, in place of Jas. W. Irwin, if promoted.
John Ford, to be Colonel of the 94th Regiment, in place of N. H. Parish, resigned.
Whitfield J. Nevill, to be Lieutenant Colonel of the 94th Regiment, in place of Shelton Duff.
Allen Self, to be Major of the 94th Regiment, in place of W. J. Nevill, if promoted.
Richard H. Yancy, to be Colonel of the 100th Regiment, in place of Wm. T. Foster, removed.
George Marshall, to be Lieut. Colonel of the 100th Regiment, in place of R. H. Yancy, if promoted.
Phillip Yancy, to be Major of the 100th Regiment, in place of George Marshall, if promoted.
Oscar Pepper, to be Lieutenant Colonel of the 106th Regiment, in place of Lewis A. Berry, resigned.
Newton Henry, to be Major of the 106th Regiment, in place of Oscar Pepper, if promoted.
Micajah B. Clark, to be Colonel of the 107th Regiment, in place of H. C. Williams.
H. M. Clark, to be Lieutenant Colonel of the 107th Regiment, in place of M. B. Clark, if promoted.
Nathaniel K. Harris, to be Major of the 107th Regiment, in place of H. M. Clark, if promoted.
Hugh Stice, to be Colonel of the 111th Regiment, in place of Thomas W. Cochran, promoted.
Elbert Davis, to be Lieutenant Colonel of the 111th Regiment, in place of Wm. E. Perry.
Henry Darms, to be Major of the 111th Regiment, in place of Hugh Stice, if promoted.
Lewis Gray, to be Colonel of the 112th Regiment, in place of Hardy Jackson, resigned.
Edmund Stokes, to be Lieutenant Colonel of the 112th Regiment, in place of Lewis Gray, if promoted.
James Cargill, to be Major of the 112th Regiment, in place of Edmund Stokes, if promoted.
Alfred Moore, to be Colonel of the 118th Regiment, in place of David W. Patton, resigned.
Robert Bickler, to be Lieutenant Colonel of the 118th Regiment, in place of J. B. Husbands, resigned.
John Staten, to be Major of the 118th Regiment, in place of Thos. Collair, resigned.
Leroy W. Cowles, to be Colonel of the 127th Regiment, in place of Ambrose Kirlley, removed.
Martin H. Webb, to be Lieutenant Colonel of the 127th Regiment, in place of L. W. Cowles, if promoted.
Samuel Woosley, to be Major of the 127th Regiment, in place of M. H. Webb, if promoted.
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Thos. Anderson, to be Colonel of the Louisville Legion.
Jason Rogers, to be Lieutenant Colonel of the Louisville Legion.
Humphrey Marshall, to be Major of the Louisville Legion.

C. A. WICKLIFFE.

EXECUTIVE DEPARTMENT,
August 19, 1840.

Gentlemen of the Senate:

Since the adjournment of the Legislature in February last, the following 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, viz:

George W. Barbour, to be Attorney for the Commonwealth, in place of James Campbell, resigned.
Francis K. Hunt, to be Trustee of Transylvania University, in place of Henry Clay, Jr. resigned.
Thomas S. Harlow, to be Police Judge of the town of Paducah, in place of J. B. Hicks, resigned.
Wm. L. Lawson, to be Notary Public in Christian county, in place of David Banks, resigned.
Thomas C. Howard, to be Notary Public in Madison county, in place of E. L. Shackelford, resigned.
Wm. Wright, to be Sheriff of Harlan county, in place of John Noe, resigned.
George L. Burton, to be Sheriff of Lawrence county, in place of R. Chambers, who failed to give bond.
Nimrod Harris, to be Sheriff of Mercer county, in place of Wm. Sharp, deceased.
Edmund T. Abell, to be Sheriff of Meade county, in place of John S. Chapman, resigned.
Hiram T. Hall, to be Sheriff of Wayne county, in place of M. Van Winkle, who failed to give bond.

C. A. WICKLIFFE.

EXECUTIVE DEPARTMENT,
August 19, 1840.

Gentlemen of the Senate:

I nominate for your advice and consent:
Rezin G. Owings, to be Sheriff of the county of Bath, in place of Elihu Owings, deceased.
John Field, to be Surveyor of the county of Owen, in place of Alexis Hardie, removed.
Samuel H. Bullen, to be Notary Public in the county of Jefferson.

C. A. WICKLIFFE.

Resolved, That the Senate advise and consent to the said appointments, except to that of Samuel H. Bullen.

A message in writing was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State.

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

3
Executive Department,  
Frankfort, Aug. 20, 1840.

Gentlemen of the Senate:

With your leave, I will withdraw the nomination made this morning, of Samuel H. Bullen, to be a Notary Public in the county of Jefferson; and nominate Philip R. Thompson, to be a Notary Public in the said county of Jefferson.

C. A. WICKLiffe.

Resolved, That leave be given to withdraw the said nomination: and that the Senate advise and consent to the appointment of the said Philip R. Thompson.

The Speaker laid before the Senate a communication from the First Auditor of Public Accounts, which was read as follows, viz:

STATE OF KENTUCKY,  
Auditor’s Office, August 20, 1840.

Sir:

The Lieutenant and Acting Governor, Charles A. Wickliffe, Esq. has been pleased to refer you, and the Senate, over which you have the honor to preside, to a case (as he says) of official neglect in me. I am happy that the reference is made; to which I shall respond, by laying before you, all the information I have been enabled to procure on that subject; if not at this time, it shall be attended to at an early day of your annual meeting next winter. Permit me to say, that a mortgage has been regularly made and recorded, under an act approved Feb. 15, 1838, “for the benefit of the Lexington and Ohio Railroad Company.”

I am, respectfully,

yours, &c.

Hon. Samuel Hanson,
Speaker of the Senate.

BEN. SELBY, Auditor.

Mr. Ballinger moved the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That it is the duty of the First Auditor of Public Accounts to advertise and sell the premises mortgaged to this Commonwealth by the Lexington and Ohio Railroad Company, according to the provisions of the act, entitled, an act for the benefit of the Lexington and Ohio Railroad Company, approved 2d Feb. 1833.

Resolved, That the Governor and Attorney General of this Commonwealth be requested to instruct the First Auditor to bid for the property so sold, so as not to permit the same to pass into the hands of others, at a price that will not fully indemnify the Commonwealth.

Resolved, That in the event that the First Auditor should become the purchaser of any of the premises so sold, that the same be placed by the Governor under the control of the Board of Internal Improvement, who shall have power to make such disposition and use of the same, as will, in their opinion, most advance the interest of this Commonwealth.
The rule of the Senate being dispensed with, the said resolutions were twice read, and laid on the table.

Mr. Ballinger moved the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, that the Treasurer of this Commonwealth be authorized and required to borrow, temporarily, from any of the Banks of this Commonwealth, any sum which may be necessary to meet the current expenses of the Commonwealth, chargeable upon the public treasury, not exceeding the sum of $30,000; and that he be required to repay the same, so soon as the accruing revenue of the Commonwealth will enable him to do so; and that he make report to the next General Assembly of what he has done under this resolution.

The rule of the Senate being dispensed with, the said resolution was twice read, and adopted.

Mr. Payne moved the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, that a committee of one, of the Senate, and two of the House of Representatives, be appointed, whose duty it shall be to examine the books, accounts and vouchers of the Treasurer of the Commissioners of the Sinking Fund, and report to the General Assembly on the first Monday in December next.

The rule of the Senate being dispensed with, the said resolution was twice read, and adopted.

Mr. Hughes moved the following resolution, viz:

WHEREAS, the State bonds issued during the present year, in payment of contractors and others employed on the public works, by virtue of an act of the last Legislature, in disposing of which, from the alternative pressed upon said contractors, they were subjected to considerable losses by the depreciation of those bonds; and whereas, the officers of the government, and other public creditors are being paid in "another and a better currency," a discrimination clearly in violation of the dictates of equal justice: Therefore,

Resolved, That a committee be appointed to examine into, and report upon the expediency of re-imburseing said contractors and others, in the losses they have been compelled to sustain, by the reception of said bonds; and report thereon at the next session of the Legislature.

The rule of the Senate being dispensed with, the said resolution was twice read, and laid on the table.

A message was received from the House of Representatives, announcing the passage of a bill from the Senate entitled, an act prescribing the mode of choosing Electors to vote for President and Vice President of the United States.

Messrs. Griffith, Hughes and Schooling were appointed a committee of Enrollments on the part of the Senate.

Mr. Wingate, having obtained leave, reported a bill to amend an act, entitled, an act to change the January term of the General Court, approved January 4, 1839.

Which was read the first time, and ordered to be read a second time.
The constitutional rule as to the 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.

After a short time, a message was received from the House of Representatives, announcing that they had passed said bill.

Mr. Griffith, from the committee of Enrollments, reported that the committee had examined an enrolled bill, entitled, an act prescribing the mode of choosing Electors to vote for President and Vice President of the United States, and had found the same truly enrolled.

The said bill being signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee, to be presented to the Lieutenant and Acting Governor, for his approbation and signature.

After a short time, Mr. Griffith reported that the committee had performed that duty.

A message was received from the Lieutenant and Acting Governor, announcing that he had approved and signed said bill.

A message was received from the House of Representatives, announcing that they had passed a bill for the appropriation of money.

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

The constitutional rule as to the second reading being dispensed with, the said bill was amended, and ordered to be read a third time.

The constitutional rule as to the third reading of said bill being 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 that they had concurred in the said amendment; and that they had adopted a resolution from the Senate, authorizing the Treasurer to make a temporary loan; and a resolution from the Senate for the adjournment of the General Assembly.

Mr. Griffith, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and a resolution of the following titles, and had found the same truly enrolled:

An act for the appropriation of money.

An act to amend an act, entitled, an act to change the January term of the General Court, approved January 4, 1839.

A resolution authorizing the Treasurer to make a temporary loan.

The said bills and resolution having been signed by 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 Lieutenant and Acting Governor, for his approbation and signature.
After a short time, Mr. Griffith reported that the committee had performed that duty.

A message was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State, announcing that he had approved and signed the said second bill and resolution.

A message was received from the House of Representatives, announcing that they had received official information that the Lieutenant and Acting Governor had approved and signed the said first named bill.

Ordered, That Mr. Clarke inform the House of Representatives that the Senate have finished the legislative business before them, and are now ready to adjourn.

Messrs. Clarke, Hardin and DeCourcy were appointed a committee on the part of the Senate, to wait on the Lieutenant and Acting Governor, and inform him that the General Assembly have finished the legislative business before them, and are now ready to adjourn; and to know if he has any further communication to make.

A message was received from the House of Representatives, by Mr. Ford, announcing that they had finished the legislative business before them, and are now ready to adjourn; and that they had appointed a committee on their part, to wait on the Lieutenant and Acting Governor, to know if he has any further communication to make.

The committee on the part of the Senate then retired, and after a short time returned; when Mr. Clarke reported that the joint committee had performed the duty assigned them, and were informed by the Lieut. and Acting Governor that he had no further communication to make.

The Speaker having retired, Mr. Johnston was called to the chair.

Mr. Payne moved the following resolution, viz:

Resolved, That the thanks of the Senate be tendered to the Hon. Samuel Hanson, for the impartial, able and dignified manner in which he has presided over the Senate; and now, in parting with him as our Speaker, he carries with him our warmest wishes for his future prosperity and happiness.

Which resolution was twice read, and unanimously adopted.

The Speaker resumed the chair, and the Senate adjourned without day.
JOURNAL
OF
THE SENATE
OF THE
COMMONWEALTH OF KENTUCKY,
BEGUN AND HELD
IN THE TOWN OF FRANKFORT, ON WEDNESDAY, THE 19TH DAY OF AUGUST, IN THE YEAR OF OUR LORD, 1840, AND OF THE COMMONWEALTH THE FORTY NINTH.

CALLED SESSION.

FRANKFORT, KY.
A. G. HODGES....STATE PRINTER.
1840.
At a General Assembly, begun and held for the State of Kentucky, at the Capitol, in the town of Frankfort, on Wednesday the 19th day of August, 1840, it being the day appointed by the proclamation of the Lieutenant and Acting Governor for the meeting of the General Assembly—the following members of the Senate appeared, and took their seats, viz:

From the first Senatorial district, Thomas James; from the third, Samuel B. Jesup; from the fourth, James V. Walker; from the fifth, Wm. R. Griffith; from the sixth, Richard S. Ford; from the seventh, Asa Young; from the eighth, James C. Sympton; from the tenth, Parker C. Hardin; from the eleventh, Tunstall Quarles; from the twelfth, Wm. Sterett; from the thirteenth, James G. Pitts; from the fifteenth, James Guthrie; from the sixteenth, James N. Hughes; from the seventeenth, George W. Johnston; from the eighteenth, G. Clayton Slaughter; from the nineteenth, Jas. Schooling; from the twenty third, Charles J. Walker; from the twenty fourth, Franklin Ballinger; from the twenty fifth, John Wallace; from the twenty sixth, William De Courcy; from the twenty seventh, John S. Morgan; from the twenty eighth, Cyrus Wingate; from the twenty ninth, John Pratt; from the thirtieth, Mark E. Huston; from the thirty second, Wm. Clarke; from the thirty third, Samuel L. Williams; from the thirty fifth, Daniel Morgan; from the thirty sixth, Thomas Y. Payne; from the thirty seventh, Mason Williams; and from the thirty eighth, Samuel Hanson.

The said Wm. R. Griffith, Asa Young, James C. Sympton, Parker C. Hardin, Tunstall Quarles, Cyrus Wingate and Samuel L. Williams severally produced certificates of their election, and took the several oaths required by the Constitution of the United States and the Constitution and Laws of this State.

The said Thomas James produced a certificate of his election, and took the oaths required by the Constitution of the United States and the Constitution of this State, but declined taking the oath required by an act, entitled, an act more effectually to suppress the practice of duelling.

On motion, he was permitted to take his seat without taking said oath.

The Lieutenant Governor having become Acting Governor, by the death
of His Excellency James Clark, the Senate proceeded to vote for a Speaker for the occasion.

Whereupon Mr. Samuel Hanson was unanimously elected.

James Stonestreet was elected Clerk of the Senate during the present session. Whereupon he took the several oaths required by the Constitution of the United States and the Constitution and Laws of this State.

Mr. Wingate nominated Mr. John Mayhall for the office of Sergeant-at-Arms of the Senate, during the present session.

Mr. John S. Morgan nominated Mr. William Campbell.

Upon taking the vote, it stood thus:

Those who voted for Mr. Mayhall were—

Mr. Speaker, Huston, Slaughter,
Messrs. Ballinger, James, Sterett,
DeCourcy, Johnston, Walker, C. J.
Griffith, Pitts, Walker, J. V.
Guthrie, Quarles, Williams, M.
Hardin, Schooling, Wingate,
Hughes, Sympson, Young—21.

Those who voted for Mr. Campbell were—

Messrs. Clarke, Morgan, D.
Ford, Morgan, J. S.
Jesup, Payne,

John Mayhall having received a majority of all the votes given, was declared duly elected Sergeant-at-Arms of the Senate during the present session. Whereupon he took the several oaths required by the Constitution of the United States and the Constitution and Laws of this State.

Henry Banks was elected Door Keeper of the Senate during the present session. Whereupon he took the several oaths required by the Constitution of the United States and the Constitution and Laws of this State.

A message was received from the House of Representatives, announcing that they had met, formed a quorum, elected their officers, and are now ready to proceed to legislative business; and that they had appointed a committee on their part, to wait on the Lieutenant and Acting Governor, and inform him that the General Assembly have convened, and are now ready to receive any communication he may think proper to make.

Ordered, That Mr. Ballinger inform the House of Representatives that the Senate have met, elected their officers, and are now ready to proceed to legislative business.

Messrs. Ballinger, Wallace and Schooling were appointed a committee on the part of the Senate, to wait on the Lieutenant and Acting Governor, and inform him that the General Assembly have convened, and are now ready
to receive any communication he may think proper to make; and Mr. Ballinger was directed to inform the House of Representatives thereof.

The committee on the part of the Senate retired, and after a short time, returned; when Mr. Ballinger reported that the joint committee had performed the duty assigned them, and were informed by the Lieutenant and Acting Governor that he would make a communication (in writing) to each House, in a few minutes.

On the motion of Mr. Wingate,

Resolved, That the Clerk of the Senate be authorized to appoint an Assistant Clerk during the present session, and that he be responsible for the discharge of the duties of the same; and that he shall have power to remove said assistant, at pleasure.

The Clerk, with the concurrence of the Senate, appointed Theodore Kohlhaas, Assistant Clerk. Whereupon he took the several oaths required by the Constitution of the United States and the Constitution and Laws of this State.

A message (in writing) was received from the Lieutenant and Acting Governor, by Mr. Bullock, Secretary of State, which was read, as follows:

EXECUTIVE DEPARTMENT,  
August 19th, 1840.

Gentlemen of the Senate, and  
House of Representatives:

The purpose of calling you together at this time is distinctly announced, in the proclamation under which you assembled.

It is a matter of regret, no doubt, with you, as it is unquestionably with me, that the omission, by the last Legislature, to re-enact the law of 1836, "prescribing the mode of choosing electors to vote for President and Vice President," has made this extra session of the Legislature necessary.

When it is remembered that the attention of the members of the last General Assembly was intensely fixed, and their labors unremittingly devoted to many exciting questions of State and National policy, it is not the part of justice to censure any one for the omission. They, like myself, no doubt believed the law of 1836 was in full force.

The Legislature having met for a special object, and so near the period at which my official connection with the Government of the State will terminate, I have not felt myself at liberty to call your attention to other subjects of general interest, or to trouble you with a statement of the fiscal condition of the Commonwealth, and the progress of her public works during the present year. Should the Legislature desire any information upon these or other subjects connected with the administration of the State government, it will give me great pleasure to furnish such as may be required by the representatives of the people.

It is not intended by the undersigned to intimate an opinion unfavorable to the power, or to the propriety of its exercise, by the Legislature now assembled, of general legislation upon all or any questions which, in the judg-
ment of those vested with the law-making power, the public interest demands.

In the event that you may feel it your duty to proceed to the general business of legislation at this time, I will take the liberty to invite your attention to the subjects treated of in the message I had the honor of submitting to the consideration of your predecessors, with the renewed expression of my opinion that none of them, and particularly the condition of the public revenue—the necessity of providing the means to protect the credit of the State, to enable the Commonwealth to fulfill her engagements with the contractors upon her public works, and to preserve her faith inviolate with the holders of her bonds—have lost anything of interest, or diminished in importance since they were presented to the consideration of your predecessors.

I congratulate you and my fellow citizens, in being able to announce to the Legislature, that the interest due to the holders of State securities, has heretofore been promptly paid. I need not say how humiliating it must prove to every true Kentuckian, should he live to see the day when that credit which his State now possesses, shall be tarnished by the failure on the part of the Representatives of the people, to provide the means of redeeming the plighted faith of the Commonwealth. She now enjoys a confidence and a credit, of which she may justly boast, when we take into consideration the derangement of the monetary concerns of the world, which now everywhere prevails.

Under the law of the last session, having for its object the maintenance of the public credit, &c., I have issued to contractors and public creditors for work and labor, and demands against the Commonwealth, connected with the system of Internal Improvement, the bonds of the State at par, redeemable in six years, bearing an interest of six per cent., to the amount of $367,400. I have sold to the Board of Education thirty year bonds, bearing like interest, at par, to the amount of twenty four thousand dollars.

Under the opinion that a sale of the bonds of the State could not have been effected upon the terms prescribed in the act, or upon such terms as the State ought to accept, I have not commissioned a special agent, at public expense, for that purpose, though agents have been and are now vested with authority to make contracts for the sale of State bonds upon the terms prescribed in the act of the last Legislature. My last advices from them have not created any well founded hope that a sale can or will be effected at the present time. Capitalists seem unwilling to make investments until things shall right themselves by the establishment of some system of finance by the General Government that will promise stability to capital and value to labor.

You will discover by a copy of the proceedings of the stockholders in the Bank of Kentucky, at their annual meeting in May last, which accompanies this communication, that they are of opinion some action of the Legislature is necessary to enable the President and Directors of that institution to settle and adjust the question of liability on the part of the Bank for the spurious stock issued by the agent of the Bank in Philadelphia. I have been requested by members of the Committee appointed by the stockholders specially to invite the attention of the present Legislature to this subject.

Information from Maj. W. S. Waller, now in Philadelphia, who has been
employed by the Bank to separate the genuine from the spurious stock, authorizes me to express the opinion that such a result will follow the skill and labor which he has brought to bear upon the subject. He will not, however, bring his labors to a close before the 1st of October, and I do not see how the Legislature can act understandingly upon this subject until, not only the amount of spurious issue shall be known, but the holders thereof ascertained.

It was expected by the last Legislature that steps would have been taken by the proper executive officer to foreclose, by sale, the mortgage executed by the Lexington and Ohio Railroad Company to the State, as an indemnity for her endorsement upon the bonds of the company to the amount of one hundred and fifty thousand dollars, the accruing interest of which the State has been compelled to pay for the last fifteen months.

The execution of this duty by the First Auditor of the Treasury, upon whom the law devolved it, was officially required by me soon after the committee to whom the subject was referred reported that no further legislation was necessary. Why it has not been done, he may be able satisfactorily to account to the Legislature. He has not in the correspondence between us, copies of which I send you, satisfied me that his failure or refusal to advertise the property mortgaged for sale is consistent with a proper discharge of his official duties, or in accordance with the wishes or expectation of the last Legislature. It is for the Representatives of the people to determine in what mode the State is to be relieved of this constant and perplexing demand upon the Treasury of the State. If the law be defective, it should be remedied; if the defect is alone in the officer, whose duty it is to execute the law, he should be admonished to the discharge of the same by the Representatives of the people.

The executive duties of the State will, in a few days, pass into the hands of the gentleman whom the people have recently selected to the discharge of the high and responsible duties of Chief Magistrate of Kentucky, and the duties assigned by the Commissioners of the Sinking Fund to their Treasurer, will, in all probability, be transferred to another. I must therefore, solicit, as an act of justice to the present incumbent, and the gentlemen who have acted as Commissioners of the Sinking Fund for the last four years, that the Representatives of the people, by a committee, or in some other mode, examine the books and accounts and vouchers of the Treasurer of that fund. This is equally due to the public interest committed to the Legislature and to those who have heretofore discharged with fidelity, no doubt, the responsible and laborious duties of fiscal agents of the government.

Owing to the distance at which some of the members of the Board reside from the seat of government, and the nature of their engagements as Presidents of Banks, it is often difficult to constitute a board for the transaction of business. I would respectfully suggest the propriety of adding another member to the Board, whose residence shall be at or near the seat of government.

With a tender of my best wishes for your personal welfare, and a willingness to co-operate with you in the labors which have been devolved upon you by the constitution, and with the expression of a hope that the same Providence which has watched over the interest of our common country will smile upon your efforts to promote her interest,

I subscribe myself your fellow-citizen,

C. A. WICKLIFFE.
Executive Office,  
February 13, 1840.

Colonel Selby, as Auditor of Public Accounts, is charged by law with the duty of exposing to sale, at public auction, the estate and corporate privileges of the Lexington and Ohio Railroad Company, in order to indemnify the Commonwealth for her payments and liabilities incurred by her endorsement of the bonds of the Company for one hundred and fifty thousand dollars. A committee of the Legislature (of the Senate) have reported that no further legislation upon that subject is necessary to enable the officers of the State Government to enforce the lien. No provision has, as yet, been made by the Legislature for the payment of the next installment of interest due on said debt, and it is believed the company are making none. You will therefore perceive that the existing law leaves you, as Auditor, no discretion; and the sooner you proceed to execute the duty assigned you by law, the sooner the State will be rid of the embarrassment which the failure of the Company to discharge her obligations has and will impose upon the State. The law requires six months' notice to be given.

Yours,

C. A. Wickliffe.

Executive Office,  
May 16, 1840.

Sir:  
By reference to my letter to you under date of the 13th February, 1840, you will see your attention was called to the duties prescribed to the Auditor, by the act of the Legislature directing the endorsement of the State to be made upon the bonds of the Lexington and Ohio Railroad Company, in case the said Company failed to pay the interest or debt, and save the State harmless; and the propriety of advertising and selling said road and its effects, or so much thereof as would be sufficient to indemnify the State, was urged upon you. I have seen no advertisement by you in the public journals of Frankfort, of the time and place of this sale. You will be good enough to report to me, in writing, why it is you have not proceeded to advertise the time and place of sale, as required by the act referred to. This law treats the Auditor as the agent of the Government; nevertheless, as the Executive of the State, its execution falls within the general constitutional supervision imposed upon the Governor—to see that the laws be faithfully executed: and if there exists any reasons why the provisions of this law has not been executed, I desire to be officially informed of them.

Respectfully yours,

To Ben. Selby, Esq.  
Auditor Public Accounts.

C. A. Wickliffe.

State of Kentucky, Auditor's Office,  
May 20th, 1840.

Dear Sir:

I have the pleasure afforded me to acknowledge the receipt of yours of the 16th instant, on the subject of the Lexington and Ohio Railroad Com-
stock. The Commissioners, however, have deemed it most prudent to suspend the payment of the interest at the same time due upon the bonds held by the Board of Education. As this course could be pursued without the slightest detriment to the credit of the State, they did not feel it imperative upon them to borrow money at an interest of six per cent. to pay the State a debt due to herself.

That you may be enabled more fully to understand the present condition of the Sinking Fund, I herewith transmit an aggregated balance sheet of the receipts and disbursements since the formation of the Board, exhibiting the sources from whence derived, and the objects upon which expended.

Thus far the Sinking Fund has been enabled punctually to meet the burdens imposed upon it. So much has been heretofore communicated on this important subject, that I will not attempt an elaboration, but refer you to the voluminous reports and admirable suggestions of the Commissioners and my immediate predecessors in office.

Intimately connected with this Fund, and indeed the cause of its creation, is the system of Internal Improvement. I am gratified in being enabled to state to you, that but little of the debt due from the Board of Internal Improvement, at the close of the late annual session of the Legislature, exclusive of the retained percentage, either to the contractors on the public works or the Banks, remains unpaid. The money borrowed for Internal Improvement purposes, and for which bonds have been issued, amounts to one million three hundred and eighty five thousand dollars, at an annual interest of five per cent., and one million seven hundred and sixty five thousand dollars, at an interest of six per cent., all of which loans have been made for extended periods, varying from twenty to thirty five years; and five hundred and sixty thousand dollars at an interest of six per cent. and payable six years after date—making the aggregate amount issued, three millions seven hundred and ten thousand five hundred dollars; from which, however, should be deducted nine hundred and seventeen thousand dollars, the amount held by the Board of Education, and twenty thousand dollars held by the Commissioners of the Sinking Fund—for these are debts due from the State to itself—which will leave the sum of two millions seven hundred and eighty five thousand six hundred dollars, the amount held by the Board of Education, and twenty thousand dollars held by the Commissioners of the Sinking Fund—for these are debts due from the State to itself—which will leave the sum of two millions seven hundred and eighty five thousand dollars, as the exact amount of the public debt, for which bonds have been executed. To meet this debt at maturity, or even sooner if occasion requires it, there is already an accumulated fund, consisting of stock in the various Banks of the State of nine hundred and ninety seven thousand four hundred dollars—exclusive of the two millions of stock held by the State in the Banks—which, subtracted from the actual amount of debt, leaves the sum of one million seven hundred and eighty five thousand six hundred dollars for the payment of the principal of which no provision is yet made by the Legislature. To
the amount, however, of the debt as above given, should be added twenty thousand dollars borrowed by the Board of Internal Improvement of the Bank of Louisville, and ten thousand dollars borrowed of the Branch of the Bank of Kentucky at Frankfort.

Previous to the passage of the law at your last regular session in relation to the system of Internal Improvement, the bonds sold amounted to two millions seven hundred and eleven thousand five hundred dollars; since which time there has been issued bonds payable in thirty years to the amount of four hundred and thirty nine thousand dollars, of which twenty four thousand dollars were sold to the Board of Education before the commencement of my official term; and I have since paid to the Banks, under the directions of the act of 21st of February, 1840, the whole sum due those institutions for money borrowed by the Board of Internal Improvement, amounting to four hundred and fifteen thousand dollars, to-wit: two hundred and thirty five thousand to the Northern Bank of Kentucky, and to the Bank of Kentucky one hundred and eighty thousand dollars. There has been also paid to the contractors on the public works, in liquidation of their claims against the State, six year bonds to the amount of five hundred and sixty thousand dollars, of which my predecessor issued four hundred thousand and four hundred dollars. The total issue, therefore, under the act of February 1840, has been nine hundred and ninety nine thousand dollars, being five hundred and one thousand dollars less than therein authorized.

Although the demand for State securities has recently increased, and improvement in the prices has so advanced within the last few weeks as to justify the conclusion that a satisfactory disposition could be made of the residue of the bonds authorized to be sold, I have not deemed it prudent, under existing circumstances, to increase the indebtedness of the State by an additional sale of bonds; I have, therefore, postponed any action on the subject, submitting it to your better judgment, with the confident belief that the Legislature, in its wisdom, will adopt such measures as may be warranted by the interest of the country and the exigencies of the case.

This view of the financial condition of the Commonwealth, demonstrates that the State has not so rashly and improvidently run into debt, as was apprehended; that the actual amount of existing debt, if properly managed, is far from being alarming or burthensome in itself, or in comparison with the debt of other States; and that the State, in the useful, solid, and permanent improvements which have been completed, or are in progress of completion, has, in some degree, realized an equivalent for whatever of bonds it may have issued, or money it may have expended. But still I cannot but think, that it will be wise and discreet in future, by all means, to avoid, as far as possible, any further increase of the present public debt of
the State, by suspending, until periods of greater prosperity, such portions of the public works as may admit of postponement, without serious detriment or prejudice to the State. It seems to me to be unwise and impolitic in the extreme, to undertake too many expensive works at the same time. The means of payment should be well understood before contracting additional debts for any purpose.

The plan of incurring heavy liabilities for works of Internal Improvement, and then resorting to burthensome taxation as a mean of extricating ourselves, is, in my view, a dangerous, if not a ruinous policy. And I feel it to be my imperative duty, upon this occasion, to declare, in the most explicit manner, my unqualified opinion, that the people of the State ought not to be taxed with the view or with the hope of completing the scheme of Improvement.

The system should not proceed upon the basis of taxation to complete it. It is confidently believed it did not originate with that intention or expectation, and it most certainly ought not to proceed upon that principle. The Internal Improvements which are necessary to the comfort, convenience, and commerce of the people, require time and patience for their completion; and the whole system should be conducted with prudence, with caution, with forbearance, and at the same time, with an eye to the strictest economy and to public utility. If it be a duty, (as it no doubt is,) not to impose unreasonable burthens upon posterity, certainly it is no less an one to ourselves not to assume unequal and oppressive portions of those which posterity ought to share with the present generation.

Whilst I recommend, most sincerely and most cordially, the absolute propriety of forbearing to increase, unnecessarily, the existing debt of the State, I must, at the same time, say, all the obligations of honor, of high character, and of good faith, unite in urging an ample and certain provision for the punctual payment of the interest, and the ultimate redemption of the principal of that debt which has already been contracted. The State of Kentucky has always regarded it as one of her most sacred duties, to fulfil, with scrupulous fidelity, all her engagements. And I feel the proudest gratification in expressing the most confident assurance, that the Legislature will cordially unite in adopting every measure which may be deemed necessary to maintain the integrity, the credit, and good faith of the Commonwealth. This is demanded by every consideration of justice to our creditors and to ourselves, and I may add, is expected by our constituents.

In consequence of the fraud practised on the Bank of Kentucky, by the issue of spurious evidences of its stock, that institution has been compelled to make a temporary suspension of its accustomed dividends. The Sinking Fund is deprived, therefore, of the amount which was anticipated, and which it ought to have received upon the large portion of the stock held by the
State in that Bank. There is then a deficit in the Sinking Fund. There is also a deficit in the ordinary revenue of the State, and has been for years. This debt, unless efficient means are employed for its extinguishment, must inevitably increase, and with that increase, the difficulties of payment will be much more embarrassing and oppressive. We should not attempt to conceal from ourselves our true condition, but look at it as it really is, and although by no means alarming, still the remedy should be applied promptly, yet discreetly, according to the exigency of the case. Our constituents are a just people, and an honest people, and whilst they anxiously desire to avoid profusion and extravagance in the public expenditures, as they should do, nevertheless they are determined to preserve the character of the State free from all manner of reproach.

Under all the circumstances, as they exist, I deem it expedient, and therefore recommend, that the Legislature should make provision during the temporary suspension of the Bank dividends for the consequent deficiency in the Sinking Fund, and also for the deficiency in the ordinary revenue, by an increase of taxation in such manner as they may think most advisable.

The State tax being but one-tenth part of one per cent. upon an assessment, at a moderate rate, of the value of property, I take great satisfaction in saying, is perhaps the lightest of any State tax paid in this Union. And there are various new subjects of legitimate taxation which might be resorted to without bearing at all upon those who are in humble circumstances in life, or even heavily upon any interest or any portion of the community.

In considering the mode of increasing the revenue of the State, the occasion is a suitable one for advertsing to the distribution of the proceeds of the public lands of the United States. That great and benificent measure, so full of justice towards all the States, so highly approved and constantly demanded by public sentiment, and so long unjustly delayed, it is to be hoped, will not now be much further postponed.

If the bill which was passed by large majorities in both branches of Congress, in 1833, had not been arrested by a most singular and unwarrantable exercise of Executive power, the portion which Kentucky would have received, according to its provisions, up to the period of the 30th of September, 1838, would have been amply sufficient to extinguish the whole amount of the present actual debt of the State. And the additional amount since that time, to which the State would have been entitled, if the bill had gone into operation, would have formed an ample basis for any loan the Legislature might have thought proper to authorize for the prosecution of her public works, or for the advancement of the great cause of education, without difficulty or embarrassment. Let it be remembered, the public lands of the United States have been acquired by the common blood and common treasure of the people of the United States. To the acquisition of that part of
it which was secured by the treaty of 1783, no State in this Union contributed so much as the State of Virginia, and no part of that venerable Commonwealth contributed so much as did the infant and unprotected settlement of Kentucky, then forming a part of it. It is a well established fact, that the celebrated expedition of General George Rogers Clark, which was fitted out in Kentucky, and embodied many of her most gallant and enterprising sons, by one of the boldest and most brilliant achievements upon record, enabled the American Minister at Paris to demand, if not absolutely to force, from the British Minister a concession of all that vast territory beyond the Ohio river.

These public lands, secured by the war of the Revolution, were pledged to the payment of the public debt, created by that war. That debt has long since been wholly discharged, and there is now no plausible pretext, no just impediment to a fair and honest division of the proceeds of their sale, among all the States. Besides many other considerations of equality and justice recommending the propriety of the measure, there is one which strikes me with peculiar force.

The General Government has, under the Constitution of the United States, the exclusive power of raising a revenue by duties on foreign imports. Many articles of known and acknowledged luxury, such as silks, wines, &c. &c., either now pay no duty, or a very small one. Moreover, the General Government can collect any reasonable amount of revenue without its being sensibly felt, whilst the States are circumscribed by their limited powers, to objects, which bear heavier and more directly upon the people. If, therefore, the Federal Government stood really in need of the revenue derived from the public lands, it would be better, in justice to the people, who are the common constituents of both the Federal and State Governments, to assign to the States the proceeds of the public lands, and supply the deficiency, should there be any, by the easy and proper resort to duties on foreign articles of mere luxury.

If the Legislature, then, in its wisdom, should provide for the temporary deficiency in the Sinking Fund by taxation, or in any other more acceptable mode, we have just reason to anticipate that the burthen would be rendered one of short duration, by the adoption of the measure of distribution of the sales of the public lands, a measure recommended by so many irresistible motives of sheer justice and sound policy, and which, when adopted, will at once enable the Legislature to dispense with the necessity of this expedient.

In treating of the public revenue of the State, the condition of its currency naturally presents itself to our consideration. The State derived great benefit from the branches of the late Bank of the United States. They furnished the people with a sound currency, good at home and good abroad,
and afforded every necessary facility to the commerce, business and enterprise of the community. When it was unfortunately decreed that the United States Bank was to expire without a renewal of its charter, and without a substitute, Kentucky; being compelled, by necessity, went slowly and hesitatingly into the creation of local Banks. She was at length forced by circumstances over which she had no control, and in self-defence, to establish some Banks. Besides one or two small institutions, she chartered two principal Banks, the Bank of Kentucky in 1834, and the Northern Bank of Kentucky in the year 1835, each with the power of establishing several branches. In both of these Banks, the State reserved to itself a large portion of stock. It is hoped and believed, both of these institutions have been conducted with integrity and ability. The Northern Bank, from the period of its commencement of full operation, to the present time, has made an average dividend exceeding eight per cent. per annum, reserving at the same time a considerable surplus as a contingent fund; and so did the Bank of Kentucky, until the fraud already noticed, in the issue of its stock in Philadelphia, unfortunately occurred.

The Banks of Kentucky were forced to yield to the necessity of suspending specie payments for their issues, by the suspension of specie payments by the Eastern Banks. It is believed they are entirely ready to resume, as they were to have continued, simultaneously with the Eastern and Southern Banks.

I take great pleasure in saying, there is every prospect of a resumption of specie payments on the part of the Eastern and Southern Banks, by the middle of January next, and a readiness on the part of the Banks in Kentucky to resume at the same moment. The Kentucky Banks have enjoyed, and no doubt, merited, public confidence, in a great degree, and have supplied the people at this period of heavy pressure, almost in exclusion of the Banks of other States, with a local currency, which has been freely received, and answered all the ordinary purposes of business transactions in the State. They have also, by means of Discounts and Bills of Exchange, materially assisted and advanced the operations of our external trade and commerce. But the ability of local banks is necessarily confined to a limited sphere of action. They can never supply the place of a Bank of the United States. Long and sad experience establishes this fact, beyond all sort of question. They cannot furnish a sound currency of equal and uniform value throughout all parts of the Union. They cannot negotiate Bills of Exchange, and supply remittances, with the same facility, and with the same advantages to the community, as a Bank of the United States. The trade of the State, without a Bank of the United States, is constantly, and oppressively, and unjustly burdened in both directions, towards New Orleans, and towards the Eastern cities. Its bills on New Orleans, of which
it is generally a creditor, are usually sold at a discount of two per cent. besides interest, whilst remittances on the Eastward, of which we are generally a debtor, command a premium of from two to three per cent. During the existence of the branches of the United States Bank, they purchased generally the bills of our traders on New Orleans, at from one to one and a half per cent. discount, and supplied remittances in great abundance to any part of the United States, at a premium of one half of one per cent. The people of Kentucky have suffered constantly and severely by these operations, and have lost hundreds of thousands of dollars, for the want of a Bank of the United States.

The scheme of a currency purely metallic, has recently met with the most signal condemnation, both by the people of this State, and the U. States. The absolute necessity of a mixed currency, consisting partly of gold and silver, and partly of bank notes, redeemable at any moment in specie, can now, as I think, be no longer seriously controverted. But as a National currency is as indispensably necessary to the people as a National government, it is to be hoped that all further experiments will be abandoned, and very soon a National Bank will be established, upon tried and approved principles, as the only remaining remedy by which the exchanges of the country can be justly, fairly and honestly regulated, and the people in every part of the Union can be supplied with a common currency, of uniform value everywhere.

As these two great measures, the division of the proceeds of the Public Lands, and the establishment of a National Bank, depend mainly, if not entirely, upon the evidences of public opinion in their favor, I would recommend to you, at the earliest period, to furnish your Senators and Representatives in Congress, the most conclusive testimony of the wishes of our constituents in reference to these vital topics.

The act establishing the office of Second Auditor, it is believed, has had a very happy and salutary influence upon the receipts and disbursements of the ordinary revenue of the State. It expires, by its own limitation, at the close of the present session of the Legislature. It is highly important to the safety and despatch of the public business, that it should be continued in force, or some efficient substitute adopted.

Allow me, also, at the same time, most respectfully to suggest that the Auditor’s office is entirely too small for the convenient transaction of the public business.

The Superintendent of Public Instruction will, in due time, lay before you his annual report, detailing the progress made in establishing the system of common schools—the favor it has received by the people—the number of districts that have elected to adopt the system, and the number of schools organized, together with suggestions of such amendments of the present laws his experience may have pointed out, and public opinion demands.
The annual report of the Board of Internal Improvement will shortly be laid before you, exhibiting, in detail, the expenditures, the progress and present condition of the public works, to which permit me to refer you. I am induced to believe, from recent indications of popular feeling and the widely diffused opinion of the necessity of a measure of the kind, that the 27th Congress of the United States will be convened before the period designated for its usual session, in which event the State of Kentucky, under the existing law upon the subject, would be unrepresented; allow me, therefore, respectfully to suggest the propriety of the passage of a law providing for an earlier election of the Representatives of this State for the next Congress, should an extra session be ordered prior to the first Monday of August, 1841, by which the expense of an extra session of the Legislature would be avoided.

R. P. Letcher.
said Colley. The Governor of New York refused to comply with the demand, and assigned as his reasons for the refusal, that the right to demand and the reciprocal obligation to surrender fugitives from justice between sovereign and independent nations, as defined by the law of nations, include only those cases in which the acts constituting the offence charged are recognized by the universal law of all civilized countries; that the object of the provision in the constitution of the United States relative to the demand of fugitives from justice was to recognize and establish this principle in the mutual relations of the States as independent, equal and sovereign communities; that the provision applies only to those acts which, if committed within the jurisdiction of the State in which the person accused is found, would be treasonable, felonious or criminal, by the laws of that State; that no law of New York, at this time recognized, no statute admitted, that one man could be the property of another, or that one man could be stolen from another; and that consequently the laws of this State making the stealing of a slave felony, did not constitute a crime within the meaning of the constitution.

Your committee have bestowed upon each of these propositions the reflection which their importance demanded; and that reflection has brought them to very different conclusions from those arrived at by the Governor of New York.

A citizen of one nation is permitted to enter the territory of another, upon the tacit condition that he shall not violate her laws. If he does violate them, he may be punished according to those laws, if apprehended while he is within their jurisdiction. If he escape, and take refuge in his own country, or any other State, he may be demanded as a fugitive from justice. Whether such demand ought to be made, and if made, should be complied with, is a matter to be judged of by the respective authorities making, and upon whom the demand is made, each for itself. The lesser offences are usually connived at, and in such cases, the State whose laws have been violated, is satisfied when the offender has departed beyond its limits. So the State upon whom the demand is made, may, in some cases, refuse to comply with it. Where the offence was of a trivial nature, it might decline to comply; and in such case, the demand, if made, would rarely be insisted on. When the offence was one created by tyrannical laws, leading to oppression or persecution, or where the mode of trial was to be inhuman or inquisitorial, it would be under the most solemn obligation to refuse to comply. But the State, in exercising its acknowledged right of judging for itself, would do it under the highest responsibility. If it exercised its right indiscriminately, and refused, improperly, to surrender a criminal whose surrender had been demanded, it would become itself a participator in his guilt, and give just cause of war. The cases in which fugitives from justice ought to be demanded by one power, and surrendered by another, under the laws of nations, have never been specifically defined. It would be very difficult to define them; and it is perhaps better that each case should be judged of by its own circumstances.

But, in the opinion of your committee, it is not necessary to pursue further this branch of the subject. In their opinion, the case which they are considering does not arise under the law of nations, but under the constitution of the United States; and they cannot acquiesce in the proposition advanced by the Governor of New York, that the provision of the constitution
is but a recognition of the established principles of the law of nations. They entertain the opinion, that that provision is an extension, and not merely a recognition of the principle of the law of nations. The only difficulty upon this point originates in a doubt, whether the governor of New York has not restricted too much the principle regulating the conduct of independent nations in this particular. A distinguished jurist of his own State, in a solemn judicial decision, has said: "It has been suggested that theft is not a felony of such an atrocious and mischievous nature, as to fall within the usage of nations on this point. But the crimes which belong to this cognizance of the law of nations are not specifically defined; and those which strike deeply at the rights of property, and are inconsistent with the safety and harmony of commercial intercourse, come within the mischief to be prevented, and within the necessity as well as the equity of the remedy. If larceny may be committed, and the fugitive protected, why not compound larceny, as burglary and robbery, and why not forgery and arson? They are all equally invasions of the right of property, and incompatible with the ends of civil society. Considering the great and constant intercourse between this State and the provinces of Canada, and the entire facility of passing from one dominion to the other, it would be impossible for the inhabitants of the respective frontiers to live in security, or to maintain a friendly intercourse with each other, if thieves could escape with impunity, merely by crossing the territorial line. The policy of the nations and the good sense of individuals, would equally condemn such a dangerous doctrine." (4 Johnson’s Ch. Reports, 113.)

Your committee will not argue the proposition whether the Governor of New York has not stated the principle of the law of nations, on this point, too broadly. But, in their opinion, it is certain that he has either stated it too broadly, or that he is wrong in supposing that the provision of the constitution relating to the surrender of fugitives from justice is but a recognition of the law of nations. Your committee will not, as they well might, insist that the Governor of New York is wrong in both propositions; but they, with due deference, insist that he is clearly wrong in the last. That the 2d clause of the 2d section of the 4th article of the constitution of the United States is not a mere recognition, but an extension of the principle of the law of nations relating to the demand and surrender of fugitives from justice, is equally clear, in the opinion of your committee, whether we refer to the letter or the spirit of that section.

There was great reason for restricting, by the law of nations, as much as possible, the class of cases where one State might demand and another would be required to surrender fugitives from justice. In every country of Europe the criminal laws have been rude and imperfect. This may be said, whether we judge of them from their conformity to truth and justice, the feelings of humanity and the rights of mankind, or by comparing them with the civil jurisprudence of the same countries. The inhumanity and mistaken policy of most of these codes need not be pointed out. With some of them, suspicion was the evidence, and the rack the mode of trial. There was, therefore, great reason for caution on the part of every nation, lest its citizens might be dragged abroad to be tried by foreigners, in modes of trial to which they were unaccustomed, for imaginary or arbitrary offences. But when our constitution was adopted, there was no reason for any such caution with regard to the rights and duties, in this particular, of the several States com-
posing this confederacy. In each of them, even before the adoption of the constitution, crimes were accurately defined, and penalties were neither arbitrary nor uncertain; all accusations were public; trials were in the face of the world; torture was unknown, and every delinquent was judged by his peers, against whom he could form no exception, even of personal dislike. That constitution was adopted by those States, in order to form a more perfect union; to establish justice; ensure domestic tranquility; provide for the common defence, and promote the general welfare. And by its provisions, which are the supreme law of the land, it guarantees to every State in the Union a republican form of government. It provides that the trial of all crimes, except in cases of impeachment, shall be by jury; that such trial shall be in the State where the crime was committed; that no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury; that no person shall be subject, for the same offence, to be twice put in jeopardy of his life or limb, nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

In a constitution formed under such circumstances, with such objects, and containing such provisions, one would not expect to find a clause specifying the cases where the demand of a fugitive from justice might be made by one State upon another which could only be justified by a doubt of the justice, humanity and clemency of the different parties to it. On the contrary, one would look in such a clause for an expression of the greatest confidence, by each of the States as parties, in all the rest in these particulars. Nor can your committee believe that a clause in such a constitution, securing to one State the most unlimited right to demand, and imposing upon another the most unqualified duty to surrender fugitives from justice, would impair the security of civil liberty. And such a clause your committee believes the 2d section of the 4th article to be. The second paragraph of that section is in these words: "A person charged in any State with treason, felony or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime." The words treason, felony and crime, are common law terms. The common law was the law of the land in each of the States which were parties to the constitution, and the terms of it were familiar to its framers. They must, therefore, be taken to have been used in their common law sense. Your committee will not stop to enquire into the meaning of the terms treason and felony in the constitution; they will confine such enquiry to the word crime, that being the most comprehensive term used. Blackstone defines a crime thus: "A crime or misdemeanor is an act committed in violation of the public law either forbidding or commanding it." He goes on to say: "This general definition comprehends both crimes and misdemeanors, which, properly speaking, are mere synonymous terms." Misdemeanor is generally used in contradistinction to felony, and misdemeanors comprehend all indictable offences which do not amount to felony, as perjury, libels, &c.

Your committee flatters itself that it has shown already that the 2d section of the 4th article of the Constitution of the United States is not a mere re-
cognition of the principle of the law of nations, regulating the right to demand by one nation and the duty to surrender by another, fugitives from justice; but that that clause is much more comprehensive, and was designed as between the States of this Union, to provide a more perfect remedy than was afforded by the law of nations.

But if a further argument was necessary to enforce this view of the subject, it might be derived from the first paragraph of this very 2d section of the 4th article. That paragraph is in these words: “The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.” The first paragraph of this section secures to the citizens of each State all the privileges and immunities of citizens in the several States; and the second paragraph but enforces correlative obligations and duties. Thus are the privileges and obligations of the citizen made reciprocal. The citizen of one State, while he is within the jurisdiction of another, is entitled to all the immunities of a citizen of that State; but if he violate her laws, he is subject to the same punishment.

If any doubt should still exist as to the correctness of this position, it would be removed, in the opinion of your committee, by the proceedings of the convention which framed the constitution, in relation to this clause.

“The original articles of confederation contained a clause in the following words:

“"If any person guilty of, or charged with treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the government or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offence."

“In the convention of 1787, the committee to whom were referred the proceedings of the convention, for the purpose of reporting a constitution, reported a draft, in which the fifteenth article was as follows:

“"Any person charged with treason, felony, or high misdemeanor in any State, who shall flee from justice and shall be found in any other State, shall, on demand of the executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offence."

“When the draft was before the convention, on the 28th of August, 1787, it was moved to strike out the words ‘high misdemeanor,’ and insert the words ‘other crime;’ which motion passed in the affirmative."

And your committee will add that there has been a late decision in New York sustaining this view.

In the matter of Clark, (9 Wendell, 212,) the then Governor of New York and the chief justice of the State, in conformity with these views, both decided that a person who was charged with a misdemeanor only, in one State, and had fled into another, ought to be delivered up upon the demand of the executive of the State within which the offence was alleged to be committed. And the misdemeanor charged in that instance, was not one which was recognized as such by the universal law of all civilized countries, but at common law amounted only to a breach of trust. This decision was made after the most elaborate argument and investigation.

The 2d section of the 4th article of the constitution as thus construed, is just such a provision as the convenient administration of justice demanded. Each State having confidence in the justice and clemency of the others, nothing forbade, and convenience required, that an offender who had com-
mitted a crime in one State, no matter where found, should be removed to that State for trial. Most likely, there would be found the evidence of his guilt; there the laws which he had violated would be best understood, and most perfectly administered; and above all, the character of his accusers more properly appreciated.

In the opinion of your committee, the next position assumed by the governor of New York is as untenable as the first, to wit: That the second section of the fourth article applies only to those acts which, if committed within the jurisdiction of the State in which the person accused is found, would be treasonable, felonious, or criminal by the laws of that State. If the construction contended for by the Governor of New York be the proper one, then the provision in the constitution was unnecessary. "The jurisdiction of every sovereign State extends to the whole of its territory and to its own citizens in every part of the world. The laws of a nation are rightfully obligatory on its own citizens in every situation where these laws are really extended to them. The principle is founded on the nature of civil union. It is supported everywhere by public opinion, and is recognized by the writers on the law of nations. Rutherford in his second volume (page 180) says: "The jurisdiction which a civil society has over the persons of its members affects them immediately, whether they are in their territories or not." (Chief Justice Marshall's speech in the case of Jonathan Robins.) If the provision, securing the right to demand a fugitive from justice, was only to operate where the laws of New York were violated, then it was superfluous, as New York might enact a law providing for his punishment if apprehended within her territory, no matter where the offence was committed. And in accordance with this principle the legislature of that State has enacted a statute punishing offences committed by its citizens without her territory. (2 R. S. 698, § 4.) That the clause was not designed to provide only for the case of a citizen of one State taking refuge in any other State than the one of which he was a citizen, is admitted by the Governor of New York himself. "It has long been conceded," he says, "that the citizens of the State upon which the requisition is made are liable to be surrendered as well as citizens of the State making the demand."

The correctness of the position taken by your committee, is sustained also by a solemn judicial decision of New York. In the matter of Clark, chief justice Savage declares: "With the comity of nations we have at present nothing to do, unless perhaps to infer from it that the framers of the constitution and laws intended to provide a more perfect remedy; one which should reach every offence criminally cognizable by the laws of any of the States; the language is treason, felony or other crime; the word crime is synonymous with misdemeanor, and includes every offence below felony punished by indictment as an offence against the public."

But admit that your committee is wrong in this; restrict the clause as much as is contended for; admit that a former Governor of New York was wrong; that the chief justice of that State was wrong, and that the present Governor is right—admit all this, and your committee humbly submits that the answer of the Lieutenant Governor of Virginia to the Governor of New York, on this head, is conclusive. He says: "Is it true that the offence committed by Peter Johnson, Edward Smith and Isaac Gansey is not recognized as criminal by the universal law of all civilized countries? They are
charged with *feloniously stealing* from John G. Colley, a citizen of this State, property which could not have been worth less than six or seven hundred dollars. And I understand stealing to be recognized as a crime by all laws human and divine." To this the Governor of New York replies: "It is freely admitted that the argument would be at an end if it were as clear that one human being may be the property of another, as it is that stealing is a crime. On the contrary, however, I must insist, with perfect respect, that the general principle of civilized communities is in harmony with that which prevails in this State, that men are not the subject of property, and of course that no such crime can exist in countries where that principle prevails, as the felonious stealing of a human being considered as property."

The Governor of New York thus resolves the whole controversy into the question whether slavery can legally exist; and whether slaves are to be regarded as property by the Northern States of this confederacy, in their intercourse with the Southern. In this view of the subject it assumes a consequence which it would not otherwise possess, and which demands of the general assembly that it should speak in a manner that cannot be misunderstood.

That one human being may be the property of another, and that laws making him such, have been recognized by the universal consent of all civilized nations, is a proposition which cannot be denied. Your committee does not recollect a solitary civilized nation of modern times which has not within the nineteenth century, recognized slaves as property. Not to swell this report by an enumeration of other instances, your committee will refer to the case of Great Britain—a nation more fastidious, and your committee might add, more fanatical upon this subject than any of the other nations of the earth. It has only been within a few years that she has abolished slavery within her own jurisdiction; and in a late treaty with this country she recognized them as property in the most emphatic manner, by making pecuniary satisfaction to the owners of such as were abducted by her forces during the late war. But what is still more to the purpose, every State in the Union except Massachusetts, at the time of the adoption of the constitution, tolerated slavery, and admitted that one man could be the property of another. Indeed it has only been within a few years that New York has abolished slavery within her own limits. Until that time, even by her own laws, one man might be the property of another. The States not only in their separate individual capacity recognized property in slaves, but in the most solemn manner, in their collective capacity, in the adoption of the federal constitution, did they declare that recognition. That constitution not only recognizes slavery, but it guarantees and protects the master's right of property in his slave. In proof of this your committee need only refer to the third paragraph of the second section of the fourth article of the constitution. But for that clause, a slave who should escape from his master into a free State, would become free and could not be reclaimed. Considering the facility of escape from many of the slave States, to the so called free States, this provision was a most efficient protection to us in the enjoyment of our property. But your committee will not further press this view of the subject, as it is already familiar to the public mind. It has been shewn that at the adoption of the constitution slavery existed in every State which was a party to it except one. It was recognized and
guaranteed by that constitution itself, which was the act of all the States. Is it competent for one party, by abolishing slavery thereafter within her own jurisdiction, to so affect it in other States as to destroy it as a subject of theft, and thereby, without the consent of the other parties, change her duties under the constitution. Surely one party cannot directly or indirectly vary or impair the compact without the consent of the other. Had this question arisen shortly after the adoption of the constitution, even upon the principles of the Governor of New York, there could have been no difficulty as to his duties. Then slaves were property in New York; and the Governor says that if one man could be the property of another, and thus become the subject of theft, the argument is at an end. Was it competent for New York by any act of her own, without the consent of the other parties, to modify or change her duties under the compact, and to relieve herself from the discharge of those duties under which she was acknowledgedly placed by its provisions at the time of its adoption? Can such a proposition be insisted on?

In this connexion it is proper to enquire what laws existed in Virginia, in relation to the stealing of slaves, at the adoption of the federal constitution. The same laws which are now in force in Virginia were in force then. Our statute contains two provisions upon this subject. The first is in these words: "If any person or persons shall hereafter be guilty of stealing any negro or mulatto slave whatever, and be thereof lawfully convicted, whether the said slave or slaves so stolen shall have been taken out of or from the actual or immediate possession of the owner or owners of such slave or slaves, or shall have been elsewhere found, he or they shall be adjudged guilty of felony, and shall undergo a confinement in the penitentiary for a period not less than three nor more than eight years." (1 R. C. page 427.) The other provision of our statute is in these words: "Whoever shall hereafter carry or cause to be carried, any slave or slaves out of this Commonwealth, or shall carry or cause to be carried, any slave or slaves out of any county or corporation within this Commonwealth, into any other county or corporation within the same, without the consent of the owner or owners of such slave or slaves, or of the guardian of such owner or owners, if he, she or they be a minor or minors, and with the intention to defraud or deprive such owner or owners of such slave or slaves, shall be adjudged guilty of felony, and shall undergo confinement in the penitentiary for a period not less than three nor more than eight years; which fine and imprisonment shall be fixed and ascertained by a jury." In the next section of the act, it is further enacted, "That not only all those who shall willingly and designedly carry away slaves as aforesaid, but all masters of vessels who having a slave or slaves on board their vessel, shall sail beyond the limits of any county with such slave or slaves on board, shall be considered as carrying off or removing such slave or slaves, within the true intent and meaning of this act." (1 R. C. 428.)

This statute was passed as early as 1753; and the only change which has been made in it consists in the substitution in 1799, of confinement in the penitentiary, in place of "death without benefit of clergy" as the punishment for the felony created by it. Let it not be said that these laws are harsh. They are less sanguinary than they were at the adoption of the
constitution. But if they be so, citizens of other States need not come unless they choose, into Virginia; and if they do, they need not violate her laws and incur their penalties.

Thus stood the matter at the adoption of the federal constitution. Did Virginia and the other Southern States understand that the Northern States, by abolishing slavery within their limits, would take the felony of stealing a slave out of the operation of the 2d section of the 4th article of the constitution? If they had so understood it, would they have agreed to the adoption of the constitution?

If there was one feeling, more than any other, which marked the conduct of southern men at the time of the adoption of the federal constitution, it was extreme jealousy and distrust of the northern and eastern sections of this union on the subject of slavery. The proceedings of each of the conventions, south of the Potomac, which adopted the constitution, demonstrate this too clearly for doubt. All must admit, that no constitution would have been acceded to by a solitary southern State, which did not contain the amplest guarantee of property in slaves. The caution which our southern statesmen manifested on this subject was set down, at the time, to the score of idle fears and ungenerous jealousy. But among the numerous instances in which they discovered a sagacity and wisdom almost more than human, not one was more remarkable than this. With a sagacity which partook of prescience, they descried the dangers with which we are at present environed, and they provided against them by provisions in the constitution itself, as far as they could be relied upon, and by a reservation of all the means of protection which unimpaired sovereignty can afford when these should prove ineffectual.

The southern people demanded that a clause should be inserted in the constitution, providing for the capture of fugitive slaves. Could men who required a provision of that sort, have been guilty of the inconsistency and absurdity of agreeing to a constitution under which any one of the distrusted States could produce a condition of things in which, although there would be an obligation to send back to his bondage, the slave who had fled from his master to gain his liberty, yet the felon who should steal him from this very master, might go acquit? Such fatuity might be looked for in madmen, but not in a body of statesmen, unequalled in the history of the world for their cautious wisdom.

In the opinion of your committee, if the construction contended for by the Governor of New York, was justified by the letter of the constitution, (as it clearly is not,) it would yet be a palpable violation of its spirit, and render that constitution a fraud upon a portion of the parties to it.

The positions of the Governor of New York, when carried to their legitimate results, lead to consequences of a most frightful character, and which, as it seems to your committee, could not have been duly weighed by him. The Governor of New York says, it is no offence to steal a slave, because one man cannot be the property of another, and cannot, therefore, be the subject of theft. If, for these reasons, it be no offence to steal a slave and carry him to New York, it would be none to steal him and carry him to Louisiana. Surely, in such a case, it would make no difference whether the thief steered north or south after committing his robbery. The consequence is, if a citizen of New York were to come into this State, inveigle a cargo of our slaves on board his vessel, under the pretext that he meant to take them
to some "land of liberty," and should carry them to Louisiana and sell them in the New Orleans market, and should thereafter take refuge in New York, he would be free from arrest, and could not be made to expiate his crime. And without wishing to make any unjustifiable attack upon the citizens of any State of this Union, your committee would be wanting in candor, if they expressed a doubt that such a case, if the course of the Governor of New York should be persevered in, would be of probable and frequent occurrence. There are bad men in every country who will commit offenses when they can profit by it, and do it with impunity. But what is still more probable, (if the course of the Governor of New York be acquiesced in,) is, that those deluded enthusiasts at the north, who, in pursuit of something they know not what, are spending thousands and thousands in efforts which they must see, if they be not blinder than any one, except a fanatic, ever yet was, can never accomplish their object, will attempt to make those efforts practically efficient, by coming into our State and making it a labor of virtue to steal our slaves and convey them to a more galling bondage than they now suffer, in the northern States.

Suppose one of those northern fanatics, who believing that the shedding of the blood of the wives and children of southern slaveholders would be but an acceptable offering in the eyes of God, should come among us, and after inciting our slaves to insurrection, and aiding and abetting them in it, should escape into New York, consistency would compel the Governor of New York to refuse to deliver him up for trial and punishment. He would say one man cannot be the property of another. These negroes therefore were held in illegal bondage, and the person who aided them in their effort to throw it off only performed a meritorious action.

Your committee do not wish by these remarks to excite idle fears. This General Assembly do not represent a timid people. But the abhorrent consequences flowing from the positions of the Governor of New York, if carried to their legitimate results, tend to demonstrate the unsoundness of those positions themselves.

The most painful circumstance attending this controversy with a sister State, originates in the conviction which forces itself upon the mind of your committee, that the Executive of New York has taken his extraordinary course, either under the influence of the fanatical feelings of the northern abolitionists, or with the view of conciliating those enemies of the domestic tranquility of this country. The distinctions of the Governor of New York are impracticable, and will rarely be applicable to any other case than one similar to that under consideration. The common law of England is the law in every State of the Union except one. The statutory crimes and felonies, in them all, are very nearly of the same character. There is scarcely an article, except slaves, which is property in one State, that is not property, and the subject of theft, in all. The untenable distinction therefore of the Executive of New York, seems to have been taken with a single view of protecting the depredators upon our slave property; a species of property to which we adhere with a stronger tenacity than such as originates only in a calculation of its value.

Your committee lament the course of the Executive of New York, and they trust that it will not be persevered in. They lament not more on account of the interests of this State, than of New York. They lament it because it brings the existence of this Union into jeopardy.
It is the pride and glory of our country to be an asylum for the persecuted and oppressed of every nation and every clime. But should any State of this Union erect herself into a place of refuge for the thieves and robbers who might escape from the offended justice of any of her sister States, she would sully that glory and render herself unworthy of that sisterhood which should be her pride. And the country may rest assured that in such an event Virginia will take proper measures to extricate herself from such an unholy alliance!

Your committee now approach the only part of their duty, the discharge of which has given them any difficulty. What is the proper remedy in this case? The means of redress and protection which are within the reach of Virginia are ample. The only difficulty which your committee has had has been in selecting one consistent with the relations imposed upon the members of this confederacy by the constitution. A variety of remedies have been proposed:

1st. An appeal to the Supreme Court of the United States.

2nd. An appeal to the Congress of the United States so to amend the statutes heretofore passed on that subject, as to authorize the demand in the cases contemplated to be made upon the Circuit Judge of the United States, having jurisdiction in the State where the fugitive may be found.

3rd. The appointment of inspectors to inspect all vessels trading to the north, to see that no slaves are secreted.

4th. The requirement from all citizens of New York coming into Virginia, security for their good behavior.

5th. A solemn appeal to New York herself to redress our wrong and to do us justice.

There are objections to all of these remedies, but something to recommend most of them.

1st. An appeal to the Supreme Court, in the opinion of your committee, is entirely out of the question. In the first place, in the opinion of your committee, the Supreme Court has no jurisdiction. The case is in the nature of a national demand made by one State upon another, and not such a "case in law and equity" as comes within the provision of the constitution. There is nothing of "meum et tuum" involved in the controversy. The question cannot conveniently "assume a legal form for forensic litigation and judicial decision." "By extending the judicial power to all cases in law and equity, the constitution has never been understood to confer upon that department any political power whatever." (Chief Justice Marshall) Besides this the remedy would be ineffectual. If successful in this case even, it would afford no protection for the future. But would it be successful in this case? Your committee cannot express the belief that it would. As a mere judicial opinion of the duties of the Executive of New York, most probably it would be unheeded. We have seen the Governor of New York disregarding the decisions of the Supreme Court of his own State; and it is not probable that he would show a greater deference for the decision of the federal judiciary. Besides, how could the judgment of the court be enforced? Your committee cannot recommend any course which might and probably would bring the authorities of the Federal Government and of the States into collision. But above all, the wish of Virginia is that New York should herself, freely and magnanimously do us justice. We would prize but little that justice which she should be forced reluctantly to yield us.
2nd. To the second remedy proposed, your committee has also decided objections, and it cannot withhold the expression of its regret that Georgia, with whom Virginia will make common cause, should recommend it.

In the first place, the surrender of a fugitive from justice is properly an Executive duty. The Executive is at the head of the civil and military authority. It holds and directs the force of the State. When therefore a surrender is to be made the Executive can best discharge the duty. Besides, it being at the head of the State, it is especially its province to determine in what cases a citizen is to be delivered up to be removed to another State for trial. If any change of the law is to take place upon this subject, it must be a general one; and your committee is averse to a change by which the decision of the question whether the citizen of a State shall be surrendered as a fugitive from justice, shall be transferred from the chief civil and military officer of the State to the federal judiciary. In a case involving the liberty of the citizen, the supreme authority of the State is the proper tribunal for its decision. In addition to this it might be urged with much force, that the provision of the constitution itself contemplated that the duty of surrendering a fugitive from justice should be discharged by the Executive of the State to which he had fled. It is true the provision is silent as to the tribunal upon which the demand is made; but it provides that the fugitive is to be delivered up "on the demand of the Executive authority of the State from which he fled;" and the inference is strong that the clause contemplates that the demand is not only to be made by the Executive of the State from which the fugitive had fled, but to be made upon the Executive of the State in which he had taken refuge. There was as great or greater reason for requiring that the demand should be made upon, as by, the Executive. And the act of Congress passed shortly after the adoption of the constitution is in accordance with this view.

Besides, the change proposed would add another to the list of cases, already too long, in which the State and Federal authorities may come into collision. There may be cases, where no State would permit a citizen to be surrendered, as a fugitive from justice, by the federal judiciary. And in some of them, resistance would be interposed, when it would never have been thought of if the surrender had been ordered by the State authority. And in the opinion of your committee, no practical result would be produced by such a change; for in all exciting cases the State courts will be called upon in any event to adjudge the case finally.

But above all, your committee is averse to sending this subject into Congress, and thus giving the abolitionists the long-wished-for opportunity of denouncing in the National Legislature an institution of such peculiar character and paramount importance, and of franking their incendiary effusions to the four quarters of the Union. We have always denied that slavery was a fit subject of Congressional discussion, and your committee cannot recommend any course which will bring that subject into debate there. And your committee is strengthened in this view by witnessing the exultation which the abolitionists manifest at the prospect of this subject being introduced by ourselves in this form.

3d. The proposition to appoint inspectors. This has much to recommend it. In the first place, the remedy is specific to the wrong. It is clear of all constitutional difficulty. The principle upon which such a law would be founded has been frequently recognized. In point of time first in the recog-
nition of the validity of quarantine regulations, and last in the law punishing the transmission of incendiary publications by mail. But it is liable to objections. To bring it, perhaps, within the constitution, it would have to be general. In such an event the law, which would be harrassing and vexatious, would operate equally upon those who had wronged us, and those who had not. Besides, it would be difficult to enforce it in an effectual manner. A vessel might be inspected one hour, and the next take a slave on board and be off. This would be the case particularly in the navigation of our long rivers.

4th. The requirement of security for good behavior from the citizens of New York. This would be perfectly just in itself, and might produce desirable results. But your committee will not recommend it at this time, as it is liable to many objections. In the first place its constitutionality might be questioned. Although it is true, that the constitution is a compact between the States; and although it is also true, that when such a compact is broken by one party, it ceases to be binding on the rest, yet we ought not now to take this ground—we may be driven to it in the end. But your committee will not take it for granted that New York will persevere in her unconstitutional course. Let us give her every opportunity to retrace her steps, and not render an amicable adjustment of our difficulties impossible, by acting as if we considered the constitution no longer binding upon us, because it had been broken by her.

5th. A solemn appeal to New York to review her course and render us justice. The objection to this is, that New York having in one instance, at least, before this, failed to discharge her duties as a member of this Union, in taking effectual means to protect us from the attacks of her citizens upon our domestic institutions, in a manner to meet our just expectations, has deprived herself of the right to be met in the amicable spirit which this course would indicate. But the Governor of New York, in his late annual message, has brought this whole subject to the attention of the Legislature of that State; and your committee is unwilling to believe, that the State, in its sovereign capacity, will sanction the course of her Executive.

It is true, that the Governor of New York takes the ground, that the subject is one that appertains to the Executive department. He says: "The duties of that department, in such cases, are prescribed by the constitution of the United States, and not by the constitution and laws of New York." Nevertheless, as he has brought the matter to the attention of the Legislature, and expressed a deference for it, the probability is, that he would acquiesce in any disposition which it should make of the subject. And your committee is fortified in this opinion, by the fact that the Governor of New York, in his correspondence with the Executive of this State, declared "that as an Executive officer of that State, he was bound to regard, with very great deference, and the argument must be conclusive, which should prevail with him, to act in opposition to a legislative exposition of his duties."

Your committee will not discuss the question whether this is a matter about which the State Legislatures can act at all. There are many difficult questions involved in it which need not be solved. It may be insisted, that this is a question arising under the constitution of the United States, with which the State Legislatures have nothing to do. On the other hand, it may be contended that the State Legislatures possess the exclusive right to legis-
late upon this subject, and that the provision of the constitution merely imposes a duty upon the States, but vests no power in the federal government, or any department of it, except the judicial power of declaring and enforcing the rights secured by the constitution. The third ground might be taken, that the power of legislation was concurrent in Congress and the State Legislatures. Your committee will not undertake to decide these questions; but it cannot bring itself to doubt that the State Legislature may act in a manner not contravening the constitution and laws of the United States, to bind the Executive of the State.

Let it not be said that by conceding the right of the State Government to legislate upon the subject, we concede a power which may be exercised in a manner to impair our rights under the Constitution and laws of the U. States. It does not follow that because the State Legislatures may co-operate in securing our rights under the Constitution and laws of the U. States, it may legislate in derogation of them.

For these reasons, your committee are disposed to await the action of the Legislature of New York; and they are the more disposed to this course, as there is no occasion for haste. The slave which was stolen in this instance has been recovered. No private justice is delayed. Nothing is involved in the controversy but a principle; an important one it is true, but one which will not be jeopardized by the delay proposed. In the mean time your committee recommends that the Executive of this State be requested to renew his correspondence with the Governor of New York; to apprise him of the importance we attach to the subject; to communicate our proceedings to him, and respectfully request that he will bring those proceedings to the attention of the Legislature of his State.

The subject which your committee have had under consideration is one in which all of the slave-holding States are equally interested with Virginia. Your committee therefore recommend that the Governor of this State be requested to open a correspondence with the Executive of each of these States, informing them of the importance which Virginia attaches to this subject, communicating our proceedings in relation to it, and asking their co-operation in all proper measures of redress, which, in the event that New York shall decline to us justice, we may be called upon to adopt.

The people of Virginia have not witnessed the controversy, somewhat similar to this, in which Georgia is involved with Maine, without taking in the deepest interest. Virginia is prepared to make common cause with Georgia, or any other slave-holding State, in a similar controversy.

It is true that the grounds taken by the Governor of Maine are much less exceptionable than those assumed by the Executive of New York; but in a manner not less untenable. Your committee will not extend this report to establish, by argument, a proposition, which has already been demonstrated by others, and which will not be controverted by any unprejudiced mind. But the very variety of indefensible expedients resorted to by the authorities of some of the northern States to avoid the discharge of their constitutional duties, goes the more clearly to demonstrate the deep rooted hostility of those States to our domestic institutions, our peace and prosperity.

The patience of the south has already been too severely taxed, and we once for all, without bravado or threat, in the language of a distinguished Senator of New York, warn the non-slaveholding States "that they may
find when it is too late that the patience of the south, however well founded upon principle, from repeated aggressions will become exhausted."

Your committee do not apprehend that the cause of the moderation which they recommend will be misunderstood. We are too clearly right to be rash. Fortunately Virginia's character for chivalry is not so doubtful that she must be rash in order to seem to be firm.

Your committee cannot close this report without expressing, in high terms, its cordial approbation of the conduct of the Executive of Virginia in relation to this controversy with New York.

Your committee recommend the adoption of the following resolutions:

1. Resolved, That the reasons assigned by the Governor of New York for his refusal to surrender Peter Johnson, Edward Smith, and Isaac Gansey, as fugitives from justice, upon the demand of the Executive of this State, are wholly unsatisfactory; and that that refusal is a palpable and dangerous violation of the Constitution and laws of the United States.

2. Resolved, That the course pursued by the Executive of New York cannot be acquiesced in, and if sanctioned by that State and persisted in, it will become the solemn duty of Virginia to adopt the most decisive and efficient measures for the protection of the property of her citizens and the maintenance of rights which she cannot and will not, under any circumstances, surrender or abandon.

3. Resolved, That the Governor of this State be authorized and requested to renew his correspondence with the Executive of New York, requesting that that functionary will review the grounds taken by him; and that he will urge the consideration of the subject upon the Legislature of his State.

4. Resolved, That the Governor of Virginia be requested to open a correspondence with the Executive of each of the slave-holding States, requesting their co-operation in any necessary and proper measure of redress which Virginia may be forced to adopt.

5. Resolved, That the Governor of Virginia be requested to forward copies of these proceedings to the Executive of each State of this Union, with the request that they be laid before their respective Legislatures.

Agreed to by the House of Delegates, February 28th, 1840.

GEORGE W. MUNFORD, C. H. D.

Agreed to by the Senate, March 17th, 1840.

A. HANSFORD, C. S.
An aggregate balance sheet of the Receipts and Disbursements of the Sinking Fund.

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<tr>
<td>From Surplus Revenue,</td>
<td>850,139.02</td>
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<tr>
<td>From Cash of State Treasurer,</td>
<td>33,249.33</td>
<td></td>
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<td><strong>Balance on hand,</strong></td>
<td>1,582,426.58</td>
<td></td>
<td></td>
<td>1,580,042.09</td>
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<td></td>
<td>2,984.49</td>
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Ordered, That the Public Printer print 3000 copies of said message, and 150 copies of the accompanying documents, for the use of the Senate. 

And then the Senate adjourned.

TUESDAY, DECEMBER 8, 1840.

Mr. Isaac Burnett, a member of the Senate from the twenty first Senatorial district; Mr. William Sterett, a member of the Senate from the twelfth Senatorial district; Mr. Jesse Craddock, a member of the Senate from the fourteenth Senatorial district, and Mr. James Schooling, a member of the Senate from the nineteenth Senatorial district, appeared and took their seats.

The Speaker laid before the Senate the annual report of the Keeper of the Penitentiary, which was laid on the table.

On the motion of Mr. Wingate,

Resolved, That Mason Brayman be permitted to take a seat within the bar of the Senate Chamber, to report the proceedings of the Senate.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 9, 1840.

The following standing committees were appointed, viz:

On the Judiciary—Messrs. Hanson, Pirtle, Payne, Rice, and Craddock.


On Religion—Messrs. Wingate, Hardin, Hughes, M. Williams, and Young.


On Finance—Messrs. Johnston, Clarke, Pratt, James, and Griffith.

On Education—Messrs. Clarke, D. Morgan, Tomlinson, Hughes, and Burnett.


On Executive Affairs—Messrs. Quarles, Burnett, and Symson.

On the Public Buildings—Messrs. James, Tomlinson, Young, Schooling, and Hardin.


JOINT COMMITTEES.


On Banks—Messrs. Payne and Pirtle.


1. Mr. D. Morgan presented the petition of Moses Royse, praying for a divorce from his wife.

2. Mr. Payne presented the petition of George Gilbert, praying for a divorce from his wife.

3. Mr. Barlow presented the petition of William Butler, Clerk of Monroe County Court, representing that he issued licenses to three pedlars for twenty dollars each, before he was apprized of the passage of a law raising the tax to fifty dollars each, and praying to be released from the payment of ninety dollars.

4. Mr. Weller presented the petition of George R. Guess, guardian of William Clinton and Wesley T. Clinton, praying for the passage of a law authorizing the sale of a tract of land in Caldwell county, devised to them by their deceased father.

5. Mr. Weller also presented the petition of John Anderson, representing, that as Clerk, he issued a license to a pedlar for the sum of twenty dollars, being unapprized of the passage of a law raising the tax to fifty dollars, and praying to be released from the payment of thirty dollars.

Which petitions were received and referred: the 1st and 2d to the committee on Religion; the 3d and 5th to the committee on Finance, and the 4th to the committee on the Judiciary.

On the motion of Mr. Wingate,

Resolved, That the committee on Religion be instructed to report against all applications for a divorce where the case is provided for by law.

On the motion of Mr. Hughes, Mr. John W. Finnell was permitted to take a seat within the bar of the Senate Chamber, for the purpose of reporting its proceedings.
The annual report of the Keeper of the Penitentiary was taken up.

[For the report, see Legislative Documents, page 213.]

On the motion of Mr. James,

Ordered, That the said report be referred to the committee on the Penitentiary.

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

The Speaker laid before the Senate the annual report of the Treasurer, which is as follows:

STATE OF KENTUCKY,
Treasury Office, December 9, 1840.

SIR:

You will please lay before the honorable House over which you preside, the accompanying statement, which will give a concise view of the situation of the Treasury Department from the 11th day of October, 1839, to the 10th day of October, 1840, inclusive.

The receipts and disbursements of the interest account on the six year bonds, was omitted in the printed report. The account stands as follows:

<table>
<thead>
<tr>
<th>Receipts</th>
<th>Disbursements</th>
<th>Balance</th>
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</thead>
<tbody>
<tr>
<td>$1,000.00</td>
<td>563.01</td>
<td>436.99</td>
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</table>

I have the honor to be,

Very respectfully,

Your obedient servant,

JAMES DAVIDSON,
Treasurer.

The Hon. MANLIUS V. THOMSON,
Lieut. Governor and Speaker of the Senate.

[For the report, see Legislative Documents, page 205.]

On the motion of Mr. Johnston,

Ordered, That said report be referred to the committee on Finance, and the Public Printer was directed to print 150 copies of said report for the use of the General Assembly.

On the motion of Mr. Ballinger, leave was given to bring in a bill to change the times of holding the Knox County Court, and adding to the number of juridical days in the Clay and Laurel Circuit Courts; and Messrs. Ballinger, Quarles, and S. L. Williams were appointed a committee to prepare and bring in the same.

On the motion of Mr. Payne,

Resolved, That the committee on Banks be requested to obtain from the Branch Bank of Kentucky, at Maysville, and lay before the Senate, a copy
of the correspondence between the Bank of Kentucky and its Branch in the city of Maysville, touching the removal of one hundred thousand dollars of its capital from the Branch in the city of Maysville.

On the motion of Mr. Hanson,

Resolved, That so much of the Governor’s message as relates to the act establishing the office of Second Auditor, &c. be referred to the committee of Finance; and that so much of said message as relates to the erection of additional buildings for the Auditor’s office, be referred to the committee on Public Buildings; that so much as relates to Internal Improvement, be referred to the committee of Internal Improvement; so much as relates to the Lexington and Ohio Railroad, to the committee on the Judiciary; and such as relates to Banks, to the committee on Banks.

On the motion of Mr. Ballinger,

Ordered, That the Public Printer print 150 copies of the Rules of the Senate for the use of the General Assembly.

And then the Senate adjourned.

THURSDAY, DECEMBER 10, 1840.

The Speaker laid before the Senate the annual report of the Second Auditor, which is as follows, to wit:

REVENUE DEPARTMENT, AUDITOR’S OFFICE, KY.

Frankfort, 10th December, 1840.

Sir:

I enclose the annual report from this Department.

Very respectfully, your ob’t serv’t,

THO. S. PAGE,

2d Auditor.

Hon. M. V. THOMSON,

Lieutenant Governor and Speaker of the Senate.

[For the report, see Legislative Documents, page 1.]

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

1. Mr. Johnston presented the petition of the members of Bethel Church, in Shelby county, praying the passage of a law to authorize the sale and conveyance of their meeting house and lot.
2. Mr. Wingate presented the petition of Robert S. Brame, praying for a divorce from his wife.

3. Mr. M. Williams presented the petition of sundry citizens of Morgan and Floyd counties, praying for the passage of a law to change the State road from Mount Sterling to the Virginia line, where it passes through the land of John Gose, between the houses of Mason and Andrew Gullet.

4. Mr. Johnston presented the petition of Eleanor McCoun Tator, praying for a divorce from her husband.

5. Mr. Weller presented the petition of James N. Wells and Barbara, his wife, praying for a divorce from each other.

6. Mr. Weller presented the petition of Richard Cruce, praying to be released from the penalty of buying certain slaves imported into this State.

Mr. Clarke presented the petition of the Grand Lodge of Kentucky, praying for a charter.

Which petitions were received and referred: the 1st, 6th, and 7th, to the committee on the Judiciary; the 2d, 4th, and 5th, to the committee of Religion, and the 3d to the committee of Internal Improvement.

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

On the motion of Mr. Clarke—1. A bill to amend an act, entitled, an act to amend an act to reduce into one the several acts regulating the towns of Nicholasville and Versailles.

On the motion of Mr. Weller—2. A bill to allow the Surveyor of Caldwell county further time to renew his official bond.

On the motion of Mr. Pirtle—3. A bill more effectually to protect the right of suffrage.

On the motion of Mr. Pirtle—4. A bill concerning exception to depositions.

On the motion of Mr. Hanson—5. A bill to amend the several acts for the benefit of Religious Societies in this Commonwealth.

On the motion of Mr. Craddock—6. A bill to change the practice in suits at law and in chancery, in the courts of this Commonwealth.

On the motion of Mr. Ballinger—7. A bill to amend the law of last session relating to idiots and lunatics.

On the motion of Mr. Craddock—8. A bill to incorporate a company to erect a bridge across Salt river, near West Point, in Hardin county.

On the motion of Mr. Weller—9. A bill empowering Justices of the Peace in this Commonwealth to issue a dedimus for taking depositions de bene esse, in cases that may occur before them; and also to authorize them to receive depositions as evidence in causes before them, under the same rules and restrictions as now practised in the Circuit Courts in this Commonwealth.
On the motion of Mr. Burnett—10. A bill for the benefit of John S. Fisher, of Trigg county.

Messrs. Clarke, Johnston, and Bailey, were appointed a committee to prepare and bring in the 1st; Messrs. Weller, J. V. Walker, and Sterett, the 2d; Messrs. Pirtle, Johnston, Ballinger, and Hanson, the 3d; Messrs. Pirtle, Griffith, and Hardin, the 4th; Messrs. Ballinger, Quarles, and S. L. Williams, the 7th; Messrs. Craddock, Pirtle, and Slaughter, the 8th; the committee on the Judiciary was directed to prepare and bring in the 5th, 6th, and 9th, and the committee on Finance the 10th.

On the motion of Mr. Payne,

Resolved, That the committee on the Judiciary be instructed to enquire and report to this House, whether the vending of lottery tickets in the State of Kentucky, is licensed by any of the laws thereof, and also to enquire and report, whether it is not expedient to pass some law more effectually to prohibit the same.

On the motion of Mr. James,

Resolved, That the committee on Finance be instructed to enquire into the expediency of so amending the jury law, as to authorize the Trustee of the Jury Fund, for any county in this Commonwealth, where there may not be money sufficient in their hands at the time of paying jurors, to draw, (by the direction of the court,) upon the Sheriff of the county for such deficit.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on Monday the 14th day of December, 1840, proceed, by joint vote of both Houses, to elect a Senator to represent this State in the Senate of the United States for six years, from and after the 4th day of March next.

And then the Senate adjourned.

FRIDAY, DECEMBER 11, 1840.

1. Mr. James presented the petition of sundry citizens of Graves county, praying for the repeal of certain sections of the law in relation to the importation of slaves.

2. Mr. Hardin presented the petition of the Master, Wardens, and members of Moore Lodge of Free and Accepted Masons, praying for the passage of a law granting them all the benefit of an act passed the 29th of January, 1816, authorizing the sum of ten thousand dollars to be raised by way of lottery, for the purpose of building a Masonic Hall in the town of Columbia.
3. Mr. Barlow presented the petition of Thomas Howser, praying for the passage of a law authorizing him to bring a negro boy into this State from the State of Tennessee.

Which petitions were received and referred: the 1st and 3d to the committee on Propositions and Grievances, and the 2d to a committee of Messrs. Hardin, Quarles, and Huston.

Mr. Hanson, from the committee on the Judiciary, to whom was referred the petition of George R. Guess, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Wingate, from the committee on Religion, to whom was referred the petition of George Gilbert, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

The following bills were reported, viz:

By Mr. Johnston, from the committee on Finance—1. A bill for the benefit of William Butler and John Anderson.

By Mr. Pirtle, from a select committee—2. A bill concerning exceptions to depositions.

By Mr. Weller, from a select committee—3. A bill allowing the Surveyor of Caldwell county further time to renew his official bond.

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

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on Finance, the 2d to the committee on the Judiciary, and the 3d was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 3d bill being dispensed with, and the same being engrossed,

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. James—1. A bill for the benefit of William E. Bishop, of Hickman county.

On the motion of Mr. Craddock—2. A bill to amend the law in relation to Pedlars in this Commonwealth.

On the motion of Mr. Young—3. A bill to repeal the law of last session, requiring the annual examination of the several Clerk’s offices in this Commonwealth.

On the motion of Mr. Hardin—4. A bill to legalize the act of the Commissioner appointed by the County Court of Adair to sell the vacant land appropriated to said county.

On the motion of Mr. M. Williams—5. A bill to amend an act, entitled,
an act to incorporate the town of West Liberty, and to legalize the proceedings of the Trustees of said town.

The committee on Finance was directed to prepare and bring in the 1st; the committee on the Judiciary the 2d and 3d; Messrs. Hardin, Young, and Symson, were appointed a committee to prepare and bring in the 4th, and Messrs. M. Williams, Ballinger, and S. L. Williams, the 5th.

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

WHEREAS, an uniform currency is of indispensable importance in the extended country of the United States, and experience has shown that this desirable object can be obtained by the establishment of a National Bank: and whereas, a fiscal agent, that will not interrupt the prosperous course of commerce, but secure to trade and industry protection from Executive interference, while it subserves the Treasury in the least expensive and most safe and effectual manner, is also, as shown by experience, to be found in a National Bank: and whereas, any question which may have heretofore existed, as to the constitutional power of Congress to incorporate such an institution, has been settled, as far as any question of constitutional power has been, or can be, settled in this country, by the concurrence of the legislative, executive, and judicial departments of the Government—wherefore,

Resolved by the General Assembly of the Commonwealth of Kentucky,

That it is expedient for the Congress of the United States to establish a National Bank as soon as practicable to do so; and that the Governor be requested to cause a copy of this resolution to be communicated to each of our Senators and Representatives in Congress.

Ordered, That the Public Printer print 150 copies of said preamble and resolution for the use of the General Assembly.

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

1. An act for the benefit of Isaac M. Belveal.
2. An act to divorce Elizabeth Bartlett.
3. An act to change the place of voting in the upper election precinct, in Bath county.
4. An act to change the places of voting in certain election precincts, in Floyd county.
5. An act to change the time of holding the Lawrence County Court.

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

The constitutional rule as to the second reading of the 2d, 3d, 4th, and 5th bills being dispensed with, they were referred: the 2d to the committee on Religion; the 3d and 4th to the committee of Privileges and Elections and the 5th to the committee on the Judiciary.

The constitutional rule as to the second and third readings of the first bill being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as afore
said.

The joint resolution fixing a day for the election of a Senator in Con-
gress, read and laid on the table by Mr. Payne on yesterday, was taken up,
Mr. James moved to amend the said resolution by striking out "Monday
the 14th of December, 1840," (the day for the election,) and inserting in
lieu thereof the "1st Monday in January next."
The question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. James and Weller,
were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Burnett, James, Sterett,
Craddock, Pratt, Tomlinson,
De Courcy, Schooling, Williams, M.—11.
Hughes, Sympson,

Those who voted in the negative, were—

Messrs. Bailey, Huston, Slaughter,
Ballinger, Jesup, Walker, J. V.,
Barlow, Johnston, Weller,
Clarke, Morgan, D., Williams, S. L.,
Griffith, Payne, Wingate,
Hanson, Pirate, Young—20.
Hardin, Quarles,

The said resolution was then amended by striking out "Monday the
14th," and inserting in lieu thereof, "Wednesday the 16th," and adopted.
And then the Senate adjourned.

SATURDAY, DECEMBER 12, 1840.

Mr. Charles J. Walker, a member of the Senate from the twenty third
Senatorial district, and Mr. James M. Rice, a member of the Senate from
the thirty fourth Senatorial district, appeared and took their seats.
A message was received from the House of Representatives, announcing
that they had concurred in the joint resolution fixing a day for the election
of a Senator in Congress.
That they had passed a bill from the Senate, entitled, an act allowing the
Surveyor of Caldwell county further time to renew his official bond.
And that they had passed bills of the following titles, viz:
1. An act to change the time of holding the Bullitt County Court.
2. An act for the benefit of the Clerks of the Circuit and County Courts of Floyd and Casey counties.
3. An act for the benefit of the Clerk of the Adair Circuit Court.
4. An act to change the name of Gilmore Wilcut to that of Gilmore Hay.
5. An act to change the time of holding the Trimble County Court.
6. An act for the benefit of Margaret Stinson.
7. An act for the benefit of George W. Clark.
8. An act concerning the town of Augusta.
9. An act to allow an additional Justice of the Peace to the county of Bath.
10. An act conferring upon the County Courts of Carroll and Gallatin power to change the State roads passing through said counties.
11. An act for the benefit of Christopher Patton and William Patrick.
12. An act to establish a State road from Henderson through Madisonville to Hopkinsville.
13. An act to amend an act, entitled, an act to amend an act establishing a State road from Litchfield, in Grayson county, to Munfordeville, in Hart county.
14. An act to incorporate the town of Russellville.
15. An act for the benefit of Telitha Jane Hix.
16. An act fixing the time of holding the January term of the General Court for the year 1841.

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

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st, 2d, 3d, 5th, 8th, 9th, 14th, and 16th, to the committee on the Judiciary; the 4th and 5th, to the committee of Propositions and Grievances; the 6th and 7th, to the committee on Religion, and the 10th, 11th, 12th, and 13th, to the committee on Internal Improvement.

1. Mr. M. Williams presented the petition of Thomas Prator, praying for compensation for keeping an idiot.
2. Mr. S. L. Williams presented the petition of Joel D. and Nancy Hughes, praying for the passage of a law changing the name of Emeline and Amanda Tolin, to that of Emeline and Amanda Hughes, and making them the legal heirs of the petitioners.
3. Mr. Hardin presented the petition of Delina Malone, praying for a divorce from her husband.
4. Mr. S. L. Williams presented the petition of William Bowen, praying for a divorce from his wife.
5. Mr. Wingate presented documents in relation to the petition of Robert S. Brame for a divorce.
Which were received and referred: the 1st to the committee on Finance; the 2d to the committee on the Judiciary; the 3d, 4th, and 5th, to the committee on Religion.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to change the time of holding the Lawrence County Court, reported the same with an amendment—which was concurred in.

*Ordered*, That the said bill be read a third time, as amended.
The constitutional rule as to the third reading being dispensed with,

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

The following bills were reported, viz:

By Mr. M. Williams, from a select committee—1. A bill to amend an act to incorporate the town of West Liberty, and to legalize the proceedings of its Trustees.

By Mr. Ballinger, from a select committee—2. A bill to amend the law of last session relating to idiots and lunatics.

Which bills were severally read the first time, and ordered to be read a second time.
The constitutional rule as to the second reading being dispensed with, they were referred to the committee on the Judiciary.

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

On the motion of Mr. J. S. Morgan—1. A bill to allow the Clerk of the Nicholas County Court further time to renew his official bond.

On the motion of Mr. C. J. Walker—2. A bill for the benefit of the Clerk of the Madison Circuit and County Courts.

On the motion of Mr. Jesup—3. A bill for the benefit of B. H. Reeves, and for other purposes.

On the motion of Mr. Pirtle—4. A bill further to regulate the fees of the Marshal of the Louisville Chancery Court.

On the motion of Mr. Wingate—5. A bill to repeal an act, entitled, an act to appropriate the vacant lands in this Commonwealth, north and east of the Tennessee river, to the counties in which they lie, for the purpose of Internal Improvement, approved 28th February, 1835.

The committee on the Judiciary was directed to prepare and bring in the 1st, 3d, 4th, and 5th; and Messrs. C. J. Walker, Ballinger, and Clarke, were appointed a committee to prepare and bring in the 2d.

On the motion of Mr. Hughes,

*Resolved*, That the documents accompanying the Governor’s message, relative to the demand of the Executive of Virginia on the executive of New
York, for the surrender of certain fugitives from justice, be taken up and referred to the committee on the Judiciary.

On the motion of Mr. Griffith,

Resolved, That so much of the Governor's message as relates to the earlier election of representatives of this State for the next Congress, should an extra session be ordered prior to the first Monday in August, 1841, be referred to the committee on Privileges and Elections.

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

Resolved by the Senate, That the Second Auditor furnish the Senate as early as practicable, copies of the reports made to his office by the Commissioners appointed to examine the Clerk's offices of the Hickman Circuit and County Courts.

The rule of the Senate being dispensed with, the said resolution was taken up and adopted.

Mr. Wingate, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act to divorce Elizabeth Bartlett, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Attorney General for this Commonwealth, and he is hereby required, to issue a scire facias, in the name of said Commonwealth, against the Bank of Kentucky, the Northern Bank of Kentucky, and the Bank of Louisville, to show cause, if any they have, or can, why their respective charters shall not be declared forfeited, in conformity to the several acts of the Legislature incorporating said institutions, returnable before the next General Court of said State, unless said Banks, within thirty days from the passage of this resolution, pay, in specie, all their notes of five dollars, and of less denomination, which may be demanded; and unless said Banks shall agree, and so inform the Attorney General, that on or before the first day of June next, they will resume, and continue to pay, all their notes, and other liabilities, in gold and silver, which may be payable when demanded.

Resolved further, That should either of said Banks, at any time after the first day of June next, either fail or refuse to pay their notes, and other liabilities, in specie, when thereto required, the said Attorney General shall sue out a scire facias against said Banks, in order to forfeit their charters, or any of them, so failing and refusing, according to the provisions of their charters, upon receiving information of such failure or refusal, returnable before the next General Court of this Commonwealth.

Resolved further, That should said Banks continue under suspension longer than the first of June next, they shall be, and are hereby, interdicted from suing for, or collecting any debts then due them, or which may thereafter become due; from declaring any dividends to stockholders; dealing
in exchange, or receiving any money or moneys on deposit; and these restrictions shall apply to said Banks should they thereafter suspend; and that they shall be liable to all the penalties imposed by their charters, until they resume the payment, in gold and silver, of all their liabilities.

The preamble and resolution in favor of a National Bank were taken up, and on the motion of Mr. Hughes, passed in the orders of the day.

And then the Senate adjourned.

MONDAY, DECEMBER 14, 1840.

A message was received from the House of Representatives, announcing that they had adopted a resolution to examine Transylvania University and Lunatic Asylum.

And that they had passed bills of the following titles, viz:

An act to establish an election precinct at the town of Lewis Port, in the county of Hancock.

An act to establish an election precinct in the town of Ghent, in Carroll county.

An act to extend the July term of the Bullitt Circuit Court.

An act to change the time of holding the Clinton County Court.

An act allowing Prentice L. Lamb a change of venue.

An act for the benefit of the widow and heirs of Edward Payne, deceased.

An act for the divorce of Samuel J. Cabell and Louisa Cabell.

An act to divorce Fanny Dawson from her husband, James W. Dawson.

An act for the benefit of the Sheriff of Clinton county.

An act to incorporate the Trustees of Gamaliel School House, in Monroe county.

An act for the benefit of John Caive.

An act for the benefit of the Fire Company, in the town of Paducah.

An act for the benefit of the administrators and heirs of William B. Cook, deceased.

An act to establish an additional election precinct in Hardin county.

An act to incorporate the Elizabethtown Fire Company.

An act for the benefit of Catharine J. Lloyd.

An act to authorize an additional Constable in Logan county.

The Speaker laid before the Senate the following communication from the Second Auditor, viz:
In obedience to a resolution of the Senate of the 12th instant, I enclose copies of the reports made to this office by the Commissioners appointed to examine the Clerk's offices of the Hickman Circuit and County Courts.

Very respectfully, your ob't serv't,

THO. S. PAGE,
2d Auditor.

Hon. M. V. Thomson,
Lieutenant Governor and Speaker of the Senate.

HICKMAN CIRCUIT COURT OFFICE.

To the Hon. WILEY P. Fowler, Judge of the Circuit for the county of Hickman and Commonwealth of Kentucky.

G. W. Barbour and J. Freon, two of the Commissioners appointed by your Honor at the last June term of your Honorable Court for the said county of Hickman, to make an examination and report of the office of the Clerk of your said Court for the year 1840, beg leave to report as follows:

On the 25th day of August, in the year of our Lord, 1840, the said G. W. Barbour and J. Freon, the two Commissioners aforesaid, being first duly sworn by the Clerk of said court, Wm. H. H. Taylor, proceed to make their examination according to law. First, on comparing the records in said office with the papers filed with the several suits, they find that in the petition, causes and actions of debt, the papers were all agreeable to the record and in good order, except one petition somewhat mutilated. In the common law cases, the pleas were all filed and correspondent to the record, and the papers, generally, were in good order—as much so as could be expected from the character of paper used in drawing up the pleadings; and in the chancery cases, the papers were all found to correspond with the records, except in the case of Harper, &c. vs. McQuarey's heirs, one answer was not noticed on the record. The papers were generally in good order with the exception of some of long standing, which are somewhat mutilated and defaced. Secondly, on examining the books, records, &c. in said office, they found as follows, viz: four order books in good condition and well indexed; four minute books in like manner and good condition; three execution books; one docket; one general index for decided cases; one witness claim book; two memorandum books; Bibb's Reports, 1st, 2d, and 3d volumes; Littell's Reports, 1st, 2d, 3d, 4th, and 5th volumes; Marshall's Reports, 1st and 2d volumes; J. J. Marshall's reports, 1st, 2d, 3d, 4th, 5th, 6th, and 7th volumes; Danas' Reports entire, from one to eight, inclusive; Littell's laws of Kentucky, from one to five, inclusive; Littell and Swigert's Digest of the Laws of Kentucky, one copy; Brown and Morehead's Digest of the Statutes, one copy; Firtle's Digest of Decisions, one copy; Virginia Justice, one copy,
and Acts and Journals of Kentucky to the present year; Monroe's Reports, 1st, 2d, 3d, 4th, 5th, 6th, and 7th volumes—all these books they found to be in a reasonable good condition, and the records kept in what they consider a correct clerical manner, and fair legible handwriting, with good and sufficient indexes.

The office is unsafe, being a room rented in a range of building variously occupied by a family and for other offices, but there is no other furnished by the county court; it is as good a one as could at present be procured in the town; is in general good condition and well furnished with a sufficiency of convenient presses and tables, &c.

Thirdly—the number of suits instituted in said court since the 8th day of July, 1839, (which the said Commissioners assume to be the termination of the preceding year;) to the 8th day of June, 1840, (the correspondent term of this year,) they have estimated as follows, viz:

<table>
<thead>
<tr>
<th>Term</th>
<th>Commonwealth's cases</th>
<th>Common law suits</th>
<th>Chancery cases</th>
<th>Appeals</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>October term, 1839</td>
<td>14</td>
<td>52</td>
<td>20</td>
<td></td>
<td>86</td>
</tr>
<tr>
<td>April term, 1840</td>
<td>26</td>
<td>92</td>
<td>35</td>
<td>12</td>
<td>85</td>
</tr>
<tr>
<td>June term</td>
<td>20</td>
<td>41</td>
<td>7</td>
<td>1</td>
<td>69</td>
</tr>
<tr>
<td>Total</td>
<td>60</td>
<td>185</td>
<td>63</td>
<td>13</td>
<td>320</td>
</tr>
</tbody>
</table>

Fourthly—the number of cases decided dismissed in said court from the 1st day of the July term, 1839, inclusive, to the 1st day of the June term, 1840, (which said Commissioners assume as the proper limits of their report upon such cases,) were estimated as follows, viz:

<table>
<thead>
<tr>
<th>Term</th>
<th>Commonwealth's cases</th>
<th>Chancery cases</th>
<th>Appeals</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>July term, 1839</td>
<td>72</td>
<td>10</td>
<td>1</td>
<td>83</td>
</tr>
<tr>
<td>October term, 1840</td>
<td>49</td>
<td>6</td>
<td>1</td>
<td>56</td>
</tr>
<tr>
<td>April term, in year</td>
<td>86</td>
<td>9</td>
<td>4</td>
<td>99</td>
</tr>
<tr>
<td></td>
<td>207</td>
<td>25</td>
<td>6</td>
<td>238</td>
</tr>
</tbody>
</table>

The other indiscriminate matters contained in the act specifying their duties, the said Commissioners conceive to belong more properly to the examination and report of the county court Commissioners for like purposes, and therefore terminate their examination with the foregoing, on the first day of September, 1840, having been actually engaged therein six days, which, together with one day employed for the making out of this report, constitute seven days, during which they have been occupied in the duties of their appointment; so they respectfully submit their report, only remarking that they have been prevented from sooner performing their duties by the non-residence, until recently, of one, and unusual sickness in the family of the other of said Commissioners.

G. W. BARBOUR, J. FREON,

CLINTON, September 2, 1840.

A copy—Attest, THO. S. PAGE, 2d Auditor.
Hickman County Court Office.

To the Hon. the County Court, in and for the county of Hickman and Commonwealth of Kentucky.

W. B. Jenkins and J. Freon, two of the Commissioners appointed by this Court at the last August term of the same, to make an examination and report of the office of the Clerk of said Court for the year 1840, beg leave to report as follows:

On the 10th day of September, in the year of our Lord, 1840, the said W. B. Jenkins and J. Freon, the two Commissioners aforesaid, being first duly sworn by the Clerk of said court, Wm. H. H. Taylor, proceeded to make their examination according to law.

1st. There being no record corresponding to papers filed in suits of this court, this class of the general duties mentioned in the statute, does not apply to this report.

2d. All the record books of said office are in good condition, except that order book B is not indexed from 1st August, 1836, to the 8th of January, 1839, at which latter date the present incumbent came into office; but since the present Clerk commenced, it is well indexed and in good order.

What law books there are in the office are in good condition; but there has not been the legal supply since the burning of the former Clerk's office, when many were lost or have not been delivered by the former to the present Clerk.

The various papers in said office are all in as good condition as could be expected, but some old deeds, &c., long since deposited with former Clerks, not ready for record, are a little worn.

3d. All the deeds, wills, inventories, and other documents lodged in the office and required by law to be recorded, have been regularly recorded, except that some deeds lodged with the former Clerk for record, are not recorded, for want, (as said Commissioners are informed by the present Clerk) of payment of tax, or of being sufficiently proven or acknowledged, and also there are a few lodged with the present Clerk in the same situation. The tax on some deeds also, was paid to former Clerks, but the deeds were not recorded by those Clerks, and the present Clerk is not willing to render himself responsible for the tax which he has not received by recording them, and in consequence they remain unrecorded.

4th. There are in said office the following number of record books, viz: four deed books; two will books; two order books; one marriage book; one stray book; one memorandum book; one docket book; one execution book; and one motion book—all provided with proper indexes for the convenience of examining them; also proper and convenient presses are provided for keeping and preserving the books, records, and papers of said office.

5th. The records of said office are, especially by the present Clerk, made out in a fair and legible hand, and kept in a correct clerical manner.

6th. The office is not secure nor convenient, but it is the best which could be had in town, there being no other provided by the county court.

7th. The general state and condition of the office is good and orderly as far as the room occupied for it will permit.

8th. The number of suits instituted in said court from 1st August, 1839, (which said Commissioners assume as the termination of the preceding re-
port, if there was any,) to the 1st August, 1840, (the time when said Commis
9th. The number of suits decided or dismissed in the same time, were
appeals, alone decided, in number, two.
10th. The rate of the county levy and tax of the county, and the total
county revenue of the preceding year, were as follows, viz:
There were 1773 polls at 62½ cents each, amounting to
The tax on property was ten cents on $100, amounting to

Making the total revenue of said year,

Say two thousand eight hundred and nineteen dollars and seventy two
and a half cents.

11th. There was no tax or revenue of any town in said county last year, ex-
cept that at Mills' Point or Hickman, a tax was laid and assessed, but it was
not collected, and the assessor's books being lost, it was not renewed and
cannot be ascertained; and also, Columbus or Iron Banks town, though it
lays no tax, has the income of the ferry across the Mississippi river at that
town, which rents at from $500 to $1,000 per annum.

Said commissioners terminated the examination by which they arrived at
the preceding facts and conclusions, on the morning of the 23d day of Sep-
tember, 1840, having been interruptedly engaged fourteen days, during
which they estimate that they have been actually occupied in said examina-
tion five days, which, together with one day for the making out of this re-
port, constitute six days, during which they have been employed in the du-
ties of their appointment, so they respectfully submit their report, only re-
marking, that they have been prevented from sooner performing their duties
by the non-residence, until recently, of one, and unusual sickness in the
family of the other, of the three Commissioners.

J. FREON, 
W. J. JENKINS, 

CLINTON, September 23, 1840.

A copy—Attest, THO. S. PAGE, 2d Auditor.

Ordered, That the said communication be referred to the committee on
Finance.

1. Mr. S. L. Williams presented the remonstrance of Eleanor Bowen,
praying that the petition of her husband, William Bowen, for a divorce,
may be rejected.

2. Mr. Young presented the petition of Basil G. Smith, praying to be re-
leased as security for the return of certain public arms.

3. Mr. Pirtle presented the petition of William Russell, praying for the
payment for his time and expenses, spent in behalf of the Commonwealth,
in bringing a criminal to justice.

4. Mr. Weller presented the petition of members of the bar of the 16th
judicial district, praying for the passage of a law altering the times of hold-
ing the courts in said district, and allowing an additional number of juridical
days to certain of said courts.
5. Mr. M. Williams presented the petition of James McGuire, praying the passage of a law allowing him to retail spirituous liquors without obtaining a license.

Which were received and referred: the 1st to the committee on Religion; the 2d to the committee on Military Affairs; the 3d to the committee on the Judiciary; the 4th to a committee of Messrs. Weller, James, and Burnett, and the 5th to the committee on Propositions and Grievances.

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to change the name of Gilmore Wilcut to that of Gilmore Hay.
An act for the benefit of Telitha Jane Hix.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. C. J. Walker, from a select committee, reported a bill for the benefit of the Clerk of the Madison Circuit and County Courts—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary:

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

On the motion of Mr. James—1. A bill to amend the laws incorporating the town of Hickman.
On the motion of Mr. Clarke—2. A bill to change the times of holding certain of the terms of the Jessamine County Court.
On the motion of Mr. Hardin—3. A bill to amend the act prescribing the mode for vacating judgments recovered against or in favor of deceased persons.
On the motion of Mr. C. J. Walker—4. A bill concerning the record books of the County and Circuit Courts of Madison.
On the motion of Mr. Wingate—5. A bill to provide for the running and marking the line between Franklin and Scott counties.
On the motion of Mr. Jesup—6. A bill to repeal an act, entitled, an act to amend the law prohibiting the importation of slaves into this State, approved February 2d, 1833, and for other purposes.
On the motion of Mr. Wingate—7. A bill to amend the charter of the Frankfort Bridge Company.
On the motion of Mr. Weller—8. A bill to change an election precinct in Caldwell county.
On the motion of Mr. Pirtle—9. A bill to amend the law concerning writs of error and appeals.

On the motion of Mr. Quarles—10. A bill to abolish the election precincts in the county of Pulaski.

On the motion of Mr. Pirtle—11. A bill concerning attachments in chancery.

On the motion of Mr. Griffith—12. A bill authorizing the heirs of Philip Thompson to lay off part of their land adjoining Owensboro' into town lots.

Messrs. James, Weller, and Burnett, were appointed a committee to prepare and bring in the 1st; Messrs. Clarke, Johnston, and C. J. Walker the 2d; the committee on the Judiciary were directed to prepare and bring in the 3d, 9th, and 11th; the committee on Privileges and Elections the 8th and 10th; Messrs. C. J. Walker, Huston, and Ballinger were appointed a committee to prepare and bring in the 4th; Messrs. Wingate, Pratt, and J. S. Morgan the 5th; Messrs. Jesup, Wickliffe, and James the 6th; Messrs. Wingate, Pratt, and Johnston the 7th; and Messrs. Griffith, Pirtle, and Sterett the 12th.

Mr. Quarles having obtained leave, reported a bill to change the mode of paying the Commissioners of Common Schools in Wayne county—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Education.

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

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

EXECUTIVE OFFICE,

December 14, 1840.

Gentlemen of the Senate:

I nominate for your advice and consent, James Quiett, to be Sheriff of the county of Nicholas, the County Court of said county having failed to recommend agreeably to the Constitution.

R. P. LETCHER.

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

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

STATE OF KENTUCKY,

Auditor's Office, December 13, 1840.

Hon. MANLIUS V. THOMSON,

Lieut. Governor and Speaker of the Senate.

Dear Sir:

Please lay before the Senate over which you have the honor to preside, the following documents, composing the annual report of the Auditor
TUESDAY, DECEMBER 15, 1840.

A message was received from the House of Representatives announcing that they had passed bills of the following titles, viz:
1. An act to amend the several laws of this Commonwealth relative to the duties of Clerks of courts.
2. An act regulating proceedings before Justices of the Peace.
3. An act to alter the terms of the Cumberland Circuit Court, and to change the time of holding the Monroe Circuit Court.
4. An act allowing turnpike tollage to witnesses.
5. An act to divorce Charles Butts.
6. An act to divorce Burella W. Littleton from her husband, Joseph D. Littleton.
7. An act for the benefit of the Clerk of the Graves County Court.

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

The constitutional rule as to the second reading being dispensed with, the 1st, 2d, 3d, and 7th, were referred to the committee on the Judiciary; the 4th to the committee on Internal Improvement, and the 5th and 6th to the committee on Religion.

The Speaker laid before the Senate the report of the President of the Kentucky and Louisville Mutual Insurance Company, which is as follows, to wit:
"The Kentucky and Louisville Mutual Insurance Company."—Report of the condition, progress, and affairs of said Company, up to the 2d of December, 1840, inclusive, viz:

Amount insured, 159 policies, - - - $579,000 00
Amount of Premium Notes, - - - 30,175 00
Deduct amount of Premium Notes discharged by transfer of property, and otherwise, - - - 960 00

$29,215 00

Amount received on Premium Notes, - - - $5,436 44
Do, do. for 159 policies, - - - 159 00

$5,595 44

Paid this amount, expense account, - - - 3,050 39½
Do. do. for loss, - - - 2,500 00
Amount of cash, balance, - - - 45 04½

$5,595 44

BALANCES.

<table>
<thead>
<tr>
<th>DR.</th>
<th>CR.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Bills receivable, - - - $23,778 56</td>
<td></td>
</tr>
<tr>
<td>To cash, - - - 45 04½</td>
<td></td>
</tr>
<tr>
<td>To expense account, - - - 3,050 39½</td>
<td></td>
</tr>
<tr>
<td>To loss account, - - - 2,500 00</td>
<td></td>
</tr>
</tbody>
</table>

$29,374 00

By premium account, - - - $29,215 00
By policy account, - - - 159 00

$29,374 00

At a meeting of the President and Directors of the Kentucky and Louisville Mutual Insurance Company, at their office, in the city of Louisville, on the 10th day of December, 1840, the President of this Company submitted to the Board a statement of the condition, progress, and affairs of this Company; which, after being read, examined, and approved by the Board, was adopted, and the President is directed to furnish a copy of the same to the General Assembly, agreeably to the requisition of the 22d section of the charter of this Company.
In obedience to the requisition of the 22d section of the charter of this Company, and the order of the Board, I herewith transmit to you, the foregoing report of the condition, progress and affairs of this Company, from the commencement of their business, up to, and including the 2d instant; and request that you will lay the same before the Senate over which you have the honor of presiding.

I have the honor to be,

Very respectfully, &c.

JOHN W. TYLER, President.

To the Hon. the Speaker of the Senate
of the Commonwealth of Kentucky, Frankfort.

1. Mr. Payne presented the petition of Margaret Mitchell, praying for the passage of a law to return to her, money paid by her husband towards the building of the Capitol.

2. Mr. Johnston presented the petition of Catharine Collins, praying for the passage of a law to divorce her from her husband.

Which were received and referred: the 1st to the committee on Finance, and the 2d to the committee on Religion.

On the motion of Mr. Rice, the committee on Propositions and Grievances was discharged from the further consideration of the petition of sundry citizens of Graves county, praying for the passage of a law to repeal certain sections of the law in relation to the importation of slaves; and the said petition was referred to a committee of Messrs. Jesup, Wickliffe, and James.

The following bills were reported from select committees, viz:

By Mr. Wingate—1. A bill to run and mark the dividing line between Franklin and Scott counties.

By Mr. Weller—2. A bill to change the time of holding the Circuit Courts in the 16th judicial district.

By Mr. Clarke—3. A bill to amend an act, entitled, an act to amend an act to reduce into one the several acts regulating the towns of Nicholasville and Versailles.

By Mr. Pirtle—4. A bill more effectually to protect the right of suffrage.

By Mr. Hardin—5. A bill for the benefit of the Moore Lodge.

By Mr. Wingate—6. A bill to amend the charter of the Frankfort Bridge Company.

By Mr. Weller—7. A bill concerning the record books of the County and Circuit Courts of Madison.

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

The constitutional rule as to the second reading of the said bills being dispensed with, the 2d was laid on the table; the 4th was amended and refer-
red to the committee on Privilages and Elections; and the Public Printer was directed to print 150 copies of said bill, for the use of the General Assembly; the 5th and 6th were referred to the committee on the Judiciary, and the 1st, 3d, and 7th, were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st, 3d, and 7th bills being dispensèd with, and the same being engrossed,

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

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

1. An act to change the name of Gilmore Wilcut to that of Gilmore Hay.
2. An act for the benefit of Telitha Jane Hix.
3. An act to divorce Elizabeth Bartlett.
4. An act for the benefit of Isaac M. Belveal.
5. And a bill and resolution which originated in the Senate of the following titles, viz:
   a. An act allowing the Surveyor of Caldwell county further time to renew his official bond.
   b. A resolution fixing a day for the election of a Senator in Congress.

And had found the same truly enrolled.

The said bills and resolution having been signed by 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. After a short time, Mr. Barlow reported that the committee had performed that duty.

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

On the motion of Mr. De Courcy—1. A bill to establish a Commissioner’s Court in this Commonwealth.
2. A bill to repeal, in part, the several acts concerning the town of South Frankfort, and for other purposes.

Messrs. De Courcy, Pirtle, and Ballinger, were appointed a committee to prepare and bring in the 1st, and Messrs. Wingate, Pratt, and Johnston, the 2d.

On the motion of Mr. Weller, the committee on the Judiciary was discharged from the further consideration of the petition of Richard Cruce, praying to be released from the penalty for buying certain slaves imported into this State; and the said petition was referred to a committee of Messrs. Jesup, Wickliffe, and James.

The annual report of the Auditor of Public Accounts, which was received on yesterday, was referred to the committee on Finance.
Bills from the House of Representatives of the following titles, viz:

1. An act to establish an election precinct at the town of Lewis Port, in the county of Hancock.
3. An act to extend the July term of the Bullitt Circuit Court.
4. An act to change the time of holding the Clinton County Court.
5. An act allowing Prentice L. Lamb a change of venue.
6. An act for the benefit of the widow and heirs of Edward Payne, deceased.
8. An act to divorce Fanny Dawson from her husband, James W. Dawson.
9. An act for the benefit of the Sheriff of Clinton county.
10. An act to incorporate the Trustees of Gamaliel School House, in Monroe county.
11. An act for the benefit of John Cain.
13. An act for the benefit of the administrators and heirs of William B. Cook, deceased.
15. An act to incorporate the Elizabethtown Fire Company.
17. An act to authorize an additional Constable in Logan county.

Were severally read the first time, and ordered to be read a second time. The constitutional rule as to the second reading being dispensed with, they were referred: the 1st, 2d, and 14th, to the committee on Privileges and Elections; the 3d, 4th, 5th, 6th, 13th, 15th, and 17th, to the committee on the Judiciary; the 7th and 8th to the committee on Religion; the 9th, to the committee of Finance; the 10th to the committee on Education; the 11th to the committee on Internal Improvement, and the 12th and 16th, to the committee on Propositions and Grievances.

A resolution from the House of Representatives to examine Transylvania University and the Lunatic Asylum, was twice read and concurred in; and Messrs. Slaughter and Sterett, were appointed a committee, on the part of the Senate, pursuant to said resolution.

The resolutions requiring the Attorney General to issue a scire facias against the Banks, &c. offered by Mr. Weller, were taken up and referred to the committee on Banks.

Two messages, in writing, were received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up and read as follows, viz:
Gentlemen of the Senate:

I nominate for your advice and consent, the following persons to be civil officers for the offices attached to their names, they having been commissioned since the adjournment of the last Legislature, until the end of the present session, to wit:

Finis E. McLean, to be a member of the Board of Internal Improvement, in place of Thompson M. Ewing, resigned.

Richard D. Bradley, to be Sheriff of Christian county, in place of Edward Payne, deceased.

Thomas Rockhold, to be Sheriff of Whitley county, in place of James K. Gallion, resigned.

William Ernst, to be Sheriff Public in the county of Kenton.

M. M. Benton to be Notary Public in the said county of Kenton.

George W. Williams, to be Notary Public in the county of Hancock.

R. P. LETCHER.

Gentlemen of the Senate:

I nominate for your advice and consent, the following named persons to be militia officers for the offices attached to their names, they having been commissioned since the adjournment of the last Legislature, until the end of the present session of the General Assembly, to wit:

Obadiah Tracey, to be Brigadier General of the 5th Brigade, in place of George W. Darnaby, resigned.

Samuel Black, to be Brigadier General of the 13th Brigade, in place of John Tribble, resigned.

Jefferson Williams, to be Colonel of the 19th Regiment, in place of Samuel Black, if promoted.

Reuben Monday, to be Lieutenant Colonel of the 19th Regiment, in place of Jefferson Williams, if promoted.

Madison Boileware, to be Major of the 19th Regiment, in place of Reuben Monday, if promoted.

Alexander Campbell, to be Lieutenant Colonel of the 23d Regiment, in place of J. N. Coffman, resigned.

Lawrence A. Harper, to be Major of the 23d Regiment, in place of Alexander Campbell, resigned.

Robert F. Beard, to be Colonel of the 33d Regiment, in place of George S. Phillips, resigned.

Humphrey Pate, to be Lieutenant Colonel of the 33d Regiment, in place of Thomas J. Young, resigned.

Temple Shaw, to be Major of the 33d Regiment, in place of Stephen Ormsby, removed.

Francis R. Davis, to be Colonel of the 58th Regiment, in place of Washington Fugud, resigned.

Matthew Morrison, to be Lieutenant Colonel of the 58th Regiment, in place of Francis R. Davis, if promoted.
James M. Brain, to be Major of the 58th Regiment, in place of Matthew Morrison, if promoted.

M. A. Rucker, to be Lieutenant Colonel of the 84th Regiment.

R. P. LETCHER.

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

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed an enrolled bill and a resolution, which originated in the Senate of the following titles, viz:

A resolution fixing a day for the election of a Senator in Congress.

An act allowing the Surveyor of Caldwell county further time to renew his official bond.

The preamble and resolution in favor of a National Bank was further discussed.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 16, 1840.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, viz:

An act for the benefit of Telitha Jane Hix.

An act for the benefit of Isaac M. Belveal.

An act to change the name of Gilmore Wilcut to that of Gilmore Hay.

An act to divorce Elizabeth Bartlett.

Approved December 15, 1840.

That they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act to change the time of holding the Lawrence County Court.

And that they had passed bills of the following titles, viz:

An act to continue in force an act establishing the office of Second Auditor, and for other purposes.

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

An act allowing an additional Constable to Warren county.

An Act to divorce Polly Ridgeway.

An act to divorce Nancy Freeman.
An Act for the benefit of James P. Howard.
An act for the benefit of Jesse Hines.
An act to establish the road leading from Hopkinsville to Clarkesville, Tennessee, as a State road.
An act to allow an additional Constable to Calloway county.
An act for the benefit of the estate of John Robbins, deceased.
An act to repeal an act, entitled, an act to authorize the County Court of Whitley to open a wagon road to the Falls of Cumberland, approved 1st February, 1838.
An act to establish an election precinct in the county of Jefferson.

1. Mr. Pirtle presented the petition of the Kentucky Historical Society, praying for the passage of a law granting to said Society one copy of all the Journals of both Houses, documents, reports, &c. that may be printed hereafter; and one copy of all such Journals, &c. printed in former years, of which there may be duplicates in the State Library in Frankfort, to be deposited in the Library of said Historical Society, for permanent preservation and for public inspection.

2. Mr. Johnston presented the petition of John B. Perry, praying for the passage of a law authorizing the conveyance of a tract of land.

Which were received and referred: the 1st to the Committee on Finance, and the 2d to the committee on the Judiciary.

On the motion of Mr. Hanson, the committee on the Judiciary was discharged from the further consideration of a bill from the House of Representatives, entitled, an act for the benefit of the Clerk of Graves County Court. The said bill was referred to the committee on Finance.

Mr. Hanson, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to change the time of holding the Clinton County Court.
An act to authorize an additional Constable in Logan county.
An act for the benefit of the Clerks of the Circuit and County Courts of Floyd and Casey counties.
An act for the benefit of the Clerk of the Adair Circuit Court.
An act to allow an additional Justice of the Peace to the county of Bath.
An act to extend the July term of the Bullitt Circuit Court.
An act to change the time of holding the Bullitt County Court.
An act to change the time of holding the Trimble County Court.

Reported the same without amendment.

Ordered, That the said bills be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.
Mr. Hanson, from the same committee, to whom was referred the following bills, viz:

1. A bill for the benefit of the Clerk of the Madison Circuit and County Courts:

2. A bill to amend the law of last session relating to idiots and lunatics.

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

Mr. Hanson, from the same committee, reported the following bills, viz:

1. A bill to amend the several acts for the benefit of Religious Societies in this Commonwealth.

2. A bill to incorporate the Grand Lodge of Kentucky.

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

The constitutional rule as to the second reading of the first bill being dispensed with, it was amended and ordered to be engrossed and read a third time.

The second bill was placed in the orders of the day, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

Mr. Hanson, from the same committee, to whom was referred a bill concerning exceptions to depositions, reported the same with an amendment—which was concurred in; and the said bill was re-committed to the committee on the Judiciary.

Mr. Wingate, from the committee on Religion, to whom was referred the petition of Robert S. Brame for a divorce, reported the same with the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to divorce Fanny Dawson from her husband, James W. Dawson, reported the same with the opinion of the committee that it ought not to pass.

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.

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to divorce Burella W. Littleton from her husband, Joseph D. Littleton, reported the same with the opinion of the committee that it ought not to pass.

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

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wingate, from the same committee, reported a bill to divorce Eleanor
M. Tator, and to change the name of John G. Tater—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

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

Mr. Ballinger, from the committee of Internal Improvement, 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 establishing a State road from Litchfield, in Grayson county, to Munfordville, in Hart county—reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Clinton County—reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Johnston, from the same committee, reported a bill for the benefit of Thomas Prater, committee for Josiah Prater—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Mr. Johnston, from the same committee, reported a bill to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of jurors, approved February 15th, 1838—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the Senate proceeded to the consideration of the orders of the day.

A message was received from the House of Representatives, announcing that they are now ready to proceed to the election of a Senator, for this State, in the Congress of the United States for six years, from and after the 4th of March next.

Ordered, That Mr. Payne inform the House of Representatives that the Senate are now ready to proceed to the said election.
Mr. Griffith nominated Mr. John J. Crittenden, as a proper person to fill said office, and Pratt nominated Mr. James Guthrie.

Mr. Ballinger was directed to inform the House of Representatives thereof. A message was received from the House of Representatives, announcing that John J. Crittenden was in nomination before that House.

Upon taking the vote of the Senate, it stood thus:

Those who voted for Mr. Crittenden, were—

Messrs. Bailey, Jesup, Sterett,
Ballinger, Johnson, Tomlinson,
Barlow, Morgan, D., Walker, C. J.
Clarke, Morgan, J. S., Walker, J. V.
Craddock, Payne, Wallace,
Griffith, Pirtle, Weller,
Hanson, Quarles, Wickliffe,
Hardin, Symson, Williams, S. L.
Huston, Slaughter, Young—27.

Those who voted for Mr. Guthrie, were—

Messrs. Burnett, James, Schooling,
De Courcy, Pratt, Williams, M.,
Hughes, Rice, Wingate—9.

Messrs. Ballinger and Huston were appointed a committee, on the part of the Senate, to meet the committee, on the part of the House of Representatives, to compare the joint vote and report the result. The committee retired, and after a short time returned, when Mr. Ballinger reported that the committee had performed the duty assigned them, and that the joint vote stood thus:

For Mr. Crittenden, 100
For Mr. Guthrie, 29

Mr. John J. Crittenden having received a majority of all the votes given, was declared duly elected Senator in the Congress of the United States, for the State of Kentucky, for six years, from and after the 4th day of March next.

Mr. Ballinger 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 23d instant, they will adjourn to meet again on Friday the 1st day of January, 1841.

On the motion of Mr. Wickliffe,

Resolved, That it shall be the duty of the Public Printer to deliver to the members of the Senate, either at their rooms or in the Senate Chamber, all documents printed for the use of the members respectively.
Mr. Tomlinson 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 three from the House of Representatives, be appointed to visit and examine the condition of the Deaf and Dumb Asylum, at Danville, and report its condition to the General Assembly.

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

Resolved, That a standing committee of three members of the Senate be appointed, to be styled a committee of Federal Relations, whose business shall be to take into consideration all matters relating to the Federal and State Governments, and such other business as shall be referred to them.

Mr. Ballinger presented the affidavit of Jonathan Davidson in support of his application to the Legislature for a change of venue, which was referred to the committee on the Judiciary.

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

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

On the motion of Mr. Wickliffe—1. A bill to establish the Lexington Cemetery.
2. A bill to regulate the salary of the Circuit Judge of the 5th Judicial District.
3. A bill to regulate the salary of the Chancellor of the city of Louisville, and for other purposes.

On the motion of Mr. Payne—4. A bill to change the time of holding the fall term of the Court of Appeals.

On the motion of Mr. Wickliffe—5. A bill to more effectually secure the privileges of witnesses, and for other purposes.

Messrs. Wickliffe, Hanson, and Clarke, were appointed a committee to prepare and bring in the 1st; Messrs. Wickliffe, Johnston, and Clarke, the 2d and 3d; Messrs. Payne, Pirtle, and Rice, the 4th, and the committee on the Judiciary was directed to prepare and bring in the 5th.

And then the Senate adjourned.
A message was received from the House of Representatives announcing that they had passed bills of the following titles, viz:

1. An act allowing additional Justices of the Peace and a Constable to certain counties.
2. An act for the benefit of George H. Clements, and others.
3. An act for the benefit of the Trustees of the Baptist Church, at Providence, and for other purposes.
4. An act for the benefit of Polly Starling, and others.
6. An act to divorce Nancy Shelton,
7. An act for the benefit of Eliza Boswell, and for other purposes.
8. An act to divorce Susan James.
9. An act to divorce Margaret M. Pulliam.

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

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on Propositions and Grievances; the 2d, 4th, and 5th, to the committee on the Judiciary; the 3d to the committee on Education; the 6th, 7th, 8th, and 9th, to the committee on Religion.

The Speaker laid before the Senate a communication from the Auditor of Public Accounts in relation to the Lexington and Ohio Railroad Company. The said communication was referred to the committee on the Judiciary.

A bill to amend an act providing that the fines and forfeitures in this Commonwealth shall be a fund for the payment of Jurors, approved February 15th, 1838, was placed in the orders of the day.

Mr. Johnston, from the committee on Finance, reported a bill for the benefit of the Sheriff of Hickman county—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

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

Mr. Johnston, from the same committee, to whom was referred a bill for the benefit of William Butler and John Anderson, reported the same without amendment, and the said bill was placed in the orders of the day.
Mr. Clarke, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Trustees of Gamaliel School House, in Monroe county—reported the same without amendment.  

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

The constitutional rule as to the third reading being dispensed with,  

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

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act fixing the time of holding the January term of the General Court for the year 1841, reported the same with an amendment—which was concurred in.  

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

The constitutional rule as to the third reading being dispensed with,  

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

Mr. Hanson, from the same committee, to whom was referred the following bills, viz:  

A bill to amend an act to incorporate the town of West Liberty, and to legalize the proceedings of its Trustees.  

A bill to amend the charter of the Frankfort Bridge Company.  

A bill for the benefit of Benjamin H. Reeves.  

A bill allowing further time to the Clerk of the Nicholas County Court to renew his official bond.  

Reported the same without amendment.  

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

On the motion of Mr. Hanson, the committee on the Judiciary was discharged from the duty of bringing in a bill empowering Justices of the Peace in this Commonwealth to issue a dedimus for taking depositions de bene esse, in cases that may occur before them; and also to authorize them to receive depositions as evidence in causes before them, under the same rules and restrictions as now practised in the Circuit Courts in this Commonwealth.  

Mr. Hanson, from the same committee, to whom was referred a bill for the benefit of the Moore Lodge—reported the same with the opinion that it ought not to pass. The said bill is as follows, to wit:  

Whereas, it is represented that on the 29th day of January, 1816, an act was passed by the General Assembly of the Commonwealth of Kentucky, authorizing certain persons, therein named, to raise, by way of lottery, ten thousand dollars for the use and benefit of Columbia Lodge, No. 27, in the town of Columbia; and in consequence of the death of some of said persons, and the removal of others, said lottery never was drawn; and some time since, the members of said Lodge surrendered their charter to the Grand
Lodge of Kentucky, and obtained a new charter for a Lodge to be held in
said town of Columbia, called Moore Lodge, No. 96; and that the members
of said Lodge are desirous of carrying on said lottery for the use and benefit
of Moore Lodge, No. 96.

Sec. 1. Be it therefore enacted by the General Assembly of the Common-
wealth of Kentucky, That it shall and may be lawful for the Master, War-
dens, and members of said Moore Lodge, to cause said lottery to be drawn,
under the same rules, regulations, and restrictions, that was required by the
aforesaid act; and for the purpose of effecting said object, William H. John-
ston, James Ewing, Hamilton N. Owens, Joseph Burton, and Philip Yeiser,
be, and they are hereby appointed, or a majority of them are authorized, to
raise said amount for the use and benefit of said Lodge; and should they, or
a majority of them, refuse or fail to act, the said Lodge may, at any stated
meeting, appoint one or more fit persons to manage said lottery, under the
same regulations and restrictions as required in said act.

Sec. 2. Be it further enacted, That said Lodge shall, at all times, have
full power and authority to supply any vacancy that may arise in said agency,
or to appoint others, so as never to have a vacancy therein, and to do all
things necessary to perpetuate the power of said agents, so as to effect the
object hereby intended; and to purchase a suitable site on which to erect a
Hall for the use of said Lodge, and to take a conveyance therefor, in the
name of the Master and Wardens for the time being, and their successors in
office, for the use and benefit of said Moore Lodge.

Sec. 3. And be it further enacted, That the said Lodge, a majority of
all the members at any stated meeting concurring therein, may contract
with any person or persons for the erection and completion of said Hall; and
may give such portion of the amount to be raised by said lottery as may be
agreed on.

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. Payne and J. V.
Walker, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Bailey, Ballinger, Burnett, Clarke, Craddock, De Courcy, Griffith,
Hanson, Jesup, Johnson, Morgan, D. Morgan, J. S. Payne, Pirle, Pratt,
Rice, Schooling, Simpson, Sterett, Walker, C. J. Walker, J. V.
Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled an act for the benefit of Catharine J. Lloyd, reported the same with an amendment—which was concurred in.

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

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, “and Matilda A. Floyd.”

The Speaker laid before the Senate the annual report of the Board of Internal Improvement, which is as follows, viz:

Office of the Board of Internal Improvement,
Frankfort, 17th December, 1840.

To the Hon. Manlius V. Thomson, Lieutenant Governor and Speaker of the Senate:

Sir—I have the honor to communicate the annual report of the Board of Internal Improvement, and the accompanying documents. With great respect, &c. &c.,

Jas. T. Morehead.

[For the report, see Legislative Documents, page 239.]

Ordered, That the said report be referred to the committee on Internal Improvement, and that the Public Printer print 1000 copies thereof, and 150 copies with the accompanying documents for the use of the Senate.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to establish an election precinct at the town of Lewis Port, in the county of Hancock.
An act to establish an additional election precinct in Hardin county.
An act to change the places of voting in certain election precincts in Floyd county.
An act to change the place of voting in the upper election precinct in Bath county.
An act to establish an election precinct in the town of Ghent, in Carroll county.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Huston, from the same committee, reported a bill to change the place of voting, in Caldwell county, from Pearce’s Mill to the house of Samuel Jones—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.
Mr. Huston, from the same committee, to whom was referred a bill more effectually to protect the right of suffrage—reported the same without amendment, and the said bill was made the order of the day for Monday next.

The resolution for the appointment of a standing committee, to be styled a committee of Federal Relations, read and laid on the table by Mr. Wickliffe on yesterday, was taken up, and being amended by striking out three and inserting five, as the number of said committee, was adopted.

Bills from the House of Representatives of the following titles, viz:
1. An act to continue in force an act establishing the office of Second Auditor, and for other purposes.
2. An act to allow an additional Justice of the Peace to Caldwell county, and for other purposes.
3. An act allowing an additional Constable to Warren county.
4. An act to divorce Polly Ridgeway.
5. An act to divorce Nancy Freeman.
6. An act for the benefit of James P. Howard.
7. An act for the benefit of Jesse Hines.
8. An act to establish the road leading from Hopkinsville to Clarkesville, Tennessee, as a State road.
9. An act to allow an additional Constable to Calloway county.
10. An act for the benefit of the estate of John Robbins, deceased.
11. An act to repeal an act, entitled, an act to authorize the County Court of Whitley to open a wagon road to the Falls of Cumberland, approved 1st February, 1838.

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

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st to the committee on Finance; the 2d, 3d, and 9th, to the committee on Propositions and Grievances; the 4th, 5th, 6th, and 7th, to the committee on Religion; the 8th and 11th to the committee on Internal Improvement; the 10th to the committee on the Judiciary, and the 12th to the committee on Privileges and Elections.

Leave was given to bring in the following bills, viz:
On the motion of Mr. Clarke—1. A bill for the benefit of Sarah Scroggin.
On the motion of Mr. Huston—2. A bill for the benefit of the Clerk of the Circuit and County Courts of Spencer county.
On the motion of Mr. Wickliffe—3. A bill to regulate the time and manner of the execution of persons condemned as criminals, and for other purposes.
On the motion of Mr. Rice—4. A bill more effectually to suppress the practice of unlawful gaming in this Commonwealth.
The committee on the Judiciary was directed to prepare and bring in the 1st, 3d, and 4th, and the committee on Finance the 2d.

Mr. Wickliffe, from a select committee, reported a bill to establish the Lexington Cemetery—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bill being dispensed with, it was committed to the committee on the Judiciary.

An engrossed bill, entitled, an act to amend the law of last session relating to idiots and lunatics, was read the third time and re-committed to the committee on the Judiciary.

Engrossed bills of the following titles were severally read a third time, to wit:

An act for the benefit of the Clerk of the Madison Circuit and County Courts.

An act to amend the several acts for the benefit of Religious Societies in this Commonwealth.

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

The preamble and resolution in favor of a National Bank was further discussed.

And then the Senate adjourned.

FRIDAY, DECEMBER 18, 1840.

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

An act to amend the laws concerning the emancipation of slaves.

An act providing for a change of venue in two prosecutions, now pending, against Edward Parks.

An act for the benefit of James Bartlett.

An act to appropriate the Seminary funds of Pendleton county to the aid of Common Schools in said county, and for other purposes.

An act to authorize the County Court of Kenton county to change the State road from Colemansville, in Harrison county, to Covington, in Kenton county.

An act to change the place of voting from the house of James Howard to that of Joel H. Ferril's, in the county of Hardin, and for other purposes.

Messrs. Wickliffe, Hanson, Pirtle, Tomlinson, and Burnett, were appointed a committee of Federal Relations.

The Speaker laid before the Senate the annual report of the Trustees of the Deaf and Dumb Asylum, at Danville, which is as follows, viz:
To the Hon. Senate and House of Representatives of the Commonwealth of Kentucky.

The undersigned, committee of the Deaf and Dumb Asylum, respectfully report:

This institution is in successful operation. There are twenty-eight pupils, eighteen of whom are supported by the benevolence of the State, and the remaining fourteen by their parents and friends. They have unusual good health the past year. To all we have heretofore said as to the qualifications of their teachers, and the kind treatment they receive, we can add, that from year to year there is improvement in the capability of the teachers, and in the discipline and government of the institution.

In our last report, we advised you that there remained about 4,000 acres of land in Florida unsold. The state of the currency, and other causes, retard the sale of the land. Of the large amount due, as reported to you last year, our Agent has sent us checks for $6,000, payable at New York, in two years from May last, drawn by the Union Bank of Florida; also small checks, payable in six, twelve, and eighteen months, for interest at eight per cent per annum—all these are unavailable, and the institution has been supported from its other resources. We have directed our Agent not to send any more such checks until further advised.

The Treasurer's report and a list of the pupils, with their ages and residence is enclosed.

OFFICERS OF THE INSTITUTION.

John A. Jacobs, Principal Teacher; William D. Kerr, Assistant Teacher; Dr. John Todd, Physician; James Barbour, Treasurer; John A. Jacobs, Secretary; John A. Jacobs and Lady, Superintendent and Matron.

Danville, December 16th, 1840.

JOHN TODD,
J. BARBOUR,

THE KENTUCKY DEAF AND DUMB ASYLUM,
In account with J. Barbour, Treasurer.

1840.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>To cash paid board of pupils</td>
<td>$1,855.14</td>
</tr>
<tr>
<td>To cash paid Jacobs, Principal Teacher, salary</td>
<td>900.00</td>
</tr>
<tr>
<td>To cash paid Kerr, Assistant do. do.</td>
<td>847.60</td>
</tr>
<tr>
<td>Books and Miscellanies</td>
<td>41.37</td>
</tr>
<tr>
<td>Insurance</td>
<td>36.00</td>
</tr>
<tr>
<td>Wood</td>
<td>38.50</td>
</tr>
<tr>
<td>Fencing</td>
<td>12.00</td>
</tr>
<tr>
<td>Hauling</td>
<td>7.00</td>
</tr>
<tr>
<td>Physician's bill</td>
<td>25.00</td>
</tr>
<tr>
<td>Postage account</td>
<td>1.50</td>
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<tr>
<td>Secretary's salary,</td>
<td>$25.00</td>
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<tr>
<td>Treasurer's salary,</td>
<td>50.00</td>
</tr>
<tr>
<td></td>
<td>75.00</td>
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</tbody>
</table>

Total: $3,839.11
By tuition fees of pay pupils, $41 58
By amount received from State Treasury, 2,284 65
\[\text{\textdollar}2,326 22\]
Amount of notes on hand, exclusive of interest due, about \[\text{\textdollar}3,600 00\]

A list of Pupils of the Kentucky Asylum for the Deaf and Dumb, December 6th, 1840.

<table>
<thead>
<tr>
<th>Names</th>
<th>Residence</th>
<th>Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 George W. Blackford</td>
<td>Warren county, Kentucky</td>
<td>15</td>
</tr>
<tr>
<td>2 Maston Gore</td>
<td>Caldwell county, Kentucky</td>
<td>11</td>
</tr>
<tr>
<td>3 Elizabeth Kelb</td>
<td>Scott county, Kentucky</td>
<td>14</td>
</tr>
<tr>
<td>4 Lucy Jane Fitzpatrick</td>
<td>Adair county, Kentucky</td>
<td>13</td>
</tr>
<tr>
<td>5 Andrew Orr</td>
<td>Garrard county, Kentucky</td>
<td>23</td>
</tr>
<tr>
<td>6 Caroline Orr</td>
<td>Garrard county, Kentucky</td>
<td>26</td>
</tr>
<tr>
<td>7 James George</td>
<td>Garrard county, Kentucky</td>
<td>14</td>
</tr>
<tr>
<td>8 Elizabeth Orr</td>
<td>Garrard county, Kentucky</td>
<td>15</td>
</tr>
<tr>
<td>9 Elizabeth Adams</td>
<td>Rockcastle county, Kentucky</td>
<td>13</td>
</tr>
<tr>
<td>10 Malinda Webb</td>
<td>Louisville, Kentucky</td>
<td>21</td>
</tr>
<tr>
<td>11 Levi Arterburn</td>
<td>Jefferson county, Kentucky</td>
<td>23</td>
</tr>
<tr>
<td>12 Rachel Arterburn</td>
<td>Jefferson county, Kentucky</td>
<td>21</td>
</tr>
<tr>
<td>13 Elizabeth Ray</td>
<td>Nelson county, Kentucky</td>
<td>12</td>
</tr>
<tr>
<td>14 Michael Hanel</td>
<td>Grayson county, Kentucky</td>
<td>21</td>
</tr>
<tr>
<td>15 Elizabeth Graves</td>
<td>Scott county, Kentucky</td>
<td>13</td>
</tr>
<tr>
<td>16 Elizabeth K. Noel</td>
<td>Anderson county, Tennessee</td>
<td>18</td>
</tr>
<tr>
<td>17 G. W. West</td>
<td>Giles county, Tennessee</td>
<td>28</td>
</tr>
<tr>
<td>18 Atwell Beatty</td>
<td>Shelby county, Kentucky</td>
<td>15</td>
</tr>
<tr>
<td>19 Robert Allen</td>
<td>Jackson county, Alabama</td>
<td>18</td>
</tr>
<tr>
<td>20 William A. Whitley</td>
<td>Lincoln county, Kentucky</td>
<td>15</td>
</tr>
<tr>
<td>21 J. L. Edmiston</td>
<td>Moulton, Alabama</td>
<td>18</td>
</tr>
<tr>
<td>22 Emily Johnson</td>
<td>Cape Girardeau, Missouri</td>
<td>14</td>
</tr>
<tr>
<td>23 Daniel Miller</td>
<td>McMinn county, Tennessee</td>
<td>17</td>
</tr>
<tr>
<td>24 Thomas Miller</td>
<td>McMinn county, Tennessee</td>
<td>12</td>
</tr>
<tr>
<td>25 M. J. Minor</td>
<td>Owen county, Kentucky</td>
<td>13</td>
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<td>26 John P. C. Porter</td>
<td>Ohio county, Kentucky</td>
<td>19</td>
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<tr>
<td>27 William Vaughn</td>
<td>Madison county, Illinois</td>
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<tr>
<td>28 Henry C. Waggoner</td>
<td>Christian county, Kentucky</td>
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Note—The first fourteen are supported by the State.

Ordered, That the said report be referred to the committee on Finance.
1. Mr. Wickliffe presented the petition of sundry citizens of the county of Fayette and city of Lexington, praying a repeal of the law prohibiting the importation of slaves into Kentucky as it now stands; and that such provisions as the Legislature may deem wise and politic for the prohibition of the introduction of slaves, as merchandise, may be enacted.

2. Mr. Payne presented the correspondence between the Bank of Kentucky and the Branch at Maysville, touching the removal of one hundred thousand dollars of her capital.

Which were received and referred: the 1st to a committee of Messrs. Jesup, Wickliffe, and James, and the 2d to the committee on Finance, and the Public Printer was directed to print 150 copies of said correspondence for the use of the General Assembly.

The resolution for a recess of the General Assembly, read and laid on the table by Mr. Ballinger on the 16th instant, was taken up.

Mr. James moved to amend the same by striking out the words "Friday, the 1st day of January, 1841," and inserting in lieu thereof, "Monday, the 28th instant."

The question being taken on the adoption of the said amendment, 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. Jesup and James, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


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

Provided, That such members as absent themselves during the recess, unless upon the business of the Legislature, shall not receive compensation during the time they may so absent themselves.

Mr. Ballinger moved the previous question. The question being taken, "shall the main question be now put?" 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. James and Sterett, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


The question was then taken on the adoption of the resolution as offered by Mr. Ballinger, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Hanson, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to incorporate the town of Russellville.
An act regulating proceedings before Justices of the Peace.
Reported the same with amendments to each—which were concurred in:

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

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the widow and heirs of Edward Payne, deceased, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act allowing Prentice L. Lamb a change of venue, reported the same without amendment.

The said bill was amended, and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

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

Mr. Hanson, from the same committee, reported the following bills, viz:

1. A bill to regulate the fees of the Marshal of the Louisville Chancery Court.

2. A bill allowing the Appellate Judges to reinstate attachments and other restraining orders in chancery.

3. A bill for the benefit of William Russell.

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

The constitutional rule as to the second reading being dispensed with, the 1st and 3d were ordered to be engrossed and read a third time, and the 2d was placed in the orders of the day.

The constitutional rule as to the third reading of the 3d bill being 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. Hanson, the committee on the Judiciary was discharged from the further consideration of the documents accompanying the Governor's message, relative to the demand of the Executive of Virginia on
the Executive of New York for the surrender of certain fugitives from justice; and the same were referred to the committee of Federal Relations.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to establish an election precinct in the county of Jefferson, reported the same without amendment.

Ordered, That the said bill be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wingate, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Susan James, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That the said bill be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to divorce Charles Butts, reported the same without amendment.

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

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to divorce Nancy Freeman, reported the same with the opinion of the committee that it ought to pass.

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.

Mr. Wingate, from the same committee, to whom was referred the petition of Catharine Collins, praying for a divorce, reported the same with the following resolution thereon, viz:

Resolved, That the said petition be rejected.
The question being taken on concurring in the said resolution, it was decided in the negative.

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

Mr. Wingate, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Eliza Boswell, and for other purposes, reported the same with the opinion of the committee that it ought not to pass.

Mr. Ballinger objected to the question being put, shall the bill be read a third time? upon the ground that no notice was given of the intended ap
plication for a divorce. The Chair overruled the objection, and Mr. Ballinger appealed from the decision of the Chair.

The question being taken, is the decision of the Chair correct? it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Barlow, Barnett, Clarke, Craddock, De Courcy, Hanson, Huston, James,

Jesp, Johnston, Morgan, D., Payne, Pirtle, Pratt, Symson,


Those who voted in the negative, were—


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

The constitutional rule as to the third reading being dispensed with,

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

A bill to change the time of holding the Circuit Courts in the 16th Judicial District, was taken up and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

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 providing for a change of venue in two prosecutions, now pending against Edward Parks, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

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

On the motion of Mr. De Courcy—1. A bill for the benefit of the Sheriff of Campbell county.

On the motion of Mr. Payne—2. A bill for the benefit of Margaret Mitchell.

The committee on Finance was directed to prepare and bring in the 1st, and Messrs. Payne, D. Morgan, and Wingate, were appointed a committee to prepare and bring in the 2d.

And then the Senate adjourned.
SATURDAY, DECEMBER 19, 1840.

A message was received from the House of Representatives, announcing
that they had adopted a preamble and resolution in relation to a United
States Bank and the public lands.

And that they had passed bills of the following titles, viz:
1. An act for the benefit of Lois Smallwood.
2. An act to amend the charter of the city of Covington, and for other
purposes.
3. An act to authorize the County Court of Bourbon county to sell the
lands on which the poor house is, and for other purposes.
4. An act for the benefit of the Commonwealth’s Attorney of the fifth
Judicial District.
5. An act concerning the estate of James Haggan, deceased.
6. An act for the divorce of John Pence.
7. An act for the divorce of Harrison Turner.
8. An act for the benefit of Susan Summers.
10. An act for the benefit of the executor of Henry W. Black, deceased.

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

The constitutional rule as to the second reading being dispensed with, they
were referred: the 1st and 9th to the committee on Finance; the 2d, 3d,
4th, 5th, and 10th, to the committee on the Judiciary, and the 6th, 7th, and
8th to the committee on Religion.

Mr. Ballinger moved the following resolution, viz:

Resolved, That the First Auditor of Public Accounts be requested to lay
before the Senate the original letter of his Excellency, Gov. Wickliffe, dated
13th day of February, 1840, upon the subject of the Lexington and Ohio
Railroad Company.

The rule of the Senate being dispensed with, the said resolution was
adopted.

After some time the Speaker laid before the Senate a communication from
the Auditor in answer to said resolution, which was referred to the commit­
te on the Judiciary.

Mr. Payne presented the petition of Edmund B. and Joseph D. Barker,
praying for the passage of a law to remove every impediment in their way;
and the way of other claimants of military lands west of the Tennessee
river, possessing their land—which was received and referred to the commit­
te on the Judiciary.
On the motion of Mr. Johnston, the committee on Finance was discharged from the further consideration of the petition of the Kentucky Historical Society, to them referred, and the said petition was referred to the committee on the Library.

Mr. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitling, an act to continue in force an act establishing the office of Second Auditor, and for other purposes, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Johnston, from the same committee, reported a bill for the benefit of the Clerk of the Circuit and County Courts of Spencer county—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Johnston, from the same committee, to whom was referred a bill from the House of Representatives, entitling an act for the benefit of the Clerk of the Graves County Court, reported the same with amendments—which being amended, were concurred in.

The said bill was further amended.

Mr. Ballinger moved to lay the said bill, as amended, on the table until the first day of June next.

The question being taken thereon, it was decided in negative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and J. V. Walker, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

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

The constitutional rule as to the third reading being dispensed with,

The question was taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and J. V. Walker, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Resolved, That the title of the said bill be amended to read, an act for the benefit of the Clerks of the County Courts of Graves, Monroe, Hancock, Garrard, Daviess, Logan, and Clinton.

W. Wingate, from a select committee, reported a bill to repeal, in part, the several acts concerning the town of South Frankfort, and for other purposes—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

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

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act providing for a change of venue in two prosecutions now pending against Edward Parks, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Engrossed bills of the following titles were severally read a third time, to wit:

An act to amend an act to incorporate the town of West Liberty, and to legalize the proceedings of its Trustees.
An act to amend the charter of the Frankfort Bridge Company.
An act for the benefit of Benjamin H. Reeves.
An act allowing further time to the Clerk of the Nicholas County Court to renew his official bond.
An act to regulate the fees of the Marshal of the Louisville Chancery Court.

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

Mr. Weller, from the committee on Enrollments, reported that the committee had examined enrolled bills and a resolution which originated in the House of Representatives of the following titles, viz:
An act to change the time of holding the Clinton County Court.
An act for the benefit of the Sheriff of Clinton county.
An act to extend the July term of the Bullitt Circuit Court.
An act to amend an act, entitled, an act to amend an act establishing a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.
An act to change the time of holding the Trimble County Court.
An act to allow an additional Justice of the Peace to the county of Bath.
An act for the benefit of the Clerks of the Circuit and County Courts of Floyd and Casey counties.
An act for the benefit of the Clerk of the Adair Circuit Court.
An act to divorce Burella W. Littleton from her husband, Joseph D. Littleton.
An act to change the time of holding the Bullitt County Court.
An act to change the time of holding the Lawrence County Court.
An act to authorize an additional Constable in Logan county.
An act to change the place of voting in the upper election precinct in Bath county.
An act to establish an election precinct at the town of Lewis Port, in the county of Hancock.
An act to establish an additional election precinct in Hardin county.
An act to change the places of voting in certain election precincts in Floyd county.
An act to incorporate the Trustees of Gamaliel School House, in Monroe county.
And a resolution to examine Transylvania University and the Lunatic Asylum.

And had found the same truly enrolled.

The said bills and resolution having been signed by 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. After a short time, Mr. Wel- ler reported that the committee had performed that duty.

Bills from the House of Representatives of the following titles, viz:
1. An act to amend the laws concerning the emancipation of slaves.
2. An act for the benefit of James Bartlett.
3. An act to appropriate the Seminary funds of Pendleton county to the aid of Common Schools in said county, and for other purposes.
4. An act to authorize the County Court of Kenton county to change the State road from Colemansville, in Harrison county, to Covington, in Kenton county.
5. An act to change the place of voting from the house of James Howell to that of Joel H. Ferril's, in the county of Hardin, and for other purposes.

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

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on the Judiciary; the 2d to the committee on Religion; the 3d to the committee on Education; the 4th to the committee on Internal Improvement, and the 5th to the committee on Privileges and Elections.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of the resolution from the Senate for a recess of the General Assembly, with an amendment.

The preamble and resolution in favor of a National Bank was taken up and further discussed.

And then the Senate adjourned.

MONDAY, DECEMBER 21, 1840.

Mr. Richard S. Ford, a member of the Senate from the sixth Senatorial District, appeared and took his seat.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed enrolled bills and a resolution which originated in that House, of the following titles, viz:

An act to extend the July term of the Bullitt Circuit Court.
An act to allow an additional Justice of the Peace to the county of Bath.
An act for the benefit of the Clerk of the Adair Circuit Court.
An act to change the time of holding the Trimble County Court.
An act to amend an act, entitled, an act to amend an act establishing a State road from Litchfield, in Grayson county, to Munfordsville, in Hart county.
An act for the benefit of the Clerks of the Circuit and County Courts of Floyd and Casey counties.
An act to change the time of holding the Bullitt County Court.
An act to divorce Burella W. Littleton from her husband, Joseph D. Littleton.
An act to change the time of holding the Lawrence County Court.
An act to change the place of voting in the upper election precinct in Bath county.
An act to authorize an additional Constable in Logan county.
An act to establish an additional election precinct in Hardin county.
An act to establish an election precinct in the town of Lewis Port, in the county of Hancock.
An act for the benefit of the Sheriff of Clinton county.
An act to change the time of holding the Clinton County Court.
An act to change the places of voting in certain election precincts in Floyd county.
An act to incorporate the Trustees of Gamaliel School House, in Monroe county.
A resolution to examine Transylvania University and the Lunatic Asylum. Approved December 19, 1840.

That they had concurred in the second and third amendments, and disagreed to the first amendment proposed by the Senate to a bill from that House, entitled, an act regulating proceedings before Justices of the Peace.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:
An act allowing Prentice L. Lamb a change of venue.
An act fixing the time of holding the January term of the General Court for the year 1841.
An act to incorporate the town of Russellville.

And that they had passed a bill, entitled, an act to establish an election precinct in Harlan county, and for other purposes—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, it was referred to the committee on Privileges and Elections.

1. Mr. Wingate presented the petition of Charlotte Goin, praying to be divorced from her husband.
2. Mr. Wickliffe presented the petition of Elizabeth Ann Dotey, praying for a divorce from her husband.
3. Mr. James presented the memorial of sundry citizens of the town of Milburn, in Hickman county, praying for the passage of a law to incorporate said town, and for the appointment of a Justice of the Peace, and Trustees to said town.

Which were received and referred: the 1st and 2d to the committee on Religion, and the 3d to a committee of Messrs. James, Burnett, and Weller.

Mr. Hanson, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act concerning the estate of James Haggan, deceased.

An act to authorize the County Court of Bourbon county to sell the lands on which the poor house is, and for other purposes.

An act for the benefit of Polly Starling, and others.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

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

1. An act to amend the charter of the city of Covington, and for other purposes.

2. An act to amend the several laws of this Commonwealth relative to the duties of Clerks of courts.

Reported the same with amendments to each—which were concurred in.

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

The constitutional rule as to the third reading of the 1st bill being dispensed with,

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

Mr. Hanson, from the same committee, to whom was referred bills from the House of Representatives of the following bills, viz:


An act for the benefit of the estate of John Robbins, deceased.

Reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Commonwealth's Attorney of the 5th Judicial District, reported the same without amendment, and the said bill was placed in the orders of the day.

Mr. Hanson, from the same committee, reported the following bills, viz:
1. A bill to change the names of Emeline and Amanda Tolin, and for other purposes.

2. A bill to repeal the act, entitled, an act requiring an annual examination of the several Clerk's offices in this Commonwealth to be made out and returned to the Auditor's office, approved February 19th, 1840.

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

The constitutional rule as to the second reading of the said bills being dispensed with, the 2d was referred to the committee on Finance, and the 1st was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st bill being dispensed with, and the same being engrossed,

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

Mr. Hanson, from the same committee, to whom was referred the following bills, viz:

1. A bill to amend the law of last session relating to idiots and lunatics.
2. A bill to establish the Lexington Cemetery.

Reported the same with amendments to each—which were concurred in. The 1st bill was placed in the orders of the day, and the 2d was recommitted to the committee on the Judiciary.

On the motion of Mr. Hanson, the committee on the Judiciary was discharged from the further consideration of a bill from the House of Representatives, to them referred, entitled, an act for the benefit of the executor of Henry W. Black, deceased, and the said bill was referred to the committee on Military Affairs.

Mr. J. V. Walker, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to allow an additional Constable to Calloway county.

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

An act allowing an additional Constable to Warren county.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. J. V. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act allowing additional Justices of the Peace, and a Constable to certain counties, reported the same with an amendment—which was concurred in.
Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

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

Mr. J. V. Walker, from the same committee, to whom was referred the petition of James McGuire, praying to be permitted to retail spirituous liquors without obtaining a licence, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to change the place of voting from the house of James Howell to that of Joel Ferrills, in the county of Hardin, and for other purposes, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Wingate, from the committee on Religion, reported a bill to divorce Catharine Collins—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Mr. Johnston, from the committee on Finance, reported a bill for the benefit of the Sheriff of Campbell county—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

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

Mr. Clarke, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Trustees of the Baptist church at Providence, and for other purposes, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

The following bills were reported from select committees, viz:

By Mr. James—I. A bill to amend the laws concerning the town of Hickman.
By Mr. Clarke—2. A bill to change the times of holding certain of the terms of the Jessamine County Court.

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

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st was referred to the committee on the Judiciary, and the 2d was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 2d bill being 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. Johnston, the Editor of the Louisville City Gazette was permitted to take a seat within the bar of the Senate, for the purpose of reporting its proceedings.

On the motion of Mr. Griffith,

Resolved, That the committee on Finance enquire into the propriety of causing the lands of non-residents to be re-listed for taxation, at the present value, by the Commissioners in the respective counties, and that they report by bill or otherwise.

On the motion of Mr. Hanson,

Resolved, That the committee on Finance be instructed to enquire whether any further legislation be necessary in regard to the compensation of Trustees of the Jury Fund, and report by bill or otherwise.

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

On the motion of Mr. Wickliffe—1. A bill for the benefit of the Right Reverend Benedict Joseph Flaget, and for other purposes.

On the motion of Mr. Weller—2. A bill for the benefit of William Jackson, of Caldwell county.

On the motion of Mr. James—3. A bill to change the time of the annual meeting of the General Assembly.

On the motion of Mr. J. S. Morgan—4. A bill to authorize James Quieit to qualify as high Sheriff of Nicholas county.

On the motion of Mr. De Courcy—5. A bill for the relief of the Clerk of the Campbell County Court.

The committee on the Judiciary was directed to prepare and bring in the 1st, 2d, and 5th; Messrs. James, Weller, and Sterett, were appointed a committee to prepare and bring in the 3d, and Messrs. J. S. Morgan, D. Morgan, and Payne the 4th.

A bill from the House of Representatives, entitled, an act to divorce Charles Butts, was read the third time.

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

The resolution, read and laid on the table by Mr. Tomlinson on the 16th
inst., to appoint a committee to examine the Deaf and Dumb Asylum at Danville, was taken up, twice read and adopted.

The amendment proposed by the House of Representatives to the resolution from the Senate for a recess of the General Assembly, was taken up and is as follows:

Strike out the words and figures “Friday the 1st day of January, 1841,” and insert in lieu thereof “Monday the 28th day of December, 1840.”

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. Jesup and James, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Leave of absence, until the first day of January, 1841, was granted to Messrs. Ballinger, D. Morgan, and C. J. Walker.

Mr. Tomlinson asked leave of absence from to-morrow till the first day of January, 1841, for Mr. J. S. Morgan.

The question being taken on granting said leaves, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Those who voted in the negative, were—


A bill more effectually to protect the right of suffrage, was taken up—the further consideration thereof was postponed, and the said bill was made the order of the day for Monday the 4th day of January, 1841.

The preamble and resolution in favor of a National Bank was taken up and made the order of the day for Tuesday the 5th day of January, 1841.

The preamble and resolutions in relation to a United States Bank and the public lands, from the House of Representatives, were made the order of the day for Tuesday the 5th day of January, 1841.

Resolved, That the Senate recede from the first amendment proposed by them to a bill from the House of Representatives, entitled, an act regulating proceedings before Justices of the Peace.

Leave of absence is granted to the Clerk of the Senate until Monday the 28th instant.

And then the Senate adjourned.

TUESDAY, DECEMBER 22, 1840.

A message was received from the House of Representatives, announcing that they 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 Catharine J. Lloyd.
An act to amend the charter of the city of Covington, and for other purposes.
That they had passed bills which originated in the Senate of the following titles, viz:
An act to amend an act to incorporate the town of West Liberty, and to legalize the proceedings of its Trustees.
An act to run and mark the dividing line between Franklin and Scott counties.
An act to amend an act, entitled, an act to amend an act to reduce into one the several acts regulating the towns of Nicholasville and Versailles.
An act for the benefit of Thomas Prator, committee for Josiah Prator.
An act for the benefit of the Sheriff of Hickman county.
An act for the benefit of Benjamin H. Reeves.
An act allowing further time to the Clerk of the Nicholas County Court to renew his official bond.
An act to change the place of voting, in Caldwell county, from Pearce's Mill, to the house of Samuel Jones.
An act for the benefit of the Clerk of the Circuit and County Courts of Spencer county.
An act to repeal, in part, the several acts concerning the town of South Frankfort, and for other purposes.

And that they had passed bills of the following titles, viz:
1. An act to repeal an act, entitled, an act requiring annual examinations of the several Clerk's offices in this Commonwealth to be made out and returned to the Auditor's office.
2. An act to change the time of holding the Oldham Circuit Court.
3. An act authorizing the Cumberland County Court, to convey real estate.
4. An act to enlarge the town of Owenborough, and for other purposes.
5. An act to authorize the County Court of Campbell to appoint an additional Constable in said county.
6. An act to change the name of Kenaz F. Hatton, to that of Kenaz F. Daniel.
7. An act for the benefit of Thomas Cunningham.
8. An act to change the place of voting at an election precinct in Hopkins county.
9. An act to enlarge the seventh Constable's district in Hardin county.
10. An act to establish an election precinct in Perry county, and for other purposes.
11. An act for the benefit of John Lewis, and others.

The Speaker laid before the Senate the annual report of the Trustees of the Cumberland Hospital, which is as follows, viz:

SMITHLAND, KENTUCKY,   
December 10th, 1840.

TO MANLIUS V. THOMSON, Esq., 
Speaker of the Senate. 

SIR: 

Inclosed, you will find the annual report of the Trustees of the Cumberland Hospital, which you will please lay before the body over which you preside, and oblige your obedient servant, 

WM. GORDON.
JOURNAL OF THE SENATE.

Report of the Trustees of the Cumberland Hospital to the Legislature of the Commonwealth of Kentucky, December 1st, 1840.

CUMBERLAND HOSPITAL.

To balance due as shown by last report, November 23, 1839, $27.50
To Wm. Smith, keeper, for 7004 weeks' board of patients, since last report, at $3.50, 2,452.00
To same for washing 158 dozen, at 50 cents, 79.00
To same for burying five persons, at $6, 30.00
To Gordon and Barnett for port wine, oil, paints, &c, 42.15
To Thos. M'Cormick for domestic, &c. &c. &c., 61.92
To Dr. D. B. Sanders for bill, medicines, 156.16
To D. B. Sanders, M. D., for his services as Physician, one year and seven days up to date of this report, 305.75

Dr. $3,154.48

By Legislative appropriation for 1840, 1,500.00
By cash from Treasury of United States, 969.00
By cash from patients, 37.75

Cr. 2,506.75

$647.73

It will be discovered from the foregoing statement, that the Hospital is in debt in the sum of six hundred and forty seven dollars and seventy three cents. This is owing to the increased number of patients, and many obstinate and protracted cases. There have been admitted into the Hospital since the last annual report, one hundred and nineteen patients; from among whom there have been only five deaths! and ten are now remaining not well enough for dismissal.

An appropriation, by the present Legislature, of a sum sufficient to pay the debts now hanging over the institution, ($647.73,) in addition to the usual annual appropriation of fifteen hundred dollars, we anticipate will be sufficient to continue its usefulness for the coming year.

We have not been able, as yet, to obtain a judgment against Patterson, McCauley, and Gower, for the money which fell into their hands in the spring of 1838, from the Treasury of the United States, but we anticipate such will be the result some time in the year 1841.

All of which is most respectfully submitted.

WM. GORDON,
THOMAS M'CORMICK,
BENJAMIN BARNER,
BLOUNT HODGE,
F. W. WELLER,

Trustees Cumberland Hospital.

The said report was referred to the committee on Finance.

Ordered, That the Public Printer print 150 copies thereof for the use of the General Assembly.
Mr. Weller presented the petition of sundry citizens of Fredonia, in the county of Caldwell, praying for the passage of a law authorizing the appointment of a Justice of the Peace in said town—which was received and referred to the committee on Propositions and Grievances.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to establish an election precinct in Hardin county, and for other purposes, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

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

Executive Office, December 21, 1840.

Gentlemen of the Senate:

I nominate for your advice and consent, Elias Darnell to be Sheriff of Bourbon county, the County Court having failed to nominate agreeably to the Constitution.

Also, Samuel M. Osborn to be Notary Public for Jefferson county.

R. P. LETCHER.

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

On the motion of Mr. Jesup,

Ordered, That the Auditor of Public Accounts have leave to withdraw the copy of a letter from Governor Wickliffe to him, on the subject of the Lexington and Ohio Railroad, of the date of February 23d, 1840, and which accompanied his report to the Legislature.

And then the Senate adjourned.

WEDNESDAY, DECEMBER 23, 1840.

At the request of the Speaker, Mr. Tomlinson took the Chair—members of the Senate present, Messrs. Burnett, Craddock, Hardin, Huston, Jesup, Pratt, Weller, and M. Williams—not being a quorum, they adjourned until Monday the 28th inst., the day fixed by the joint resolution of both Houses.
MONDAY, DECEMBER 28, 1840.

The Speaker took the Chair. Twelve members of the Senate were present, which not being a quorum, they adjourned until to-morrow morning, ten o'clock.

TUESDAY, DECEMBER 29, 1840.

The Speaker took the Chair. Eighteen members of the Senate were present, which not being a quorum, they adjourned until to-morrow morning, ten o'clock.

WEDNESDAY, DECEMBER 30, 1840.

The Speaker took the Chair. Nineteen members of the Senate were present, which not being a quorum, they adjourned until to-morrow, ten o'clock.

THURSDAY, DECEMBER 31, 1840.

The Speaker took the Chair. Eighteen members of the Senate were present, which not being a quorum, they adjourned until to-morrow morning, ten o'clock.
FRIDAY, JANUARY 1, 1841.

The Speaker being absent, the Senate proceeded to elect a Speaker pro tem.

Mr. Sterett nominated Mr. Pirtle as a suitable person for that office, and there being no other nomination, Mr. Pirtle was declared unanimously elected Speaker, pro tem.

Mr. Dillis Dyer, a member of the Senate from the thirteenth Senatorial District, appeared and produced a certificate of his election; and, thereupon, he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State, and took his seat.

Mr. J. V. Walker presented the petition of John Hockersmith, praying for the passage of a law allowing him additional compensation for distributing the public books in the first and second districts of this State—which was received and referred to the committee on Finance.

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

On the motion of Mr. Wingate—1. A bill to amend an act, entitled, an act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky, approved February 5th, 1840.

On the motion of Mr. M. Williams—2. A bill for the benefit of Morgan county.

Messrs. Wingate, Dyer, and Griffith, were appointed a committee to prepare and bring in the 1st, and Messrs. M. Williams, James, and Cradduck, the 2d.

On the motion of Mr. Griffith,

Resolved, That the committee on Agriculture, take into consideration the extent, importance, and growing value of our tobacco trade, and, also, the grievous duties and unjust burthens imposed thereon by foreign governments, and that they report by memorial or resolutions, calling on our delegation in Congress to enforce the just claims of our tobacco planters, to a speedy reduction of the enormous duties imposed on a staple which ranks second in the exports of the United States, and from which trade foreign governments unjustly derive an income larger than the whole revenue of the United States.

On the motion of Mr. Ford, a message was sent to the House of Representatives requesting leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of Joseph L., William A., and David M. Phillips.

The said bill being returned to the Senate, on the motion of Mr. Ford, the vote by which it was disagreed to, was reconsidered, and the said bill was committed to the committee on the Judiciary.
A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act allowing additional Justices of the Peace and Constables to certain counties.

That they had disagreed to a bill from the Senate, entitled, an act for the benefit of the Clerk of the Madison Circuit and County Courts; and, also, a resolution to examine the Deaf and Dumb Asylum at Danville.

That they had passed bills which originated in the Senate of the following titles, viz:

1. An act to divorce Eleanor Tator, and to change the name of John G. Tator.
2. An act to divorce Catharine Collins.
3. An act to change the times of holding certain of the terms of the Jessamine County Court.
4. An act to change the names of Emeline and Amanda Tolin, and for other purposes.
5. An act for the benefit of the Sheriff of Campbell County.

And that they had passed bills of the following titles, viz:

1. An act to divorce Thomas A. Palmer.
2. An act authorizing the County Court of Bullitt county to sell a lot of ground in the town of Shepheardsville.
3. An act for the benefit of Alvis R. Harris, and for other purposes.
4. An act concerning the town of Carrolton.
5. An act to change the places of voting in two election precincts in Livingston county.
6. An act to amend an act reserving certain property from execution, and for other purposes.
7. An act to establish an election precinct in Callaway county, and for other purposes.
8. An act for the divorce of Madisonia Quinn.
9. An act to allow an additional Justice of the Peace and Constable to Carter and Clinton Counties.
10. An act for the benefit of James M. Gatewood and Ann A. Gatewood, his wife.
11. An act to revive and continue in force an act, entitled, an act to increase the powers of the Trustees of the town of Versailles, and to establish a police court in said town.
12. An act to amend an act, entitled, an act to divide the State into Congressional districts.
13. An act to amend the 77th section of the militia law of this State.
14. An act allowing further time to Sheriffs to return their delinquent lists.
Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st and 8th were referred to the committee on Religion; the 2d, 3d, 4th, 6th, 9th, 10th, and 11th, to the committee on the Judiciary; the 5th, 7th, and 12th, to the committee on Privileges and Elections; the 13th to the committee on Military affairs; and the 14th was ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

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

On the motion of Mr. Wingate, leave was given to withdraw the petition of Robert Brame for a divorce, and the documents accompanying the same.

The following bills were reported from select committees, viz:

By Mr. Wingate—1. A bill to amend an act, entitled, an act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky, approved February 5th, 1840.

By Mr. James—2. A bill to change the time of the annual meeting of the General Assembly.

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

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st was ordered to be engrossed and read a third time, and the 2d was placed in the orders of the day.

The constitutional rule as to the third reading of the 1st bill being dispensed with, and the same being engrossed,

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

On the motion of Mr. Griffith,

Ordered, That Mr. Dyer be added to the committee on Agriculture, and also, to the committee on Internal Improvement.

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

Gentlemen of the Senate:

I nominate for your advice and consent, William G. Lobban to be Sheriff of Adair county, in the place of Joseph A. Morrison, who was commissioned under a regular nomination by the County Court, but refused to accept the office.

R. P. LETCHER.

December 29th, 1840,

Resolved, That the Senate advise and consent to the said appointment.
A bill from the House of Representatives, entitled, an act to enlarge the seventh Constable's district in Hardin county, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with,

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, viz:

1. An act to change the place of voting at an election precinct in Hopkins county.
2. An act to establish an election precinct in Perry county, and for other purposes.
3. An act for the benefit of John Lewis, and others.
4. An act to repeal an act, entitled, an act requiring annual examinations of the several Clerk's offices in this Commonwealth to be made out and returned to the Auditor's office.
5. An act for the benefit of Thomas Cunningham.
6. An act to change the time of holding the Oldam Circuit Court.
7. An act authorizing the Cumberland County Court, to convey real estate.
8. An act to enlarge the town of Owenborough, and for other purposes.
9. An act to authorize the County Court of Campbell to appoint an additional Constable in said county.
10. An act to change the name of Kenaz F. Hatton, to that of Kenaz F. Daniel.

Were severally read the first time, and ordered to be read a second time. The constitutional rule as to the second reading being dispensed with, they were referred: the 1st and 2nd to the committee on Privileges and Elections; the 3rd to the committee on Military Affairs; the 4th to the committee on Finance; the 5th, 6th, 7th, 8th, and 9th, to the committee on the Judiciary; and the 10th to the committee on Propositions and Grievances.

And then the Senate adjourned.
SATURDAY, JANUARY 2, 1841.

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

1. An act for the benefit of Samuel G. Tilett, Sheriff of Garrard county.
2. An act to divorce Elizabeth Fox, and to change her name.
3. An act to incorporate the Ciceronian Society of Georgetown College.

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

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on the Judiciary; the 2d to the committee on Religion, and the 3d to the committee on Education.

1. Mr. Craddock presented the petition of sundry citizens of Hardin and Jefferson counties praying for the passage of a law to sustain the credit of the State, and to relieve the contractors on the public works.
2. Mr. Craddock presented the petition of Richard O. Wintersmith and Horatio G. Wintersmith, minors, praying for the passage of a law to enable them and their co-heirs to sell and convey certain real estate.
3. Mr. S. L. Williams presented the petition of Thomas Holmes, praying for the passage of a law to legalize the sale of certain land sold by said petitioner, and authorizing him to convey the same.
4. Mr. Symons presented the petition of Roger Jones and Albert L. Jones, praying for the passage of a law authorizing the said Albert L. Jones to convey certain real estate, deeded to him by his father, the said Roger Jones.
5. Mr. James presented the petition of Elijah Fletcher, praying for the passage of a law to authorize the Register of the Land Office to issue a patent upon a certificate transferred to said Fletcher, and afterwards lost by him.
6. Mr. Hardin presented the petition of Stephen White, guardian of Sarah Ann and Ermine Wheat, praying for the passage of a law authorizing him to purchase slaves with a debt due his wards.
7. Mr. Pratt presented the petition of John Paul, praying for the passage of a law to divorce him from his wife.
8. Mr. Payne presented the petition of sundry citizens of the city of Louisville, stockholders in the Louisville Savings Institution, praying for the repeal of so much of the charter of said city as allows the Mayor and Council to levy and collect a tax on the stock held in said institution.
9. Mr. Wingate presented the petition of citizens and Trustees of the town of Frankfort, praying for the passage of a law authorizing the Execu-
tive of the State, or the Trustees, to purchase, at the charge of the State, an Engine and Hose, and the usual apparatus accompanying the same.

Which were received and referred: the 1st to the committee on Internal Improvement; the 2d, 3d, 4th, 5th, and 6th, to the committee on the Judiciary; the 7th to the committee on religion, and the 8th and 9th to the committee on Finance.

On the motion of Mr. Craddock, Mr. Leonard Bliss, jr. was permitted to take a seat within the bar of the Senate, for the purpose of reporting its proceedings.

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

Gentlemen of the Senate:

I nominate for your advice and consent, Elisha Cobb to be Sheriff of the county of Owen, the County Court having failed to make a recommendation at either of the periods required by the Constitution.

R. P. LETCHER.

January 2d, 1840.

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

Mr. Payne, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to enlarge the town of Owenborough, and for other purposes.

An act to revive and continue in force an act, entitled, an act to increase the powers of the Trustees of the town of Versailles, and to establish a police court in said town.

An act to change the time of holding the Oldham Circuit Court.

An act to authorize the County Court of Campbell to appoint an additional Constable in said county.

An act to allow an additional Justice of the Peace and Constable to Carter and Clinton Counties.

An act for the benefit of Thomas Cunningham.

An act authorizing the Cumberland County Court, to convey real estate.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Christian county, reported the same with an amendment—which was concurred in.

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

The constitutional rule as to the third reading being 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 select committees, viz:

By Mr. Payne—1. A bill to change the time of holding the fall term of the Court of Appeals.

By Mr. M. Williams—2. A bill for the benefit of Morgan county.

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

The constitutional rule as to the second reading being dispensed with, the 1st was placed in the orders of the day, and the 2d was committed to the committee on Internal Improvement.

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

On the motion of Mr. De Courcy—1. A bill to relinquish the escheated lands of this Commonwealth to the respective counties within which they lie, to, and in aid of, the Common School Fund.

On the motion of Mr. Symson—2. A bill to amend the law in relation to usury in this Commonwealth.

On the motion of Mr. Sterett—3. A bill to amend the law appointing commissioners of tax.

Also—4. A bill to amend the law in relation to riots, routs, and unlawful assemblies.

Messrs. De Courcy, Pirtle, and Payne, were appointed a committee to prepare and bring in the 1st, and the committee on the Judiciary was directed to prepare and bring in the 2d, 3d, and 4th.

Mr. J. V. Walker read and laid on the table the following preamble and resolutions, viz:

Whereas, it is represented to the General Assembly of Kentucky, that great injury is sustained by the growers of tobacco in this Commonwealth, by reason of the law of Louisiana, regulating the inspection of that article, in the port of New Orleans. This law requires that, when inspected, it shall be put into three distinct classes, and custom has made a difference of from one to three dollars between the first and second classes, and the same difference between the second and third, when, in truth, there is little or no difference in the quality, which can be detected by the strictest scrutiny of the purchaser; this fact has been amply demonstrated by removing the slip of paper on which is inscribed the class, according to the inspectors' judgment, and thus presented to the purchaser—Wherefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the Legislature of Louisiana be respectfully requested to take under consideration the law regulating the inspection of tobacco at New Orleans, and so amend it, as to have the hogshead and net tobacco weighed separately, so that in future the inspectors be required to pass all tobacco, inspected by them, as it may be deemed merchantable or not, and thus obviate the difficulty arising from the law requiring a classification.
Resolved further, That the Governor of this State forward a copy of the foregoing preamble and resolution to his Excellency, the Governor of the State of Louisiana, with a request that he will communicate the same to the Legislature of that State.

And then the Senate adjourned.

MONDAY, JANUARY 4, 1841.

The Speaker was present and took the Chair.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act for the benefit of the Sheriff of Christian county.

And that they had passed bills of the following titles, viz:

1. An act giving the Sheriff of Union county further time to return his delinquent list.
2. An act to incorporate the Green river Iron Manufacturing Company.
3. An act to divorce Ann E. McCoun, and for other purposes.
4. An act to establish a State road from Napoleon, in Gallatin county, to intersect the Covington and Georgetown turnpike road, at or near Mountcillo school house in Grant county.
5. An act for the benefit of Henry R. Smith.
6. An act authorizing the County Courts of Grayson, Daviess, and Logan counties to make certain alterations in State roads in said counties.
7. An act to change the place of voting in the Sales precinct in Jefferson county, and for other purposes.
8. An act allowing an additional Justice of the Peace to the county of Breathitt, and for other purposes.
9. An act to allow an additional Justice of the Peace and Constable to Washington county.
10. An act for the benefit of Rosannah Boggess, of Muhlenburg county.

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

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on Finance; the 2d, 5th, 8th, 9th, and 10th, to the committee on the Judiciary; the 3d to the committee on Religion; the 4th and 6th to the committee on Internal Improvement; and the 7th to the committee of Privileges and Elections.
1. Mr. Bailey presented the memorial of sundry citizens of Lincoln county, praying for a careful revision of the present licence laws, and such a change in the whole system, as will no longer permit tippling to exist in any form, under the sanction and protection of law.

2. Mr. James presented the petition of Samuel McClure of Hickman county, praying the passage of a law authorizing him to sell and retail any article he may choose, without obtaining a licence.

Which were received and referred: the 1st to the committee on Finance, and the 2d to the committee on Propositions and Grievances.

Mr. J. V. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to change the name of Kenaz F. Hatton to that of Kenaz F. Daniel, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. J. V. Walker, from the same committee, reported a bill to allow an additional Justice of the Peace to the county of Caldwell—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with, and the same being amended and engrossed,

Resolved, That the said bill do pass, and that the title be amended to read, an act to allow an additional Justice of the Peace to the counties of Caldwell and Hickman.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act to amend the 77th section of the militia law of this State, reported the same with the opinion of the committee that it ought not to pass.

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.

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

On the motion of Mr. Pirtle—1. A bill to establish a general law concerning manufacturing companies.

On the motion of Mr. De Courcy—2. A bill to amend and continue in force an act, entitled, an act offering a reward for the discovery of the true cause of the disease called the milk sickness.

On the motion of Mr. C. J. Walker—3. A bill to amend the law concerning sealed instruments of writing.

On the motion of same—4. A bill to amend the law concerning the writ of certiorari.

On the motion of Mr. Johnston—5. A bill to amend and reduce into one the several acts concerning the Fire Company in the town of Shelbyville.
The committee on the Judiciary was directed to prepare and bring in the 1st, 3d, and 4th; Messrs. De Courcy, Wingate, and Griffith, were appointed a committee to prepare and bring in the 2d; and Messrs. Johnston, Huston, and Clarke the 5th.

On the motion of Mr. Ford, 

Resolved by the Senate, That the committee on the Judiciary take into consideration the propriety and necessity of re-districting the Circuit Courts in this Commonwealth, so as to distribute, as nearly equal as possible, among the Circuit Judges, the labors and duties appertaining to their office, and report to this House by bill or otherwise.

Mr. Wickliffe, from a select committee, reported the following bills, viz: 

1. A bill to regulate the salary of the Circuit Judge of the 5th Judicial District.
2. A bill to regulate the salary of the Chancellor of the city of Louisville.

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

The constitutional rule as to the second reading being dispensed with, they were referred to a committee of the whole House, and made the order of the day for Wednesday the 6th inst.

Mr. Weller, from the committee on 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 the charter of the city of Covington.
An act to continue in force an act establishing the office of Second Auditor, and for other purposes.
An act providing for a change of venue in two prosecutions, now pending, against Edward Parks.
An act concerning the estate of James Haggin, deceased.
An act to divorce Charles Butts.
An act regulating proceedings before Justices of the Peace.
An act to allow an additional Justice of the Peace to Caldwell county, and for other purposes.
An act allowing an additional Constable to Warren county.
An act to change the place of voting from the house of James Howell to that of Joel H. Ferril's, in the county of Hardin, and for other purposes.
An act for the benefit of Polly Starling, and others.
An act to allow an additional Constable to Calloway county.
An act allowing additional Justices of the Peace and a Constable to certain counties.
An act for the benefit of Catharine J. Lloyd and Matilda A. Floyd.
An act for the benefit of the Trustees of the Baptist Church, at Providence, and for other purposes.
An act to authorize the County Court of Bourbon county to sell the land on which the poor house is, and for other purposes.
An act allowing further time to Sheriffs to return their delinquent lists.
An act to enlarge the seventh Constable's district in Hardin county.
An act fixing the time of holding the January term of the General Court for the year 1841.
An act to establish an election precinct in the town of Ghent, in Carroll county.
An act to establish an election precinct in Harlan county, and for other purposes.
An act to establish an election precinct in the county of Jefferson.
An act for the benefit of the widow and heirs of Edward Payne, deceased.
An act to divorce Susan James.
An act for the benefit of Eliza Boswell, and for other purposes.
An act to incorporate the town of Russellville.
An act allowing Prentice L. Lamb a change of venue.
And enrolled bills which originated in the Senate of the following titles, to wit:
An act to change the place of voting, in Caldwell county, from Pear's Mill, to the house of Samuel Jones.
An act allowing further time to the Clerk of the Nicholas County Court to renew his official bond.
An act for the benefit of the Clerk of the Circuit and County Courts of Spencer county.
An act for the benefit of Benjamin H. Reeves.
An act for the benefit of Thomas Prator, committee for Josiah Prator.
An act to amend an act, entitled, an act to amend an act to reduce into one the several acts regulating the towns of Nicholasville and Versailles.
An act for the benefit of the Sheriff of Hickman county.
An act to repeal, in part, the several acts concerning the town of South Frankfort, and for other purposes.
An act to run and mark the dividing line between Franklin and Scott counties.
An act to amend an act to incorporate the town of West Liberty, and to legalize the proceedings of its Trustees.
An act to change the names of Emeline and Amanda Tolin, and for other purposes.
An act for the benefit of the Sheriff of Campbell County.
An act to divorce Catharine Collins.
An act to change the times of holding certain of the terms of the Jessamine County Court.
An act to divorce Eleanor Tator, and to change the name of John G. Tator.

And had found the same truly enrolled.

The said bills having been signed by 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. After a short time, Mr. Weller reported that the committee had performed that duty.

The Speaker laid before the Senate two communications from the Auditor of Public Accounts, which are as follows, viz:

STATE OF KENTUCKY, AUDITOR'S OFFICE,
January 4, 1841.

Hon. M. V. THOMSON,
Lieutenant Governor and Speaker of the Senate.

Sir: A portion of the six year six per cent. bonds sold by Governor Wickliffe, as reported in my annual report, has been, by mistake in copying, placed on the list of the like bonds sold by Governor Letcher, and omitted to be placed on the list of Bonds sold by Governor Wickliffe. The enclosed corrected list of bonds sold by each, for the year to and including the 10th October, 1840, please lay before the Senate over which you have the honor to preside, and oblige yours, &c.,

BEN. SELBY, Auditor.

Six years six per cent. Internal Improvement State Bonds, sold by Charles A. Wickliffe, Lieutenant and Acting Governor, to the following persons, viz:

<table>
<thead>
<tr>
<th>To</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Thomas and A. Darling</td>
<td>$2,000</td>
</tr>
<tr>
<td>To Joseph Barbou &amp; Co.</td>
<td>11,500</td>
</tr>
<tr>
<td>To Joseph Barbou &amp; Co.</td>
<td>4,500</td>
</tr>
<tr>
<td>To Wilson, Knott &amp; Co.</td>
<td>3,000</td>
</tr>
<tr>
<td>To G. W. Henry, (deceased,)</td>
<td>2,000</td>
</tr>
<tr>
<td>To R. Martin and A. Matthews,</td>
<td>500</td>
</tr>
<tr>
<td>To N. A. Spears,</td>
<td>400</td>
</tr>
<tr>
<td>To Palmer &amp; Guiou,</td>
<td>5,000</td>
</tr>
<tr>
<td>To Palmer &amp; Guiou,</td>
<td>4,000</td>
</tr>
<tr>
<td>To N. B. Buford,</td>
<td>600</td>
</tr>
<tr>
<td>To Robert Williams,</td>
<td>4,000</td>
</tr>
<tr>
<td>To Henry J. Eastin,</td>
<td>500</td>
</tr>
<tr>
<td>To J. S. Bush,</td>
<td>300</td>
</tr>
<tr>
<td>To J. Emerson,</td>
<td>5,500</td>
</tr>
<tr>
<td>To C. F. Taylor,</td>
<td>400</td>
</tr>
<tr>
<td>To John Armstrong,</td>
<td>1,300</td>
</tr>
<tr>
<td>To R. N. Miller,</td>
<td>500</td>
</tr>
<tr>
<td>To R. N. Miller,</td>
<td>12,000</td>
</tr>
<tr>
<td>To James Murray,</td>
<td>15,000</td>
</tr>
</tbody>
</table>

Amount carried forward, $73,000


<table>
<thead>
<tr>
<th>Amount brought forward,</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>$73,000</td>
<td></td>
</tr>
<tr>
<td>To Christian Shultz,</td>
<td>4,000</td>
</tr>
<tr>
<td>To C. M. Cunningham,</td>
<td>4,000</td>
</tr>
<tr>
<td>To D. K. Stockton,</td>
<td>8,000</td>
</tr>
<tr>
<td>To J. K. McGoodwin,</td>
<td>22,000</td>
</tr>
<tr>
<td>To James Sudduth,</td>
<td>42,500</td>
</tr>
<tr>
<td>To Richard Patterson,</td>
<td>23,100</td>
</tr>
<tr>
<td>To Thomas and A. Darling,</td>
<td>1,300</td>
</tr>
<tr>
<td>To Thomas and A. Darling,</td>
<td>1,000</td>
</tr>
<tr>
<td>To Roush &amp; Farquharson,</td>
<td>1,500</td>
</tr>
<tr>
<td>To Wilson, Knott &amp; Co.,</td>
<td>1,000</td>
</tr>
<tr>
<td>To Wilson, Knott &amp; Co.,</td>
<td>2,000</td>
</tr>
<tr>
<td>To Ben. Doom,</td>
<td>9,900</td>
</tr>
<tr>
<td>To Robert Murrell,</td>
<td>16,600</td>
</tr>
<tr>
<td>To R. N. Miller,</td>
<td>8,200</td>
</tr>
<tr>
<td>To Samuel Todd,</td>
<td>100</td>
</tr>
<tr>
<td>To Thomas S. Page,</td>
<td>600</td>
</tr>
<tr>
<td>To Joseph Barbour &amp; Co.,</td>
<td>2,000</td>
</tr>
<tr>
<td>To C. Samuel,</td>
<td>400</td>
</tr>
<tr>
<td>To Wilson, Knott &amp; Co.,</td>
<td>4,500</td>
</tr>
<tr>
<td>To Simpson Stout,</td>
<td>10,000</td>
</tr>
<tr>
<td>To Alonzo Livermore,</td>
<td>800</td>
</tr>
<tr>
<td>To R. W. Henry,</td>
<td>400</td>
</tr>
<tr>
<td>To Joseph Barbour &amp; Co.,</td>
<td>1,400</td>
</tr>
<tr>
<td>To Joseph Barbour &amp; Co.,</td>
<td>800</td>
</tr>
<tr>
<td>To E. H. Field,</td>
<td>3,000</td>
</tr>
<tr>
<td>To Palmer &amp; Guion,</td>
<td>4,500</td>
</tr>
<tr>
<td>To R. Williams,</td>
<td>1,600</td>
</tr>
<tr>
<td>To J. T. &amp; J. C. Ham,</td>
<td>1,500</td>
</tr>
<tr>
<td>To J. S. Law,</td>
<td>2,000</td>
</tr>
<tr>
<td>To N. B. Buford,</td>
<td>2,400</td>
</tr>
<tr>
<td>To Jo. Barbour &amp; Co.,</td>
<td>1,400</td>
</tr>
<tr>
<td>To C. Samuel,</td>
<td>300</td>
</tr>
<tr>
<td>To Samuel Daviess,</td>
<td>2,000</td>
</tr>
<tr>
<td>To Thomas McLaughlin,</td>
<td>100</td>
</tr>
<tr>
<td>To Jo. Barbour &amp; Co.,</td>
<td>500</td>
</tr>
<tr>
<td>To J. P. Gaines,</td>
<td>10,000</td>
</tr>
<tr>
<td>To Thomas and A. Darling,</td>
<td>1,000</td>
</tr>
<tr>
<td>To J. P. Campbell,</td>
<td>10,000</td>
</tr>
<tr>
<td>To Mrs. J. Henry,</td>
<td>500</td>
</tr>
<tr>
<td>To C. Samuel,</td>
<td>700</td>
</tr>
<tr>
<td>To John P. Gaines,</td>
<td>3,000</td>
</tr>
<tr>
<td>To L. A. Berry,</td>
<td>600</td>
</tr>
<tr>
<td>To Simpson Stout,</td>
<td>6,900</td>
</tr>
<tr>
<td>To Simpson Stout,</td>
<td>14,000</td>
</tr>
<tr>
<td>To Jo. Barbour &amp; Co.,</td>
<td>500</td>
</tr>
<tr>
<td>To T. &amp; A. Darling,</td>
<td>4,000</td>
</tr>
<tr>
<td>To J. Emison,</td>
<td>6,000</td>
</tr>
<tr>
<td>To Roush &amp; Farquharson,</td>
<td>1,200</td>
</tr>
</tbody>
</table>

Amount carried forward, $316,800
**Journal of the Senate.**

**Amount brought forward**, $316,800

- To J. T. & J. C. Ham, $2,000
- To Palmer & Guiou, $3,000
- To Strader & Gorman, $100
- To Wm. A. Leavy, $4,000
- To H. J. Eastin, $500
- To James Murray, $5,000
- To Wilson, Knott & Co., $2,100
- To Wilson, Knott & Co., $1,100
- To John Montfort, $400
- To A. P. Cox, $300
- To R. N. Miller, $2,500
- To Ben. Doom, $5,000
- To Jo. Barbour & Co., $1,000
- To George Stealey, $300
- To J. S. Bush, $100
- To N. B. Buford, $600
- To Palmer & Guiou, $4,300
- To J. S. Law, $1,000
- To J. T. and J. C. Ham, $3,000
- To Jo. Barbour & Co., $600
- To D. K. Stockton, $11,900
- To J. H. Cox, $200
- To Wilson, Knott & Co., $1,500
- To E. H. Field, $4,900
- To J. S. Law, $1,300
- To J. Wilson, $800
- To N. B. Buford, $1,000
- To S. Stout, $12,000
- To J. Barbour & Co., $1,000
- To John Emison, $4,700
- To Joel P. Williams, $4,000
- To R. N. Miller, $3,400

**Total six year six per cent. bonds issued by Gov. Wickliffe**, $400,400

Sold by R. P. Letcher, Governor, six year six per cent. bonds for Internal Improvement, to the following persons, viz:

- To Jo. Barbour & Co., $1,400
- To Wilson, Knott & Co., $1,900
- To R. N. Miller, $2,500
- To William A. Leavy, $2,300
- To Palmer & Guiou, $1,900
- To R. Williams, $2,700
- To J. T. & J. C. Ham, $1,700
- To J. S. Law, $1,600
- To N. B. Buford, $1,000
- To Simpson Stout, $17,200

**Amount carried forward**, $34,200
STATE OF KENTUCKY, AUDITOR'S OFFICE,
December 23, 1840.

Hon. Manlius V. Thomson,
Lieut. Governor and Speaker of the Senate.

Sir:

In summing up statement No. 3, in Auditor's annual report, for the year ending and including 10th October, 1840, on last page of said report, I find a mistake in additions. Instead of $16,840 12 cts. as there set down, it should be $15,830 72. This correction performed, will oblige your most obedient servant,

BEN. SHELBY, Auditor.

Ordered, That the said communications be referred to the committee on Finance.

The Speaker laid before the Senate a report from the Agent of the Old Bank of Kentucky, which is as follows, viz:

OLD BANK OF KENTUCKY,
December 18, 1840.

Sir:

A statement of the situation of this institution on the 15th instant, is herewith inclosed.

The State is the owner of 5,967 shares, and individuals of 9,076 shares, upon which a distribution will be made in January, of one dollar on each share—making fifteen thousand and forty three dollars.

The amount which has been paid since my agency, has already exceeded the estimates made at the session of 1834-5, by the late President and
Cashier. The amount which the State will hereafter receive, for her remaining interest in the institution, will be very limited; that interest, however, will be collected and paid over during the next year.

At the next session I will be enabled to state (with certainty) the loss which will be sustained by bad debts and real estate.

Very respectfully,

H. BLANTON, Agent.

To MANLIUS V. THOMSON, Esq.,
Speaker of the Senate.

Statement of the situation of the Old Bank of Kentucky, Dec. 15, 1840:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes issued</td>
<td>$30,466.64</td>
</tr>
<tr>
<td>Surplus profits</td>
<td>$256,295.87</td>
</tr>
<tr>
<td>Current profits</td>
<td>$1,527.90</td>
</tr>
<tr>
<td>Stock</td>
<td>$194,804.00</td>
</tr>
<tr>
<td>Due to individuals</td>
<td>$50,641.45</td>
</tr>
<tr>
<td>Due to other Banks</td>
<td>$1,295.78</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$535,031.64</strong></td>
</tr>
</tbody>
</table>

Current expenses, $438.83; Real estate, $130,149.31; Loss on real estate, $56,515.40; Defalcation at Branches, $20,012.91; Due from individuals, $305,994.65; Cash on hand and in Banks, $21,920.54.

H. BLANTON, Agent.

Ordered, That said report be referred to the committee on Banks.

And then the Senate adjourned.

TUESDAY, JANUARY 5, 1841.

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

An act for the benefit of the widow and heirs of Thomas Robinson, deceased.
An act to amend an act, entitled, an act for the relief of certain citizens of Madison county, approved 23d January, 1840.
An act authorizing the Hickman County Court to hold additional terms, and to increase the width of their public roads.
An act for the benefit of Thomas Spalding.

1. Mr. Hanson presented the petition of James McCauley, praying for a change of venue in a prosecution pending against him in the Clarke Circuit Court.

2. Mr. Dyer presented the petition of sundry citizens of Muhlenburg, Daviess, and Ohio counties, praying for the formation of a new county out of parts of said counties.

3. Mr. Wingate presented the petition of Nancy Montague, praying for the passage of a law allowing her compensation for keeping her idiot child.

4. Mr. S. L. Williams presented the petition of the executrix and heirs of Jacob Butler, deceased, praying for the passage of a law authorizing an exchange of lands with Thomas Calk.

Which were received and referred: the 1st and 4th to the committee on the Judiciary; the 2d to the committee on Propositions and Grievances, and the 3d to the committee on Finance.

Leave of absence was granted to Mr. Hughes.

The Speaker laid before the Senate the annual report of the Commissioners of the Lunatic Asylum.

[For the report, see Legislative Documents, page 329.]

On the motion of Mr. Hanson, the committee on the Judiciary was discharged from the further consideration of a bill from the House of Representatives, to them referred, entitled, an act for the benefit of Samuel G. Tillett, Sheriff of Garrard county, and it was referred to the committee on Finance.

Mr. Hanson, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following bills, viz:

An act for the benefit of James M. Gatewood and Ann A. Gatewood, his wife.

An act authorizing the County Court of Bullitt county to sell a lot of ground in the town of Shepherdsville.

Reported the same without amendment.

Ordered, That the said bills be read a third time.
The constitutional rule as to the third reading being dispensed with,

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

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act concerning the town of Carolton, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.
The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.
Mr. Hanson, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to amend an act reserving certain property from execution, and for other purposes.

An act to amend the laws concerning the emancipation of slaves.

The said bills were placed in the orders of the day, and the Public Printer directed to print 150 copies of each for the use of the General Assembly.

Mr. Hanson, from the same committee, reported the following bills, viz:

1. A bill allowing the Clerk of the Campbell County Court further time to renew his official bond.

2. A bill to amend the law concerning the writ of certiorari.

3. A bill to establish a general law concerning manufacturing corporations.

4. A bill to repeal all laws authorizing the drawing of a lottery, or selling lottery tickets in the State of Kentucky.

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

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st was ordered to be engrossed and read a third time, and the 2d, 3d, and 4th were placed in the orders of the day, and the Public Printer was directed to print 150 copies of the 2d and 3d bills for the use of the General Assembly.

The constitutional rule as to the third reading of the 1st bill being dispensed with, and the same being engrossed,

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

Mr. Hanson, from the same committee, to whom was referred a bill concerning exceptions to depositions, reported the same with an amendment— which was concurred in.

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

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that he had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act to change the times of holding certain of the terms of the Jessamine County Court.

An act to divorce Catharine Collins.

An act to change the names of Emeline and Amanda Tolin, and for other purposes.

An act for the benefit of the Sheriff of Campbell County.

An act to run and mark the dividing line between Franklin and Scott counties.
An act to amend an act to incorporate the town of West Liberty, and to legalize the proceedings of its Trustees.
An act for the benefit of the Sheriff of Hickman county.
An act to repeal, in part, the several acts concerning the town of South Frankfort, and for other purposes.
An act to amend an act, entitled, an act to amend an act to reduce into one the several acts regulating the towns of Nicholasville and Versailles.
An act for the benefit of Thomas Prator, committee for Josiah Prator.
An act for the benefit of Benjamin H. Reeves.
An act for the benefit of the Clerk of the Circuit and County Courts of Spencer county.
An act allowing further time to the Clerk of the Nicholas County Court to renew his official bond.
An act to change the place of voting, in Caldwell county, from Pearse's Mill, to the house of Samuel Jones.
An act to divorce Eleanor M. Tator, and to change the name of John G. Tator.
Approved January 4th, 1841.
Mr. Wingate, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of James Bartlett, reported the same with the opinion that it ought not to pass.
Ordered, That the said bill be read a third time.
The constitutional rule as to the third reading being dispensed with,
The question was taken on the passage of the said bill, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Wingate and J. V. Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey, Burnett, Clarke, De Courcy, Ford, Hanson, James, Jesup, Johnston, Morgan, J. S., Payne, Pirtle, Pratt, Symson, Slaughter, Tomlinson, Walker, C. J., Wallace, Wickliffe, Williams, M, Williams, S. L.—21

Those who voted in the negative, were—


Resolved, That the title of the said bill be as aforesaid.
Mr. Wingate, from the same committee, to whom was referred the petition of Charlotte Goin, praying for a divorce, reported the same with the following resolution thereon, viz:
Resolved, That the said petition be rejected—which was concurred in.

On the motion of Mr. Johnston, the committee on Finance was discharged from the further consideration of the resolution requiring them to enquire whether any further legislation be necessary in regard to the compensation of Trustees of the Jury Fund.

Mr. Johnston, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to repeal an act, entitled, an act requiring annual examinations of the several Clerk's offices in this Commonwealth to be made out and returned to the Auditor's office.

An act for the benefit of Lois Smallwood.

Resolved the same without amendment.

The 1st was placed in the orders of the day and the 2d ordered to be read a third time.

The constitutional rule as to the third reading of the 2d bill being dispensed with,

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

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State, which was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, James Taggart to be Sheriff of Muhlenburg county, the County Court having failed to nominate at the period prescribed by the Constitution.

R. P. LETCHER.

January 5th, 1841.

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

On the motion of Mr. Pirtle, Mr. T. E. Brown, of the Louisville Advertiser, was permitted to take a seat within the bar of the Senate, for the purpose of reporting its proceedings.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act providing for a special term of the Gallatin Circuit Court—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

The preamble and resolution in favor of a National Bank, was discussed for some time.

And then the Senate adjourned.
WEDNESDAY, JANUARY 6, 1841.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, viz:

- An act to amend the charter of the city of Covington, and for other purposes.
- An act to establish an election precinct in the county of Jefferson.
- An act for the benefit of the widow and heirs of Edward Payne, deceased.
- An act to divorce Susannah James.
- An act for the benefit of Eliza Boswell, and for other purposes.
- An act to establish an election precinct in Harlan county, and for other purposes.
- An act fixing the time of holding the January term of the General Court for the year 1841.
- An act to establish an election precinct in the town of Ghent, in Carrol county.
- An act allowing further time to Sheriffs to return their delinquent lists.
- An act to enlarge the seventh Constable's district in Hardin county.
- An act for the benefit of the Trustees of the Baptist Church, at Providence, and for other purposes.
- An act to authorize the County Court of Bourbon county to sell the lands on which the poor house is, and for other purposes.
- An act allowing additional Justices of the Peace and Constables to certain counties.
- An act for the benefit of Catharine J. Lloyd and Matilda A. Floyd.
- An act for the benefit of Polly Starling, and others.
- An act to allow an additional Constable to Calloway county.
- An act allowing an additional Constable to Warren county.
- An act to change the place of voting from the house of James Howell to that of Joel H. Ferril's, in the county of Hardin, and for other purposes.
- An act to allow an additional Justice of the Peace to Caldwell county, and for other purposes.
- An act regulating proceedings before Justices of the Peace.
- An act concerning the estate of James Haggins, deceased.
- An act to divorce Charles Butts.
- An act providing for a change of venue in two prosecutions, now pending, against Edward Parks.
An act to continue in force an act establishing the office of Second Auditor, and for other purposes.

An act allowing Prentice L. Lamb a change of venue.

An act to incorporate the town of Russellville.

Approved 4th January, 1841.

And that they had passed bills of the following titles, viz:

1. An act explanatory of the act incorporating the Tan Theta Kappa Society of Georgetown College.

2. An act to alter the time of holding the Estill County Court.

3. An act to authorize the County Court of Grant to change a road.

4. An act for the benefit of the Clerk of the Greenup County Court.

5. An act concerning the town of Russellville.

6. An act to establish a Tobacco Inspection at the warehouse of Loving Garrett, in the county of Trimble.

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

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on Education; the 2d and 4th to the committee on the Judiciary; the 3d to the committee on Internal Improvement, and the 5th and 6th to the committee on Propositions and Grievances.

1. Mr. Clarke presented the petition of Albert G. Young, praying for the passage of a law to divorce him from his wife, Catharine N. Young.

2. Mr. Clarke presented the remonstrance of the Trustees of Pendleton Academy, and others, against the passage of a law to appropriate the Seminary funds of Pendleton county to the aid of Common Schools in said county.

3. Mr. J. S. Morgan presented the petition of William Stuart, praying for the passage of a law relieving him from the burden of his wife's expense at the Lunatic Asylum.

Which were received and referred: the 1st to the committee on Religion; the 2d to the committee on Education, and the 3d to the committee on the Judiciary.

Mr. J. S. Morgan presented the petition of sundry citizens of Nicholas county; also, the petition of sundry citizens of Bourbon county.

Mr. Payne presented the petition of sundry citizens of Mason county—all praying for a careful revision of the present licence laws, and such a change in the whole system as will no longer permit tippling to exist in any form, under the sanction and protection of law.

Which petitions were received and referred to the committee on Finance.

Mr. Johnston, from the committee on Finance, reported a bill for the benefit of John G. Fisher, which was read the first time, and ordered to be read a second time.
The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

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

Mr. Jesup, from the committee on Military Affairs, to whom was referred bills from the House of Representatives of the following titles, viz:
An act for the benefit of the executor of Henry W. Black, deceased.
An act for the benefit of John Lewis, and others.
Reported the same without amendment.

Ordered, That the said bills be read a third time.
The constitutional rule as to the third reading being dispensed with,

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

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act providing for a special term of the Gallatin Circuit Court, reported the same without amendment.

Ordered, That the said bill be read a third time.
The constitutional rule as to the third reading being dispensed with,

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

The last vote was reconsidered, and the said bill was recommitted to the committee on the Judiciary.

A bill from the House of Representatives, entitled, an act for the benefit of the Commonwealth’s Attorney of the 5th Judicial District, was taken up and referred to the committee on the Judiciary.

Mr. J. V. Walker, from the committee on Propositions and Grievances, to whom was referred the petition of Samuel McClure of Hickman county, praying the passage of a law authorizing him to sell and retail any article he may choose, without obtaining licence, reported the following resolution thereon:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Jesup, from a select committee, reported a bill to repeal an act, entitled, an act to amend the law to prohibit the importation of slaves into this State, approved February 2d, 1833, and for other purposes—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was committed to a committee of the whole House, and made the order of the day for Tuesday next, and the Public Printer was directed to print 150 copies of the said bill for the use of the General Assembly.

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

On the motion of Mr. Pirtle—1. A bill to amend the law concerning injuries to real estate.
On the motion of Mr. Johnston—2. A bill for the adjustment of certain claims of Lud Fore against the Commonwealth.

On the motion of Mr. Ford—3. A bill more effectually to suppress the offence of inducing, aiding or persuading any slaves to run away from their owners.

On the motion of Mr. Hardin—4. A bill for the benefit of John Smith.

On the motion of Mr. Craddock—5. A bill for the benefit of Thomas J. Goff.

On the motion of Mr. De Courcy—6. A bill for the benefit of— Roberts, a lunatic.

The committee on the Judiciary was directed to prepare and bring in the 1st, 5th, and 6th; the committee on Finance the 2d; Messrs. Ford, Griffith, and Jesup were appointed a committee to prepare and bring in the 3d, and Messrs. Hardin, Symson, and Wingate the 4th.

The Speaker laid before the Senate the annual report of the Public Librarian.

[For the report, see Legislative Documents, page 361.]

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

The Senate took up the message, received from the Governor on the 16th of December last, which was read as follows, viz:

Executive Department,  
December 16, 1840.

Gentlemen of the Senate, and  
House of Representatives:

I have received from the Governor of Vermont, a communication enclosing joint resolutions, relating to a proposed amendment of the Constitution of the United States, requesting that they should be laid before the Legislature of Kentucky: the papers are herewith transmitted.

R. P. LETCHER.

STATE OF VERMONT.

Executive Department,  
Shoreham, Nov. 10, 1840.

Sir:

In compliance with the request of the Senate and House of Representatives, I have the honor to forward to your address, a copy of the accompanying resolutions.

With great respect, your ob't serv't,

S. H. JENISON.

Governor of Kentucky.
Resolved by the Senate and House of Representatives, That the Senators in Congress from this State be, and they are hereby instructed, and our representatives in Congress be, and they are hereby, requested to use their best endeavors to procure such an amendment to the Constitution of the United States as will restrict the eligibility of the President of the United States to a single term.

Resolved, That the Governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives from this State in the Congress of the United States; also, to the Executive of each State in the Union, that the same may be laid before their several Legislatures for their co-operation in procuring said amendment.

CHAUNCEY L. KNAPP,
Secretary of State.

Ordered, That the said message and accompanying documents be referred to the committee on Federal Relations.

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

Resolved That the Auditor of Public Accounts be requested to furnish the Senate with a statement of the amount paid for interest on the six year bonds issued by the State; the amount and time of each payment; the individual to whom paid, and the number of each bond on which interest has been paid.

The rule of the Senate being dispensed with, the said resolution was twice read and adopted.

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

1. An act for the benefit of the widow and heirs of Thomas Robinson, deceased.
2. An act to amend an act, entitled, an act for the relief of certain citizens of Madison county, approved 23d January, 1840.
3. An act for the benefit of Thomas Spalding.
4. An act authorizing the Hickman County Court to hold additional terms, and to increase the width of their public roads.

Were severally read the first time, and ordered to be read a second time. The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on the Judiciary; the 2d to the commit-
The committee on Federal Relations, to whom was referred the letter of the Governor of the 14th of December, 1840, communicating to the Senate the letter of his Excellency the Governor of the State of Virginia to the Governor of Kentucky, bearing date the 12th day of November, 1840, also, another letter from the same to the same, bearing date the 23d day of October, 1840, communicating a preamble and resolutions passed by the General Assembly of the State of Virginia, aforesaid, on the 17th of March, 1840, relative to the demand by the Executive of Virginia upon the Executive of the State of New York, of the surrender of three fugitives from justice, have had the same under consideration, and beg leave to report:

That it satisfactorily appears to your committee that, by a law in force in the State of Virginia at the time, and long before the commission of the offence charged, it was made felony to steal a slave within that State; and that, in violation of that law, Peter Johnson, Edward Smith, and Isaac Ganey, were duly charged, agreeably to the act of Congress, with the crime of felony, in feloniously stealing and taking away from John G. Colley a certain negro slave (Isaac) the property of said Colley, &c., &c., and that they had fled from justice in the State of Virginia, into the State of New York, and, being so fugitive, were, in due form of law, demanded by the Executive of Virginia the Executive of New York, under the second section of the fourth article of the Constitution of the United States, with which demand the Executive of New York refused to comply—alleging that there was no law of New York making it a felony to steal a slave, and that the Constitution of the United States did not authorize the demand, except in cases where, by the laws of nations, a fugitive would be surrendered, at and before the date of the Constitution; or, in other words, that the Constitution of the United States gives no additional rights or claims to States whose penal laws are violated than would be allowed to them by the comity between independent sovereignties.

Against this novel and, as your committee believe, most dangerous doctrine of the Executive of New York, the Executive and Legislature of Virginia have appealed to the judgment of her slave-holding sister States, and invited them to express their views upon the subject of the controversy between the Executives of the States of Virginia and New York.

Your committee, after duly considering the point in controversy, as aforesaid, have not been able to discover any excuse, much less justification, for
the conduct of the Executive of New York. They think that his construction of the second section of the fourth article, not only violates the plain and declared intention of the Constitution, but would make the section altogether useless. By that article and section, of the Federal Constitution, it is provided: That a person charged with treason, felony, or other crime, who shall flee from justice, and shall be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime. Surely the Executive of New York will not contend that the several States have not the right to enact their own penal laws, and to define what shall be a crime, and what shall be the appropriate punishment of every crime. If the States have this right, then by what rule does it lie in the mouth of the State authority where the culprit shall flee to, to answer, that, because New York has not thought proper to make her laws like those of Virginia, that New York will harbour those who have committed crimes against the laws of Virginia within her sovereignty and jurisdiction? Can any impartial judge read the Constitution to mean that the fugitive shall not be judged by the laws of the State that he has broken, but by the laws of the State to which he flees? Was this a true construction, then, indeed, might a State, by abrogating her penal laws, virtually destroy those of other States, by becoming the refuge of the criminals of all the States. This is what the framers of the Constitution intended to guard against, when they say, that the fugitive shall be delivered up, to be tried where the offence was committed. If the Constitution had only embraced cases arising under the laws of nations, is it likely that the able lawyers who drafted the section would have said so? Or, if such was the intention of the section, is it likely that the convention would have made the provision as ample as language can be, to embrace every species of crime, and made the language thus imperative on the authority of the State, to which the fugitive shall fly, to surrender up the fugitive on demand of the Executive of the State where the offence was committed? We think not.

Your committee fully concur with the Executive of Virginia in his views of the constitutional right, in him, to demand, and want of authority in the Executive of New York to refuse to deliver the felons for trial, to the State authorities where the offence was committed. They, also, fully concur with the Legislature of the State of Virginia, in the preamble and resolutions aforesaid, and for the reasons assigned by the Legislature in said preamble. Your committee therefore offer to the Senate the following resolutions:

Resolved by the General Assembly of the State of Kentucky, That they have carefully examined the letter of the Executive of Virginia, and the preamble and resolutions passed by the Legislature of that State, relative to the demand of the Executive of New York on the Executive of New York, of the surrender of three fugitives from justice—to wit: Peter Johnson, Edward Smith, and Isaac Gansey—and the reasons assigned by the Executive of New York for his failing and refusing to comply with the demand, and that in the opinion of the Legislature of the State of Kentucky, the said reasons of the Executive of New York for failing to surrender the said fugitives—Peter Johnson, Edward Smith, and Isaac Gansey—on the said demand of the Executive of Virginia, are wholly insufficient; and that, if the State of New York shall sustain the Executive of that State, in his conduct in refusing to deliver up the said felons, for trial in the State of Virginia,
JOURNAL OF THE SENATE.

THURSDAY, JANUARY 7, 1841.

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

An act to amend the election laws of this State.
An act for the benefit of Cassius M. Clay.
An act for the benefit of Eliza Taylor.
An act for the benefit of Elizabeth Adams.
An act to divorce Harriet Bennett.
An act for the divorce of Benjamin Bennett.

The Speaker laid before the Senate the following communication from the Secretary of State:

Office of the Secretary of State, January 7th, 1841.

Sir—I have the honor to transmit to the Senate, through you, a letter from the Cashier of the Northern Bank of Kentucky, enclosing monthly statements of its condition for the last six months, and the classification of the debtors in notes and bills.

Very respectfully, your most obedient servant,
JAMES HARLAN,
Secretary of State.

To MANLIUS V. THOMSON, Esq., Speaker of the Senate.
Ordered, That the said communication be referred to the committee on Banks.

Mr. Hanson, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the Clerk of the Greenup County Court.
An act for the benefit of Henry R. Smith.
An act explanatory of the act incorporating the Tan Theta Kappa Society of Georgetown College.
An act to allow an additional Justice of the Peace and Constable in Washington county.
An act to alter the terms of the Cumberland Circuit Court, and to change the time of holding the Monroe Circuit Court.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to alter the time of holding the Estill County Court, reported the same with an amendment—which was concurred in.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional Justice of the Peace to the county of Breathitt, and for other purposes, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

The votes by which the last bill was ordered to be read a third time and passed, were reconsidered, and the said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

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

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Commonwealth's Attorney of the 5th Judicial District, reported the same without amendment.
Mr. James moved to lay the said bill on the table until the first day of June next.

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

The yeas and nays being required thereon by Messrs. James and J. V. Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Burnett, Jesup, Walker, J. V.
De Courcy, Pratt, Wallace,
Hardin, Symson, Weller,
James, Sterett, Williams, M—12.

Those who voted in the negative, were—

Messrs. Bailey, Griffith, Quarles,
Ballinger, Hanson, Slaughter,
Clarke, Huston, Tomlinson,
Craddock, Johnston, Williams, S. L.
Dyer, Payne, Wingate,
Ford, Pirtle, Young—18.

The said bill was amended and ordered to be read a third time.

On the motion of Mr. Hanson, the committee on the Judiciary was discharged from the further consideration of a bill from the House of Representatives, to them referred, entitled, an act for the benefit of Rosannah Bogges of Muhlenburg county, and the said bill was referred to the committee on Religion.

Mr. Hughes resumed his seat in the Senate.

On the motion of Mr. Tomlinson, leave was given to withdraw the petitions and remonstrances in relation to Boyle county, presented at the session of 1838.

Mr. J. V. Walker, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, viz:

- An act concerning the town of Russellville.
- An act for the benefit of the Fire Company, in the town of Paducah.
- An act to establish a Tobacco Inspection at the Warehouse of Loving Garrett, in the county of Trimble.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Burnett, from the committee on the Public Library, reported a bill
for the benefit of the Kentucky Historical Society—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being 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. Pratt, leave was given to bring in a bill to amend the charter of the Georgetown and Frankfort Turnpike Road Company, and the committee on Internal Improvement was directed to prepare and bring in the same.

The preamble and resolution in favor of a National Bank were further discussed.

And then the Senate adjourned.

FRIDAY, JANUARY 8, 1841.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act for the benefit of William Russell, with an amendment.

That they had passed bills of the following titles, viz:
An act for the divorce of Pendleton H. Harrod.
An act for the divorce of Priscilla Ann Brown.
Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred to the committee on Religion.

Mr. Hanson, from the committee on the Judiciary, reported a bill to change the time of holding the Courts in the third Judicial District of Kentucky, and for other purposes—which was read the first time, and ordered to be read the second time.

The constitutional rule as to the second and third readings being dispensed with, and the same being engrossed,

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

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act providing for a special term of the Gallatin Circuit Court, reported the same with an amendment—which was concurred in.
Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title be amended to read, an act regulating the special terms of the Circuit Courts for the trial of criminals.

Mr. Hanson, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Green River Iron Manufacturing Company, reported the same with amendments—which were concurred in, and the said bill was referred to the committee on Internal Improvement.

Mr. Johnston, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Samuel G. Tillett, Sheriff of Garrard county.
An act giving the Sheriff of Union county further time to return his delinquent list.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Clarke, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Ciceronian Society of Georgetown College, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Ballinger, from a select committee, reported a bill to change the time of holding the Knox County Court, and for other purposes—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

A bill to change the fall term of the Court of Appeals, was referred to the committee on the Judiciary.

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

Resolved, That the Auditor be requested to make out and report to the Senate, the entire amount which has been paid to Jurors in this Commonwealth since the passage of the act of the 29th February, 1836, providing for the payment of Jurors, stating in said report the amount paid each year, and designating in his report the amount paid out of the Public Treasury, and the amount received from other sources, and paid by the several Trustees of the Jury Fund.
Mr. James read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky,
That they will, by joint vote of both Houses, on Friday the 22d inst., proceed to the election of a Treasurer, Public Printer, Librarian, and President and Directors of the Bank of the Commonwealth.

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

On the motion of Mr. Wingate—1. A bill for the benefit of the Baptist Education Society.

On the motion of Mr. Johnston—2. A bill to amend the charter of Shelby College.

On the motion of Mr. Sterett—3. A bill to amend the law concerning the town of Hardinsburg.

On the motion of Mr. Slaughter—4. A bill more effectually to promote the interest of Agriculture.

On the motion of Mr. Quarles—5. A bill for the benefit of John M. Weddle.

The committee on Education was directed to prepare and bring in the 1st and 2d; the committee on Agriculture the 4th; the committee on the Judiciary the 5th, and Messrs. Sterett, Johnston, and Dyer were appointed a committee to prepare and bring in the 3d.

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

An act to change the name of Kenaz F. Hatton, to that of Kenaz F. Daniel.

An act for the benefit of James Bartlett.

An act for the benefit of Lois Smallwood.

An act authorizing the County Court of Bullitt county to sell a lot of ground in the town of Shepherdsville.

An act for the benefit of James M. Gatewood and Ann A. Gatewood, his wife.

An act for the benefit of the executor of Henry W. Black, deceased.

An act authorizing the Cumberland County Court, to convey real estate.

An act to enlarge the town of Owenborough, and for other purposes.

An act for the benefit of Thomas Cunningham.

An act to allow an additional Justice of the Peace and Constable to Carter and Clinton Counties.

An act to change the time of holding the Oldham Circuit Court.

An act to authorize the County Court of Campbell to appoint an additional Constable in said county.

An act to revive and continue in force an act, entitled, an act to increase the powers of the Trustees of the town of Versailles, and to establish a police court in said town.
An act authorizing the Hickman County Court to hold additional terms, and to increase the width of their public roads.

An act for the benefit of John Lewis and others.

An act for the benefit of the Sheriff of Christian county.

And had found the same truly enrolled.

The said bills having been signed by 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. After a short time, Mr. Weller reported that the committee had performed that duty.

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

1. An act to amend the election laws of this State.
2. An act for the benefit of Cassius M. Clay.
3. An act for the benefit of Eliza Taylor.
4. An act for the benefit of Elizabeth Adams.
5. An act to divorce Harriet Bennett.
6. An act for the divorce of Benjamin Bennett.

Were severally read the first time, and ordered to be read a second time. The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on privileges and Elections; the 2d to the committee on Finance; and the 3d, 4th, 5th, and 6th to the committee on Religion.

The amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act for the benefit of William Russell, was twice read and concurred in.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State, which was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, James Jamison to be Sheriff of Barren county, the County Court having failed to make a recommendation agreeably to the Constitution.

R. P. LETCHER.

January 8th, 1841.

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

The Senate resumed the consideration of the preamble and resolution in favor of a National Bank, offered by Mr. Pirtle.

The amendment moved by Mr. Pratt, proposes to add to the said resolution the following, viz:

Resolved, That in any National Bank Charter that may hereafter be granted, it would be expedient and necessary to insert provisions:

1st. Making the stockholders individually responsible in their private property for the debts and liabilities of the corporation, in proportion to the amount of stock held by them respectively.
2d. Reserving to the States the right to admit branches or not, as they may think proper; and, also, the right to tax the capital stock of the branches within their limits, severally, not exceeding one half of one per cent.

3d. Prohibiting foreigners from holding stock in the Bank; and

4th. Prohibiting the issue, either by the Mother Bank or its branches, of notes or of drafts, designed for circulation, of a less denomination than twenty dollars.

Mr. Ballinger moved the previous question. The question being taken shall the main question be now put? it was decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


The question was then taken on the adoption of the said preamble and resolution, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

The preamble and resolutions from the House of Representatives in relation to a United States Bank and the Public Lands, were twice read as follows, viz:

The select committee, to whom was referred so much of the Governor's message as refers to the establishment of a Bank of the United States, and the action of the General Assembly in relation thereto, and the distribution of the proceeds of the sales of the Public Lands, have had the same under consideration, and beg leave to report:

That while they are sensible of the practical importance of that principle, which forbids the unnecessary interference of State Legislatures with the concerns of the National Government, they believe that the crisis has arrived, when a solemn duty to our constituents, requires of the General Assembly the most unequivocal expression of sentiment on these important subjects.

The regulation by law of the currency of the country, giving to it all the elements of uniformity, soundness, and stability, and the just distribution of the proceeds of the Public Lands, are questions deeply interesting to the people of Kentucky.

That the Congress of the United States possesses the power, under the Constitution, to establish a National Bank, has been long settled by the concurrent authority of every department of the Government, and has been repeatedly sanctioned by the people themselves. The system of State Banks, by which it was promised, a sound circulating medium would be furnished, and the exchanges of the country regulated, so as to subsist the commercial wants and interests of the people, has signally failed; and the scheme of substituting a currency purely metallic, is still more delusive, and if practicable, would be equally fatal to all our agricultural, manufacturing, and commercial interests.

Congress not only possesses the power to charter a Bank, but in the present deranged condition of the monetary affairs of the country, the prompt and faithful exercise of this power is demanded by public sentiment, and sanctioned by every motive of patriotism and of duty.

The disposition of the proceeds of the sales of the Public Lands, is also a subject of deep and general concern to the people of Kentucky.

The history of the acquisition of the public domain of the United States clearly shows that it is the common property of the States, and should be used for their common interest and benefit. It is simply this:

That portion which lies within the boundaries of the United States and their territories, as defined by the definitive treaty of peace with Great Britain, in 1783, was purchased with the common treasure of the country, and the best blood of the land. And it is but justice to add, that no portion of the country contributed more to this great object, than did the hardy pioneers of the west. Besides the lands thus acquired, an immense territory has been ceded to the United States, by a number of the old thirteen States, who had claims to lands lying north of the Ohio, east of the Mississippi, and south of the Lakes. These claims were ceded to the United States as "a common fund for the use and benefit of all the States," and should "be faithfully and bona fide disposed of for that purpose, and for no other use and purpose whatsoever." The lands which have been subsequently acquired, either by purchase from a foreign Government, or from one of the States of
the Union, or by the extinguishment of the Indian titles, have been paid for with the blood and treasure of all the people of the States.

If the title to the Public Lands is thus derived, where is the justice of ceding them to the new States? What peculiar claims have they to the bounty of the General Government? By a solemn compact upon entering the Union, each and every one of them, have stipulated that the United States shall own and have the authority to sell the Public Lands. They have all ratified and accepted this article, and it has become a fundamental part of their constitutions. Besides, it will be recollected, that in the compacts made with the Government of the United States, they have obtained already one sixteenth part for schools, and five per centum upon the sales of the residue for roads and canals. All such participation in the munificence of the Government has been denied to Kentucky. No State has contributed more, by the valor and the enterprise of her sons, to the acquisition and defence of this immense territory. Shall she be required tamely to surrender her rights thus acquired, and thus fortified by the principles of justice? In asserting her claims to a distributive portion of this common fund, she is but contending for what, of right, equally belongs to every other State in the Union.

The public debt, for the payment of which these lands were pledged, has long since been fully discharged. And now the important question is presented, what disposition shall be made hereafter of the immense revenue to be derived from the sale of the Public Lands? Shall it be appropriated to the purposes of the General Government, or distributed amongst the States according to federal population?

To appreciate the importance of this great question, we must estimate the almost boundless extent and calculate the exhaustless resources of our common country. If we look back to our unprecedented growth in population and in wealth, and judge of the future by the past, it becomes a question of the most serious import, and is eminently calculated to awaken the deepest interest. In 1800 the population of the United States was estimated at about four millions. It is now nearly fifteen millions. It has been estimated on very correct data, that within the last forty years, more than “one hundred and fifty millions of acres of land have been taken up and appropriated to the use of the husbandman.” If this be the basis of the calculation, it has been estimated that in a like period of time, more than five hundred and forty millions of acres will pass into the hands of purchasers; the average amount being about fifteen millions per year. From the same authority we learn the additional fact, “that the average receipts from the sales of Public Lands for the next ten years, if the country continue in peace, if the land system be faithfully preserved, and if the sales be guarded from combination and fraud, will average something more than $10,000,000 per annum.”

The intrinsic importance of this question to the people of Kentucky is rendered still more clear by reference to the fact, that, according to the report of the Secretary of the Treasury, she would have received under the bill, entitled, “an act to appropriate for a limited time, the proceeds of the sales of the Public Lands of the United States, and for granting lands to certain States,” up to the 30th of September, 1835, the sum of $2,654,502.

By a provision of the Constitution of the United States, the right of laying imposts upon commerce for the purposes of revenue belongs exclusively to the General Government. This mode of raising a revenue, if wisely ad-
justed and faithfully administered, is amply sufficient for an economical administration of the Government. It is believed, therefore, that the proceeds of the sales of the Public Lands, are not required as a source of ordinary revenue. Besides the injustice to the States, a due regard to the purity and efficiency of the Federal Government forbids such excessive accumulation in the Treasury of the nation.

To the States, however, the easy and indirect mode of levying imposts, for the purposes of revenue, is expressly denied, and they are compelled to resort to the more onerous and oppressive system of direct taxation. And in most of the States, the people are now laboring under the heaviest exactions, growing out of the prosecution of their works of Internal Improvement. In many instances, they have been induced to embark in such works by the delusive prospects held out to them by the General Government. A wise and just policy, therefore, requires that this fund should not longer be withheld.

It should, however, be distinctly understood, that Kentucky relies upon the justice of her claim. She does not feel that such an appropriation of this fund will be a gift from the General Government to the States, but will be according to them what they have a right to claim as matter of justice—Wherefore,

1. Be it resolved, That the General Assembly of the State of Kentucky deem a Bank of the United States, so constituted and organized, as to secure to the nation the maintenance of a sound, wholesome, and convenient currency, indispensable to the prosperity of the country; and that it is of the highest importance that the nation cannot dispense with such a Bank, without a certain prospect of private and public distress.

2. Be it further resolved, That the Public Lands of the United States are not, of right, the property of the particular States in which they lie, nor that of the people of such States; and therefore the Congress of the United States ought not to cede such lands to such States, or any of them, or to appropriate such lands for any purpose whatever, but in behalf and for the benefit of the people of all the States.

3. Resolved further, That in the opinion of this General Assembly, public policy requires, and the interest of the people will be greatly promoted, by a just and equitable distribution of the proceeds of the sales of the Public Lands to the States respectively, according to federal population.

4. Resolved, That copies of the foregoing resolutions be forwarded by the Governor to each of our Senators and Representatives in the Congress of the United States, with a request that they will lay the same before each branch of the National Legislature.

The question being taken on concurring in the first resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Burnett and S. L. Williams, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey, Ballinger, Barlow, Clarke, Craddock, Dyer, Griffith, Hanson, Hardin,
Mr. Wallace moved to amend the second resolution by adding thereto the following proviso, viz:

Provided, Said Public Lands, or the moneys arising from the sales thereof, shall not be needed by the General Government for national purposes, and defraying expenses in time of war.

Mr. Payne moved the previous question. The question being taken, shall the main question be now put? It was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wallace and Har- din, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,
Ballinger,
Barlow,
Clarke,
Craddock,
Dyer,
Griffith,
Hanson,
Hardin,
Huston,
Jesup,
Johnston,
Morgan, J. S.
Payne,
Pirtle,
Quarles,
Slaughter,
Sterett,
Tomlinson,
Walker, J. C.
Walker, J. V.
Weller,
Williams, S. L.
Young—25.

Those who voted in the negative, were—

Messrs. Burnett,
De Courcy,
Ford,
Hughes,
James,
Pratt,
Wallace,
Wickliffe,
Williams, M.
Wingate—10.

Those who voted in the affirmative, were—

Messrs. Burnett,
Ballinger,
Barlow,
Clarke,
Craddock,
Dyer,
Griffith,
Hanson,
Hardin,
Huston,
Jesup,
Johnston,
Morgan, J. S.
Payne,
Pirtle,
Quarles,
Sympson,
Slaughter,
Sterett,
Walker, C. J.
Walker, J. V.
Williams, S. L.
Young—23.

Those who voted in the negative, were—

Messrs. Burnett,
De Courcy,
Ford,
Hughes,
James,
Tomlinson,
Wallace,
Weller,
Williams, M.
Wingate—10.

The question was then taken on concurring in the second resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. James and S. L. Williams, were as follows, viz:
Those who voted in the affirmative, were—


Those who voted in the negative—None.

Mr. James moved to amend the third resolution by adding thereto these words, viz: “If not required to defray the current expenses of the National Government.”

Mr. Payne moved the previous question. And the question being taken, shall the main question be now put? It was decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


The question was then taken on concurring in the third resolution, and it was decided in the affirmative.

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

Messrs. Bailey,
   Ballinger,
   Barlow,
   Clarke,
   Craddock,
   Dyer,
   Ford,
   Griffith,
   Hanson,
   Hardin,

   Those who voted in the negative, were—

Messrs. Burnett,
   De Courcy,
   Hughes,
   James,
   Pratt,
   Wallace

The fourth resolution and the preamble were concurred in.

And then the Senate adjourned.

SATURDAY, JANUARY 9, 1841.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, viz:

An act to change the name of Kenaz F. Hatton, to that of Kenaz F. Daniel.

An act for the benefit of James Bartlett.

An act for the benefit of Lois Smallwood.

An act for the benefit of Thomas Cunningham.

An act to allow an additional Justice of the Peace and Constable to Carter and Clinton Counties.

An act authorizing the Cumberland County Court, to convey real estate.

An act to enlarge the town of Owenborough, and for other purposes.

An act for the benefit of the executor of Henry W. Black, deceased.

An act to change the time of holding the Oldham Circuit Court.

An act to authorize the County Court of Campbell to appoint an additional Constable in said county.
An act to revive and continue in force an act, entitled, an act to increase the powers of the Trustees of the town of Versailles, and to establish a police court in said town.

An act for the benefit of the Sheriff of Christian county.

An act authorizing the County Court of Bullitt county to sell a lot of ground in the town of Shepherdsville.

An act for the benefit of James M. Gatewood and Ann A. Gatewood, his wife.

An act authorizing the Hickman County Court to hold additional terms, and to increase the width of their public roads.

An act for the benefit of John Lewis and others.

Approved 8th January, 1841.

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

An act for the benefit of married women whose husbands have abandoned them.

An act for the benefit of the Louisville Pilots' Benevolent Society.

An act for the benefit of the town of New Port.

An act to divorce Fanny Robaleer, and to change her name.

An act to divorce James Ware.

An act for the divorce of Sarah L. Gaines.

The Speaker laid before the Senate the annual report of the President of the Bank of the Commonwealth.

[For the report, see Legislative Documents, page 365.]

1. Mr. J. S. Morgan presented the petition of Robert A. Long, praying for a divorce from his wife.

2. Also, the petition of Fidelia Isbell, praying for a divorce from her husband.

3. Mr. Ballinger presented the petition of Levi Penington and Robert Pace, praying for compensation for keeping two idiots.

4. Also, the petition of sundry citizens of the county of Perry, praying to add a part of that county to the county of Harlan.

5. Also, the petition of sundry citizens of the counties of Harlan and Perry, praying for the formation of a new county out of parts of said counties.

6. Mr. Wingate presented the remonstrance of sundry citizens of the town of South Frankfort against the law to repeal, in part, the several acts concerning the town of South Frankfort, and for other purposes.

7. Mr. Slaughter presented the petition of sundry citizens, praying for the passage of a law authorizing the sale of a tract of land in Meade county, of which James B. Slaughter died seized, for the benefit of his widow and children.
Which were received and referred: the 1st and 2d to the committee on Religion; the 3d to the committee on Finance; the 4th, 5th, and 6th to the committee on Propositions and Grievances, and the 7th to the committee on the Judiciary.

Mr. Wickliffe presented to the Senate the annual report of the Superintendent of Public Instruction of the State of Kentucky.

[For the report, see Legislative Documents, page 314.]

The said report was referred to the committee on Education, and the Public Printer was directed to print 1000 copies thereof for the use of the General Assembly.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill to establish the Lexington Cemetery, reported the same with an amendment—which was concurred in.

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

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

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

Mr. Hanson, from the same committee, to whom was referred a bill to change the time of holding the Knox County Court, and for other purposes, reported the same without amendment.

The said bill was amended and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed.

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

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Thomas Spalding, reported the same with the opinion of the committee that it ought not to pass.

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.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to repeal an act, entitled an act to authorize the County Court of Whitley to open a wagon road to the Falls of Cumberland, approved 1st February, 1838, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.
Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to establish the road leading from Hopkinsville to Clarkesville, Tennessee, as a State road, reported the same with an amendment—which was concurred in.  

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

The constitutional rule as to the third reading being dispensed with, 

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

Mr. Griffith, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to establish a State road from Henderson through Madisonville to Hopkinsville, reported the same with an amendment—which was concurred in.  

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

The constitutional rule as to the third reading being dispensed with, 

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

The resolution fixing a day for the election of public officers, read and laid on the table by Mr. James on yesterday, was taken up, and adopted.  

The resolution calling on the Auditor to report to the Senate the amount paid to jurors, read and laid on the table by Mr. Symson on yesterday, was taken up and adopted.  

The preamble and resolutions in relation to the inspection of tobacco, read and laid on the table by Mr. J. V. Walker on the 2d instant, were taken up and referred to the committee on Agriculture.  

On the motion of Mr. Hanson, the committee on the Judiciary was discharged from the duty of preparing and bringing in a bill to amend the law appointing Commissioners of tax, and the committee on Finance was directed to prepare and bring in said bill.  

The following bills were reported, viz:  

By Mr. J. S. Morgan—1. A bill to authorize James Quiett to qualify as High Sheriff of Nicholas county, and for other purposes.  

By Mr. Sterrett—2. A bill to amend the law concerning the town of Hardinsburg, and for other purposes.  

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

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed, 

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

Mr. Payne, from the committee on the Judiciary, to whom was referred a bill to change the time of holding the fall term of the Court of Appeals, reported the same without amendment.
Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

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

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State, which was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, Robert T. Williamson to be Police Judge of the town of Versailles, in place of John M. Ferguson, resigned; and James B. Smith to be Police Judge of the town of Lancaster, in place of Tolver H. Gresham, resigned.

R. P. LETCHER.

January 9th, 1841.

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

The consideration of a bill to regulate the salary of the Circuit Judge of the 5th Judicial District, and a bill to regulate the salary of the Chancellor of the city of Louisville, were postponed and made the order of the day for Thursday the 14th instant.

A bill to amend the law of last session relating to idiots and lunatics, was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading being 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 concerning exceptions to depositions, was read the third time, and referred to a committee of Messrs. Wickliffe, Pirtle, and Payne.

A bill from the House of Representatives, entitled, an act to amend the several laws of this Commonwealth relative to the duties of Clerks of courts, was read the third time as amended.

Resolved, That the said bill, as amended, 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 Commonwealth's Attorney of the 5th Judicial District, was read the third time as amended. The said bill was amended by way of engrossed rider.

The question was 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. Weller and Jesup, were as follows, viz:
Resolved, That the title of the said bill be as aforesaid. And then the Senate adjourned.

MONDAY, JANUARY 11, 1841.

1. Mr. Pratt presented the petition of sundry citizens of the town of Georgetown, praying for the passage of a law equalizing the boundary of said town.

2. Mr. Huston presented the petition of the heirs of James McElroy, praying for the passage of a law authorizing William McElroy and Hugh McElroy to make conveyances to the purchasers of certain lands belonging to said heirs, sold under a decree of the Washington Circuit Court.

3. Mr. Quarles presented the petition of sundry citizens of the county of Pulaski, praying for the passage of a law to encourage the culture of silk in this State.

4. Mr. Ballinger presented the petition of citizens of Knox county, praying that the power to appoint Surveyors upon the roads in Knox county which lead to Goose creek Salt Works.

Which were received and referred: the 1st to the committee on Proposals and Grievances; the 2d to the committee on the Judiciary; the 3d to the committee on Agriculture, and the 4th to the committee on Internal Improvement.

Mr. Hanson moved that the committee on the Judiciary be discharged
from the further consideration of so much of the Governor's message as relates to the Lexington and Ohio Railroad.

The question being taken on discharging the said committee, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Ballinger and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Leave of absence was granted to Mr. Wingate.

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

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

Gentlemen of the Senate:

I nominate for your advice and consent Austin C. Respass to be commissioned Mayor of the city of Maysville, he having received a majority of the votes given at the late election.

R. P. LETCHER.

January 11, 1841.

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

The following communication was received from Mr. Harlan, Secretary of State, viz:

Office of the Secretary of State, January 11th, 1841.

SIR—I have the honor to transmit to the Senate, through you, quarterly statements of the resources and liabilities of the Bank of Kentucky and Branches.

Very respectfully, your ob't serv't,

JAMES HARLAN,
Secretary of State.

To Manlius V. Thomson, Esq., Speaker of the Senate.
Ordered, That the said report be referred to the committee on Banks.

Mr. Pirtle, from the committee on the Judiciary, reported a bill to amend the law concerning injuries to real estate—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was placed in the orders of the day, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

And then the Senate adjourned.

TUESDAY, JANUARY 12, 1841.

The Speaker laid before the Senate a communication from the Auditor of Public Accounts, which is as follows, viz:

STATE OF KENTUCKY, AUDITOR’S OFFICE.

January 12, 1841.

Hon. MANLIUS V. THOMSON,
Lieut. Governor and Speaker of the Senate.

Sr.—Please lay before the Senate over which your honor presides, the following correction of a clerical error in copying requisition of the Board of Internal Improvement in favor of Prentice & Weisinger, dated 30th September, 1839, discovered on page 13, on Auditor's annual report, 10th October, 1840, which reads, for printing a contract, $70, should read, for printing a notice for contracts, $70, and oblige yours, &c.


1. Mr. J. S. Morgan presented the petition of sundry citizens of Nicholas county, praying for the careful revision of the present licence laws, and such a change in the whole system as will no longer permit tippling to exist in any form under the sanction and protection of law.

2. Mr. Weller presented the petition of G. F. Catlett, Sheriff of Union county, praying for the passage of a law allowing him further time to pay into the Treasury the balance of the revenue for 1840.

3. Mr. Barlow presented the petition of John Hambleton, representing that he has discovered the cause of the disease called the milk sickness, and praying for the passage of a law to test his discovery.

Which were received and referred: the 1st and 2d to the committee on Finance, and the 3d to a committee of Messrs. Burnett, Tomlinson, and C. J. Walker.
Mr. Huston, from the committee on Privileges and Elections, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to change the place of voting in the Sales precinct in Jefferson county; and for other purposes.

An act to establish an election precinct in Calloway county, and for other purposes.

An act to change the places of voting in two election precincts in Livingston county.

An act to amend the election laws of this State.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Payne, from a select committee, to whom was referred a bill concerning exceptions to depositions, reported the same with amendments—which were concurred in.

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

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

On the motion of Mr. Sterett—1. A bill to allow an additional Constable to Breckinridge county.

On the motion of Mr. Wallace—2. A bill for the benefit of the Clerk of the Boone County Court.

On the motion of Mr. Barlow—3. A bill to change the time of holding the County Courts of Monroe county.

On the motion of Mr. Schooling—4. A bill to change the April term of the Marion Circuit Court.

The committee on Propositions and Grievances was directed to prepare and bring in the 1st, and the committee on the Judiciary the 2d, 3d, and 4th.

Mr. Ballinger 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 Saturday the 30th instant, they will adjourn without day.

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

1. An act for the benefit of married women whose husbands have abandoned them.
2. An act for the benefit of the Louisville Pilots' Benevolent Society.
3. An act for the benefit of the town of New Port.
4. An act for the divorce of Sarah L. Gaines.
5. An act to divorce James Ware.
6. An act to divorce Fanny Robaleer, and to change her name.

Were severally read the first time, and ordered to be read a second time.
The constitutional rule as to the second reading being dispensed with, they were referred: the 1st and 2d to the committee on the Judiciary; the 3d to the committee on Propositions and Grievances, and the 4th, 5th, and 6th to the committee on Religion.

The consideration of a bill to repeal an act, entitled, an act to amend the law to prohibit the importation of slaves into this State, approved February 2d, 1833, and for other purposes, was postponed and made the order of the day for Friday next, in committee of the whole house.

The consideration of a bill more effectually to protect the right of suffrage was postponed and made the order of the day for to morrow.

A bill for the benefit of William Butler and John Anderson was laid on the table.

A bill allowing the appellate Judges to reinstate attachments, and other restraining orders in chancery, was ordered to be engrossed and read a third time.

Mr. Barlow, from the committee on Enrollments, reported that the committee had examined enrolled bills and preamble and resolutions which originated in the House of Representatives of the following titles, viz:

An act for the benefit of the Fire Company, in the town of Paducah.
An act to alter the terms of the Cumberland Circuit Court, and to change the time of holding the Monroe Circuit Court.
An act explanatory of the act incorporating the Tan Theta Kappa Society of Georgetown College.
An act to establish a Tobacco Inspection at the Warehouse of Loving Garrett, in the county of Trimble.
An act concerning the town of Russellville.
An act for the benefit of Henry R. Smith.
An act for the benefit of the Clerk of the Greenup County Court.
An act to allow an additional Justice of the Peace and Constable to Washington county.
An act to incorporate the Ciceronian Society of Georgetown College.
An act for the benefit of Samuel G. Tillett, Sheriff of Garrard county.
An act giving the Sheriff of Union county further time to return his delinquent list.
An act to repeal an act, entitled, an act to authorize the County Court of Whitley to open a wagon road to the Falls of Cumberland, approved 1st February, 1838.

And preamble and resolutions in relation to a United States Bank and the Public Lands.

And an enrolled bill which originated in the Senate, entitled, an act for the benefit of William Russell.

And had found the same truly enrolled.
The said bills having been signed by 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. After a short time, Mr. Barlow reported that the committee had performed that duty.

A bill to change the time of the annual meeting of the General Assembly came up in the orders of the day. Mr. Payne moved to strike out the enacting clause of the said bill.

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

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

Those who voted in the affirmative, were—

Messrs. De Courcy, Payne, Quarles—5.
   Hanson, Pratt,

Those who voted in the negative, were—

Messrs. Ballinger, James, Sterett,
   Barlow, Jesup, Walker, J. V.
   Burnett, Johnston, Wallace,
   Craddock, Morgan, J. S., Weller,
   Dyer, Pirtle, Wickliffe,
   Ford, Schooling, Williams, M
   Hardin, Sympton, Williams, S. L.
   Hughes, Slaughter,
   Huston,

Ordered, That the said bill be engrossed and read a third time. The constitutional rule as to the third reading being dispensed with,

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

A bill to incorporate the Grand Lodge of Kentucky was amended and re-committed to the committee on the Judiciary.

And then the Senate adjourned.
A message was received from the House of Representatives, announcing that they had adopted resolutions in relation to an amendment of the Constitution of the United States.

1. Mr. J. S. Morgan presented the petition of the heirs of John Bradley, deceased, praying for the passage of a law confirming an arrangement and contract entered into between Shelton Bradley and his co-heirs, in relation to certain estate devised to them by their ancestor.

2. Mr. Weller presented the petition of sundry citizens of Caldwell county, praying for the passage of a law releasing Isaac Grubbs, late Sheriff of Caldwell county, from the payment of 18 per centum damages on a judgment obtained against him for State revenue for the year 1839.

3. Mr. Pratt presented the petition of Benjamin B. Ford, Clerk of the Scott County County, and other citizens of Scott county, praying for the passage of a law allowing the said Ford pay for transcribing the burnt records of said County Court.

4. Mr. Pratt also presented the petition of the Trustees of the town of Georgetown, praying for the passage of a law enlarging the boundary of said town.

5. Mr. Barlow presented the petition of Edmund Gibbins, praying for the passage of a law to allow him to bring a slave into this State.

6. Mr. Quarles presented the petition of John H. Philips, of the town of Monticello, in Wayne county, praying for the passage of a law allowing him to keep a coffee house in said town.

Which were received and referred: the 1st to the committee on the Judiciary; the 2d, 3d, and 6th to the committee on Finance, and the 4th and 5th to the committee on Propositions and Grievances.

Mr. Pirtle, from the committee on the Judiciary, reported the following bills, viz:

1. A bill to change the time of holding the County Courts of Monroe county.

2. A bill to amend the law concerning appeals and writs of error.

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

The constitutional rule as to the second reading being dispensed with, the said bills were ordered to be engrossed and read a third time, and the Public Printer was directed to print 150 copies of the second bill for the use of the General Assembly.
The constitutional rule as to the third reading of the 1st bill being dispensed with, and the same being engrossed.

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

Mr. Pirtle, 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 married women whose husbands have abandoned them.

An act for the benefit of George H. Clements, and others.

An act for the benefit of the Louisville Pilots' Benevolent Society.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Pirtle, from the same committee, to whom was referred the petition of sundry citizens praying for the sale of a tract of land for the benefit of the widow and heirs of James B. Slaughter, deceased, reported the same with the following resolution thereon:

Resolved, That the said petition be rejected—which was concurred in.

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the further consideration of the petition of sundry citizens of the town of Georgetown relative to the boundary of said town, and the same was referred to the committee on Propositions and Grievances.

Mr. J. V. Walker, from the committee on Propositions and Grievances, reported a bill to allow an additional Constable to Breckinridge county—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with, and the same being engrossed,

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

Mr. Huston, from the committee on Privileges and Elections, to whom was referred bills from the House of Representatives of the following titles, to wit:

An act to change the place of voting at an election precinct in Hopkins county.

An act to establish an election precinct in Perry county, and for other purposes.

An act to amend an act, entitled, an act to divide the State into Congressional districts.

Reported the same without amendment.

Ordered, That the said bills be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Cassius M. Clay, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Johnston, from the same committee, reported the following bills, viz:
1. A bill for the benefit of Robert Pace and Levi Pennington.
2. A bill to authorize the purchase of a fire engine and hose for the protection of the property of the State at the seat of Government.

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

The constitutional rule as to the second reading being dispensed with,
Ordered, That the said bills be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st bill being dispensed with, and the same being engrossed,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Johnston, from the same committee, to whom was referred the petition of the Sheriff of Union county, reported the following resolution thereon:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Johnston, from a select committee, reported a bill to amend and reduce into one the several acts concerning the Fire Company in the town of Shelbyville—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The Speaker laid before the Senate a communication from the Second Auditor, which is as follows:

REVENUE DEPARTMENT, AUDITOR'S OFFICE,
Frankfort, 13th January, 1841.

Hon. M. V. Thompson,
Lieutenant Governor and Speaker of the Senate.

Sir: Enclosed I submit a report of Jurors paid, &c., in obedience to a resolution of the Senate, under date of the 9th inst.

Very respectfully, your obedient servant,

THO. S. PAGE, Second Auditor.
In obedience to the following resolution—

“IN SENATE, January 9th, 1841.

Resolved, That the Auditor be requested to make out and report to the Senate the entire amount which has been paid to Jurors in this Common-wealth, since the passage of the act of the 29th day of February, 1836, providing for the payment of Jurors; stating in such report the amount paid each year, and designating in his report the amount paid out of the public Treasury, and the amount received from other sources, and paid by the several Trustees of the Jury Fund”—this report is respectfully submitted.

<table>
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<tr>
<th>Year</th>
<th>Jurors Paid</th>
<th>Commissions to Trustees</th>
<th>Clerks Fees Paid</th>
<th>Total</th>
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<td>1836</td>
<td>$123.50</td>
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<tr>
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<td>$40.00</td>
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This amount paid at the Treasury under acts of 1836 and 1837, $43,153.46

Jurors paid in 1838, $34,456.12
Commissions to Trustees, $1,722.04
Clerks fees paid, $447.30

Jurors paid in 1839, $38,765.08
Commissions to Trustees, $2,189.04
Clerks fees paid, $1,220.67

Jurors paid in 1840, $37,281.50
Commissions to Trustees, $2,004.66
Clerks fees paid, $1,425.93

Total Jurors paid, $162,665.90

In the year 1838 the Trustees of the Jury Fund received—

Fines and forfeitures, $10,998.89
Jury fees, $5,408.19
From clerks of courts, $13,917.64

$30,324.72

In the year 1839, for—

Fines and forfeitures, $12,753.86
Jury fees, $6,345.77
From clerks of courts, $17,075.48

$36,178.11

Amount carried forward, $66,502.83
JOURNAL OF THE SENATE.

Amount brought forward, - $66,502 83

In the year 1840, for
Fines and forfeitures, - $10,227 33
Jury fees, - 5,352 17
From clerks of courts, - 19,918 99

35,498 49

In the year 1838, there are twelve counties that made no returns—in the year 1839, eight counties that made no returns—and in the year 1840, four counties that made no returns—and for those absent returns I have substituted reports from the same counties, but of different years.

In the year 1838 the Trustees of the Jury Fund received from the Treasury, for deficits of the Jury Fund, $2,111 09
In the year 1839 the Trustees of the Jury Fund received from the Treasury, for deficits of the Jury Fund, 7,757 34
In the year 1840 the Trustees of the Jury Fund received from the Treasury, for deficits of the Jury Fund, 6,929 42

16,797 85

Total paid to the Trustees of the Jury Fund from all sources, - $118,799 17

THOS. S. PAGE,
Second Auditor.

Ordered, That the Public Printer print 500 copies thereof for the use of the General Assembly.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State be, and he is hereby, authorized to deliver to the Kentucky Historical Society, such books and documents, sent to his office by Congress for Colleges which have no existence, to be kept by said Society accessible to the examination of any citizen of this Commonwealth.

The rule of the Senate being dispensed with, the said resolution was twice read and adopted.

Mr. Pirtle presented the remonstrance of the members of the bar of the city of Louisville against the reduction of the salary of the Chancellor of said city, and the Judge of the 5th Judicial District, which was referred to the committee of the whole house.

Mr. Hanson, from the committee on the Judiciary, to whom was referred a bill to incorporate the Grand Lodge of Kentucky, reported the same with-
out amendment. The blanks in the said bill were filled, and it was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

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

Mr. Johnston, from the committee on Finance, to whom was referred the petition of the Stockholders of the Louisville Savings Institution, reported the same with the following resolution thereon:

Resolved, That the said petition be rejected—which was concurred in.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed an enrolled bill which originated in the Senate, entitled,

An act for the benefit of William Russell.

Approved January 12th, 1841.

On the motion of Mr. Quarles, leave was given to bring in a bill to regulate the duties of the Judges of the Court of Appeals, and Messrs. Quarles, Craddock, and Ballinger were appointed a committee to prepare and bring in the same.

A bill more effectually to protect the right of suffrage came up in the orders of the day. Mr. Hanson moved to amend the said bill by striking out the eighth section, which reads as follows, viz:

Sec. 8. And be it further enacted, That it shall be the duty of the respective County Courts in this Commonwealth, at the next term after any of the elections aforesaid, to appoint two of their own body, whose duty it shall be, conjointly with the Attorney for the county, to examine the poll books in the Clerk's office, and to make every other necessary inquiry, to ascertain whether there has been any violation of the provisions of this act, or any other act of the General Assembly concerning elections. And if they shall ascertain any such violation, or the same shall come to their knowledge in any manner, or they shall have probable reason to believe that any such violation has happened at any such election, it shall be their duty to report the same, in writing, to the next grand jury to be impanelled in the county, together with the names of witnesses, and such means of testimony as have come to their knowledge. And the Justices so appointed, and the Attorney for the county, shall take an oath (or affirmation, if they cannot conscientiously swear,) in open court, faithfully and diligently to perform the duties herein required.

The question being taken on striking out the said section, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and J. V. Walker, were as follows, viz:
Those who voted in the affirmative, were—

Messrs. Bailey, Ballinger, Barlow, Burnett, Clarke, Dyer, Griffith,

Hanson, Hardin, Hughes, Huston, James, Jesup, Morgan, J. S.

Payne, Slaughter, Sterett, Walker, J. V. Wallace, Williams, M.

Those who voted in the negative, were—

Messrs. Craddock, Ford, Johnston, Pirtle,

Pratt, Schooling, Symson,


The said bill was further amended.

And then the Senate adjourned.

THURSDAY, JANUARY 14, 1841.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed enrolled preamble and resolutions, and bills which originated in that House, of the following titles, viz:

Preamble and resolutions in relation to a United States Bank and the Public Lands.

An act for the benefit of the Fire Company, in the town of Paducah.

An act to alter the terms of the Cumberland Circuit Court, and to change the time of holding the Monroe Circuit Court.

An act explanatory of the act incorporating the Tan Theta Kappa Society of Georgetown College.

An act to establish a Tobacco Inspection at the Warehouse of Loving Garrett, in the county of Trimble.

An act for the benefit of Henry R. Smith.

An act concerning the town of Russellville.

An act to allow an additional Justice of the Peace and Constable to Washington county.

An act for the benefit of the Clerk of the Greenup County Court.
An act for the benefit of Samuel G. Tillett, Sheriff of Garrard county.
An act to incorporate the Ciceronian Society of Georgetown College.
An act giving the Sheriff of Union county further time to return his delinquent list.
An act to repeal an act, entitled, an act to authorize the County Court of Whitley to open a wagon road to the Falls of Cumberland, approved 1st February, 1838. Approved January 12, 1841.

That they had concurred in the amendments proposed by the Senate to a bill from that house, entitled, an act providing for a special term of the Gal- latin Circuit Court.

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

An act to transfer the vacant lands in Lawrence, Carter, and Livingston counties to the use of Common Schools.
An act for the benefit of the first school district in the county of Pike.

The Speaker laid before the Senate the following communication from the President of the Board of Internal Improvement.

[For the report, see Legislative Documents, page 369.]

Ordered, That the said report be referred to the committee on Internal Improvement, and that the Public Printer print 150 copies thereof for the use of the Senate.

The Speaker laid before the Senate a communication from the Secretary of State, which is as follows, to wit:

Office of the Secretary of State, January 13th, 1841.

Sir:

I have the honor to transmit to the Senate, through you, a statement showing the resources and liabilities of the Bank of Louisville, from the 1st of February, 1840, to the 1st instant; and such monthly statements of the condition of the Louisville Savings Institution and the Mechanics' Savings Institution of Louisville, as have been transmitted to this office.

Very respectfully, your ob't serv't,

JAMES HARLAN,
Secretary of State.

To Manlius V. Thomson, Esq., Speaker of the Senate.

Ordered, That the said communication be referred to the committee on Banks.

1. Mr. Burnett presented the petition of William Wilson, praying for a divorce from his wife, Polly Wilson.
2. Mr. Weller presented the petition of sundry citizens of Livingston county, praying for a division of said county.
3. Mr. Slaughter presented the petition of J. Wood Wilson, and others, praying for the passage of a law authorizing the sale of a certain slave.

4. Mr. Pratt presented the petition of Howard Malcolm, President of Georgetown College, on behalf of the Faculty and Trustees of said College, praying for the passage of a law to authorize the State Librarian to deliver to the President or Agent of said College, certain books and documents.

Which were received and referred: the 1st to the committee on Religion; the 2d to the committee on Propositions and Grievances; the 3d to the committee on the Judiciary, and the fourth to the committee on Education.

Mr. Schooling was added to the committee on Religion; Mr. James was added to the committee on Propositions and Grievances.

Mr. Pirtle, from the committee on the Judiciary, reported the following bills, viz:

1. A bill to amend the law in relation to pedlers.
2. A bill for the benefit of Shelton Bradley, and for other purposes.
3. A bill to establish a new Judicial District in this Commonwealth, and for other purposes.

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

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on Finance; the 3d was placed in the orders of the day, and the 2d was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

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

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Elizabethtown Fire Company, reported the same with an amendment— which was concurred in.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Craddock, from the same committee, reported a bill more effectually to secure the privileges of witnesses, and for other purposes—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was placed in the orders of the day, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

Mr. J. V. Walker, from the committee on Propositions and Grievances,
to whom was referred the petition of Edward Gibbins, praying to be permitted to bring a slave into this State, and, also, the remonstrance of sundry citizens of the town of South Frankfort, against a law to repeal, in part, the several acts concerning the town of South Frankfort, and for other purposes, reported the same with the following resolution thereon, viz:

Resolved, That the said petition and remonstrance be rejected—which was concurred in.

Mr. J. V. Walker, from the same committee, reported a bill to change the boundary of Georgetown, Scott county—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with, and the same being engrossed,

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

Mr. Huston, from the committee on Privileges and Elections, reported a bill abolishing the election precincts in Pulaski county—which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Mr. Hardin, from the committee on Religion, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of George W. Clark.
An act to divorce Nancy Shelton,
An act to divorce Elizabeth Fox, and to change her name.
An act to divorce Thomas A. Palmer.
An act for the divorce of Harrison Turner.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Barlow, from the committee on 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 the election laws of this State.
An act to change the places of voting in two election precincts in Livingston county.
An act to change the place of voting in the Sales precinct in Jefferson county, and for other purposes.
An act to establish an election precinct in Calloway county, and for other purposes.
An act regulating the special terms of the Circuit Courts for the trial of criminals.

And had found the same truly enrolled.

The said bills having been signed by 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. After a short time, Mr. Barlow reported that the committee had performed that duty.

Mr. J. S. Morgan, from the committee on Internal Improvement, reported a bill to amend an act, entitled, an act incorporating the Frankfort, Georgetown, and Paris Turnpike Road Company, approved February 28th, 1835.

Mr. Johnston, from the committee on Finance, reported a bill for the benefit of Isaac Grubbs, late Sheriff of Caldwell county.

Also, a bill to amend an act allowing compensation to the Clerks of the Scott County and Circuit Courts for transcribing the burnt records, approved 16th February, 1838.

Mr. Clarke, from the committee on Education, reported a bill for the benefit of Shelby College and the Theological Seminary of the Protestant Episcopal Church in the State of Kentucky.

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

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

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

On the motion of Mr. Johnston, the committee on Finance was discharged from the further consideration of the petition of John H. Philips, praying to be allowed to keep a coffee house, and the said petition was referred to the committee on Propositions and Grievances.

Mr. Clarke, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to appropriate the Seminary funds of Pendleton county to the aid of Common Schools in said county, and for other purposes, reported the same with the opinion of the committee that it ought not to pass.

On the motion of Mr. De Courcy, the further consideration of the said bill was postponed until the first day of June.

On the motion of Mr. Jesup,

Resolved, That the committee on Internal Improvement enquire into the expediency and propriety of so amending the law incorporating the Turnpike Road Companies of this State, as to prohibit the further collection of individual subscription of stock, unless she is prepared to pay, on her part, the quantum for which she is bound, and report by bill or otherwise.
Resolved, That his Excellency, the Governor, be, and he is hereby, respectfully requested to inform the Senate in what manner, and at what time, he paid $235,180 to the Northern Bank of Kentucky, and $80,000 to the Bank of Kentucky: and if in bonds of the State, then to state what was the nature and terms of his agreement to each of the said institutions? Was there any promise, or agreement, or understanding, that if the bonds sold for more than their par value, that the excess shall be repaid to the State; and if for less, that the Banks, or either of them, should have any claim on the State for the losses that they, or either of them, shall sustain on the sale of the bonds? or any other understanding or agreement relative to a loss or gain by the State of the bonds.

To inform the Senate what arrangement, if any, he has made with the Bank of Kentucky to pay the interest accruing on the bonds of the State up to the 1st day of January, 1841?—when was the arrangement made? And further, if the said interests, and other demands on the Treasury for interests due up to the 1st day of January, 1841, has been paid? and by whom paid?—by the Bank of Kentucky? And further, to state by what mode, and when, has he engaged to pay the Bank of Kentucky.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to regulate the fees of the Marshal of the Louisville Chancery Court, with an amendment, and the said bill and amendment were referred to the committee on the judiciary.

The Speaker laid before the Senate the following communication, viz:

To the Honorable the Legislature of Kentucky:

At an adjourned meeting of the convention of the friends of Education, convened in the Capitol on the evening of the 13th instant, in pursuance of previous notice, for the purpose of free discussion on the present Common School System of Kentucky, the following resolutions were unanimously adopted:

Resolved, That this meeting approves of the system of Common School Education as proposed by the act of the General Assembly of Kentucky, approved the day of , 1838.

Resolved, As the opinion of this meeting, that every consideration of public policy demands of the Legislature of Kentucky, that the fund set apart for the establishment and support of Common Schools, should be preserved, protected, and increased; and that the payment of the interest due, and to become due, ought to be provided for.

Resolved, That the Chairman and Secretary of this meeting, be a committee to communicate a copy of these resolutions to the General Assembly of Kentucky.

In compliance with the resolution, as the officers of the meeting, we most respectfully submit them to your honorably body.

ROBERT W. SCOTT, Secretary.

THOS. SPEED, Chairman.

Frankfort, January 14th, 1841.
Ordered, That the said communication be referred to the committee on Education.

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

On the motion of Mr. Clarke—1. A bill to amend the charter of the Theological Seminary of the Protestant Episcopal Church in Kentucky.

On the motion of Mr. James—2. A bill for the benefit of Hannah W. Craig.

On the motion of Mr. Hanson—3. A bill authorizing the Second Auditor to appoint two Assistant Clerks.

On the motion of Mr. Hanson—4. A bill for the benefit of the Estill Seminary.

The committee on Education was directed to prepare and bring in the 1st and 4th; the committee on Religion the 2d, and the committee on Finance the 3d.

The Senate resumed the consideration of a bill more effectually to protect the right of suffrage. The said bill was further amended, and re-committed to the committee on the Judiciary.

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. Clarke in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Clarke reported, that the committee had, according to order, had under consideration a bill to regulate the salary of the Circuit Judge of the 5th Judicial District, and had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which was granted.

And then the Senate adjourned.

FRIDAY, JANUARY 15, 1841.

A message was received from the House of Representatives announcing that they had passed a bill which originated in the Senate of the following title, to wit:

An act for the benefit of Shelton Bradley, and for other purposes.

And that they had passed bills of the following titles, viz:

An act to amend an act, entitled, an act to amend and reduce into one the several act regulating the town of Henderson, approved January 21st, 1840.
An act for the benefit of John Jones, late Sheriff of Jefferson county.
An act for the benefit of the Sheriff of Bourbon county.
An act to emancipate Eliza and her children, and for other purposes.
An act to provide for a change of venue in the prosecution against Samuel G. Lowe.

1. Mr. Weller presented the petition of sundry citizens of the counties of Livingston, Union, Caldwell, and Hopkins, praying for the formation of a new county out of parts of said counties.

2. Mr. Weller presented the remonstrance of sundry citizens of Livingston county against a division of said county.

3. Mr. Payne presented the opinion of the Mason County Court that the grant of tavern license is not necessary to the convenient and comfortable accommodation of travellers, and that a repeal of all laws authorizing such licenses, would be productive of much good in destroying the numerous temptations to intemperance and vice which the public exhibition of ardent spirits hold out to the imprudent.

4. Mr. Dyer presented the petition of Juliett Henry, executrix of her husband, M. W. Henry, deceased, praying for the passage of a law to reimburse her for losses sustained by the washing away of an abutment at lock and dam No. 4, on Green river, which had been contracted for by her said husband, and which loss is estimated at $2,702.

Which were received and referred: the 1st and 2d to the committee on Propositions and Grievances; the 3d to the committee on Finance, and the 4th to the committee on Internal Improvement.

Mr. Pirtle, from the committee on the Judiciary, reported a bill for the benefit of Thomas Holmes—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Mr. Pirtle, from the same committee, to whom was referred a bill from the Senate, entitled, an act to regulate the fees of the Marshal of the Louisville Chancery Court, together with the amendment proposed thereto by the House of Representatives, reported the same without amendment.

Resolved, That the Senate concur in the amendment proposed by the House of Representatives to said bill.

Mr. Pirtle, from the same committee, to whom was referred a bill more effectually to protect the right of suffrage, reported the same with amendments, and the said bill was placed in the orders of the day.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.
The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent Quintus C. Shanks to be commissioned Sheriff of Ohio county, the County Court having failed to make a nomination at either of the periods prescribed by the Constitution. Also—Benjamin W. Finnell to be commissioned Sheriff of Scott county in place of Charles Thomson, resigned.

R. P. Letcher.

January 15th, 1841.

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

Mr. Barlow, from the committee on Enrollments, reported that the committee had examined an enrolled bill which originated in the Senate, entitled, an act for the benefit of Shelton Bradley, and for other purposes, and had found the same truly enrolled.

The Speaker of the House of Representatives having signed the said bill, the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Barlow reported that the committee had performed that duty.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed the said bill.

On the motion of Mr. Wickliffe, a message was sent to the House of Representatives requesting leave to withdraw the report of the passage of a bill from that House, entitled, an act to amend an act, entitled, an act to divide the State into Congressional districts.

After a short time the said bill was returned to the Senate, and the vote by which it was passed, was reconsidered, and it was referred to the committee on the Judiciary.

Mr. J. S. Morgan presented the petition of Ezekial Thruston on behalf of the heirs of Jacoby Halleck, deceased, praying for the passage of a law authorizing the County Court of Bourbon county to appoint a guardian for said heirs, with authority to unite with the other heirs of Sally E. King in making sale and conveyance of certain land—which petition was referred to the committee on the Judiciary.

The Speaker laid before the Senate the following communication, to wit:

Office of the Board of Internal Improvement, }
Frankfort, January 15, 1841.

The Board of Internal Improvement respectfully inform the Senate, through the Hon. Speaker of that house, that on Saturday morning the owners of the steamboat Argo will be ready to convey the members of the General Assembly from Frankfort to lock No. 2, on the Kentucky river,
and return with them on the same day. The boat will be ready to set off by 8 o'clock in the morning. It would afford the members of the Board great pleasure if it would be compatible with the engagements of the two houses, to avail themselves of the opportunity, offered by the public spirited owners of the Argo, to visit the public works.

J. T. MOREHEAD,
SAMUEL DAVIESS,
THOMAS METCALFE.

Hon. MANLIUS V. THOMSON,
Speaker of the Senate.

Mr. Hughes moved the following resolution to wit:

Resolved, That the committee on the Public Library be directed to enquire into the expediency of authorizing the Secretary of State to purchase and deposit in the State Library, the following works, viz: Niles' Register, the Federalist, Jefferson's Works Complete, Smith's Wealth of Nations, the Madison Papers, Cary's Olive Branch, Messages of American Presidents, and Gouge on Banking, and to report by bill or otherwise.

The consideration of the said resolution was postponed for the present.

On the motion of Mr. Payne,

Resolved, That when the Senate adjourn on this evening, they will adjourn to meet on Monday morning.

On the motion of Mr. Weller, leave was given to bring in a bill for the benefit of the Sheriff of Livingston county, R. H. D. Coleman and Nathaniel Gray, and the committee on Finance was directed 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. Clarke in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Clarke reported that the committee had, according to order, had under consideration a bill to regulate the salary of the Circuit Judge of the fifth Judicial District, and having gone through with the same, had directed him to report it to the house without amendment.

And then the Senate adjourned.
MONDAY, JANUARY 18, 1841.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, viz:

An act to amend the election laws of this State.
An act to change the places of voting in two election precincts in Livingston county.
An act to change the place of voting in the Sales precinct in Jefferson county.
An act to establish an election precinct in Calloway county, and for other purposes.
An act regulating the special terms of the Circuit Courts for the trial of criminals. Approved January 14th, 1841.

That they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act for the benefit of the Commonwealth's Attorney of the fifth Judicial District.

That they had passed a bill from the Senate, entitled, an act to change the time of holding the Circuit Courts in the 16th Judicial District.

And that they had passed bills of the following titles, viz:

1. An act for the benefit of the administrator and heirs of Mordecai Jackson, deceased.
2. An act for the benefit of the devisees of James H. Rowe, deceased.
3. An act to divorce Patience Murray.
4. An act to divorce Matilda Wood.
5. An act for the benefit of Susannah Shacklett.
6. An act to divorce Polly Sword, and for other purposes.
7. An act for the benefit of Maria Gibbs.
8. An act for the benefit of Eliza Putnam.
9. An act for the benefit of Mary Finch.
10. An act for the benefit of Paulina Howard.
11. An act for the benefit of the Sheriff of Washington county.

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

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st and 2d to the committee on the Judiciary; the 3d, 4th, 5th, 6th, 7th, 8th, 9th, and 10th to the committee on Religion, and the 11th to the committee on Finance.
1. Mr. Rice presented the petition of sundry citizens of Bath and Montgomery counties, praying a careful revision of the present licence laws, and such a change in the whole system as will no longer permit tippling to exist, in any form, under the sanction and protection of law.

2. Mr. Weller presented the petition of Syrenia Broders, praying for a divorce from her husband, James Broders.

3. Mr. Wingate presented the petition of Nancy Ford, guardian for her infant children, praying for the passage of a law authorizing the sale of the interest of said infants in a certain tract of land in Gallatin county, near Warsaw.

4. Mr. J. V. Walker presented the opinion of the County Court of Logan county, that it would be just and proper for the Legislature to pass a law for the relief of Ed. T. Anderson and Thomas O. Anderson, deputy Sheriffs of said county, in relation to their delinquent list.

5. Mr. Sterett presented the petition of sundry citizens of Breckinridge county, praying a careful revision of the licence laws, and such a change in the whole system as will no longer permit tippling to exist, in any form, under the sanction and protection of law.

6. Mr. Griffith presented the petition of A. G. Walker, praying for a divorce from his wife.

7. Mr. Dyer presented the petition of sundry citizens of the counties of Muhlenburg, Daviess, and Ohio, praying for the formation of a new county out of parts of said counties.

8. Mr. M. Williams presented the petition of sundry citizens of Bath county in behalf of America Oakley, an idiot, praying for some arrangement granting her relief.

9. Mr. Quarles presented the petition of W. Simpson, Clerk of the Circuit and County Court of Wayne, praying for the passage of a law allowing him further time to renew his official bond.

Which were received and referred: the 1st, 4th, and 5th to the committee on Finance; the 2d and 6th to the committee on Religion; the 3d and 8th to the committee on the Judiciary; the 7th to the committee on Propositions and Grievances, and the 9th to a select committee of Messrs. Quarles, Johnston, and Huston.

Mr. J. V. Walker, from the committee on Propositions and Grievances, to whom was referred the petition of John H. Philips, praying to be allowed to keep a coffee house, reported the same with the following resolution thereon:

Resolved, That the said petition be rejected—which was twice read and concurred in.

Mr. J. V. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the town of New Port, reported the same without amendment.
Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

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

Mr. Hardin, from the committee on Religion, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act for the divorce of Samuel J. Cabell and Louisa Cabell.

An act for the divorce of Madisonia Quinn.

An act for the divorce of John Pence.

An act for the benefit of Elizabeth Adams.

An act for the divorce of Pendleton H. Harrod.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Ballinger moved that the committee on Internal Improvement be discharged from the further consideration of the petition of Juliet Henry, executrix of M. W. Henry, deceased, praying to be reimbursed for losses sustained by the washing away of an abutment at lock and dam No. 4, on Green river.

The question being taken on discharging the committee, it was decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


And leave was given to withdraw the petition.

The following bills were reported, viz:

By Mr. Hardin, from the committee on Religion—1. A bill for the divorce of Albert G. Young and Catharine N. Young, his wife.
By Mr. Ballinger, from the committee on Internal Improvement—2. A bill concerning turnpike gates.

By Mr. James, from the committee on Finance—3. A bill for the benefit of the Sheriff of Livingston county, R. H. D. Coleman and Nathaniel Gray.

By Mr. Clarke, from the committee on Education—4. A bill for the benefit of the Kentucky Baptist Education Society.

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

The constitutional rule as to the second reading of said bills being dispensed with, the 2d was recommitted to the committee on Internal Improvement, and the 1st, 3d, and 4th were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st, 3d, and 4th bills being dispensed with, and the same being engrossed,

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

Mr. Ballinger, from the committee on Internal Improvement, to whom was referred a bill for the benefit of Morgan county, reported the same with amendments—which were concurred in.

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

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended to read, an act for the benefit of the Morgan and Laurel County Courts.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Green River Iron Manufacturing Company, reported the same with amendments—which were concurred in.

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

Mr. Clarke, from the committee on Education, to whom was referred a bill to change the mode of paying the Commissioners of Common Schools in Wayne county, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

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

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

An act to divorce Thomas A. Palmer.

An act for the divorce of Harrison Turner.
An act to divorce Nancy Shelton,
An act for the benefit of George W. Clark.
An act for the benefit of the Louisville Pilots' Benevolent Society.
An act to establish an election precinct in Perry county, and for other purposes.
An act for the benefit of George H. Clements, and others.
An act to change the place of voting at an election precinct in Hopkins county.
An act for the benefit of Cassius M. Clay.

And had found the same truly enrolled.

The said bills having been signed by the Speaker of the House of Representa­
tives, 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. Barlow reported that the committee had performed that duty.

The Speaker laid before the Senate the following communication, to wit:

OFFICE OF THE SECRETARY OF STATE,}  
January 18th, 1841.}  

I have the honor to transmit to the Senate, through you, a statement showing the resources and liabilities of the Mechanics' Savings Institution of Louisville for the year 1840; also, an additional statement from the Louisville Savings Institution, received by the last mail from that city.

I have the honor to be, very respectfully,

Your obedient servant,
JAMES HARLAN,  
Hon. M. V. THOMSON,  
Speaker of the Senate.

Ordered, That the said communication be referred to the committee on Banks.

Mr. James was discharged from serving on the committee on Propositions and Grievances.

The resolution, read and laid on the table by Mr. Wickliffe on the 14th instant, requesting information from the Governor, was taken up, twice read and adopted.

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

On the motion of Mr. J. V. Walker—1. A bill for the benefit of the Sheriff of Logan county;

On the motion of Mr. Schooling—2. A bill to close the old road from the house of Daniel Singleton, deceased, to the house of W. H. Hawkins, in New Market, on the Lexington and Nashville road.

On the motion of Mr. Rice—3. A bill to apply the proceeds of the sale
of vacant land in the county of Lawrence, in aid of the county levy in said county, and for other purposes.

The committee on Finance was directed to prepare and bring in the 1st; the committee on Internal Improvement the 2d, and Messrs. Rice, Burnett, and Wingate were appointed a committee to prepare and bring in the 3d.

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

The rule of the Senate being dispensed with, 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 to be commissioned for the offices annexed to their respective names, to wit:

Joseph Bengey to be Sheriff of Harlan county, the County Court having failed to make a recommendation at either of the periods prescribed by the Constitution.

Henry B. Brown to be Police Judge for the town of Lancaster, in the place of James B. Smith, who was commissioned the 9th instant by the advice and consent of the Senate, but declined to accept the office.

Oliver M. De Courcy to be Sheriff of Campbell county in the place of Samuel Baker, resigned.

January 18, 1841.

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

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

1. An act for the benefit of the first school district in the county of Pike.

2. An act for the benefit of John Jones, late Sheriff of Jefferson county.

3. An act to amend an act, entitled, an act to amend and reduce into one the several act regulating the town of Henderson, approved January 21st, 1840.

4. An act for the benefit of the Sheriff of Bourbon county.

5. An act to emancipate Eliza and her children, and for other purposes.

6. An act to provide for a change of venue in the prosecution against Samuel G. Lowe.

7. An act to transfer the vacant lands in Lawrence, Carter, and Livingston counties to the use of Common Schools.

Were severally read the first time, and ordered to be read a second time. The constitutional rule as to the second reading of the said bills being dispensed with, they were referred: the 1st and 7th to the committee on Education; the 2d and 4th to the committee on Finance; the 3d to the committee on Propositions and Grievances, and the 5th and 6th to the committee on the Judiciary.

Mr. Wickliffe presented the petition of Thomas B. Megowan, Jailer of Fayette county, praying for the passage of a law to reimburse him for mo-
TUESDAY, JANUARY 19, 1841.

A message was received from the House of Representatives announcing that they had passed bills from the Senate of the following titles, to wit:

1. An act to authorize the building of a bridge across Mayfield's creek.
2. An act to amend an act, entitled, an act further to regulate the Board of Internal Improvement for the counties west of the Tennessee river, approved March 1st, 1836.
3. An act further to amend an act, entitled, an act to amend the law which provides for condemning land and materials for works of Internal Improvement, approved 23d February, 1837.
4. An act to repeal an act authorizing the erection of a toll gate within less than one mile of the Courthouse in Stanford.
5. An act for the benefit of the New York Historical Society.
6. An act for the benefit of S. H. Chew, jr. and others.
7. An act authorizing Levin Laurence to sell a slave.
8. An act for the benefit of the heirs of Matthew Galt.
9. An act regulating the powers of the Trustees of the town of Sharpsburg.
10. An act for the benefit of the Clerk of the Boone County Court.
11. An act to change the time of holding the Pike County Court.
12. An act to appoint Trustees for the Grant Seminary.
13. An act to allow an additional Constable to the counties of Hardin, Knox, and Harlan.
14. An act to amend and continue in force an act for the benefit of Den¬
ton Geoghegan and Barton Roby, late Sheriffs of Hardin county, approved
December 11th, 1839.
15. An act to enlarge the first Constable's district in Hardin county.
16. An act to change the place of voting in election precincts in Hardin
and Barren counties.
17. An act for the benefit of the mechanics of the town of Smithland.
18. An act to amend and revive the law in relation to the election of
Trustees for the town of Stanford, Lincoln county.
19. An act for the benefit of the Sheriff of Montgomery county.
20. An act for the benefit of William Simmons and his committee.
Which bills were severally read the first time, and ordered to be read a
second time.

The constitutional rule as to the second reading being dispensed with;
the 1st, 3d, and 4th were referred to the committee on Internal Improve¬
ment; the 2d, 7th, 8th, and 17th to the committee on the Judiciary; the 5th
and 12th to the committee on Education; the 10th, 14th, 19th, and 20th to
the committee on Finance; the 11th, 13th, 15th, and 18th to the committee
on Propositions and Grievances; the 16th to the committee on Privileges
and Elections, and the 9th was ordered to be read a third time.

The constitutional rule as to the third reading of the 9th bill being dis¬
pensed with,
Resolved, That the said bill do pass, and that the title thereof be as afore¬
said.

1. Mr. Dyer presented the petition of sundry citizens of the counties of
Muhlenburg and Butler, praying for the repeal of an act locating a lock and
dam on Muddy river.

2. Mr. Wingate presented the petition of a committee on behalf of the
State Agricultural Society, praying for the passage of a law to allow $500
in aid of said Society, for the purpose of paying off premiums for the best
practical essays which can be procured, on subjects of general interest to
agriculture, and in the printing and distributing the useful essays so obtained,
and under such direction and restriction as the General Assembly may de¬
signate.

3. Mr. Pirtle presented the petition of the stockholders of the Mechanics'|
Savings Institution of the city of Louisville, praying for an amendment to
the charter of said Institution.

4. Mr. Pirtle also presented the petition of the Firemen of the city of
Louisville, praying for the passage of a law to incorporate the Fire Department of said city.

5. Mr. Wickliffe presented the petition of George Ann Murray, praying for a divorce from her husband.

Which were received and referred: the 1st to the committee on Internal Improvement; the 2d to the committee on Agriculture; the 3d to the committee on the Judiciary; the 4th to the committee on Propositions and Grievances, and the 5th to the committee on Religion.

Mr. Rice, from the committee on Propositions and Grievances, reported a bill to add a part of the county of Perry to the county of Harlan—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

1. Mr. Johnston, from the committee on Finance, reported a bill authorizing the Second Auditor to appoint two Assistant Clerks.

2. Mr. Clarke, from the committee on Education, reported a bill for the benefit of the Estill Seminary.

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

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st was placed in the orders of the day, and the 2d was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 2d bill being dispensed with, and the same being engrossed,

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

Mr. Johnson, from the committee on Finance, to whom was referred a bill to amend the law in relation to Pedlars, reported the same with amendments—which were concurred in.

The said bill was further amended, and committed to the committee on the Judiciary.

Mr. Slaughter, from the committee on Agriculture, to whom was referred the preamble and resolutions relative to the inspection of tobacco, reported the same without amendment.

The said preamble and resolutions were adopted.

Mr. Quarles, from a select committee, reported a bill for the benefit of William Simpson—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended and ordered to be engrossed and read a third time.
The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto, and George F. Hatcher.

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

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

EXECUTIVE DEPARTMENT,
Frankfort, Jan. 19, 1841.

Gentlemen of the Senate:

I nominate for your advice and consent, Bartlett M. Hall to be Lieutenant Colonel in the 18th Regiment, 2d Brigade, in the place of P. S. D. Mitchell, removed.

Seth Cook, jr. to be Major in the 18th Regiment, 2d Brigade, in the place of Daniel K. Mitchell, removed.

Peter Bean to be Colonel of the 36th Regiment, 5th Brigade, in the place of Obediah Tracey, promoted.

Christopher Fry to be Lieutenant Colonel in the 36th Regiment, 5th Brigade, in the place of Peter Bean, if promoted.

Thomas Hart to be Major in the 36th Regiment, 5th Brigade, in the place of Christopher Fry, if promoted.

Armstrong Hendricks to be Colonel of the 44th Regiment, 16th Brigade, in the place of Abel Gilliland, who has absented from the duties of his office.

William Gastineau to be Lieutenant Colonel of the 44th Regiment, 16th Brigade, in the place of Armstrong Hendricks, if promoted.

James Price to be Major of the 44th Regiment, 16th Brigade, in the place of William Gastineau, if promoted.

John M. Weddle to be Colonel of the 95th Regiment, 16th Brigade, in the place of Samuel Reese, removed.

Dickey F. Cundiff to be Lieutenant Colonel of the 95th Regiment, 16th Brigade, in the place of John M. Weddle, if promoted.

Milford Elliott to be Major of the 95th Regiment, 16th Brigade, in the place of Dickey F. Cundiff, if promoted.

William Campbell to be Major of the 97th Regiment, 27th Brigade, in the place of Edward Payne, deceased.

John Lewis to be Colonel of the 124th Regiment, 18th Brigade.

Samuel Howard to be Lieutenant Colonel of the 124th Regiment, 18th Brigade, and

Jonathan Smith to be Major of the 124th Regiment, 18th Brigade.

Alexander Hunter to be Colonel in the 15th Regiment, 7th Brigade, in the place of Jacob A. Slack, resigned.

William S. Pickett to be Lieutenant Colonel in the 15th Regiment, 7th Brigade, in the place of Alexander Hunter, if promoted.

Abram Bledsoe to be Major in the 15th Regiment, 7th Brigade, in the place of William S. Pickett, if promoted.

Samuel Henderson to be Lieutenant Colonel in the 29th Regiment, 7th Brigade, in the place of Warner Wilson, resigned.
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Isaac Reed to be Major in the 29th Regiment, 7th Brigade, in the place of Samuel Henderson, if promoted. R. P. LETCHER.

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

The resolution, read and laid on the table by Mr. Hughes on the 15th instant, relative to the purchase of certain books for the State Library, was taken up, twice read and adopted.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Public Printer print 5,000 copies of the Address delivered on Agriculture, by the Hon. Chilton Allan in the Capitol on the 2d Monday of the present month; and that the same be delivered to the members of the Legislature, to be by them distributed among their constituents.

On the motion of Quarles, leave was given to bring in a bill concerning the Trustees of the town of Monticello, and Messrs. Quarles, Sterett, and Dyer 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. Wingate in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Wingate reported that the committee had, according to order, had under consideration a bill to repeal an act, entitled, an act to amend the law to prohibit the importation of slaves into this State, approved February 2d, 1833, and for other purposes, and had made some further progress therein, but not having time to go through the same, had directed him to ask leave to sit again—which leave was granted.

And then the Senate adjourned.

WEDNESDAY, JANUARY 20, 1841.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, viz:

An act to change the place of voting at an election precinct in Hopkins county.

An act for the benefit of Cassius M. Clay.
An act to establish an election precinct in Perry county, and for other purposes.
An act for the benefit of George H. Clements, and others.
An act for the benefit of the Louisville Pilots' Benevolent Society.
An act to divorce Nancy Shelton,
An act for the benefit of George W. Clark.
An act to divorce Thomas A. Palmer.
An act for the divorce of Harrison Turner.

Approved 18th January, 1841.

And that they had passed bills of the following titles, viz:
An act to establish the Kentucky Institution for the education of the blind.
An act to establish the office of Sergeant of the General Court.
An act to amend an act, entitled, an act to amend an act directing the duty of Surveyors of land,
An act for the benefit of John Mershon.
An act for the benefit of William Wilbourn, of the county of Russell.
An act to change the place of voting from Greenville C. Alfred's, in Washington county, to Leonard Seay's, jr.

1. Mr. Rice presented the petition of sundry citizens of Greenup and Carter, praying for the passage of an act amendatory to the act establishing the county of Carter, making the boundary of said county more specific.

2. Mr. De Courcy presented the petition of sundry citizens of Pendleton county, praying for a repeal of all laws now in force, licensing, in any form, the retail or sale of spirituous liquors as a beverage or common drink, and for the passage of a law prohibiting the same.

Which were received and referred: the 1st to the committee on Propositions and Grievance, and the 2d to the committee on Finance.

Mr. Pirtle, from the committee on the Judiciary, reported a bill to allow Jonathan Davidson a change of venue—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

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

Mr. Pirtle, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:
An act to provide for a change of venue in the prosecution against Samuel G. Lowe.
An act for the benefit of the heirs of Matthew Galt.
An act for the benefit of the administrator and heirs of Mordecai Jackson, deceased.
An act for the benefit of Joseph L., William A. and David H. M. Phillips
An act to emancipate Eliza and her children, and for other purposes.

Reported the same without amendment.
Ordered, That the said bills be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bills do pass, and that the titles thereof be as
aforsaid.

Mr. Pirtle, from the same committee, to whom was referred a bill from
the House of Representatives, entitled, an act for the benefit of the devisees
of James H. Rowe, deceased, reported the same with an amendment—
which was concurred in.

Ordered, That the said bill be read a third time, as amended.
The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill, as amended, do pass, and that the title thereof
be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill from
the House of Representatives, entitled, an act to amend an act, entitled, an
act to divide the State into Congressional Districts, reported the same with
amendments—which were concurred in.

The said bill was placed in the orders of the day, and the Public Printer
directed to print 150 copies of the said bill, as amended, for the use of the
General Assembly.

On the motion of Mr. Pirtle, the committee on the Judiciary was discharg­
ed from the duty of preparing and bringing in a bill for the benefit of the
Right Reverend Benedict Joseph Flaget, and for other purposes; and a bill
to change the April term of the Marion Circuit Court.

Mr. Barlow, from the committee on Enrollments, reported that the com­
mitee had examined enrolled bills which originated in the House of Repre­
sentatives of the following titles, viz:

- An act for the divorce of Pendleton H. Harrod.
- An act for the benefit of the town of Newport.
- An act for the benefit of Elizabeth Adams.
- An act for the divorce of Madisonia Quinn.
- An act for the divorce of Samuel J. Cabell and Louisa Cabell.
- An act for the divorce of John Pence.
- An act for the benefit of married women whose husbands have abandoned
  them.
- An act to divorce Elizabeth Fox, and to change her name.
- An act for the benefit of the Commonwealth's Attorney of the fifth
  Judicial District.

And enrolled bills which originated in the Senate of the following titles,
to wit:

- An act to change the time of holding the Circuit Courts in the 16th Ju­
  dicial District.
- An act to change the time of holding the County Courts of Monroe.
An act to amend the charter of the Frankfort Bridge Company.
An act to regulate the fees of the Marshal of the Louisville Chancery Court.

And had found the same truly enrolled.

The said bills having been signed by 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. After a short time, Mr. Barlow reported that the committee had performed that duty.

A bill from the House of Representatives, entitled, an act to incorporate the Green River Iron Manufacturing Company, was read a third time, as amended.

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

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled an act allowing an additional Constable to the counties of Hardin, Knox, and Harlan, reported the same without amendment. The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, Hickman and Pulaski.

Mr. Rice, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to change the time of holding the Pike County Court, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Rice, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to enlarge the first Constable's district in Hardin county, reported the same with the opinion of the committee that it ought not to pass.

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.

On the motion of Mr. Rice, the committee on Propositions and Grievances was discharged from the further consideration of the petition of the members of the Fire Companies in the city of Louisville, and the said petition was referred to the committee on the Judiciary.

On the motion of Mr. Rice, the committee on Propositions and Grievances was discharged from the further consideration of the petition of sundry citizens of Livingston county, praying for a division of said county, and also, the remonstrance of sundry citizens of said county against the division
Mr. Rice, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of the counties of Union, Livingston, Caldwell, and Hopkins, praying for the formation of a new county out of parts of said counties, to be called Howard, reported the same with the following resolution thereon:

Resolved, That the said petitions be rejected—which was discussed for some time, and the Senate proceeded to the consideration of the orders of the day.

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, the Speaker resumed the Chair, when Mr. Wingate reported, that the committee had, according to order, had under consideration a bill to repeal an act, entitled, an act to amend the law to prohibit the importation of slaves into this State, approved February 2d, 1833, and for other purposes, and had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which was granted.

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

And then the Senate adjourned.

THURSDAY, JANUARY 21, 1841.

A message was received from the House of Representatives, announcing that they had disagreed to the amendment proposed by the Senate to a bill from that House, entitled, an act to amend the several laws of this Commonwealth relative to the duties of Clerks of Circuit Courts.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act to establish a State road from Henderson through Madisonville to Hopkinsville.

An act to incorporate the Elizabethtown Fire Company.

An act to establish the road leading from Hopkinsville to Clarkesville, Tennessee, as a State road.

An act concerning the town of Carrollton.

An act to incorporate the Green River Iron Manufacturing Company.
An act allowing an additional Justice of the Peace to the county of Breathitt, and for other purposes.

An act to alter the time of holding the Estill County Court.

That they had passed bills which originated in the Senate of the following titles, viz:

An act allowing the Clerk of the Campbell County Court further time to renew his official bond.

An act for the benefit of the Kentucky Historical Society.

An act to allow an additional Constable to Breckinridge county.

An act to change the boundary of Georgetown, Scott county.

An act abolishing the election precincts in Pulaski county.

An act to amend an act, entitled, an act incorporating the Frankfort, Georgetown, and Paris Turnpike Road Company, approved February 28th, 1835.

An act for the benefit of Shelby College, and the Theological Seminary of the Protestant Episcopal Church in Kentucky.

An act for the benefit of Thomas Holmes.

An act for the benefit of William Simpson and George F. Hatcher.

An act concerning the record books of the County and Circuit Courts of Madison.

With an amendment to the last named bill.

That they had concurred in a resolution from the Senate, fixing a day for the election of public officers, and the preamble and resolutions relative to the inspection of tobacco.

And that they had passed bills of the following titles, viz:

An act to repeal the 2d and 3d Edward 6th, chapter 15, entitled, the Bill of Conspiracies of Victuallers and Craftsmen, and for other purposes.

An act for the benefit of James Pagett.

An act concerning the town of Mountsterling.

An act for the benefit of the Administrator and heirs of John W. Lowry, deceased.

The Speaker laid before the Senate the following communication from the Governor, to wit:

EXECUTIVE OFFICE, January 20, 1841.

Gentlemen of the Senate and House of Representatives:

I transmit, herewith, the annual report of the Commissioners of the Sinking Fund.

R. P. LETCHER, Chairman.

[For the report, see Legislative Documents, page 383.]
Ordered, That the said report be referred to the committee on the Sinking Fund, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

The message of the Governor, received on yesterday, was taken up and read as follows, to wit:

Gentlemen of the Senate:

In answer to the following resolution of the Senate—

"Resolved, That his Excellency, the Governor, be, and he is hereby, respectfully requested to inform the Senate in what manner, and at what time, he paid $235,180 to the Northern Bank of Kentucky, and $180,000 to the Bank of Kentucky: if in bonds of the State, then to state what was the nature and terms of his agreement to each of the said institutions? Was there any promise, or agreement, or understanding, that if the bonds sold for more than their par value, that the excess shall be repaid to the State; and if for less, that the Banks, or either of them, shall have any claim on the State for the losses that they, or either of them, shall sustain on the sale of the bonds? or any other understanding or agreement relative to a loss or gain by the sale of the bonds.

To inform the Senate what arrangement, if any, has made with the Bank of Kentucky to pay the interest accruing on the bonds of the State up to the 1st day of January, 1841?—when was the arrangement made? And further, if the said interests, and other demands on the Treasury for interests due up to the 1st day of January, 1841, has been paid? and how, and by whom paid?—by the Bank of Kentucky? And further, to state by what mode, and when, has he engaged to pay the Bank of Kentucky."

I transmit copies of a correspondence I had with the Northern Bank of Kentucky, and the Bank of Kentucky, marked from No. 1 to 71 inclusive, and from A to I, inclusive.

These papers show the terms upon which I paid to the first named institution $235,000, and to the other, $180,000, of thirty years bonds of the State, issued in virtue and in pursuance of the act of the 21st of February, 1840, entitled, "an act to provide for the payment of the public contractors, and to preserve the faith of the State."

It will be seen by the written contracts, (No. 6 and 11,) that the Banks received the bonds of the State at par, with a stipulation, that if more is realized in the sale of them, the overplus is to be paid to the State.

There was no "promise, agreement, or understanding," direct or indirect, expressed or implied, or "any other agreement or understanding" whatever, relative to these debts, other than is shown on the face of the papers now transmitted.

My predecessor, (Lieutenant and Acting Governor Wickliffe,) as Chairman of the Commissioners of the Sinking Fund, as early as March last, in anticipation of the failure of the proceeds of that fund to meet the burden on it for the current year, made an arrangement with the Bank of Kentucky for the loan of $70,000. The Bank afterwards rescinded the order, but finally agreed, by subsequent arrangement with myself, to advance the amount. In order to meet the interest on Internal Improvement bonds, the Commissioners of the Sinking Fund borrowed $35,000 from the Bank of
Kentucky, which is payable as follows: $5,000 the 7th of March next, and $30,000 the 1st of May next. The last named sum was appropriated in the payment of the January installment of interest, and the $5,000 in the July installment. In July last the installment of interest due on the bonds held by the Board of Education, was paid by Lieutenant and Acting Governor Wickliffe as Chairman of the Board of Commissioners of the Sinking Fund—for the payment of $17,500 of which he drew his check upon the Bank of Kentucky, which was received by the Board of Education as so much cash. This check was drawn under the arrangement with the Bank above spoken of. The Board of Education resolved to invest this installment of interest in State securities, and purchased of Governor Wickliffe $24,000 of six per cent. Internal Improvement Bonds, and in payment for which, handed over to the Governor this check of $17,500, which the Governor placed, together with the balance of the $24,000, in the Treasury of the State, to the credit of the Internal Improvement Fund. At a subsequent period, the present Governor, as Chairman of the Sinking Fund, acting under a resolution of the Commissioners, made an arrangement with the Board of Internal Improvement to suspend, to a future period, the payment of $12,500 of the $17,500 check, to which they agreed upon the payment of $5,000, which was borrowed of the Bank of Kentucky by the Commissioners of the Sinking Fund, and which is the same $5,000 above mentioned, and a portion of the July installment of interest falling due under the administration of Governor Wickliffe.

For the reasons stated in the Executive message at the commencement of the present session, the installment of interest which fell due the present month on the Internal Improvement Bonds, held by the Board of Education, has not been paid. The coupons attached to $100,000 of five per cent. bonds, held by the Northern Bank of Kentucky, and $150,000 of like bonds, held by the Bank of Kentucky, have not been presented for payment, and therefore not paid. With these exceptions, the installments of interest on the State bonds have been punctually paid. And all of which interest has been paid by the Commissioners of the Sinking Fund from the proceeds of the fund, except the amount above stated of $35,000.

The correspondence and other papers connected with the arrangement with the Bank of Kentucky, will fully explain the transaction.

January 20, 1841.

R. P. LETCHER.

No. 1.

NORTHERN BANK OF KENTUCKY,
Lexington, October 28, 1840.

DEAR SIR:
The Directors of this Bank, at their meeting on yesterday afternoon, went into the consideration of the state of the institution in reference to the resumption of specie payments, (an event which is now considered as certain within the next 90 days,) and have come to the conclusion, that to meet the demands which may then, and probably will be made on the Bank, it is ne-
cessary to make available the debt due from the State, and, therefore, unanimously adopted the preamble and resolution which accompanies this letter, which I am directed to communicate to you, and respectfully to ask to be furnished, as soon as your convenience will permit, with the State six per cent. bonds, as provided for in the contract on the subject, with your predecessors, Governor Clark and Lieutenant and Acting Governor Wickliffe.

I am, sir, with great regard,
Your obedient servant,

JNO. TILFORD, Pres.

His Excellency, R. P. Letcher.

No. 2.

NORTHERN BANK OF KENTUCKY,
Lexington, October 27, 1840.

At a meeting of the Board of Directors, on this day, the following preamble and resolution were unanimously adopted, viz:

"WHEREAS, The prospect of an early resumption of specie payments renders it incumbent on this institution to collect its means for sustaining its credit; and, in the opinion of this Board, the exigency has arisen, on which this Bank has become authorized to dispose of the six per cent. bonds which, by contract, were to have been deposited as collateral security for a loan of two hundred and thirty five thousand dollars to the State of Kentucky—wherefore,

"Resolved, That the President of the Northern Bank of Kentucky be directed to apply to the Governor of Kentucky for the six per cent. bonds agreed to be deposited as aforesaid, with a view of disposing of them according to said contract."

(Extract from the minutes.)

M. T. SCOTT, Cashier.

No. 3.

EXECUTIVE OFFICE,
29th October, 1840.

To Maj. John Tilford,
President of the Northern Bank of Kentucky:

Dear Sir:

I have received your letter of the 28th instant, inclosing a resolution adopted by the Board of Directors on the 27th, applying for six per cent. State Bonds in payment of the debt due from the State to the Bank. I am fully aware of the justice of your claim, and also of the existing necessity of its adjustment immediately.

My authority to pay the Bank debts, as you know, is derived from the act of the Legislature, approved 21st February, 1840—(see Session Acts, pages 271-2). The bonds in extinguishment of the debts, or for any other pur-
poses, cannot be disposed of at a rate less than par value in Kentucky currency. It may (and I hope will happen) that the bonds will command, in a short time, more than par value in Kentucky currency. In that event, I wish, on the part of the State, to stipulate with you for the overplus, should there be any. This would be fair and just and proper. The Banks, I am very sure, do not desire to speculate upon the credit of the State in its present condition.

It is exceedingly important to the State, just at this moment, that every dollar should be saved. However, upon this matter, I am not now about to make an argument; indeed, I am perfectly confident the mere suggestion that the State ought to have the benefit of her own credit, is so obviously correct that no argument is requisite.

Suppose you come here Monday or Tuesday next and let us close the matter. I am looking for the President of the Bank of Kentucky, upon the same sort of business. I received a letter from him a few days since, urging the payment of the debt due the Bank of Kentucky, and suggested to him I would be glad to see him upon the subject.

With sentiments of high regard,

I am your obedient servant,

R. P. LETCHER.

No. 4.

NORTHERN BANK KENTUCKY,

Lexington, Nov. 9th, 1840.

DEAR SIR:

I send by Mr. Mentelle, the receipt for the State Bonds. We have added to what you proposed, being only the contract with Governors Clark and Wickliffe, which we presume will not be objectionable.

In regard to whom the bonds are to be made payable, I would think that of the Chairman Board of Internal Improvement, would be the most suitable—they being payable to bearer, it will require no endorsement on his part.

I did not receive your letter of the 8th, until this evening, which will account for not writing you by the mail of this morning.

When the bonds are received, Mr. Scott will make all the necessary interest calculations, and transmit, with the account, the notes of the Chairman of the Board of Internal Improvement.

I am, dear sir, with great respect, yours,

JNO. TILFORD, President.

Hon. J. HARLAN,

Secretary of State, Frankfort, Kentucky.

No. 5.

NORTHERN BANK KENTUCKY,

Lexington, Nov. 9th, 1840.

DEAR SIR:

I have sent Mr. Mentelle (our Messenger) to Frankfort for the purpose of bringing up the bonds; and, by him, I have transmitted a receipt
for the same, being the same prepared by Mr. Harlan, with the addition of a reference to our contract with Governors Wickliffe and Clark, which I take for granted will not be objectionable to you, while it operates as a discharge to the State; yet, in the event of a loss in the sale, leaves us at liberty to petition the Legislature for remuneration, and obligates us to give the excess above the par value to the State.

I trust we shall be enabled to get a price for them that will equal all our expectations, or to make arrangements that may enable us to postpone, for the present, a sale; this, however, will depend much on the state of things that may exist when I arrive east, and of the wants of the Bank, that a short time now will fully unfold.

We make in the receipt an allusion to our contract with your predecessors, not for any purpose of asserting a legal right—because we are aware you are not authorized to give them but at par, but to show, as we have stated, our intention to ask the Legislature for remuneration, should a loss be sustained by us. I have instructed Mr. Mentelle, if the bonds are not ready, to wait; and I hope you will dispatch him as soon as possible, as recent news from the east make it desirable, for the interest of the institution, that I should leave as soon as possible. I design leaving on Monday, and again tender my services, if I can render you or the State any service.

I am, dear sir, with great regard,

Your obedient servant,

JNO. TILFORD.

His Excellency, R. P. Letcher.

No. 6.

The Commonwealth of Kentucky being indebted to the Northern Bank of Kentucky, in the sum of two hundred and thirty five thousand dollars, for loans for Internal Improvement purposes, Robert P. Letcher, Governor of said Commonwealth, has, this day, delivered to the undersigned, President of the said Bank, thirty year bonds, amounting to said sum of $235,000, issued in virtue of the act of the Legislature, approved 21st February, 1840, entitled, "an act to provide for the payment of the Public Contractors, and to preserve the faith of the State;" which bonds are in payment of said debt to said Bank; and in pursuance and by authority of a resolution of said Bank, passed the 3d November, 1840, (a copy of which is hereto annexed,) the undersigned agree to and with said R. P. Letcher, as Governor aforesaid, that any amount received on the sales of the said bonds, over and above the nominal amount in Kentucky currency, shall be paid to the State of Kentucky.

It is however understood that, by the original contract, the State of Kentucky was bound to make up any deficiency that might occur in the sale of the above bonds. But the Governor being prohibited from issuing bonds, except under the above recited statute, the Bank has agreed to receive them under that law, and agree to the payment of any surplus over Kentucky currency, with a full confidence that the State will preserve its faith by making good, according to contract, any loss that may be sustained by this institution.

JNO. TILFORD, President.
No. 7.

[Copy of the resolution referred to in the within receipt.]

NORTHERN BANK OF KENTUCKY,
Lexington, Nov. 3d, 1840.

At a called meeting of the Board of Directors the following resolution was unanimously adopted, viz:

Resolved, That the President be authorized to agree with the State of Kentucky that any amount received, on the sales of the six per cent bonds, required by the resolution passed on the 29th day of October last, over and above the nominal amount in Kentucky currency, shall be paid to the State.

(Extract from the minutes.)

M. T. SCOTT, Cashier.

A

BANK OF KENTUCKY,
October 24th, 1840.

To His Excellency, R. P. LETCHER, Frankfort.

DEAR SIR:

When I had the pleasure of seeing you on the 13th instant, I mentioned the debt due this Bank, for advances made on Internal Improvement Bonds, would have to be paid to enable this institution to resume the payments of specie in January, or at an earlier day, if other Banks, now suspended, east, and in the neighboring States, should do so.

Information received here to-day, leaves no doubt of the intention of the Banks in Philadelphia to resume, on or before the 15th of January next; and the importance and necessity for the Banks in Kentucky to be in readiness to act promptly in the case, will be duly appreciated by your Excellency; and, as you mentioned having ordered the printing of some State Bonds, at 30 years, with the interest of six per cent. payable semi-annually, in New York, designed for the payment of the debts due the Bank, I would be obliged if you would write me on what terms and stipulations you would give us the bonds, and on what day they could be delivered, that I may present the subject to the Directors of this Bank. As I may have to go east in six or eight days, your early reply is desired. If it would be deemed more advisable to give us the bonds, to be sold for State account, you can make a proposition also with that object.

Very respectfully, your obedient servant,

VIRGIL McKNIGHT, President.
FRANKFORT, 26th October, 1840.

To Virgil McKnight,
President of the Bank of Kentucky.

Dear Sir:

Your communication of the 24th instant, in relation to the indebtedness of the State to the Bank of Kentucky, is before me. I am exceedingly anxious to discharge the liabilities incurred by the State to all the Banks, as speedily as practicable, and will most readily and cheerfully go as far to accomplish that object as the law allows me.

You enquire of me, upon what “terms and stipulations” the thirty year bonds can be given in discharge of the amount due the Bank of Kentucky. By a reference to the act, approved 21st of February, 1840—(See Session Acts, page 272, section 1st)—you will perceive that bonds can, in no contingency, be disposed of at a rate less than par value in Kentucky currency. Now, as I hope the bonds in a short time may bring, in the eastern market, more than par value in Kentucky currency, of course I should feel not only justified, but compelled to require the overplus by stipulation; this, it seems to me, would be but an act of justice to the State. The Banks, I am perfectly sure, in no event desire to speculate upon the State.

Maj. Tilford will be here probably to-morrow or next day, with the view of arranging the debt due to the Northern Bank. If any arrangement takes place, you shall be immediately apprised of it. Indeed, I would be very much pleased to see you here, in person, at the same time.

Tell me what prospect is there for the State to get a portion of her dividends in six months from the Bank of Kentucky. This information is very important to be had in the present condition of our affairs.

With sentiments of high regard and esteem,

Your obedient servant,

R. P. LETCHER.
want of the funds which alone induces the proposition to take the bonds at par.
It would afford me much pleasure to meet you and Major Tilford, but I cannot, with convenience, do so.

Very respectfully, your ob't serv't,

VIRGIL McKNIGHT, Pres't.

D
EXECUTIVE Office,
30th October, 1840.

DEAR SIR:

Major Tilford will not be here before Monday night or Tuesday morning next. The object of his visit is to obtain State Bonds in discharge of the debt due the Northern Bank by the State. Can't you be here at the same time?
I am anxious to close this matter. The bonds will be ready very soon after the arrangement is made. The printer says he can prepare them without delay.

With great respect, your ob't serv't,

R. P. LETCHER.

VIRGIL McKNIGHT,
President of the Bank of Kentucky.

E
BANK OF KENTUCKY,
November 2, 1840.

DEAR SIR:

I have the honor to enclose you, herewith, a consolidated statement of the Bank of Kentucky and Branches on the 1st of October, with a circular for our constituents.

I wrote you on the 30th, stating on what terms this Bank would take the 30 years bonds in payment of the debt due. There is also a loan made by the Frankfort Branch to the Board of Internal Improvement, I think of ten thousand dollars, that might be included.

Your favor of the 30th ult. did not reach me until this morning, as also one from Major Tilford. And, as he will have been with you, and perhaps left before you receive this—and I have no doubt you will agree with him to furnish the bonds on the most liberal terms that the law allows, the State being a large partner in both the Banks, and the money advanced to the State was in the hour of peril for the credit of the State, to sustain which, the Banks had at last to yield their own, and suspend specie payments, and, from that day on, have contributed liberally and successfully to preserve, beyond suspicion, the State credit—if we sell the bonds so as only to net par in Kentucky currency, you will, no doubt, allow us a fair expense of an agent that would be otherwise employed.

Very truly, your friend and ob't serv't,

VIRGIL McKNIGHT, Prest.

To His Excellency, R. P. LETCHER.
EXECUTIVE DEPARTMENT,
10th November, 1840.

DEAR SIR:

The debt due from the State to the Northern Bank of Kentucky has been discharged in 30 year State Bonds.

The Bank received the bonds at par, and agreed, without a moments hesitation, to pay over to the State whatever sum they may be sold for above Kentucky currency. I hold their agreement in writing to that effect. This arrangement was just in itself, and demanded by every consideration of propriety in reference to the interest of the State. My faith is strong that the bonds will sell for more than par value in Kentucky currency; and, if they should, the full benefit of the overplus ought, most clearly, to be realized by the State.

I send you a copy of the resolution passed by the Directory of the Northern Bank, and, also, a copy of the agreement made in pursuance thereof with the President of the Bank.

With sentiments of high regard and esteem,

I have the honor to be your ob't serv't,

R. P. LETCHER.

VIRGIL MCKNIGHT, Esq.,
President of the Bank of Kentucky, Louisville.

BANK OF KENTUCKY,
November 13th, 1840.

DEAR SIR:

I am in the receipt of your esteemed favor of the 10th inst., covering a copy of the terms on which the bonds were given to the Northern Bank; and you have enclosed, herewith, the resolution of this Directory authorizing me to receive the bonds of the State on the same terms, for the debt due this Bank for advances to the Board of Internal Improvement, amounting to one hundred and eighty thousand dollars; and I transmit you a receipt for them, similar to that given by the Northern Bank, and wish you to send the bonds by Mr. Saunders, the bearer hereof, who is a Clerk in the Bank.

I wrote you a few days since, suggesting that the bonds be made payable to some person other than the Bank of Kentucky, and their endorsement be made in blank.

It would have given me much pleasure to have attended, in person, to receive the bonds, but the necessary preparation for my departure, prevents my doing so.

If You send me a few letters of introduction to persons in Philadelphia and New York, who would possibly be able to afford me some aid in disposing of the bonds, I would be obliged. If Mr. Bullock is in Frankfort, make a similar request of him for me; and, so far as you can with convenience procure them, send the printed reports heretofore made by the Sinking Fund, with any statement you deem useful as to the indebtedness of the Commonwealth, &c.
If the Frankfort Branch has a debt due from the State for advances made to the Board of Internal Improvement, and are willing to take the bonds, they can be sent down now. I hope to start on Monday next.

Very respectfully, your friend and ob't serv't,

VIRGIL MCKNIGHT, Prest.

To his Excellency, R. P. Letcher.

Bank of Kentucky,
13th November, 1840.

The Commonwealth of Kentucky being indebted to the Bank of Kentucky the sum of one hundred and eighty thousand dollars, for loans for Internal Improvement purposes, Robert P. Letcher, Governor of said Commonwealth, has, this day, delivered to the undersigned, President of said Bank, thirty year bonds, amounting to said sum of $180,000, issued in virtue of the act of the Legislature, approved the 21st February, 1840, entitled, "an act to provide for the payment of the Public Contractors, and to preserve the faith of the State," which bonds are in payment of said debt to said Bank. And in pursuance and by authority of a resolution of said Bank, passed the 13th November, 1840, (a copy of which is hereto annexed) the undersigned agree to and with said R. P. Letcher, as Governor as aforesaid, that any amount received on the sales of the said bonds, over and above the nominal amount in Kentucky currency, shall be paid to the State of Kentucky. It is however understood that, by the original contract, the State of Kentucky was bound to make up any deficiency that might occur in the sale of the above bonds. But the Governor being prohibited from issuing bonds, except under the above recited act, the Bank has agreed to receive them under that law, and agree to the payment of any surplus over Kentucky currency, with a full confidence that the State will preserve its faith by making good, according to contract, any loss that may be sustained by this institution.

VIRGIL MCKNIGHT, Prest.

Bank of Kentucky,
Louisville, November 13th, 1840.

At a meeting of the Board of Directors, this morning, it was, on motion, Resolved, That the President be authorized to receive from the Commonwealth of Kentucky, six per cent. State Bonds at 30 years, interest payable semi-annually in New York, for the $180,000 due to this Bank, at par. And to stipulate if sold for more than par in Kentucky currency, the Bank will pay over to the State the surplus over par in Kentucky currency.

(Extract from the minutes.)

GEO. C. GWATHMEY, Cashier.
Ordered, That the said report be referred to the committee on the Sinking Fund.

A message was received from the Governor, by Mr. Harlan, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act to amend the charter of the Frankfort Bridge Company.
An act to change the time of holding the Circuit Courts in the 16th Judicial District.
An act to regulate the fees of the Marshal of the Louisville Chancery Court.
An act to change the time of holding the County Courts of Monroe.

Approved January 20th, 1841.

The Senate resumed the consideration of the resolution reported from the committee on Propositions and Grievances, that the petition for the formation of a new county to be called Howard be rejected.

The question being taken on concurring in the said resolution, it was decided in the negative.

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

Those who voted in the affirmative, were—

Messrs. Bailey,
Griffith,
Huston,
Jesup,
Johnston,
Payne,
Pirtle,
Pratt,
Rice,
Schooling,
Sympson,
Slaughter,
Sterett,
Tomlinson,
Walker, C. J.
Williams, M.
Williams, S. L.–17

Those who voted in the negative, were—

Messrs. Ballinger,
Barlow,
Burnett,
Clarke,
Craddock,
De Courcy,
Dyer,
Ford,
Hardin,
Hughes,
James,
Morgan, J. S.
Walker, J. V.
Wallace,
Weller,
Wickliffe,
Wingate,
Young—18.

Ordered, That said committee of Propositions and Grievances prepare and bring in a bill pursuant to the said petition.

Mr. Rice, from the committee of Propositions and Grievances, to whom was referred the petition of sundry citizens of the counties of Perry and Harlan, praying for the formation of a new county out of parts of said counties, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.
The question being taken on concurring in the said resolution, it was decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Ballinger, from the committee on Internal Improvement, reported a bill giving to the County Courts jurisdiction of the State roads in their respective counties—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was placed in the orders of the day, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act allowing turnpike tollage to witnesses, reported the same with an amendment—which was concurred in.

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

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to establish a State road from Napoleon, in Gallatin county, to intersect the Covington and Georgetown turnpike road at or near Monticello Schoolhouse, in Grant county, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Ballinger moved that the committee on Internal Improvement be discharged from the further consideration of the petition of sundry citizens of Hardin and Jefferson counties, praying for the passage of a law to sustain the credit of the State, and to relieve the Contractors on the public works.

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

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

Resolved, That his Excellency, the Governor, be requested to transmit to the Senate, copies of the original contracts between the Bank of Kentucky and the Northern Bank of Kentucky, made with Governors Clark and Wickliffe, in relation to the debts due by the State to those Banks, and referred to by his Excellency in his communication to the Senate on yesterday; as also copies of the receipts executed by the Banks to his Excellency, the present Governor, which is also referred to by the Governor.

The rule of the Senate being dispensed with, the said resolution was twice read and adopted.

After a short time, the following message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State, viz:

Gentlemen of the Senate:

In answer to the resolution of the Senate of this day, calling upon the Executive for copies of the original contracts with the Bank of Kentucky and the Northern Bank of Kentucky, referred to in the message of yesterday, I transmit papers marked K and L, which are supposed to be embraced by the first paragraph of the resolution. I also transmit copies of the receipts executed by said Banks to the present Executive for those debts, marked respectively M and N, and which are the same receipts marked No. 6 and H, transmitted by me yesterday.

R. P. LETCHER.

January 21, 1841.

K

Extract from the minutes of the Commissioners of the Sinking Fund.

At a meeting of the Board of Commissioners of the Sinking Fund, the 8th September, 1840—

The subject in relation to the loan from the Bank of Kentucky of $70,000 to the Commissioners of the Sinking Fund was introduced, when the President of the Bank of Kentucky stated that, upon the reception of the letter from J. M. Bullock, Secretary and Treasurer, informing him that his Excellency, C. A. Wickliffe, as Chairman, had drawn upon said Bank for $17,500, under and by virtue of a resolution passed by said Bank, agreeing to loan said $70,000, he called a meeting of the Directors of the Bank, and
submitted to them said letter, and the subject therein referred to; upon which certain resolutions were adopted by the Board of Directors, which, together with the previous resolutions upon the same subject, the President of the Bank of Kentucky laid before this Board, and which are as follows, to wit:

At a meeting of the Board of Directors of the Bank of Kentucky on Thursday the 3d of March, 1840, it was, on motion,

Resolved, That this Bank will loan to the Commissioners of the Sinking Fund the probable amount (say $70,000) of dividends accruing to the State and the Sinking Fund, rating said dividends at six per cent. per annum. That said Commissioners be charged with the amounts advanced from time to time to the extent of the above sum; and, also, with interest from the time of such drafts—the amount thus loaned to be paid by dividends hereafter made.

And at a meeting of the Board of Directors on Friday, 13th March, 1840, it was, on motion,

Resolved, That the resolution of the Board, passed on the 3d March, 1840, as to a loan to the Commissioners of the Sinking Fund of the probable amount of dividends coming to the State and the Sinking Fund, be, and the same is hereby, rescinded.

Resolved, That if the Commissioners of the Sinking Fund be authorized to borrow money, that this Bank will loan them, if required, a sum not exceeding seventy thousand dollars, within the ensuing year.

And at a meeting of the Board, on Monday the 7th of September, 1840, the following preamble and resolutions were adopted, viz:

WHEREAS, The resolution of the 3d March, 1840, by which the Bank of Kentucky resolved to advance to the Commissioners of the Sinking Fund $70,000, the probable amount of the dividend during the year, was set aside by the resolution of the 13th March, 1840, of which said Commissioners were informed: And, whereas, no application has been made to this Bank by the Commissioners of the Sinking Fund to borrow money under the resolution of the 13th March, 1840, by which this Bank resolved to loan to said Commissioners, (if they were authorized to borrow money,) the sum of $70,000, during the year: And, whereas, said Commissioners have notified this Bank that they have drawn a check on this Bank, payable on the 10th October next:

Resolved, That the Cashier be directed to inform said Commissioners that said check cannot be paid.

Resolved, That said Commissioners be informed that this Board have not been able to find any law giving them authority to borrow money.

Resolved, That the resolution of the stockholders, at the last annual meeting in May, 1840, that the President and Directors should not declare and pay out any dividends, until the false issue of stock should be adjusted, renders it improper for this Board to make loans on account of accruing profits, before dividends shall be declared.

(Extract from the minutes.)

GEO. C. GWATHMEY, Cashier.

Whereupon the following preamble and resolutions were introduced and adopted, viz:

WHEREAS, This Board, at a meeting held on the 28th and 30th March last, informed his Excellency, the Governor of the State, that the resources
of the Sinking Fund, besides the charges already on said Fund, were equal to meet the interest on $800,000 of the said $1,500,000 of Internal Improvement Bonds, authorized to be sold by an act, entitled, "an act to provide for the payment of the Public Contractors and to preserve the faith of the State," approved the 21st February, 1840: And, whereas, the Board, in full meeting, by unanimous vote, were influenced to give this opinion to his Excellency, in consequence of a resolution of the Bank of Kentucky, agreeing to loan to the Board $70,000, having been adopted by said Bank and laid before this Board at said meeting, and which controlled their estimates and induced them, (not doubting the intention of the Bank to make the loan, or the power of the Board to borrow the money,) to inform the Governor as above stated, that he could safely dispose of $800,000 of the Bonds of the State: And, whereas, said loan, by the Commissioners of the Sinking Fund, was made in anticipation of the dividends on State stock in said Bank, which had been withheld in consequence of the fraud perpetrated by the issue of surreptitious certificates of the stock of the Bank of Kentucky by the Schuylkill Bank, his Excellency has, in good faith and in full reliance upon the compliance of the Bank of Kentucky with their said resolution, proceeded to sell, and has sold, bonds to a large amount: And, whereas, the obligations, faith and credit of the State, must be inevitably sacrificed if the Bank of Kentucky now fails to comply with said resolution, and the Commissioners as well as the Governor, be involved in an unintentional but flagrant violation of the 6th section of the law above mentioned—wherefore,
Resolved, That this Board have the power, under existing laws, to borrow money upon the hypothecation of their stocks or otherwise, for the purpose of meeting the periodical interest upon State Bonds, and of sustaining the character and credit of the State.
Resolved, That the Board expect and insist upon the Bank of Kentucky’s complying with said resolution, and loaning to the Board the amount agreed upon therein.
Resolved, further, That his Excellency, the Chairman, be a committee to inform the Bank of Kentucky of the expectations of this Board, and to confer with said Bank in relation thereto.

The Governor informed the Board that there had been issued six per cent. bonds, under the law of the 21st February, 1840, to the amount of $427,700—$424,400 of which were issued by Governor Wickliffe, and $3,300 by Governor Letcher—whereupon it was
Resolved, That this Board advise his Excellency that, under existing circumstances, it is the opinion of this Board, it would be advisable to make no further issue of Internal Improvement Bonds until the final determination of the Bank of Kentucky is ascertained in relation to the resolution loaning this Board $70,000.

Extract from the minutes of the Commissioners of the Sinking Fund.

At a meeting of the Board of Commissioners of the Sinking Fund the 13th October, 1840—
The Chairman, who was appointed a committee to confer with the Bank of Kentucky in relation to a loan of $70,000 from said Bank to this Board, reported that he, with the Secretary, visited the Bank at Louisville, and conferred with the Board of Directors upon the subject, when the following resolution was adopted, to wit:

**Bank of Kentucky,**

*Louisville, 11th September, 1840.*

At a meeting, held this day, of the Board of Directors of this Bank, at their Banking house, the following resolution was adopted:

**Resolved,** That this Board will discount the obligations of the Commissioners of the Sinking Fund, from time to time, as they may be offered, in such amounts as applied for, not exceeding seventy thousand dollars, in compliance with a resolution of this Board on the 13th March, 1840; and that said obligations be made payable and negotiable at this Bank at four months, and be signed by the Chairman of the Board of Commissioners of the Sinking Fund with his private seal, and countersigned by the Secretary.

(Extract from the minutes.)

GEO. C. GWATHMEY, Cashier.

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The Commonwealth of Kentucky being indebted to the Northern Bank of Kentucky, in the sum of two hundred and thirty five thousand dollars, for loans for Internal Improvement purposes, Robert P. Letcher, Governor of said Commonwealth, has, this day, delivered to the undersigned, President of the said Bank, thirty year bonds, amounting to said sum of $235,000, issued in virtue of the act of the Legislature, approved 21st February, 1840, entitled, "an act to provide for the payment of the Public Contractors, and to preserve the faith of the State;" which bonds are in payment of said debt to said Bank; and in pursuance and by authority of a resolution of said Bank, passed the 3rd November, 1840, (a copy of which is hereto annexed,) the undersigned agree to and with said R. P. Letcher, as Governor aforesaid, that any amount received on the sales of the said bonds, over and above the nominal amount in Kentucky currency, shall be paid to the State of Kentucky.

It is however understood that, by the original contract, the State of Kentucky was bound to make up any deficiency that might occur in the sale of the above bonds. But the Governor being prohibited from issuing bonds, except under the above recited statute, the Bank has agreed to receive them under that law, and agree to the payment of any surplus over Kentucky currency, with a full confidence that the State will preserve its faith by making good, according to contract, any loss that may be sustained by this institution.

JNO. TILFORD, President.
The Commonwealth of Kentucky being indebted to the Bank of Kentucky the sum of one hundred and eighty thousand dollars, for loans for Internal Improvement purposes, Robert P. Letcher, Governor of said Commonwealth, has, this day, delivered to the undersigned, President of said Bank, thirty year bonds, amounting to said sum of $180,000, issued in virtue of the act of the Legislature, approved the 21st February, 1840, entitled, "an act to provide for the payment of the Public Contractors, and to preserve the faith of the State;" which bonds are in payment of said debt to said Bank. And in pursuance and by authority of a resolution of said Bank, passed the 13th November, 1840, (a copy of which is hereto annexed) the undersigned agrees to and with said R. P. Letcher, as Governor as aforesaid, that any amount received on the sales of the said bonds, over and above the nominal amount in Kentucky currency, shall be paid to the State of Kentucky. It is however understood that, by the original contract, the State of Kentucky was bound to make up any deficiency that might occur in the sale of the above bonds. But the Governor being prohibited from issuing bonds, except under the above recited act, the Bank has agreed to receive them under that law, and agree to the payment of any surplus over Kentucky currency, with a full confidence that the State will preserve its faith by making good, according to contract, any loss that may be sustained by this institution.

VIRGIL McKNIGHT, Prest.

On the motion of Mr. Weller,
Resolved, That the committee on the Penitentiary enquire into its present discipline and abuses, if any; and also of any inhuman and merciless treatment of the convicts, as having been recently inflicted; and that they be authorized to send for, and compel the attendance of witnesses; and report to this House.

Mr. Barlow, from the committee on Enrollments, reported that the committee had examined enrolled bills and preamble and resolutions which originated in the Senate of the following titles, viz:

An act allowing the Clerk of the Campbell County Court further time to renew his official bond.

An act for the benefit of the Kentucky Historical Society.

An act to allow an additional Constable to Breckinridge county.

An act to change the boundary of Georgetown, Scott county.

An act abolishing the election precincts in Pulaski county.

An act to amend an act, entitled, an act incorporating the Frankfort Georgetown, and Paris Turnpike Road Company, approved February 28th 1835.

An act for the benefit of Shelby College, and the Theological Seminary of the Protestant Episcopal Church in Kentucky.
An act for the benefit of Thomas Holmes.
An act for the benefit of William Simpson and George F. Hatcher.
Preamble and resolutions relative to the inspection of tobacco.
Resolution fixing a day for the election of public officers.
And had found the same truly enrolled.
The Speaker of the House of Representatives having signed the said bills and resolutions, 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. Barlow reported that the committee had performed that duty.

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, the Speaker resumed the Chair, when Mr. Wingate reported that the committee had, according to order, had under consideration a bill to repeal an act, entitled, an act to amend the law to prohibit the importation of slaves into this State, approved February 2d, 1833, and for other purposes, and had made some further progress therein, but not having time to go through the same, had directed him to ask leave to sit again—which was granted.

And then the Senate adjourned.

FRIDAY, JANUARY 22, 1841.

On the motion of Mr. Wickliffe, the Journal of the Senate of the 14th instant, page 178, was directed to be corrected to make the resolution, offered by him, in the 18th and 19th lines, after the word “paid,” read as follows, viz: “If by the Bank of Kentucky, then further to state by what mode and when has he engaged to pay the Bank of Kentucky.” The mistake having been made by him in writing the said resolution.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, viz:

An act for the benefit of the Commonwealth’s Attorney of the fifth Judicial District.

An act to divorce Elizabeth Fox, and to change her name.
An act for the benefit of married women whose husbands have abandoned them.
An act for the divorce of John Pence.
An act for the divorce of Samuel J. Cabell and Louisa Cabell.
An act for the benefit of the town of Newport.
An act for the divorce of Pendleton H. Harrod.
An act for the benefit of Elizabeth Adams.
An act for the divorce of Madisonia Quinn.

Approved 20th January, 1841.

That they had passed a bill, entitled, an act further to regulate the Shelby
dan Franklin Turnpike Road Companies.

A message, in writing, was received from the Governor, by Mr. Har­
lan, Secretary of State, announcing that he had approved and signed enrolled
preamble and resolutions and enrolled bills which originated in the Senate
of the following titles, to wit:

A resolution fixing a day for the election of Public Officers.
Preamble and resolutions relative to the inspection of tobacco.
An act for the benefit of Wm. Simpson and George F. Hatcher.
An act for the benefit of the Kentucky Historical Society.
An act allowing the Clerk of the Campbell County Court further time to
return his official bond.
An act abolishing the election precincts in Pulaski county.
An act to amend an act, entitled, an act incorporating the Frankfort,
Georgetown and Paris Turnpike Road Company, approved February 28,
1835.
An act for the benefit of Thomas Holmes.
An act to change the boundary of Georgetown, in Scott county.
An act to allow an additional Constable to Breckinridge county.
An act for the benefit of Shelby College, and the Theological Seminary
of the Protestant Episcopal Church in Kentucky.

Approved January 21, 1841.

The Speaker laid before the Senate the remonstrance of the Trustees of
Common School district No. 13, for Franklin county, against the prayer of
the petition against the Common School of said district.

Ordered, That the said remonstrance be referred to the committee on
Education.

1. Mr. Johnston presented the petition of William Chambers, guardian
for his infant daughter, praying for the passage of a law to authorize the sale
of certain real estate belonging to said infant.

2. Mr. Tomlinson presented the petition of sundry citizens of Mercer
county, praying for the passage of a law granting, for a period of years, a
bonus on the cultivation of silk.
3. Mr. Pirtle presented a resolution of the Mayor and Board of Councilmen of the city of Louisville, relative to an amendment to the charter of the Medical Institute of said city.

Which were received and referred: the 1st and 3d to the committee on the Judiciary, and the 2d to the committee on Agriculture.

On the motion of Mr. Ballinger, leave was given to withdraw the motion made by him on yesterday, that the committee on Internal Improvement be discharged from the further consideration of the petition of sundry citizens of Hardin and Jefferson counties, praying for the passage of a law to sustain the credit of the State, and to relieve the Contractors on the public works.

Mr. Johnston, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of John Jones, late Sheriff of Jefferson county.
An act to amend and continue in force an act for the benefit of Denton Geoghegan and Barton Roby, late Sheriffs of Hardin county, approved December 11, 1839.
An act for the benefit of the Sheriff of Washington county.
An act for the benefit of the Sheriff of Bourbon county.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A message was sent to the House of Representatives to inform them that the Senate is now ready to proceed to the election of public officers.

A message was received from the House of Representatives, announcing that they are now ready to proceed to the said election.

After interchanging nominations between the Houses, the Senate proceeded to vote as follows, viz:

Mr. James Davidson received a unanimous vote for the office of Treasurer.

The vote for Public Printer stood thus:

Those who voted for Mr. Hodges were—

Those who voted for Mr. Pettit were—

Messrs. Burnett, Ford, Rice,
De Courcy, Hughes, Schooling—6.

Mr. J. S. Morgan voted for Mr. Finnell.

Those who voted for Mr. Holeman were—

Messrs. Tomlinson, Wallace.

Mr. George A. Robertson received a unanimous vote for the office of Public Librarian.

The vote for President of the Bank of the Commonwealth stood thus:

Those who voted for Mr. Cates were—

Messrs. Bailey, Hardin, Schooling,
Ballinger, Hughes, Symson,
Barlow, Huston, Slaughter,
Burnett, Johnston, Walker, C. J.
Clarke, Morgan, D. Walker, J. V.
Craddock, Morgan, J. S. Weller,
De Courcy, Payne, Williams, M.
Dyer, Pirtle, Williams, S. L.
Ford, Pratt, Wingate,
Griffith, Quarles, Young—32.
Hanson, Rice,

For Directors of the Bank of the Commonwealth—

Those who voted for W. Owsley were—

Messrs. Bailey, Hardin, Schooling,
Ballinger, Hughes, Symson,
Barlow, Huston, Slaughter,
Burnett, James, Sterett,
Clarke, Johnston, Tomlinson,
Craddock, Morgan, J. S. Walker; C. J.
De Courcy, Payne, Wallace,
Dyer, Pirtle, Wickliffe,
Ford, Quarles, Williams, S. L.
Griffith, Rice, Wingate—31.
Hanson,

Those who voted for T. S. Page were—

Messrs. Bailey, Hughes, Symson,
Ballinger, Huston, Slaughter,
Barlow, Morgan, D. Sterett,
Burnett, Morgan, J. S. Walker, J. V.
Clarke, Payne, Weller,
Committees were appointed to compare the joint vote of both Houses and report the result.

After comparing the joint vote, they reported that it stood thus:

For Mr. James Davidson, for Treasurer, the unanimous vote of both Houses.
For A. G. Hodges, - - - - 79
For F. D. Pettit, - - - - 20
For N. L. Finnell, - - - - 20
For J. H. Holeman, - - - - 16

For Mr. George A. Robertson, for Public Librarian, the unanimous vote of both Houses.
For William Owsley, for Director of said Bank, - - 118
For Peter Dudley, - - - - 82
For Thomas S. Page, - - - - 63

Mr. James Davidson having received a majority of all the votes given, was declared duly elected Treasurer for the ensuing year.
Mr. Albert G. Hodges having received a majority of all the votes given, was declared duly elected Public Printer for the ensuing year.
Mr. George A. Robertson having received a majority of all the votes given, was declared duly elected Public Librarian for the ensuing year.
Mr. Owen G. Cates having received a majority of all the votes given, was declared duly elected President of the Bank of the Commonwealth; and Messrs. William Owsley and Peter Dudley, Directors of said Bank for the ensuing year.

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, the Speaker resumed the Chair, when Mr. Wingate reported, that the committee had, according to order, had under consideration a bill to repeal an act, entitled, an
act to amend the law to prohibit the importation of slaves into this State, approved February 2d, 1833, and for other purposes, and had made some progress therein; but not having time to go through the same, had directed him to ask for leave to sit again—which was granted.

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

And then the Senate adjourned.

SATURDAY, JANUARY 23, 1841.

A message was received from the House of Representatives, announcing that they had disagreed to a bill from the Senate, entitled, an act to amend an act allowing compensation to the Clerks of the Scott County and Circuit Courts for transcribing the burnt records, approved 16th February, 1838.

That they had passed bills of the following titles, viz:
1. An act for the benefit of Sarah Ann Mulinick.
2. An act for the benefit of the town of Lancaster.
3. An act for the benefit of Mrs. Miram Wilson.
4. An act to authorize the Board of Internal Improvement for Graves county to loan out certain funds in their hands.

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

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on Religion; the 2d and 3d to the committee on Propositions and Grievances, and the 4th to the committee on Internal Improvement.

1. Mr. Ballinger presented the petition of William Herd, Sheriff of Clay county, praying for the passage of a law allowing him further time to pay in the revenue and return his delinquent list.
2. Mr. Dyer presented the petition of Jacob Miller, praying for the passage of a law authorizing him to convey several small tracts of land, sold under the nuncupative will of his father.
3. Mr. Wallace presented the petition of Mary Bledsoe, praying for a divorce from her husband, George Bledsoe.
4. Mr. Burnett presented the petition of Joseph McAllister, the Trustee of the Curling Fund, in conjunction with the Trustees of the Trigg county
Seminary; praying for the passage of a law to authorize the Trustee of the Curling Fund to convey the Curling tract of land to purchasers in fee simple.

5. Mr. J. V. Walker presented the petition of Richard Browder and Sarah H. Anderson, guardians to the four infant children of Thomas Anderson, deceased, praying for the passage of a law authorizing the County Courts of Logan or Todd to make an order for the sale of a tract of land belonging to said infants, and which lies in said counties.

Which were received and referred: the 1st to the committee on Finance; the 2d, 4th and 5th to the committee on the Judiciary, and the 3d to the committee on Religion.

On the motion of Mr. Johnston, the committee on Finance was discharged from the further consideration of a bill from the House of Representatives, entitled, an act for the benefit of William Simmons and his committee; and the said bill was referred to the committee on the Judiciary.

Mr. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Montgomery county, reported the same with an amendment—which was concurred in.

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

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, an act for the benefit of the Sheriffs of Montgomery and Lawrence counties.

Mr. Johnston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Clerk of the Boone County Court, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Johnston, from the same committee, reported a bill for the benefit of John Hockersmith—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading was dispensed with. The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor of Public Accounts be, and he is hereby, required to issue a warrant on the Treasury in favor of John Hockersmith for the sum of seventy five dollars, additional compensation for distributing the Acts and Journals of the last session in the first and second districts—to be paid out of any money in the Treasury not otherwise appropriated.
Mr. Ballinger moved to postpone the further consideration of the said bill until the first day of June next.

The question being taken thereon, it was decided in affirmative.

The yeas and nays being required thereon by Messrs. Ballinger and J. V. Walker, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Leave was given to withdraw the petition of said Hockersmith.

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

- An act to change the time of holding the Pike County Court.
- An act to alter the time of holding the Estill County Court.
- An act to establish the road leading from Hopkinsville to Clarkesville, Tennessee, as a State road.
- An act concerning the town of Carrolton.
- An act to provide for a change of venue in the prosecution against Samuel G. Lowe.
- An act for the benefit of John Jones, late Sheriff of Jefferson county.
- An act to amend and continue in force an act for the benefit of Denton Geoghegan and Barton Roby, late Sheriffs of Hardin county, approved December 11th, 1839.

And had found the same truly enrolled.

The said bills having been signed by 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. After a short time, Mr. Barlow reported that the committee had performed that duty.
Mr. Johnston, from the committee on Finance, reported a bill for the benefit of Thomas B. Megowan, Jailer of Fayette county—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Mr. Clarke, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act for benefit of the First School District in the county of Pike, reported the same with the opinion of the committee that it ought not to pass.

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

The constitutional rule as to the third reading being dispensed with,

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

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

1. An act to appoint Trustees for the Grant Seminary.
3. An act to transfer the vacant lands in Lawrence, Carter, and Livingston counties to the use of Common Schools.

 Reported the same without amendment.

The 2d and 3d bills were placed in the orders of the day, and the 1st was ordered to be read a third time.

The constitutional rule as to the third reading of the 1st bill being dispensed with,

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

Mr. De Courcy, from a select committee, reported a bill to establish a Commissioners' Court in this Commonwealth—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, it was referred to the committee on the Judiciary, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the further consideration of the petition of America Oakley, an idiot, and the said petition was referred to the committee on Finance.

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

On the motion of Mr. S. L. Williams—1. A bill for the benefit of the widow and heirs of Jacob Butler, deceased.


On the motion of Mr. James—3. A bill prescribing the duties of surveyors of the public roads in this Commonwealth.
On the motion of Mr. Ford—4. A bill further to regulate the duties of 
the Presidents of the Turnpike Road Companies in this State.
Messrs. S. L. Williams, Hanson and Griffith were appointed a committee 
to prepare and bring in the 1st; Messrs. Ford, Young and Hughes the 4th; 
the committee on Propositions and Grievances were directed to prepare and 
bring in the 2d, and the committee on Internal Improvement the 3d.
Bills from the House of Representatives of the following titles, viz:
1. An act to establish the office of Sergeant of the General Court.
2. An act to amend an act, entitled, an act to amend an act directing the 
duty of Surveyors of land.
3. An act for the benefit of John Mershon.
4. An act for the benefit of William Wilbourn, of the county of Russell.
5. An act to repeal the 2d and 3d Edward 6th, chapter 15; entitled, 
the Bill of Conspiracies of Victuallers and Craftsmen, and for other purposes.
6. An act to change the place of voting from Greenville C. Alfred’s, in 
Washington county, to Leonard Seay’s, jr.
7. An act for the benefit of James Pagett.
8. An act concerning the town of Mountsterling.
9. An act for the benefit of the administrator and heirs of John W. Lowry, 
deceased.
10. An act further to regulate the Shelby and Franklin Turnpike Road 
Companies.
11. An act to establish the Kentucky Institution for the education of the 
blind.
Were severally read the first time, and ordered to be read a second time. 
The constitutional rule as to the second reading being dispensed with, 
they were referred: the 1st, 2d, 5th, 7th and 9th to the committee on the 
Judiciary; the 3d, 4th and 10th to the committee on Internal Improvement; 
the 6th to the committee on Privileges and Elections: the 8th to the com­
mittee on Propositions and Grievances, and the 11th to the committee on 
Education.
Mr. S. L. Williams, from a select committee, reported a bill for the bene­
fit of the widow and heirs of Jacob C. Butler, deceased—which was read 
the first time and ordered to be read a second time.
The constitutional rule as to the second reading being dispensed with, the 
said bill was referred to the committee on the Judiciary.
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, the Speaker 
resumed the Chair, when Mr. Wingate reported that the committee had, ac­
cording to order, had under consideration a bill to repeal an act, entitled, an 
act to amend the law to prohibit the importation of slaves into this State,
approved February 2d, 1833, and for other purposes, and had made some
further progress therein, but not having time to go through the same, had
directed him to ask leave to sit again—which was granted.

And then the Senate adjourned.

MONDAY, JANUARY 25, 1841.

A message was received from the House of Representatives announcing
that they had received official information that the Governor had approved
and signed enrolled bills which originated in that House, of the following
titles, viz:

An act to change the time of holding the Pike County Court.
An act to alter the time of holding the Estill County Court.
An act to provide for a change of venue in the prosecution against
Samuel G. Lowe.
An act for the benefit of John Jones, late Sheriff of Jefferson county.
An act to amend and continue in force an act for the benefit of Denton
Geoghegan and Barton Roby, late Sheriffs of Hardin county, approved De-
cember 11th, 1839.
An act to establish the road leading from Hopkinsville to Clarkesville,
Tennessee, as a State road.
An act concerning the town of Carrolton.

That they had passed bills which originated in the Senate of the follow-
ing titles, viz:

An act to change the mode of paying the Commissioners of Common
Schools in Wayne county.
An act for the benefit of the Kentucky Baptist Education Society.
An act for the benefit of the Estill Seminary.
And that they had passed bills of the following titles, viz:
An act to incorporate the shareholders of the Carrolton Library Company
in the town of Carrolton, Carroll county.
An act to incorporate and establish the Marion county Agricultural So-
ciety.

1. Mr. Ford presented the statement of W. F. Evans as a substitute for
the petition of Elizabeth Gray, (which petition was lost,) praying for a di-
\vorce from her husband.
2. Mr. Pirtle presented the petition of sundry citizens of the city of Louisville, praying for the passage of a law making all boats liable for all debts contracted by their officers.

3. Mr. J. V. Walker presented the petition of sundry citizens of Todd and Logan counties, praying for a careful revision of the present licence laws, and such a change in the whole system as will no longer permit tippling to exist, in any form, under the sanction and protection of law.

4. Mr. Pirtle presented the petition of the purchasers, under a decree of the Washington Circuit Court, of certain tracts of land, set forth in the petition of the heirs of Hugh McElroy, praying for the passage of a law authorizing Hugh McElroy and William McElroy to convey to them the land so purchased.

Which were received and referred: the 1st to a committee of Messrs. Ford, Barlow and Young; the 2d and 4th to the committee on the Judiciary, and the 3d to the committee on Finance.

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

Mr. D. Morgan, from the committee on the Penitentiary, made the following report, to wit:

The committee on the Penitentiary, to whom was referred the resolution of the Senate, to enquire into the discipline of the Penitentiary, and abuses, if any, recently inflicted upon the convicts, and that they send for, and compel the attendance of witnesses, &c., have performed that duty, and beg leave to make the following report:

They have made enquiry touching the first branch of the subject, and find, that the general discipline of the institution for the last two years has been very mild; that chastisement has been but seldom inflicted, and, when rendered necessary, has never been inflicted either in a cruel or inhuman manner. Your committee have no hesitation in saying, that to produce the due subordination, necessary to the safety and prosperity of an institution, in which are collected together so great a number of lawless and desperate men, that chastisement of some kind is indispensably necessary; and, whatever difference of opinion may exist, as to the kind and amount of punishment that should be inflicted for disobedience of orders, and the infraction of the laws and rules of the prison, the committee entertain no doubt that, in many cases, corporal punishment ought to be inflicted.

In relation to the particular case, which they suppose gave rise to the resolution of enquiry, they, in person, examined the convict who has been punished, and had brought before them the witnesses who were present at the time the punishment was inflicted, and examined them under oath.

Although there is nothing in the resolution directing the committee to enquire into the cause of punishment, yet they feel it to be their duty to state, that the convict alluded to, had been placed outside the prison to procure ice; and, that he had eluded the vigilance of the guard, and escaped some distance, and concealed himself in the adjacent hills, where he was discovered and retaken. It was in proof, that the Keeper sentenced the convict to
a genteel, little whipping, (to use the language of the witness,) for his disobedience, and directed William Robertson, one of the guards, or under keepers, to inflict the same. It was in proof, that some seventy or eighty lashes was inflicted; but, upon examination, it was found it could not have been done cruelly or inhumanly, or with a heavy hand.

The committee would report, that, if there was ought of impropriety in this, it was in the fact, that the Keeper did not stand by and overlook the chastisement inflicted: this, they conceive, should be done in all cases, and that he should not entrust the execution of an order of this kind to a subordinate, without his own presence and superintendence, to control the same.

In conclusion, your committee would remark, that the feelings manifested upon the report of the treatment of the convict alluded to, was such as might have been expected, but they are glad to find, that the rumor was not only exaggerated, but mainly untrue; and that much more consequence was attached to the occurrence, than it merited or deserved; the committee have great confidence in the skill, ability and humanity of the Keeper, and honestly believe the institution has never been better managed.

All of which is respectfully submitted.

DANIEL MORGAN, Chairman.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of S. H. Chew, jr., and others, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to establish the office of Sergeant of the General Court, reported the same with an amendment—which was concurred in.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Pirtle, 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 the administrator and heirs of John W. Lowry, deceased.

An act for the benefit of the mechanics of the town of Smithland.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.
Mr. Pirtle, from the committee on the Judiciary, reported the following bills, viz:

A bill to authorize the Methodist Episcopal Church to sell their Bethel Meeting house in Shelby county.

A bill further to amend the charter of the Mechanics' Savings Institution of Louisville.

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

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

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

Mr. Pirtle, from the same committee, reported the following bills, to wit:

1. A bill to amend the law concerning sealed writings.

2. A bill to amend the law concerning awards.

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

The constitutional rule as to the second reading of said bills being dispensed with, the 1st was placed in the orders of the day, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly, and the 2d was ordered to be engrossed and read a third time.

Mr. Pirtle, from the same committee, to whom was referred a bill to amend the laws incorporating the town of Hickman, reported the same with amendments—which were concurred in.

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

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

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

Mr. Rice, from the committee on Propositions and Grievances, reported a bill to establish the county of Howard—which was read the first time as follows, to wit:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of March, one thousand eight hundred and forty one, all those parts of Union, Hopkins, Livingston and Caldwell counties, contained in the following boundaries, to wit: Beginning at the mouth of Donaldson's creek, in Caldwell, and running thence up said creek to Pierce's mill; thence in a direct line to a bridge on Outer's creek; thence to James Clinton's farm, on the old Saline road; thence down said road to Wheeler's old farm, in the county of Livingston; thence in a direct line to Going's mill, on Crooked creek; thence down said creek to the Ohio river; thence up said river to the mouth of Tradewater river; thence up Tradewater river to the lower end of the Big Half Moon Lick, in Union county; thence in a direct line to the residence of Joseph Mitchell, late
John Holeman, deceased, so as to include the same; thence to Harpe's Head on the line between Henderson and Union counties; thence with said line to the Hopkins county line; thence with the line between the counties of Henderson and Hopkins, to a point opposite Mashaw's old farm, in Henderson; thence in a direct line to the residence of Eden Craig, so as to include it; thence to Milton Sisk's, so as to include his house; thence in a direct line to Wilson's old warehouse, on the bank of Tradewater river; thence down said river, with its meanders, to the beginning—be, and the same is hereby, established and erected into a distinct county, to be called and known by the name of Howard, in honor of Benjamin Howard, a pioneer of the State.

Sec. 2. That said county of Howard shall be entitled to eleven Justices of the Peace; who, after having been commissioned and taken the usual oaths of office before any duly qualified Justice of the Peace of this Commonwealth, shall, on the first Monday in March, eighteen hundred and forty one, meet at the house of Samuel Whitesides, on the road from Providence to Morganfield, and after having qualified their Sheriff, they shall proceed to appoint their Clerk, to whose permanent appointment, a majority of all the Justices of the County Court shall concur; but if a majority shall not concur in favor of any one candidate, then the court shall make a pro tem appointment until such concurrence shall be had.

Sec. 3. That the Circuit and County Courts of Union, Hopkins, Livingston and Caldwell, and the Justices of the Peace thereof, shall have jurisdiction of all cases, either of law or equity, instituted before this act shall take effect; and it shall be lawful for the Sheriff, Coroner, Constable, and other collecting officers in said counties of Union, Hopkins and Caldwell, to collect all moneys, and execute all process as the law directs, which may be placed in their hands at the time this act takes effect, and account for and pay over the same according to law.

Sec. 4. That the County Court of Howard shall appoint Commissioners of tax for the year eighteen hundred and forty one, who shall be governed by the laws which may be in force on that subject.

Sec. 5. That the county of Howard be allowed six Constables, to be appointed by the County Court of said county, a majority of all the Justices of said court, in commission, being present and concurring in said appointments; and the said court shall, at the same time, lay off the said county into districts, pursuant to the laws now in force on that subject; and the qualified voters of said county shall vote at all elections for Senators and Representatives in the General Assembly of this Commonwealth, and members of Congress and other officers, in the same manner and at the same places, as though this act had not passed, until the same be changed by Legislative enactment.

Sec. 6. That the said county of Howard be, and the same is hereby, attached to the seventh Judicial District; and the Circuit Courts for said county shall be held on the first Mondays in April, July and October, and shall continue six juridical days, if the business of said court shall require; and the County Court shall be held on the first Mondays in every month in which the Circuit Courts are not held.

Sec. 7. That Lessonby Nance, of Trigg county; Edmund H. Hopkins, of Henderson county, and Daniel H. Harrison, of Christian county, be, and they are hereby, appointed Commissioners to select a suitable place for the
permanent location of the seat of justice of said county; and that the said Commissioners shall meet at such time and place, as the County Court of said county shall appoint, and shall proceed to examine the different situations in said county, and shall select the one in their opinion the most eligible, and shall report their choice to the County Court of said county, at or before its next June term; and the Justices thereof shall make provision for procuring a lot or lots of ground at said place, for the erection of a court house, jail, clerks' offices, stray pen, &c, and shall proceed to have the same erected and built, as they may think necessary; and until such buildings are finished, it shall be the duty of said County Court to provide, at the expense of said county, a suitable house, as near as may be to the said selected location, in which the County and Circuit Courts in and for said county, may be held; and the said Commissioners shall be entitled to the sum of four dollars per day, each, for each day they may be engaged in going to, locating and returning home from said seat of justice, to be paid out of the county levy of said county of Howard.

Sec. 8. It shall be the duty of the County Court of said county to appoint one or more Commissioners, who, in conjunction with such other Commissioner or Commissioners as may be appointed by the County Courts of the adjoining counties, and the County Surveyor of said county, to run and mark the dividing line between the said county of Howard and the adjoining counties, agreeably to the boundaries herein before set forth; and the said County Court of Howard shall give notice to the County Court of each of the adjoining counties, of the time proposed for running and marking the dividing lines between them, and request the appointment of Commissioners, on their part, to attend to the running and marking said lines; and the said County Court of Howard shall pay, out of the county levy, the expenses attending such division on their part; and if the County Courts of the said adjoining counties shall fail, upon being notified, to appoint such Commissioners, or the Commissioners, when appointed, shall fail or refuse to act, the said Commissioner or Commissioners on the part of Howard county shall proceed to run and mark said line, together with the Surveyor aforesaid.

Sec. 9. Be it further enacted, That if either of the Commissioners appointed by the seventh section of this act shall fail to attend, from any cause, at the time and place designated by the County Court as aforesaid for their meeting, the Commissioners who do attend, shall select some other Commissioner to act with them, whose acts in the premises shall be as lawful and valid as though he had been appointed by this act.

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

The constitutional rule as to the second reading being dispensed with,

The question was 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. Griffith and Weller, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballinger, Burnett, Craddock, Barlow, Clarke, De Courcy,
Those who voted in the negative, were—

Messrs. Bailey, Morgan, D. Sympson,
Griffith, Payne, Slaughter,
Hanson, Pirtle, Sterett,
Hardin, Pratt, Tomlinson,
Jespun, Quarles, Walker, C. J.,
Johnston, Rice, Williams, M. — 18.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to change the place of voting in election precincts in Hardin and Barren counties, reported the same with an amendment—which was concurred in.

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

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, and for other purposes.

Mr. Wingate, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act to divorce Harriet Bennett, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

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

Mr. Johnston, from the committee on Finance, reported a bill for the benefit of the Sheriff of Calloway county—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

The question was taken on engrossing and reading the said bill a third time, and decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Bailey; Huston; Pratt,
Barlow, James; Quarles,
Burnett, Jesup; Rice,
Dyer, Johnston; Walker, J. V.,
Ford, Morgan, D.; Wallace.
Griffith, Morgan, J. S.; Weller,
Hanson, Pirtle; Wingate—21.
Those who voted in the negative, were—

Messrs. Ballinger, Payne, Walker, C. J.
Craddock, Sterett, Wickliffe,
Hardin, Tomlinson, Young—9.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

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

Mr. Ford, from a select committee, reported the following bills, to wit:
1. A bill further to regulate the duties of the Presidents of the Turnpike Road Companies in this State.
2. A bill more effectually to suppress the offence of seducing, aiding or assisting slaves to escape from their owners.

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

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on Internal Improvement, and the 2d was placed in the orders of the day.

The Speaker laid before the Senate a communication from the Auditor of Public Accounts, which is as follows, viz:

STATE OF KENTUCKY,
Auditor's Office, January 25, 1841.

SIR: Please present to the Senate over which you preside, the following superabundance in the Auditor's annual report for the year ending and including the 10th October, 1840. Page 19, these words and figures, to-wit:

"Government owes Treasurer, for Sinking Fund, $5,736 03
$320,917 98,"

have expunged from said report,
And oblige yours, &c.

BEN. SELBY, Auditor Public Accounts.

On the motion of Mr. Ballinger, leave was given to bring in a bill to regulate the rate of conventional interest; and Messrs. Ballinger, Clarke and J. S. Morgan were directed to prepare and bring in the same. After a short time Mr. Ballinger reported a bill to regulate the rate of conventional interest—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.
On the motion of Mr. Quarles, leave was given to bring in a bill to extend the time to return plats and certificates to the Register's office, made on Treasury warrant claims.

On the motion of Mr. Craddock—2. A bill to authorize the re-binding of the record books in the Clerk's office of the Circuit and County Courts of Hardin county; and the committee on the Judiciary was directed to prepare and bring in the said bills.

Mr. Rice presented the petition of Andrew Woods, praying for a divorce from his wife—which was received and referred to the committee on Religion.

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, the Speaker resumed the Chair, when Mr. Wingate reported, that the committee had, according to order, had under consideration a bill to repeal an act, entitled, an act to amend the law to prohibit the importation of slaves into this State, approved February 2d, 1833, and for other purposes, and had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which was granted.

And then the Senate adjourned.

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TUESDAY, JANUARY 26, 1841.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act to establish the office of Sergeant of the General Court.

That they had disagreed to a bill from the Senate, entitled, an act to change the time of holding the courts in the third Judicial District of Kentucky, and for other purposes.

That they had passed bills from the Senate of the following titles, to wit:

An act for the benefit of John S. Fisher.

An act for the benefit of Robert Pace and Levi Pennington.

An act to amend and reduce into one the several acts concerning the Fire Company in the town of Shelbyville.

An act to add a part of the county of Perry to the county of Harlan.

An act to allow an additional Justice of the Peace to the counties of Caldwell and Hickman.
An act to amend the law concerning the town of Hardinsburg, and for other purposes.

With amendments to the two last named bills.

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

1. An act to alter the mode of comparing the polls in the election of certain officers.
2. An act to authorize the running, marking and extending the county lines between certain counties.
3. An act to incorporate the Trustees of the Parsonage of the Winchester Circuit of the Methodist Episcopal Church.
4. An act to amend an act, entitled, an act further to enforce the payment of State dividends, declared by certain incorporated companies, and for other purposes.
5. An act for the benefit of George W. Mansfield, and for other purposes.
6. An act for the benefit of the Medical Faculty of Transylvania University.
7. An act allowing an additional Constable to the county of Bullitt.
9. An act to amend an act, entitled, an act to amend the charter of the city of Covington, approved January 4th, 1841, and for other purposes.
10. An act for the benefit of the heirs of Worden Pope, deceased, and the heirs of Frederick Geiger, deceased.

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

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on Privileges and Elections; the 2d, 5th, 7th and 9th to the committee on Propositions and Grievances; the 3d and 10th to the committee on the Judiciary; the 4th to the committee on Internal Improvement; the 6th to the committee on Education, and the 8th to the committee on Finance.

1. Mr. Quarles presented the petition of sundry citizens of Green county, praying for the passage of a law allowing Pleasant Sandridge, late Sheriff of said county further time to pay into the Treasury the balance of the revenue due from him.
2. Mr. Rice presented the petition of sundry citizens of Carter county, praying for the passage of a law establishing an election precinct in said county.
3. Mr. Clarke presented the petition of Catharine H. Shelby, praying for the passage of a law directing the Circuit Court for Jessamine county to decree a conveyance of a certain house and lot, sold by her deceased husband.

Which were received and referred: the 1st to the committee on Finance; the 2d to the committee on Privileges and Elections, and the 3d to a committee of Messrs. Clarke, Johnston and Bailey.
Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to repeal the 2d and 3d Edward 6th, chapter 15, entitled, the Bill of Conspiracies of Victuallers and Craftsmen, and for other purposes, reported the same with amendments. The said bill was placed in the orders of the day, and the Public Printer was directed to print 150 copies thereof, and the amendments, for the use of the General Assembly.

Mr. Pirtle, from the same committee, reported the following bills, to wit:

A bill to extend the time to return plats and certificates to the Register's office, made on Treasury warrants.

A bill to amend an act, entitled, an act giving to officers and crews, and mechanics, and others, a lien on steamboats.

A bill to authorize the re-binding of record books in the Clerk's offices in Hardin county.

A bill authorizing certain record books, &c. of the Clarke County Court to be transcribed.

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

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

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

On the motion of Mr. Pirtle, the committee on the Judiciary was discharged from the further consideration of a resolution of the Mayor and Councilmen of the city of Louisville, to them referred, praying for the passage of a law to amend the charter of the Medical Institute of said city.

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act concerning the town of Lancaster.

An act concerning the town of Mountsterling.

An act for the benefit of Mrs. Miriam Wilson.

An act to amend and revive the law in relation to the election of Trustees for the town of Stanford, Lincoln county.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Rice, from the same committee, reported a bill for the benefit of Joseph Gillis—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with, and the same being engrossed,
Resolved, That the said bill do pass, and that the title thereof be as afore-said.

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

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

Gentlemen of the Senate:

I nominate for your advice and consent the following named persons for the offices respectively annexed to their names, to wit:

Peter Jordan to be Major General of the 8th Division, in the place of Joshua Buster, resigned.

Richard M. Sutfield to be Brigadier General of the 8th Brigade, in the place of Peter Jordan, if promoted.

Richard Huff to be Colonel Commandant of the 82d Regiment, in the place of Richard M. Sutfield, if promoted.

James S. Mullins to be Lieutenant Colonel in the same Regiment, in the place of Richard Huff, if promoted.

Lesson by Nance to be Brigadier General of the 27th Brigade, in the place of Robert Dunkeson, resigned.

William Hopson to be Colonel Commandant of the 72d Regiment, in the place of Lesson by Nance, if promoted.

Stanly Thomas to be Lieutenant Colonel of the same Regiment, in the place of William Hopson, if promoted.

John M. Sevells to be Major in the same Regiment, in the place of Stanly Thomas, if promoted.

January 26, 1841.

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

Mr. Huston, from the committee of Privileges and Elections, made the following report, to wit:

The committee on Privileges and Elections have had under consideration the returns from the several Senatorial Districts, and report the following gentlemen elected, to wit:

From the first Senatorial District, Thos. James; from the second, James C. Weller; from the third, Samuel B. Jesup; from the fourth, James V. Walker; from the fifth, William R. Griffith; from the sixth, Richard S. Ford; from the seventh, Asa Young; from the eighth, James C. Sympton; from the ninth, John S. Barlow; from the tenth, Parker C. Hurd; from the eleventh, Tunstall Quarles; from the twelfth, William Sterett; from the thirteenth, Dillis Dyer; from the fourteenth, Jesse Craddock; from the fifteenth, Henry Pirtle; from the sixteenth, James N. Hughes; from the seventeenth, George W. Johnston; from the eighteenth, G. Clayton Slaughter; from the nineteenth, James Schooling; from the twentieth, John A. Tomlinson; from the twenty first, Isaac Burnett; from the twenty second, Winford G. Baily; from the twenty third, Charles J. Walker; from the twenty fourth, Franklin Ballinger; from the twenty fifth, John Wallace; from the twenty sixth, William De Courcy; from the twenty seventh, John S. Mor-
gan; from the twenty eighth, Cyrus Wingate; from the twenty ninth, John Pratt; from the thirtieth, Mark E. Huston; from the thirty first, Robert Wickliffe; from the thirty second, William Clarke; from the thirty third, Samuel L. Williams; from the thirty fourth, James M. Rice; from the thirty fifth, Daniel Morgan; from the thirty sixth, Thomas Y. Payne; from the thirty seventh, Mason Williams; from the thirty eighth, Samuel Hanson.

Your committee find the term of service of Franklin Ballinger, John S. Barlow, William De Courcy, Richard S. Ford, James Schooling, James C. Weller, John A. Tomlinson, Mark E. Huston and Robert Wickliffe, will expire in the year 1841.


Samuel B. Jesup, William Sterett, Henry Pirtle, James N. Hughes, G. Clayton Slaughter, Daniel Morgan, Thomas Y. Payne, Mason Williams and Samuel Hanson, in the year 1843.

Thomas James, William R. Griffith, Asa Young, James C. Sympton, Parker C. Hardin, Tunstall Quarles, Jesse Craddock, Winford G. Bailey, Cyrus Wingate and Samuel L. Williams, in the year 1844.

All of which is respectfully submitted.

MARK E. HUSTON, Chairman.

Mr. Wingate, from the committee on Religion, to whom was referred the petition of John Paul, praying for a divorce, reported the same with the following resolution thereon, viz:

Resolved, That the said petition be rejected—which was twice read and concurred in.

Leave was given to withdraw the said petition.

Mr. Wingate, from the same committee, to whom was referred the petition of William Wilson, praying for a divorce, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

The question being taken on concurring therein, it was decided in the negative.

Ordered, That the committee on Religion prepare and bring in a bill pursuant to said petition.

Mr. Johnston, from the committee on Finance, reported a bill for the benefit of the Sheriff of Clay county—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Mr. Clarke, from the committee on Education, reported a bill for the benefit of Transylvania University, Centre College, Georgetown College and Bacon College—which was read the first time and ordered to be read a second time.
The constitutional rule as to the second reading of the said bill being dispensed with, it was amended.

Mr. Sterett moved to postpone the further consideration of the said bill until the first day of June next.

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

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

Those who voted in the affirmative, were—

Messrs. Bailey, Griffith, Walker, J. V.
Barlow, Huston, Williams, M.
Dyer, Jesup, Young—11.
Ford, Sterett,

Those who voted in the negative, were—

Messrs. Ballinger, Morgan, D. Slaughter,
Burnett, Morgan, J. S.
Clarke, Payne,
Craddock, Pirtle,
De Courcy, Quarles,
Hanson, Rice,
Hardin, Symson,
Johnston,

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

The message from the Governor, received by the Senate on the 22d inst., was taken up and read as follows, to wit:

Gentlemen of the Senate:

I nominate for your advice and consent Joseph Hughes to be Major General of the 14th Division, in the place of A. H. Davis, resigned.

Jesse Stevens to be Brigadier General of the 14th Brigade, in the place of Joseph Hughes, if promoted.

Hardin A. Davison to be Colonel of the 128th Regiment, 23d Brigade.

Baird Sterett to be Lieutenant Colonel in the same Regiment, in the place of Hardin A. Davison, if promoted.

John A. Dill to be Major in the same Regiment.

R. P. LETCHER.

January 22, 1841.

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

The message from the Governor, received by the Senate on the 25th inst., was taken up and read as follows, to wit:

Gentlemen of the Senate and of the House of Representatives:

In compliance with the request of the Governor of Indiana, made in obedience to a resolution of the General Assembly of that State, I transmit a
copy of a joint resolution on the subject of amending the Constitution of the United States, restricting the eligibility of the President of the United States to a single term.

January 25, 1841.

R. P. LETCHER.

EXECUTIVE DEPARTMENT, Indianapolis, January 14, 1841.

Sir:

In compliance with the request of the General Assembly, I have the honor to forward a copy of their "joint resolution on the subject of amending the Constitution of the United States," and to request that the same may be laid before the Legislature of Kentucky.

Very respectfully, your obedient servant,

SAM'L BIGGER.

His Excellency, the Governor of Kentucky.

A Joint Resolution on the subject of amending the Constitution of the United States.

Be it resolved by the General Assembly of the State of Indiana, That we concur in the opinion expressed in the following joint resolution of the State of Vermont, approved October 22d, 1840:

"Resolved by the Senate and House of Representatives, That the Senators from this State be, and they are hereby, instructed, and our Representatives in Congress be, and they are hereby, requested, to use their best endeavors to procure such an amendment to the Constitution of the United States as will restrict the eligibility of the President of the United States to a single term."

Be it further resolved, That the Governor be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress, and to the Governor of each of the States, with the request that they lay the same before their respective Legislatures.

SAMUEL JUDAH,
Speaker of the House of Representatives.

SAMUEL HALL,
President of the Senate.

Approved January 14, 1841.

SAMUEL BIGGER.

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

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

An act to incorporate the shareholders of the Carrolton Library Company in the town of Carrolton, Carroll county.

An act to incorporate and establish the Marion county Agricultural Society.
Were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on Education, and the 2d to the committee on Agriculture.

On the motion of Mr. Wickliffe, the report of the committee on Federal Relations in relation to so much of the Governor's message as refers to the demand of the Executive of Virginia upon the Executive of New York of the surrender of three fugitives from justice, was recommitted to the same committee.

Mr. Barlow, from the committee on 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 a State road from Henderson (through Madisonville) to Hopkinsville.

An act to incorporate the Elizabethtown Fire Company.

An act for the benefit of the heirs of Matthew Galt.

An act to establish a State road from Napoleon, in Gallatin county, to intersect the Covington and Georgetown turnpike road at or near Monticello school house, in Grant county.

An act regulating the powers of the Trustees of the town of Sharpsburg.

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

An act to emancipate Eliza and her children, and for other purposes.

An act for the benefit of the administrator and heirs of Mordecai Jackson, deceased.

An act to incorporate the Green River Iron Manufacturing Company.

An act for the benefit of the Sheriff of Bourbon county.

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

An act to appoint Trustees for the Grant Seminary.

An act for the benefit of the Clerk of the Boone County Court.

An act to establish the office of Sergeant of the General Court.

And had found the same truly enrolled.

The said bills having been signed by 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. After a short time, Mr. Barlow reported that the committee had performed that duty.

On the motion of Mr. Weller, leave was given to bring in a bill to authorize the County Court of Union county to lay an additional levy; and Messrs. Weller, James and Sterrett, were appointed a committee to prepare and bring in the same.
A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

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

In compliance with a request of the General Assembly of Indiana, I transmit a copy of a joint resolution of that State, relative to the election of President and Vice President of the United States.

January 26, 1841.

*R. P. Letcher.*

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**EXECUTIVE DEPARTMENT,**

**Indianapolis, January 19, 1841.**

*Sir:*

In compliance with the request of the General Assembly of the State of Indiana, I have the honor to transmit a copy of their "joint resolution relative to the election of President and Vice President of the United States," and to request that the same may be laid before the Legislature of Kentucky.

Very respectfully, your obedient servant,

*Sam'l Bigger.*

*His Excellency, the Governor of Kentucky.***

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*A Joint Resolution relative to the election of President and Vice President of the United States.*

Resolved, by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to vote for the passage of a law designating the same day throughout the United States for the choice of Electors for President and Vice President of the United States, in accordance with the fourth section of the second article of the Constitution.

Resolved, That the Governor of this State be requested to transmit a copy of this Joint Resolution to each of our Senators and Representatives in Congress, and to the Governors of each of the States, with a request that it be laid before their respective Legislatures.

*Samuel Judah,*

*Speaker of the House of Representatives.*

*Samuel Hall,*

*President of the Senate.*

Approved January 19, 1841.

*Samuel Bigger.*
Ordered, That the said message be referred to the committee on Federal Relations.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed an enrolled bill which originated in that House, entitled, An act to establish the office of Sergeant of the General Court.

Approved January 26, 1841.

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, the Speaker resumed the Chair, when Mr. Wingate reported that the committee had, according to order, had under consideration a bill to repeal an act, entitled, an act to amend the law to prohibit the importation of slaves into this State, approved February 2d, 1833, and for other purposes, and had made some further progress therein, but not having time to go through the same, had directed him to ask leave to sit again—which was granted.

And then the Senate adjourned.

WEDNESDAY, JANUARY 27, 1841.

A message was received from the House of Representatives announcing that they had passed bills from the Senate of the following titles, to wit: An act to incorporate the Grand Lodge of Kentucky. An act to establish the Lexington Cemetery. An act to change the time of holding the Knox County Court, and for other purposes. An act for the benefit of Isaac Grubbs, late Sheriff of Caldwell county. An act for the benefit of the Sheriff of Livingston county, H. R. D. Coleman and Nathaniel Gray. An act for the benefit of the Sheriff of Calloway county. An act to amend the law of last session relating to idiots and lunatics. With amendments to the last named bill. That they had passed bills of the following titles, viz: 1. An act to incorporate the Pleasant Grove Meeting House. 2. An act for the divorce of Robert S. Brame. 3. An act for the divorce of Sarah Surlott. 4. An act for the benefit of the Sheriff of Henry county.
5. An act concerning the Christian Church at Glasgow.
Which bills were severally read the first time, and ordered to be read a second time.
The constitutional rule as to the second reading being dispensed with, they were referred: the 1st, 2d and 3d, to the committee on Religion; the 4th to the committee on Finance, and the 5th to the committee on the Judiciary.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.
The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

Gentlemen of the Senate:
I nominate for your advice and consent Joseph Gray to be Sergeant of the General Court.
Abraham Vannarsdall to be Major in the 82d Regiment, in place of Jas. S. Mullins, promoted.

January 26, 1841.

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

Mr. J. V. Walker presented the petition of George Butler, administrator of his father, Joseph Butler, praying for the passage of a law authorizing the sale of a certain lot of ground—which was received and referred to the committee on the Judiciary.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill for the benefit of the widow and heirs of Jacob C. Butler, deceased, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be engrossed and read a third time.
The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

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

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Trustees of the Parsonage of the Winchester Circuit of the Methodist Episcopal Church, reported the same without amendment.

Ordered, That the said bill be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, reported the following bills, to-wit:
A bill to establish the Fire Department of the city of Louisville.
A bill for the benefit of Sarah Scroggin.
Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

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

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional Constable to the county of Bullitt, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional Constable to the county of Bullitt, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to change the place of voting from Greenville C. Alfred's, in Washington county, to Leonard Seay's, jr., reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional Constable to the county of Bullitt, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

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

The constitutional rule as to the third reading being dispensed with,

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

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

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

The constitutional rule as to the third reading being dispensed with,

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

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional Constable to the county of Bullitt, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional Constable to the county of Bullitt, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional Constable to the county of Bullitt, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional Constable to the county of Bullitt, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional Constable to the county of Bullitt, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional Constable to the county of Bullitt, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,
Mr. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William Simpson, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

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

Mr. Johnson, from the same committee, reported the following bills, viz:

A bill for the benefit of Lyman Martin, committee of Julian Montague.

A bill for the benefit of Pleasant Sandidge, late Sheriff of Green county.

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

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

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

Mr. Payne, from the joint committee on Banks, made the following report:

[For the report, see Legislative Documents, page 395.]

Ordered, That the Public Printer print 500 copies of the said report, without the documents, for the use of the Senate.

Mr. Payne, from the same committee, reported a bill to restore the privileges of the Banks when they resume specie payments—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading of said bill being dispensed with, the further consideration thereof was postponed and made the order of the day for Wednesday next.

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

Mr. Clarke, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Shareholders of the Carrolton Library Company, in the town of Carrolton, Carroll county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

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

The following bills were reported from select committees, viz:

By Mr. Weller—1. A bill to authorize the County Court of Union to lay an additional levy.

By Mr. Clarke—2. A bill for the benefit of George I. Brown, and others.

By Mr. Ford—3. A bill for the benefit of Elizabeth Gray.
Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 3d was referred to the committee on Religion, and the 1st and 2d were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st and 2d bills being dispensed with, and the same being engrossed,

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

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

On the motion of Mr. Hanson—1. A bill for the benefit of the Sheriff of Estill county.

On the motion of Mr. De Courcy—2. A bill to change the time of holding the Campbell County Court, and for other purposes.

On the motion of Mr. Craddock—3. A bill for the benefit of John Morris, and others.

On the motion of Mr. James—4. A bill for the benefit of the Hickman Circuit and County Court Clerk.

The committee on Finance was directed to prepare and bring in the 1st and 4th; the committee on the Judiciary the 2d, and Messrs. Craddock, Hardin and Symson were appointed a committee to prepare and bring in the 3d.

The resolution, read and laid on the table by Mr. Craddock on the 19th instant, to print the address on Agriculture by the Hon. Chilton Allan, was taken up and referred to the committee on Agriculture.

Mr. Craddock, from a select committee, reported a bill for the benefit of John Morris, and others—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended and referred to the committee on Finance.

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. Barlow in the Chair. After some time spent in committee, the Speaker assumed the Chair, when Mr. Barlow reported, that the committee had, according to order, had under consideration a bill to repeal an act, entitled, an act to amend the law to prohibit the importation of slaves into this State, approved February 2d, 1833, and for other purposes, and had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which was granted.

Mr. M. Williams, who voted with the majority, moved to reconsider the
vote by which the Senate rejected the bill to establish the county of Howard, which motion was seconded by Mr. Huston, who also voted with the majority.

And then the Senate adjourned.

THURSDAY, JANUARY 28, 1841.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, to-wit:

An act for the benefit of the first school district in the county of Pike.
An act to appoint Trustees for the Grant Seminary.
An act for the benefit of the Clerk of the Boone County Court.
An act for the benefit of the Sheriff of Bourbon county.
An act for the benefit of the Sheriff of Washington county.
An act for the benefit of the heirs of Matthew Galt.
An act to establish a State road from Napoleon, in Gallatin county, to intersect the Covington and Georgetown turnpike road, at or near Monticello school house in Grant county.
An act to emancipate Eliza and her children, and for other purposes.
An act for the benefit of the administrator and heirs of Mordecai Jackson, deceased.
An act allowing an additional Justice of the Peace to the county of Breathitt, and for other purposes.
An act regulating the powers of the Trustees of the town of Shariiburg.
An act to incorporate the Elizabethtown Fire Company.
An act to establish a State road from Henderson, through Madisonville to Hopkinsville.
An act to incorporate the Green River Iron Manufacturing Company.

Approved January 26, 1841.

That they had passed bills of the following titles, viz:
An act authorizing Reuban Collins and George W. Brewer to build a mill dam on Salt river.
An act authorizing Nicholas Porter to build a mill dam on Salt river.
An act for the benefit of Joel Thomasson.
Mr. Pirtle, from the committee on the Judiciary, made the following report, to-wit:

The committee on the Judiciary, to whom was referred the petition of Joseph McAllister, and others, praying that certain land devised by James Curling for the benefit of a Seminary of Learning be sold, have had the same under consideration, and find that the will of said Curling forbids the sale of said land. They therefore propose this resolution:

Resolved, That the said petition be rejected—which was twice read and concurred in.

Mr. Pirtle, from the same committee, to whom was referred the petition of Jacob Miller, praying for the passage of a law authorizing him to convey several small tracts of land sold under the nuncupative will of his father; also, the petition of George Butler, administrator of his father, Joseph Butler, deceased, praying for the passage of a law authorizing the sale of a certain lot of ground; also, the petition of Richard Browder and Sarah H. Anderson, guardians for the four infant children of Thomas Anderson, deceased, praying for the passage of a law to authorize the Logan or Todd County Courts to order the sale of a certain tract of land belonging to said infants, reported the following resolution thereon:

Resolved, That the said petitions be rejected—which was twice read and concurred in.

Leave was given to withdraw the petition of Jacob Miller.

Mr. Pirtle, from the same committee, reported the following bills, to wit:

A bill to change the time of holding the Campbell County Courts, and for other purposes.

A bill granting a change of venue to James S. McCauley.

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

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

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

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the heirs of Worden Pope, deceased, and the heirs of Frederick Geiger, dec'd, reported the same with the opinion of the committee that it ought not to pass.

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.

A bill to amend the law concerning the writ of certiorari, was referred to the committee on the Judiciary.

Mr. Huston, from the committee on Privileges and Elections, reported a
bill to establish an election precinct in the county of Carter—which was
read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said
bill being dispensed with, and the same being engrossed,
Resolved, That the said bill do pass, and that the title thereof be as
aforesaid.

Mr. Huston, from the committee on Privileges and Elections, to whom
was referred a bill from the House of Representatives entitled, an act to
alter the mode of comparing the polls in the election of certain officers, re-
ported the same without amendment.
Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as
aforesaid.

Mr. Wingate, from the committee on Religion, to whom was referred the
petition of Elizabeth Ann Doty, praying for a divorce from her husband; also,
the petition of Moses Royse, praying for a divorce from his wife, reported
the same with the following resolution thereon, to-wit:
Resolved, That the said petitions be rejected.
The question being taken on concurring in the said resolution, it was de-
cided in the negative.

Ordered, That the committee on Religion prepare and bring in bills pur-
suant to said petitions.

Mr. Young, from the same committee, to whom was referred a bill from
the House of Representatives, entitled, an act to divorce Fanny Robaleer,
and to change her name, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as
aforesaid.

Mr. Young, from the same committee, to whom was referred, the petition
of A. G. Walker, praying for a divorce from his wife, reported the following
resolution thereon, to-wit:
Resolved, That the said petition be rejected—which was twice read and
conurred in.

Mr. Wingate, from the committee on Religion, to whom was referred a
bill from the House of Representatives, entitled, an act for the benefit of
Susan Summers, reported the same with the opinion of the committee that
it ought not to pass.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as
aforesaid.
On the motion of Mr. Hanson, leave was given to bring in a bill for the benefit of Frances Lewis, and the committee on Finance was directed to prepare and bring in the same.

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

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

- An act for the benefit of the mechanics of the town of Smithland.
- An act to divorce Harriet Bennett.
- An act for the benefit of S. H. Chew, jr. and others.
- An act for the benefit of the administrator and heirs of John W. Lowry, deceased.

And enrolled bills which originated in the Senate of the following titles, to-wit:

- An act for the benefit of the Estill Seminary.
- An act to add a part of the county of Perry to the county of Harlan.
- An act for the benefit of the Kentucky Baptist Education Society.
- An act to amend and reduce into one the several acts concerning the Fire Company in the town of Shelbyville.
- An act for the benefit of Robert Pace and Levi Pennington.
- An act for the benefit of John S. Fisher.
- An act to change the mode of paying the Commissioners of Common Schools in Wayne county.

And had found the same truly enrolled.

The said bills having been signed by 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. After a short time, Mr. Barlow reported that the committee had performed that duty.

Mr. Johnston, from the committee on Finance, to whom was referred a bill for the benefit of John Morris, and others, reported the same with an amendment, and the said bill was placed in the orders of the day.

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, the Speaker resumed the Chair, when Mr. Wingate reported that the committee had, according to order, had under consideration a bill to repeal an act, entitled, an act to amend the law to prohibit the importation of slaves into this State, approved February 2d, 1833, and for other purposes, and having gone through with the same, had directed him to report it to the house with an amendment.
Mr. Payne moved the previous question, and the question being taken, shall the main question be now put? it was decided in the negative.

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

Those who voted in the affirmative, were—

Messrs. Bailey, Ballinger, Clarke, Craddock, Dyer, Hardin,

Huston, Morgan, D., Morgan, J. S., Payne, Pirtle,

Pratt, Quarles, Symson, Walker, C. J., Williams, S. L.

Those who voted in the negative, were—

Messrs. Barlow, Burnett, Ford, Griffith, Hanson, James, Jesup,

Johnston, Rice, Slaughter, Sterett, Tomlinson, Walker, J. V.


Mr. J. S. Morgan moved a call of the House. The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hanson and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballinger, Clarke, Craddock, Johnston, Morgan, D.

Morgan, J. S., Payne, Pirtle, Pratt,

Symson, Walker, J. V., Weller, Williams, M.

Those who voted in the negative, were—

Messrs. Bailey, Barlow, Burnett, Dyer, Ford, Griffith, Hanson, Hardin,

Huston, James, Jesup, Quarles, Rice, Slaughter, Sterett,

Tomlinson, Walker, C. J., Wallace, Wickliffe, Williams, S. L.

Wingate, Young—22.

The said bill and amendment are as follows, to-wit:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act of the General Assembly, approved the 2d Febru-
ary, 1833, entitled, an act to amend the law to prohibit the importation
of slaves into this State, shall be and is hereby repealed.

Sec. 2. Be it further enacted, That it shall not hereafter be lawful for
any person to import or bring into this State any slave or slaves, as mer-
chandise; nor shall it be lawful for any person to pass through this State,
or any part of it, to any other place or State, any slave or slaves, as mer-
chandise; and any person, offending herein, shall be guilty of a misdemeanor,
and shall forfeit and pay to the Commonwealth any sum not less than one
hundred dollars, nor more than one thousand dollars, at the discretion of a
jury, to be recovered by action of debt or indictment, at the suit of the
Commonwealth, for every such slave, so brought into the Commonwealth,
or passed, or attempted to be passed, through the same as merchandise; to
be prosecuted, by indictment, where the offence was committed, and by action
of debt wherever the defendant may be found; but nothing in this act shall
be construed so as to prevent others from bringing, or causing to be brought
into this State, any slaves of which they are the owners, from any of the
United States, so long as persons of the same description are held in slavery
in this Commonwealth.

Be it further enacted by the General Assembly, That every person bring-
ing any slave into this State, from any other State or country or district,
shall be held guilty of importing slaves, within the meaning of this act, as
merchandise, unless the importer shall, within sixty days after he shall bring
such slave to the State, file a description of each and every slave, so brought
or imported into the State; and shall further state and swear, that he has
brought no such slaves, so described, as merchandise, nor with a view to sell,
but that he, she, or they has or have brought them for his, her, or their own
use, and with no intention either to make sale of them in this State, nor to
pass them through the State to any other State or place as merchandise, or
with a view of selling them, or any of them; and shall, after making oath
to such statement, cause the same to be recorded in some County Court of
this State, within ninety days after the importation of such slave or slaves.

Mr. Wingate moved that the further consideration of the said bill, and
amendment, be postponed until the first day of June next.

The question being taken thereon, it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Wingate and Wel-
er, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,          Huston,                Rice,
Ballinger,              Johnston,               Sympson,
Clarke,                Morgan, D.,              Slaughter,
Craddock,              Morgan, J. S.,           Walker, C. J.
De Courcy,             Payne,                  Wallace,
Dyer,                  Pirtle,                 Williams, S. L.
Hardin,                Pratt,                  Wingate—23.
Those who voted in the negative, were—

Messrs. Barlow, James, Weller,
Burnett, Jesup, Wickliffe,
Ford, Sterett, Williams, M.
Griffith, Tomlinson, Young—14.
Hanson, Walker, J. V.

And then the Senate adjourned.

FRIDAY, JANUARY 29, 1841.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:

1. An act for the benefit of Juliet Henry, executrix of Matthias W. Henry, deceased.
2. An act for the benefit of Jacob Weddington, sen'r and Jacob Weddington, jr.
3. An act to amend an act establishing a State road from the mouth of Salt river, by way of Grayhampton and Big Spring, to intersect the Bowling-green road, approved January 13th, 1840.
4. An act to amend an act establishing a System of Common Schools in Kentucky.

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

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st, 2d and 3d to the committee on Internal Improvement, and the 4th to the committee on Education.

Mr. Ford presented the will of Solomon Hardy in lieu of the petition of Rachel Lindsay, praying for a divorce from her husband, (and which petition is lost)—which was received and referred to the committee on Religion.

Mr. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Henry county, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Johnston, from the same committee, reported a bill for the benefit of
the Clerks of the Hickman Circuit and County Courts—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Mr. James, from the committee on the Public Buildings, made the following report, to-wit:

The committee on the Public Buildings, in discharge of the duties assigned them, have examined into the condition of the building now occupied by the Auditors of Public Accounts. Their office consists of only one room, and that we find much crowded by presses and books, and wholly insufficient for the transaction of the business required of those officers and their clerks. The accumulation of papers and vouchers of importance are so rapid, that in the course of a very few years, a room nearly as large as the one now in use will be required to contain them. The roof is old and rotten, and will require repairing in the course of the ensuing summer. Two or three of the joists have given way, so as to require props to prevent them from falling altogether, the building is old, and the office too small for the correct and speedy transaction of the public business; in great danger of being consumed by fire, in which case an immense loss would, in all probability, be sustained by the State, by the destruction of vouchers for money paid out.

The committee have caused an estimate to be made of the cost of erecting additional rooms, and putting the whole under the same roof with the present building, which they recommend should immediately be done; and for that purpose ask leave to report a bill. The estimates, with the plan of the building, will be laid before the Senate in due time.

All which is respectfully submitted by the committee.

THO. JAMES, Chairman.

Mr. James, from the same committee, reported a bill providing for the erection of additional rooms for the Auditors of Public Accounts—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading of said bill being dispensed with, it was ordered to be engrossed and read a third time.

Mr. Slaughter, from the committee on Agriculture, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate and establish the Marion county Agricultural Society, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

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

Mr. Slaughter, from the same committee, to whom was referred a resolution to print the Address on Agriculture by the Hon. C. Allan, reported the
same without amendment. The said resolution was amended, and the question being taken on the adoption thereof, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

<table>
<thead>
<tr>
<th>Messrs. Bailey</th>
<th>Huston,</th>
<th>Quarles,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ballinger</td>
<td>James,</td>
<td>Sympson,</td>
</tr>
<tr>
<td>Barlow</td>
<td>Jesup,</td>
<td>Slaughter,</td>
</tr>
<tr>
<td>Craddock</td>
<td>Morgan, D.</td>
<td>Tomlinson,</td>
</tr>
<tr>
<td>De Courcy</td>
<td>Morgan, J.S.</td>
<td>Wallace,</td>
</tr>
<tr>
<td>Ford</td>
<td>Payne,</td>
<td>Williams, M.</td>
</tr>
<tr>
<td>Hanson</td>
<td>Pirtle,</td>
<td>Young—21.</td>
</tr>
</tbody>
</table>

Those who voted in the negative, were—

<table>
<thead>
<tr>
<th>Messrs. Burnett,</th>
<th>Pratt,</th>
<th>Weller,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Griffith</td>
<td>Rice,</td>
<td>Wickliffe,</td>
</tr>
<tr>
<td>Hardin</td>
<td>Schooling,</td>
<td>Williams, S. L.</td>
</tr>
<tr>
<td>Hughes</td>
<td>Sterett,</td>
<td>Wingate—14.</td>
</tr>
<tr>
<td>Johnston</td>
<td>Walker, J. V.</td>
<td></td>
</tr>
</tbody>
</table>

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

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:
I nominate for your advice and consent Dudley H. Denton to be Notary Public for Garrard county.

January 29, 1841.

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

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

An act to change the place of voting from Greenville C. Alfred’s, in Washington county, to Leonard Seny’s, jr.

An act allowing an additional Constable to the county of Bullitt.

An act concerning the town of Mountsterling.

An act to incorporate the Trustees of the Parsonage of the Winchester Circuit of the Methodist Episcopal Church.

An act to incorporate the shareholders of the Carrolton Library Company in the town of Carrolton, Carroll county.

An act to amend and revive the law in relation to the election of Trustees for the town of Stanford, Lincoln county.
An act concerning the town of Lancaster.
An act for the benefit of Mrs. Miriam Wilson.
An act for the benefit of William Simpson.
And enrolled bills which originated in the Senate of the following titles, to-wit:
An act to incorporate the Grand Lodge of Kentucky.
An act to establish the Lexington Cemetery.
An act to change the time of holding the Knox County Court, and for other purposes.
An act for the benefit of Isaac Grubbs, late Sheriff of Caldwell county.
An act for the benefit of the Sheriff of Livingston county, H. R. D. Coleman and Nathaniel Gray.
An act for the benefit of the Sheriff of Calloway county.
And had found the same truly enrolled.
The Speaker of the House of Representatives having signed the said bills, 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. Barlow reported that the committee had performed that duty.
Mr. Wickliffe, from the committee on Federal Relations, to whom was re-committed the report of said committee relative to the demand of the Executive of Virginia upon the Executive of New York, for the surrender of three fugitives from justice, reported the same without amendment.
The said report was discussed for some time, and the Senate proceeded to the consideration of the orders of the day.
The Senate resumed the consideration of a bill to regulate the salary of the Circuit Judge of the 5th Judicial District.
Mr. Ballinger moved to postpone the said bill indefinitely.
The question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Wickliffe and Pirtle, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Barlow, Burnett, Craddock, De Courcy, Dyer, Hardin, Hughes, James, Jesup, Morgan, J. S. Pratt, Quarles,
Mr. Pirtle moved to postpone the further consideration of the said bill and make it the special order of the day for Tuesday next.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


On the motion of Mr. Wickliffe, the committee of the whole was discharged from the further consideration of a bill to regulate the salary of the Chancellor of the city of Louisville, and the said bill was made the order of the day for Tuesday next.

On the motion of Mr. Pirtle, a message was sent to the House of Representatives, asking leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of the heirs of Worden Pope, dec'd, and the heirs of Frederick Geiger, dec'd. After a short time the said bill was returned to the Senate, and the vote by which it was disagreed to was re-considered and it was referred to the committee on the Judiciary.

Resolved, That the Senate recede from the amendment proposed by them to a bill from the House of Representatives, entitled, an act to amend the several laws of this Commonwealth relative to the duties of Clerks of Courts.

The amendment proposed by the House of Representatives to a bill from the Senate, entitled, an act concerning the record books of the County and Circuit Courts of Madison, were twice read and disagreed to.

The amendments proposed by the House of Representatives to bills from the Senate of the following titles, to-wit:

An act to allow an additional Justice of the Peace to the counties of Caldwell and Hickman.

An act to amend the law concerning the town of Hardinsburg, and for other purposes.
An act to amend the law of last session relating to idiots and lunatics.

 Were twice read and concurred in.

A message was received from the Governor, by Mr. Coleman, announcing
that he had approved and signed enrolled bills which originated in the Senate
of the following titles, to-wit:

An act for the benefit of the Kentucky Baptist Education Society.
An act to change the mode of paying the Commissioners of Common
Schools in Wayne county.
An act to add a part of the county of Perry to the county of Harlan.
An act for the benefit of the Estill Seminary.
An act to amend and reduce into one the several acts concerning the Fire
Company in the town of Shelbyville.
An act for the benefit of Robert Pace and Levi Pennington.
An act for the benefit of John S. Fisher.

Approved January 28, 1841.

An act to incorporate the Grand Lodge of Kentucky.
An act to establish the Lexington Cemetery.

Approved January 29, 1841.

Engrossed bills of the following titles were severally read a third time,
to-wit:

An act allowing the Appellate Judges to reinstate attachments and other
restraining orders in chancery.
An act concerning exceptions to depositions.
An act to authorize the purchase of a fire engine and hose for the protec-
tion of the property of the State at the seat of Government.
An act to amend the law concerning awards.

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

A bill to amend the law concerning appeals and writs of error, was made
the order of the day for Monday next.

A bill for the benefit of Transylvania University, Centre College, Geor-
town College and Bacon College, was referred to a committee of Messrs.
Wickliffe, Young and Johnston.

Bills from the House of Representatives of the following titles, viz:
An act authorizing Reuben Collins and George W. Brewer to build a mill
dam on Salt river.
An act authorizing Nicholas Porter to build a mill dam on Salt river.
An act for the benefit of Joel Thomasson.

Were severally read the first time, and ordered to be read a second time.
The constitutional rule as to the second reading being dispensed with,
they were referred to the committee on Internal Improvement.

And then the Senate adjourned.
SATURDAY, JANUARY 30, 1841.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, to-wit:

An act for the benefit of the mechanics of the town of Smithland.
An act to divorce Harriet Bennett.
An act for the benefit of S. H. Chew, jr. and others.
An act for the benefit of the administrator and heirs of John W. Lowry, deceased. Approved 28th January, 1841.

That they had passed bills which originated in the Senate of the following titles, viz:

An act for the divorce of Albert G. Young and Catharine N. Young, his wife.
An act to amend an act, entitled, an act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky, approved February 5th, 1840.

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

1. An act to increase the resources of the Sinking Fund, and for other purposes.
2. An act further to regulate the Madison turnpike and Wilderness road.
3. An act to extend the Constables' district in the town of Bradfordsville, in Marion county, and town of Richmond, Madison county.
4. An act to amend the charter of the Bardstown and Springfield Turnpike Road Company.
5. An act to amend an act, entitled, an act to amend the charter of Cumberland College, and for other purposes, approved February 16th, 1838.
6. An act to legalize the proceedings of the Garrard County Court, and for other purposes.
7. An act for the benefit of Christiana Booth.
8. An act for the divorce of Elizabeth Baccus.
9. An act for the benefit of Mary Isbell.
10. An act for the benefit of the Sheriff of Carter county.

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

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st and 10th to the committee on Finance; the 2d and 4th to the committee on Internal Improvement; the 3d to the com-
committee on Propositions and Grievances; the 5th to the committee on Education; the 6th to the committee on the Judiciary, and the 7th, 8th and 9th to the committee on Religion.

Mr. Ford presented the petition of Wm. De Courcy, praying for the passage of a law to refund certain moneys paid by him—which was received and referred to the committee on the Judiciary.

The message received from the Governor on the 28th inst., was taken up and read as follows, to-wit:

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

I transmit to the Legislature the report of Austin P. Cox, who was appointed by me, in pursuance of the joint resolution, approved February 5, 1840, entitled “a resolution providing for the examination of the books of the late Receiver of Public Moneys west of the Tennessee river.

January 28, 1841.

To his Excellency, Governor Letcher:

The undersigned, in pursuance of your appointment and directions, has made the examinations required by a resolution of the General Assembly of Kentucky, entitled “a resolution providing for the examination of the books of the late Receiver of Public Moneys west of the Tennessee river,” approved February 5, 1840, and now respectfully submits the following report as the result of his labors.

The first entries in the Receiver’s books were made on the 6th day of June, in the year 1825. He was allowed a salary of $300 per annum, to be paid out of the Public Treasury, and a commission of 3 per cent. upon amount of sales, provided the whole allowance thus made should not exceed the sum of $800 per annum. On the 25th of January, 1827, the Legislature reduced his salary to $200 per annum, and his commission to 2 per cent. upon amount of sales, provided the whole sum thus allowed should not exceed $500 per annum.

For the year ending 5th June, 1826, there was sold,

<table>
<thead>
<tr>
<th>Acres</th>
<th>Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>42,981</td>
<td>43,046 25</td>
</tr>
</tbody>
</table>

For the year ending 5th June, 1827, there was sold,

<table>
<thead>
<tr>
<th>Acres</th>
<th>Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>30,124</td>
<td>17,316 75</td>
</tr>
</tbody>
</table>

For the year ending 5th June, 1828, there was sold,

<table>
<thead>
<tr>
<th>Acres</th>
<th>Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>72,444½</td>
<td>36,222 31½</td>
</tr>
</tbody>
</table>

For the year ending 5th June, 1829, there was sold,

<table>
<thead>
<tr>
<th>Acres</th>
<th>Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>53,771½</td>
<td>21,175 75</td>
</tr>
</tbody>
</table>

For the year ending 5th June, 1830, there was sold,

<table>
<thead>
<tr>
<th>Acres</th>
<th>Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>76,041½</td>
<td>19,636 13½</td>
</tr>
</tbody>
</table>

Amounts carried forward,

<table>
<thead>
<tr>
<th>Acres</th>
<th>Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>275,363 ½</td>
<td>137,397 20</td>
</tr>
</tbody>
</table>
Amounts brought forward,

For the year ending 5th June, 1831, there was sold,

For the year ending 5th June, 1832, there was sold,

For the year ending 5th June, 1833, there was sold,

For the year ending 5th June, 1834, there was sold,

From 6th June, 1834, to 15th January, 1835, when the proceeds of the sales of lands west of the Tennessee river were given to the counties where they lay, there was sold,

Acres. Dollars.

\[ \begin{array}{ccc}
275,362 & 137,397 & 20 \\
111,714 & 28,817 & 061 \\
159,520 & 39,880 & 081 \\
125,923 & 31,480 & 75 \\
150,992 & 37,748 & 211 \\
\end{array} \]

\[ \begin{array}{ccc}
40,577 & 10,144 & 431 \\
864,000 & 284,867 & 75 \\
\end{array} \]

The receiver is entitled to a commission, for the year ending 5th June, 1826, of this sum, \$500 00

For the year ending 5th June, 1827, being at the rate of \$500 per annum from 6th June to 5th January, and \$300 from 15th January to June,

For the year ending 5th June, 1828,

For the year ending 5th June, 1829,

For the year ending 5th June, 1830,

For the year ending 5th June, 1831,

For the year ending 5th June, 1832,

For the year ending 5th June, 1833,

For the year ending 5th June, 1834,

From 6th June, 1834, to 25th January, 1835,

\[ \begin{array}{c}
3,211 & 50 \\
281,656 & 35 \\
281,611 & 73 \\
44 & 52 \\
\end{array} \]

The Receiver has paid of the above, into the Public Treasury, as appears from his settlements with the Auditor of Public Accounts,

Balance due from Receiver,

Subsequent to the 15th of January, 1835, when the proceeds of the sales of the lands were given to the four counties west of the Tennessee river, the sales were as follows:

From 15th January to 5th June, 1835, there was sold,

For the year ending 5th June, 1836, there was sold,

For the year ending 5th June, 1837, there was sold,

Amount carried forward,
Amount brought forward, - Acres. Dollars.
For the year ending 5th June, 1838, there was sold, - 5,800½ $725 05½
For the year ending 5th June, 1839, there was sold, - 4,400 550 00
From 6th June to 30th November, 1839, when the Receiver's office was closed, there was sold, - 12,723½ 1,590 45¾

497,971½ 62,700 33¾

The Receiver is entitled to a commission, from 15th January to 5th June, 1835, of this sum, $116 71
For the year ending 5th June, 1836, 300 00
For the year ending 5th June, 1837, 300 00
For the year ending 5th June, 1838, 14 50
For the year ending 5th June, 1839, 11 00
From 6th June to 30th November, 1839, 31 80

774 01

RECAPITULATION.

The entire sale of lands west of the Tennessee river, by the Receiver, as shown by his books, is as follows:

<table>
<thead>
<tr>
<th>Acres</th>
<th>Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>$5 31¼ per acre</td>
<td>36</td>
</tr>
<tr>
<td>$1 per acre</td>
<td>47,364½</td>
</tr>
<tr>
<td>50 cents per acre</td>
<td>133,648½</td>
</tr>
<tr>
<td>25 cents per acre</td>
<td>687,582½</td>
</tr>
<tr>
<td>12½ cents per acre</td>
<td>494,340½</td>
</tr>
</tbody>
</table>

1,361,971½ 347,568 08¾

Of the foregoing there was sold previous to 15th January, 1835, when the proceeds of the sales of the lands were given to the counties below the Tennessee river, as follows, viz:

<table>
<thead>
<tr>
<th>Acres</th>
<th>Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>$5 31¼ per acre</td>
<td>36</td>
</tr>
<tr>
<td>$1 per acre</td>
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</tr>
<tr>
<td>50 cents per acre</td>
<td>132,648½</td>
</tr>
<tr>
<td>25 cents per acre</td>
<td>683,951½</td>
</tr>
</tbody>
</table>

864,000½ 284,867 75

There was subsequently sold as follows:

<table>
<thead>
<tr>
<th>Acres</th>
<th>Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 cents per acre</td>
<td>3,631</td>
</tr>
<tr>
<td>12½ cents per acre</td>
<td>497,971½</td>
</tr>
</tbody>
</table>
The Books of the Receiver present a reasonably fair appearance up to the year 1836-'7. After this period there are numerous erasures of the names of persons entering lands. Sometimes entire pages of names, or nearly so, are scratched out and others written in their stead. In other instances the names are erased, and the sections, or parts of sections, intended to be entered by them, appear unlocated. I found thirty two entries, making an aggregate of 16,800 acres, carried regularly from the Journal to the Leger, to the credit of the townships in which they were situated, erased from both Journal and Leger—the land now stands unlocated. There is another entry, in the name of Luke Deas, made 11th of April, 1835, for a quarter section of land, where the price ($20) is carried to the Leger, and stands fair there now, but a pen has been run across the entry in the Journal, and the price omitted in summing up the page. The entries here noticed were all made since the proceeds of the sales of those lands were given to the counties west of the Tennessee river. I don't deem anything else necessary to be noticed under the resolution requiring "the condition of the Receiver's books" to be stated.

January 28, 1841.

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

The Senate resumed the consideration of the report from the committee on Federal Relations, relative to the demand of the Executive of Virginia on the Executive of New York of the surrender of certain fugitives from justice. The said report was amended to read as follows:

The committee on Federal Relations, to whom was referred the letter of the Governor of the 14th of December, 1840, communicating to the Senate the letter of his Excellency the Governor of the State of Virginia to the Governor of Kentucky, bearing date the 12th day of November, 1840, also, another letter from the same to the same, bearing date the 23d day of October, 1840, communicating a preamble and resolutions passed by the General Assembly of the State of Virginia, aforesaid, on the 17th day of March, 1840, relative to the demand by the Executive of Virginia upon the Executive of the State of New York, of the surrender of three fugitives from justice, have had the same under consideration, and beg leave to report:

That it satisfactorily appears to your committee that, by a law in force in the State of Virginia at the time, and long before the commission of the offence charged, it was made felony to steal a slave within that State; and that, in violation of that law, Peter Johnson, Edward Smith, and Isaac Garssey, free persons of colour, were duly charged, agreeably to the act of Congress, with the crime of felony, in feloniously stealing and taking away from John G. Colley a certain negro slave (Isaac) the property of said Colley, &c., &c., and that they had fled from justice in the State of Virginia, into the State of N. York, and, being so fugitive, were, in due form of law, demanded by the Executive of Virginia of the Executive of N. York, under the 21 section of the 4th article of the Constitution of the U. States, with which demand the Executive of New York refused to comply—alleging that there
was no law of New York making it a felony to steal a slave, and that the Constitution of the United States did not authorize the demand, except in cases where, by the laws of nations, a fugitive would be surrendered, at and before the date of the Constitution; or, in other words, that the Constitution of the United States gives no additional rights or claims to States whose penal laws are violated than would be allowed to them by the comity between independent sovereignties.

Against this novel and, as your committee believe, most dangerous doctrine of the Executive of New York, the Executive and Legislature of Virginia have appealed to the judgment of her slave-holding sister States, and invited them to express their views upon the subject of the controversy between the Executives of the States of Virginia and New York.

Your committee, after duly considering the point in controversy, as aforesaid, have not been able to discover any excuse, much less justification, for the conduct of the Executive of New York. They think that his construction of the second section of the fourth article, not only violates the plain and declared intention of the Constitution, but would make the section altogether useless. By that article and section, of the Federal Constitution, it is provided: That a person charged with treason, felony, or other crime, who shall flee from justice, and shall be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime. Surely the Executive of New York will not contend that the severe! States have not the right to enact their own penal laws, and to define what shall be a crime, and what shall be the appropriate punishment of every crime. If the States have this right, then by what rule does it lie in the mouth of the State authority where the culprit shall flee to, to answer, that, because New York has not thought proper to make her laws like those of Virginia, that New York will harbour those who have committed crimes against the laws of Virginia within her sovereignty and jurisdiction? Can any impartial judge read the Constitution to mean that the fugitive shall not be judged by the laws of the State that he has broken, but by the laws of the State to which he has fled? Was this a true construction, then, indeed, might a State, by abrogating her penal laws, virtually destroy those of other States, by becoming the refuge of the criminals of all the States. This is what the framers of the Constitution intended to guard against, when they say, that the fugitive shall be delivered up, to be tried where the offence was committed. If the Constitution had only embraced cases arising under the laws of nations, is it likely that the able lawyers who drafted the section would not have said so? Or, if such was the intention of the section, is it likely that the convention would have made the provision as ample as language can be, to embrace every species of crime, and made the language thus imperative on the authority of the State, to which the fugitive shall fly, to surrender up the fugitive on demand of the Executive of the State where the offence was committed? We think not.

Your committee fully concur with the Executive of Virginia in his views of the constitutional right, in him, to demand, and want of authority in the Executive of N. York to refuse to deliver the fugitives for trial, to the State authorities where the offence was committed. They, also, fully concur with the Legislature of the State of Virginia, in the preamble and resolutions.
Resolutions and debates from the Kentucky Senate, dated January 30, 1859. The context pertains to a discussion on the extradition of three fugitives from justice, Peter Johnson, Edward Smith, and Isaac Gansey, demanded by the Executive of Virginia. The resolutions argue that the reasons given by the New York Executive for refusing to surrender the fugitives are insufficient, posing a threat to the slave-holding states. The resolutions also request copies of the report and resolutions to be transmitted to the Virginia Executive. The vote on the amendment, moved by Mr. Pirtle, results in a negative decision. The roll call votes are then recorded, with affirmative votes for Mr. Ballinger, Craddock, De Courcy, Dyer, Griffith, Huston, Morgan, Pirtle, Quarles, Sympson, and negative votes for Mr. Barlow, Burnett, Ford, Hanson, Hardin, Hughes, James, Jesup, Pratt, Rice, Slaughter, Sterett, Tomlinson, Walker, Wallace, Weller, Wickliffe, Williams, and Young.
Mr. Pirtle then moved to amend the first resolution by striking out the same words, and inserting in lieu thereof the following:

And if the State of New York shall sustain the Executive of that State in his conduct in refusing to deliver up the said fugitives for trial in the State of Virginia, where said offence was committed, she will thereby violate her obligation to the Constitution of the United States and its duty to her sister States, and demand from every State in this union, not only its solemn protest, but render it necessary that the slave-holding States should each adopt, for her own preservation against such lawless and felonious aggressions, such constitutional measures as may be expedient, as well as to maintain a due regard for her rights under the Constitution of the United States.

The question being taken on the adoption of the said amendment, it was decided in the negative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


The question was then taken on the adoption of said resolutions, as reported by the committee, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Barlow, James, Tomlinson, Burnett, Jesup, Walker, J. V. De Courcy, Morgan, D., Wallace, Dyer, Pratt, Weller, Ford, Quarles, Wickliife, Griffith, Rice, Williams, M. Hanson, Schooling, Williams, S. L. Hardin, Symphon, Wingate, Hughes, Slaughter, Young—29. Huston, Sterett,
Those who voted in the negative, were—


The question was then taken on the adoption of the report of the committee, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—


Mr. Ballinger, voted in the negative.

On the motion of Mr. Quarles,

Resolved, That a committee of three be appointed to call on the Board of Internal Improvement, at their office in this place, and require of them an inspection and examination of the contracts entered into for work to be performed on the rivers and water courses of this State; and, also, a similar request relative to the contracts made for the performance of labour on the different roads; and what contracts can be suspended, or dispensed with entirely; and report to this House as soon as convenient, the result of the inspection and examination.

Whereupon, Messrs. Quarles, Barlow and Hardin, were appointed said committee.

A message was received from the Governor, by Mr. Coleman, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, viz:

An act to change the time of holding the Knox County Court, and for other purposes.

An act for the benefit of Isaac Grubbs, late Sheriff of Caldwell County.

An act for the benefit of the Sheriff of Livingston county, H. R. D. Coleman and Nathaniel Gray.

An act for the benefit of the Sheriff of Calloway county.

Approved January 29, 1841.

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

On the motion of Mr. Wickliffe—1. A bill to direct the Public Printer to
print, on a separate sheet, 500 copies of the appropriation bill of every
year, and for other purposes.

On the motion of Mr. Griffith—2. A bill to incorporate the Vestry of
St. Paul's Church, in the town of Henderson.

On the motion of Mr. Wingate—3. A bill to authorize the sale of the
land of Thomas Smith, deceased, of Owen county.

On the motion of Mr. Craddock—4. A bill to add more time to the terms
of the Hardin Circuit Court, and for other purposes.

Messrs. Wickliffe, Hanson and Rice were appointed a committee to pre-
pare and bring in the 1st; Messrs. Griffith, Sterett and Craddock the 2d;
Messrs. Craddock, Huston and Sterett the 4th, and the committee on the
Judiciary the 3d.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred
a bill from the House of Representatives, entitled, an act for the benefit of
the heirs of Worden Pope, deceased, and the heirs of Frederick Geiger, de-
cesed, reported the same with amendments—which were concurred in.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Pirtle, 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 James Pagett.
An act for the benefit of William Simmons and his committee.
An act to amend an act, entitled, an act to amend an act directing the
duty of Surveyors of land.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Pirtle, from the same committee, to whom was referred a bill to
regulate the rate of conventional interest, reported the same with an amend-
ment, and the said bill was committed to a committee of the whole House,
and made the special order of the day for Thursday next.

Mr. Pirtle, from the same committee, to whom was referred a bill to
amend the law concerning the writ of certiorari, reported the same with an
amendment—which was concurred in.

The said bill was further amended and ordered to be engrossed and read
a third time.

The constitutional rule as to the third reading of the said bill being dis-
pensed with, and the same being engrossed.
Resolved, That the said bill do pass; and that the title thereof be amended by adding thereto, and for other purposes.

Mr. James, from a select committee, reported a bill to establish the town of Milburn, in the county of Hickman—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the running, marking and extending the county lines between certain counties, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

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

And then the Senate adjourned.

MONDAY, FEBRUARY 1, 1841.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, to-wit:

An act to amend and revive the law in relation to the election of Trustees for the town of Stanford, Lincoln county.

An act concerning the town of Mountsterling.

An act concerning the town of Lancaster.

An act for the benefit of Mrs. Miriam Wilson.

An act to change the place of voting from Greenville C. Alfred's, in Washington county, to Leonard Seay's, jr.

An act allowing an additional Constable to the county of Bullitt.

An act for the benefit of William Simpson.

An act to incorporate the Trustees of the Parsonage of the Winchester Circuit of the Methodist Episcopal Church.
An act to incorporate the shareholders of the Carrolton Library Company in the town of Carrolton, Carroll county.

Approved 29th January, 1841.

That they had passed bills which originated in the Senate of the following titles, viz:

An act to change the time of holding the Campbell County Courts, and for other purposes.

An act to establish the Fire Department of the city of Louisville.

That they had adopted a preamble and resolutions in relation to fugitive slaves.

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

1. An act to explain an act, entitled, an act to repeal, in part, the several acts concerning the town of South Frankfort, and for other purposes, approved January 4th, 1841.

2. An act for the benefit of the Clerk of the Pendleton Circuit and County Courts.

3. An act for the benefit of William A. Bowdown.

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

5. An act further to provide for the appointment of patroles in this Commonwealth.

6. An act to authorize the Judge of the second Judicial District to hold a special chancery term in the county of Campbell.

7. An act to establish an election precinct in Greenup county, and for other purposes.

8. An act for the benefit of the Sheriff of Henderson county.

9. An act to establish an election precinct in the county of Hardin, and for other purposes.

10. An act to amend an act, entitled, an act for the benefit of the heirs of William Taylor, deceased, approved February 4th, 1840.

11. An act further to regulate the trial of appeal cases in Jefferson County Court.

12. An act for the benefit of the late and present Sheriff of Lewis county.

13. An act to amend the law in relation to working the public highways in the county of Mason.


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

16. An act for the benefit of the administrators and heirs of Benjamin Lancaster, deceased.

17. An act for the relief of the Sheriff of Nicholas county.

18. An act allowing an additional Justice of the Peace to the county of Owen.
Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st, 2d, 3d, 6th, 10th, 11th, 14th and 16th, to the committee on the Judiciary; the 4th, 15th and 13th to the committee on Propositions and Grievances; the 5th, 8th, 12th and 17th to the committee on Finance; the 7th and 9th to the committee on Privileges and Elections, and the 13th to the committee on Internal Improvement.

1. Mr. Burnett presented the petition of sundry citizens of Trigg county, praying for the repeal of the law of last session, establishing ferries on Cumberland and Tennessee rivers, in Trigg county.

2. Mr. Rice presented the petition of James McGuire, praying for the passage of a law to allow him $400 for losses sustained on the reception of State bonds.

3. Mr. Clarke presented the petition of the Chairman and Board of Trustees of the town of Nicholasville, praying for the passage of a law authorizing them to sell a certain lot in said town.

4. Mr. Clarke also presented the petition of sundry citizens of the town of Nicholasville, praying for the passage of a law to exempt them from working on the public highways.

5. Mr. Schooling presented the petition of the Trustees of the town of Springfield, praying for the passage of a law to amend the charter of said town.

6. Mr. Clarke presented the remonstrance of C. T. Cunningham against granting to the Trustees of said town of Springfield certain powers.

7. Mr. Weller presented the acquiescence of L. Lindsey, for himself, and as Attorney in fact, for other remonstrants, in the passage of a law to alter the charter of Cumberland College.

Which were received and referred: the 1st, 5th and 6th to the committee on Propositions and Grievances; the 2d to the committee on Finance; the 7th to the committee on Education, and the 3d and 4th to a committee of Messrs. Clarke, Johnston and Bailey.

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to extend the Constables' districts in the town of Bradfordsville, in Marion county, and town of Richmond, in Madison county, reported the same with the opinion of the committee that it ought not to pass.

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.

Mr. Rice, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act to amend an act, entitled, an act to amend the charter of the city of Covington, approved January 4th, 1841, and for other purposes.
An act for the benefit of George W. Mansfield, and for other purposes.
Reported the same without amendment.
Ordered, That the said bills be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Two messages, in writing, were received from the Governor, by Mr. Harlan, Secretary of State.
The rule of the Senate being dispensed with as to the first message, it was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent Charles C. Kelley to be Colonel Commandent of the 50th Regiment, in the place of Larkin B. Casey, resigned.
Cleland T. Cunningham to be Lieutenant Colonel of the same Regiment, in the place of Mountford Peter, who is included within the bounds of an additional Regiment.
John Yocum to be Colonel, Mountford Peter to be Lieutenant Colonel and George W. Cornish, Major of an additional Regiment which has been formed out of the 50th Regiment, and to be denominated the 133d Regiment, and embraced within the 8th Brigade.

R. P. LETCHER.

February 1, 1841.

Resolved, That the Senate advise and consent to the said appointments.
Mr. Wingate, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Rosannah Boggess, reported the same without amendment.
Ordered, That the said bill be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Wingate, from the same committee, reported the following bills, viz:
1. A bill for the divorce of Moses Royse.
2. A bill for the divorce of Elizabeth Ann Doty.

Which bills were severally read the first time, and ordered to be read a second time.
The constitutional rule as to the second reading being dispensed with, the said bills were ordered to be engrossed and read a third time.
The constitutional rule as to the third reading of the 2d bill being 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 on Religion, to whom was referred bills from the House of Representatives, of the following titles, viz:
An act to divorce Margaret M. Pulliam.
An act for the benefit of Eliza Taylor.
An act for the benefit of Mary Finch.
Reported the same with the opinion of the committee that they ought not to pass.
Ordered, That the said bills be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Robert S. Brame, reported the same with the opinion of the committee that it ought not to pass.

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.

Mr. Young, from the same committee, to whom was referred the petition of Andrew Woods, praying for a divorce from his wife, reported the following resolution thereon, to-wit:

Resolved, That the said petition be rejected.

The question being taken on concurring in the said resolution, it was decided in the negative.

Ordered, That the committee on Religion prepare and bring in a bill pursuant to said petition.

After a short time Mr. Young reported a bill for the divorce of Andrew Woods—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Mr. Williams, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Sarah Ann Mulinick, reported the same with the opinion of the committee that it ought not to pass.

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.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives; entitled, an act for the divorce of Priscilla Ann Brown, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.
Mr. Williams, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act for the divorce of Sarah L. Gaines.
An act to divorce James Ware.

Reported the same without amendment.

**Ordered,** That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

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

Mr. Ballinger, from the committee on Internal Improvement, to whom was referred a bill concerning turnpike gates, reported the same without amendment.

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

Mr. Pratt, from the committee on Finance, reported a bill for the benefit of Edward Oakley, committee of America Oakley, an idiot—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Mr. Pirtle, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act concerning the Christian Church at Glasgow.
An act to legalize the proceedings of the Garrard County Court, and for other purposes.
An act for the benefit of the widow and heirs of Thomas Robinson, dec'd.

Reported the same without amendment.

**Ordered,** That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

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

Mr. Jesup, from a select committee, reported a bill for the benefit of Richard Cruse—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

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

A bill to amend the law concerning appeals and writs of error was discussed for some time.

Mr. Quarles moved to postpone the further consideration of the said bill indefinitely.

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

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

Messrs. Ballinger, Barlow, De Courcy, Griffith,

James, Pratt, Quarles, Sterett,

Tomlinson, Weller, Wingate, Young—12.

Those who voted in the negative, were—

Messrs. Burnett, Clarke, Craddock, Dyer, Ford,

Hughes, Huston, Pirtle, Rice, Schooling,


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

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

On the motion of Mr. Jesup—1. A bill for the benefit of the heirs of J. B. Connally, deceased.

On the motion of Mr. Huston—2. A bill to legalize the proceedings of the Spencer County Court in laying the county levy at their November court, 1840.

On the motion of Mr. Wallace—3. A bill to incorporate the Republican Meeting house, in Grant county.

On the motion of Mr. De Courcy—4. A bill for the proper distribution of the levies of the counties of Campbell and Kenton, for the year 1840.

On the motion of Mr. Pratt—5. A bill to amend the charter of the several turnpike roads in this State.

Messrs. Jesup, Ford and J. V. Walker, were appointed a committee to prepare and bring in the 1st; Messrs. Wallace, Pratt and Ford the 3d; Messrs. Pratt, Wickliffe and Wingate the 5th, and the committee on the Judiciary was directed to prepare and bring in the 2d and 4th.

On the motion of Mr. Rice.

Resolved, That the committee on the Judiciary prepare and report a bill repealing all acts, or parts of acts, that permit or allow any suit or suits being brought or prosecuted in the General Court, for the recovery of land in this Commonwealth, unless the land sought to be recovered shall be within the county of Franklin.

And then the Senate adjourned.
TUESDAY, FEBRUARY 2, 1841.

Mr. Ballinger presented the remonstrance of the citizens of Clay county against the petition of the citizens of Knox county, praying that the Knox County Court may have control of a part of the Goose creek road—which was received and referred to the committee on Internal Improvement.

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

An act to authorize the running, marking and extending the county lines between certain counties.

An act for the benefit of James Pagett.

An act to amend an act, entitled, an act to amend an act directing the duty of Surveyors of land.

An act to amend the several laws of this Commonwealth relative to the duties of Clerks of courts.

An act for the benefit of William Simmons and his committee.

An act to divorce Fanny Robaleer, and to change her name.

An act for the benefit of Susan Summers.

An act to alter the mode of comparing the polls in the election of certain officers.

An act for the benefit of the Sheriff of Henry county.

An act to incorporate and establish the Marion county Agricultural Society.

And enrolled bills which originated in the Senate of the following titles, to-wit:

An act to amend the law of last session relating to idiots and lunatics.

An act to amend an act, entitled, an act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky, approved February 5th, 1840.

An act to allow an additional Justice of the Peace to the counties of Caldwell and Hickman.

An act to establish the Fire Department of the city of Louisville.

An act for the divorce of Albert G. Young and Catharine N. Young, his wife.

An act to change the time of holding the Campbell County Courts, and for other purposes.

An act to amend the law concerning the town of Hardinsburg, and for other purposes.
And had found the same truly enrolled.

The said bills having been signed by 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. After a short time, Mr. Barlow reported that the committee had performed that duty.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

- An act further to regulate the trial of appeal cases in Jefferson County Court.
- An act to explain an act, entitled, an act to repeal, in part, the several acts concerning the town of South Frankfort, and for other purposes, approved January 4th, 1841.
- An act to authorize the Judge of the second Judicial District to hold a special chancery term in the county of Campbell.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act authorizing Levin Lawrence to sell a slave, reported the same without amendment.

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.

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, to-wit:

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

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

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

Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives entitled, an act to establish an election precinct in Greenup county, and for other purposes, reported the same without amendment.

Ordered, That the said bill be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as afore-
said.

Mr. Wingate, from the committee on Religion, to whom was referred a
bill from the House of Representatives, entitled, an act for the benefit of
Maria Gibbs, reported the same with the opinion of the committee that it
ought not to pass.

The said bill is as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky,
That the marriage contract existing between Maria Gibbs and her husband,
John Gibbs, be, and the same is hereby dissolved, so far as respects said
Maria, who is hereby restored to all the rights and privileges of an unmar-
ned woman.

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

The constitutional rule as to the third reading being dispensed with,

The question was taken on the passage of the said bill, and it was decided
in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. J. S. Morgan and
Sterett, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey, Griffith, Schooling,
Barlow, James, Slaughter,
Burnett, Jesup, Thompson,
Clarke, Johnston, Walker, J. V.
De Courcy, Rice, Williams, S. L—16
Ford,

Those who voted in the negative, were—

Messrs. Ballinger, Morgan, J. S.
Craddock, Pirtle, Weller,
Dyer, Pratt, Wickliffe,
Hardin, Symson, Williams, M.
Hughes, Sterett, Wingate,
Huston, Wallace, Young—17.

Mr. Ballinger, from the committee of Internal Improvement, to whom
was referred bills from the House of Representatives of the following titles,
to-wit:

An act authorizing Nicholas Porter to build a mill dam on Salt river.

An act authorizing Reuben Collings and George W. Brewer to build a mill
dam on Salt river.

An act to amend an act, entitled, an act further to enforce the pay-
ment of State dividends, declared by certain incorporated companies, and for
other purposes.
An act further to regulate the Madison turnpike and Wilderness road.
Reported the same without amendment.

Ordered, That the said bills be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Ballinger, from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:
An act to repeal an act authorizing the erection of a toll gate within less than one mile of the Court house in Stanford.
An act to amend the charter of the Bardstown and Springfield Turnpike Road Company, reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. Ballinger, from the same committee, to whom was referred a bill further to regulate the duties of the Presidents of the Turnpike Road Companies in this State, reported the same with the opinion of the committee that it ought not to pass; and the said bill was referred to the committee on the Judiciary.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Joel Thomasson, reported the same with an amendment—which was disagreed to.

And the Senate proceeded to the consideration of the orders of the day.
A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.
A message was received from the House of Representatives, announcing that they had passed a bill, entitled, and act to establish the 18th Judicial District, and for other purposes.
A bill to regulate the salary of the Circuit Judge of the 5th Judicial District, was taken up. The said bill is as follows, to wit:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the salary of the Judge of the Circuit Court for the 5th Judicial District shall be fifteen hundred dollars per annum, in lieu of the salary heretofore allowed to the said Judge, to be paid in quarterly payments, as the salaries of the other Judges are paid, out of the Treasury of the State and all laws, or parts of laws, giving or granting to said Judge a higher rate of salary than fifteen hundred dollars per annum, shall be, and are hereby repealed.

SEC. 2. Be it further enacted, That all laws, or parts of laws, which allow the city of Louisville to retain from the Jury Fund, one thousand dollars, or any other sum from the Jury Fund, for payments to be made to the Treasury, on account of the salary of said Judge, shall be, and the same are hereby repealed; but nothing in this act shall be construed to release said
city from any claim of the Commonwealth for moneys now due on account of the salary of said Judge; but the same shall be paid in the same manner as if this act had never passed.

Sec. 3. Be it further enacted, That all fines and forfeitures, and other moneys, which were heretofore allowed to be retained on account of moneys paid into the Treasury by the city of Louisville, in part payment of the salary of said Judge, shall, hereafter, be paid to the Trustee of the Jury Fund in the same manner as other fines and forfeitures are directed to be accounted for by law, and under like penalties, and for which like remedies may be had.

Mr. Tomlinson moved to amend the said bill by adding thereto the following section, to-wit:

Be it further enacted, That, hereafter, the Judges of the Court of Appeals shall receive the sum of fifteen hundred dollars, each, per annum, instead of the amount now allowed by law; and that the Circuit Court Judges shall receive the sum of one thousand dollars, each, per annum, instead of the amount now allowed by law.

Mr. Payne moved to postpone the further consideration of the said bill and amendment, until the first day of June next.

Mr. James moved the previous question, and the question being taken, shall the main question be now put? it was decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


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

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

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Those who voted in the affirmative, were—

Messrs. Barlow,
Burnett,
Hardin,
James,
Jesup,
Pratt,
Rice,
Sterett,
Walker, C. J.
Weller,
Wickliffe,
Williams, M.—12.

Those who voted in the negative, were—

Messrs. Bailey,
Ballinger,
Clarke,
Craddock,
De Courcy,
Dyer,
Ford,
Griffith,
Hughes,
Huston,
Johnston,
Morgan, J. S.
Payne,
Pirtle,
Schooling,
Sympson,
Slaughter,
Tomlinson,
Walker, J. V.
Wallace,
Williams, S. L.
Wingate,
Young—23.

A bill to regulate the salary of the Chancellor of the city of Louisville was taken up. The said bill is as follows, to-wit:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the salary of the Chancellor of the city of Louisville and county of Jefferson, shall, hereafter, be two thousand dollars per annum, payable out of the Public Treasury, quarterly, as other salaries are paid; and that so much of all acts, or parts of acts, as allows to said Chancellor of the city of Louisville, aforesaid, by the title of the Chancellor of Louisville, or that of Chancellor of the city of Louisville and Jefferson county, or by any other title whatever, shall be, and the same are hereby repealed.

Sec. 2. Be it further enacted, That all acts, or parts of acts, that allow the city of Louisville to withhold from the Trustees of the Jury Fund the sum of fifteen hundred dollars, or any other sum, on account of moneys paid into the Treasury as part of the salary of the said Chancellor, shall be, and the same are hereby repealed.

Sec. 3. And be it further enacted, That, hereafter, all fines and forfeitures due and owing to the Commonwealth, arising from the city of Louisville and the county of Jefferson, shall be paid over to the Trustee of the Jury Fund for the county and city, in the same manner that fines and forfeitures are paid in like cases, and be accountable for in the same manner and under the like penalties.

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. Wickliffe and Weller, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barlow,
Burnett,
Hardin,
James,
Jesup,
Pratt,
Rice,
Sympson,
Sterett,
Walker, C. J.
Weller,
Wickliffe,
Williams, M.
Wingate—14.
Those who voted in the negative, were—

Messrs. Bailey,
Ballinger,
Clarke,
Craddock,
De Courcy,
Dyer,
Ford,
Griffith,
Hughes,
Huston,
Johnston,
Morgan, J. S.
Payne,
Pirtle,
Schooling,
Slaughter,
Tomlinson,
Walker, J. V.
Wallace,
Williams, S. L.
Young—21.

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

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:
I nominate for your advice and consent Thomas S. Page to be Second Auditor of Public Accounts, from and after the 23d instant, when his present commission will expire.
Thomas B. Stevenson to be Clerk of the Penitentiary, from and after the 23d instant, when his present commission will expire.

R. P. LETCHER.

February 2, 1841.

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

The following bills were reported from select committees, viz:

By Mr. Hardin—1. A bill for the benefit of John Smith.
By Mr. Jesup—2. A bill for the benefit of the heirs of J. B. Connally, deceased.

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

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on Internal Improvement, and the 2d was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 2d bill being 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. Hughes, leave was given to bring in a bill to legalize the proceedings of the Trimble County Court, and Messrs. Hughes, Sterett and J. V. Walker were appointed a committee to prepare and bring in the same.

Mr. Ford read and laid on the table the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement pay to the Glasgow and Scottsville Turnpike Road Company, twenty thousand dollars, out of the Internal Improvement Fund, and which is hereby appropriated in accordance with
the appropriation of twenty thousand dollars, made to said road company by an act approved February 16th, 1838, and the payment of which has been omitted, but on the faith of which appropriation, and its punctual payment, said road was put under contract, and our sister State, Tennessee, was induced, as well as by a formal stipulation, to put under contract, and have completed, a turnpike road from Nashville to the State line, to meet said road in Kentucky at said point.

Mr. Wingate read and laid on the table the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on Friday the 12th of February, 1841, they will adjourn without day.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 3, 1841.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:

1. An act to incorporate the town of Smithland, and for other purposes.
2. An act to add a part of the county of Franklin to the county of Anderson.
3. An act to amend and reduce into one the several acts relating to the Sandy road.
4. An act for the benefit of the Sheriffs and Clerks of this Commonwealth.
5. An act to allow an additional Justice of the Peace and Constable to Pike county.
6. An act to amend the militia law.
7. An act to add an additional Constable to the county of Nicholas.
8. An act to amend the charter of the Louisville and Portland Canal Company.
9. An act for the benefit of Augustus M. Barrett, Clerk of the Edmonson County and Circuit Courts.
10. An act to incorporate the Providence Methodist Episcopal Church of Cumberland county, and for other purposes.
11. An act for the divorce of Elizabeth Merit.
12. An act to reduce the number of Justices of the Peace in Anderson county.

Which bills were severally read the first time, and ordered to be read a second time.
The constitutional rule as to the second reading being dispensed with, they were referred: the 1st, 2d, 5th, 7th and 12th to the committee on Propositions and Grievances; the 3d and 8th to the committee on Internal Improvement; the 4th and 10th to the committee on the Judiciary; the 6th to the committee on Military Affairs; the 9th to the committee on Finance, and the 11th to the committee on Religion.

Mr. James presented the petition of Mary Finnie, of Scott county, praying for the passage of a law authorizing the sale of a tract of land devised to her and her children—which was received and referred to the committee on the Judiciary.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act for the benefit of Joel Thomasson.

The said bill is as follows, to-wit:

Whereas, a majority of the Commissioners appointed to assess the damages done, or which will be done, to the mill of Joel Thomasson on Glenn's creek, Franklin county, by the construction of Slack-water Navigation on the Kentucky river, have agreed upon, and reported one thousand dollars as the amount of damages in the case—therefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and is hereby, directed to issue his warrant on the Treasurer for the sum of one thousand dollars in favor of the said Joel Thomasson, which sum shall be paid out of the Internal Improvement Fund of the State: Provided, That before the Treasurer shall pay the money appropriated by this act to the said Joel Thomasson, he shall require him to execute a bond to the Commonwealth of Kentucky, binding himself to pay back into the Treasury, the sum of one thousand dollars, with interest at the rate of six per centum per annum, from the time when he receives it, if, at any time within ten years the injury to the mill seat shall cease, by the removal or destruction of the dams on the Kentucky river; and instead of demanding personal security from said Thomasson, a lien shall attach upon said property for the re-payment of said money; and this act is hereby declared to be notice thereof to all persons.

Mr. Ballinger moved to amend the said bill by striking out the words “one thousand,” wherever they occur in the act, and insert in lieu thereof, “nine hundred.”

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

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

Those who voted in the affirmative, were—

Those who voted in the negative, were—

Messrs. Burnett, Hughes, Schooling,
Clarke, Morgan, J. S. Weller,
Craddock, Payne, Williams, S. L.
De Courcy, Pirtle, Wingate—14.
Hardin, Rice,

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

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Ballinger, from the committee on Internal Improvements, to whom was referred a bill from the House of Representatives, entitled, an act further to amend an act, entitled, an act to amend the law which provides for condemning land and materials for works of Internal Improvement, approved 23d February, 1837, reported the same without amendment, and the said bill was referred to the committee on the Judiciary.

Mr. Ballinger, from the same committee, reported a bill concerning the Goose Creek Salt Works read in Knox county—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act further to regulate the Shelby and Franklin Turnpike Road Company, reported the same with amendments—which were concurred in.

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

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Ballinger, from the same committee, reported a bill to amend the several acts providing for Internal Improvement in the State of Kentucky— which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to a committee of the whole House, and made the order of the day for Friday next.

Mr. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the late and present Sheriff of Lewis county, reported the same without amendment.

Ordered, That said bill be read a third time.
The constitutional rule as to the third reading being dispensed with, 
Resolved, That the said bill do pass, and that the title thereof be as 
aforesaid.

Mr. Johnston, from the same committee, to whom was referred a bill from 
the House of Representatives, entitled, an act for the benefit of the Sheriff 
of Henderson county, reported the same without amendment.

Ordered, That the said bill be read a third time.
The vote by which said bill was ordered to be read a third time was re-
considered, and it was re-committed to the committee on Finance.

Mr. Johnston, from the same committee, reported a bill more effectually 
to provide for the erection of suitable buildings for Clerk's offices in this 
Commonwealth—which was read the first time and ordered to be read a 
second time.
The constitutional rule as to the second reading being dispensed with, the 
said bill was referred to the committee on the Judiciary.

On the motion of Mr. Johnston, the committee on Finance was discharg-
ed from the further consideration of a bill from the House of Representa-
tives, to them referred, entitled, an act further to provide for the appoint-
ment of Patrols in this Commonwealth, and it was referred to the commit-
tee on the Judiciary.

Mr. Wickliffe, from the committee on the Sinking Fund, made the follow-
ing report, to-wit:

The Committee on the Sinking Fund, to whom was referred a resolution of 
the Senate, passed the 18th day of January, 1841, and also the resolution 
of the Senate, passed the 21st day of January, 1841, together with the 
Governor's responses to each of said resolutions, and the documents re-
ferred to in said responses, have had the same under consideration, and 
become to report:

That, by the first resolution, his Excellency was requested to inform the 
Senate in what manner, and at what time, he paid $180,000 to the Bank 
of Kentucky, and in what manner and at what time he paid $235,180 to 
the Northern Bank of Kentucky, referred to in his message: if in State 
bonds, to state if there was any promise, or agreement, or understanding, 
that if the bonds were sold for more than their par value, that the excess shall 
be paid to the State; and if for less, that the Banks, or either of them, shall have 
any claim on the State for the losses that they, or either of them, shall 
sustain on the sale of the bonds; or any other understanding or agree-
ment relative to a loss or gain by the sale of said bonds. To which his 
Excellency, on the 21st January, aforesaid, replied by his letter; and which 
answer, not containing the whole information desired, the Senate on the said 
21st inst., by a further resolution, requested his Excellency to transmit to the 
Senate copies of the original contracts between the Bank of Kentucky and 
the Northern Bank of Kentucky, made with Governors Clark and Wick-
life, in relation to the debts due by the State to those Banks, and referred
to by his Excellency in his message aforesaid. To this resolution the Governor replied, by his letter of the 21st of January, aforesaid, enclosing the transcripts M and N, and C and H. Your Committee has to regret that his Excellency has not thought it necessary or proper to answer, explicitly, whether there did or did not exist an agreement or understanding between him and the Presidents of the Banks, that the Banks (the payment of the debts notwithstanding) should have a claim on the justice of the State for whatever the bonds sold for less than their par value. In his letter of 21st, which seems to be intended as an answer to the first resolution of the Senate, he states there was no promise, agreement, or understanding, direct or indirect, express or implied, or any other agreement or understanding whatever, relative to the debts, other than is shown on the face of the papers now transmitted. As the Governor must have been one of the contracting parties, it appears obviously the intention of the Senate that he should state and say if he did or did not make an agreement, or come to an understanding with the Presidents of the Banks, at and before the delivery of the bonds, that though said bonds were paid, that the State should be applied to for any deficiency arising on the sale of the bonds. His Excellency has, however, been pleased not to make an explicit answer to the resolution, on this point, but to file certain papers; and states, in substance, that they contain the evidences of the contract, agreement, or understanding. The papers to which the Senate was referred is a copy of a receipt taken by the Governor, of the President of the Northern Bank of Kentucky; and also another receipt taken by him, of the President of the Bank of Kentucky. In both these papers, the Banks take the bonds, reserving their right to apply to the Legislature, in case of sales being made under par value. These bonds constitute payments of the two sums stated in the message of his Excellency—the one of $235,000, and the other of $180,000. The receipt for $180,000, is dated the 13th of November, 1840. It does not appear when the receipt for $235,000 was made, but it is probable that it was made about the same time. By the act of 21st February, 1840, the Governor is authorized to sell scrip or thirty years bonds at their par value, in Kentucky paper, and no less. Any contract, agreement, or assurance, or condition in the sale, or any expectation excited in the buyer of said bonds, or any of them, on such sale, that the State would, in any event whatever, pay any difference between the par value and the sums at which the bonds are sold for, is, in the opinion of your Committee, unauthorized by the said act. The papers furnished by his Excellency, with his second response, afford but little light upon the agreement or understanding between the Banks and the predecessors of his Excellency; and of course they are unable to state whether they, or either of them, made any contract or agreement with the Banks, or either of them, that they might take the bonds into market and sell them at the risk of the State, and not at their own risk. But whether they made such agreements or not, your Committee can find no justification in the laws under which they acted, for giving to the purchasers any promise or assurance whatever, that the State would, on a sale of the bonds, guaranty their par value. The revenues of the State are raised by law, and their expenditures can only be authorized by law. To pass laws, belongs to the Legislature, as does the power to prescribe the manner of their execution. In the cases submitted to your Committee, the Legislature, well aware of the danger to the credit of the State, if the bonds
should be put in market at less than a par value, seems to have been always particularly cautious to restrict the agents of the State to sales not under par. Indeed, the policy of not allowing them to be sold at less than par, was fully discussed on the passage of the act of the 21st February, 1840, when it was settled, with great unanimity by the Senate, that, in no event should the bonds of the State be offered or sold at less than par. And this expression of the Legislature, your Committee thinks, ought not to be, in any instance, disregarded. It is no less true, that to execute laws, belongs to the Executive Department, than to pass them belongs to the Legislature. But the Executive is to execute the laws as they exist, and not as, in his opinion, they should be. The Executive has no power to dispense with or modify any law of the State, nor do your Committee mean to say that any Executive has done so. Such an act would not be attempted by any Executive, they presume. But while the Committee exonerates the present Executive from making any direct or express agreement, that the State shall sustain the loss on the sale of the State Bonds, it is impossible to disguise the fact that he has, by accepting the receipts, with the recitals and reservations contained in them, (that the Banks intend to claim of the State the difference between the nominal amount of the bonds, and what they sell them for,) gives strength to their claims for such indemnity. To this your Committee object; believing, as they do, that the only office the Governor had to perform in the business was, to sign and deliver the bonds, and to take a voucher for the payment.

Were the cases of the Banks the only ones in which the question of indemnity can arise, the receipts to the Banks might be less objectionable; but, by these receipts, the Banks not only reserve the right to do so, but are encouraged to apply to the Legislature for remuneration. Your Committee are at a loss to know by what rule the Banks can claim the difference between the sale and par value, that would not apply to every creditor of the State that has heretofore accepted payment in a depreciated currency, or who may have accepted bonds and sacrificed them in market, your Committee is at a loss to conceive. During the great depreciation of Commonwealth's paper, we paid our officers of government in paper at a discount of fifty per cent., and even now they are paid in paper of less value than gold and silver. Many individuals have taken bonds, as well as the Banks, and have sacrificed them in market. With what justice can the State indemnify the Banks, and refuse to do equal justice to others, who have taken their claims on the State in such funds as she was able to pay in? Looking to the past and the future, your Committee can see nothing but loss to the country, and ruin to her credit, if she ever permits herself to be held liable for the difference between her bonds, bearing six per cent. interest, and gold and silver. The Legislature of 1840, refused to even trust the Executive to sell the bonds at a less rate than par value, and can it be contended that it comports with the declared will of that Legislature for the Executive to pass those bonds off in such a manner as to even encourage a hope in the holders that they might sell them at a sacrifice, and then ask of the State to indemnify them for their losses? Certainly not. Your Committee, therefore, recommend to the Senate the passage of the following resolutions, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the several laws authorizing the sale of bonds, and the transfers of
bonds or scrip of the State, do not authorize the Executive of the State to sell, or contract to sell, any such bonds at less than par value per hundred dollars, in the Bank paper of the State Banks of Kentucky.

Resolved, That the General Assembly is not bound to do so, and that it will not make good or pay any deficiency to the Banks, aforesaid, which they may sustain by sales of any such bonds; nor is the State bound to pay any deficiency to any other person whatever, which may arise to holders of such bonds, and who shall sell them at less than par value; and that no law ought to pass extending or providing for the payment of any such claim or claims for losses so sustained.

Ordered, That the Public Printer print 150 copies of the said report, with the accompanying documents, for the use of the General Assembly.

A bill to establish a general law concerning manufacturing corporations was taken up and made the order of the day for Saturday next.

The following bills were reported from select committees, viz:

By Mr. Craddock—1. A bill allowing more time to the Hardin Circuit Court, and for other purposes.

By Mr. De Courcy—2. A bill to amend and continue in force an act offering a reward for the discovery of the disease called the milk sickness

By Mr. Hughes—3. A bill to legalize the proceedings of the Trimble County Court, held in December, 1840.

By Mr. Wickliffe—4. A bill to direct the Public Printer to print, on a separate sheet, copies of the appropriations of each year, and for other purposes.

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

The constitutional rule as to the second reading being dispensed with, the 1st and 2d were referred to the committee on the Judiciary; the 4th to the committee on Finance, and the 3d was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 3d bill being dispensed with, and the same being engrossed,

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

Mr. Payne, from the committee on the Judiciary, reported a bill concerning the town of Russellville—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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. Craddock—1. A bill for the benefit of the Sheriff of Green county.
On the motion of Mr. C. J. Walker—2. A bill for the benefit of William and George W. Maupin.

The committee on Finance was directed to prepare and bring in the 1st, and the committee on Propositions and Grievances the 2d.

A message was received from the Governor, by Mr. Coleman, announcing that he had approved and signed enrolled bills which originated in the Senate of the following titles, to-wit:

An act to allow an additional Justice of the Peace to the counties of Caldwell and Hickman.

An act to amend an act, entitled, an act to incorporate the Western Baptist Theological Institute, at or near Covington, Kentucky, approved February 5th, 1840.

An act to establish the Fire Department of the city of Louisville.

An act to amend the law concerning the town of Hardinsburg, and for other purposes.

An act to amend the law of last session relating to idiots and lunatics.

An act to change the time of holding the Campbell County Courts, and for other purposes.

An act for the divorce of Albert G. Young and Catharine N. Young, his wife. Approved February 2, 1841.

Mr. Huston moved the following resolution, to-wit:

Resolved, That the Senate will, for the remainder of the present session, adjourn to meet at 9 o'clock, A. M.

The question being taken on concurring in the said resolution, it was decided in the negative.

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

Those who voted in the affirmative, were—

Messrs. Barlow, Burnett, Hardin, Huston, Pirtle, Rice, Schooling, Symson, Sterett, Walker, C. J., Walker, J. V.,

Wallace, Williams, M., Williams, S. L., Wingate, Young—16.

Those who voted in the negative, were—

Messrs. Ballinger, Clarke, Craddock, De Courcy, Dyer, Ford, Griffith, Hughes, James, Jesup, Johnston,

The Senate being equally divided, the Speaker voted in the negative.

Mr. Wickliffe, having previously obtained leave, reported a bill to incorporate the Lexington Hotel Company—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Mr. Wingate presented the remonstrance of sundry citizens of Anderson county against the passage of a law reducing the number of Justices of the Peace in said county—which was received and referred to the committee on Propositions and Grievances.

A bill to restore the privileges of the Banks when they resume specie payment, was taken up. The further consideration of the said bill was postponed, and it was made the order of the day for Tuesday next.

An engrossed bill, entitled, an act to allow Jonathan Davidson a change of venue, was read a third time.

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 concerning appeals and writs of error, was read a third time.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Resolved, That the title thereof be as aforesaid.

An engrossed bill, entitled, an act concerning turnpike gates, was read a third time as follows, viz:

...
Whereas, it is represented to the present General Assembly of the Commonwealth of Kentucky, that some of the Turnpike Road Companies have erected some of their turnpike gates, and made the necessary improvements in a less distance than one mile of certain towns, although more than a mile from the improved part of said towns; that the construction of said gates and improvements has been superinduced, in many instances, by the fact that a lot of ground, with water convenient thereto, has been obtained for the purpose aforesaid—for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That every gate heretofore erected, with the improvements connected therewith, which is one mile from the regular built part of any town, or two thirds of a mile from the boundary of said town, is hereby legalized and declared valid, any law to the contrary notwithstanding.

The question was taken on the passage of the said bill, and it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Tomlinson and J. V. Walker, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


A bill from the House of Representatives, entitled, an act to establish the eighteenth Judicial District, and for other purposes—was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

A bill from the House of Representatives, entitled, an act to repeal an act, entitled, an act requiring annual examinations of the several Clerk's offices in this Commonwealth to be made out and returned to the Auditor's office, was read the third time.

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

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to amend an act to divide the State into Congressional districts.
The said bill was amended to read as follows, to-wit:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if there shall be a called session of the Congress of the United States, to meet between the third day of March next and the first Monday in August next, the Governor shall make his proclamation, declaring the time of such session of the Congress, to the people of Kentucky, and an election shall be held for Representatives in the Congress of the United States, commencing on the fourth Monday in April next; at which time the qualified electors in each county shall meet at the several places appointed by law for holding the annual elections, and vote for some fit person residing in this State, being twenty five years of age, and having been seven years a citizen of the United States, to represent them in Congress for the term which shall have commenced on the fourth day of March.

Sec. 2. That the Sheriffs, and the Judges and Clerks, appointed for the several places of holding the election, shall attend at these places on the said fourth Monday in April, and perform the same duties in relation to such election as are prescribed by the existing laws in relation to the annual election, and shall receive the same compensation for their services.

Sec. 3. That in case of an election under the provisions of this act, the Sheriffs of the several counties in each district, shall, on the Monday next after the commencement of their elections, meet at the places designated by the act of eighteen hundred and thirty three, to which this is an amendment, and shall then and there perform the same duties, and be entitled to the same pay for their services, as is directed and prescribed in the said act of eighteen hundred and thirty three.

And be it further enacted, That at the March or April term of the several County Courts in this Commonwealth, it shall be the duty of said courts to appoint Judges and Clerks to act in said election, in case it shall be held, and if there shall be any failure to do so, or the said Judges and Clerks shall not attend, the Sheriffs, or their deputies, in the respective counties, are authorized to appoint Judges and Clerks of said election.

Mr. Wickliffe moved to amend the said bill by striking out all after the enacting clause, and inserting in lieu thereof the following:

That the election of members of Congress in this State for the 28th Congress of the United States, shall be held on the first Monday in August, 1842, and on the same day every two years thereafter, any law to the contrary notwithstanding.

The question being taken on the adoption of the said amendment, it was decided in the negative.

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

Those who voted in the affirmative, were—

Messrs. Burnett, Jesup, Wallace,
De Courcy, Pratt, Weller,
Ford, Rice, Weller,
Hughes, Schooling, Wickliffe,
James, Williams, M—13.
Those who voted in the negative, were—


Mr. Rice moved to amend the said bill by striking out of the first section the words included in brackets. The question being taken thereon, it was decided in the negative. The yeas and nays being required thereon by Messrs. Rice and Schooling, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Wickliffe moved to amend the said bill by striking out all of the first section after the words United States, the last time it occurs, and inserting in lieu thereof the following:

To fill the vacancy which may exist until the 1st Monday in August next, and, provided, that the regular election of members for the 27th Congress of the United States shall be held on the 1st Monday in August next, in the same manner as if this act had not passed; and the members so elected, shall hold their offices from the said 1st day of August, until the 4th day of March, 1843.

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

Mr. Wickliffe voted in the affirmative.
Those who voted in the negative, were—

Messrs. Bailey, Hughes, Slaughter,
Ballinger, Huston, Sterett,
Barlow, James, Walker, C. J.
Burnett, Johnston, Walker, J. V.
Clarke, Morgan, J. S. Wallace,
Craddock, Payne, Weller,
De Courcy, Pirtle, Williams, M.
Dyer, Pratt, Williams, S. L.
Ford, Schooling, Wingate,
Griffith, Sympson, Young—30.

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

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

Those who voted in the affirmative, were—

Messrs. Bailey, Huston, Slaughter,
Ballinger, Johnston, Sterett,
Barlow, Morgan, J. S. Walker, C. J.
Clarke, Payne, Walker, J. V.
Craddock, Pirtle, Williams, S. L.
De Courcy, Pratt, Young—19.
Dyer, Schooling,
Griffith, Sympson,

Those who voted in the negative, were—

Messrs. Burnett, Pratt, Weller,
De Courcy, Rice, Wickliffe,
Ford, Schooling, Williams, M.
James,

And then the Senate adjourned.

THURSDAY, FEBRUARY 4, 1841.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, to-wit:
An act to amend an act, entitled, an act to amend an act directing the duty of Surveyors of land.
An act for the benefit of James Pagett.
An act for the benefit of William Simmons and his committee.
An act to amend the several laws of this Commonwealth relative to the duties of Clerks of courts.
An act to divorce Fanny Roboleer, and to change her name.
An act for the benefit of Susan Summers.
An act to alter the mode of comparing the polls in the election of certain officers.
An act to authorize the running, marking and extending the county lines between certain counties.
An act to incorporate and establish the Marion county Agricultural Society.
An act for the benefit of the Sheriff of Henry county.

Approved February 2, 1841.

That they had passed a bill from the Senate, entitled, an act for the benefit of the heirs of J. B. Connally, deceased.
That they had concurred in the amendments proposed by the Senate to a bill from that House, entitled, an act for the benefit of the heirs of Worden Pope, deceased, and the heirs of Frederick Geiger, deceased.
That they had passed bills of the following titles, viz:
   An act dispensing with the Board of Internal Improvement, and for other purposes.
   An act to authorize certain County Courts to establish ferries across the Mississippi river.
   An act to consolidate and regulate certain lottery grants within this Commonwealth.

Mr. Wingate presented the petition of John Stephens, praying for the passage of a law exempting his property from taxation for school purposes—which was received and referred to the committee on Education.

Mr. Pirtle, from the committee on the Judiciary, reported the following bills, viz:
1. A bill concerning the jurisdiction of the General Court.
2. A bill for the benefit of the county of Campbell.
3. A bill to legalize the proceedings of the Spencer County Court.

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

The constitutional rule as to the second reading being dispensed with, the 2d was placed in the orders of the day, and the 1st and 3d were ordered to be engrossed and read a third time.
The constitutional rule as to the third reading of the 3d bill being dispensed with, and the same being engrossed,

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

Mr. Pirtle, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to amend an act, entitled, an act further to regulate the Board of Internal Improvement for the counties west of the Tennessee river, approved March 1st, 1836.

An act for the benefit of Alvis R. Harris, and for other purposes.

An act for the benefit of William A. Bowdown.

An act to amend an act, entitled, an act for the benefit of the heirs of William Taylor, deceased, approved February 4th, 1840.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriffs and Clerks of this Commonwealth, reported the same with the opinion of the committee that it ought not to pass.

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.

Mr. Pirtle, from the same committee, to whom was referred a bill allowing more time to the Hardin Circuit Court, and for other purposes, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

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

Mr. Pirtle, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of the Clerk of the Pendleton Circuit and County Courts.

2. An act for the benefit of the administrators and heirs of Benjamin Lancaster, deceased.

Reported the same with amendments to each—which were concurred in.

The first bill was re-committed to the committee on the Judiciary, and the second was ordered to be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,
Resolved, That the second bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to allow an additional Justice of the Peace and Constable to Pike county, reported the same without amendment.

The said bill was amended, and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, an act to allow additional Justices of the Peace and Constables to certain counties.

Mr. Rice, from the same committee, reported a bill for the benefit of Geo. W. Maupin and William Maupin—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives entitled, an act to establish an election precinct in the county of Hardin, and for other purposes, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

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

Mr. Wingate, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Susannah Shacklett, reported the same with the opinion of the committee that it ought not to pass.

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.

Mr. Young, from the committee on Religion, to whom was referred bills from the House of Representatives, of the following titles, viz:

1. An act for the divorce of Elizabeth Baccus.
2. An act for the benefit of Mary Isbell.

Reported the same without amendment.

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

The constitutional rule as to the third reading of the 1st bill being dispensed with,

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

Mr. Young, from the same committee, to whom was referred a bill for the benefit of Elizabeth Gray, reported the same with the opinion of the committee that it ought not to pass.
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.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Patience Murray, reported the same with the opinion of the committee that it ought not to pass.

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

The constitutional rule as to the third reading being dispensed with,

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

1. Mr. Burnett presented the petition of sundry citizens of Calloway county praying for the passage of a law for the sale of a certain tract of land devised to Westly Malone, a minor, or that the County Court of said county be directed to make disposition of it.

2. Mr. Burnett also presented the petition of sundry citizens of the town of Concord, in Calloway county, praying for the passage of a law to change the name of said town.

Which were received and referred: the 1st to the committee on the Judiciary, and the 2d to the committee on Propositions and Grievances.

Mr. Wickliffe, from a select committee, to whom was referred a bill for the benefit of Transylvania University, Centre College, Georgetown College and Bacon College, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto, Shelby College, Louisville College, Cumberland College, Augusta College, St. Joseph’s College, and the Western Baptist Theological Institute.

On the motion of Mr. Ballinger, the committee of the whole was discharged from the further consideration of a bill to regulate the rate of conventional interest.

The amendments heretofore reported were concurred in.

Mr. Weller moved to strike out the enacting clause of the said bill.

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

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

Those who voted in the affirmative, were—

Messrs. Bailey, Hughes, Wallace,
Barlow, Johnston, Weller,
De Courcy, Rice, Wickliffe,
Ford, Schooling, Williams, S. L.
Hardin, Walker, J. V.
Young—15.
 Those who voted in the negative, were—

Messrs. Ballinger,         Huston,             Slaughter,
Burnett,                  Morgan, J. S.       Sterett,
Clarke,                   Payne,              Walker, C. J.
Craddock,                 Pirtle,              Williams, M.
Dyer,                     Pratt,              Wingate—17.
Griffith,                 Sympton,            

Mr. Weller moved to amend the said bill by striking out ten per cent. as the conventional interest, and inserting in lieu thereof, seven per cent.

The yeas and nays being required thereon by Messrs. Weller and De Courcy, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey,            Johnston,           Wallace,
Craddock,                  Pratt,              Weller,
De Courcy,                 Rice,               Wickliffe,
Ford,                      Schooling,         Williams, S. L.
Hardin,                    Walker, J. V.       Young—16.
Hughes,                    

Those who voted in the negative, were—

Messrs. Ballinger,         Huston,             Slaughter,
Barlow,                    Morgan, J. S.       Sterett,
Burnett,                   Payne,              Walker, C. J.
Clarke,                    Pirtle,              Williams, M.
Dyer,                      Sympton,            Wingate—16.
Griffith,                  

The Senate being equally divided, the Speaker voted in the negative.

Mr. Ballinger moved the previous question, and the question being taken, shall the main question be now put? it was decided in the negative.

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

Those who voted in the affirmative, were—

Messrs. Bailey,            Huston,             Walker, C. J.
Ballinger,                 Morgan, J. S.       Williams, M.
Clarke,                    Payne,              Wingate,
Dyer,                      Sympton,            Young—14.
Griffith,                  Sterett,             

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Those who voted in the negative, were—

Messrs. Barlow, Burnett, Craddock, De Courcy, Ford, Hardin, Hughes, James, Johnston, Pirtle, Pratt, Rice, Schooling, Slaughter, Walker, J.V. Wallace, Weller, Wickliffe, Williams, S.L.

Mr. Wickliffe moved to amend the said bill by adding thereto the following section to-wit:

Be it further enacted, That if any person or persons shall, in any case, receive, or take, more than ten per cent. on any contract for ten per cent., in writing, as aforesaid, or who shall receive more than six per cent. on other contract, he or she, so offending, besides being liable to the person who shall pay the interest, his executors or heirs, the whole of the interest received; and shall, moreover, be liable to pay three times the amount so received as interest at the suit of the Commonwealth, to be recovered either by indictment or by action of debt, in the name of the Commonwealth, one half for the use of the informer or person who shall prosecute for the same.

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

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

Those who voted in the affirmative, were—

Messrs. Bailey, Burnett, De Courcy, Ford, Hardin, Hughes, Johnston, Rice, Schooling, Walker, J.V.

Those who voted in the negative, were—


Mr. Wickliffe, at a quarter past six o'clock, moved that the Senate do now adjourn.

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

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

Messrs. Bailey, Barlow, Burnett, De Courcy, Ford, Hardin,

James, Johnston, Pratt, Rice, Schooling, Walker, J. V.

Wallace, Weller, Wickliffe, Williams, M.

Williams, S. L. Young—18.

Those who voted in the negative, were—

Messrs. Ballinger, Clarke, Craddock, Dyer, Griffith,

Hughes, Huston, Morgan, J. S. Payne, Pirtle,

Sympson, Slaughter, Sterrett, Walker, C. J.

Wingate—15.

And then the Senate adjourned.

FRIDAY, FEBRUARY 5, 1841.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act for the benefit of Joel Thomasson.

That they had disagreed to a bill from the Senate, entitled, an act to authorize James Quiett to qualify as High Sheriff of Nicholas county, and for other purposes.

That they had passed bills which originated in the Senate of the following titles, viz:

An act for the benefit of the widow and heirs of Jacob C. Rutler, dec'd.

An act for the benefit of Joseph Gilles.

An act to authorize the County Court of Union to lay an additional levy.

An act granting a change of venue to James S. McCauley.

An act to establish an election precinct in the county of Carter.

An act for the benefit of the Clerks of the Hickman Circuit and County Courts.

An act to legalize the proceedings of the Trimble County Court, held in December, 1840.

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

1. An act for the benefit of the Jailor of Gallatin county.

2. An act for the benefit of Ambrose Kirtley.
3. An act for the benefit of the Methodist and Baptist Churches in the town of Hardinsburg.
4. An act for the benefit of John Loving.
5. An act to amend an act, entitled, an act to establish the town of Walton, and for other purposes, approved January 21st, 1840.
6. An act for the benefit of Lidia Riley.
Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on Propositions and Grievances; the 2d and 6th to the committee on Finance, and the 3d, 4th and 5th to the committee on the Judiciary.

1. Mr. Clarke presented the petition of the President of the Versailles and Anderson Turnpike Road Company, praying for the passage of a law amending the charter of said Road Company.
2. Mr. Schooling presented the petition of the resident lawyers and members of the bar of Springfield, in Washington county, praying for the passage of a law extending the terms of the Circuit Court of said county.
3. Mr. Craddock presented the remonstrance of George Blandford against the passage of a law authorizing the Methodist Episcopal Church in Hardinsburg to sell a certain lot of ground.
Which were received and referred: the 1st to the committee on Internal Improvement, and the 2d and 3d to the committee on the Judiciary.

Mr. Griffith, from a select committee, reported a bill to incorporate the Vestry of St. Paul’s Church—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary.

A bill giving to the County Courts jurisdiction of the State roads in their respective counties, was taken up.

The said bill was amended to read as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Courts of this Commonwealth shall be vested with full power and authority over all the public highways in their respective counties, known as State roads, excepting only such roads as have toll gates erected upon them, and upon which tolls are now paid by law; and they shall have the same power to regulate, alter, abolish, or change said roads, which they now possess in cases of county roads, and shall, in all respects, be governed by the same laws.

Mr. M. Williams moved to amend the said bill by adding thereto the following proviso, to-wit:

Provided, that nothing herein contained shall be so construed as to apply to any roads in the counties of Floyd and Morgan.
The question being taken on the adoption of the said amendment, it was decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Ballinger, Clarke, Griffith, Hanson, James, Morgan, D., Morgan, J. S., Payne, Sterett, Walker, C. J., Young—11.

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

Mr. Wingate, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Pleasant Grove Meeting house, reported the same with amendments—which were concurred in.

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

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Wingate, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Margaret Stinson, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. M. Williams, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act for the benefit of Eliza Putnam.

An act for the benefit of Christiana Boothe.
Reported the same with the opinion of the committee that they ought not to pass.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Barlow, from the committee on 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 further to enforce the payment of State dividends, declared by certain incorporated companies, and for other purposes.

An act to explain an act, entitled, an act to repeal, in part, the several acts concerning the town of South Frankfort, and for other purposes, approved January 4th, 1841.

An act further to regulate the trial of appeal cases in Jefferson County Court.

An act to authorize the Judge of the second Judicial District to hold a special chancery term in the county of Campbell.

An act further to regulate the Madison turnpike and Wilderness road.

An act to establish an election precinct in Greenup county, and for other purposes.

An act authorizing Nicholas Porter to build a mill dam on Salt river.

An act authorizing Reuben Collings and George W. Brewer to build a mill dam on Salt river.

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

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

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

An act for the benefit of the widow and heirs of Thomas Robinson, dec'd.

An act concerning the Christian Church at Glasgow.

An act to amend an act, entitled, an act to amend the charter of the city of Covington, approved January 4th, 1841, and for other purposes.

An act for the benefit of George W. Mansfield, and for other purposes.

An act for the benefit of Rosannah Boggess, of Muhlenburg county.

An act for the benefit of Mary Finch.

An act to divorce Margaret M. Pulliam.

An act for the divorce of Sarah L. Gaines.

An act to divorce James Ware.

An act for the divorce of Priscilla Ann Brown.
An act for the benefit of Eliza Taylor.
An act for the benefit of the heirs of Worden Pope, deceased, and the heirs of Frederick Geiger, deceased.
An act for the benefit of the late and present Sheriff of Lewis county.
And had found the same truly enrolled.

The said bills having been signed by 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. After a short time, Mr. Barlow reported that the committee had performed that duty.

On the motion of Mr. Ballinger, the committee on Internal Improvement was discharged from the further consideration of a petition of sundry citizens of Morgan and Floyd counties, to them referred, praying for the passage of a law to change the State road from Mountsterling to the Virginia line, where it passes through the land of John Gose.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred bills from the House of Representatives of the following titles,
towit:

An act for the benefit of Jacob Weddington, sen'r and Jacob Weddington, jr.
An act for the benefit of Christopher Patton and William Patrick, reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. Sterett, from the joint committee appointed to examine Transylvania University and the Lunatic Asylum, made the following report:

[For the report, see Legislative Documents, page 389.]

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

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

EXECUTIVE OFFICE,
5th February, 1841.

Gentlemen of the Senate:

I nominate for your advice and consent William Storm, to be Major of the 75th Regiment, 24th Brigade, in place of Edward Norvell, resigned.

Daniel A. Brooks to be Lieutenant Colonel of the 76th Regiment, 17th Brigade, in place of Barnabas Bailey, deceased.

Lewis W. Bailey to be Major of the 76th Regiment, 17th Brigade, in place of M. H. Bone, resigned.

Micajah Thompson to be Colonel of the 79th Regiment, 24th Brigade, in place of J. M. Dysart, resigned.
James Dysart to be Lieutenant Colonel of the 79th Regiment, 24th Brigade, in place of S. M. Dysart, promoted.

Charles King to be Major of the 79th Regiment, 24th Brigade, in place of William M. Smith, resigned.

Peter Hart to be Colonel of the 89th Regiment, 24th Brigade, in place of Dempsey White, refused to accept.

Daniel Smith to be Lieutenant Colonel of the 89th Regiment, 24th Brigade, in place of Peter Hart, if promoted.

Arad Cumsstock to be Major of the 89th Regiment, 24th Brigade, in place of Daniel Smith, if promoted.

William Trosper to be Colonel of the 121st Regiment, 24th Brigade, in place of James Payne, resigned.

William B. Pope to be Lieutenant Colonel of the 121st Regiment, 24th Brigade, in place of William Trosper, if promoted.

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

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

1. An act dispensing with the Board of Internal Improvement, and for other purposes.

2. An act to authorize certain County Courts to establish ferries across the Mississippi river.

3. An act to consolidate and regulate certain lottery grants within this Commonwealth.

Were severally read the first time, and ordered to be read a second time. The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on Internal Improvement, and the 2d and 3d to the committee on the Judiciary.
On the motion of Mr. Huston, leave was given to bring in a bill to amend an act, entitled, an act allowing an additional Constable to the county of Bullitt, approved January 29, 1841; and Messrs. Huston, C. J. Walker and S. L. Williams were appointed a committee to prepare and bring in the same.

The Senate resumed the consideration of a bill to regulate the rate of conventional interest. The said bill was amended to read as follows, viz:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That no person shall, hereafter, upon any contract, knowingly take directly or indirectly, for the loan or forbearance of any money, wares or merchandize, or any other commodity, above the value of ten dollars for each one hundred so loaned or forborne, for one year, and after that rate for a greater or less sum, or for a longer or shorter time: Provided, That no greater interest than at the rate of six per cent. per annum shall be collected, unless it is otherwise agreed upon and specified in writing: And, provided further, That if, in any such contract, a greater rate of interest than ten per cent., as above provided for, should be reserved or taken, the contract shall be deemed usurious, and there shall be no remedy at law, or in equity, for the recovery of any interest whatever.

SEC. 2. Be it further enacted, That this act shall not be construed to extend to contracts already made, nor shall it be in force until the first day of August next.

SEC. 3. Be it further enacted, That should any person charge and receive a greater rate of interest than ten per cent. for any such loan, or forbearance as aforesaid, he, she, or they, so offending, shall forfeit and pay said sum paid as interest; first, to any creditor of the payor who may have an execution returned “no property found,” who shall have the exclusive right, at any time within three months from the payment and reception of any such interest, to file a petition before any Justice of the Peace under his suitable jurisdiction, when the amount in controversy is cognizable before him, or a bill in chancery in the Circuit Courts where they have jurisdiction, to subject said interest, or so much thereof as may be necessary, to the payment of his debt; and upon failure to sue therefor within three months, the Commonwealth shall have a concurrent right with creditors, to recover the same at any time within five years, by indictment or action of debt, before any court having jurisdiction in such cases; but the party who shall pay any usurious interest over ten per cent, shall have the same right to recover it, which now exists to recover usurious interests: Provided, That nothing herein contained shall subject the party, or his representatives to whom such interest shall be paid, to repay more than the amount received, with interest thereon at the rate of six per centum.

Mr. Wickliffe moved to postpone the further consideration of the said bill until the first day of June next.

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

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


Those who voted in the negative, were—


And then the Senate adjourned.

SATURDAY, FEBRUARY 6, 1841.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to change the time of holding the fall term of the Court of Appeals.

That they had adopted a resolution fixing a day for the final adjournment of the General Assembly.

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

An act to prevent injury to turnpike roads.
An act to change the time of holding certain Circuit Courts in the fourth Judicial District, and for other purposes.
An act for the benefit of the heirs of Carter Tadlock, deceased.
An act allowing a change of venue to Wilkins Derrington.
An act to repeal the law compelling the Justices of the Simpson County Court to hold court in the months the Circuit Court is held.
An act for the benefit of the Trustees of the Baptist Church, in the town of Shepherdsville.
An act for the benefit of the Clerk of the Oldham County Court.
An act to divorce Mary Edrington.

Mr. Dyer presented the petition of Sereny Hall, praying for a divorce.
from her husband—which was received and referred to the committee on Religion.

Mr. Payne, from the joint committee on Banks, to whom was referred resolutions requiring the Attorney General to issue a scire facias against the Banks, &c., reported the same with the opinion of the committee that it ought not to be adopted, and the said resolutions were made the order of the day for Tuesday next.

Mr. Payne, from the same committee, made the following report, to-wit:

The joint committee on Banks, to whom was referred the "Memorial of the President and Directors of the Bank of Kentucky, in relation to the report of the joint committee on Banks"—report the same back to the General Assembly. They cannot condescend to make any response to a paper which contains an imputation upon them, groundless and untrue, and which they deem offensive to the General Assembly.

THOS. Y. PAYNE,
Chairman, Committee of Senate.

HENRY PIRTLE,

W. C. MARSHALL,
Chairman, Committee of House of Representatives,

H. G. HAZELRIGG,
JOHN J. THOMASSON.
D. SHANKS.

Mr. J. S. Morgan moved the following preamble and resolution, to-wit:

WHEREAS, in the memorial of the President and Directors of the Bank of Kentucky, in relation to the report of the joint committee on Banks, these words are contained: "When the Board were convened, and passed the resolution which the committee have embodied in their report, with which they were furnished by the Cashier; and they came to the Bank and looked at the account, and the names of all the payers, acceptors and endorsers, and left with the Cashier, (one Director only being present,) the note which they have published, and in which they deny that they callee: for the names of the debtors, of which denial the candid public are left to think as they please. The impropriety of the disclosure was manifest next day, when the name of the house was known through the city, and several bills with their names could not be negotiated"—wherefore,

Resolved, That these expressions of said memorial contain an imputation on the joint committee, offensive to the General Assembly, and this House regard said imputation as highly disrespectful both to the Legislature and their committee, unfounded and unwarranted; that the expressions aforesaid receive the unqualified censure of this House, and that the said memorial be returned to the President and Directors of said Bank.

The hour of the day for taking up the orders of the day having arrived, Mr. Payne moved that the orders of the day be postponed for the present.

The question being taken thereon, it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Hanson and Huston, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Barlow, Hanson, Hardin, Huston, James, Quarles, Slaughter, Weller, Young—9

The said preamble and resolution, offered by Mr. J. S. Morgan, were adopted.

Mr. Johnston, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act to increase the resources of the Sinking Fund, and for other purposes, reported the same with amendments.

The said bill was made the order of the day for Wednesday next, and the Public Printer was directed to print 150 copies of the said bill and amendments for the use of the General Assembly.

A bill to amend the several acts providing for the internal improvements in the State of Kentucky, was postponed, and made the order of the day for Tuesday next.

A bill to establish a general law concerning manufacturing corporations was taken up and amended.

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

The constitutional rule as to the third reading being 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 select committees, viz:

By Mr. Quarles—1. A bill to establish election precincts in the county of Pulaski.

By Mr. Clarke—2. A bill for the benefit of the Chairman and Board of Trustees of the town of Nicholasville.

Also—3. A bill for the benefit of the citizens of the town of Nicholasville.
Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

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

An engrossed bill, entitled, an act for the divorce of Moses Royse, was read the third time.

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

An engrossed bill, entitled, an act concerning the jurisdiction of the General Court, was read a third time as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of any act or acts as authorizes any action at law, or suit in chancery, to be brought in the General Court for the recovery of the possession of land, or to have any decree or judgment in said court concerning the right or title to land, unless said land be in the county of Franklin, shall be, and the same is hereby repealed; but this act shall not be so construed as to abate any action or suit now lawfully depending in said court.

The question was taken on the passage of the said bill, and it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Rice and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Burnett, Hughes, James, Morgan, D.

Payne, Rice, Walker, J. V.


Those who voted in the negative, were—

Messrs. Barlow, Clarke, Craddock, Dyer, Griffith, Hardin,

Huston, Jesup, Johnston, Morgan, J. S., Purtle, Quarles,

Schooling, Sympson, Sterett, Williams, S. L., Wingate, Young—18.

Mr. Clarke, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to amend the charter of Cumberland College, and for other purposes, approved Feb. 16, 1838, reported the same with an amendment— which was concurred in.

The said bill was further amended and ordered to be read a third time as amended.
The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill, as amended, do pass, and that the title thereto be as aforesaid.

A bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to divide the State into Congressional districts, was read the third time as amended.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Resolved, That the title thereof be as aforesaid.

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

On the motion of Mr. Young—1. A bill to authorize the Board of Officers of the 46th Regiment of Kentucky Militia to regulate the boundary of said Regiment.

On the motion of Mr. M. Williams—2. A bill for the benefit of John Gose.

The committee on Military Affairs were directed to prepare and bring in the 1st, and Messrs. M. Williams, Rice and Burnett, were appointed a committee to prepare and bring in the 2d.

And then the Senate adjourned.
A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

- An act allowing turnpike tollage to witnesses.
- An act for the benefit of the devisees of James H. Rowe, deceased.
- An act further to regulate the Shelby and Franklin Turnpike Road Companies.
- An act for the benefit of the administrators and heirs of Benjamin Lancaster, deceased.
- An act to allow an additional Constable to the counties of Hardin, Knox and Harlan.
- An act to allow an additional Justice of the Peace and Constable to Pike county.
- An act to change the place of voting in election precincts in Hardin and Barren counties.
- An act for the benefit of the Sheriff of Montgomery county.
- An act to incorporate the Pleasant Grove Meeting House.

That they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, to-wit:

- An act to allow an additional Justice of the Peace to Bath county, and for other purposes.
- An act to allow an additional Justice of the Peace to Mercer county, and for other purposes.
- An act for the benefit of the widow and heirs of Thomas Robinson, dec'd.
- An act to legalize the proceedings of the Garrard County Court, and for other purposes.
- An act for the benefit of the late and present Sheriff of Lewis county.
- An act for the benefit of the heirs of Worden Pope, deceased, and the heirs of Frederick Geiger, deceased.
- An act to divorce James Ware.
- An act for the divorce of Sarah L. Gaines.
- An act for the benefit of Eliza Taylor.
- An act for the divorce of Priscilla Ann Brown.
- An act to amend an act, entitled, an act to amend the charter of the city of Covington, approved January 4th, 1841, and for other purposes.
- An act concerning the Christian Church at Glasgow.
An act for the benefit of George W. Mansfield, and for other purposes.
An act for the benefit of Rosannah Boggess, of Muhlenburg county.
An act for the benefit of Mary Finch.
An act to divorce Margaret M. Pulliam.
An act to explain an act, entitled, an act to repeal, in part, the several acts concerning the town of South Frankfort, and for other purposes, approved January 4th, 1841.
An act further to regulate the trial of appeal cases in Jefferson County Court.
An act to amend an act, entitled, an act further to enforce the payment of State dividends, declared by certain incorporated companies, and for other purposes.
An act to authorize the Judge of the second Judicial District to hold a special chancery term in the county of Campbell.
An act further to regulate the Madison turnpike and Wilderness road.
An act to establish an election precinct in Greenup county, and for other purposes.
An act authorizing Nicholas Porter to build a mill dam on Salt river.
An act authorizing Reuben Collings and George W. Brewer to build a mill dam on Salt river.

Approved February 5, 1841.

That they had passed bills of the following titles, viz:
1. An act to authorize Jesse Murphy to build a fish dam on Pond river.
2. An act to abolish Day's precinct in Edmonson county.
3. An act allowing further time to the several County Courts to furnish a standard of weights and measures.
4. An act allowing an additional Constable to the county of Logan.
5. An act for the benefit of the Russellville Male Academy.
6. An act authorizing the Trustees of the Baptist Church in Taylorsville to sell their meeting house, and for other purposes.

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

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on Internal Improvement; the 2d to the committee on Privileges and Elections; the 3d and 6th to the committee on the Judiciary; the 4th to the committee on Propositions and Grievances, and the 5th to the committee on Education.

1. Mr. J. S. Morgan presented the petition of sundry citizens of the county of Nicholas, praying for the passage of a law increasing the pay of patrols in said county.
2. Mr. Clarke presented the petition of the President and two of the Directors of the Danville, Lancaster and Nicholasville Turnpike Road Com...
pary, praying for the passage of a law to remunerate Lewis V. Wernwag for losses sustained by him in erecting a bridge across the Kentucky river, near the mouth of Hickman.

3. Mr. Payne presented the memorial of sundry citizens of Mayslick, praying for the careful revision of the present licence laws, and such a change in the whole system as will no longer permit tippling to exist, in any form, under the sanction and protection of law.

Which were received and referred: the 1st to the committee on Propositions and Grievances; the 2d to the committee on Internal Improvement, and the 3d to the committee on Finance.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act authorizing the County Courts of Grayson, Daviess, and Logan counties to make certain alterations in State roads in said counties.

An act for the benefit of William Wilbourn, of the county of Russell.

An act conferring upon the County Courts of Carroll and Gallatin power to change the State roads passing through said counties.

An act for the benefit of John Cain.

Reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. Ballinger, 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 John Mershon.

An act to amend the law in relation to working the public highways in the county of Mason.

An act to authorize the building of a bridge across Mayfield's creek.

An act to authorize the Board of Internal Improvement for Graves county to loan certain funds in their hands.

An act to amend an act establishing a State road from the mouth of Salt river, by way of Grayhampton and Big Spring, to intersect the Bowlinggreen road, approved January 13th, 1840.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend and reduce into one the several acts relating to the Sandy road, reported the same with an amendment—which was concurred in.
Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

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

Mr. Ballinger, from the same committee, to whom was referred a bill for the benefit of John Smith, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

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

Mr. Ballinger, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the County Court of Kenton county to change the State road from Colemansville, in Harrison county, to Covington, in Kenton county, reported the same with the opinion of the committee that it ought not to pass.

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

The constitutional rule as to the third reading being dispensed with,

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

On the motion of Mr. Ballinger, the committee on Internal Improvement, was discharged from the further consideration of the petition of the President and Directors of the Versailles and Anderson Turnpike Road Company.

Mr. Ballinger, from the committee on Internal Improvement, reported a bill authorizing the closing of a part of the Nashville and Lexington State road.

Mr. Jesup, from the committee on Military Affairs, reported a bill to regulate the boundary line of the 46th Regiment of Kentucky militia.

Also—A bill for the benefit of Bazel G. Smith.

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

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

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

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Augustus M. Barrett, Clerk of the Edmonson County and Circuit Courts, reported the same with an amendment—which was concurred in.

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

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.
Mr. James, 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 the Sheriff of Henderson county.
An act for the relief of the Sheriff of Nicholas county.
Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Carter county, reported the same with an amendment—which was concurred in.

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

The constitutional rule as to the third reading 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. Hanson, the votes by which the said bill was passed and ordered to be read a third time, were re-considered, and the said bill was further amended.

Mr. Clarke, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Medical Faculty of Transylvania University, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Clarke, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act establishing a System of Common Schools in Kentucky, reported the same with the opinion of the committee that it ought not to pass.

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.

Mr. Clarke, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to establish the Kentucky Institution for the education of the blind, reported the same without amendment, and the further consideration thereof was postponed until to morrow.

Mr. Jesup, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act to amend the militia law, reported the same without amendment.

Ordered, That the said bill be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Jesup, from the same committee, to whom was referred a bill from
the House of Representatives, entitled, an act to amend an act, entitled, an
act for the relief of certain citizens of Madison county, approved 23d Jan.
1840, reported the same with the opinion of the committee that it ought not to pass.

The said bill was amended, and ordered to be read a third time as amended.

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

The following messages were received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up and read as follows, viz:

Gentlemen of the Senate:
I nominate for your advice and consent James Harlan, whose commission will expire with the present session, as Secretary of State of this Commonwealth.

February 8, 1841.

R. P. LETCHER.

Gentlemen of the Senate:
I nominate for your advice and consent Charles E. Bowman to be Police Judge of the town of Harrodsburg, in the place of Jacob Keller, resigned.

February 8, 1841.

R. P. LETCHER.

Gentlemen of the Senate:
I nominate for your advice and consent John Cofer to be Colonel of 60th Regiment, 23d Brigade, in place of John M. Lakin, resigned.
Thomas Price to be Lieutenant Colonel of the 60th Regiment, 23d Brigade, in place of John Cofer, if promoted.
Joseph R. Delingham to be Major of the 60th Regiment, 23d Brigade, in place of Thomas Price, if promoted.

R. P. LETCHER.

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

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

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:
Gentlemen of the Senate and of the House of Representatives:

In compliance with the request of the Governor of Pennsylvania, made in obedience to a resolution of the General Assembly of that State, I transmit herewith a copy of two resolutions, relating to the Tariff, and the distribution of the proceeds of the sales of the Public Lands amongst the several States.

R. P. LETCHER.

February 8, 1841.

HARRISBURG, PENNSYLVANIA, 1841.

Sir:

I have the honor to transmit to you, as requested, the enclosed copy of resolutions adopted by the Senate and House of Representatives of this Commonwealth, with a request that the same may be laid before the Legislature of the State over which you preside.

Very respectfully yours,

DAVID R. PORTER.

His Excellency, the Governor of Kentucky.

Resolutions relative to the Public Lands.

1. Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That our Senators in Congress be, and they are hereby, instructed, and our Representatives requested, to resist any and all attempts, under what pretence soever the same may be made, to deprive the people of this State of their just proportion of the common inheritance in the Public Lands; and that they be, and are hereby, further instructed and requested to introduce and advocate the passage of a bill providing for the distribution of the proceeds of the same among the several States in the ratio of their federal representative population under the census of one thousand eight hundred and forty.

2. Resolved, That our Senators be further instructed, and our Representatives requested, to vote for such re-modification or adjustment of the Tariff as may increase the Revenue derived from imports equal to the wants of the National Government, so that at no time hereafter, under any pretext whatever, shall any money arising from the sales of the Public Lands be used by the General Government.

3. Resolved, That the Governor be requested to cause a copy of these resolutions to be forwarded to each of our Senators and Representatives in Congress; and to the Governors of the several States, with a request that the same may be laid before their respective State Legislatures.

WM. A. CRABB,
Speaker of the House of Representatives.

CHARLES B. PENROSE,
Speaker of the Senate.

Ordered, That the said communication be referred to the committee on Federal Relations.
Leave was given to bring in the following bills, to-wit:

On the motion of Mr. De Courcy—1. A bill to enable the County Court of Kenton to lay an additional levy.

On the motion of Mr. Clarke—2. A bill for the benefit of the Commissioners of Common Schools, in the county of Jessamine.

On the motion of Mr. Huston—3. A bill for the benefit of Marietta H. Estes, and her children.

The committee on the Judiciary was directed to prepare and bring in the 1st and 3d, and the committee on Education the 2d.

Mr. Ballinger moved to take up the resolution from the House of Representatives, fixing a day for a final adjournment of the General Assembly. The question being taken thereon, it was decided in the negative—the rule of the Senate requiring a vote of two thirds.

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

Those who voted in the affirmative, were—

| Messrs. Bailey, Ballinger, Barlow, Burnett, Clarke, Ford, Griffith, Hanson, | Hardin, Huston, James, Jesup, Morgan, D. Payne, Quarles, | Sterett, Walker, C. J. Walker, J. V. Wallace, Williams, S. L. Young—22 |

Those who voted in the negative, were—

| Messrs. Craddock, De Courcy, Dyer, Morgan, J. S. | Pirtle, Pratt, Schooling, Symson, | Slaughter, Tomlinson, Weller, Williams, M—12 |

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

An act for the benefit of Mary Isbell.

An act to amend the laws concerning the emancipation of slaves.

Were severally read the third time.

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

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to amend an act reserving certain property from execution, and for other purposes.

The amendments reported by the committee were concurred in.

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

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

A bill to amend the law concerning injuries to real estate, was ordered to be engrossed and read a third time.

- The said bill was amended by way of engrossed reader.

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

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

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

Since the transmission of my message of the 21st of January, in answer to a resolution of the Senate of the same date, I requested the President of the Northern Bank of Kentucky to furnish me with copies of any papers in his possession relating to the loan made by that institution to the State, and received an answer inclosing copies of contracts made by Governors Clark and Wickliffe, which, together with a copy of my letter to the President of said Bank, I inclose herewith to the Senate, in obedience to the resolution referred to.

February 8, 1841.

R. P. LETCHER.

No. 1.

EXECUTIVE DEPARTMENT, Frankfort, February 4, 1841.

Maj. John Tilford,
President of the Northern Bank of Kentucky.

Dear Sir:

In a resolution of the Senate, of the 21st ult., "the Governor was requested to transmit to the Senate, copies of the original contracts between the Bank of Kentucky and the Northern Bank of Kentucky, made with Governors Clark and Wickliffe, in relation to the debts due by the State to those Banks;" the files of this office having been examined and no such contracts found, I must request you to furnish me with any information which may be in your possession respecting the loan made by the Northern Bank to the State, the circumstances under which it was made, and copies of any papers in your possession which may shed any light on the subject.

I am, very respectfully, your obedient servant,

R. P. LETCHER.
Sir:

In answer to your communication of the 4th inst., asking for copies of the contracts made with this Bank by Governors Clark and Wickliffe for money loaned the Board of Internal Improvement—I enclose them. The first, marked A, signed by Governor Clark, and the second, marked B, signed by the same; the third, marked C, signed by Lieutenant and Acting Governor Wickliffe.

The contract No. 2 was rescinded at the request of the President of the Board of Internal Improvement, because it was ascertained that no authority existed by the laws for the Board to borrow money from any other than the Banks in Kentucky.

The entire loans made by this Bank to the State, since March, 1838, amount to $335,000, $100,000 of which was paid by Governor Clark—the remainder, $235,000 by your Excellency, in 30 year bonds, which the Bank yet owns.

I am, sir, with great regard, your ob't serv't,

JNO. TILFORD,

Pres't.

To his Excellency, R. P. Letcher.

A.

Resolved, That a loan of $50,000 be made to the Chairman of Internal Improvement, for six months, on a bond of the said Chairman, in the usual form, to be re-paid in checks on New York or Philadelphia, at the rate of Exchange given at that time by the Banks of Kentucky; and that in the event of said bond not being paid at maturity, that then the State is to pay said loan with the bonds of the State having thirty years to run, and bearing interest at the rate of six per cent. per annum, payable semi-annually in New York or Philadelphia, to such an amount as will, at the current value in said cities, discharge the said loan. Should it suit the convenience of the State to pay said loan before it is due, that then the Bank will return the interest for such payment in advance.

May 8th, 1838.

I agree to the conditions in the above resolution of the Northern Bank of Kentucky, and the same shall be complied with on the part of the State.

JAS. CLARK.

B.

Northern Bank of Kentucky,

Lexington, August 6, 1839.

A communication having been received from the President of the Board of Internal Improvement, from which it appears that the works of Internal
Improvement will be suspended unless a further loan can be made by the Northern Bank of Kentucky—therefore,

Resolved, That the note of the President of the Board of Internal Improvements, for $150,000, at six months, be discounted; provided an equal amount of six per cent. bonds, of the State of Kentucky, be placed in the possession of this institution, with power to sell the same in the event of said note remaining unpaid at maturity, for the purpose of re-imburse the amount due; provided the Board of Internal Improvement will give the Bank the benefit of a loan negotiated at the Girard Bank of Philadelphia for $150,000, and so far as this Bank shall avail itself of said loan, repay that amount to the Girard Bank in satisfaction of so much of their note to this institution.

(Extract from the minutes.)

Attest: M. T. SCOTT, Cashier.

I approve of the arrangement contained in the above resolution, and will put the Bank into the possession of the bonds for $150,000, as stipulated, whenever it may be desired by the Bank. 8th August, 1839.

JAS. CLARK.

C.

NORTHERN BANK OF KENTUCKY,
Lexington, August 13, 1839.

A communication having been received from the President of the Board of Internal Improvement, from which it appears that the works of Internal Improvement will be suspended unless a further loan can be made by the Northern Bank of Kentucky—therefore,

Resolved, That the note of the President of the Board of Internal Improvement, for $150,000, at not exceeding six months, be discounted; provided an equal amount of six per cent. bonds, of the State of Kentucky, be placed in the possession of this institution, with power to sell the same in the event of said note remaining unpaid at maturity, for the purpose of re-imburse the amount due; and provided it is further understood, that if, in the opinion of the Board of Directors of this Bank, it becomes necessary to sustain her credit, or to aid in the business operations of the country, to hypothecate the said bonds for a loan to be made by it in Philadelphia, or elsewhere, His Excellency, the Governor, will agree to redeem the said bonds at the place where the Bank may have hypothecated the same or any part thereof.

(Extract from the minutes.)

Attest: M. T. SCOTT, Cashier.

EXECUTIVE OFFICE,
December 13, 1839.

Approved this loan made the Board of Internal Improvement.

C. A. WICKLIFE,
Lieutenant and Acting Governor.
Ordered, That the said message and accompanying documents be referred to the committee on the Judiciary.

On the motion of Mr. Payne, the report of the committee on the Sinking Fund was referred to the committee on the Judiciary.

A bill to amend the law concerning sealed writings, was amended and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

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

The resolutions from the House of Representatives in relation to an amendment of the Constitution of the United States, were taken up, twice read and concurred in.

The Senate resumed the consideration of a bill more effectually to protect the right of suffrage. The said bill was further amended.

The question being taken on engrossing and reading the said bill a third time, 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. James and Griffith, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


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

1. An act to change the time of holding certain Circuit Courts in the 4th Judicial District, and for other purposes.
2. An act to prevent injury to turnpike roads.
3. An act for the benefit of the heirs of Carter Tadlock, deceased.
4. An act allowing a change of venue to Wilkins Derrington.
5. An act to repeal the law compelling the Justices of the Simpson County Court to hold court in the months the Circuit Court is held.
6. An act for the benefit of the Trustees of the Baptist Church, in the town of Shepherdsville.
7. An act for the benefit of the Clerk of the Oldham County Court.
8. An act to divorce Mary Edrington.

Were severally read the first time, and ordered to be read a second time. The constitutional rule as to the second reading being dispensed with, they were referred: the 1st, 3d, 4th and 6th to the committee on the Judiciary; the 2d to the committee on Internal Improvement; the 5th to the committee on Propositions and Grievances; the 7th to the committee on Finance, and the 8th to the committee on Religion.

And then the Senate adjourned.

TUESDAY, FEBRUARY 9, 1841.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to a bill in that House, entitled, an act for the benefit of the Clerk of the Graves County Court.

That they had disagreed to a bill from the Senate, entitled, an act to authorize the purchase of a fire engine and hose for the protection of the property of the State at the Seat of Government.

That they had passed bills which originated in the Senate of the following titles, viz:

An act to authorize the Methodist Episcopal Church to sell their Bethel Meeting house in Shelby county.
An act for the benefit of the Sheriff of Clay county.
An act to divorce William Wilson.
An act for the benefit of Lyman Martin, committee of Julian Montague.
An act for the benefit of Pleasant Sandidge, late Sheriff of Green county.
An act for the divorce of Andrew Woods.
An act for the benefit of Edmund Oakley, committee of America Oakley, idiot.

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

An act for the erection of additional rooms for the accommodation of the Auditors of Public Accounts, and for other purposes.
An act to change the time of holding the Allen County Court.
An act to divorce Alice A. Price.
An act to divorce Thomas M. Pulliam.
An act for the benefit of E. Barnes, Peter Abel, P. C. Slaughter, Z. Wilcox, and others.

An act to reduce the number of Trustees of Henderson Academy and Simpson Seminary, and for other purposes.

An act for the benefit of the Vincennes Historical and Antiquarian Society.

An act for the benefit of Samuel G. Tillett, Sheriff of Garrard county.

An act to amend the penal laws.

An act to incorporate the town of Napoleon, in the county of Gallatin.

An act for the relief of the securities of the late Clerk of the Fleming County Court.

Mr. Dyer presented the petition of Jacob Stom, praying for the passage of a law authorizing the administrator of Henry Stom, deceased, to convey by deed, to said Jacob Stom a certain lot of ground, purchased by him of the said Henry—which was received and referred to the committee on the Judiciary.

On the motion of Mr. Wickliffe, the committee on the Judiciary was discharged from the further consideration of the report of the committee on the Sinking Fund, and the message and accompanying documents received from the Governor on yesterday; and the said report and message and documents were re-committed to the committee on the Sinking fund.

Ordered, That the Public Printer print 150 copies of the said message and accompanying documents for the use of the General Assembly.

On the motion of Mr. Barlow, a message was sent to the House of Representatives asking leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of William Wilbourn, of the county of Russell. After a short time the said bill was returned, and the votes by which it was passed and ordered to be read a third time, were re-considered. The said bill was amended.

The question was then taken on reading the said bill a third time, as amended, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Those who voted in the negative, were—

Messrs. Ballinger, Morgan, J. S. Slaughter,
Clarke, Rice, Sterett,
Griffith, Symson, Tomlinson—10.
Hanson, Slaughter,

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as

The Speaker of the House of Representatives having signed
the said bills, the Speaker of the Senate affixed his signature thereto, and they were
delivered to the committee to be presented to the Governor for his approba-
tion and signature. After a short time Mr. Barlow reported that the com-
mittee had performed that duty.

After some time the Senate received from the Governor a message, an-
nouncing that he had approved and signed the said bills.

The Senate resumed the consideration of a bill from the House of Rep-
resentatives, entitled, an act for the benefit of the Sheriff of Carter county.
Mr. Ballinger moved to amend the said bill by adding thereto the follow-
ing as an additional section, viz:

Be it further enacted, That the Sheriffs of Laurel and Perry counties be
released from the payment of eighteen per cent. damages for failing to pay
in the revenue of 1840, at the proper time.

The question being taken on the adoption of the said amendment, 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. Ballinger and De Courcy, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey, Ballinger, Barlow, Clarke, De Courcy, Hanson,

James, Jesup, Johnston, Morgan, D., Payne, Quarles,


Those who voted in the negative, were—

Messrs. Burnett, Craddock, Dyer, Ford, Griffith, Hughes,

Huston, Morgan, J. S., Pratt, Rice, Schooling, Slaughter,

Sterett, Tomlinson, Wallace, Williams, S. L. Young—17.

The question was then taken on reading the said bill a third time, as amended, and decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Bailey, Ballinger, Barlow, Burnett, Clarke, De Courcy, Dyer, Hanson,

James, Jesup, Johnston, Morgan, D., Payne, Pirtle, Quarles,


Those who voted in the negative, were—

Messrs. Craddock, Ford, Griffith, Hardin, Hughes, Huston,

Morgan, J. S., Pratt, Schooling, Slaughter, Sterett,


The constitutional rule as to the third reading being dispensed with, Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, an act for the benefit of the Sheriffs of Carter, Clarke, Muhlenburg, Logan, Laurel and Perry counties.
Mr. Rice moved to dispense with the orders of the day to take up the resolution from the House of Representatives, fixing a day for the final adjournment of the General Assembly.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


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

Mr. Payne, from the committee on the Judiciary, reported a bill for the benefit of William B. Parker, late Sheriff of Lewis county.

Mr. Pirtle, from the same committee, reported a bill for the benefit of Marietta H. Estes, and her children.

Also, a bill to alter the time of holding the Washington and Marion Circuit Courts, and for other purposes.

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

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

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

Mr. Pirtle, from the same committee, to whom was referred a bill to incorporate the Vestry of St. Paul's Church, reported the same without amendment.

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

The constitutional rule as to the third reading being 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. Pirtle, the committee on the Judiciary was discharged from the further consideration of the petition of the heirs of James McElroy, deceased.

The following bills were reported from select committees, viz:

By Mr. Wickliffe—1. A bill concerning slaves devised to femes covert, and for other purposes.

By Mr. Williams—2. A bill for the benefit of John Gose.

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

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on the Judiciary, and the 2d was amended, and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 2d bill being dispensed with, and the same being engrossed,

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

Mr. M. Williams, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Sarah Surlott, reported the same without amendment.

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

The constitutional rule as to the third reading being 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. Barlow—1. A bill for the benefit of Milton King, Clerk of the Cumberland County Court.

On the motion of Mr. De Courcy—2. A bill for the benefit of Betsey D. Tiley.

The committee on Finance was directed to prepare and bring in the 1st, and Messrs. De Courcy, Sympson and Pratt were appointed a committee to prepare and bring in the 2d.

The Speaker laid before the Senate a communication from the Auditor of Public Accounts, which is as follows, viz:

"In the Senate, January 6, 1841.

"Resolved, That the Auditor of Public Accounts be requested to furnish the Senate with a statement of the amount paid for interest on the six year bonds, issued by the State; the amount and time of each payment; the individual to whom paid, and the number of each bond on which interest has been paid.

"Attest, JAMES STONESTREET, Clerk."
### STATEMENT

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<th>Number of warrant.</th>
<th>Name of person to whom warrant issued</th>
<th>No. of six years six per cent. bonds.</th>
<th>The date when six year bonds issued</th>
<th>Interest paid to and including last October, 1840.</th>
<th>Amount of warrants issued and paid.</th>
<th>Authorized calculation.</th>
<th>Difference between the warrants and proper calculation.</th>
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### JOURNAL OF THE SENATE.

**STATEMENT—Continued.**

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**Note:** The table continues with similar entries for John Watson, Ben. F. Crutchfield, George Stivers, James Sudduth, and others, each with their respective warrant numbers, dates of issuance, and calculations. The page number at the bottom indicates the end of the table and is 349.
Ordered, That said communication be referred to the committee on Finance.

Mr. Hardin presented the memorial of sundry citizens of the counties of Barren, Cumberland and Adair, praying a careful revision of the present licen­cense laws, and such a change in the whole system as will no longer permit tippling to exist, in any form, under the sanction and protection of law—which was received and referred to the committee on Finance.

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

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

**Gentlemen of the Senate:**
I nominate for your advice and consent James Hunter to be Colonel Commandant of the 55th Regiment, in the place of Jesse Stevens, promoted. William Acre to be Major of the same Regiment, in the place of Bryant Nicholas, resigned.

*February 9, 1841.*

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### Statement—Continued.

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<th>No. of Warrant</th>
<th>Name of person warrant issued</th>
<th>No. of Six-Year Per Cent. Bonds Issued</th>
<th>The Date When Six-Year Bonds Issued</th>
<th>Interest Paid to and including 1st October, 1840</th>
<th>Amount of Warrants Issued and Paid</th>
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BEN. SELBY, Auditor Public Accounts.
Resolved, That the Senate advise and consent to the said appointments.

Mr. Rice moved the following resolution, to-wit:

Resolved, That for the residue of the present session, the Senate will meet at 9 o'clock, A. M.

The consideration of the said resolution was postponed for the present.

The Senate resumed the consideration of a bill to restore the privileges of the Banks when they resume specie payments.

The said bill is as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Bank of Kentucky, Northern Bank of Kentucky, and the Bank of Louisville, shall be exonerated from any forfeiture of their charters, so soon as they shall, respectively, resume the payment of their notes in circulation, and their other liabilities in gold and silver: Provided, That should said Banks, or any of them, not resume specie payments within 90 days after the Banks generally resume in the cities of Philadelphia and New Orleans, the Governor of the Commonwealth of Kentucky shall issue his proclamation, fixing a day within the next ninety days thereafter for the Banks to resume the payment of specie; on which day the said Banks shall resume the payment of specie, and, in default thereof, the Governor of the Commonwealth of Kentucky shall cause the Attorney General of the State, to sue out the scire facias, to obtain a judgment of forfeiture of charter, as provided in the several acts incorporating said institutions: Provided, further, That if said Banks do not resume specie payments on or before the next session of the Legislature of Kentucky, the same power over said Banks for refusing to pay specie, before and after the passage of this act, shall be the same in the General Assembly of the Commonwealth of Kentucky, as exists under their charters before the passage of this act.

Sec. 2. Be it further enacted, That all and every person, a citizen of this Commonwealth, shall be eligible as President and Directors of either of said Banks aforesaid, or their branches, who, when he qualifies, shall be the owner of five shares of the capital stock of said Banks, in which he is about to qualify as a Director.

Sec. 3. Be it further enacted, That it shall not be lawful for any President or Director of either of the said Banks, to borrow of said Bank in which he is President or Director, or be indebted to the same, either individually or in connection with his partners in business, to a sum exceeding seven thousand dollars, as the discounter of notes or business paper, and the further sum of twelve thousand dollars, as the drawer or discounter of bills of exchange.

Sec. 4. Be it further enacted, That it shall not be lawful for the President and Directors of either of the parent Banks to withdraw any branch, or remove the capital from the same, so long as the said branch is making a dividend of six per cent. per annum, on its capital stock, without first obtaining the assent of the Directory of said branch, or upon the petition of the parent Bank to the Legislature, and their assent thereto.

Sec. 5. Be it further enacted, That the capital of fifty thousand dollars, removed by parent board of the Bank of Kentucky, from the branch at Maysville, is restored to her, and the President and Directors of the parent Bank shall return the same.
Sec. 6. Be it further enacted, That it shall be the duty of the parent board of the Bank of Kentucky, within the next twelve months, to sell and dispose of the one million of State Bonds now on hand, in the Bank of Kentucky, and the proceeds of the sale thereof, to divide out in equal proportions to the branches, retaining two fifths thereof at the parent Bank, provided the said Bank shall not sell the said bonds at less than par value.

Sec. 7. Be it further enacted, That should the said Bank of Kentucky fail to sell the said bonds in twelve months, it shall be the duty of the said parent Bank, to divide out said State Bonds among the branches, in equal proportions, as near as possible, retaining two fifths thereof at the parent Bank; and the said Bank and branches are authorized to sell the same, provided they shall not sell the same at less than par value.

Sec. 8. Be it further enacted, That the fourteenth section of an act to establish the Northern Bank of Kentucky be so amended, that the President and Directors shall be authorized to increase the surplus contingent fund to any amount, not exceeding ten per cent. on the amount of capital stock paid in; but any surplus over and above the amount now required may be reduced by dividends, when circumstances shall, in their opinion, require it: Provided, That the said Directory shall not have the power of increasing said contingent fund, out of any balance of profits in their hands, unless it be after they have declared a dividend of four per cent. for the preceding six months.

Mr. Weller moved to amend the first section of the said bill by striking out from the word “provided,” in the fifth line, to the word “the,” in the eighth line, included in brackets, and to insert in lieu thereof the following to-wit:

That should said Banks fail or refuse, within sixty days from the passage of this act, to pay, in gold and silver, all their notes of five dollars, and less denomination, which may be demanded; and shall, on or before the first day of June next, resume, and continue to pay, all their notes, and other liabilities, in specie that may be payable when demanded.

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

The yeas and nays being required thereon by Messrs. Weller and S. L Williams, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barlow, Burnett, Hardin, Hughes,
James, Rice, Sympon, Tomlinson,

Those who voted in the negative, were—

Messrs. Bailey, Ballinger, Clarke, Craddock, De Courcy,
Dyer, Ford, Griffith, Hanson, Huston,
Jesup, Johnston, Morgan, D., Morgan, J. S., Payne.
Mr. Weller moved to amend the said bill by adding thereto the following sections:

Be it further enacted, That should said Banks, or either of them, at any time after the first day of June next, either fail or refuse to pay their notes, and other liabilities, in specie when thereto required, the said Attorney General shall sue out a scire facias against said Banks in order to forfeit their charters, or any of them so failing and refusing, according to their respective charters, upon receiving information of such failure or refusal, returnable before the next General Court of this Commonwealth, who shall, thereupon, declare their charters forfeited according to the provisions of their respective charters and acts of incorporation.

Be it further enacted, That should said Banks continue suspended, or should suspend after the first day of June next, they shall be, and are hereby, interdicted from suing for, or collecting any debts then due them, or which may thereafter become due; from declaring any dividends to stockholders in said institutions, dealing in exchange, or receiving any money or moneys on deposit; and these restrictions shall apply to said Banks whenever they suspend; and that they shall be liable to all the penalties and disabilities imposed by their respective charters, until they do resume the payment, in gold and silver, of all their liabilities; and the Attorney General shall sue out a scire facias as specified in the preceding section, returnable before the next General Court thereafter, who shall proceed to declare their charters forfeited aforesaid.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Weller and S. L. Williams, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Ballinger moved the following as a substitute for said bill:

That the Bank of Kentucky, Northern Bank of Kentucky and the Bank of Louisville, shall be restored to all the rights and privileges granted by their respective charters, so soon as they shall, respectively, resume the payment of their notes in circulation, and their other liabilities, in gold and silver; Provided, [That if either of said Banks shall not resume specie payments on or before the first day of the next session of the Legislature, such Bank shall not be exonerated from a forfeiture of its charter; but the next session of the Legislature shall have the same power to enforce a forfeiture of the charter of such Bank for the failure to redeem its notes, and other liabilities, in gold and silver that the present Legislature now has:] And, provided further, That said Banks, after they resume specie payments, and shall thereby be restored to all the rights and privileges of their charters, shall be liable to all the fines, penalties and liabilities imposed by their respective charters as though there never had been a breach of any of the provisions thereof.

Be it further enacted, That the Bank of Kentucky, Northern Bank of Kentucky and Bank of Louisville, shall not be liable on deposits hereafter made, or notes hereafter issued, or liabilities hereafter incurred, for interest or damages, beyond interest and damages at the rate of six per cent. per annum until they shall respectively resume specie payments; and during the suspension of specie payments they shall respectively be subject to the limitations imposed upon their discounts and purchase of bills of exchange by the first section of an act, entitled, an act to restore the privileges of the Banks of this Commonwealth when they shall resume specie payments, approved 16th February, 1838, and that the eighth section of an act, entitled, an act dispensing with quarterly and substituting monthly statements, and providing for monthly balance sheets to be lodged with the Secretary of State by the Banks of this Commonwealth, shall be revived and continued in force for six months after the Banks shall respectively resume specie payments.

Sec. 3. That the Commissioners of the Sinking Fund and the Board of Education shall be, and are hereby, empowered, by their written proxy, to vote for Directors in the several Banks of this Commonwealth to the extent of the shares acquired by them by purchase in said Banks.

Sec. 4. That hereafter it shall not be necessary for any Director in the Bank of Kentucky, to be the owner and holder of more than ten shares of the capital stock of said Bank.

Mr. Payne moved to amend the said substitute by adding thereto the following, to-wit:

Be it further enacted, That it shall be the duty of the parent Board of the Bank of Kentucky, within the next twelve months, to sell and dispose of the one million of State Bonds now on hand in the Bank of Kentucky, and the proceeds of the sale thereof to divide out in equal proportions to the branches, retaining two fifths thereof at the parent Bank, provided the said Bank shall not sell the said bonds at less than par value; and in default of selling them, it shall be the duty of the said parent Board to divide out the said bonds among the several branches, in equal proportions, as near as possible, retaining two fifths thereof at the parent Bank; and the said Directors
of the said Bank and branches are authorized to sell the same, provided they shall not sell the same at less than par value.

The question being taken on the adoption of the said amendment, it was decided in the negative.

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

Those who voted in the affirmative, were—

Payne,

Those who voted in the negative, were—


Mr. Payne moved to amend the said substitute by adding thereto the following section, to-wit:

Be it further enacted, That the capital of fifty thousand dollars, removed from the branch Bank of Kentucky at Maysville, is restored to her; and the President and Directors of the parent Bank shall return the same.

The question being taken on the adoption of the said amendment, it was decided in the negative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Bailey, Ballinger, Barlow, Burnett, Clarke, Craddock, Dyer, Ford, Griffith, Hanson, Hardin, Hughes,
Mr. Hanson moved to amend the said substitute by striking out after the word "provided," where it first occurs in the first section, to the words, "and provided," and inserting in lieu thereof the following:

That if either of said Banks shall fail to resume specie payments within ninety days after the Banks generally resume in the cities of Philadelphia and New Orleans, the Governor of the Commonwealth shall issue his proclamation, fixing a day within the next thirty days thereafter, for the Banks to resume the payment of specie; and in default thereof, the Governor of the Commonwealth of Kentucky shall cause the Attorney General of the State to sue out the "scire facias" to obtain a judgment of forfeiture of charter, as provided in the several acts incorporating said institutions.

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

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

Those who voted in the affirmative, were—

Messrs. Barlow, James, Jeter, Morgan, D.
Burnett, Jesup, Morgan, J. S.
De Courcy, Morgan, J. S.
Dyer, Payne, Slaughter,
Hanson, Pratt, Slaughter,
Hardin, Rice, Slaughter,
Hughes, Simpson, Tomlinson,

Those who voted in the negative, were—

Messrs. Bailey, Huston, Schooling,
Ballinger, Johnston, Slaughter,
Clarke, Morgan, J. S., Wickliffe,
Cradock, Pirtle, Williams, S. L.
Ford, Quarles, Young—15.

Mr. Hanson, at half past six o'clock, moved that the Senate do now adjourn.

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

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

Messrs. Barlow, Burnett, De Courcy, Hanson, Hardin, James,


Those who voted in the negative, were—

Messrs. Bailey, Ballinger, Clarke, Craddock, Dyer, Ford, Hughes,


Mr. Payne moved further to amend the said substitute.

Mr. Wickliffe moved to postpone the further consideration of the said bill and amendments until the first day of June next.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 10, 1841.

A message was received from the House of Representatives, announcing that they had insisted on the amendment proposed by that House to a bill from the Senate, entitled, an act concerning the record books of the County and Circuit Courts of Madison.

That they had 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 for the relief of certain citizens of Madison county, approved 23d January, 1840.

An act for the benefit of Augustus M. Barrett, Clerk of the Edmonson County and Circuit Courts.

That they had passed bills which originated in the Senate of the following titles, viz:

An act concerning exceptions to depositions.

An act authorizing certain records, &c. of the Clarke County Court to be transcribed.
An act to amend the law concerning appeals and writs of error.
An act to incorporate the Lexington Hotel Company.
An act to amend the law concerning the writ of certiorari, and for other purposes.
An act to extend the time to return plats and certificates to the Register's office, made on Treasury warrants.
An act to amend an act, entitled, an act giving to officers, and crews, and mechanics and others, a lien on steamboats.
An act to amend the law concerning awards.
An act allowing the Appellate Judges to reinstate attachments and other restraining orders in chancery.
An act concerning the town of Russellville.
With an amendment to the last.
That they had passed bills of the following titles, viz:
An act to amend the law of descents.
An act to incorporate the Nelson County Mutual Insurance Company.
An act for the benefit of Joseph Nelson.
An act for the benefit of Thomas Mitchell, Jailor of Lewis county.
An act to amend the laws in relation to elections in the town of Georgetown, and for other purposes.
Which bills were severally read the first time, and ordered to be read a second time.
The constitutional rule as to the second reading being dispensed with, they were referred to the committee on the Judiciary.
On the motion of Mr. Ballinger, a message was sent to the House of Representatives asking leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of John Cain.
After some time the said bill was returned to the Senate, and the vote by which the said bill was disagreed to, was reconsidered.
Ordered, That the said bill be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.
The Speaker laid before the Senate the following communication from the Secretary of State, to-wit:

Office of the Secretary of State, February 8th, 1841.

To the General Assembly of the Commonwealth of Kentucky:

In compliance with an act, approved March 1st, 1836, I transmit herewith, various monthly statements of the Auditor and Treasurer, filed by them in this office.

JAMES HARLAN,
Secretary of State.
Mr. Schooling presented the petition of Walter Pike, praying for the passage of a law making him an allowance for keeping George and Lewis Pike, his two brothers, who are idiots—which was received and referred to the committee on Finance.

Mr. Barlow, from the committee on Enrollments, reported that the committee had examined enrolled bills and resolutions which originated in the House of Representatives of the following titles, viz:

An act for the benefit of John Mershon.
An act for the benefit of the Medical Faculty of Transylvania University.
An act for the benefit of the Sheriff of Henderson county.
An act for the benefit of the Sheriff of Nicholas county.
An act for the benefit of Mary Isbell.
An act for the benefit of the Clerks of the County Courts of Graves, Monroe, Hancock, Garrard, Daviess, Logan and Clinton.
An act for the benefit of Eliza Putnam.
An act to divorce Patience Murray.
An act for the benefit of Margaret Stinson.
An act for the benefit of Christiana Boothe.
An act for the divorce of Elizabeth Baccus.
An act for the benefit of William A. Bowdown.
An act to amend an act, entitled, an act further to regulate the Board of Internal Improvement for the counties west of the Tennessee river, approved March 1st, 1836.
An act for the benefit of Alvis R. Harris, and for other purposes.
An act for the benefit of Joel Thomason.
An act to repeal an act, entitled, an act requiring annual examinations of the several Clerk's offices in this Commonwealth to be made out and returned to the Auditor's office.
An act to establish an election precinct in the county of Hardin, and for other purposes.
An act to amend an act, entitled, an act for the benefit of the heirs of William Taylor, deceased, approved February 4th, 1840.
An act to allow additional Justices of the Peace and Constables to certain counties.
An act for the benefit of the administrators and heirs of Benjamin Lancaster, deceased.
An act for the benefit of the Sheriffs of Montgomery and Lawrence counties.
An act allowing turnpike tollage to witnesses.
An act to allow an additional Constable to the counties of Hardin, Knox, Harlan, Hickman and Pulaski.
An act to change the place of voting in election precincts in Hardin and Barren counties, and for other purposes.

An act to authorize the County Court of Kenton county to change the State road from Colemansville, in Harrison county, to Covington, in Kenton county.

An act to authorize the Board of Internal Improvement for Graves county to loan out certain funds in their hands.

An act further to regulate the Shelby and Franklin Turnpike Road Companies.

An act to amend an act establishing a State road from the mouth of Salt river, by way of Grayhampton and Big Spring, to intersect the Bowlinggreen road, approved January 13th, 1840.

An act to amend the laws concerning the emancipation of slaves.

An act to amend the law in relation to working the public highways in the county of Mason.

An act to amend the militia law.

And resolutions in relation to an amendment of the Constitution of the United States.

And had found the same truly enrolled.

The said bills and resolutions having been signed by 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. After a short time Mr. Barlow reported that the committee had performed that duty.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to establish the 18th Judicial District, and for other purposes, reported the same without amendment.

Mr. Barlow moved to amend the said bill.

Mr. Hanson moved the previous question. The question being taken, shall the main question be now put? it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Those who voted in the negative, were—

<table>
<thead>
<tr>
<th>Barlow,</th>
<th>Huston,</th>
<th>Sterett,</th>
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<td>Burnett,</td>
<td>James,</td>
<td>Tomlinson,</td>
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<td>De Courcy,</td>
<td>Jesup,</td>
<td>Walker, C. J.</td>
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<td>Dyer,</td>
<td>Pratt,</td>
<td>Weller,</td>
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<td>Griffith,</td>
<td>Rice,</td>
<td>Williams, M</td>
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<tr>
<td>Hughes,</td>
<td>Schooling,</td>
<td>Williams, S. L.</td>
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The question was then taken on reading the said bill a third time, and decided in the affirmative.

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

Those who voted in the affirmative, were—

<table>
<thead>
<tr>
<th>Bailey,</th>
<th>Hardin,</th>
<th>Quarles,</th>
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<tr>
<td>Ballinger,</td>
<td>Hughes,</td>
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<td>Clarke,</td>
<td>Johnston,</td>
<td>Slaughter,</td>
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<td>Craddock,</td>
<td>Morgan, D.</td>
<td>Tomlinson,</td>
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<tr>
<td>De Courcy,</td>
<td>Morgan, J.S.</td>
<td>Walker, J. V.</td>
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<tr>
<td>Dyer,</td>
<td>Payne,</td>
<td>Wallace,</td>
</tr>
<tr>
<td>Ford,</td>
<td>Pirtle,</td>
<td>Young—22.</td>
</tr>
<tr>
<td>Hanson,</td>
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</table>

Those who voted in the negative, were—

<table>
<thead>
<tr>
<th>Barlow,</th>
<th>Jesup,</th>
<th>Walker, C. J.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burnett,</td>
<td>Pratt,</td>
<td>Weller,</td>
</tr>
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<td>Griffith,</td>
<td>Rice,</td>
<td>Williams, M</td>
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<tr>
<td>Huston,</td>
<td>Schooling,</td>
<td>Williams, S. L.</td>
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<tr>
<td>James,</td>
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</table>

Mr. Barlow moved to dispense with the third reading of the said bill.

The question being taken thereon, it was decided in the negative, there not being four fifths in the affirmative.

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

Those who voted in the affirmative, were—

<table>
<thead>
<tr>
<th>Bailey,</th>
<th>Hardin,</th>
<th>Sympson,</th>
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<td>Ballinger,</td>
<td>Hughes,</td>
<td>Slaughter,</td>
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<td>Barlow,</td>
<td>Johnston,</td>
<td>Tomlinson,</td>
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<td>Clarke,</td>
<td>Morgan, D.</td>
<td>Walker, C. J.</td>
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<tr>
<td>Craddock,</td>
<td>Morgan, J.S.</td>
<td>Walker, J. V.</td>
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<tr>
<td>De Courcy,</td>
<td>Payne,</td>
<td>Wallace,</td>
</tr>
<tr>
<td>Dyer,</td>
<td>Pirtle,</td>
<td>Williams, S. L.</td>
</tr>
<tr>
<td>Ford,</td>
<td>Quarles,</td>
<td>Young—25.</td>
</tr>
<tr>
<td>Hanson,</td>
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</table>
Those who voted in the negative, were—

Griffith, Pratt, Weller, Dyer, Morgan, J. S. Walker, J. V.
Huston, Rice, Williams, M—11.
James, Schooling.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to change the time of holding certain Circuit Courts in the fourth Judicial district, and for other purposes, reported the same with an amendment—which was concurred in.

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

The constitutional rule as to the third reading being dispensed with,

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

The Senate resumed the consideration of a bill to restore the privileges of the Banks when they resume specie payments.

Mr. Wickliffe withdrew the motion, made by him, to postpone the further consideration of the said bill and amendments until the first day of June next.

Mr. James moved to postpone the further consideration of the said bill and amendments until the first day of June next.

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

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

Those who voted in the affirmative, were—

Messrs. Bailey, Griffith, Quarles, Griffith, Morgan, D.
Ballinger, Huston, Rice, Morgan, J. S.
Burnett, James, Slaughter, Payne,
Clarke, Johnston, Wallace, Sterett,
Craddock, Morgan, D., Wickliffe,
De Courcy, Pirtle, Williams, S. L—20
Ford, Pratt.

Those who voted in the negative, were—

Messrs. Barlow, Jesup, Walker, C. J.
Dyer, Morgan, J. S. Walker, J. V.
Hanson, Payne, Weller,
Hardin, Sterett, Williams, M.
Hughes, Tomlinson, Young—15.

The Senate resumed the consideration of the resolutions requiring the Attorney General to issue a scire facias against the Banks, &c.

Mr. James moved that the further consideration of the said resolutions be postponed until the first day of June next.
The question being taken thereon, it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Weller and James, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Burnett, Hanson, Hardin, Hughes, Rice, Tomlinson.

Mr. Craddock having obtained leave, reported a bill for the benefit of Albert Jones.

Mr. Hanson having obtained leave, reported a bill to incorporate the Winchester Lyceum.

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

The constitutional rule as to the second reading being dispensed with, the 2d was referred to the committee on Education, and the 1st was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st bill being dispensed with, and the same being engrossed,

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

1. Mr. Wickliffe presented the petition of Kean O'Hara, praying for the passage of a law to incorporate his Academy, by the name and style of Clifton Academy, with a common school district attached to it.

2. Mr. Pratt presented the petition of sundry citizens of Scott county, praying for the passage of a law to change the place of voting at an election precinct in said county.

Which were received and referred: the 1st to the committee on the Judiciary, and the 2d to the committee on Privileges and Elections.

On the motion of Mr. Wallace, leave was given to bring in a bill to amend the militia law of this State, and the committee on Military Affairs was directed to prepare and bring in the same.
The resolution, read and laid on the table on yesterday by Mr. Rice, relative to the hour of the meeting of the Senate during the remainder of the present session, was taken up and adopted.

An act concerning the town of Russellville, together with the amendments thereto, proposed by the House of Representatives, was referred to the committee on the Judiciary.

Bills from the House of Representatives of the following titles, viz:
1. An act for the erection of additional rooms for the accommodation of the Auditors of Public Accounts, and for other purposes.
2. An act to change the time of holding the Allen County Court.
3. An act to divorce Alice A. Price.
4. An act to divorce Thomas M. Pulliam.
5. An act for the benefit of E. Barnes, Peter Abel, P. C. Slaughter, Z. Wilcox, and others.
6. An act to reduce the number of Trustees of Henderson Academy and Simpson Seminary, and for other purposes.
7. An act for the benefit of the Vincennes Historical and Antiquarian Society.
8. An act for the benefit of Samuel G. Tillet, Sheriff of Garrard county.
9. An act to amend the penal laws.
10. An act to incorporate the town of Napoleon, in the county of Gallatin.
11. An act for the relief of the securities of the late Clerk of the Fleming County Court,

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

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on the Public Buildings; the 2d to the committee on Propositions and Grievances; the 3d and 4th to the committee on Religion; the 5th to the committee on Internal Improvement; the 6th and 7th to the committee on Education; the 9th and 10th to the committee on the Judiciary.

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. Johnston in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Johnston reported that the committee had, according to order, had under consideration a bill to amend the several acts providing for Internal Improvements in the State of Kentucky, and had made some progress therein, but not having time to go through with the same, had directed him to ask leave to sit again—which was granted.

And then the Senate adjourned.
THURSDAY, FEBRUARY 11, 1841.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, viz:

An act to allow an additional Constable to the counties of Hardin, Knox, Harlan, Hickman and Pulaski.

An act to change the place of voting in election precincts in Hardin and Barren counties, and for other purposes.

An act for the benefit of the Sheriffs of Montgomery and Lawrence counties.

An act allowing turnpike tollage to witnesses.

An act to allow additional Justices of the Peace and Constables to certain counties.

An act for the benefit of the administrators and heirs of Benjamin Lancaster, deceased.

An act to establish an election precinct in the county of Hardin, and for other purposes.

An act to amend an act, entitled, an act for the benefit of the heirs of William Taylor, deceased, approved February 4th, 1840.

An act for the benefit of Margaret Stinson.

An act for the benefit of Christiana Boothe.

An act for the divorce of Elizabeth Baccus.

An act for the benefit of William A. Bowdown.

An act for the benefit of Alvis R. Harris, and for other purposes.

An act to amend an act, entitled, an act further to regulate the Board of Internal Improvement for the counties west of the Tennessee river, approved March 1st, 1836.

An act for the benefit of Eliza Putnam.

An act to divorce Patience Murray.

An act for the benefit of Joel Thomasson.

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

An act to repeal an act, entitled, an act requiring annual examinations of the several Clerk's offices in this Commonwealth to be made out and returned to the Auditor's office.

An act for the benefit of Mary Isbell.

An act for the benefit of the Sheriff of Henderson county.

An act for the benefit of the Medical Faculty of Transylvania University.
An act for the benefit of the Clerks of the County Courts of Graves, Monroe, Hancock, Garrard, Daviess, Logan and Clinton.

An act further to regulate the Shelby and Franklin Turnpike Road Companies.

An act for the benefit of John Mershon.

An act to amend the militia law.

An act to amend the law in relation to working the public highways in the county of Mason.

An act to amend an act establishing a State road from the mouth of Salt river, by way of Grayhampton and Big Spring, to intersect the Bowlinggreen road, approved January 13th, 1840.

An act to amend the laws concerning the emancipation of slaves.

An act to authorize the County Court of Kenton county to change the State road from Coleman'sville, in Harrison county, to Covington, in Kenton county.

An act to authorize the Board of Internal Improvement for Graves county to loan out certain funds in their hands.

Also, resolutions in relation to an amendment of the Constitution of the United States. Approved February 10, 1841.

That they had passed a bill from the Senate, entitled, an act for the benefit of John Smith.

That they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act to amend and reduce into one the several acts relating to the Sandy road.

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

An act for the benefit of James Jenkins.

An act for the benefit of the administrator of John B. Cloud.

Mr. Pratt presented the petition of sundry citizens of the town of Georgetown, praying for the passage of a law giving to builders, contractors and other laborers, a lien upon the work or building to secure their pay for labor done—which was received and referred to the committee on Propositions and Grievances.

Mr. Payne, from the committee on the Judiciary, to whom was referred an engrossed bill, entitled, an act concerning the town of Russellville, together with the amendment proposed thereto by the House of Representatives, reported the same without amendment.

Resolved, That the Senate concur in said amendment.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act further to provide for the appointment of patroon in this Commonwealth, reported the same with amendments.

Mr. James moved to postpone the further consideration of the said bill and amendments until the first day of June next.
I. The question being taken thereon, it was decided in the negative.

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

Those who voted in the affirmative, were—

Messrs. Ford, Griffith, James, Sterett, Walker, J. V. Weller, Williams, M. Young—S.

Those who voted in the negative, were—

Messrs. Bailey, Ballinger, Barlow, Burnett, Clarke, Craddock, De Courcy, Dyer, Hanson, Hardin, Hughes, Huston, Jesup, Johnston, Morgan, J. S. Payne, Pirtle, Pratt, Quarles, Rice, Schooling, Symson, Slaughter, Tomlinson, Walker, C. J. Wallace, Williams, S. L—27

The amendments were concurred in, and the said bill was recommitted to a committee of Messrs. Hughes, Payne and Wallace.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

- An act for the benefit of the Trustees of the Baptist Church, in the town of Shepherdsville.
- An act for the benefit of John Loving.
- An act authorizing the Trustees of the Baptist Church in Taylorsville to sell their meeting house, and for other purposes.
- An act for the benefit of the Methodist and Baptist Churches in the town of Hardinsburg.
- An act allowing further time to the several County Courts to furnish a standard of weights and measures.
- An act to incorporate the Providence Methodist Episcopal Church of Cumberland county, and for other purposes.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act allowing a change of venue to Wilkins Derrington, reported the same with an amendment—which was concurred in.

Ordered, That the said bill be read a third time, as amended.
The constitutional rule as to the third reading being dispensed with,
The question was then taken on the passage of said bill and decided in
the affirmative.

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

<table>
<thead>
<tr>
<th>Those who voted in the affirmative, were—</th>
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<tbody>
<tr>
<td>Messrs. Bailey, Barlow, Burnett, Clarke, Craddock, De Courcy, Dyer, Griffith, Hanson,</td>
</tr>
<tr>
<td>Hardin, Hughes, Huston, James, Payne, Pirtle, Pratt, Rice,</td>
</tr>
</tbody>
</table>

Those who voted in the negative, were—

<table>
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<tr>
<th>Messrs. Ballinger, Ford, Jesup, Johnston,</th>
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<tbody>
<tr>
<td>Morgan, J.S. Quarles, Sympson,</td>
</tr>
<tr>
<td>Sterett, Wickliffe, Young—10</td>
</tr>
</tbody>
</table>

Resolved, That the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to authorize certain County Courts to establish ferries across the Mississippi river, reported the same with an amendment—which was concurred in.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Pirtle, from the same committee, to whom was referred a bill to amend and continue in force an act offering a reward for the discovery of the disease called the milk sickness, reported the same without amendment.

The said bill was amended, and ordered to be engrossed and read a third time.

Mr. Pirtle, from the same committee, reported a bill for the benefit of Elijah Fletcher, of Graves county—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.
Mr. Pirtle, from the same committee, to whom was referred a bill more effectually to provide for the erection of suitable buildings for Clerk's offices in this Commonwealth, reported the same with amendments—which were concurred in.

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

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

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

Mr. Pirtle, from the same committee, to whom was referred the petition of Mary Finnie, of Scott county; also, the petition of sundry citizens of Calloway county, and, also, the petition of Jacob Stom, reported the following resolution thereon, to-wit:

Resolved, That the said petitions be rejected—which was concurred in.

Leave was given to withdraw the first named petition.

Mr. Pirtle, from the same committee reported a bill supplemental to an act, entitled, an act to amend the law prohibiting the importation of slaves into this State—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, Mr. Payne moved to re-commit the said bill to the committee on the Judiciary.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Huston, from the committee on Privileges and Elections, reported a
bill to change the place of voting in the Eagle Precinct, Scott county—
which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill
being dispensed with, and the same being engrossed,

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

aforsaid.

Mr. Rice, from the committee on Propositions and Grievances, to whom
was referred a bill from the House of Representatives, entitled, an act to
incorporate the town of Smithland, reported the same with amendments—
which were concurred in.

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

Mr. Ballinger, from the committee on Internal Improvement, to whom
was referred a bill from the House of Representatives, entitled, an act dis-

pensing with the Board of Internal Improvement, and for other purposes,
reported the same with the opinion of the committee that it ought not to
pass, and it was placed in the orders of the day.

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. Johnston in the Chair. After some time spent in committee, the Speaker
resumed the Chair, when Mr. Johnston reported that the committee had, ac-
cording to order, had under consideration a bill to amend the several acts
providing for Internal Improvements in the State of Kentucky, and having
gone through with the same, had directed him to report the same without
amendment.

Mr. Hughes moved to amend the said bill by striking out in the 4th line
of the 3d section these words: “to the Licking river navigation, one hun-
dred and forty thousand dollars.”

The question being taken on the adoption of the said amendment, it was
decided in the negative.

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

Those who voted in the affirmative, were—

Messrs. Barlow,
Burnett,
Griffith,
Hardin,
Hughes,

Huston,
James,
Jesup,
Quarles,

Schooling,
Sterett,
Walker, J. V.
Weller—13.

Those who voted in the negative, were—

Messrs. Bailey,
Ballinger,
Clarke,

Craddock,
De Courcy,
Dyer,

Ford,
Hanson,
Johnston,
Mr. Johnston moved to amend the said bill by adding thereto the following section, to-wit:

Be it further enacted, That the President of the Board of Internal Improvement shall pay, out of the sum herein proposed to be raised, the sum of five thousand dollars to Lemuel B. Stoughton, being the balance due him for work done on the Kentucky river bridge, and which was directed to be loaned out of the Internal Improvement Fund to the Lexington and Ohio Railroad Company, by an act of the General Assembly, approved 23d of February, 1839.

The question being taken on the adoption of the said amendment, it was decided in the negative.

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

Those who voted in the affirmative, were—

Messrs. Ford, Hanson, Hughes, Johnston, Quarles, Schooling, Williams, M.—S.

Those who voted in the negative, were—


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

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

Those who voted in the affirmative, were—

Messrs. Bailey, Ballinger, Clarke, Craddock, De Courcy, Jesup, Morgan, J. S., Payne, Pirle,
FRIDAY, FEBRUARY 12, 1841.

A message was received from the House of Representatives announcing that they had passed bills from the Senate of the following titles, to wit:

An act for the divorce of Moses Royse.
An act to establish election precincts in the county of Pulaski.
An act for the benefit of the Chairman and Board of Trustees of the town of Nicholasville.
An act for the benefit of the citizens of the town of Nicholasville.
An act to legalize the proceedings of the Spencer County Court.
An act for the benefit of William B. Parker, late Sheriff of Lewis county.
An act to incorporate the Vestry of St. Paul's Church.
An act for the benefit of John Gose.

With an amendment to the last named bill.

That they had concurred in the adoption of a resolution to print the address on Agriculture by the Hon. C. Allan, with an amendment.

That they had passed bills of the following titles, viz:
1. An act for the relief of emigrants and others.
2. An act allowing an additional Justice of the Peace and Constable to Graves county.
3. An act to change the time of holding the Circuit Courts in the second Judicial District.
4. An act for the benefit of Edward S. Coleman, late Sheriff of Franklin county, and for other purposes.
5. An act for the benefit of the Sheriff of Meade county.
Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st and 3d to the committee on the Judiciary; the 2d to the committee on Propositions and Grievances, and the 4th and 5th to the committee on Finance.

Mr. Symson presented the petition of Andrew Barnett, praying for the passage of a law establishing a ferry on Green river, in Green county—which was received and referred to the committee on Propositions and Grievances.

Mr. James read and laid on the table the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Public Printer be directed hereafter, in printing the acts of the Legislature, to print those of a general character separate and apart from those of a local character, placing those of a general character first, with an index to each.

The rule of the Senate being dispensed with, the said resolution was taken up and referred to a committee of Messrs. James, Ballinger and J. S. Morgan.

A bill supplemental to an act, entitled, an act to amend the law prohibiting the importation of slaves into this State, was re-committed to the committee on the Judiciary.

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, to-wit:

- An act to reduce the number of Justices of the Peace in Anderson county.
- An act to add an additional Constable to the county of Nicholas.
- An act for the benefit of the Jailor of Gallatin county.
- An act to repeal the law compelling the Justices of the Simpson County Court to hold court in the months the Circuit Court is held.
- An act allowing an additional Constable to the county of Logan.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Rice, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional Justice of the Peace to the county of Owen, reported the same with amendments—which were concurred in.

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

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, an act allowing additional Justices of the Peace to the counties of Owen and Muhlenburg.

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to add a part of the county of Franklin to the county of Anderson, reported the same with the opinion of the committee that it ought not to pass.

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.

Mr. Rice, from the same committee, reported a bill to change the name of the town of Concord, in Calloway county—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Mr. Rice, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved January 21st, 1840, reported the same with an amendment—which was concurred in.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Rice, from the same committee, reported a bill for the benefit of Thos. Howser—which was read the first time.

Mr. Ballinger moved that the said bill be rejected.

The question being taken on rejecting said bill, it was decided in the negative. The Senate being equally divided, the Speaker voted in the negative, and so the said bill was ordered to be read a second time.

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

Those who voted in the affirmative, were—

Messrs. Bailey,
Ballinger,
Clarke,
Craddock,
Dyer,
Hardin,

Huston,
Morgan, J. S.
Payne,
Pirtle,
Quarles,

Rice,
Slaughter,
Sterett,
Tomlinson,
Williams, S. L.
Mr. Rice, from the same committee, to whom was referred the petition of sundry citizens of the counties of Greenup and Carter, reported the following resolution thereon:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Rice, from the same committee, to whom was referred the petition of the citizens of Trigg county, reported the following resolution thereon:

Resolved, That the said petition be rejected.

The question being taken on concouring in the said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Burnett and J. V. Walker, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


On the motion of Mr. Rice, the committee on Propositions and Grievances was discharged from the further consideration of the petition of sundry citizens of the counties of Muhlenburg, Daviess and Ohio, and leave was given to withdraw the said petition.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives entitled, an act to abolish Day's precinct, in Edmonson county, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. M. Williams, from the committee on Religion, reported a bill for the benefit of Mary Bledsoe—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Mr. Ballinger, from the committee on Internal Improvement, reported a bill for the benefit of Lewis V. Wernwag—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, it was placed in the orders of the day, and leave was given to withdraw the petition accompanying said bill.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the County Court of Grant to change a road, reported the same with the opinion of the committee that it ought not to pass.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to prevent injury to turnpike roads, reported the same without amendment.

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 vote disagreeing to said bill was re-considered, and the said bill was amended.

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

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

An act for the benefit of Lyman Martin, committee of Julian Montague.
An act to amend an act, entitled, an act giving to officers, and crews, and mechanics and others, a lien on steamboats.
An act for the divorce of Wm. Wilson.
An act for the divorce of Andrew Woods.
An act concerning exceptions to depositions.
An act to amend the law concerning the writ of certiorari, and for other purposes.
An act to incorporate the Lexington Hotel Company.
An act authorizing certain records, &c. of the Clarke County Court to be transcribed.
An act to amend the law concerning appeals and writs of error.
An act for the benefit of the Sheriff of Clay county.
An act to authorize the Methodist Episcopal Church to sell their Bethel Meeting House in Shelby county.
An act for the benefit of Edmund Oakley, committee of America Oakley, an idiot.
An act for the benefit of Pleasant Sandidge, late Sheriff of Green county.
An act to extend the time to return plats and certificates to the Register’s office, made on Treasury warrants.
An act allowing the Appellate Judges to reinstate attachments and other restraining orders in chancery.
An act to amend the law concerning awards.

And had found the same truly enrolled.

The Speaker of the House of Representatives having signed the said bills, 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. Weller reported that the committee had performed that duty.

After some time the Senate received from the Governor a message, announcing that he had approved and signed the said bills.

Mr. Huston, from a select committee, reported a bill to amend an act, entitled, an act allowing an additional Constable to the county of Bullitt, approved January 29th, 1841—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being 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, viz:
An act for the benefit of James Jenkins.
An act for the benefit of the administrator of John B. Cloud.

Were severally read the first time, and ordered to be read a second time. The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on Finance, and the 2d to the committee on the Judiciary.

Resolved, That the Senate concur in the amendment proposed by the House of Representatives to a resolution to print the address on Agriculture by the Hon. C. Allan.

On the motion of Mr. Wickliffe, a bill from the House of Representatives,
entitled, an act to increase the resources of the Sinking Fund, and for other purposes, was referred to a committee of the whole House on the state of the Commonwealth; whereupon the Senate resolved itself into a committee of the whole, Mr. Clarke in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Clarke reported that the committee had, according to order, had under consideration a bill from the House of Representatives, entitled, an act to increase the resources of the Sinking Fund, and for other purposes, and having gone through with the same, had directed him to report the same to the House with amendments.

The said bill reads as follows, viz:

**Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the several Sheriffs of this Commonwealth to collect and pay into the Public Treasury, at the rate of fifteen cents upon every one hundred dollars worth of property liable to be assessed under the existing revenue laws of this Commonwealth; and the taxes to be collected upon the lands of non-residents shall be charged and collected at the same rate: Provided, That the additional tax hereby authorized to be raised, shall, whenever paid into the Treasury, be carried to the credit of the Sinking Fund, to be applied to the payment of the principal and interest of the debts now owing by the State of Kentucky for works of Internal Improvement: Provided, further, That nothing in this section shall be construed to embrace debts due contractors, except for work now actually done and performed.**

**Sec. 2. Be it further enacted, That in lieu of the commissions now allowed by law for the collection of the revenue, the several Sheriffs of this Commonwealth shall be allowed at the rate of six per centum, and no more, for the collection and paying over the revenue, as provided for in the foregoing section of this act, any other law of this Commonwealth to the contrary notwithstanding.**

**Sec. 3. Be it further enacted, That this act shall expire at the end of two years from and after its passage, and then the tax shall be ten cents on the hundred dollars, as is now provided by law, any thing contained in this act to the contrary notwithstanding.**

The first amendment proposes to strike out the third section of said bill.

The question being taken on concurring in the said amendment, 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. Rice and J.V. Walker, were as follows, viz:

**Messrs. Ballinger, Clarke, Craddock, De Courcy, Dyer, Ford, Hanson, Johnston, Morgan, J.S. Payne, Pirrie, Pratt, Quarles, Slaughter, Tomlinson, Wallace, Wickliffe, Young—18.**
The second amendment proposes to amend the second section by striking out all after the word “allowed,” printed in italics, and inserting in lieu thereof the following:

The same commission as now allowed by law to the collectors of the revenue of this Commonwealth, in each and every county where the revenue of the same shall not exceed $2,000; and a commission of seven per cent. in each county where the revenue of the same shall be over $2,000 and not more than $5,000; and a commission of six per cent. shall be allowed for the collection of the same in each county where the revenue is over $5,000 and not exceeding $10,000; and in those counties where the revenue may be over $10,000, a commission of only five per cent. shall be allowed.

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. James and Barlow, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barlow, Burnet, Griffith, Hardin, Hughes, Huston, James, Quarles, Rice, Schooling.

Those who voted in the negative, were—


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

*The Clerk, in the manuscript Journal, announces that the amendment was decided in the affirmative; but it will be seen by the yeas and nays that a majority voted in the negative. How this error has occurred I am unable to say.
The constitutional rule as to the third reading being dispensed with,
The question being taken on the passage of said bill it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Rice and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Resolved, That the title thereof be as aforesaid,
And then the Senate adjourned.

SATURDAY, FEBRUARY 13, 1841.

A message was received from the House of Representatives, announcing that they had disagreed to a bill from the Senate, entitled, an act to allow Jonathan Davidson a change of venue.
That they had passed bills which originated in the Senate of the following titles, viz:
An act for the benefit of Sarah Scroggin.
An act for the benefit of George I. Brown, and others.
An act to authorize the re-binding of record books in the Clerk's offices in Hardin county.
With an amendment to the last named bill.
That they had passed a bill, entitled, an act to tax foreign insurance offices and agencies, and for other purposes.
Which bill was read the first time, and ordered to be read a second time.
The constitutional rule as to the second reading being dispensed with, the said bill was referred to a committee of the whole House, and made the special order of the day for Monday next.

Mr. Weller presented the petition of Thomas W. Peek, praying for the passage of a law appointing himself and John W. Marshall commissioners to sell a certain tract of land lying in the county of Caldwell, belonging to the heirs of said Peek, and investing the funds of said sale in other lands in Missouri, Illinois or Arkansas—which was received and referred to the committee on the Judiciary.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to prevent injury to turnpike roads.

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

Mr. Ballinger, from the committee on Internal Improvement, reported the following resolutions, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, that it is the duty of the Auditor of Public Accounts, and he is hereby required to sell the property of the Lexington and Ohio Railroad Company, mortgaged to this Commonwealth by virtue of an act, entitled, an act for the benefit of the Lexington and Ohio Railroad Company, approved 2d February, 1833, or so much thereof as will indemnify the Commonwealth for her liability in guaranteeing the bonds of said company for the sum of $150,000, and the interest paid, or to be paid, by this Commonwealth.

Resolved, That it shall be the duty of the Auditor, and he is hereby required to make sale of the property aforesaid, to pursue the directions as to manner, time, payment and conveyance, as is prescribed by the act aforesaid.

Resolved, That it shall be the duty of the Auditor, and he is hereby required, to bid for the property so sold, for, and on account of the Commonwealth of Kentucky, for such sum as the Commonwealth may, at the time of sale, be responsible for.

Resolved, That it shall be the duty of the Board of Internal Improvement to take charge of the property herein directed to be bought by the Auditor, and that they shall have power and authority to rent, lease, or use said property, as, in their opinion, will best promote the interest of the Commonwealth.

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

An act to authorize Jesse Murphy to build a fish dam on Pond river.
An act for the benefit of E. Barnes, Peter Abel, P. C. Slaughter, Z. Wilcox, and others.

Reported the same with the opinion of the committee that they ought not to pass.

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

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Ballinger, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Juliet Henry, executrix of Matthias W. Henry, reported the same with the opinion of the committee that it ought not to pass.

The said bill is as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement be, and they are hereby, authorized and required to enquire into the injury sustained by Juliet Henry, executrix of Matthias W. Henry, deceased, by the excavation made by the water last winter at lock and dam No. 4, on Green river, which caused the fall of the abutment which was rebuilt by her; and said Board are hereby required to take the evidence, either by personal examination or on written affidavit, of the Resident Engineer or Superintendent, and all such other evidence as may be required, and make her such allowance as, under all the circumstances, will be just and equitable; and that they make report to the next General Assembly.

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. Ballinger and Dyer, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


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

An act for the benefit of the Trustees of the Baptist Church, in the town of Shepherdsville.

An act for the benefit of John Loving.

An act authorizing the Trustees of the Baptist Church in Taylorsville to sell their meeting house, and for other purposes.
An act allowing further time to the several County Courts to furnish a standard of weights and measures.

An act to incorporate the Providence Methodist Episcopal Church of Cumberland county, and for other purposes.

An act for the benefit of John Cain.

An act to authorize the building of a bridge across Mayfield's creek.

An act for the benefit of the devisees of James H. Rowe, deceased.

An act to amend and reduce into one the several acts relating to the Sandy road.

An act for the benefit of Augustus M. Barrett, Clerk of the Edmonson County and Circuit Courts.

An act to amend an act, entitled, an act for the relief of certain citizens of Madison county, approved 23d January, 1840.

An act to incorporate the Pleasant Grove Meeting house.

An act for the divorce of Sarah Surlott.

An act for the benefit of the Methodist and Baptist Churches in the town of Hardinsburg.

And enrolled bills and a resolution which originated in the Senate of the following titles, to-wit:

An act for the divorce of Moses Royse.

An act to establish election precincts in the county of Pulaski.

An act for the benefit of the citizens of the town of Nicholasville.

An act for the benefit of the Chairman and Board of Trustees of the town of Nicholasville.

An act to legalize the proceedings of the Spencer County Court.

An act for the benefit of John Smith.

An act concerning the town of Russellville.

An act for the benefit of William B. Parker, late Sheriff of Lewis county.

An act to incorporate the Vestry of St. Paul's Church.

A resolution to print the address on Agriculture by the Hon. C. Allan.

And had found the same truly enrolled.

The said bills and resolutions having been signed by 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. After a short time Mr. Barlow reported that the committee had performed that duty.

After some time a message was received from the Governor announcing that he had approved and signed the said bills.

On the motion of Mr. Johnston, the committee on Finance was discharged from the duty of preparing and bringing in a bill for the benefit of Frances Lewis.

Mr. Johnston, from the committee on Finance, to whom was referred the petition of Walter Pike, reported the following resolution thereon, viz:
Resolved, That the said petitions be rejected—which was concurred in.

Mr. Johnston, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Lidia Riley.
An act for the benefit of Ambrose Kirtley.
An act for the relief of the securities of the late Clerk of the Fleming County Court.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Johnston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Samuel G. Tillett, Sheriff of Garrard county, reported the same with an amendment—which was concurred in.

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

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, "and the Sheriff of Shelby county."

Mr. Johnston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Clerk of the Oldham County Court, reported the same with an amendment—which was concurred in.

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

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, an act for the benefit of the Clerks of Oldham and Cumberland County Courts.

Mr. Johnston, from the same committee, to whom was referred a bill to direct the Public Printer to print, on a separate sheet, copies of the appropriations of each year, and for other purposes, reported the same with the opinion of the committee that it ought not to pass.

The said bill is as follows, to-wit:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Clerks of each House of the General Assembly, at the end of every session of the General Assembly, to make a statement of each and every appropriation of the public money during the session proceeding, and of the objects and persons for whom each appropriation is made; and after carefully comparing such list and certifying it to be correct, it shall be their duty to deliver the same to the Public Printer for the time being.

Sec. 2. That it shall be the duty of the Public Printer to publish such list three times, by weekly insertions, in his paper, and if he own no paper, then in some newspaper printed in the town of Frankfort; and shall, moreover,
print, or cause to be printed, as many copies of such list as shall be sufficient to furnish each member of the Legislature with two copies, and the Clerk of every County Court with two copies; and so soon as they are so printed, to cause them to be delivered to the Secretary of State to be distributed in the same manner and under like regulations as are prescribed for the distribution of the Acts of the General Assembly.

Sec. 3. That it shall be the duty of the County Court Clerks, respectively, to post up, or to cause to be posted, one of the copies transmitted, at the door of the court house of their respective counties, on the next succeeding court day of the county after he shall receive such copies; and the said Clerks shall, each, carefully file away and preserve the other copy transmitted to him, subject, at all times, to the inspection of the citizen voters of the county.

Mr. Hughes moved to amend the said bill by adding thereto the following section, to-wit:

Be it further enacted, That it shall be the duty of the Second Auditor of Public Accounts to prepare a synopsis of all the appropriations of money, and the object of such appropriation, since the year 1828, up to the end of the present session; that the same be printed, and copies thereof be furnished by the Secretary of State to each member of the present Legislature, and to the Clerks of the several counties, to be disposed of as aforesaid.

Mr. J. S. Morgan moved to lay the said bill and amendment on the table for the present.

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

The yeas and nays being required thereon by Messrs. J. S. Morgan and Payne, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Clarke, Craddock, Ford, Griffith, James, Johnston, Morgan, J. S. Payne, Pirle, Quarles, Tomlinson, Walker, C. J. Walker, J. V. Williams, M. Williams, S. L—15

Those who voted in the negative, were—


Mr. Payne moved to amend the amendment proposed by Mr. Hughes, by adding thereto the following:

Provided, That the Auditor shall add to the said report the ayes and nays upon the passage of each appropriation.
Mr. Craddock moved that the further consideration of said bill and amendments be postponed until the first day of June next.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Bailey, Barlow, Burnett, De Courcy, Hanson, Hardin, Hughes, Huston, Jesup, Rice, Sympson, Sterett, Tomlinson, Weller, Wickliffe—15.

Mr. James, from the select committee, to whom was referred the resolution directing the manner of the printing of the Acts of the General Assembly, reported the same without amendment.

The said resolution was twice read and adopted.

Mr. Clarke, from the committee on Education, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act to reduce the number of Trustees of Henderson Academy and Simpson Seminary, and for other purposes.

An act for the benefit of the Russellville Male Academy.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Clarke, from the same committee, to whom was referred a bill to incorporate the Winchester Lyceum, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

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

Mr. Clarke, from the same committee, to whom was referred a bill from
the House of Representatives, entitled, an act for the benefit of the Vincennes Historical and Antiquarian Society, reported the same with the opinion of the committee that it ought not to pass.

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.

Mr. Clarke, from the same committee, to whom was referred the petition of John Stevens, reported the following resolution thereon, to-wit:

Resolved, That the said petition be rejected—which was concurred in.

Mr. Wickliffe, from the committee on the Sinking Fund, made the following report, to-wit:

The committee on the Sinking Fund have, agreeably to the order of the Senate, had under consideration the message of the Governor of the 8th of February, 1841, conveying to the Senate his letter of the 4th of February, 1841, to the President of the Northern Bank of Kentucky, and the reply of the President of the 6th of February, 1841: also, a resolution of the Directors of the Northern Bank of the 5th of May, 1838, with the endorsement of the late Governor Clark thereon: also, a resolution of the Directors of the Northern Bank of Kentucky of the 6th of August, 1839, with the endorsement of the late Governor Clark: also, a resolution of the Directors of the Northern Bank, bearing date the 13th of August, 1839, with the endorsement of approval by Governor Wickliffe, bearing date the 13th of December, 1839—and beg leave to report:

That they have been unable to perceive any thing to change their opinions, already expressed and laid before the Senate, under the resolutions of the Senate, the one bearing date the 18th, and the other the 21st of February, 1841. They would state that, from the resolutions of the Directors of the Northern Bank, it appears that both the loans of $150,000 each from the Northern Bank of Kentucky, were negotiated by Governor Clark, and that of the 6th of August approved by him on the 8th of that month, that of the 13th of August, (though before his death,) was not approved by him, but by Governor Wickliffe on 13th of December, 1839. Governor Clark paid, in bonds, $100,000 of these loans, which left $200,000 to be adjusted. It does not satisfactorily appear to the committee how the State became indebted to the Northern Bank the additional $35,000, for which bonds have been issued; but it is presumable that his Excellency, or some of his predecessors, obtained an additional loan, over and above the $300,000, for the $35,000. The loans made by Governors Clark and Wickliffe were from the Northern Bank, and these contracts, it will be perceived, are different, from an understanding that the State shall make up a deficiency, if the State bonds shall be sold at less than par. Governor Clark approved a contract to place in the hands of the Bank an equal amount of bonds, as collateral security; that the bond for $150,000, of the Board of Internal Improvement, should be paid at maturity, with power to sell the bonds. There is no stipulation that the Bank may sell at less than par, and look to the State for the deficiency. That approved by Governor Wickliffe is, in substance, the same, except that it limited the power to hypothecate the bonds, the State agreeing to redeem them.

Although in each of these cases your committee perceive neither the pow-
er nor encouragement held out to the Northern Bank, that if they sacrificed the bonds and thereby impaired the credit of the State, that the State would make up the deficiency; and, although the act of 1840 had not then passed, your committee conceives that the contracts so made with the Banks were not strictly within the powers granted by the acts of Assembly under which they acted; and your committee can but fairly presume that the explicitness of the act of the 2d of February, 1840, prohibiting the sale of the State bonds at less than par value, was intended to limit and control the discretionary powers exercised by Governors Clark and Wickliffe over the State bonds confided to the Executive for sale. Indeed, your committee considers the sale of the bonds, by Governor Letcher to the Bank, solely based upon the act of 1840, and in no wise an execution of any previous contract relative to the sale of Bonds. His Excellency simply paid off the debt, and raised the bonds of the Board of Internal Improvement, while, by the contracts of his predecessors, the bonds were to be hypothecated, as collateral security; and this hypothecation principle, only applied to the debts due the Northern Bank. For the $180,000 due the Bank of Kentucky, there appears no previous agreement as to the nature of either the sale or hypothecation of the bonds, when the arrangements were made by Governors Clark and Wickliffe. The prohibitory law of 1840 against selling bonds for less than their par value had not passed; but the act of the 2d of February, 1840, fully admonished the Banks, and the world, that the State would not allow the bonds to be sold at less than par—of this it appears, from the correspondence of both the Governor and the Presidents of the Banks, they were fully informed. Your committee are willing to accord to all the parties concerned in the transaction, honorable and patriotic motives; but they hold that whatever motives or reasons may or can be assigned, favorable to the Commonwealth against the strict observance of a statute, that it is nevertheless the law, and should be observed until repealed by the Legislature.

Your committee think that the statute of the 2d of Feb., 1840, was both wise and proper, in its prohibition, on even the Governor, to sell State bonds under par. Were even that high officer himself possessed of full power to sell the State bonds, under their nominal value, the credit of the State would at once pass from the hands of the Legislature, where the Constitution has placed it, into those of the Governor, and for this reason the Executive was expressly restricted, as to price, in the sale of the bonds. If this be true, as regards the Governor, what must be the credit of the State when she shall allow her bonds to be passed off, to be sold by every individual that may choose to take them, and for his private ends, sacrifice them? After a careful examination of the whole case, your committee still recommend to the Legislature the resolutions heretofore submitted to them.

Mr. Payne moved that the Public Printer print 150 copies of the said report, and that the same be made the special order of the day for Monday next.

Mr. Weller called for a division of the question. The question being taken on printing the said report, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and Tomlinson, were as follows, viz:
Messrs. Ballinger, Clarke, Craddock, Griffith, Hanson, Hughes, Huston, Jesup, Payne, Pirtie, Pratt, Quarles, Sympson, Slaughter, Walker, J. V., Wallace—16.

Those who voted in the negative, were—


The question was then taken on making the said report and resolutions the special order of the day for Monday next, and it was decided in the negative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Payne read, at the Clerk's table, certain resolutions, which, at the proper time, he would move as a substitute to the resolutions reported from the committee.

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

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

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:
Gentlemen of the Senate:

I nominate for your advice and consent William Gordon, Thomas McCormick, Benjamin Barner, John E. Wilson and Henry F. Givin to be Trustees of the Cumberland Hospital.

February 13, 1841.

R. P. Letcher.

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

Mr. Slaughter, from the committee on Agriculture, made the following report, to-wit:

The committee on Agriculture have had under consideration the resolution, referred to them, in regard to the extent, importance and growing value of our tobacco trade, and, also, the grievous duties and unjust burdens imposed thereon by foreign governments, and report—

That tobacco, the second of the products of the United States in regard to value, is grown in Kentucky in extraordinary perfection. Its acknowledged superiority over that of most other countries, is attributable to the virgin character of our soil and the peculiarities of our climate. American tobacco, as an article of trade, is co-extensive with the commerce of the civilized world. It is celebrated above all other tobacco for the delicacy and its sap and texture, and of aromatic perfume, and is therefore sought and combined in a greater or less proportion with all the various preparations of the tobacco, grown and manufactured in Europe. In England the cultivation of tobacco is totally and absolutely interdicted, and the whole trade and manufacture subject to the most assiduous surveillance. In France tobacco is a governmental monopoly. Its cultivation is restricted to certain departments; and it is admitted by the administration of that interest that the nature of the French soil, and that of the climate, will never permit them to hope that the native tobacco can take the place of the foreign or American tobacco. France, by the operation of her tobacco monopoly, has reduced the trade of the United States with her in that article, from thirty thousand hogsheads, its former amount, to five thousand, her present consumption of that article. And notwithstanding the U. S. have progressively reduced their tariff on all the principal productions of French industry, yet France still adheres, without relaxation, to that rigorous policy which dictated the ruinous monopoly and imposed burdensome restrictions and discouraging exactions on our tobacco trade.

From a view of the statistics of tobacco in Kentucky, as exhibited by the census books for 1840, and from other sources of undoubted information, it will be found that more than one half of all the counties in the State are more or less engaged in the culture of that great staple; and that the aggregate annual production of this article is now swelled to the enormous amount of 50,000,000 pounds—and allowing 1,200 pounds to the hogshead, makes 41,666 hogsheads—which, at the rate of $9 per 100 pounds, amounts to the large sum of $2,500,000.

It is also ascertained by reference to authentic documents, that Europe levies a revenue of $30,000,000 on about 100,000 hogsheads of American tobacco, which cost, in the United States, $7,000,000. England alone levies about $17,000,000 on about 18,000 hogsheads of American tobacco in the form of duties, excises, licences, &c., being equal to about two thirds of the expenses of her Navy, and about equal to the whole expenses of the Government of the United States of America.
From the above incontrovertible statements, it will be perceived that Kentucky grows at least one third of all the tobacco exported from the United States to European countries, and derives a larger income from this valuable staple, considering the extent of country and amount of capital employed, than any other country or district on the Globe—therefore,

Resolved, That the enormous duties and restrictions imposed by the various governments of Europe on our tobacco trade, are of the most serious injury to our agricultural and commercial interests.

Resolved, That our Senators and Representatives in Congress be requested to use their best endeavors to procure the removal of the onerous duties and unjust burdens imposed on our tobacco trade by foreign governments.

Resolved, That the Governor of this State cause copies of these resolutions to be transmitted to our Senators and Representatives in Congress.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to incorporate the town of Napoleon, in the county of Gallatin.
An act to incorporate the Nelson County Mutual Insurance Company.
An act to change the time of holding the Circuit Courts in the second Judicial District.
An act for the benefit of Thomas Mitchell, Jailor of Lewis county.
An act for the benefit of the administrator of John B. Cloud.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

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

An act to amend the penal laws.
An act concerning the town of Augusta.
An act to amend the laws in relation to elections in the town of Georgetown, and for other purposes.

Reported the same with amendments—which were concurred in.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law of descents, reported the same without amendment, and the said bill was placed in the orders of the day.

On the motion of Mr. Craddock, a message was sent to the House of Representatives asking leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act for the benefit of the
estate of John Robins, deceased. After a short time the said bill was re
turned. The vote by which the said bill was disagreed to, was re-considered.
Ordered, That the said bill be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as
aforesaid.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred
the petition of J. Wood Wilson and others, reported the following resolu-
tion thereon:
Resolved, That the said petition be rejected—which was concurred in.

Mr. Rice, from the committee on Propositions and Grievances, to whom
was referred a bill from the House of Representatives, entitled, an act allow-
ing an additional Justice of the Peace and Constable to Graves county, re-
ported the same without amendment.
Ordered, That the said bill be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as
aforesaid.

On the motion of Mr. Ford, leave was given to bring in a bill for the
benefit of the Glasgow and Scottville Turnpike Road Company, and for
other purposes; and Messrs. Ford, Johnston and Craddock were appointed
a committee to prepare and bring in the same.

The following bills were reported, viz:

By Mr. Johnston, from the committee on Finance—1. A bill to amend
act to provide for the distribution and preservation of the public law books,
approved December 21st, 1825.

By Mr. Clarke, from the committee on Education—2. A bill for the bene-
fit of the Common School Commissioners for the county of Jessamine.

By Mr. Hanson, from the committee on the Judiciary—3. A bill for the
benefit of the infant children of Matilda Perry, deceased.

By Mr. Pirtle, from the same committee—4. A bill to authorize the Coun-
ty Court of Kenton to lay an additional levy, and for other purposes.

Also—5. A bill to incorporate Clifton Academy, and for other purposes.

By Mr. Craddock, from the same committee—6. A bill to amend the
charter of the Louisville Turnpike Road Company.

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

The constitutional rule as to the second reading being dispensed with,
the 6th was referred to the committee on Internal Improvement, and the
1st, 2d, 3d, 4th and 5th were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bills being dis-
pensed with, and the same being engrossed,
Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wickliffe, having obtained leave, reported a bill to suspend an act, entitled, an act for the benefit of the Medical Faculty of Transylvania University, approved the 10th of February, 1841—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Resolved, That the Senate recede from their disagreement to the amendment proposed by the House of Representatives to a bill from the Senate, entitled, an act concerning the record books of the County and Circuit Courts of Madison.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act for the benefit of John Gose.

An engrossed bill, entitled, an act more effectually to protect the right of suffrage, was read the third time.

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

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

Those who voted in the affirmative, were—

Messrs. Ballinger, Burnett, Clarke, Craddock, De Courcy, Dyer, Hanson, Hughes, Morgan, J.S., Pirtle, Rice, Schooling,

Sympson, Walker, C.J., Wallace, Wickliffe, Williams, M., Williams, S.L.--18

Those who voted in the negative, were—

Messrs. Bailey, Barlow, Ford, Griffith, Hardin, Huston, James, Jesup, Johnston, Payne, Pratt, Quarles


Resolved, That the title thereof be as aforesaid.

An engrossed bill, entitled, an act to amend the several acts providing for internal improvements in the State of Kentucky, was taken up.
On the motion of Mr. Ballinger, the vote ordering the said bill to be engrossed and read a third time, was re-considered.

The said bill is as follows, to-wit:

WHEREAS, various public works have been placed under contract by the Board of Internal Improvement, in compliance with various laws of this Commonwealth; and whereas, the public faith is pledged to the successful prosecution of the same, and to the observance of the strictest economy in the application of the resources of the State; Therefore,

Sec. 1. **Be it enacted by the General Assembly of the Commonwealth of Kentucky**, That to enable the Board of Internal Improvement of this State to pay the subscriptions to turnpike and other roads, and to bridges, and to complete such as have been put under contract, or have been commenced with the authority and consent of said Board, and to progress with the public works on the rivers in this State, the sum of $750,000 is hereby appropriated for the year 1841.

Sec. 2. **Be it further enacted**, That in disbursing the said sum, the money now due and unpaid shall be first paid; and no additional contracts shall, hereafter, be entered into, nor subscriptions made by the Board of Internal Improvement.

Sec. 3. **Be it further enacted**, That the money hereby appropriated shall be applied by the Board of Internal Improvement in the manner following, viz.: To the Kentucky river navigation, the sum of one hundred and forty thousand dollars; to the Licking river navigation, one hundred and forty thousand dollars; to the Green and Barren river navigation, one hundred and twenty thousand dollars; to the turnpike road over Muldrow's Hill, and bridge over the Rolling Fork of Salt river, two thousand two hundred and ten dollars 14 cents; to the turnpike road from Louisville via Elizabeth-town, &c. to the Tennessee line, eighty thousand dollars; to the turnpike road from Bardstown to the Tennessee line, eighty thousand dollars; to the turnpike road from Lexington to Perryville, fifteen thousand dollars; to the turnpike road from Richmond to Lexington, twelve thousand two hundred and fifty nine dollars; to the turnpike road from Georgetown to Covington, fifty thousand dollars; to the turnpike road from Maysville to Mountsterling, four thousand dollars; to the turnpike road from Maysville to Bracken county, eleven thousand eight hundred and seventy four dollars fifty cents; to the Logan, Todd and Christian turnpike road, fifty thousand dollars; to the balances due on other roads, six thousand dollars; to the turnpike road from Crab Orchard to Cumberland Gap, twenty thousand dollars; to descending navigation four thousand dollars; to the Superintendent of lime manufactory, and other incidental expenses, eight thousand two hundred and eighty eight dollars, thirty six cents.

Sec. 4. **Be it further enacted**, That the Governor of the Commonwealth of Kentucky be, and he is hereby, authorized to sell the bonds of scrip of this State, in the United States, or elsewhere, to the amount of two hundred and forty nine thousand dollars, in sums of not less than one thousand dollars, bearing an interest of six per cent, redeemable at any time after thirty years: provided a sufficient sum shall have been first provided to pay the interest upon the same.

Sec. 5. **Be it further enacted**, That so much of the act, entitled, "an act
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to provide for the payment of public contractors and to preserve the faith of
the State," approved February 21, 1840, as authorizes the Governor of this
Commonwealth to issue bonds of scrip of this State, redeemable at any time
after six years, be, and the same is hereby, repealed; but this act shall not
be so construed as to prevent the sale of the residue of the bonds provided
to be sold by the third section of the act aforesaid.

Sec. 6. Be it further enacted, That it shall be the duty of the Board of
Internal Improvement, as early as practicable after the adjournment of the
present General Assembly, to apply to the several turnpike road companies
in this Commonwealth, to summon meetings of their respective stockholders,
at such time and place as shall be most convenient to them, when and where
it shall be the duty of the President or any member of the Board of Internal
Improvement to appear, and propose to the stockholders to transfer from the
companies, to the Board of Internal Improvement, the care and superinten-
dence and management of the said turnpike roads for the space of

money they shall, as other Internal

years. If the stockholders consent thereto, a record shall be made thereof
on the books of the board, and the care and superintendence and man-
agement of said roads shall be vested in the Board of Internal Improvement
as fully as those public works now are, of which the Commonwealth is the
sole owner. If objection be taken to the proposition, made as aforesaid, it
shall be the duty of the President, or other member, as aforesaid, to submit
the proposition, in a formal manner, to the stockholders as assembled, and
the question shall be taken thereon, on which question the President or other
member of the Board, as aforesaid, shall vote on behalf of the Common-
wealth; and if a majority of the stockholders shall determine to make the
transfer, as aforesaid, a record shall be made of the proceedings thereon, on
the books of the company, and the Board of Internal Improvement shall as-
sume the care and superintendence and management of the said roads, as
aforesaid, as fully as of those public works of which the Commonwealth is
the exclusive owner.

Sec. 7. Be it further enacted, That the said roads shall be placed, by the
Board of Internal Improvement, under the Superintendence of the Chief En-
gineer, who shall have authority, by and with the advice and consent of the
Board, to appoint not more than

Superintendents, whose compensa-
tion shall not exceed the sum of

dollars, to be paid by the Board, and
whose duties the Chief Engineer, by order of the Board, shall, from time to
time, prescribe.

Sec. 8. Be it further enacted, That if the said companies, or any of them,
shall deliver over to the Board their respective roads, in the manner pro-
posed, the Board shall nominate, to the Presidents and Managers of the roads,
respectively, suitable persons, to be appointed by said Presidents and Man-
agers, as Treasurers of the said companies; and upon their appointment, as
such, they shall severally give bonds to the said companies, with penalties of
the like kind, as are now required by their respective charters, and with con-
dition that they will severally pay over to the order, and according to the di-
rection of the said Board, all moneys which may come to their hands as such;
and that they shall make report to said Board at least once in each quarter,
and as much oftener as the Board shall require, of the amount of the funds in
their hands, and of the receipts and disbursements thereof.

Sec. 9. Be it further enacted, That the Chief Engineer, with the appro-
bation of the Board, shall adopt a system of repairs for the said roads, having
due regard to economy and efficiency, which shall be submitted to the Superintendents, whose duty it shall be to conduct and overlook the same, in person; and the Chief Engineer, once in each quarter at least, shall make report to the Board of the condition of the roads, and of the amount of tolls received at each toll gate, and of the sums expended for repairs, as well as on all other accounts; and the Board shall, in like manner, report the same to the General Assembly.

Sec. 10. Be it further enacted, That all contracts for repairs shall be submitted, by the Superintendents, to the Chief Engineer for approval; and the Chief Engineer and Superintendents shall have power to examine the books and accounts of the gate keepers, as well as of the treasurers of the companies, and shall report to the Board any irregularity which they may discover in the keeping of the same.

Sec. 11. Be it further enacted, That the rates of toll, on all the roads thus transferred to the Board of Internal Improvement, shall be regulated by the Board, subject to the provisions of the charters of the companies.

Sec. 12. Be it further enacted, That the corporate powers of the turnpike road companies shall remain unimpaired, except so far as their privileges may be affected by the provisions of this act, by and with the consent of the stockholders, including the Commonwealth, voting a majority of the stock; and that all suits shall be brought by order of the Board of Internal Improvement in their name, and proceedings had for the recovery of debts, and the breaches of contracts, or the violation of official bonds, by the respective officers, in the same manner as if this act had not passed: Provided, That the appropriation of the funds belonging to the company shall be regulated by the provisions of this act.

Sec. 13. Be it further enacted, That the said companies shall declare dividends on their joint and capital stock, on the first Monday in June and December in each year; and the Treasurers of the companies shall faithfully pay into the Treasury of the Commonwealth, forthwith, after the dividends are declared, all moneys which shall remain in their hands accruing to the Commonwealth, as profits on her stock, to the credit of the Commissioners of the Sinking Fund, which shall be subject to their order.

Sec. 14. Be it further enacted, That for all work and labor done, or materials furnished upon said roads, the Treasurers of the local boards shall make payment upon the order of the Superintendent, approved by the Chief Engineer or the President of the Board.

Sec. 15. Be it further enacted, That the gate keepers, on any of the roads provided for in this act, shall be required to execute bond, in the penalty of five hundred dollars, payable to the President and Managers of the local boards, with good security, for the faithful discharge of their duties, and that they will faithfully pay over all moneys received by them for tolls, at least once in every month, taking the Treasurer's receipt therefor in a receipt book by them kept for that purpose.

Sec. 16. Be it further enacted, That the Board of Internal Improvement shall, at all times, have the power of removing any gate keepers for negligence or misconduct, or for failure to pay over in the manner prescribed in the preceding section, by giving said gate keepers five days notice thereof; and if any gate keeper shall fail or refuse to leave the premises within the time aforesaid, he shall be subject to a fine of twenty dollars per day, which may be recovered before any Justice of the Peace of the county in which
such road lies, and a warrant may be taken out for each day said premises are detained beyond the period aforesaid; and, moreover, said company may sue out a warrant of forcible detainer, and, upon the trial, it shall be sufficient for the company to prove that said gate keepers entered as such to authorize a recovery.

Sec. 17. Be it further enacted, That it shall be the duty of the Board of Internal Improvement to combine the offices of Superintendent and Engineer on the different turnpike roads, as far as practicable, and to dismiss all Engineers not absolutely required to carry on the public works.

Mr. Ballinger moved to amend the said bill by striking out the preamble, first, second, third, fourth and fifth sections, and inserting in lieu thereof the following:

WHEREAS, this Commonwealth is now engaged in works of Internal Improvements, and will owe, when all the works now under contract and in a state of prosecution or fully completed, the sum of $1,437,060: And, whereas, there is now owing of the above sum for work and labor already done, $329,000, and there will be required, for the prosecution of the public works during the present year, the sum of $329,000: And, whereas, this Commonwealth is bound, in order to preserve, inviolate, her faith, to provide the ways and means of paying the debt now due, and to become due, during the present year for work and labor done, and to be done, under absolute contracts: And, whereas, the sum of $453,900 remains yet to be sold of the $1,500,000 of the bonds of the State, authorized to be sold by the bill of last session, and that the further sum of one hundred and ninety six thousand and one hundred dollars must be authorized to be sold for the purposes aforesaid—wherefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That to enable the Board of Internal Improvement of this State, to pay the subscriptions to turnpike and other roads, and bridges, which are under contract, or have been commenced with the authority and consent of the Board, by virtue of acts of the General Assembly, and to progress with the public works upon the rivers where absolute contracts are now let, the sum of one hundred and ninety six thousand dollars is hereby appropriated for the year 1841, in addition to the sum heretofore appropriated and un-voided, as in the preamble set forth: Provided, That it shall not be lawful for said Board to commit the State, by subscription or contract, to any new works of internal improvement, unless so directed by the General Assembly.

Sec. 2. Be it further enacted, That in disbursing the said sum, the money now due and unpaid shall be first paid; and the residue, making up in the aggregate the sum hereinafter specified, shall be paid according to the contracts and undertakings of the Board as heretofore stated, to-wit: To the Kentucky river navigation, one hundred and twenty thousand dollars; to the Licking river navigation, one hundred and ten thousand dollars; to the Green and Barren river navigation, ninety thousand dollars; to the turnpike road over Muldrow's Hill, two thousand dollars; to the turnpike road from Louisville, via Elizabethtown, to the Tennessee line, seventy seven thousand dollars; to the Bardstown road, seventy seven thousand dollars; to the turnpike road from Lexington to Perryville, fourteen thousand dollars; to the turnpike road from Richmond to Lexington, eleven thousand five hundred
dollars; to the road from Georgetown to Covington, forty eight thousand dollars; to the turnpike road from Maysville to Bracken county, eleven thousand two hundred dollars; to the Logan, Todd and Christian turnpike road Company, forty eight thousand dollars; to balance due on other roads, six thousand dollars; to the turnpike road from Crab Orchard to Cumberland Gap, eighteen thousand dollars; to descending navigation, four thousand dollars; to the Superintendent of lime manufacture and other incidental expenses, eight thousand dollars; to the turnpike road from Maysville to Mountsterling, four thousand dollars.

Sec. 3. Be it further enacted, That the Governor of this Commonwealth be, and he is hereby, authorized to sell the bonds or scrip of the State, in the United States or elsewhere, to the amount of one hundred and ninety six thousand dollars, in sums not less than one thousand dollars, bearing an interest of six per cent., redeemable at any time after thirty years, at not less than par value in Kentucky currency: Provided a sufficient sum shall be first provided to pay the interest, and provided, further, that so much of the act, entitled, “an act to provide for the payment of public contractors,” approved 21st February, 1840, as authorizes the Governor of this Commonwealth to issue bonds or scrip of the State, redeemable at any time after six years, be, and the same is hereby, repealed. But this act shall not be so construed as to prevent the sale of the residue of the bonds to the amount of four hundred and fifty three thousand dollars, of the thirty year bonds authorized to be sold by the third section of said act.

Mr. Quarles, at six o’clock p.m., moved that the Senate do now adjourn. The question being taken thereon, it was decided in the negative. The yeas and nays being required thereon by Messrs. Sterett and Weller, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bailey, Barlow, Burnett, Griffith, Hardin, Huston, James, Jesup, Pratt, Quarles, Rice, Schooling, Sterett, Tomlinson, Weller, Williams, M—16.

Those who voted in the negative, were—


Mr. James moved to amend the third section of the amendment by striking out the words “in Kentucky currency,” printed in italics. The question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. James and Weller, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barlow, Quarles, Tomlinson,
Burnett, Rice, Weller,
Hughes, Schooling, Williams, M.
Huston, Sterett, Young—13.
James,:

Those who voted in the negative, were—

Messrs. Bailey, Hanson, Symson,
Ballinger, Hardin, Slaughter,
Clarke, Jesup, Walker, C. J.
Craddock, Johnston, Walker, J. V.
De Courcy, Morgan, J. S. Wallace,
Dyer, Payne, Wickliffe,
Ford, Pirtle, Williams, S. L—23
Griffith, Pratt, Walker, C. J.

A division of the question being called for, the first section of the amendment proposed by Mr. Ballinger, was adopted.

Mr. Sterett moved to amend the second section of said amendment by striking out these words, “to the turnpike road from Crab Orchard to Cumberland Gap, eighteen thousand dollars,” printed in italics.

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

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

Those who voted in the affirmative, were—

Messrs. Barlow, James, Tomlinson,
Burnett, Rice, Walker, J. V.
Hardin, Schooling, Weller,
Hughes, Sterett, Williams, M—13.
Huston,:

Those who voted in the negative, were—

Messrs. Bailey, Hanson, Symson,
Ballinger, Jesup, Slaughter,
Clarke, Johnston, Walker, C. J.
Craddock, Morgan, J. S. Wallace,
De Courcy, Payne, Wickliffe,
Dyer, Pirtle, Williams, S. L.
Ford, Pratt, Walker, C. J.
Griffith, Quarles, Young—23.
Mr. James moved to amend the second section of said amendment by striking out "to the Bardstown road, seventy seven thousand dollars," printed in italics.

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

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

Those who voted in the affirmative, were—

Messrs. Burnett, Pratt, Tomlinson, Hardin, Rice, Weller, Hughes, Schooling, Williams, M-I. James, Sterett,

Those who voted in the negative, were—


Mr. James then moved to amend the said section of said amendment by striking out these words, "to the Licking river navigation, one hundred and ten thousand dollars."

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

The second and third sections and the preamble of said amendment were then adopted.

Mr. Quarles moved the following amendment as a substitute for the said bill, as amended.

*Be it enacted,* That the Superintendent of Public Works, hereafter appointed by this act, be, and he is hereby authorized, empowered and directed to call on all the Contractors for building locks and dams on the Kentucky, Green and Licking rivers, and settle and pay for all works done and materials furnished by said Contractors; and he is vested with the same authority that a private individual would be to settle and adjust said work by arbitration; and the Governor of the State is authorized to pay off said Contractors agreeably to the settlement, certified to him by the said Superintendent of Public Works, with the State Bonds; he is authorized to issue under the laws now in force, provided said Contractors shall give their assent, in writing, to said arbitration; and the said Superintendent is also authorized to settle with the road Contractors, (the stockholders giving their consent thereto,) and pay them off, or give the control of the roads to said stockholders of the roads begun and not finished, and to surrender up the whole right of said roads to the stockholders: *Provided,* the work done does not exceed one third of the value for making said roads; and in the event they do not choose to take said roads as a gratuity, the Superintendent of Public Works is authorized and directed to complete said roads, provided the stockholders will pay their proportionate part of the instalments as they become due.

*Be it further enacted,* That the Governor of the Commonwealth is authorized and directed to appoint a person, to be called the Superintendent of Public Works, which appointment is to be laid before and confirmed by the Senate; and the said Superintendent, so appointed, shall receive a salary of two thousand dollars per annum.

*Be it further enacted,* That said Superintendent is hereby authorized and directed to contract for the preservation and safe keeping of all the tools, fixtures, and other things in any wise belonging or attached to the public works of every description now under contract, and in a state of forwardness to completion, when suspended.

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

The yeas and nays being required thereon by Messrs. Quarles and J. S. Morgan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Burnett, James, Quarles, Tomlinson, Weller—5.

Those who voted in the negative, were—

Messrs. Bailey, Ballinger, Barlow, Clarke, Craddock, De Courcy, Dyer, Ford, Griffith, Hanson, Hardin, Hughes, 51
The said bill was then further amended.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


And then the Senate adjourned.

MONDAY, FEBRUARY 15, 1841.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, viz:

An act to amend and reduce into one the several acts relating to the Sandy road.
An act to authorize the building of a bridge across Mayfield's creek.
An act for the benefit of John Cain.
An act to incorporate the Providence Methodist Episcopal Church, of Cumberland county, and for other purposes.
An act allowing further time to the several County Courts to furnish a standard of weights and measures.
An act authorizing the Trustees of the Baptist Church in Taylorsville to sell their meeting house, and for other purposes.
An act for the benefit of the Trustees of the Baptist Church in the town of Shepherdsville.
An act for the benefit of John Loving.
An act for the benefit of the Methodist and Baptist Churches in the town of Hardinsburg.
An act to incorporate the Pleasant Grove meeting house.
An act for the divorce of Sarah Surlott.
An act for the benefit of James H. Rowe, deceased.
An act for the benefit of Augustus M. Barret, Clerk of the Edmonson County and Circuit Courts.
An act to amend an act, entitled, an act for the relief of certain citizens of Madison county, approved 23d January, 1840.
Approved February 13, 1841.

That they had disagreed to the amendment proposed by the Senate to a bill from that House, entitled, an act to increase the resources of the Sinking Fund, and for other purposes.
That they 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 William Wilburn, of the county of Russell.
An act for the benefit of the Sheriff of Carter county.
An act to amend an act, entitled, an act to amend the charter of Cumberland College, and for other purposes, approved February 16th, 1838.
An act to change the time of holding certain Circuit Courts in the 4th Judicial District, and for other purposes.
An act to authorize certain County Courts to establish ferries across the Mississippi river.
An act allowing a change of venue to Wilkins Derrington.
An act allowing an additional Justice of the peace to the county of Owen.
An act to amend an act reserving certain property from execution, and for other purposes.
An act to amend an act, entitled, an act to divide the State into Congressional districts.

That they had disagreed to a bill from the Senate, "entitled, an act more effectually to provide for the erection of suitable buildings for Clerk's offices in this Commonwealth."
That they had passed bills which originated in the Senate of the following titles, viz:

1. An act to establish a general law concerning manufacturing corporations.
2. An act to change the name of the town of Concord, in Calloway county.
3. An act to amend an act, entitled, an act allowing an additional Constable to the county of Bullitt, approved January 29, 1841.
4. An act for the benefit of Elijah Fletcher, of Graves county.
5. An act to change the place of voting in the Eagle precinct, Scott county.
6. An act for the benefit of Albert Jones.
7. An act to change the time of the annual meeting of the General Assembly.
8. An act to establish a general law concerning manufacturing corporations.
9. An act for the benefit of Elijah Fletcher, of Graves county.
10. An act to change the name of the town of Concord, in Calloway county.
11. An act to amend an act, entitled, an act allowing an additional Constable to the county of Bullitt, approved January 29, 1841.
12. An act for the benefit of Elijah Fletcher, of Graves county.
13. An act to change the place of voting in the Eagle precinct, Scott county.
15. An act to change the time of the annual meeting of the General Assembly.

That they had adopted a resolution in relation to work done on Muldrow's Hill turnpike, and a resolution fixing a day for the election of a Senator in Congress.

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

1. An act for the benefit of I. Franklin Delaney.
2. An act for the benefit of the Sheriff of Casey county.
3. An act to amend an act to incorporate the towns of Harrodsburg and Danville, approved March 1st, 1836.
4. An act prescribing the mode of preserving the evidences of the payment of interest on certain State Bonds.
5. An act to ascertain the criminal statistics of this Commonwealth.
6. An act for the benefit of Edmund Gibbons of the county of Clinton.
7. An act allowing D. and J. Trimble and John T. Woodrow to erect a forge and dam across Little Sandy.

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

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st, 2d and 4th to the committee on Finance; the 3d and 5th to the committee on the Judiciary; the 6th to the committee on Propositions and Grievances, and the 7th to the committee on Internal Improvement.

Mr. De Courcy presented the petition of Conrad Haven, praying for the passage of a law making him an allowance for keeping Lucy Bradford, an idiot—which was received and referred to the committee on Finance.

Mr. Pirtle, from the committee on the Judiciary, reported a bill for the benefit of the children of Thos. W. Peake.

Mr. M. Williams, from the committee on Religion—2. A bill for the benefit of Rachel Lindsey.

By Mr. De Courcy—3. A bill for the benefit of Betsey D. Tiley.

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

The constitutional rule as to the second reading being dispensed with, the
3d bill was referred to the committee on Religion, and the 1st and 2d were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st and 2d bills being dispensed with, and the same being engrossed,

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

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to consolidate and regulate certain lottery grants within this Commonwealth, reported the same with amendments.

The said bill is as follows, to-wit:

WHEREAS, the Legislature of this Commonwealth, at various times have granted the right to raise certain sums of money by lottery, viz: To the Grand Lodge of Kentucky, the sum of thirty thousand dollars; to the town of Frankfort, the sum of one hundred thousand dollars; and it being the opinion of the Legislature that this mode of raising money for public purposes should be terminated as speedily as possible, by consolidating those now granted as far as practicable, and to prescribe rules to govern and terminate them—therefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Grand Master of the Grand Lodge of Kentucky, and the Commissioners named in the Frankfort grant, or such of them as shall hereafter accept the provisions of this act, by written notice to the Secretary of State, to appoint, each, one Trustee in behalf of said grants, and to fill any vacancy which may occur in their respective appointments.

Sec. 2. That said Trustees shall form a board, who, after being sworn by some Judge or Justice of the Peace within this Commonwealth, to discharge, faithfully, the duties required by this act, shall have power to contract with some suitable person or persons, for the purchase of the privilege of drawing said lotteries, so as to raise, within the shortest period of time, the sum of twenty five thousand dollars for the Grand Lodge of Kentucky, and thirty thousand dollars for the town of Frankfort, on such terms of payment as the said parties shall agree upon, which said sums shall be the full amount allowed to be raised, instead of the sum named in the original grants.

Sec. 3. That said Trustees shall require of said Contractor or Contractors, a bond, payable to the Commonwealth, with sufficient security, in the penalty of eighty thousand dollars, conditioned for the faithful performance of all stipulations contained therein, and the payment of all prizes drawn in said lotteries, which bond shall be deposited in the office of the Secretary of State, and suit may be maintained thereon, in the name of the Commonwealth, for the benefit of those aggrieved by a breach thereof, and shall not be void on first recovery.

Sec. 4. That the said Trustees shall have power to grant licences to sell lottery tickets in this State, which licence shall specify the place of business of the vendor: Provided, That they shall not be allowed to charge therefor, more than two hundred and fifty dollars per annum, to be paid before granting such licence, fifty dollars of which for each licence, shall be
paid by the said Trustees to the Treasurer of this Commonwealth, for the benefit of the Sinking Fund, and the residue shall be applied to the general fund for the benefit of said grantees: Provided, no licence shall be granted without a recommendation from the Contractor or Contractors; and any person or persons vending lottery tickets within this Commonwealth without such licence, except the Contractor or Contractors, under this consolidation act, shall forfeit and pay the sum of two hundred and fifty dollars, recoverable by indictment, before any Circuit Court having jurisdiction of the same; and the amount so obtained shall be paid into the public Treasury for the benefit of the Sinking Fund.

Sec. 5. That it shall be the duty of the Trustees aforesaid, on or before the first Monday in January, annually to report to the Secretary of State, the amount of money received from the Contractor or Contractors, under this act; and also the amount received for the granting of licences to vendors, in which report they shall state the whole amount received, and the amount paid to each of the grantees under this act, which said report shall be evidence of the amount raised, from time to time, under the provisions of this act.

Sec. 6. The Trustees, or any one of them, may appoint one or more suitable person to superintend the drawings of all lotteries under this act, any one of whom may act; and it shall be the duty of the person so acting, after being qualified before any Judge or Justice of the Peace in this Commonwealth, to discharge, faithfully, said duty, to superintend and certify to the correctness of the same.

Sec. 7. That the provisions of the act for the drawing and determining of the lotteries of the Grand Lodge of Kentucky, with all the amendments thereto, shall govern the consolidation lotteries herein provided for.

Sec. 8. That the act approved December 23d, 1823, for the benefit of the Transylvania Medical School at Lexington, authorizing the Trustees to raise, by lottery, the sum of twenty five thousand dollars, is hereby repealed: Provided, That the Trustees of the consolidated lottery created by this act, be, and are hereby, empowered to raise, in behalf of the said Transylvania Medical School, the sum of twenty five thousand dollars, to be paid over to the Trustees of Transylvania University, for the sole use of the Medical department of said University, at the same time, and in the ratio proportionate to the sums to be raised, as said Trustees, appointed by this act, may agree with any Contractor or Contractors to raise and have paid over for the benefit of the Grand Lodge of Kentucky and Frankfort lotteries consolidated by this act.

Sec. 9. Be it further enacted, That the privileges granted by this act, shall expire at the end of twelve years from and after the passage of the same.

The amendments reported from the committee propose to insert in the fourth section, after the word "State," printed in italics, these words: "in the several lotteries consolidated by this act;" and to insert in the same section, after the word "Commonwealth," printed in italics, these words: "in the several lotteries consolidated by this act;" and strike out of the ninth section the word "twelve," printed in italics, and insert in lieu thereof, the word "two;" also to add to the said section these words, viz:
"And no lottery ticket shall, after the said time, be sold in this State, nor shall any lottery after said time be drawn in this State; and if any person shall offend herein, he shall be liable to the penalties mentioned in an act to repeal, in part, the charter of Louisville, and for other purposes."

The said amendments were amended by adding thereto the following, viz:

Provided, That nothing herein contained shall prevent the selling of lottery tickets in the Shelby College lottery for the period of six years, after the expiration of which time the right to vend or sell tickets in said lottery shall cease.

Be it further enacted, That it shall be lawful for the Board of Council for the cities of Maysville, Lexingon, Covington and Newport, to impose such tax or penalty upon lottery offices, or the selling of lottery tickets, or the drawing of lotteries in the said cities, as, in their discretion, they may deem right and proper.

Mr. Payne moved the following as a substitute for the bill and amendments, viz:

That all laws authorizing lottery tickets to be sold in this Commonwealth, or authorizing lotteries to be drawn in this Commonwealth, be, and the same hereby repealed.

Mr. Johnston moved to lay the said bill and amendments on the table for the present.

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

The yeas and nays being required thereon by Messrs. Craddock and De Courcy, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Burnett, Clarke, Dyer, Ford, Griffith,

Hanson, James, Jesup, Johnston, Slaughter,

Walker, J.V. Weller, Wickliffe, Williams, S.L.-14

Those who voted in the negative, were—

Messrs. Barlow, Craddock, De Courcy, Hardin, Hughes, Huston,

Payne, Pirtle, Pratt, Quarles, Rice, Sympton,

Sterett, Tomlinson, Walker, C.J. Wallace, Williams, M. Young—18

Mr. Wickliffe moved to postpone the said bill and amendments indefinitely. The question being taken thereon, it was decided in the negative.

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

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<th>Bailey,</th>
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<td>Ford,</td>
<td>Pirtle,</td>
<td>Young—17.</td>
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Those who voted in the negative, were—

| Ballinger, | Morgan, J.S. | Sterett, |
| Barlow, | Payne, | Walker, C.J. |
| Craddock, | Pratt, | Walker, J.V. |
| De Courcy, | Quarles, | Wallace, |
| Hardin, | Rice, | Weller, |
| Hughes, | Symson, | Williams, M—19. |
| Huston, | | |

The question was then taken on the adoption of the substitute moved by Mr. Payne, and it was decided in the negative.

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

Those who voted in the affirmative, were—

| Ballinger, | Huston, | Walker, J.V. |
| De Courcy, | Morgan, J.S. | Williams, M. |
| Hardin, | Payne, | Young—11. |
| Hughes, | Rice, | |

Those who voted in the negative, were—

| Bailey, | Hanson, | Symson, |
| Barlow, | James, | Slaughter, |
| Burnett, | Jesup, | Sterett, |
| Clarke, | Johnston, | Tomlinson, |
| Craddock, | Pirtle, | Walker, C.J. |
| Dyer, | Pratt, | Wallace, |
| Ford, | Quarles, | Weller, |
| Griffith, | Schooling, | Williams, S.L—24. |

The question was then taken on the adoption of the said amendments reported from the committee as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and S. L. Williams, were as follows, viz:
Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Barlow, Craddock, Hardin, James, Jesup, Johnston, Quarles, Schooling, Slaughter, Tomlinson, Waller—11.

The further consideration of the said bill was then postponed until the first day of June next.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the heirs of Carter Tadlock, deceased, reported the same with the opinion of the committee that it ought not to pass.

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.

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

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate and of the House of Representatives:

I have just received a letter from the Hon. John J. Crittenden, which I herewith transmit, resigning his seat in the Senate of the United States. February 15, 1841.

R. P. LETCHER.

WASHINGTON, February 6, 1841.

My Dear Sir:

Some weeks past, I had the honor to receive from you, the official certificate of my election, by the General Assembly of Kentucky, to the Senate of the United States for the term of six years, to commence on the 4th day of March next. I have caused that certificate to be presented to the Senate, and placed upon its files.

Circumstances of recent occurrence have just now determined me to decline its acceptance; and I hasten to give you that information, in the hope that it may be communicated to the General Assembly in time to enable them to elect another Senator before the close of the present session.
In taking this step, which must so soon put an end to the official relations that have so long bound me to my native State, I have not been able to suppress a thousand anxious and painful emotions. The occasion also brings back upon me the recollection of all the often repeated and various marks of favor, and confidence, and distinction, which I have received from the General Assembly of Kentucky, and fills my heart with feelings of gratitude, and a sense of obligation that no language can express. Their late re-election of me to the Senate of the United States, I regard as the highest honor of my life; and the proud and grateful memory of it, is a treasure of which no destiny can deprive me.

The heart of no Kentuckian can ever know or feel sentiments of affection and devotion to his native State, that are not, and ever shall be, cherished in my bosom.

I hope, sir, that the occasion which has excited, may be allowed to excuse the expression of these feelings.

I have the honor to be,
With great respect, yours, &c.

J. J. CRITTENDEN.

To R. P. LETCHER, Esq., Governor, &c.

P. S. It is proper, perhaps, to add, that it is my intention to serve in the Senate to the end of my present term, which will expire on the third day of March next.

An engrossed bill, entitled, an act to amend the several acts providing for Internal Improvements in the State of Kentucky, was read the third time.

Mr. James moved to amend the said bill by adding the following by way of engrossed rider:

Provided, that the Governor shall not sell any of the bonds hereby authorized to be sold to any of the Banks in this State.

The question being taken on the adoption thereof, it was decided in the negative.

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

Those who voted in the affirmative, were—

Messrs. Burnett, Rice, Weller,
Hughes, Schooling, Williams, M-7,
James,

Those who voted in the negative, were—

Messrs. Bailey, Ford, Morgan, J. S.
Ballinger, Griffith, Payne,
Barlow, Hanson, Pirrie,
Clarke, Hardin, Pratt,
Craddock, Huston, Quarles,
De Courcy, Jesup, Symson,
Dyer, Johnston, Slaughter,
The blanks in the said bill were filled.
The question was then taken on the passage of said bill, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Sterett and Ballinger, were as follows, viz:  

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Resolved, That the title thereof be as aforesaid.
The resolutions accompanying the report from the committee on Agriculture on the 13th inst., were taken up and adopted.

Ordered, That the Public Printer print 500 copies of said report and resolutions for the use of the General Assembly.

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

An Act for the benefit of Albert Jones.
An act for the benefit of Elijah Fletcher of Graves county.
An act to amend an act, entitled, an act allowing an additional Constable to the county of Bullitt, approved January 29, 1841.
An act to establish a general law concerning manufacturing corporations.
An act to change the name of the town of Concord, in Calloway county.
An act for the benefit of Sarah Scroggin.
An act for the benefit of George I. Brown, and others.
An act to change the place of voting in the Eagle precinct, Scott county.
An act to change the time of the annual meeting of the General Assembly.
An act concerning the record books of the County and Circuit Courts and Surveyors of this Commonwealth.

An act for the benefit of John Gose, and for other purposes.

And had found the same truly enrolled.

The Speaker of the House of Representatives having signed the said bills, 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. Barlow reported that the committee had performed that duty.

After some time the Senate received from the Governor a message, announcing that he had approved and signed the said bills.

An act to increase the resources of the Sinking Fund, and for other purposes, was taken up.

Mr. Wickliffe moved that the Senate insist on the amendment proposed by them to the said bill.

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

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

Those who voted in the affirmative, were—

Craddock, Pratt, Wickliffe.
Dyer, Slaughter.
Hanson, Wallace.

Those who voted in the negative, were—

Messrs. Bailey, James, Sympson.
Ballinger, Jesup, Sterett.
Barlow, Johnston, Tomlinson.
Burnett, Morgan, J. S., Walker, C. J.
De Courcy, Payne, Walker, J. V.
Griffith, Quarles, Weller.
Hardin, Rice, Williams, M.
Hughes, Schooling, Williams, S. L.—25.
Huston,

The Senate then receded from the said amendment.

Mr. Hanson, having obtained leave, reported a bill supplemental to the act granting a change of venue to James S. McCauly.

Mr. Slaughter, from the committee on Agriculture, reported a bill to incorporate the Louisville Iron Manufacturing Company under the general law.

Also a bill to incorporate the Louisville Cotton Manufacturing Company, under the general law.

Which bills were severally read the first time, and ordered to be read a second time.
The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

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

Mr. Hughes, from a select committee, to whom was referred a bill from the House of Representatives, entitled, an act further to provide for the appointment of patroons in this Commonwealth, reported the same with amendments, and the said bill was re-committed to the committee on the Judiciary.

On the motion of Mr. Wickliffe, leave was given to bring in a bill for the benefit of Bishop Flaget, and for other purposes; and Messrs. Wickliffe, Slaughter and Clarke were appointed a committee to prepare and bring in the same.

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

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent John Green to be Sheriff of Henderson county, the County Court having failed to make a recommendation at either of the periods prescribed by the Constitution.

February 15, 1841.

R. P. LETCHER.

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

The resolution from the House of Representatives fixing a day for the election of a Senator in Congress, was twice read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, that they will, on Tuesday next, proceed to the election of a United States Senator, to fill the vacancy occasioned by the non acceptance of that office by the Hon. J. J. Crittenden.

The said resolution was amended by striking out Tuesday, and inserting in lieu thereof Wednesday, and concurred in.

After a short time a message was received from the House of Representatives, announcing that they had disagreed to the said amendment.

Mr. Payne moved that the Senate recede from their said amendment.

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

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

Those who voted in the affirmative, were—

Messrs. Bailey, Griffith, James,
Barlow, Hughes, Jesup,
Clarke, Huston, Morgan, J. S.
Those who voted in the negative, were—

Messrs. Ballinger, Burnett, Craddock, De Courcy, Dyer, Ford, Hanson, Hardin, Johnston, Pratt, Quarles, Schooling, Symson, Tomlinson, Wallace, Well, Wickliffe, Williams, Young—17.

The question was then taken on insisting on the said amendment, and it was decided in the negative.

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

Those who voted in the affirmative, were—

Messrs. Ballinger, Burnett, Craddock, De Courcy, Dyer, Ford, Hanson, Hardin, Johnston, Pratt, Quarles, Schooling, Symson, Tomlinson, Wallace, Well, Wickliffe, Williams, Young—16.

Those who voted in the negative, were—


On the motion of Mr. Payne, a message was sent to the House of Representatives asking for the appointment of a committee of conference, on their part, on the said amendment.

After a short time a message was received from the House of Representatives, announcing that they had appointed the said committee, on their part. Whereupon Messrs. Payne, Hanson and Tomlinson were appointed a committee on the part of the Senate.

The committee on the part of the Senate retired, and soon after returned, when Mr. Payne made the following report, viz:

The joint committee, raised on the part of the Senate and House of Representatives on the subject of a disagreement of the election of a United States Senator, have unanimously come to the following resolution: 

[Further resolution details would follow here, but are not included in this excerpt.]
Resolved, That the General Assembly of the Commonwealth of Kentucky will, on Tuesday evening, the 16th instant, at four o'clock, proceed, by joint ballot, to elect a United States Senator, to serve six years from the fourth of March next, to fill the vacancy occasioned by the non-acceptance of that office by the Hon. John J. Crittenden.

Resolved, That the said report be adopted.

On the motion of Mr. Wickliffe, the committee of the whole was discharged from the further consideration of a bill from the House of Representatives, entitled, an act to tax foreign insurance offices and agencies, and for other purposes. The said bill was then amended.

Mr. Wickliffe moved further to amend said bill. The sixth section of Mr. Wickliffe's amendment is as follows, viz:

Sec. 6. Be it further enacted, That there shall be levied and paid on all sales of merchandise at auction, one per cent. patent, in addition to the sums already provided for by law, and the revenue arising therefrom shall be paid into the Treasury.

Mr. Payne moved to amend the sixth section of the said amendment by adding thereto the following:

Provided, that the auction sales that have been appropriated to the city of Maysville be excepted from taxation, and the same are reserved as heretofore, to the use of the alms house in the city of Maysville.

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

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

Those who voted in the affirmative, were—

Messrs. Payne, Pirtle, Schooling—3.

Those who voted in the negative, were—


Mr. Tomlinson moved that the further consideration of said bill and amendments be postponed until the first day of June next.

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

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


Those who voted in the negative, were—

Messrs. Clarke, Craddock, De Courcy, Dyer, Hanson, Hardin, Huston, Jesup, Schooling, Sympson, Sterett, Walker, C. J. Wickliffe, Williams, S. L—2

The amendments proposed were then concurred in.

The question was then taken on reading the said bill a third time as amended, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Payne and De Courcy, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Clarke, Craddock, De Courcy, Dyer, Hanson, Hardin, Morgan, J. S., Pratt, Quarles, Rice, Sympson, Williams, S. L—1

Those who voted in the negative, were—


Ordered, That the said bill have its third reading on to morrow.

And then the Senate adjourned.
TUESDAY, FEBRUARY 16, 1841.

A message was received from the House of Representatives announcing that they had passed bills from the Senate of the following titles, to wit:

An act to amend the laws incorporating the town of Hickman.
An act further to amend the charter of the Mechanics' Savings Institution of Louisville.
An act to establish the town of Milburn, in the county of Hickman.
An act for the benefit of Marietta H. Estes and her children.
An act to authorize the closing of a part of the Nashville and Lexington State road.

That they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act to amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved January 21st, 1840.

That they had passed bills of the following titles, viz:
An act to amend an act establishing the Shelby College.
An act for the benefit of the Lexington and Ohio Railroad Company.
An act for the benefit of James Newton.
An act for the benefit of Charles E. Mills.
An act to amend the several acts to suppress the practice of duelling.
An act concerning free persons of color and others.
An act for the benefit of Morrison W. Smith and others.
An act for the benefit of the Police Judge of the town of Lancaster, and for other purposes.
An act for the benefit of the Sheriffs of Laurel and Livingston counties.
An act for the benefit of the Sheriff of Rockcastle county.

On the motion of Mr. Dyer, leave was given to bring in a bill to establish the Pond creek and Green river Coal Company, and the committee on Agriculture was directed to prepare and bring in the same.

Mr. J. S. Morgan, from the committee on Public Offices, made the following report, to-wit:

The joint committee on Public Offices, having completed the examination of all the offices, make the following report:
That they proceeded to the examination of the condition of the books, papers, and entries of the Auditor's office, generally, and found the books, papers, and presses, in as good order as the size of the office will admit of. The office is too small, and unsafe. The books and papers are exposed to the weather, and neither presses or room sufficient to keep them either secure from fire or vermin, or destruction and decay from exposure to the weather.
Your committee would respectfully suggest the necessity of an enlargement of the Auditor’s office. They next proceeded to the examination of the record of the Second Auditor’s books. 1st. The Treasurer’s weekly reports of warrants paid; the register of warrants issued, and the Treasurer’s record of warrants paid. We had also the Treasurer’s monthly statements, and the Second Auditor’s printed report, and compared them, and found them all to agree. We also examined the Treasurer’s monthly balance book, and Second Auditor’s special report, and found, upon comparison, all to agree.

And your committee would further state, without setting forth specifically the different books of the First and Second Auditors, which they examined minutely and with care, that, upon a comparison of the books and vouchers, and entries of warrants issued, with the book, vouchers, and warrants paid, of the Treasurer, and the monthly settlements of the Second Auditor with the monthly balance sheets of the Treasurer, and a comparison of the whole, as far as set forth in the printed report of each, we found to correspond; which examinations were of entries made, accounts audited, and warrants paid, from the 10th of October, 1839, to the 10th of October, 1840. That they found each officer’s books regularly balanced at the end of each month; all which we found to agree to a cent. We found the books, entries, and warrants on file in the Treasurer’s office, correct.

We found the First Auditor’s and Treasurer’s books, warrants and vouchers on Internal Improvement, and Sinking Fund, and School Fund, to agree; and no discrepancy whatever was found. In the entire examination of each office, in the receipts, expenditures, vouchers, entries, and warrants, of First and Second Auditor and Treasurer, we found them to agree, and state they were all strictly correct, and balanced.

The committee then proceeded to the examination of the books and papers in the Register’s office, and state they are in good condition, and, upon comparison of the book of entries with warrants and surveys, found all to agree, and no discrepancy whatever. They state that the office of the Register is too small, and unsafe.

JOHN S. MORGAN, C. C. S.
JAMES W. DAVIDSON,
RANDAL LATIMER,
JOHN J. THOMAS,
J. D. PERCIFUL,
G. C. RIFFE,
EDWARD M. TAYLOR.

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

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

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

In compliance with a request of the General Assembly of the State of Delaware, made through the Executive of that State, I transmit to the Legislature a copy of a report and resolutions in favor of a distribution of the proceeds of the sales of the Public Lands of the United States amongst the several States.

February 16, 1841.

R. P. LETCHER.
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DEPARTMENT OF STATE,
DOVER, FEBRUARY 5, 1841.

SIR:

By the direction of His Excellency, Governor Cooper, I have the honor to transmit you the enclosed copy of resolutions adopted by the General Assembly of this State, with the request that the same may be laid before the Legislature of the State over which you preside.

I have the honor to be, sir,

Very respectfully, yours, &c.

JOHN W. HOUSTON,
Secretary of State.

His Excellency, the Governor of Kentucky.

In the General Assembly of the State of Delaware, January Session, 1841.

The committee to whom was referred so much of the Governor’s message as relates to the distribution of the proceeds of the sales of the Public Lands among the several States, &c.—report:

That the citizens of this State consider the Public Lands as an inheritance purchased by the toil, sufferings, blood and treasure of our revolutionary fathers, and bequeathed to their successors, in which the people of all the States have an equal right; and that their interest therein is of too much value and too highly appreciated by them to be relinquished without an adequate equivalent; that they view with deep solicitude the continual efforts in National Legislature, to deprive the original States of their just and equitable rights in the public lands, by either ceding them to the new States, or disposing of them at prices merely nominal. That the people of Delaware look forward with anxiety, but not without hope, to the time when the revenue arising from the sales of the Public Lands shall be distributed among the States generally, according to their population, and applied to the purposes of education, thereby promoting the general welfare, by giving safety and permanence to our free institutions, the best security of which will always be found in the knowledge and intelligence of the people. Your committee, therefore, recommend the adoption of the following resolutions:

Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That this Legislature views with a jealous eye, every attempt to make a partial distribution of the proceeds of the Public Lands of the Union among the States, whether by a direct grant to a State, or by sales at prices far below their value to the citizens thereof.

Resolved, That the proceeds of the sales of the public domain should be entirely separated from the general revenue, and distributed among the several States according to their population, to be by them applied to the purposes of education.

Resolved, That we consider the Public Lands as the common property of all the States, and therefore solemnly protest against any partial distribution of the proceeds thereof.

Resolved, That our Senators in Congress be instructed, and our Representative in Congress be requested, to make use of their best efforts to procure the passage of a law for the distribution of the proceeds of the Public Lands
among the several States, to be appropriated by them, so as to promote the cause of general education.

Resolved, That the foregoing report and resolutions be signed by the Speaker of the Senate and by the Speaker of the House of Representatives; and that a copy be transmitted to each of our Senators and our Representative in Congress, to be laid before their respective Houses; and that the Executive of each State be furnished with a copy, by the Governor of this State, and requested to lay the same before their respective Legislatures.

ROBERT HOUSTON,
Speaker of the House of Representatives.

CHARLES POLK,
Speaker of the Senate.

House of Representatives, January 15, 1841, reported, read, and adopted unanimously.

Joseph P. COMEGYS, Clerk.

In Senate, January 16, 1840, presented, read, and concurred in unanimously.

George P. FISHER, Clerk.

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

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

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

EXECUTIVE OFFICE,
16th February, 1841.

Gentlemen of the Senate:
I nominate for your advice and consent Lucius Desha to be Major General of the 10th Division, in the place of Robert Matson, resigned.
William M. Samuel to be Brigadier General of the 4th Brigade, in the place of Lucius Desha, if promoted.
James C. Hacket to be Lieutenant Colonel of the 22d Regiment, in the place of A. G. Hodges, resigned.
William A. Gorham to be Major of the 22d Regiment, in the place of James C. Hacket, if promoted.
James Stone to be Colonel of the 78th Regiment, in the place of Shelby Walters, resigned.
William Benton to be Lieutenant Colonel of the 78th Regiment, in the place of John Henderson, deceased.
Ebenezer Parke to be Major of the 78th Regiment, in the place of James Stone, if promoted.
William B. Petty to be Major of the 92d Regiment, in the place of Thos. J. Buckley, resigned.
Robert R. Buckner to be Colonel of the 99th Regiment, in place of Jacob D. Salsman, resigned.
James W. Lively to be Lieutenant Colonel of the 99th Regiment, in the place of Robert R. Buckner, if promoted.
Phillip Yancey to be Lieutenant Colonel of the 100th Regiment, in the place of George M. Marshall, resigned.
Henry Samuel to be Major of the 100th Regiment, in the place of Phillip Yancey, if promoted.

R. P. LETCHER.
Resolved, That the Senate advise and consent to the said appointments.

Mr. Pirtle, from the committee on the Judiciary, reported a bill for the benefit of Justice Hays, deceased—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

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

An act to ascertain the criminal statistics of this Commonwealth.
An act for the benefit of Joseph Nelson.

Reported the same with amendments to each—which were concurred in.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the towns of Harrodsburg and Danville, approved March 1st, 1836, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Payne, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act further to provide for the appointment of patrols in this Commonwealth, reported the same with amendments—which were concurred in. The said bill was further amended.

The question was then taken on reading the said bill a third time, as amended, and it was decided in the affirmative.

The yea's and nay's being required thereon by Messrs. Wickliffe and Payne, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barlow, Burnett, Clarke, Craddock, De Courcy, Dyer, Griffith, Hardin, Hughes, Morgan, J. S., Payne, Pirtle, Quarles, Rice, Schooling, Symson, Wallace, Williams, M., Williams, S.L—19
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Those who voted in the negative, were—

Messrs. Ballinger, Johnston, Walker, J. V.
Ford, Pratt, Weller.
Hanson, Slaughter, Wickliffe.
Huston, Sterett, Young—14.
Jesup, Walker, C. J.

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill, as amended, do pass, and that the title thereof
be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill from
the House of Representatives, entitled, an act for the benefit of emigrants,
reported the same with amendments.

The first, second and third were concurred in.

The fourth amendment proposes to add to the bill the following section,
to-wit:

And be it further enacted, That the offence mentioned in first clause
of the first section of said act, shall be deemed not to be confined only to
the county, place and vicinage into which said slave shall be first imported,
but the offence shall be continued and exist by taking, sending or causing said
slave to go into any other county in this State; and an indictment for im­
porting said slave may be found and prosecuted in any county in this State
into which said slave may be taken, sent or caused to go; and the indict­
ment for the selling of such slave, mentioned in said section, shall be found
only in the county where said slave may be sold in the manner mentioned
in said act; but to have the said slave so sold and bought or contracted for,
in possession by virtue of said purchase, or contract for services as mention­
ed in said act, with knowledge at the time of said purchase or contract,
that said slave was brought into this State in violation of said act, shall be
deemed a continuation of the offence of purchasing or contracting for the
service mentioned in said act; and an indictment for said offence may be
found in the county where said slave shall be held in possession as aforesaid.

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. Ballinger and Wel­
ler, were as follows, viz:

Messrs. Burnett, Huston, Symson,
Clarke, Johnston, Walker, C. J.
Craddock, Payne, Walker, J. V.
De Courcy, Pirtle, Wallace,
Dyer, Pratt, Wickliffe,
Ford, Quarles, Williams, M.
Hanson, Schooling, Williams, S.
Hardin, Hughes, L—25
JO

Those who voted in the negative, were—

Messrs. Ballinger, Morgan, J. S.
Barlow, Rice, Weller,
James, Young—8.
Sterett,

The fifth amendment was concurred in.

Mr. Weller moved further to amend the said bill by adding thereto the following section:

Sec. 4. Be it further enacted, That any and every person or persons who have heretofore purchased any slave or slaves, contrary to the provisions of said act, shall be, and they are hereby, forever absolved from all the penalties and liabilities incurred by the purchase of said slave or slaves, provided that such person or persons having so purchased, shall, within six months from the passage of this act, go before some Justice of the Peace for the county in which said purchase was made, and take the following oath or affirmation, as the case may be: that I or we did, on the — day of 18—, purchase, bona fide, for our own use and benefit, said slave or slaves, (here name them,) and not for merchandise; and that I or we, at the time of purchasing said slave or slaves, were wholly and entirely ignorant of the act of February 2, 1833, so help me God; and shall, moreover, cause said oath or affirmation to be recorded in thirty days thereafter in the Clerk's office of the County Court for said county.

Mr. Craddock moved the previous question; and the question being taken, the main question be now put? it was decided in the negative.

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

Those who voted in the affirmative, were—

Messrs. Bailey, Huston,
Clarke, Johnston,
Craddock, Morgan, J. S.
Dyer, Payne,
Hanson, Pirtle,
Hughes,

Those who voted in the negative, were—

Messrs. Ballinger, James,
Barlow, Jesup,
Burnett, Quarles,
De Courcy, Rice,
Ford, Sterett,
Hardin, Tomlinson,

The question was then taken on the adoption of the amendment proposed by Mr. Weller, and it was decided in the affirmative.

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

Walker, J. V.
Wallace,
Weller,
Wickliffe,
Williams, M.
Young—18.
Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Ballinger moved to re-commit the said bill and amendments to the committee on the Judiciary.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. J. S. Morgan moved to lay the said bill and amendments on the table for the present.

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

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

Messrs. Bailey, Ballinger, Clarke, Huston, Johnston,
Morgan, J. S. Payne, Pirtle, Quarles,
Rice,
Slaughter,
Tomlinson,
Williams, S. L.

Those who voted in the negative, were—

Messrs. Barlow, Burnett, Craddock, De Courcy, Dyer, Griffith, Hanson, Hardin, Hughes,
Hardin, Hughes, James, Jesup, Schooling, Sympton, Sterett,
Walker, C. J.
Walker, J. V.
Wallace,
Weller,
Wickliffe,
Williams, M.
Young—21.

The question was then taken on reading the said bill a third time as amended, and decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Barlow, Burnett, Craddock, De Courcy, Dyer, Griffith, Hanson, Hardin, Hughes,
James, Jesup, Johnston, Pratt, Quarles, Schooling, Sympton, Sterett,
Tomlinson,
Walker, C. J.
Walker, J. V.
Wallace,
Weller,
Wickliffe,
Williams, M.
Williams, S. L.
Young—29.

Those who voted in the negative, were—

Messrs. Bailey, Ballinger, Clarke,
Huston, Payne, Rice,
Pirtle,
Rice—7.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, an act supplemental to an act, entitled, an act to amend the law prohibiting the importation of slaves into this State.

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

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

54
Gentlemen of the Senate:

I nominate for your advice and consent the following persons for the offices annexed to their names, to wit:

Virgil McNight, James Guthrie and David Heran to be Directors, on the part of the State, in the Bank of Kentucky.

Henry T. Dunn, Waller Bullock and Madison C. Johnson to be Directors, on the part of the State, in the Northern Bank of Kentucky.

February 16, 1841.

R. P. LETCHER.

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

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

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent Jacob Swigert, Thomas S. Theobalds, Albert G. Hoeges, Churchill Samuel and Harrison Blanton to be the securities of James Davidson in his official bond as Treasurer of this Commonwealth.

February 16, 1841.

R. P. LETCHER.

Resolved, That the Senate approve of the said securities.

A bill from the House of Representatives, entitled, an act to establish the 18th Judicial District, and for other purposes, was read the third time.

The question was taken on the passage of said bill and decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Resolved, That the title thereof be as aforesaid.
Mr. James, from the committee on the Public Buildings, to whom was referred a bill from the House of Representatives, entitled, an act for the erection of additional rooms for the accommodation of the Auditors of Public Accounts, and for other purposes, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. Slaughter, from the committee on Agriculture, reported a bill to establish the Pond creek and Green river Coal Company—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Mr. Slaughter, from the same committee, made the following report, viz:

The committee on Agriculture having considered the petition of sundry citizens of Pulaski county, and also the petition of many citizens of Mercer county, praying that Legislative aid and protection might be extended to the growth and manufacture of silk, report,

That they view, with favor and encouragement, those enterprising citizens who are engaged in fostering that infant interest, the silk culture; but are unable to devise or recommend, at the present time, any definite action on this subject.

Bills from the House of Representatives of the following titles, viz:
1. An act to amend an act establishing the Shelby College.
2. An act for the benefit of the Lexington and Ohio Railroad Company.
3. An act for the benefit of James Newton.
4. An act concerning free persons of color and others.
5. An act for the benefit of the Sheriffs of Laurel and Livingston counties.
6. An act for the benefit of the Sheriff of Rockcastle county.

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

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on Education; the 2d to the committee on Internal Improvement; the 3d, 5th and 6th to the committee on Finance, and the 4th to the committee on the Judiciary.

A bill from the House of Representatives, entitled, an act for the benefit of Charles E. Mills, was read the first time and ordered to be read a second time.

The said bill is as follows, viz:

WHEREAS, it appears that Charles E. Mills, a citizen of Wayne county, Kentucky, has sold out his premises in said county, with the intention to leave the State of Kentucky so soon as the roads become settled and fit for
travelling, say at furthest by the 25th day of May, 1841: and, whereas, it also appears that said Mills has purchased two negroes in the State of Tennessee, one of which is a girl named Frances, about the age of 17 years, and the other, a boy, by the name of Jack, about 14 years old; and the said Mills wishes to bring the said two negroes into this Commonwealth, to remain only until the roads become settled and fit for travel—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Charles E. Mills is hereby authorized and permitted to bring into this Commonwealth the said negro girl, Frances, and the said negro boy, Jack, without being subject to the penalties of the law prohibiting the importation of slaves into this Commonwealth, passed in 1833: Provided, the said Charles E. Mills will execute bond with good security, in the Clerk's office of the Wayne County Court, in the penalty of twelve hundred dollars, payable to the Commonwealth of Kentucky, conditioned that he, the said Charles E. Mills, will remove, or have removed, the said negro girl, Frances, and negro boy, Jack, from the Commonwealth against the 25th day of May, 1841; and in case the said Mills should not remove, or cause to be removed from the Commonwealth, the said negroes against the time aforesaid, the said bond shall be forfeited to the use of the Commonwealth, to be recovered in the same way that the amount of other bonds are which are executed to this Commonwealth.

The constitutional rule as to the second reading being dispensed with,

The question was taken on reading the said bill a third time, it was decided in the negative, and so the said bills were disagreed to.

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

Those who voted in the affirmative, were—

Messrs. Barlow, Burnett, Dyer, Ford, Hanson, Hughes, James, Quarles, Schooling, Walker, J. V.


Those who voted in the negative, were—


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

An act for the benefit of the Police Judge of the town of Lancaster, and for other purposes.

An act to amend the several acts to suppress the practice of duelling.

An act for the benefit of Morrison W. Smith and others.
Were severally read the first time, and ordered to be read a second time.
The constitutional rule as to the second and third readings being dispensed
with,

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

Mr. Johnston, from the committee on Finance, to whom was referred a
bill from the House of Representatives, entitled, an act prescribing the mode
of preserving the evidences of the payment of interest on certain State
bonds, reported the same without amendment.

Ordered, That the said bill be read a third time.
The constitutional rule as to the third reading being dispensed with,

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

Mr. Slaughter, from a select committee, reported a bill for the benefit of
the Right Rev. Benedict Joseph Flaget, and for other purposes—which was
read the first time and ordered to be read a second time.
The constitutional rule as to the second reading being dispensed with, the
said bill was ordered to be engrossed and read a third time.

Mr. M. Williams, from the committee on Religion, to whom was referred a
bill from the House of Representatives, entitled, an act for the benefit of
James P. Howard, reported the same without amendment.

Ordered, That the said bill be read a third time.
The constitutional rule as to the third reading being dispensed with,

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

Mr. M. Williams, from the same committee, to whom was referred bills
from the House of Representatives of the following titles, to-wit:
An act to divorce Mary E. McCoun, and for other purposes.
An act to divorce Alice A. Price.

Reported the same with the opinion of the committee that they ought not
to pass.

Ordered, That the said bills be read a third time.
The constitutional rule as to the third reading being dispensed with,

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

Mr. M. Williams, from the same committee, to whom was referred the
petition of George Ann Murray, reported the following resolution thereon:

Resolved, That the said petition be rejected—which was disagreed to.

Ordered, That the committee on Religion prepare and bring in a bill pur-
suant to said petition.

After a short time Mr. M. Williams reported a bill to divorce George Ann
Murray—which was read the first time and ordered to be read a second
time.
The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Mr. Young, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act to divorce Mary Edrington, reported the same with the opinion of the committee that it ought not to pass.

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

The constitutional rule as to the third reading being dispensed with,Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill for the benefit of Thomas Howser was taken up.

Mr. Payne moved to lay the said bill on the table for the present.

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

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

Those who voted in the affirmative, were—

Messrs. Bailey, Clarke, Craddock, De Courcy, Hanson, Hardin,

Hughes, Huston, Morgan, J. S. Payne, Pirtle,

Pratt, Rice, Sterett, Tomlinson, Williams, S. L.

Those who voted in the negative, were—

Messrs. Barlow, Burnett, Dyer, Ford, Griffith,

James, Quarles, Walker, J. V. Wallace,


A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to suspend an act, entitled, an act for the benefit of the Medical Faculty of Transylvania University, approved the 10th of February, 1841, with an amendment—which was concurred in.

Mr. Bailey, from the committee on Enrollments, reported that the committee had examined enrolled bills and a resolution which originated in the House of Representatives of the following titles, viz:

An act for the benefit of James Pagett.

An act to authorize certain County Courts to establish ferries across the Mississippi river.
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An act to amend an act reserving certain property from execution, and for other purposes.
An act allowing additional Justices of the Peace to the counties of Owen and Muhlenburg.
An act to reduce the number of Justices of the Peace in Anderson county.
An act to abolish Day's precinct in Edmonson county.
An act allowing an additional Constable to the county of Logan.
An act to repeal the law compelling the Justices of the Simpson County Court to hold court in the months the Circuit Court is held.
An act for the benefit of the Jailor of Gallatin county.
An act to add an additional Constable to the county of Nicholas.
An act for the benefit of the administrator of John B. Cloud.
An act for the benefit of Lidia Riley.
An act for the benefit of the Russellville Male Academy.
An act allowing an additional Justice of the Peace and Constable to Graves county.
An act for the benefit of Thomas Mitchell, Jailor of Lewis county.
An act to authorize Jesse Murphy to build a fish dam on Pond river.
An act to change the time of holding certain Circuit Courts in the 4th Judicial District, and for other purposes.
An act for the benefit of the Sheriffs of Carter, Clarke, Muhlenburg, Logan, Laurel and Perry counties.
An act to authorize the County Court of Grant to change a road.
An act for the benefit of William Wilburn, of the county of Russell.
An act for the benefit of E. Barnes, Peter Abel, P. C. Slaughter, Z. Wilcox, and others.
An act to incorporate the town of Napoleon, in the county of Gallatin.
An act for the benefit of Ambrose Kirtley.
An act for the relief of the securities of the late Clerk of the Fleming County Court.

An act to amend an act, entitled, an act to amend the charter of Cumberland College, and for other purposes, approved February 16th, 1838.
An act to change the time of holding the Circuit Courts in the second Judicial District.
An act to reduce the number of Trustees of Henderson Academy and Simpson Seminary, and for other purposes.
An act to incorporate the Nelson County Mutual Insurance Company.
An act to amend an act, entitled, an act to divide the State into Congressional districts.

An act for the benefit of the estate of John Robbins, deceased.
A resolution fixing a day for the election of a Senator in Congress.

And had found the same truly enrolled.
The said bills and resolutions having been signed by 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. After a short time Mr. Bailey reported that the committee had performed that duty.

Engrossed bills of the following titles were severally read the third time, to-wit:

An act to amend and continue in force an act offering a reward for the discovery of the disease called Milk Sickness.
An act to incorporate the Clifton Academy, and for other purposes.
Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.
Resolved, That the Senate concur in the amendments proposed by the House of Representatives to bills from the Senate of the following titles, viz:
An act to authorize the re-binding of certain record books in the Clerks' offices of the County Courts of Hardin, Barren, Garrard, Hart and Adair counties.
An act to authorize the closing of a part of the Nashville and Lexington State road.
A bill providing for the erection of additional rooms for the Auditors of Public Accounts, was read a third time and laid on the table.

On the motion of Mr. Wickliffe, the committee on Internal Improvement was discharged from the further consideration of a bill from the House of Representatives, entitled, an act for the benefit of the Lexington and Ohio Railroad Company, and the said bill was re-committed to the committee on Internal Improvement.
A bill from the House of Representatives, entitled, an act to incorporate the town of Smithland, and for other purposes, was read the third time as amended.

And the Senate proceeded to the consideration of the orders of the day. A message was received from the House of Representatives, announcing that they were now ready to proceed to the election of a Senator in the Congress of the United States.
Ordered, That Mr. Ballinger inform the House of Representatives that the Senate is now ready to proceed to said election.
Mr. Barlow nominated Mr. Richard A. Buckner as a proper person to fill the said office of Senator.
Mr. J. S. Morgan nominated Mr. Thomas Metcalfe.
Mr. Dyer nominated Mr. John Calhoun.
Mr. Bailey nominated Mr. William Owseley.
Mr. Johnston nominated Mr. Charles A. Wickliffe.
Mr. Tomlinson nominated Mr. James T. Morehead.
Ordered, That Mr. Ballinger inform the House of Representatives thereof.

A message was received from the House of Representatives, announcing that the same gentlemen stood in nomination before that body.

The Senate proceeded to take the vote which stood thus:

Those who voted for Richard A. Buckner, were—


Those who voted for Thomas Metcalfe, were—

Messrs. Clarke, De Courcy, Morgan, J. S. Payne, Williams, S. L—5.

Those who voted for John Calhoon, were—


Those who voted for William Owsley, were—


Those who voted for Charles A. Wickliffe, were—


Those who voted for James T. Morehead, were—


Messrs. Tomlinson, Payne and Bailey were appointed a committee, on the part of the Senate, to compare the joint vote of both Houses, and report the result.

After a short time Mr. Tomlinson reported that the joint vote stood thus:

For Richard A. Buckner, 26
For Thomas Metcalfe, 18
For John Calhoon, 29
For William Owsley, 16
For Charles A. Wickliffe, 20
For James T. Morehead, 24

No person having received a majority of all the votes given, the Senate proceeded to vote a second time, and it stood thus:
Those who voted for Richard A. Buckner, were—
Messrs. Barlow, Craddock, Ford,
Quarles, Symson, Wallace, Young—7.

Those who voted for Thomas Metcalfe, were—

Those who voted for John Calhoun, were—
Messrs. Burnett, Dyer, James,

Those who voted for William Owsley, were—

Those who voted for Charles A. Wickliffe, were—

Those who voted for James T. Morehead, were—

The same committee was appointed to compare and report the joint vote, and Mr. Tomlinson reported that the joint vote stood thus:

For Richard A. Buckner, 27
For Thomas Metcalfe, 17
For John Calhoun, 30
For William Owsley, 16
For Charles A. Wickliffe, 20
For James T. Morehead, 23

No person having a majority of all the votes given, the Senate voted a third time as follows, viz:

Those who voted for Richard A. Buckner, were—

Those who voted for Thomas Metcalfe, were—
Those who voted for John Calhoon, were—


Those who voted for William Owsley, were—


Those who voted for Charles A. Wickliffe, were—


Those who voted for James T. Morehead, were—

Messrs. Hanson, Hughes, Tomlinson—3.

The same committee was appointed to compare and report the joint vote.

Mr. Tomlinson reported that it stood thus:

For Richard A. Buckner, 25
For Thomas Metcalfe, 22
For John Calhoon, 31
For William Owsley, 13
For Charles A. Wickliffe, 19
For James T. Morehead, 23

No person having received a majority of all the votes given, Mr. James moved the following resolution, viz:

Resolved by the Senate and House of Representatives, That they will suspend voting for a Senator of the United States, after taking a fourth vote, if no election be then made, until tomorrow, twelve o'clock, (median.)

Which was twice read and adopted.

After a short time a message was received from the House of Representatives, announcing that they had concurred in the said resolution.

The Senate then voted a fourth time as follows, viz:

Those who voted for Richard A. Buckner, were—


Those who voted for Thomas Metcalfe, were—

Messrs. Clarke, Morgan, J. S., Payne, Williams, S. L.—4
Those who voted for John Calhoon, were—

Messrs. Burnett, Dyer, Hughes, James,

Messrs. Jesup, Pirtle, Pratt,

Mr. Bailey voted for Mr. Owsley.

Those who voted for Charles A. Wickliffe, were—


Messrs. Jesup, Pirtle, Pratt,

Mr. Bailey voted for Mr. Owsley.

Those who voted for Charles A. Wickliffe, were—


Those who voted for James T. Morehead, were—

Messrs. De Courcy, Griffith,

Messrs. Hanson, Tomlinson—4.

The same committee was appointed to compare and report the joint vote.

Mr. Tomlinson reported that the joint vote stood thus:

For Richard A. Buckner, 25
For Thomas Metcalfe, 18
For John Calhoon, 35
For William Owsley, 10
For Charles A. Wickliffe, 19
For James T. Morehead, 26

No person having received a majority of all the votes given,
Then the Senate adjourned.

WEDNESDAY, FEBRUARY 17, 1841.

A message was received from the House of Representatives announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, viz:

An act for the benefit of Ambrose Kirtley.
An act for the relief of the securities of the late Clerk of the Fleming County Court.
An act to change the time of holding the Circuit Courts in the second Judicial District.
An act to reduce the number of Trustees of Henderson Academy and Simpson Seminary, and for other purposes.

An act allowing an additional Justice of the Peace and Constable to Graves county.

An act for the benefit of Thomas Mitchell, Jailer of Lewis county.

An act for the benefit of the estate of John Robbins, deceased.

An act to amend an act, entitled, an act to divide the State into Congressional districts.

An act to change the time of holding certain Circuit Courts in the 4th Judicial District, and for other purposes.

An act for the benefit of the Sheriffs of Carter, Clarke, Muhlenburg, Logan, Laurel and Perry counties.

An act for the benefit of the Russellville Male Academy.

An act to authorize Jesse Murphy to build a fish dam on Pond river.

An act for the benefit of the administrator of John B. Cloud.

An act for the benefit of Lidia Riley.

An act for the benefit of the Jailer of Gallatin county.

An act to add an additional Constable to the county of Nicholas.

An act to amend an act, entitled, an act to amend the charter of Cumberland College, and for other purposes, approved February 16th, 1838.

An act to authorize the County Court of Grant to change a road.

An act for the benefit of William Wilburn, of the county of Russell.

An act to authorize certain County Courts to establish ferries across the Mississippi river.

An act allowing a change of venue to Wilkins Derrington.

An act allowing additional Justices of the Peace to the counties of Owen and Muhlenburg.

An act to amend an act reserving certain property from execution, and for other purposes.

An act to abolish Day's precinct in Edmonson county.

An act to reduce the number of Justices of the Peace in Anderson county.

An act to repeal the law compelling the Justices of the Simpson County Court to hold court in the months the Circuit Court is held.

An act allowing an additional Constable to the county of Logan.

An act for the benefit of E. Barnes, Peter Abel, P. C. Slaughter, Z. Wilson, and others.

An act to incorporate the town of Napoleon, in the county of Gallatin.

A resolution fixing a day for the election of a Senator in Congress.

Approved February 16, 1841.

That they had disagreed to the amendment proposed by the Senate to a bill from that House, entitled, an act concerning the town of Augusta.
That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act to amend the laws in relation to elections in the town of Georgetown, and for other purposes.

An act to amend the penal laws.

An act for the benefit of Samuel G. Tillett, Sheriff of Garrard county.

An act for the benefit of the Clerk of the Oldham County Court.

That they had passed bills which originated in the Senate of the following titles, viz:

An act to amend an act to provide for the distribution and preservation of the public law books, approved December 21, 1825.

An act to authorize the County Court of Kenton to lay an additional levy, and for other purposes.

An act to incorporate the Winchester Lyceum.

An act to incorporate the Louisville Iron Manufacturing Company, under the General Law.

An act to incorporate the Louisville Cotton Manufacturing Company, under the General Law.

An act for the benefit of the Common School Commissioners for the county of Jessamine.

An act for the benefit of the infant children of Matilda Perry, deceased.

That they had concurred in the adoption of a resolution directing the manner of printing the acts of the General Assembly.

Mr. Hanson presented the petition of Robert Clarke and others, praying for the passage of a law to change the time of holding the Estill County Courts; and thereupon, leave being obtained, reported a bill altering the terms of the Estill County Court—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Mr. Pirtle, from the committee on the Judiciary, reported a bill to add Russell county to the 8th Judicial District—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

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

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Justice Hays' devisees, reported the same with the opinion of the committee that it ought not to pass.
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.

Mr. Pirtle, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Clerk of the Pendleton Circuit and County Courts, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,
Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Pirtle, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act concerning free persons of color, and others, reported the same with amendments—which were concurred in.

The said bill was further amended and laid on the table.

Mr. Rice, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Edmund Gibbons of the county of Clinton, reported the same without amendment.

Mr. Hanson moved to lay the said bill on the table for the present.

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

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

Those who voted in the affirmative, were—

Messrs. Bailey, Ballinger, Clarke, Craddock, Griffith, Hanson, Hardin, Hughes, Huston, Jesup, Morgan, J. S., Payne, Pirtle, Pratt, Rice, Symson, Sterett—17.

Those who voted in the negative, were—


Mr. M. Williams, from the committee on Religion, to whom was referred the petition of Sereny Hall, reported the following resolution thereon, to-wit:

Resolved, That the said petition be rejected—which was disagreed to. Ordered, That the said committee prepare and bring in a bill pursuant to said petition.
After a short time Mr. M. Williams reported a bill for the benefit of Sereny Hall—which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto, “and Maria Gibbs.”

Mr. M. Williams, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act for the divorce of Benjamin Bennett.
An act to divorce Thomas M. Pulliam.

Reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with,

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

Mr. M. Williams, from the same committee, to whom was referred a bill for the benefit of Betsey D. Tiley, reported the same without amendment.

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

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

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

Mr. Ballinger, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Lexington and Ohio Railroad Company, reported the same without amendment.

Ordered, That the said bill be read a third time, and be made the special order of the day for to morrow.

Mr. Ballinger, from the same committee, to whom was referred a bill to amend the charter of the Louisville Turnpike Road Company, reported the same with the opinion of the committee that it ought not to pass.

Mr. Ballinger moved to lay the said bill on the table for the present.

The yeas and nays being required thereon, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Bailey, Ballinger, Barlow, Burnett, Clarke, Dyer, Griffith, Hanson, Hardin,
Mr. Johnston, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of James Newton.
An act for the benefit of the Sheriff of Rockcastle county.
An act for the benefit of the Sheriffs of Laurel and Livingston counties.
An act for the benefit of the Sheriff of Meade county.
An act for the benefit of James Jenkins.
An act for the benefit of Edward S. Coleman, late Sheriff of Franklin county, and for other purposes.
An act for the benefit of the Sheriff of Casey county.

Reported the same without amendment.
Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Johnston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of J. Franklin Delany, reported the same with the opinion of the committee that it ought not to pass.

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.

Mr. Johnston, from the same committee, to whom was referred the petition of Conrad Havens, reported the following resolution thereon:

Resolved, That the said petition be rejected—which was twice read and concurred in.

Mr. Johnston, from the same committee, made the following report, viz:

The committee of Finance have had under consideration the petitions of certain citizens of this Commonwealth, praying the repeal of the license laws, and all laws licensing, in any form, the retail or sale of spirituous liquors as a beverage or common drink, and beg leave to submit the following resolution:

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

Which was concurred in.
Mr. D. Morgan presented the petition of Amos Browning and Ludwell R. Ringo, who are the guardians of certain persons of color, under 21 years of age, manumitted by the last will of Nelly Moss, praying for the passage of a law authorizing them to sell certain land devised to said negroes—which was received and referred to the committee on the Judiciary.

On the motion of Mr. Sympson,

Resolved, That the Public Printer print 75 copies of the titles of the Acts with a summary of their contents, for each member of the Senate.

A message was received from the House of Representatives announcing that they had passed bills of the following titles, to wit:

1. An act for the appropriation of money.
2. An act to incorporate the Harrodsburg Lyceum.

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

The constitutional rule as to the second reading of said bills being dispensed with, the 1st was referred to the committee on Finance, and the 2d was ordered to be read a third time.

The constitutional rule as to the third reading of the 2d bill being dispensed with,

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

Mr. Weller, from the committee on 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 the penal laws.
An act for the benefit of Samuel G. Tillet, Sheriff of Garrard county, and the Sheriff of Shelby county.
An act to amend the laws in relation to elections in the town of Georgetown, and for other purposes.
An act to increase the resources of the Sinking Fund, and for other purposes.
An act to amend the several acts to suppress the practice of duelling.
An act for the benefit of the Police Judge of the town of Lancaster, and for other purposes.
An act to establish the 18th Judicial District.
An act for the benefit of the Clerks of the Oldham and Cumberland County Courts.

An act to amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved January 21st, 1840.

And enrolled bills which originated in the Senate of the following titles, to-wit:
An act to incorporate the Louisville Iron Manufacturing Company, under the General Law.

An act to incorporate the Louisville Cotton Manufacturing Company, under the General Law.

An act to amend an act to provide for the distribution and preservation of the public law books, approved December 21st, 1825.

An act for the benefit of the infant children of Matilda Perry, dec'd.

An act to repeal an act, entitled, an act for the benefit of the Medical Faculty of Transylvania University, approved 10th February, 1841.

An act to authorize the closing of a part of the Nashville and Lexington State road.

An act to incorporate the Winchester Lyceum.

An act to authorize the County Court of Kenton to lay an additional levy, and for other purposes.

An act for the benefit of the Common School Commissioners for the county of Jessamine.

An act to authorize the re-binding of certain record books in the Clerks' offices of the County Courts of Hardin, Barren, Garrard, Hart and Adair counties.

And had found the same truly enrolled.

The Speaker of the House of Representatives having signed the said bills, 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. Weller reported that the committee had performed that duty.

After some time the Senate received from the Governor a message, announcing that he had approved and signed the said bills.

Mr. Slaughter, from the committee on Agriculture, made the following report, viz:

The committee on Agriculture to whom was referred the petition of the Kentucky State Agricultural Society, praying the appropriation of $500 in aid of the Society, report:

That they are the unwavering friends of Agriculture, and desire to see the day when legislative aid in the establishment of experimental farms and Agricultural Schools, shall have placed this paramount interest on a more permanent and respectable foundation; yet, under the present embarrassed condition of the finances of the State, they reluctantly forbear to recommend to the General Assembly the appropriation asked for by the Society.

Mr. Pirtle, from the committee on the Judiciary, reported a bill to authorize John M. Weddle to lay out a town on his land in the county of Pulaski, which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being 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. Harlan, Secretary of State.

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

Executive Office,

17th February, 1841.

Gentlemen of the Senate:

I nominate for your advice and consent James Harrison to be Colonel of the 1st Regiment, in place of William S. Pilcher, promoted.

Charles D. Pope to be Lieutenant Colonel of the 1st Regiment, in place of J. Harrison, if promoted.

George L. Robards to be Major of the 1st Regiment, in place of Charles D. Pope, if promoted.

William F. White to be Colonel of the 34th Regiment, in place of Wm. S. Lane, resigned.

George Baitz to be Lieutenant Colonel of the 34th Regiment, in place of Marcus Gill, resigned.

Madison Cassiday to be Major of the 34th Regiment, in place of William F. White, if promoted.

William D. Payne to be Colonel of the 132d Regiment.

Nathaniel Wolf to be Lieutenant Colonel of the 132d Regiment.

Thomas I. Welby to be Major of the 132d Regiment.

R. P. Letcher.

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

Leave was given to Mr. Burnett to withdraw the petition of sundry citizens of Trigg county relative to the ferries in said county.

Mr. D. Morgan, from the committee on the Penitentiary, made the following report, to wit:

The committee on the Penitentiary beg leave to make the following report:

At an early day of the session, the committee visited the Penitentiary, and were gratified with its operations. The convicts are managed under the most favorable circumstances that the nature of their confinement will permit, and every privilege seems to be extended towards them that the law allows. And indeed every thing which is calculated to exercise them in the way of reform, is imparted to them. The treatment of the convicts by the Keeper met the entire approbation of your committee.

The doctrine that extreme severity is the most likely method of reclaiming men, has, long since, exploded, which your committee trust will never be recussitated. The system of solitary confinement by night, and silent labor by day, will, in our opinion, go far to promote the great and benevolent objects of the founders of this system—one which protects the Commonwealth and reforms the prisoner.

The whole prison presents a scene of industry; the work-shops are clean
and healthy; the health of the convicts is good; they are well clothed, and comparatively happy. They have plenty to eat, of a good and substantial quality.

There are one hundred and sixty two convicts in the Penitentiary, as appears from the last report of the Keeper.

The construction of the office, and the new cells authorized by law, are in a state of forwardness, and will be completed within the ensuing season, or nearly so. The masonry of the new dormitories is of the finest material and workmanship, and will, when finished, be highly creditable to the State.

The committee examined the books and accounts of the institution, and found them neatly kept, and, as they believe, by a most competent Clerk. The business of the institution, as appears from the books of the past year, is highly prosperous. The result of the examination of the accounts of the Penitentiary, commencing, 1st March, 1830, and ending Nov. 30th, 1840, showing a condensed quarterly balance sheet, together with an explanatory note accompanying the same, is here made a part of this report, marked A and B. All of which is respectfully submitted.

DANIEL MORGAN,
Chairman Committee Penitentiary.

OFFICE KENTUCKY PENITENTIARY,
Frankfort, February 15, 1841.

Sir:

In compliance with the request of your note of this date, I communicate, herewith, a condensed balance sheet for each quarter, since the act, entitled, "an act prescribing the duties of the Keeper and Clerk of the Penitentiary," approved February 14, 1839, took effect, showing the fiscal condition of this institution at the end of each quarter. In obedience to a provision of the law just cited, I have made quarterly reports to the Commissioners of the Sinking Fund, embracing every account on the ledger. In the accompanying balance sheets, the accounts have been classified and aggregated from those reports; thus, for instance, all the debtors on open account, are brought into one item.

The debtor side of the balance sheet exhibits the liabilities and the credit side the means of the institution, so far as those means consist of debts owing it.

It may be proper to explain that the account termed "Penitentiary," in these balance sheets, is the fictitious account representing the partnership between the State and Keeper.

Respectfully your obedient servant,

THO. B. STEVENSON.
Clerk Penitentiary.

D. MORGAN, Esq.,
Chairman Senate committee on Penitentiary.
Condensed quarterly balance sheets, reported to the Commissioners of the Sinking Fund.

**First Quarter, 1839, ending May 31, 1839.**

<table>
<thead>
<tr>
<th>Dr.</th>
<th>STATE PRISON.</th>
<th>Cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Tho. S. Theobald,</td>
<td>19,958.41</td>
<td>8,508.11</td>
</tr>
<tr>
<td>To sundry creditors,</td>
<td>3,175.75</td>
<td>30.00</td>
</tr>
<tr>
<td></td>
<td>By sundry debtors,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>By bills receivable,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>By cash,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>By Penitentiary,</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$23,134.16</td>
<td>$23,134.16</td>
</tr>
</tbody>
</table>

**Second Quarter, 1839, ending August 31, 1839.**

<table>
<thead>
<tr>
<th>Dr.</th>
<th>STATE PRISON.</th>
<th>Cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Tho. S. Theobald,</td>
<td>24,301.96</td>
<td>13,645.37</td>
</tr>
<tr>
<td>To sundry creditors,</td>
<td>4,734.31</td>
<td>65.33</td>
</tr>
<tr>
<td></td>
<td>By sundry debtors,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>By bills receivable,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>By cash,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>By Penitentiary,</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$28,936.67</td>
<td>$28,936.67</td>
</tr>
</tbody>
</table>

**Third Quarter, 1839, ending November 30, 1839.**

<table>
<thead>
<tr>
<th>Dr.</th>
<th>STATE PRISON.</th>
<th>Cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Tho. S. Theobald,</td>
<td>26,165.91</td>
<td>10,574.21</td>
</tr>
<tr>
<td>To sundry creditors,</td>
<td>8,219.92</td>
<td>139.32</td>
</tr>
<tr>
<td></td>
<td>By sundry debtors,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>By Commonwealth of Kentucky,</td>
<td>475.50</td>
</tr>
<tr>
<td></td>
<td>By bills receivable,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>By cash,</td>
<td>57.63</td>
</tr>
<tr>
<td></td>
<td>By Penitentiary,</td>
<td>25,194.56</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$36,425.13</td>
<td>$36,425.13</td>
</tr>
</tbody>
</table>

**Fourth Quarter, 1839–40, ending February 29, 1840.**

<table>
<thead>
<tr>
<th>Dr.</th>
<th>STATE PRISON.</th>
<th>Cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Tho. S. Theobald,</td>
<td>31,490.97</td>
<td>28,483.32</td>
</tr>
<tr>
<td>To sundry creditors,</td>
<td>4,294.42</td>
<td>504.35</td>
</tr>
<tr>
<td></td>
<td>By sundry debtors,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>By Commonwealth of Kentucky,</td>
<td>463.56</td>
</tr>
<tr>
<td></td>
<td>By bills receivable,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>By cash,</td>
<td>125.05</td>
</tr>
<tr>
<td></td>
<td>By Penitentiary,</td>
<td>8,129.66</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$35,725.39</td>
<td>$35,725.39</td>
</tr>
</tbody>
</table>

**First Quarter, 1840, ending May 30, 1840.**

<table>
<thead>
<tr>
<th>Dr.</th>
<th>STATE PRISON.</th>
<th>Cr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Tho. S. Theobald,</td>
<td>22,495.94</td>
<td>13,514.39</td>
</tr>
<tr>
<td>To sundry creditors,</td>
<td>4,244.51</td>
<td>1,097.79</td>
</tr>
<tr>
<td></td>
<td>By sundry debtors,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>By Commonwealth of Kentucky,</td>
<td>889.39</td>
</tr>
<tr>
<td></td>
<td>By bills receivable,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>By cash,</td>
<td>174.01</td>
</tr>
<tr>
<td></td>
<td>By interest,</td>
<td>1.58</td>
</tr>
<tr>
<td></td>
<td>By Penitentiary,</td>
<td>11,195.93</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$26,740.45</td>
<td>$26,740.45</td>
</tr>
</tbody>
</table>
Second Quarter, 1840, ending August 31, 1840.

<table>
<thead>
<tr>
<th>Dr.</th>
<th>STATE PRISON</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Tho. S. Theobald,</td>
<td>30,824.52</td>
</tr>
<tr>
<td>To sundry creditors,</td>
<td>5,644.56</td>
</tr>
<tr>
<td>By sundry debtors,</td>
<td></td>
</tr>
<tr>
<td>By Commonwealth of Kentucky, 14,464 99</td>
<td></td>
</tr>
<tr>
<td>By bills receivable,</td>
<td>944 21</td>
</tr>
<tr>
<td>By cash,</td>
<td>442 23</td>
</tr>
<tr>
<td>By interest,</td>
<td>8 35</td>
</tr>
<tr>
<td>By suspense account,</td>
<td>338 22</td>
</tr>
<tr>
<td>By Penitentiary,</td>
<td>19,644 72</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>36,469.03</strong></td>
</tr>
<tr>
<td>Cr.</td>
<td></td>
</tr>
<tr>
<td>To Tho. S. Theobald,</td>
<td>37,171.66</td>
</tr>
<tr>
<td>To sundry creditors,</td>
<td>5,176.76</td>
</tr>
<tr>
<td>To Penitentiary,</td>
<td>6,545.28</td>
</tr>
<tr>
<td>By sundry debtors,</td>
<td></td>
</tr>
<tr>
<td>By Commonwealth of Kentucky, 43,535 35</td>
<td></td>
</tr>
<tr>
<td>By bills receivable,</td>
<td>2,488 22</td>
</tr>
<tr>
<td>By cash,</td>
<td>625 83</td>
</tr>
<tr>
<td>By suspense account,</td>
<td>325 56</td>
</tr>
<tr>
<td>By interest,</td>
<td>11 19</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>48,694.25</strong></td>
</tr>
</tbody>
</table>

Third Quarter, 1840, ending November 30, 1840.

A message was received from the House of Representatives, announcing that they are now ready to proceed to the election of a Senator in Congress. Ordered, That Mr. Ballinger inform the House of Representatives that the Senate is ready to proceed to the said election.

The Senate then voted a fifth time as follows, viz:

Those who voted Richard A. Buckner, were—

Messrs. Barlow, Ford, Sympon,
Craddock, Quarles, Young—6.

Those who voted for Thomas Metcalfe, were—

Messrs. J. S. Morgan and Payne.

Those who voted for John Calhoon, were—

Messrs. Burnett, Jesup, Sterett,
Dyer, Pirtle, Weller—7,
James,

Those who voted for William Owsley, were—

Clarke,
Those who voted for Charles A. Wickliffe, were—


Those who voted for James T. Morehead, were—

Messrs. Griffith, Hansen, Tomlinson, Williams, S.L—5, Walker, J. V.

Messrs. Johnston, Payne and Symson were appointed a committee, on the part of the Senate, to compare and report the joint vote.

After a short time Mr. Johnston reported that the joint vote stood thus:

For Richard A. Buckner, 26
For Thomas Metcalfe, 11
For John Calhoun, 28
For William Owsley, 20
For Charles A. Wickliffe, 20
For James T. Morehead, 26

No person having received a majority of all the votes given.

The nomination of William Owsley was then withdrawn in both Houses.

The Senate voted the sixth time as follows, viz:

Those who voted for Richard A. Buckner, were—

Messrs. Bailey, Barlow, Burnett, Craddock, De Courcy, Ford, Quarles, Symson, Wallace, Quarles, Young—10.

Those who voted for Thomas Metcalfe, were—


Those who voted for John Calhoun, were—


Those who voted for Charles A. Wickliffe, were—


Those who voted for James T. Morehead, were—

The same committee was appointed to compare and report the joint vote.

Mr. Johnston reported that it stood thus:

For Richard A. Buckner,  
For Thomas Metcalfe,  
For John Calhoon,  
For Charles A. Wickliffe,  
For James T. Morehead,  

No person having received a majority of all the votes given.

The nomination of Mr. Charles A. Wickliffe was withdrawn.

The Senate voted the seventh time as follows, viz:

Those who voted for Richard A. Buckner, were—

Messrs. Bailey,  
Barlow,  
Craddock,  
Ford,  

Those who voted for Thomas Metcalfe, were—

Messrs. Morgan, D.  
Morgan, J. S.  

Those who voted for John Calhoon, were—

Messrs. Burnett,  
Dyer,  
Griffith,  
Hughes,  

Those who voted for James T. Morehead, were—

Messrs. Ballinger,  
Clarke,  
De Courcy,  

The same committee was appointed to compare and report the joint vote.

Mr. Johnston reported that the joint vote stood thus:

For Richard A. Buckner,  
For Thomas Metcalfe,  
For John Calhoon,  
For James T. Morehead,  

No person receiving a majority of all the votes given.

The nomination of Mr. Thomas Metcalfe was withdrawn.

The Senate then voted the eighth time as follows, viz:

Those who voted for Richard A. Buckner, were—

Messrs. Bailey,  
Barlow,  
Craddock,  
De Courcy,  

57
Those who voted for John Calhoun, were—


Those who voted for James T. Morehead, were—

Messrs. Ballinger, Clarke, Griffith, Hanson, Johnston, Morgan, J. S. Payne, Slaughter, Tomlinson, Walker, C. J. Walker, J. V. Wickliffe, Williams, S. L—13

The same committee was appointed to compare and report the joint vote, Mr. Johnston reported that it stood thus:

For Richard A. Buckner, For John Calhoun, For James T. Morehead, 37 43 54

No person having received a majority of all the votes given, the Senate voted the ninth time as follows, viz:

Those who voted for Richard A. Buckner, were—


Those who voted for John Calhoun, were—


Those who voted for James T. Morehead, were—

Messrs. Bailey, Ballinger, Clarke, Hanson, Johnston, Morgan, J. S. Payne, Slaughter, Tomlinson, Walker, C. J. Walker, J. V. Wickliffe, Williams, S. L—13

The same committee was appointed to compare and report the joint vote, Mr. Johnston reported that it stood thus:
No person having a majority of all the votes given, the Senate voted the tenth time as follows, viz:

Those who voted for Richard A. Buckner, were—


Those who voted for John Calhoon, were—


Those who voted for James T. Morehead, were—


The same committee was appointed to compare and report the joint vote. Mr. Johnston reported that it stood thus:

For Richard A. Buckner, — — — — 37
For John Calhoon, — — — — 40
For James T. Morehead, — — — — 56

No person having received a majority of all the votes given, the Senate voted the eleventh time as follows, viz:

Those who voted for Richard A. Buckner, were—


Those who voted for John Calhoon, were—

Those who voted for James T. Morehead, were—


The same committee was appointed to compare and report the joint vote.

Mr. Payne reported that it stood thus:

For Richard A. Buckner, For John Calhoon, For James T. Morehead, 36 44 54

No one having received a majority of all the votes given, the Senate voted the twelfth time as follows, viz:

Those who voted for Richard A. Buckner, were—


Those who voted for John Calhoon, were—


Those who voted for James T. Morehead, were—


The same committee was appointed to compare and report the joint vote.

Mr. Johnston reported that it stood thus:

For Richard A. Buckner, For John Calhoon, For James T. Morehead, 32 47 55

No one having received a majority of all the votes given, the Senate voted the thirteenth time as follows, viz:

Those who voted for Richard A. Buckner, were—

Those who voted for John Calhoon, were—

Messrs. Burnett, Dyer, Hughes, Huston, James, Jesus, Johnston, Pirtle, Pratt, Rice,
Schooling, Sterett, Walker, C. J.

Those who voted for James T. Morehead, were—

Messrs. Bailey, Ballinger, Clarke, Griffith, Hanson, Morgan, J. S. Payne, Slaughter, Tomlinson, Walker, J. V.
Wickliffe, Williams, M.
Williams, S. L.
Young—14.

The same committee was appointed to compare and report the joint vote.

Mr. Johnston reported that it stood thus:

For Richard A. Buckner, 38
For John Calhoon, 46
For James T. Morehead, 50

No one having received a majority of all the votes given, the Senate voted the fourteenth time as follows, viz:

Those who voted for Richard A. Buckner, were—


Those who voted for John Calhoon, were—

Messrs. Burnett, Dyer, Hughes, Huston, James, Jesus, Johnston, Pirtle, Pratt, Rice,
Schooling, Sterett, Walker, C. J.

Those who voted for James T. Morehead, were—

Messrs. Bailey, Ballinger, Clarke, Griffith, Hanson, Morgan, J. S. Payne, Slaughter, Tomlinson, Walker, J. V.
Wickliffe, Williams, M.
Williams, S. L—13

The same committee was appointed to compare and report the joint vote.

Mr. Payne reported that the joint vote stood thus:
No one received a majority of all the votes given.

Ordered, That Mr. Pratt inform the House of Representatives that the Senate desire, after taking two more votes, if no election be made, to suspend voting till to-morrow, twelve o'clock.

A message was received from the House of Representatives, announcing that they concurred in suspending voting as desired by the Senate.

Messages were received from the House of Representatives, announcing that Richard H. Menifee, Thomas F. Marshall and Christopher Tompkins stood in nomination before that body for the office of Senator in Congress, in addition to those already in nomination.

A message was received from the House of Representatives, announcing that the nomination of Thomas F. Marshall was withdrawn.

The Senate voted the fifteenth time as follows, viz:

Those who voted Richard A. Buckner, were—


Those who voted for John Calhoon, were—


Those who voted for James T. Morehead, were—

Messrs. Bailey, Ballinger, Clarke, De Courcey, Griffith, Hanson, Johnston, Morgan, J. S. Payne, Slaughter, Tomlinson, Walker, J. V. Williams, M. Williams, S. L.—14

For Mr. Menifee—Walker, C. J.

For Mr. Tompkins—none.

The same committee was appointed to compare and report the joint vote.

Mr. Payne reported that the joint vote stood thus:

For Richard A. Buckner, — — — 41
For John Calhoon, — — — 48
For James T. Morehead, — — — 45
For Richard H. Menifee, — — — 3
For Christopher Tompkins, — — — 23
No one received a majority of all the votes given.
A message was received from the House of Representatives, announcing
that the nomination of Mr. Tompkins was withdrawn.
The Senate voted the sixteenth time as follows, viz:

Those who voted for Richard A. Buckner, were—
Messrs. Barlow, Craddock, Ford,
Hardin, Quarles, Symson, Wallace—7.

Those who voted for John Calhoon, were—
Messrs. Burnett, De Courcy, Dyer, Griffith, Hughes,
Huston, James, Jesup, Pirtle,

Those who voted for James T. Morehead, were—
Messrs. Bailey, Ballinger, Clarke, Hanson,
Johnston, Morgan, J. S. Payne, Slaughter,

Those who voted for Richard H. Menifee, were—
Williams, M.

The same committee was appointed to compare and report the joint vote.
Mr. Payne reported that it stood thus:

For Richard A. Buckner, - - - - 36
For John Calhoon, - - - - 39
For James T. Morehead, - - - - 35
For Richard H. Menifee, - - - - 21

And then the Senate adjourned.

THURSDAY, FEBRUARY 18, 1841.

A message was received from the House of Representatives, announcing
that they had concurred in the amendments proposed by the Senate to a
bill from that House, entitled, an act for the relief of emigrants and others.
That they had passed bills from the Senate of the following titles, viz:

An act to amend the several acts providing for internal improvements in the State of Kentucky.

An act altering the terms of the Estill County Court.

That they had passed a bill, entitled, an act to amend the charter of the Lexington, Harrodsburg and Perryville Turnpike Company.

That they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, viz:

An act to incorporate the Nelson county Mutual Insurance Company.

An act for the benefit of the Police Judge of the town of Lancaster, and for other purposes.

An act to amend the several acts to suppress the practice of duelling.

An act for the benefit of Samuel G. Tillet, Sheriff of Garrard county, and the Sheriff of Shelby county.

An act to amend the penal laws.

An act to amend the laws in relation to elections in the town of Georgetown, and for other purposes.

An act to increase the resources of the Sinking Fund, and for other purposes. Approved February 17, 1841.

Mr. De Courcy presented the petition of sundry Contractors on the rivers, praying for the passage of a law granting them further relief—which was received and referred to the committee on Internal Improvement.

Mr. Clarke, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, establishing the Shelby College, reported the same without amendment, and the said bill was laid on the table.

Mr. Ballinger, from the committee of Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the Louisville and Portland Canal Company, reported the same without amendment.

Mr. Hanson moved to lay the said bill on the table.

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

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

Those who voted in the affirmative, were—

Messrs. Bailey, Huston, Walker, J. V.
Barlow, Jesup, Wallace,
Clarke, Morgan, J. S. Weller,
De Courcy, Pratt, Wickliffe,
Hanson, Sterrett, Williams, M.
Hardin, Tomlinson, Williams, S. L—19
Hughes,
JOURNAL OF THE SENATE.

Those who voted in the negative, were—


Mr. Johnston, from the committee on 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—which were amended and concurred in.

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

The constitutional rule as to the third reading being dispensed with, Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

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

An act to authorize John M. Weddle to lay out a town on his lands in the county of Pulaski.

An act concerning the Goose Creek Salt Works road, in Knox county.

An act for the benefit of Justice Hays' devisees.

An act supplemental to the act granting a change of venue to James S. McCauley.

An act to establish the Pond Creek and Green River Coal Company.

That they had adopted a resolution in relation to the sale of State bonds.

A bill from the House of Representatives, entitled, an act for the benefit of the Lexington and Ohio Railroad Company was read the third time.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Resolved, That the title thereof be as aforesaid.

The committee on Religion was discharged from the further consideration of a bill from the House of Representatives, to them referred, entitled, an act for the divorce of Elizabeth Merritt.

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

The constitutional rule as to the third reading being dispensed with,

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 that they had passed bills of the following titles, to wit:

An act for the benefit of Mrs. Frances B. Moore.
An act to authorize the County Court of Graves county to change the State road in said county, and for other purposes.
An act for the benefit of Wm. Coffield.
An act for the benefit of the Versailles and Anderson Turnpike Road Company.

That they had disagreed to the first and second amendments and concurred in the other amendments proposed by the Senate to a bill from that House, entitled, an act for the appropriation of money.

Resolved, That the Senate recede from the said amendments.

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

An act to amend the charter of the Lexington, Harrodsburg and Perryville Turnpike Company.
An act for the benefit of Mrs. Frances B. Moore.
An act for the benefit of Wm. Coffield.
An act for the benefit of the Versailles and Anderson Turnpike Road Company.

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

The constitutional rule as to the second and third readings of said bills being dispensed with,

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 to prevent injury to turnpike roads, was read a 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 that they had concurred in the amendments proposed by the Senate to a bill from that House, entitled, an act further to provide for the appointment of patrols in this Commonwealth.

That they had passed bills which originated in the Senate of the following titles, viz:
An act for the benefit of Rachel Murray.
An act for the benefit of Betsey D. Tilley.
An act for the benefit of Sereny Hall and Maria Gibbs.
An act for the benefit of the children of Thomas W. Peake.
An act to amend and continue in force an act offering a reward for the discovery of the disease called the Milk Sickness.
An act for the divorce of George Ann Murray.
An act for the benefit of Mary Bledsoe.
An act for the divorce of Elizabeth Ann Doty.
An act to alter the time of holding the Washington and Marion Circuit Courts, and for other purposes.
An act for the benefit of Transylvania University, Centre College, Georgetown College, Bacon College, Shelby College, Louisville College, Cumberland College, Augusta College, St. Joseph's College, and the Western Baptist Theological Institute.
An act to add Russell county to the 8th Judicial district.
With an amendment to the last named bill—which amendment was concurred in.
Leave was given to Mr. Dyer to withdraw the petition of Jacob Stom, and to Mr. De Courcy to withdraw his petition.
A bill from the House of Representatives, entitled, an act to incorporate the town of Smithland, and for other purposes, was read the third time as amended.
Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.
On motion, the committee on the Judiciary, the committee on Propositions and Grievances, the committee on Privileges and Elections, the committee on Internal Improvement, the committee on Military Affairs, the committee on Education, the committee on the Sinking Fund, the committee on Federal Relations, and the committee on Finance were discharged from the further consideration of all the business before them.
On the motion of Mr. De Courcy, the select committee were discharged from the duty of preparing and bringing in a bill to appropriate the escheated lands in this Commonwealth to the counties in which they lie, in aid of the Common Schools.
The committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives of the following titles, viz:
An act for the benefit of Morrison W. Smith, and others.
An act to incorporate the Harrodsburg Lyceum.
An act to divorce Mary Edrington.
An act to divorce Alice A. Price.
An act for the benefit of the Sheriffs of Laurel and Livingston counties.
An act for the benefit of the Sheriff of Rockcastle county.
An act to divorce Thomas M. Pulliam.
An act for the divorce of James Newton.
An act for the divorce of Benjamin Bennett.
An act for the benefit of Edward S. Coleman, late Sheriff of Franklin county, and for other purposes.
An act prescribing the mode of preserving the evidences of the payment of interest on certain State Bonds.
An act for the erection of additional rooms for the accommodation of the Auditors of Public Accounts, and for other purposes.
An act for the benefit of James P. Howard.
An act for the benefit of Joseph Nelson.
An act for the benefit of James Jenkins.
An act for the benefit of the Sheriff of Casey county.
An act to amend an act to incorporate the towns of Harrodsburg and Danville, approved March 1, 1836.
An act to divorce Ann E. McCoun, and for other purposes.
An act for the benefit of the Clerk of the Pendleton Circuit and County Courts.
An act for the benefit of the Sheriff of Meade county.
An act for the benefit of the Versailles and Anderson Turnpike Road Company.
An act to amend the charter of the Lexington, Harrodsburg and Perryville Turnpike Company.
An act supplemental to an act, entitled, an act to amend the law prohibiting the importation of slaves into this State.
An act for the benefit of the Lexington and Ohio Railroad Company.
An act to prevent injury to turnpike roads.
An act for the benefit of Mrs. Frances B. Moore.
An act for the divorce of Elizabeth Merrit.
An act for the benefit of Wm. Coffield.
An act further to provide for the appointment of Patrolls in this Commonwealth.
An act for the appropriation of money.

And had found the same truly enrolled.

The Speaker of the House of Representatives having signed the said bills, 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, announcing that they had received official information that the Governor had approved and signed the said bills.
A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, to-wit:

An act to amend an act, entitled, an act to amend and reduce into one the several acts regulating the town of Henderson, approved January 21st, 1840.

An act to establish the 18th Judicial District, and for other purposes.

An act for the benefit of the Clerks of the Oldham and Cumberland County Courts.

The committee on Enrollments, reported that the committee had examined enrolled bills and a resolution which originated in the Senate of the following titles, viz:

An act further to amend the charter of the Mechanics' Savings Institution of Louisville.

An act to establish the town of Milburn in the county of Hickman.

An act to amend the several acts providing for internal improvements in the State of Kentucky.

An act to amend the laws incorporating the town of Hickman.

An act altering the terms of the Estill County Courts.

An act for the benefit of Marietta H. Estes, and her children.

An act for the benefit of Mary Bledsoe.

An act for the divorce of Elizabeth Ann Doty.

An act supplemental to the act granting a change of venue to James S. McCauley.

An act to establish the Pond Creek and Green River Coal Company.

An act to authorize John M. Weddle to lay out a town on his land, in the county of Pulaski.

An act for the benefit of Transylvania University, Centre College, Georgetown College, Bacon College, Shelby College, Louisville College, Cumberland College, Augusta College, St. Joseph's College, and the Western Baptist Theological Institute.

An act for the benefit of Justice Hays' devisees.

An act for the benefit of Betsey D. Tilley.

An act for the divorce of George Ann Murray.

An act for the benefit of Rachel Lindsey.

An act for the benefit of Sereny Hall and Maria Gibbs.

An act to alter the time of holding the Washington and Marion Circuit Courts, and for other purposes.

An act concerning the Goose Creek Salt Works road, in Knox county.

An act for the benefit of the children of Thomas W. Peake.

An act to add Russell county to the eighth Judicial District.
An act to amend and continue in force an act offering a reward for the
discovery of the disease called Milk Sickness.
A resolution directing the manner of printing the acts of the General As-
sembly.

And had found the same truly enrolled.
The said bills and resolution having been signed by the Speaker of the
House of Representatives, the Speaker of the Senate affixed his signature
thereunto, and they were delivered to the committee to be presented to the
Governor for his approbation and signature. After a short time Mr. Weller
reported that the committee had performed that duty.

After some time a message was received from the Governor, announcing
that he had approved and signed the said bills.
A message was sent to the House of Representatives informing them that
the Senate is now ready to proceed to the election of a Senator in Congress.
A message was received from the House of Representatives, announcing
that they are ready to proceed to said election.

The Senate then voted the seventeenth time as follows, viz:

Those who voted for Richard A. Buckner, were—
Messrs. Barlow, Craddock, Ford,
Hardin, Pratt, Quarles,

Those who voted for John Calhoon, were—
Messrs. Burnett, De Courcy, Dyer,
Huston, James, Jesup,
Schooling, Sterett, Wickliffe—11.
Hughes, Pirtle,

Those who voted for James T. Morehead, were—
Messrs. Bailey, Ballinger, Clarke,
Johnston, Payne, Slaughter,
Tomlinson, Walker, J. V.
Hanson, Weller—10.

Those who voted for Richard H. Menifee, were—
Messrs. Morgan, D. Morgan, J. S.
Rice, Walker, C. J.

Messrs. J. S. Morgan, Sterett and Young were appointed a committee, on
the part of the Senate, to compare and report the joint vote.

After a short time Mr. J. S. Morgan reported that the joint vote stood
thus:

For Richard A. Buckner, 31
For John Calhoon, 39
For James T. Morehead, 31
For Richard H. Menifee, 32
No one received a majority of all the votes given.
A message was received from the House of Representatives, announcing that the nomination of Mr. Menifee was withdrawn.
The senate then voted the eighteenth time as follows, viz:

Those who voted for Richard A. Buckner, were—
Messrs. Barlow, Craddock, Hardin, Morgan, D. Quarles, Sympson, Wallace, Young—S.

Those who voted for John Calhoon, were—

Those who voted for James T. Morehead, were—
Messrs. Bailey, Ballinger, Clarke, Ford, Hanson, Morgan, J. S. Payne, Slaughter, Walker, J. V. Weller, Williams, M. Williams, S. L—12

The same committee was appointed to compare and report the joint vote.
Mr. J. S. Morgan reported that it stood thus:
For Richard A. Buckner, For John Calhoon, For James T. Morehead, 40 48 45

No person having received a majority of all the votes given.
Ordered, That Mr. Ballinger inform the House of Representatives that the Senate desire, after taking two more votes, if no election be made, to suspend voting till three o'clock this evening.
The Senate voted the nineteenth time as follows, viz:

Those who voted for Richard A. Buckner, were—
Messrs. Barlow, Craddock, Hardin, Morgan, D. Quarles, Sympson, Wallace, Young—S.

Those who voted for John Calhoon, were—
Those who voted for James T. Morehead, were—


The same committee was appointed to compare and report the joint vote. A message was received from the House of Representatives, announcing that they concurred in suspending voting as desired by the Senate.

Mr. J. S. Morgan reported that the 19th joint vote stood thus:

For Richard A. Buckner, 34
For John Calhoon, 45
For James T. Morehead, 53

No person having received a majority of all the votes given, the Senate voted the twentieth time as follows, viz:

Those who voted for Richard A. Buckner, were—


Those who voted for John Calhoon, were—


Those who voted for James T. Morehead, were—


The same committee was appointed to compare and report the joint vote. Mr. J. S. Morgan reported that it stood thus:

For Richard A. Buckner, 34
For John Calhoon, 41
For James T. Morehead, 55

No one having received a majority of all the votes given, the nomination of Mr. John Calhoon was withdrawn.

Messages were received from the House of Representatives, announcing that George Robertson and Charles S. Morehead stood in nomination before that body for the office of Senator in Congress.
The name of Mr. Richard A. Buckner was withdrawn.

Mr. Wickliffe nominated Joseph R. Underwood as a suitable person for that office.

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

Messages were received from the House of Representatives, announcing that the nominations of Mr. C. S. Morehead and George Robertson had been withdrawn.

The Senate voted the twenty first time as follows, viz:

Those who voted for James T. Morehead, were—

Messrs. Bailey, Ballinger, Clarke, De Courcy, Dyer, Griffith, Hanson, James, Jesup, Morgan, D., Morgan, J. S., Payne, Slaughter, Tomlinson, Wallace, Weller, Williams, M., Williams S. L—18

Those who voted for Joseph R. Underwood, were—


The same committee was appointed to compare and report the joint vote.

Mr. J. S. Morgan reported that it stood thus:

For James T. Morehead, 72
For Joseph R. Underwood, 61

Whereupon Mr. James T. Morehead having received a majority of all the votes given, was declared duly elected a Senator in the Congress of the United States for the State of Kentucky for six years, from and after the fourth day of March next.

All the orders of the day were laid on the table.

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

The rule of the Senate being dispensed with, 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 annexed to their respective names:

Henry A. Bush to be Police Judge of Hickman.
Richard A. Buckner to be Circuit Judge of the 18th Judicial District.
William R. McFerran to be Attorney of the Commonwealth in the 18th Judicial District.

Thomas Metcalfe to be President, and Samuel Daviess and Peter Dudley to be Members of the Board of Internal Improvement.

February 18, 1841. R. P. LETCHER.

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

The resolution from the House of Representatives in relation to the sale of State bonds, was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor shall be, and he is hereby, authorized to sell, on such terms as he may deem advisable, so much of the thirty year bonds, now authorized to be sold, as may be sufficient to pay Contractors for work already done.

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

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

Those who voted in the affirmative, were—

Messrs. Ballinger, Clarke, Craddock, De Courcy, Dyer, Ford, Hanson, Johnston, Morgan, J. S., Payne, Pirtle, Pratt, Slaughter, Slaughter, Tomlinson, Wallace, Williams, S. L., Williams, S. L.

Those who voted in the negative, were—


On the motion of Mr. Ballinger, a message was sent to the House of Representatives, informing them that the Senate having finished the legislative business before them, are now ready to adjourn.

Messrs. Quarles, Payne and Pirtle were appointed a committee, on the part of the Senate, to wait on the Governor and inform him of the intended adjournment of the General Assembly, and to know if he has any further communication to make.

Ordered, That Mr. Ballinger inform the House of Representatives thereof. A message was received from the House of Representatives, announcing that they had finished the legislative business before them, and are now
ready to adjourn; and that they had appointed a committee, on their part, to wait on the Governor and inform him of the intended adjournment, and to know if he has any further communication to make. The committee on the part of the Senate retired, and after a short time returned, when Mr. Quarles reported that the joint committee had performed the duty assigned them, and were informed by the Governor that he had no further communication to make.

The Speaker having retired, Mr. Huston being in the Chair, Mr. Johnston moved the following resolution, viz:

Resolved, That the thanks of the Senate be tendered to the Hon. Manlius V. Thomson for the able, dignified and impartial manner in which he has discharged the duties of Speaker of the Senate during the present session.

Which was twice read and unanimously adopted.

The Speaker having resumed the Chair, delivered an appropriate address, and adjourned the Senate without day,
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