JOURNAL
OF
THE SENATE
OF THE
COMMONWEALTH OF KENTUCKY,

AGUN AND HELD IN THE TOWN OF FRANKFORT, ON WEDNESDAY THE THIRTY FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD, 1845, AND OF THE COMMONWEALTH, THE FIFTY FOURTH.

FRANKFORT, KENTUCKY,
A. G. HODGES:::STATE PRINTER,
1845.
At a General Assembly, begun and held for the State of Kentucky, at the Capitol in the town of Frankfort, on Wednesday, the 31st day of December, one thousand eight hundred and forty five, it being the day appointed by law for the meeting of the General Assembly—the following members of the Senate appeared and took their seats, to-wit:

From the third Senatorial District, Ninian E. Gray; from the fourth, James V. Walker; from the sixth, William F. Evans; from the seventh, B. Mills Crenshaw; from the eighth, William N. Marshall; from the ninth, Ambrose S. Bramlette; from the tenth, Parker C. Hardin; from the twelfth, Francis Peyton; from the fourteenth, John L. Helm; from the sixteenth, Camden M. Ballard; from the seventeenth, Walter C. Drake; from the eighteenth, G. Clayton Slaughter; from the nineteenth, George C. Thurman; from the twentieth, John Draffin; from the twenty first, Alfred Boyd; from the twenty second, Fountain T. Fox; from the twenty third, William Chenault; from the twenty fourth, James S. Henderson; from the twenty fifth, John Wallace; from the twenty sixth, John J. Thomas; from the twenty seventh, Thomas H. Bradford; from the twenty eighth, Samuel F. Swope; from the twenty ninth, Hugh Newell; from the thirtieth, Stilwell Heady; from the thirty first, Robert S. Todd; from the thirty second, Tucker Woodson; from the thirty third, Samuel M. Taylor; from the thirty fourth, William Conner; from the thirty fifth, Wilson P. Boyd; from the thirty sixth, Marshal Key; from the thirty seventh, Henry C. Harris; from the thirty eighth, Jeremiah W. South.

The said William F. Evans, Ambrose S. Bramlette, George C. Thurman, John Draffin, James S. Henderson, John J. Thomas, Stilwell Heady, and Robert S. Todd, severally produced certificates of their election, and took the oaths required by the Constitution of the United States, and the Constitution of this State.

The Senate then took a recess until half past 2 o'clock.

The Senate met at half past 2 o'clock.

The Lieutenant Governor and Speaker of the Senate being absent, Mr. Hardin nominated Mr. Robert S. Todd, as a proper person to fill the office of Speaker of the Senate for the occasion.

Mr. South nominated Mr. Henry C. Harris.
Upon taking the vote it stood thus:

Those who voted for Mr. Todd, were—

Messrs. Boyd, W. P. Evans, Key,
Bradford, Fox, Peyton,
Bramlette, Gray, Slaughter,
Chenault, Hardin, Taylor,
Crenshaw, Helm, Walker,
Draffin, Henderson, Woodson—19.
Drake,

Those who voted for Mr. Harris, were—

Messrs. Ballard, Marshall, Thomas,
Boyd, A. Newell, Thurman,
Conner, South, Wallace—11.
Heady, Swope,

Mr. Todd having received a majority of all the votes given, was declared duly elected Speaker of the Senate for the occasion.

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 Constitution and laws of this State.

Mr. Walker moved the following resolution, to-wit:

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 said Assistant, and that he have power to remove said Assistant at pleasure.

Mr. Evans moved to amend the said resolution by substituting in lieu thereof the following, to-wit:

Resolved, That the Senate now proceed to the election of an Assistant Clerk to serve during the present session, who shall be held responsible to the Senate for all his official conduct, as such Assistant Clerk; and that his compensation shall be five dollars per day.

The question being taken on adopting the said amendment, it was decided in the negative.

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

Those who voted in the affirmative, were—

Messrs. Ballard, Fox, Slaughter,
Bramlette, Harris, Swope,
Draffin, Heady, Thomas,
Drake, Marshall, Thurman,
Evans, Peyton, Woodson—15.

Those who voted in the negative, were—

Messrs. Boyd, A. Gray, South,
Boyd, W. P. Hardin, Taylor,
Bradford, Helm, Todd,
On the motion of Mr. Harris, the resolution offered by Mr. Walker was amended by adding thereto the following, viz:

"And that the compensation of the Assistant Clerk, shall be five dollars only, per day."

The said resolution, as amended, was then adopted.

Whereupon the Clerk appointed Theodore Kohlhass, Assistant Clerk, who took the oaths required by the Constitution of the United States, and Constitution and Laws of this State.

Mr. South nominated Mr. William Hardin, as a proper person to fill the office of Sergeant-at-Arms of the Senate during the present session.

Mr. Drake nominated John Mayhall.

Mr. Taylor nominated John D. McClure.

Upon taking the vote it stood thus:

Those who voted for Mr. Mayhall, were—

| Boyd, A. | Draffin, | Henderson, |
| Chenault, | Drake, | Key, |
| Conner, | Evans, | Peyton, |
| Crenshaw, | Gray, | Walker—12. |

Those who voted for Mr. McClure, were—

| Ballard, | Fox, | Thomas, |
| Boyd, W. P. | Newell, | Thurman, |
| Bradford, | Swope, | Wallace, |

Those who voted for Mr. Hardin, were—

| Hardin, | Helm, | Slaughter, |
| Harris, | Marshall, | South—7. |
| Heady, | | |

No person having received a majority of all the votes given, the nomination of Mr. Hardin was withdrawn.

The Senate proceeded to vote a second time for Sergeant-at-Arms; and upon taking the vote it stood thus:

Those who voted for Mr. Mayhall, were—

| Boyd, A. | Drake, | Henderson, |
| Chenault, | Evans, | Key, |
| Conner, | Gray, | Peyton, |
| Crenshaw, | Hardin, | Slaughter, |
| Draffin, | Helm, | Walker—15. |
Those who voted for Mr. McClure, were—

Mr. Speaker, Harris, Taylor,
Messrs. Ballard, Heady, Thomas,
Boyd, W. P. Marshall, Thurman,
Bradford, Newell, Wallace,
Bramlette, South, Woodson—17.
Fox, Swope,

Mr. McClure 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.

Mr. Walker nominated Alexander A. Harvey, as a proper person to fill the office of Doorkeeper of the Senate during the present session.

Mr. Hardin nominated Benjamin Selby.
Mr. Drake nominated Zephaniah Williams.
Mr. Bradford nominated Lewis B. Fenwick.
Mr. Harris nominated C. N. Johnston.
Mr. Key nominated A. G. Watts.

Upon taking the vote it stood thus:

Those who voted for Mr. Harvey, were—

Crenshaw, Helm,

Those who voted for Mr. Selby, were—

Messrs. Conner, Hardin, Thurman—5.
Fox, Swope,

Those who voted for Mr. Fenwick, were—

Mr. Speaker, Draffin, Henderson,

Those who voted for Mr. Johnston, were—

Messrs. Ballard, Marshall, Thomas,
Harris, South,

Those who voted for Mr. Watts, were—

Messrs. Boyd, W. P. Gray, Slaughter,
Chenault, Key, Woodson—8.
Drake, Peyton,

Mr. Williams received no vote.

No person having received a majority of all the votes given, the nomination of Mr. Williams and Mr. Johnston were withdrawn, and the Senate proceeded to vote a second time for Doorkeeper, and upon taking the vote it stood thus:
Those who voted for Mr. Harvey, were—

Messrs. Boyd, A. Evans, Taylor,
Bramlette, Helm, Walker—8.
Crenshaw, Marshall,

Those who voted for Mr. Selby, were—

Messrs. Ballard, Harris, Thomas,
Conner, Newell, Thurman,
Fox, South, Wallace—11.
Hardin, Swope,

Those who voted for Mr. Fenwick, were—

Mr. Speaker, Draffin, Henderson—5.
Messrs. Bradford, Heady,

Those who voted for Mr. Watts, were—

Messrs. Boyd, W. P. Gray, Slaughter,
Chenault, Key, Woodson—8.
Drake, Peyton,

No person received a majority of all the votes given.

Mr. Pierce Butler, a member of the Senate from the fifteenth Senatorial District, appeared, produced a certificate of his election and having taken the several oaths required by the Constitution of the United States, and the Constitution of this State, took his seat.

The Senate then proceeded to vote a third time for Doorkeeper, and upon taking the vote it stood thus:

Those who voted for Mr. Harvey, were—

Messrs. Boyd, A. Evans, Marshall,
Bramlette, Helm, Walker—7.
Crenshaw,

Those who voted for Mr. Selby, were—

Messrs. Ballard, Harris, Thomas,
Conner, Newell, Thurman,
Fox, South, Wallace—11.
Hardin, Swope,

Those who voted for Mr. Fenwick, were—

Mr. Speaker, Draffin, Henderson—5.
Messrs. Bradford, Heady,

Those who voted for Mr. Watts, were—

Messrs. Boyd, W. P. Gray, Slaughter,
Butler, Key, Taylor,
Chenault, Peyton, Woodson—10.
Drake,

No person having received a majority of all the votes given, a fourth vote was taken, and it stood thus:
JOURNAL OF THE SENATE.

Those who voted for Mr. Harvey, were—

Messrs. Boyd, A. Evans, Taylor,
Bramlette, South, Walker—7.
Crenshaw,

Those who voted for Mr. Selby, were—

Messrs. Ballard, Harris, Thomas,
Conner, Helm, Thurman,
Fox, Newell, Wallace—11.
Hardin, Swope,

Those who voted for Mr. Fenwick, were—

Mr. Speaker, Draffin, Henderson,

Those who voted for Mr. Watts, were—

Messrs. Boyd, W. P. Drake, Peyton,
Butler, Gray, Slaughter,
Chenault, Key, Woodson—9.

No person received a majority of all the votes given.

On the motion of Mr. Harris,
Resolved, That after the next ballot for Doorkeeper, we will drop the candidate who has the smallest number of votes, and continue to drop the hindmost candidate, until an election is effected.

The Senate proceeded to vote a fifth time for Doorkeeper, and upon taking the vote it stood thus:

Those who voted for Mr. Harvey, were—

Messrs. Boyd, A. Evans, Newell,
Bramlette, Helm, Walker—8.
Crenshaw, Marshall,

Those who voted for Mr. Selby, were—

Messrs. Ballard, Harris, Thomas,
Conner, South, Thurman,
Fox, Swope, Wallace—10.
Hardin,

Those who voted for Mr. Fenwick, were—

Mr. Speaker, Draffin, Henderson,

Those who voted for Mr. Watts, were—

Messrs. Boyd, W. P. Drake, Peyton,
Butler, Gray, Slaughter,
Chenault, Key, Woodson—9.

No person having received a majority of all the votes given, a sixth vote was taken, and it stood thus:
Those who voted for Mr. Harvey, were—

Messrs. Boyd, A. Evans, Newell,
Bramlette, Helm, South,

Those who voted for Mr. Selby, were—

Mr. Speaker, Fox, Henderson,
Messrs. Ballard, Hardin, Thomas,
Bradford, Harris, Thurman,

Those who voted for Mr. Watts, were—

Messrs. Boyd, W. P. Gray, Swope,
Butler, Key, Taylor,
Chenault, Peyton, Woodson—11.
Drake, Slaughter,

No person having received a majority of all the votes given, a seventh vote was taken, and it stood thus:

Those who voted for Mr. Selby, were—

Mr. Speaker, Evans, Marshall,
Messrs. Ballard, Fox, Newell,
Boyd, A. Hardin, South,
Bradford, Harris, Thomas,
Bramlette, Heady, Thurman,
Conner, Helm, Wallace—20.

Those who voted for Mr. Watts, were—

Messrs. Boyd, W. P. Gray, Swope,
Butler, Key, Taylor,
Chenault, Peyton, Walker,
Crenshaw, Slaughter,
Drake, Woodson—13.

Benjamin Selby having received a majority of all the votes given, was declared duly elected Doorkeeper 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. Harris,

Ordered, That a message be sent to the House of Representatives, to inform them that the Senate have met, elected their officers, and are now ready to proceed to legislative business, and Mr. Harris was directed to carry said message.

A message was received from the House of Representatives, by Mr. L. Combs, announcing that they had met and organized, and are now ready to proceed to legislative business, and had appointed a committee on their part, to wait upon 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.

Whereupon, Messrs. Peyton, Harris, Taylor and Hardin, were appointed a committee on the part of the Senate.

The committee on the part of the Senate retired, and after a short time returned, when Mr. Peyton 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 on to-morrow at 11 o'clock.

And then the Senate adjourned.

THURSDAY, JANUARY 1, 1846.

1. Mr. Peyton presented the petition of Philip Lightfoot, late Sheriff of Breckinridge county, praying for the passage of a law to refund to him the sum of thirty-five dollars and twelve cents, paid by him as interest and costs on a judgment in the General Court, for failing to pay in the revenue at the time required by law.

2. Mr. Peyton also presented the petition of Nathan Board and Richard Skillman, praying for the passage of a law to pay them for carrying Hose, a lunatic, to the Lunatic Asylum, in pursuance of the order of the Breckinridge Circuit Court.

3. Mr. Peyton also presented the petition of Stephen R. Moredock, executor of James Moredock, deceased, praying for the passage of a law authorizing the Circuit Court of Breckinridge county, to decree a sale of a tract of land, and invest the proceeds in the purchase of slaves.

4. Mr. Evans presented the petition of Jonathan Davis, praying for the passage of a law allowing him to import into this State, from the State of Tennessee, a negro boy named Reuben, without incurring any penalty.

5. Mr. Draffin presented the petition of David Stout, Jas. D. Parker and Madison Blakemore, citizens of Franklin county, praying for the passage of a law to change the Franklin and Anderson county line, so as to include them in the county of Anderson.

6. Mr. Draffin also presented the petition of William S. Hickman and William H. Stephens, (the first the guardian of the latter,) praying for the passage of a law authorizing the said Hickman to sell three negro women, slaves, the property of said Stephens.
Which petitions were severally received and referred: the 1st and 2d to the committee on Finance; the 3d and 6th to the committee on the Judiciary; and the 4th and 5th to the committee on Propositions and Grievances.

On the motion of Mr. Bradford,
Resolved, That the Speaker request the Ministers of the gospel, residing in Frankfort, to alternate with each other in opening the Senate daily, by prayer to Almighty God.

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

On the motion of Mr. Butler,
Resolved, That Taliaferro P. Shaffner be allowed a seat within the bar of the Senate for the purpose of reporting its proceedings for the Kentucky Yeoman.

On the motion of Mr. Drake,
Resolved, That A. R. Murray have privileges within the bar of the Senate as reporter and correspondent for the Shelby News.

On the motion of Mr. Harris,
Resolved, That a committee of five be appointed on Public Printing, whose duty it shall be to report to the Senate whether the Public Printing cannot be done cheaper than it has been done heretofore, and what reduction in the cost can be obtained, without affecting the interest of the State.

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

On the motion of Mr. Marshall—1. A bill for the benefit of Edward Lewis, late Sheriff of Green county.

On the motion of Mr. Helm—2. A bill to create a fund, and provide the means and ways to discharge the Internal Improvement debt of Kentucky.

Also—3. A bill to amend the charter of the Louisville and Elizabethtown Turnpike Road Company, and provide for the erection of a bridge across Salt river, at the mouth.

On the motion of Mr. Marshall—4. A bill to change the terms of the Green and Hart Circuit Courts.

On the motion of Mr. Conner—5. A bill to improve the navigation of Little Sandy river.

On the motion of Mr. Peyton—6. A bill to continue in force the law authorizing the appointment of Commonwealth's Attorneys.

On the motion of Mr. Harris—7. A bill to modify the law of 1833, in relation to the importation of slaves into this State, so as to allow any resident citizen to import a slave for their use.

On the motion of Mr. W. P. Boyd—8. A bill to abolish militia musters in this Commonwealth.

Also—9. A bill to make it the duty of Justices of the Peace to keep an executive docket.
On the motion of Mr. Crenshaw—10. A bill requiring that slaves hereafter emancipated in Kentucky shall be removed from the State.

On the motion of Mr. Peyton—11. A bill to continue in force the law extending the charter of the Bank of the Commonwealth.

Also—12. A bill continuing in force an act for the benefit of Isaiah Heston, late Sheriff of Breckinridge county.

On the motion of Mr. Evans—13. A bill to prevent the killing of sheep, by dogs, in this Commonwealth.

On the motion of Mr. Peyton—14. A bill to add to the resources of the Sinking Fund, by providing for a tax on process issued by Justices of the Peace.

Messrs. Marshall, Harris and Hardin, were appointed a committee to prepare and bring in the 1st; Messrs. Helm, Slaughter, Crenshaw and Gray the 2d; Messrs. Helm, Peyton and Evans the 3d; Messrs. Marshall, Harris, South and Crenshaw the 4th; Messrs. Conner, Harris and W. P. Boyd the 5th; Messrs. Peyton, Gray and Helm the 6th; Messrs. Harris, Peyton, Gray and Helm the 7th; Messrs. Peyton, Hardin and Gray the 11th; Messrs. Peyton, Harris and Gray the 12th; Messrs. Evans, Crenshaw and Walker the 13th; Messrs. Peyton, Helm and Crenshaw the 14th; the committee on Military Affairs was directed to prepare and bring in the 8th, and the committee on the Judiciary the 9th and 10th.

On the motion of Mr. Drake,

Resolved, That T. B. Stevenson have privileges within the bar of the Senate as reporter for the Commonwealth.

A message, in writing, was received from the Governor, by Mr. G. B. Kinkead, his private Secretary.

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

Gentlemen of the Senate,

and House of Representatives:

Permitted by the favor of Providence to assemble for the purpose of executing a highly important trust, we cannot begin in a manner more becoming than by acknowledging our dependence on Him, "from whom all good counsels and just works proceed," and invoking His blessing that we may be enabled to bring our labors to result beneficially to the people we represent.

The past year has just terminated without any extraordinary and unexpected change in the condition of the Commonwealth. At the date of my annual Message to the last General Assembly, the State was indebted to the Education Fund:
5 per cent. bonds, - - - - - - - - - - $850,000
6 per cent. bonds, - - - - - - - - - - - 67,000

Total amount of bonds, - - - - - - - - - - - - - - - - - $917,000
Interest unpaid on said bonds up to January, 1845, - - - - - - 198,430

Total, principal and interest, - - - - - - - - - - - - - - - - - $1,115,430

These bonds were held by the Board of Education. As required by an act of the last Legislature, these bonds were cancelled and burnt, in August last, in presence of the Secretary, Second Auditor, and Treasurer. But duplicate lists of the bonds were previously made out and signed in the manner required by the act, one of which was delivered to the Secretary and the other to the Second Auditor; and by them recorded in their respective offices. At the same time was delivered to the Board of Education, a copy of the lists, made and authenticated as required by the act. That copy is now held by the Board as an evidence of the obligation of the State to the Education Fund.

Two bonds of the State for $10,000 each, which were held by the Commissioners of the Sinking Fund, have been surrendered by them, and cancelled and burnt as required by the same act.

In the course of the past year, thirty years bonds have been issued, as follows:

In exchange for Railroad bonds, for which the State was guarantor, - - - - - - - - $150,000
In exchange for six years bonds - - - - - - - - - - 24,000
To repair Lock and Dam No. 1, on the Barren river, as required by an act of the last Legislature, - - - - 10,000

Total amount issued, - - - - - - - - - - - - - - - - - - - - - - $184,000

And during the same time there have been withdrawn from circulation and cancelled, bonds of the State, as follows:

Railroad bonds, for which the State was guarantor, $150,000
Six years State bonds, for which thirty years bonds were exchanged, - - - - - - - 24,000
The Board of Internal Improvement have also cancelled six years bonds to the amount of $17,000, which were received by them from the Lessees of the Railroad for rent prior to 1845, - - - - - - 17,000
And there have been withdrawn from circulation and cancelled, one thirty years bond for $1,000, and $2,600 of six years bonds paid into the Treasury by the Lessees of the Railroad, in part for the rent of 1845, - - - - - - - - - 3,600

Total bonds cancelled, - - - - - - - - - - - - - - - - - - - - - - - - - $194,600

These transactions place the debt of the State, at present, in a condition somewhat different from what it was at the time of my former annual Mes-
The State was then indebted for bonds she had issued and which were outstanding, $4,269,000, and as guarantor for Railroad bonds, $150,000; making together a debt of $4,419,000. The State is now indebted for bonds issued in exchange for those Railroad bonds, and those issued for all other purposes, $4,408,400. So that instead of an increase of the State debt, the gratifying fact is exhibited that during the past year, the debt of the State has been actually diminished $10,600. The diminution of the debt will be greater, if we take into the account a further liability, which was unknown to me and consequently not noticed in my former Message, but which was at that time resting on the State to redeem outstanding certificates, usually denominated Scrip, which, by an arrangement with the Governor, were issued by the Northern Bank of Kentucky for purposes of internal improvement and to repair the Railroad, under an act of 3d of March, 1842. The Treasurer has received $1,447 of those certificates or scrip, from the Lessees of the Railroad for part of the rent of 1845, and the same have been cancelled. There still remains $1,056 of the certificates or scrip outstanding and to be redeemed by the State.

The debt may also be further reduced, if it shall be the pleasure of the Legislature to direct the cancelment of $2,100 of six years bonds, which are held by the Treasurer for the benefit of the State. These bonds were purchased, by my advice, with money which had been paid into the Treasury under the act of the 18th of February, 1842, entitled, "An act to invest the Craddock fund." The money was lying idle in the Treasury and bearing interest against the State, and it was thought best to apply it to the purchase of State bonds which were also bearing interest, and thereby save the State from the burthen of double interest. Including the amount already received, there may be paid into the Treasury, of that fund, $20,000; and it is submitted for your consideration whether provision should not be made for its appropriation to some productive purpose.

The present funded debt of the State, including every description of bonds heretofore issued and not cancelled, amounts, as before remarked, to $4,408,400, and may be classified as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 per cent. bonds, payable 35 years after date</td>
<td>$165,000</td>
</tr>
<tr>
<td>5 per cent. bonds, payable 30 years after date</td>
<td>$450,000</td>
</tr>
<tr>
<td>6 per cent. bonds, payable 30 years after date</td>
<td>$3,579,000</td>
</tr>
<tr>
<td>6 per cent. bonds, payable 6 years after date</td>
<td>$100,400</td>
</tr>
<tr>
<td>6 per cent. bonds, (for repair of Railroad,) payable 6 years after date</td>
<td>$84,000</td>
</tr>
<tr>
<td>Money borrowed from Bank of Louisville</td>
<td>$30,000</td>
</tr>
<tr>
<td><strong>Total amount</strong></td>
<td><strong>$4,408,400</strong></td>
</tr>
</tbody>
</table>

To this amount should be added $1,056 of the Railroad and Internal Improvement certificates or scrip, issued by the Northern Bank, still outstanding.
ing and redeemable by the State—making the aggregate State debt, at present, $4,409,456.

But in connection with this subject, it is proper to remark, that the State is in possession of means by which part of the debt might be extinguished, without burthening the people with taxation. The State holds in her own name

- 7,000 shares of stock in the Bank of Kentucky, $700,000
- 2,500 shares of stock in the Northern Bank of Kentucky, 250,000

And in the name of the Commissioners of the Sinking Fund,

- 406 shares of stock in the Bank of Louisville, 40,600
- 2,399 shares of stock in the Bank of Kentucky, 239,900
- 400 shares of stock in Northern Bank of Kentucky, 40,000

Total amount of Bank stocks, $1,270,500

This sum deducted from the entire amount of debt, as above stated, leaves $3,138,956, which may be considered as the actual burthen of debt on the State. But when we consider that, to meet this indebtedness, the State has a very large amount of stock in the various turnpike roads, and owns the entire Kentucky and Green River Navigation, which are yearly becoming more productive to the State, and therefore more valuable; and that the State also owns the Railroad, which is in successful operation, and yielding a handsome rent to the State—it will be seen that the indebtedness may be considered as greatly diminished by these vast assets, and all fears of oppression of the people, by reason of their State debt, dismissed as groundless and illusory. This gratifying fact furnishes a conclusive answer to such persons as are disposed to reproach those who were instrumental in carrying out the internal improvements which are adding so much to the wealth, convenience and comfort of the people.

The means appropriated by law to that purpose were sufficient to pay the interest of the public debt for the fiscal year ending the 10th October, 1845. The interest is payable semi-annually, and much the greater portion on the first of January and July, in each year, in the city of New York.

The Commissioners of the Sinking Fund, to whom payment is intrusted, placed in the Bank of America, at New York, in due time, funds adequate to pay the interest that became payable at that place, on the first of January and July last, and they have remitted to that Bank sufficient funds to pay the January installment of interest in 1846. The last two payments of interest have been made without anticipating any means of the Sinking Fund which had not been received by them; and it is confidently believed that the means of the fund will enable them to be equally punctual in the payment of interest in future. Looking to the past, nothing is discovered to excite apprehension that the receipts of the Sinking Fund will diminish; but, on the contrary, we have reason to anticipate an increase in those receipts in future.
A greater amount will probably be received in dividends on stock in the Bank of Kentucky, and there is no likelihood that less will be received on dividends of stock in the other Banks. The receipts of toll from the turnpike roads and river navigation are increasing, and will likely continue to increase. The receipts into the Treasury from turnpike roads for the fiscal year ending the 10th Oct., 1843, amounted to $13,502.05. The receipts from the same source for the fiscal year ending the 10th Oct., 1844, amounted to $18,805.01. And the amount from the same source for the fiscal year ending the 10th Oct., 1845, amount to $24,869.41. The receipts into the Treasury from the Kentucky River Navigation for the fiscal year ending the 10th Oct., 1843, amounted to $3,900. The receipts from the same source for the year ending the 10th Oct., 1844, amounted to $10,563.45; and for the year ending the 10th Oct., 1845, they amount to $17,244.15. In their transit to the Treasury, the tolls on the Kentucky river, at present, pass through the Board of Internal Improvement; and the gross receipts of the Board for the years ending the last of December in 1843, 1844, and 1845, show a still greater increase. The gross receipts for the year ending the last of December, 1843, amounted to $7,852.49; in 1844, $19,044.34; and in 1845, they amount to about $34,000.

We should, however, be exceedingly careful not to do any thing by which any portion of the present resources or means of the Sinking Fund may be withdrawn or applied to other purposes. It is upon that fund we rely to pay the interest on the State debt, and it is only by fostering the resources and applying the means of the Sinking Fund to the punctual payment of interest, that we can sustain the present deservedly high credit of our State—a credit not to be mentioned without exciting emotions of exultation and pride in the breast of every lover of his country. It is a pleasing reflection that throughout the party strifes and conflicts by which the country has been frequently agitated, the love of justice has been sufficiently strong to hush the voice of repudiation and bring together and unite all in one harmonious party, animated with equal zeal and fixed determination to maintain the good faith and exalted credit of the State.

But whilst we avoid encroaching upon the Sinking Fund, it is due to the people we represent that we guard with watchful vigilance against wasteful or extravagant expenditure of its means, and afford all necessary facilities to enable the Commissioners, to whom the management of that fund is intrusted, to apply its resources and means to their legitimate purpose, without incurring as much cost as they have hitherto been compelled to suffer. This might be done by giving power to the Commissioners to deal in bills of exchange. It may be that by implication such a power is derivable from the law by which they were incorporated, and the duties which the Commissioners are required to perform. But it is much more desirable for them to have the explicit sanction of the State in a matter so important, than to
be left to derive authority for their action by doubtful construction or implication. With such a power, the means of the fund might be profitably used in the purchase of bills, and, through their instrumentality, suitable funds transmitted to the proper place to pay interest, with a saving of the exchange, which, in times past, has been paid, and which has, so far, averaged more than $3,000 per year.

The accounts of the Sinking Fund now pass through the offices of the Auditor and Treasurer, as required by an act of the last Legislature, and from the reports which will be made by those officers, and the report of the Commissioners of the Sinking Fund, you will be put in possession of full information as to the transactions of the Commissioners in the past year, and the present condition of the fund.

Shortly after the adjournment of the last Legislature, Thomas Porter and George B. Kinkead, Esqrs., were commissioned, under an act of the 10th February, 1845, to audit and settle the accounts of the President of the Bank of the Commonwealth, and to audit and settle the accounts of the Sinking Fund. It was afterwards found impracticable for Mr. Porter to devote the time and service necessary to a faithful discharge of all the duties required by the act; and he accordingly resigned his commission. Whereupon, H. I. Bodley, Esq., was commissioned to supply his place. Messrs. Kinkead and Bodley entered upon their duties in September last, and after some months of patient and laborious investigation, brought their labors to a close—a full statement of which, embodied in their report, will be laid before you.

The Second Auditor's report, with which you will be furnished, contains a full and lucid statement of the financial condition of the State, and the resources by which the expenditures of the Government, in the present year, are to be discharged. The receipts into the Treasury were ample to pay all the demands which were made against it throughout the fiscal year ending the 10th of October, 1845, and according to his present report, the receipts will be sufficient to enable the Treasury to discharge the claims which may probably come against it, in the present year. There was received into the Treasury, in the fiscal year ending the 10th October last, $354,694 16, which, added to $41,114 40 in the Treasury the 10th of October, 1844, make the amount of $395,808 46. And there was paid by the Treasury, in the same time, $362,364 10, which, deducted from $395,808 46, left in the Treasury on the 10th October, 1845, a balance of $33,444 36.

It is expected by the Second Auditor that there will be received into the Treasury, in the fiscal year ending the 10th October, 1846, $363,462 61, which, added to $33,444 36, remaining in the Treasury the 10th of October, 1845, make the sum of $396,906 97. And the expenditures for the same year are expected to amount to $377,084 20, which, deducted from
The report of the Second Auditor exhibits an increase of about five per centum in the tax receivable on property listed by the Commissioners of Tax in the year 1845, above what it was on property listed in the preceding year: and the increase, I am satisfied, would have been much greater if the duties of taking in the taxable property had been, in many cases, conferred on more competent Commissioners, and performed by them with entire accuracy. It is perfectly apparent that many of the Commissioners are destitute of the necessary qualifications to discharge correctly the duties enjoined upon them by law, and it is much to be lamented that the public interest should be brought to suffer from the ignorance of agents selected as Commissioners of Tax too frequently without regard to their qualifications or fitness for the station. It will give me great pleasure to unite with the Legislature in any constitutional measure which may, in their wisdom, be devised to remedy the evil and prevent its recurrence in future.

It may not, in this place, be inappropriate to make a suggestion or two in reference to the collectors of the public revenue. Sheriffs, at present, are entitled to a commission of seven and a half per centum on the amount of revenue collected by them, and they are required to make payment into the Treasury of the amount to which the State is entitled, against the first day of December annually. Were payment always made promptly by Sheriffs, the Commissioners of the Sinking Fund would be relieved of the necessity which, on former occasions, they have frequently been under, of anticipating their receipts in order to meet the January installment of interest on the State debt.

But it not unfrequently happens that payment is not made into the Treasury by Sheriffs until even after the first of January. I suggest it, therefore, as advisable to reduce the commission of Sheriffs to five per centum, and authorize the Second Auditor and Treasurer to allow a premium of two and a half per cent. to all Sheriffs who shall make full payment against the fifteenth day of December annually. Something like this would, I am satisfied, stimulate the Sheriffs to greater punctuality in payment, and place the Sinking Fund in more easy circumstances.

In looking over the report of the Second Auditor, his statement in reference to the expenditure for the support of idiots will claim your attention. It appears that from 1829 to 1845, inclusive, there has been paid out of the Treasury the sum of $239,871 43, for the support of idiots—numbering four hundred and fifteen in 1844, and four hundred and fifty in 1845. Whilst some of the counties have no idiots, others run up as high as twenty-three; and of the whole number of idiots, more than one-third reside in twelve counties of the ninety-nine in the State. The report does not give the number of idiots in 1829, but it gives the amount of money paid out of the
Treasury for the support of idiots in that year, and in each succeeding year up to, and including, 1845. And there seems to have been a gradual increase each year, up to 1840, at which time the amount paid out of the Treasury was double the amount paid out in 1829. The next year the amount sunk nigh four thousand dollars below what was paid in 1840, but since then, there has been an increase in each successive year, until the amount has run up to $17,500 62, a little above the sum paid out in 1840.

From these facts the conclusion is inevitable, that abuses have sprung out of the administration of the present law, and that part of those, reported idiots from some of the counties and supported out of the Treasury, are not, in truth, such. Having come from every part of the State, your better knowledge as to whatever concerns your respective counties, will likely enable you to reflect more light upon this subject, and, upon full examination, to adopt such measures as may guard the public interest against abuses in future.

Other subjects have equal claim to your consideration. In the lucid report of the Second Auditor you have exhibited a statement of the various expenditures of the government; each and all of which deserve your strict scrutiny. And if any of the purposes of expenditure be inexpedient, unwise or useless, or if they be wasteful or extravagant, the evils should be corrected and their recurrence prevented. The people will cheerfully, at all times, supply the means which may be necessary to a just and economical administration of the government, made for their benefit; but they would unwillingly have their money wasted on useless objects or squandered in extravagant expenditures. The government can only be administered by agents with duties to perform and whose labor ought to be liberally rewarded. But neglected labor ought not to be rewarded, nor should there be any useless agents or any whose services may be dispensed with without prejudice to the public weal. The people want no drones in office, nor such as wilfully fail or neglect to discharge the duties entrusted to them, and are prompt in nothing but drawing their salaries.

The President of the Bank of the Commonwealth is desirous to relinquish that office, the duties of which have long been discharged by him with great fidelity and ability. The business of the Bank has been for years past in progress of liquidation, and, in the opinion of its President, may be brought to a close through the instrumentality of some one of the public officers. No one of these officers is better qualified, and none to whom the closing up of the business could be more safely entrusted, than the present First Auditor. And I would suggest for your consideration, the propriety of having the papers, books and accounts transferred to that office, and the business of the Bank hereafter transacted and the accounts kept in that office. The proceeds of the Bank now constitute part of the Sinking Fund, and there seems to be a peculiar fitness in having the business transacted
and the accounts of the Bank kept in the First Auditor's office, where all
the accounts of the Sinking Fund are required by law to be kept. The in-
terest of the public would not be injured, I apprehend, by the change, and
the business would be transacted by the Auditor at a diminished expense to
the State. It may be expedient to confer authority on the Commissioners
of the Sinking Fund, or upon the Auditor, with the advice and consent of
the Commissioners, to settle by compromise, or otherwise, any claims which
the Bank has, at present, against any persons or corporations.

The President of the Board of Internal Improvement has likewise indi-
cated his determination to resign his office during the present session. In
times past, the duties of that office were complicated and highly important;
and it was fortunate for the State that they were entrusted to one so emi-
nently qualified for their discharge, by his long experience, extensive in-
formation, undoubted fidelity and integrity, as that venerable officer—and
I am exceedingly gratified that he has been prevailed upon to hold the office
until most of the claims against the State for work done on the public roads,
and for injuries caused by the improvements of the river navigation, have
been so far adjusted as not longer to require his valuable services. The du-
ties of the Board of Internal Improvement have greatly diminished, and
may hereafter be discharged with equal safety to the public interest, with-
out a continuance of the Board with all its officers, agents, and their sala-
ries and contingent expenses. The superintendence of the public improve-
ment, which now devolves upon the Board, might be entrusted to a Super-
intendent, to be appointed for that purpose and subject to the control of an
advisory council, and liable, at all times, to be displaced when the public
interest should require it. The regulation of the tolls on the river naviga-
tion might be entrusted to competent and discreet persons, selected in such
manner as may be thought fit by the Legislature. And the books, papers,
and accounts of the Board might be transferred to the office of the First
Auditor of Public Accounts, who might be required to perform the present
duties of the Secretary of the Board, and in future to keep all the accounts.
Should the entire Board and its offices be abolished, as suggested, and some
such provisions as the foregoing be adopted, I feel sure that the present du-
ties growing out of our public improvements might be faithfully discharged
with a saving of near $1500 a year to the Treasury, or more than one half
the expense of the Board as at present constituted. Besides, under such a
regulation, any further improvements in which the State might engage,
could be carried on with equal convenience and safety.

It is, however, to be regretted that the finances of the State are not in a
condition, at present, to admit of further improvements on the roads and
rivers, without increasing the public debt, or producing additional taxation.
The beneficial effects of the improvements already made must be evident to
all, from the rapid and growing increase of the tolls received from the roads
and river navigation. The stimulus given to commerce by the increased facility of transportation afforded by those improvements, has brought a nearer and better market to the people, roused their energies and encouraged their industry to greatly multiplied productions. These beneficial results would be further extended and more widely disseminated through the community by an extension of the improvements. Every additional Lock which may be constructed on the rivers would not only bring the benefits of the present navigation within the reach of an increased number of the people of the State, but would add to the profits of the State from the Locks and Dams already constructed. And if extended to the mountains, the improvements would lead to a rapid development of the resources of the State, and bring into profitable use the vast elements of wealth which, at present, lie dormant and scattered through those mountains and the surrounding country.

But reflections like these should not cause us to forget other objects equally entitled to consideration and regard. The past year is the first one, since the State embarked in internal improvements, in which the State has had the good fortune not only to prevent an accumulation of the public debt, but actually to reduce that debt several thousand dollars. The people of the State will hail this gratifying fact, and congratulate themselves that they have at last reached a turning point in their affairs, and that henceforward they may look for a continual decrease, and finally a total discharge from their public debt. But this desirable state of things cannot be brought about if the State engage in new works of improvement, unless, at the same time, the necessary means are provided, without encroaching upon the present financial resources of the State.

In execution of an act of the last Legislature, I commissioned, in May last, Joseph R. Underwood and Sanford Duncan, Esqs., to meet Commissioners appointed on the part of the State of Tennessee, and, in conjunction with them, to run and re-mark parts of the boundary line between this State and Tennessee. Mr. Underwood, having been prevented by sickness from executing the trust, resigned his commission, and I appointed Constant A. Wilson, Esq., to supply his place. Messrs. Duncan and Wilson met the Commissioners appointed on the part of the State of Tennessee, and in conjunction with them, run and re-marked the line. A report, made and signed by all of the Commissioners, has been forwarded to me and is transmitted herewith for the inspection of the Legislature. A statement of the services and expenses accompany the report, and it will be necessary for the Legislature to make a suitable appropriation for the payment of the Kentucky Commissioners. The act of the last Legislature, under which the work has been performed, is silent on the subject of compensation.

In conformity to an act of the 10th February, 1845, the Commissioners of the Sinking Fund employed the Keepers of the Penitentiary to erect
other buildings in that institution. The greater part of the work has been done, but a portion of it will not be completed before next season. So far as done, the work, I think, is well executed, and I entertain no fears as to the execution of that which remains to be done.

The Keepers have labored under many embarrassing difficulties since the institution came under their management, springing out of the burning of the interior buildings, and other causes. They sustained loss by the institution the first year, and I apprehend but little, if anything, will be realized by them the present year. But I have no reason to believe that better could have been done under all the circumstances. The institution seems to be well conducted, and I have full confidence in the ability and fidelity of the Keepers. The convicts are well fed, well clothed, and provided with comforts suitable to their condition. They are kept diligently employed, and display no rebellious or intractable disposition. None have escaped during the past year. The number of convicts in the Penitentiary December 1, 1845, was one hundred and seventy-six—exceeding the number in the institution December 1, 1844, by twenty-five.

This increase in the number confirms me in the opinion expressed in my last message, that, at no distant time, it will become necessary to enlarge the outward walls of the Penitentiary—and I again suggest the propriety of providing for the purchase of additional ground for that purpose.

Other buildings, besides those now in progress of construction, will be needed to carry on, in a proper manner, the business of the institution; and their appropriate location greatly depends upon the determination of the Legislature in regard to enlarging the area of the prison yard.

Suit has been brought against the late Keeper of the Penitentiary and his securities, by the Attorney General, in accordance with the act of last Legislature; and, under an order of the Chancellor, the property which formed one of the subjects of contest, has been sold by a Commissioner appointed for that purpose. The sale was made on a credit of twelve months and amounts to about $5,000, to be disposed of by the Court when the matters in contest are decided. The contest about this property prevented the present Keepers from the use of that amount of capital, which, by law, they were entitled to have furnished to them by the State; and it has put them to the necessity of supplying, with their own means, the necessary capital for carrying on the business of the institution. In their annual settlement with the Keepers, the Commissioners of the Sinking Fund did not consider themselves at liberty, nor were they urged by the Keepers, to take into consideration any claim which the Keepers may have against the State for indemnity, on account of their failure to get from the State the anticipated capital. That was deemed by the Commissioners, as well as the Keepers, to be a subject more properly addressing itself to the Legislature, to whose consideration I now commend it. You will have more detailed
and full information as to the business and condition of the Penitentiary laid before you in the report of the Keepers.

I had hoped to be able to announce to you the favorable termination of the suit which was brought in the Court of Common Pleas, sitting as a Court of Equity, in the county of Philadelphia, State of Pennsylvania, by the Bank of Kentucky against the Schuylkill Bank, to be indemnified for the fraud of the latter in issuing stock of the former. The case was brought to a trial in November last, and, I am informed by the President of the Bank of Kentucky, was submitted to the Court, after occupying about three weeks in the arguments, in which, as well as in the preparation of the cause, I am assured, the attorneys for the Bank of Kentucky, Messrs. Binney, Sergeant, Hubbell and Gerhard, discharged their duty with pre-eminent ability, fidelity and zeal. A decree favorable to the Bank of Kentucky is confidently anticipated, in the course of the present winter, by the President of that Bank. He thinks, however, that, owing to the insolvency of the defendants, there will not be realized by the Bank, under any decree which may be rendered, more than about $500,000, although the parties engaged in the fraud obtained for the sale of the spurious stock over one million dollars. About one-third of this amount, I am informed, was used by the Cashier of the Schuylkill Bank for his individual purposes, and the other two-thirds by the Schuylkill Bank.

Thus you perceive that, if successful in obtaining a decree to the full extent of the loss occasioned by the fraud, the stockholders of the Bank of Kentucky must suffer a heavy loss. But it is gratifying to learn that, if successful to the extent anticipated only, the Bank will be in a condition to operate in future as usefully to the public and as profitably to the stockholders as if the fraud had never been perpetrated. The Bank has purchased since its last report, $196,000 of the stock of the Bank, at from $70 to $75 per share, thereby reducing the over issue by the Schuylkill Bank to $473,300.

The authority of the Bank of Kentucky, the Northern Bank of Kentucky and the Bank of Louisville, to issue notes of less denomination than five dollars, is made, by an act of the 8th of March, 1843, to terminate on this day. In ordinary transactions those small notes answer useful purposes and are very convenient to the community, and I would suggest for your consideration whether the public interest would not be promoted by a further extension of the authority of the Banks to issue them.

Within the past year there has been an expansion of the paper circulation of the Banks, considerably above what it was at the meeting of the last Legislature. But I am assured that its continuance will be temporary only. It sprung out of accommodations of the Banks upon real transactions, which were made with a view to facilitate the purchase of the agricultural products of the country, and will be brought back to something like its former amount, upon the return of the proceeds of sales, which have already
been, or will shortly be made of the same products in other States. The expansion is not, however, beyond the ability of the Banks to meet, nor such as to affect their credit. According to their reports, which will be laid before you, the Banks were never in a better condition nor more entitled to the confidence of the community.

By an act of the 29th February, 1836, the superintendence and control of the affairs of the Old Bank of Kentucky and the disposition of its assets, were entrusted mainly to a Commissioner or agent appointed for the purpose. The Commissioner is entitled to compensation for his services, and authorized to rent an office and provide the necessary books, stationery and fuel, and charge the corporation with the amount thereof. The corporate character of the Bank and the authority of the Commissioner have been extended from time to time, and, unless further extended, will terminate the 10th of March next. The State is a large stockholder in that Bank, and, of course, has an interest in its assets and the final adjustment of its business. Understanding that it will require further time to wind up the concerns of the Bank, I commend the consideration of that subject to the Legislature. And in connection therewith, it may not be unworthy of consideration whether some more efficient and less expensive plan cannot be adopted to bring the business of the Bank to a final close. This, it seems to me, might be done by transferring the books, papers and accounts of the Bank to the office of the First Auditor, and making it his duty to settle with the present Commissioner and do whatever else the Commissioner has authority to do. The Auditor, in the management of the business, might be subjected to the control of the Commissioners of the Sinking Fund. I name the First Auditor for this business, because all the accounts of the Sinking Fund are kept in his office and because the interest which the State has in that Bank has been appropriated to the Sinking Fund. If measures something like these be adopted, I feel sure that the business of the Bank may be brought to a close and the State realize whatever she may be entitled to from that source, at no distant day.

The task of procuring, noting in books kept for that purpose, and cancelling all the coupons, or interest warrants, which have been paid by the State on her bonds prior to January, 1845, imposed upon the Commissioners of the Sinking Fund by an act of the last Legislature, is one of great labor, and has not been finished. Such of the interest warrants as they have been able to procure have been assorted and noted in books, as required by the act, and the balance, when obtained, will be noted in like manner. The report of the Commissioners appointed to audit and settle the accounts of the Commissioners of the Sinking Fund, contains a statement of what coupons have and what have not been received by the Commissioners.

Whilst the character of the people of our State stands justly prominent for their devotion to the supremacy of the law and its due administration
by the legally constituted authorities, it is to be regretted that in the course of the past year, we have had some outbreak. There was such evidence of insubordination and opposition to the execution of the law, in one portion of the State, as rendered it prudent and necessary to call into the service of the State a small military force, consisting of two companies. They were commanded by Col. Miller, acting under the immediate orders of Adjutant General Dudley, who was in personal attendance, in order to prevent violation and impose a due obedience to, and faithful execution of, the law. Both officers and men, I am happy to state, so discreetly executed this delicate trust as perfectly to quiet the high excitement that existed and safely to preserve the public peace from the blot of civil broils and bloodshed. I have been unable to find any satisfactory authority to pay the troops thus called into the service of the State, nor for the provisions necessarily provided for their subsistence whilst in service: and I would therefore invite the early attention of the Legislature to the subject, that provision may be made for the immediate payment of the small allowance to which they are entitled for the patriotic and important services they performed.

The report of the Superintendent of Public Instruction will present to you full information as to the operation of the act of the last Legislature upon the subject of Common Schools, and as to the present condition and future prospects of the Common School system.

I have transmitted, herewith, resolutions and proceedings of the Legislatures of the States of Illinois, Delaware, Alabama, New Hampshire, and Massachusetts, forwarded to me by the Executives of those States, under the instructions of their Legislatures, for the purpose of having them laid before you.

I indulge the hope that, whatever subjects may engage your attention, the present session will be distinguished for the harmony with which its deliberations may be conducted, the patriotic and lofty views of its members, and the many beneficial results that may be derived from their labors by the community.

JANUARY 1, 1846.

WILLIAM OWSLEY.

[For Documents accompanying Governor's Message—see Legislative Documents.]

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.

The Speaker laid before the Senate the annual report of the 1st Auditor, which is as follows, viz:

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JOURNAL OF THE SENATE

STATE OF KENTUCKY, Auditor's Office, January 1, 1846.

Sir: I herewith enclose to you the annual report from this Department.
I am Sir, respectfully yours,

H. I. BODLEY, Auditor.

Hon. R. S. Todd,
Speaker of the Senate.

[For Report—see Legislative Documents.]

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

The Speaker laid before the Senate the annual report of the 2d Auditor, which is as follows, viz:

STATE OF KENTUCKY, Revenue Department, Frankfort, January 1, 1846.

Sir: I herewith enclose you the annual report from this Department.
I am Sir, very respectfully,

THO. S. PAGE, Second Auditor.

Hon. R. S. Todd,
Speaker of the Senate.

[For Report—see Legislative Documents.]

Ordered, That the Public Printer print 150 copies of 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, viz:

STATE OF KENTUCKY, Treasurer's Office, January 1, 1846.

Sir: You will please lay before the House over which you preside, my annual report, which accompanies this note.
Yours with great respect,

JAMES DAVIDSON, Treasurer.

Hon. R. S. Todd,
Speaker of the Senate.

[For Report—see Legislative Documents.]

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

The Speaker laid before the Senate the report of the Visitors of the Penitentiary, for the year 1845, which is as follows, viz:

[For the Report—See Legislative Documents.]

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

Resolved, That a select committee be appointed by the Speaker of the Senate, whose duty it shall be to take into consideration the subject of establishing a Railroad through such portions of this State as may be deemed most expedient and beneficial to the country, so as to connect the same with the Charleston and Georgia Railroad now completed, and report the result of their investigation to the Senate; that they also examine into the propriety and practicability of recommending the same to be built by individual enterprise and funds.

Whereupon, Messrs. Evans, Wallace, Fox, Crenshaw and Butler, were appointed the said committee.

And then the Senate adjourned.

FRIDAY, JANUARY 2, 1846.

The Lieutenant Governor, and Speaker of the Senate, appeared and took the Chair.

Mr. John G. Holloway, a member of the Senate from the fifth Senatorial District, appeared and took his seat.

A message, in writing, was received from the Governor, by Mr. G. B. Kinkead, his Private Secretary, which was read as follows, viz:

Gentlemen of the Senate:

At the last session of the General Assembly, was passed by both Houses, a bill, entitled, "an act to amend an act, entitled, an act to amend the charter of the Louisville and Portland Canal Company, approved February 22, 1844."

The bill was presented to me for approval, on the 5th of February last, less than ten days before the adjournment of the General Assembly, and suspended.

Afterwards another bill, entitled, "an act to amend the charter of the Louisville and Portland Canal Company," was introduced, and passed both Houses of the last General Assembly, and was presented to me and approved.

This latter act contains, as I was informed by its mover, all that was important to obtain by the former bill, but it omits matters contained in the former, which, to my mind are objectionable, and for which, if the bill last introduced, had not passed into a law, I should feel bound to return this, the first bill, with my objections.

If there was no other objections, therefore, to the first bill than that of the passage of the latter bill into a law, it might be a sufficient reason to return the first, as the object of the mover, and those who passed both bills has
been obtained, and it would seem incongruous to have both bills on the Statute book.

But there is one other objection to the first bill, for which, if there was no other, I should return it to the Senate in which it originated.

The objection is this—the bill contains a provision surrendering to the United States the jurisdiction of this Commonwealth over the Louisville and Portland Canal, and the additions thereto, which may be made, &c. I am not satisfied that the General Assembly possesses the constitutional power to make such a surrender of the jurisdiction of this State, and if it possesses the power, I think it inexpedient to exercise it.

I therefore return the bill, with these, my objections, to the Senate.

WM. OWSLEY.

The said bill is as follows, viz:

An act to amend an act, entitled an act, to amend the charter of the Louisville and Portland Canal Company, approved February 22, 1844.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in the event of the United States becoming the sole owner of the Louisville and Portland Canal, as provided in the said recited act, the Government of the United States shall have the right to purchase and hold such adjoining lands as may be necessary to improve and enlarge said Canal, or to erect other locks, gates and docks to be connected therewith; and the jurisdiction of this Commonwealth over said Canal, and the additions thereto which may be made in pursuance of this act, shall be yielded to the Government of the United States.

The question was then taken, shall the bill pass? the objections of the Governor to the contrary notwithstanding, and it was decided in the negative.

The yeas and nays are as follows, viz:

Yeas—None.

Those who voted in the negative, were—


1. Mr. Todd presented the petition of Albert Allen and Ann Eliza, his wife, praying for the passage of a law authorizing the Fayette Circuit Court to decree a sale of a tract of land belonging to the said Ann Eliza, and lying in the county of Jessamine.

2. Mr. Todd also presented the petition of Garret Fitzpatrick, who stands indicted in the Fayette Circuit Court for felony, praying for the passage of a law granting him a change of venue.
3. Mr. A. Boyd presented the petition of Henry Ezell, praying for the passage of a law divorcing him from his wife, Mary E. Ezell.

4. Mr. Henderson presented the petition of Milton Martin, who stands indicted in the Laurel Circuit Court for manslaughter, praying for the passage of a law granting him a change of venue.

5. Gray presented the petition of Joseph A. Radford, praying for the passage of a law authorizing him to sell and convey land of his infant daughter, and invest the proceeds in other lands.

6. Mr. Gray also presented the petition of Robert Coleman and Louisa Ann Coleman, his wife, and Claudius Tompkins, who is the guardian of the infant heirs of Joseph Kenner, deceased, praying for the passage of a law authorizing a division of the estate of said Joseph Kenner.

7. Mr. Gray also presented the petition of Mary Gwyn, of Hopkinsville, praying for the passage of a law permitting her to remove to the State of Tennessee, the slaves of her deceased husband, without forfeiting her dower in said slaves.

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

Mr. Peyton, from the select committee appointed for that purpose, reported the following bills, viz:

A bill to continue in force for one year, an act for the benefit of Isaiah Heston, late Sheriff of Breckinridge county.

And a bill continuing in force the law providing for the appointment of Commonwealth's Attorneys.

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

The Speaker laid before the Senate the annual report of the Board of Commissioners of the Sinking Fund, which is as follows, viz:

FRANKFORT, January 2, 1846.

Sir: I request you to lay before the House over which you preside, the annual report of the Board of Commissioners of the Sinking Fund.

Very respectfully,

A. S. MITCHELL, Secretary of Board.

[For Report—See Legislative Documents.]

Ordered, That said report be referred to the committee on the Sinking Fund, and that the Public Printer print 150 copies thereof for the use of the General Assembly.
Leave was given to bring in the following bills, viz:

On the motion of Mr. Fox—1. A bill to remove the obstructions to the navigation of Cumberland river, between the Big Falls of Cumberland and the mouth of Laurel river.


On the motion of Mr. Harris—3. A bill for the benefit of William J. Mays.

On the motion of Mr. Peyton—4. A bill to authorize the County Court of Breckinridge county to change a part of the State road leading from Brandenburg to Shawneetown, which lies within said county of Breckinridge.

On the motion of Mr. Crenshaw—5. A bill to repeal an act, entitled, an act to amend the law concerning executions, approved March 10, 1843.

On the motion of Mr. Henderson—6. A bill to establish a Probate Court.

On the motion of Mr. Slaughter—7. A bill to improve the navigation of the Beech and Rolling Forks of Salt river.

On the motion of Mr. Helm—8. A bill to authorize the revivor of judgments against unknown heirs.

On the motion of Mr. Newell—9. A bill further to define the duties of the County Courts of this Commonwealth.

On the motion of Mr. Evans—10. A bill authorizing the taking of depositions of witnesses in common law suits, when they reside fifty miles and upwards from the court in which such suit or suits may be depending.

Messrs. Marshall, Hardin and Harris were appointed a committee to prepare and bring in the 2d; Messrs. Peyton, Gray and Hardin the 4th; the committee on Internal Improvement was directed to prepare and bring in the 1st and 7th; the committee on Finance the 3d; and the committee on the Judiciary the 5th, 6th, 8th, 9th and 10th.

And then the Senate adjourned.

SATURDAY, JANUARY 3, 1846.

1. Mr. Crenshaw presented the petition of the Justices of the Barren County Court, praying for the passage of a law to change the location of the Poor House in said county.
2. Mr. Bramlette presented the petition of James Davis, praying for the passage of a law granting him a divorce from his wife, Martha.

3. Mr. Bramlette also presented the petition of Winyah Caroline Barber, praying to be divorced from her former husband, Samuel Moxley, and that her marriage with Martin Barber, her present husband, may be legalized.

4. Mr. Evans presented the petition of G. W. Mansfield and Benjamin P. Wilson, praying for the passage of a law allowing them compensation for their services as commissioners of taxable property in Allen county, prior to the passage of the last act relative to listing taxable property.

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

The following bills were reported from select committees, viz:

By Mr. Marshall—I. A bill for the benefit of William Skaggs, Sheriff of Green county.

Also—2. A bill for the benefit of Edward Lewis, late Sheriff of Green county.

By Mr. Peyton—3. A bill authorizing the County Court of Breckinridge county, to change the location of a part of the State road leading from Brandenburg to Shawneetown.

By Mr. Evans—4. A bill to compel owners of dogs to pay for sheep killed by said dogs.

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 Finance; the 4th 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 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, viz:

An act for the benefit of E. Stout, and others.

An act to extend the Constable's district including the town of Mayfield.

A message, in writing, was received from the Governor, by Mr. Kinkead, his Private Secretary, which was read as follows, viz:

Gentlemen of the Senate:

Hereewith, I transmit the settlement with the President of the Bank of the Commonwealth, and with the Commissioners of the Sinking Fund, which was made by Messrs. Kinkead and Bodley, who were appointed Commissioners for that purpose, under an act of the last Legislature.

WM. OWSLEY.
Ordered, That said report be referred to the committee on the Sinking Fund.

On the motion of Mr. Peyton,

Resolved, That a select committee be appointed to examine and report, whether it is necessary to a proper understanding of the report of the Commissioners to run the line between this State and Tennessee, that the maps accompanying said report be published.

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

On the motion of Mr. Crenshaw—1. A bill to amend the charter of the Glasgow and Scottsville Turnpike Road Company.

On the motion of Mr. Hardin—2. A bill to amend the laws in relation to chancery proceedings.

On the motion of Mr. Harris—3. A bill to change the time of the meeting of the General Assembly of this Commonwealth.

On the motion of Mr. Hardin—4. A bill for the benefit of John Thomas.

On the motion Mr. A. Boyd—5. A bill to change the time of holding the election of Trustees for the town of Cadiz, in Trigg county.

On the motion of Mr. Wallace—6. A bill authorizing the County Court of Boone county to cause the Clerk of said court to make a general cross alphabetical index of all deeds, mortgages, and other conveyances recorded in his office.

On the motion of Mr. Bramlette—7. A bill for the benefit of Lemuel H. Williams, of Clinton county.

On the motion of Mr. Henderson—8. A bill for the benefit of James Lewis, of Rockcastle county.

On the motion of Mr. Bramlette—9. A bill for the benefit of William Davis, the late Sheriff of Clinton county.

Also—10. A bill for the benefit of the Clerk of Clinton county.

On the motion of Mr. Evans—11. A bill for the benefit of S. E. Carpenter.

Messrs. Crenshaw, Peyton, Helm and Evans were appointed a committee to prepare and bring in the 1st; Messrs. Harris, Conner, Taylor and Wallace the 3d; Messrs. Bramlette, Fox, Crenshaw and Evans the 7th, 9th and 10th; Messrs. Evans, Walker and Bramlette the 11th; the committee on the Judiciary was directed to prepare and bring in the 2d, 4th and 6th; the committee on Privileges and Elections the 5th; and the committee on Finance the 8th.

On the motion of Mr. Evans,

Ordered, That the committee on Propositions and Grievances be discharged from the further consideration of the petition of Jonathan Davis; and the said petition was referred to a committee of Messrs. Evans, Bramlette and Walker.
The Speaker laid before the Senate the annual report of the Keepers of the Penitentiary, which is as follows, viz:

[For Report—See Legislative Documents.]

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 report of the Clerk of the Penitentiary, which is as follows, viz:

[For Report—See Legislative Documents.]

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

A bill from the House of Representatives, entitled, an act for the benefit of E. Stout, and others, was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall, and may be lawful for Enoch Stout, John Higgins, George B. Didlake, Elias R. Dearing, and Peter D. Talburt, on the calling of the case of the Commonwealth against them in the Louisville City Court, at the term subsequent to this act, or the term succeeding that, if it cannot be done at the first term, in open court, to elect to be tried in the Jefferson Circuit Court; and that upon such election so made, it shall be the duty of the Clerk of the Louisville City Court to transmit to the Clerk of the Jefferson Circuit Court, the indictment and papers in the said case.

2d. That, upon the transmission of the indictment and papers to the Circuit Court, it shall be the duty of the Clerk thereof, to place the case on his annual docket; and it shall be lawful for the said Circuit Court to have the same jurisdiction, to hear and determine the said case, and to award the execution before and after trial, as the said Louisville City Court would have, or would or could do, if the said case was heard and determined in the said Louisville City Court.

Provided, however, That any judgment or fine assessed herein, shall go and be appropriated as if the said case was heard and determined in the said Louisville City Court.

Ordered, That said bill be read a second time.

The constitutional rule as to the second reading being dispensed with, Mr. Hardin moved to amend the said bill by striking out the proviso.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Ballard, Bramlette, Fox, Harris, Swope, Taylor,
Ordered, That said bill be read a third time.

A bill from the House of Representatives, entitled, an act to extend the Constable’s district including the town of Mayfield, 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,

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

The following standing committees were appointed, viz:

On the Judiciary—Messrs. Hardin, Gray, Patterson, Peyton, and Crenshaw.


On Internal Improvement—Messrs. Dyer, Evans, Bradley, Woodson, and Wallace.

On Finance—Messrs. James, Todd, Helm, Butler, and Newell.

On Education—Messrs. Butler, Slaughter, Harris, Thurman, and Bramlette.


On the Sinking Fund—Messrs. Helm, Holloway, and South.

On Executive Affairs—Messrs. Harris, Conner, and Draffin.


On Federal Relations—Messrs. Woodson, Patterson, Fox, South and Gray.

Joint Committees.

On Banks—Messrs. Key, Fox, and Peyton.


On Enrollments—Messrs. A. Boyd, South, and Walker.

And then the Senate adjourned.
MONDAY, JANUARY 5, 1846.

Mr. Dillis Dyer, a member of the Senate from the thirteenth Senatorial District, appeared and took his seat.

Mr. William Bradley, a member of the Senate from the second Senatorial District, appeared, produced a certificate of his election, and having taken the several oaths required by the Constitution of the United States, and Constitution of this State, took his seat.

Messrs. Harris, Todd, Swope, Slaughter and Peyton, were appointed a committee pursuant to a resolution offered by Mr. Harris on the first instant, relative to the Public Printing.

1. Mr. Evans presented the petition of Martin L. Binion, praying to be divorced from his wife, Malinda Binion.

2. Mr. Harris presented the petition of David T. Foster, and others, stockholders in the Maysville and Mt. Sterling Turnpike Road, praying for the passage of a law allowing them to travel, toll free, on that part of the road which is completed, leading from Sharpsburg towards the Sherburn Mills.

3. Mr. Harris also presented the petition of sundry citizens of Morgan county, praying for the passage of a law allowing Robert Prator, of said county, to build a Saw and Grist Mill on Licking river.

4. Mr. Harris also presented the petition of John P. Martin, and others, praying for the passage of a law amending the act of 1843, adding Wolf Creek to Floyd county; and also, for the establishment of an election precinct at the forks of Wolf Creek, and to abolish the Brushy precinct.

5. Mr. Bramlette presented the petition of John Grider, and others, citizens of Russell county, praying for the passage of a law changing the county line between the counties of Russell and Clinton, so as to include them in the county of Clinton.

Which petitions were severally received and referred: the 1st to the committee on Religion; the 2d and 3d to the committee on Internal Improvement; and the 4th and 5th to the committee on Propositions and Grievances.

The following bills were reported from select committees, viz:

By Mr. Harris—1. A bill to change the time of the meeting of the General Assembly of this Commonwealth.

By Mr. Bramlette—2. A bill for the benefit of the Clerk of the Clinton Circuit Court.

By Mr. Evans—3. A bill for the benefit of Jonathan Davis, of Allen county.
By Mr. Bramlette—4. A bill for the benefit of William Davis, late Sheriff of Clinton county.

Also—5. A bill for the benefit of Lemuel H. Williams.

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; the 3d was referred to the committee on Propositions and Grievances; the 4th to the committee on Finance; the 5th 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 said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Thomas, leave was given to withdraw from the files of the Senate, a bill to incorporate the Kentucky and Ohio Bridge Company, at Covington, Kentucky.

On the motion of Mr. Peyton,

Resolved, That so much of the Governor's Message as relates to Revenue, and a change of the laws on that subject, be referred to the committee on Finance.

Resolved, That so much of the Message as relates to the Penitentiary, and its condition and improvement, be referred to the committee on the Penitentiary.

Resolved, That so much of the Message as relates to the Public Debt, and the condition and resources of the Sinking Fund, be referred to the committee on the Sinking Fund.

Resolved, That so much of the Message as relates to the subject of Internal Improvement, be referred to the committee on Internal Improvement.

Resolved, That so much of the Message as relates to the system of Common Schools, be referred to the committee on Education.

Resolved, That so much of the Message as relates to the subject of Banks, be referred to the committee on Banks.

Resolved, That so much of the Message as refers to the transfer of the duties of the Board of Internal Improvement, the abolition of the Board, and the transfer of the duties of the President of the Bank of the Commonwealth to the First Auditor, be referred to the committee on the Judiciary.

Resolved, That so much of the Message as relates to the claim of the troops called into the service of the State, be referred to the committee on Finance.

Resolved, That so much of the Message as relates to the resolutions and proceedings of State Legislatures, the resolutions accompanying the Message, and the report of the Commissioners to settle and mark the boundary line between the States of Tennessee and Kentucky, be referred to the committee on Federal Relations.

Mr. Gray read and laid on the table the following resolution, viz:
Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of three members of the Senate, and five of the House of Representatives, be appointed to examine Transylvania University and the Lunatic Asylum; and that they report to the Legislature the prospects and resources of the former and the condition of the latter; and if the committee deem it necessary, they shall have power to send for persons, papers and records.

Two messages, in writing, were received from the Governor, by Mr. Hardin, 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 John H. McPherson to be Sheriff of Monroe county, in place of William H. Wooten, who declined his commission.

WM. OWSLEY.

Gentlemen of the Senate:
I nominate for your advice and consent, Harry I. Bodley, Esq., to be Auditor of Public Accounts, in place of Ben. Sebly, deceased.

WM. OWSLEY.

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

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

Resolved, That, hereafter, all nominations made by the Executive, to the Senate, of Judicial Officers and Commonwealth's Attorneys, be referred to the committee on Executive Affairs; and that, should there be any legal or constitutional objection to such nomination, it shall be the duty of the Chairman of the committee to report the same to the Senate, with a view to a reference to the committee on the Judiciary.

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

On the motion of Mr. Key—1. A bill to continue in force the 20th section of the act to amend the charters of the Banks of Kentucky, approved March 8, 1843.


Also—3. A bill allowing the Sheriff of Pulaski county until the first Monday in November next to return his delinquent list of muster fines.

Also—4. A bill to appoint and authorize certain persons to wind up the concerns and collect the debts due and owing to the Farmer's Bank of Somerset.

On the motion of Mr. Chenault—5. A bill to change the names of William Reynolds and Walker Reynolds, to that of William Cochran and Walker Cochran, and for other purposes.

On the motion of Mr. Evans—6. A bill to establish private passways in this Commonwealth.
Messrs. Key, Fox and Peyton were appointed a committee to prepare
and bring in the 1st; Messrs. Fox, Bramlette and Swope the 2d; Messrs.
Chenault, W. P. Boyd and Wallace the 5th; and the committee on the
Judiciary was directed to prepare and bring in the 3d, 4th and 6th.
A bill from the House of Representatives, entitled, an act for the benefit
of E. Stout, and others, 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. Peyton and Butler,
were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Resolved, That the title of the said bill be as aforesaid.
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 the County Court of Russell.
2. An act to reduce the price of unappropriated land in Madison county.
3. An act for the benefit of James Flippin and W. G. Howard, late Sheriffs
   of Monroe county.
4. An act for the benefit of the town of Albany.
5. An act for the benefit of the late Sheriff of Casey county, and for
   other purposes.
6. An act to allow an additional Justice of the Peace and Constable to
   Fulton county.
7. An act appointing Commissioners to run and mark the line between
   Jefferson and Bullitt counties.
8. An act incorporating the Sons of Temperance, under the title of Cov­
   ington Division, No. 1, Sons of Temperance of the State of Kentucky, loca­
   ted in the city of Covington.
9. An act incorporating the town of Mayfield, and for other purposes.
10. An act for the benefit of Mary Ann M. Hall, and others.
11. An act for the benefit of William T. Samuels.
Which bills were severally read the first time, and ordered to be read a second time.
The constitutional rule as to the second readings of said bills being dispensed with, they were referred; the 1st to the committee on Agriculture and Manufactures; the 2d, 4th, 8th, 9th and 11th to the committee on the Judiciary; the 5th to the committee on Finance; and the 6th, 7th and 10th to the committee on Propositions and Grievances.
On the motion of Mr. Marshall,
Resolved, That the committee on Religion be instructed to report against all petitions for divorces where remedy is provided by law.

And then the Senate adjourned.

TUESDAY, JANUARY 6, 1846.
The Speaker laid before the Senate the following communication from the Auditor of Public Accounts, viz:

[For Report—See Legislative Documents.]

Messrs. Peyton, Helm and Slaughter were appointed a select committee, pursuant to a resolution offered by Mr. Peyton on the 3d instant, relative to the propriety of publishing the Maps accompanying the report of the Commissioners appointed to run the line between this State and the State of Tennessee.

Mr. Fox presented the petition of Martha Susan Kincaid, praying to be divorced from her husband, John Kincaid, jr., which was read and referred to the committee on Religion.

Mr. Hardin, 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 town of Albany, 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 said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from
the House of Representatives, entitled, an act for the benefit of William T. Samuels, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives, of the following titles, reported the same without amendment, viz:

An act for the benefit of Mary Ann M. Hall, and others.

An act to allow an additional Justice of the Peace and Constable to Fulton county.

Ordered, That said bills be read a third time.

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

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

Mr. Walker, from the same committee, to whom was referred a bill for the benefit of Jonathan Davis, of Allen county, reported the same with the opinion of the committee that it ought not to pass.

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, A. Evans, Marshall,
Bradley, Gray, South,
Bramlette, Harris, Thomas,
Conner, Head, Thurman,
Crenshaw, Helm, Walker,
Drake, Key, Wallace—19.
Dyer,

Those who voted in the negative, were—

Messrs. Ballard, Henderson, Swope,
Boyd, W. P. Holloway, Taylor,
Butler, Newell, Todd,
Chennault, Peyton, Woodson—13.
Hardin,

The following bills were reported, viz:

By Mr. Hardin, from the committee on the Judiciary:

A bill for the benefit of Jonathan T. Moredock.

Also, a bill to authorize the County Court of Barren county to change the location of the Poor House in said county.

By Mr. Swope, from the committee on Privileges and Elections:
A bill to change the time of holding the election of Trustees for the town of Cadiz, in Trigg county.

By Mr. Hardin, from the committee on the Judiciary:
A bill to allow further time to the Sheriff of Pulaski county to return his delinquent list of muster fines.

By Mr. Evans, from a select committee:
A bill for the benefit of Samuel E. Carpenter.

By Mr. Chenault, from a select committee:
A bill to change the names of William Reynolds and Walker Reynolds, to those of William Cochran and Walker Cochran, 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 said bills do pass, and that the titles thereof be as aforesaid.

Mr. W. P. Boyd, from the committee on Religion, to whom was referred the petition of James Davis, praying for a divorce, reported the following resolution thereon, viz:
Resolved, That the petition be rejected.
Which was twice read and concurred in.

A message, in writing, was received from the Governor, by Mr. Hardin, 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, John B. Thompson to be Commonwealth's Attorney, for the 12th Judicial District, in place of Joshua F. Bell, resigned.
Miles C. Folkes to be Commissioner of Deeds, for this State, at Vicksburg, Mississippi.
James B. Latimer to be Commissioner of Deeds, at Baltimore, Md.
George Woodman to be Commissioner of Deeds, at New York, N. Y.
John M. Moore to be Commissioner of Deeds, at Madison, Ia.
Bushrod W. Foley to be Mayor of the city of Covington.
Edmund H. Taylor to be Commissioner of the Sinking Fund, in place of Joshua B. Bowles, resigned.
George B. Adams and John T. Cox to be Commissioners of Green and Barren River Navigation.
John W. Crow to be Notary Public in Ohio county.
Mathew Bridges to be Notary Public in Jefferson county.
Moses Cawood to be Sheriff of Harlan county, in place of Elijah Green, refused.
Thomas Hagins to be Sheriff of Breathitt, in place of James Cope, time expired.
Ed. D. Stockton to be Sheriff of Estill, in place of Sampson Walters, resigned.
Joseph Lumpkins to be Sheriff of Morgan, in place of Jesse Cassity, time expired.
Jeremiah Dickerson to be Sheriff of Jessamine, in place of Harrison Daniel, time expired.
William L. Stone to be Police Judge of the town of Henderson, in place of Thos. Towles, resigned.

WM. OWSELEY.

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

On the motion of Mr. Wallace,

Resolved by the Senate, That the Governor be requested to cause to be fired on the capitol square, at sunrise on Thursday morning, 8th instant, a national salute, in commemoration of the brilliant victory achieved on the 8th of January, 1815, by the American army under the command of General Andrew Jackson, over the British army, at New Orleans.

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

On the motion of Mr. Evans—1. A bill for the benefit of William Adcock, and others, of Allen county.
On the motion of Mr. Bramlette—2. A bill concerning the town of Albany, in Clinton county.
On the motion of Mr. South—3. A bill for the benefit of Elijah McWhorter, former Sheriff of Clay county.

Messrs. Evans, Walker and Bramlette were appointed a committee to prepare and bring in the 1st; Messrs. Bramlette, Fox and Crenshaw the 2d; and the committee on Finance was directed to prepare and bring in the 3d.

A bill to change the time of the meeting of the General Assembly of this Commonwealth, was taken up.

Mr. Drake moved to refer the said bill to the committee on Finance.

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.  Drake,  Slaughter,
Bradley,           Heady,          Thurman,
Bramlette,        Holloway,       Walker,
Butler,           Key,             Wallace,
Chenault,         Marshall,       Woodson—15.

Those who voted in the negative, were—

Messrs. Ballard,
Boyd, A.          Gray,           Peyton,
                       Hardin,          South,
WEDNESDAY, JANUARY 7, 1846.

Leave of absence was granted to Mr. Thomas H. Bradford.

Leave of absence was granted to Mr. Fox until Monday next.

The Speaker laid before the Senate the annual report of the President and Directors of the Kentucky and Louisville Mutual Insurance Company, which is as follows, viz:
Report of the condition, progress, and affairs of the Kentucky and Louisville Mutual Insurance Company, up to the 29th of November, 1845, inclusive, viz:

Amount insured, 546 Policies, - $1,564,477 00
Amount insured, 18 Polices, on merchandise, - 26,700 00

$1,591,177 00

Amount of premium notes - $89,773 20¾
Deduct amount of premiums discharged by transfer of property and otherwise, - 5,437 25

$84,335 95¾

Received on premium notes, - $13,349 51
Received for 564 Policies, - 564 00
Received for premium on merchandise, - 597 12½
Due to Agent, - 21¼

$14,510 85

Paid this amount of expense accounts, - $9,154 93
Paid for losses, - 3,089 73
Paid for commission to Agents, - 98 39
Due from Agents, - 243 95½
Cash, balance, - 1,923 84½

$14,510 85

BALANCES.

DEBITS.

To bills receivable, - - $71,160 91¼
To cash, - - 1,923 84½
To commission account, - - 98 39
To expense account, - - 9,154 93
To profit and loss account, - - 3,089 73
To Agent’s accounts, - - 243 95½

$85,671 76¼

CREDITS.

By premium account, - - $84,335 95¾
By extra premium account, - - 174 46½
By premium on merchandise, - - 597 12½
By Policy account, - - 564 00
By Agent’s account, - - 21½

$85,671 76¼

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 2d day of December, 1845, "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 of this State, agreeably to the requisition of the 22d section of the charter of this Company."

Office of the Ky. and Louisville Mutual Insurance Co.

Louisville, January 5, 1846.

Sir:

In obedience to the requisition of the 22d section of the charter of this Company, and the order of the Board, I herewith transmit to you the foregoing report of the condition, progress and affairs of this Company, from the commencement of their business up to and including the 29th of November last, and request that you will lay the same before the body over which you preside.

I have the honor to be,

Very respectfully, &c.,

WILLIS STEWART, President.

Hon. Archibald Dixon,

Speaker of the Senate.

1. Mr. Crenshaw presented the petition of Robert Simmons, who stands indicted in the Allen Circuit Court for arson, praying for the passage of a law granting him a change of venue.

2. Mr. Ballard presented the petition of William C. Price, praying for the passage of a law allowing him the amount of expenses incurred by him in carrying Samuel Owls, a lunatic, to the Asylum at Lexington.

3. Mr. Ballard also presented the petition of Ann Eliza Holtsclaw, praying for a divorce from her husband, Benj. Holtsclaw, and that she be restored to her former name, Ann E. Fitzgerald, and also, that the name of her infant son be changed from Albert Holtsclaw to Albert Fitzgerald.

4. Mr. Swope presented the petition of George W. Sowder, praying for the passage of a law to change his name to that of George W. Haley.

5. Mr. Evans presented the petition of Frances Dickerson, praying to be divorced from her husband, Wiley Dickerson.

6. Mr. Draffin presented the petition of Thomas McIntire, praying that a law may pass authorizing the County Court of Mercer to allow him a moderate sum for his support annually, until Congress shall make provision for the surviving soldiers of the army to which he belonged.

7. Mr. Helm presented the petition of Henry Green, who stands indicted in the Jefferson Circuit Court for passing counterfeit money, praying for the passage of a law granting him a change of venue.

Which petitions were severally received and referred: the 1st, 6th and 7th to the committee on the Judiciary; the 2d to the committee on Finance; the 3d and 5th to the committee on Religion; and the 4th to the committee on Propositions and Grievances.
Mr. A. Boyd, 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 E. Stout, and others.
An act to extend the Constable's district including the town of Mayfield.
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. A. Boyd reported that the committee had performed that duty.

Mr. Hardin, from the committee on the Judiciary, reported the following bills, viz:
A bill providing for a change of venue in the prosecution against Garret Fitzpatrick.
A bill for the benefit of Albert Allen and Ann E. Allen, his wife.
A bill for the benefit of Louisa Ann Coleman, and Charles H. Kenner, and Marcus M. Kenner.
A bill for the benefit of John Thomas.
A bill for the benefit of Joseph A. Radford and Louisa J. Radford.
Mr. Peyton, from the same committee, reported a bill to change the venue in the prosecution against Milton Martin, indicted for felony.
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 said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill for the benefit of Lemuel H. Williams, reported the same without amendment.
Ordered, That said bill be referred to the committee on Finance.

Mr. Hardin, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, viz:
An act to change the name of James William Davis.
An act to change the name of Samuel Allison.
Reported the same without amendments.
Ordered, That said bills be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from
the House of Representatives, entitled, an act for the benefit of Benjamin Leavell, reported the same without amendment.

The question being taken on reading the said bill a third time, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Boyd, A. Evans, Marshall,
Bradley, Gray, Peyton,
Bramlette, Hardin, South,
Chennault, Harris, Thomas,
Conner, Heady, Thurman,
Crenshaw, Helm, Walker,
Draffin, Key, Wallace—22.
Dyer,

Those who voted in the negative, were—

Messrs. Boyd, W. P. Newell, Taylor,
Butler, Slaughter, Todd,
Henderson, Swope,
Holloway, Woodson—10.

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

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

Mr. Crenshaw, from the same committee, reported a bill to repeal an act, entitled, an act to amend the law concerning executions, approved March 10, 1843, 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 re-committed to the committee on the Judiciary.

Mr. Walker, from the committee on Propositions and Grievances, reported a bill to amend an act in relation to the county line of Floyd 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 said bill do pass, and that the title thereof be as aforesaid.

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

1. An act for the benefit of Moses McMillen, of Barren county.
2. An act for the benefit of John Sparks, a Constable of Harrison county.
3. An act appointing Commissioners to run and mark the county line between Jefferson and Bullitt counties.

Reported the same with amendment.
The 1st bill was referred to the committee on the Judiciary; and the 2d and 3d were ordered to be read a third time.

The constitutional rule as to the third reading of the 2d and 3d bills being dispensed with,

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

Mr. Todd, from the committee on Finance, to whom was referred bills of the following titles, viz:
A bill for the benefit of Edward Lewis, late Sheriff of Green county.
A bill for the benefit of William Skaggs, Sheriff of Green county.
A bill for the benefit of William Davis, late Sheriff of Clinton county.
Reported the same with amendments to each, which were concurred in.

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

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

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

Mr. Todd, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the late Sheriff of Casey county, and for other purposes, reported the same with amendments, which 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 said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Todd, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of James Flippin and W. G. Howard, late Sheriffs of Monroe 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Todd, from the same committee, reported a bill for the benefit of Nathan Board, and others, which was read the first time, and ordered to be read a second time.

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

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

Mr. Todd, from the same committee, made the following report, viz:
The committee of Finance have, according to order, had under consideration the petition of Philip Lightfoot, to them referred, and have come to the following resolution thereon:

Resolved, That 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 Finance report a bill pursuant to the said petition.

Mr. Peyton, from a select committee, made the following report, viz:

The select committee directed to enquire and report whether it is necessary to a proper understanding of the report of the Commissioners who run and marked the boundary line between the States of Tennessee and Kentucky, that the two maps accompanying said report be published, have had the subject under consideration and report: That from an attentive examination of the report and maps, they are of the opinion that it would be costly and wholly unnecessary to have said maps published. They would, however, recommend that said maps be required to be recorded in the office of the Secretary of State, and the originals filed in said office. The necessity of recording them arises from the fact, that the notes and references are in different handwritings, and the record will afford the best evidence, in future time, of their verity. Some legislation is necessary in relation to this report, in confirming the line as adopted, and conferring jurisdiction over the territory included in the lines; but as that subject was not embraced in the resolution of reference to this committee, they barely refer to the fact.

The said report was concurred in.

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 continue in force for one year, an act for the benefit of Isaiah Heston, late Sheriff of Breckinridge county.

An act continuing in force the law providing for the appointment of Commonwealth's Attorneys.

And an act authorizing the County Court of Breckinridge county to change the location of a part of the State road leading from Brandenburg to Shawneetown.

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

1. An act to change the venue in the prosecution against Moses Guess, Philip F. Jones, Mary M. Jones and John P. Salling, from the Edmonson, to the Warren Circuit Court.

2. An act for the benefit of the Jailers of Hickman, Oldham and Livingston counties.

3. An act to change the names of Betsey Walton and Mary Ann White.

4. An act to change the name of Clementine Pinley to Clementine Waterbury.

5. An act authorizing the appointment of additional Justices of the Peace for the counties of Muhlenburg and Union.
6. An act to regulate the terms of the Laurel Circuit Court.

The said 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 6th to the committee on the Judiciary; and the 3d, 4th and 5th to the committee on Propositions and Grievances.

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

The said resolution was twice read and laid on the table.

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

On the motion of Mr. Todd—1. A bill for the benefit of the School Commissioners of Fayette county.

On the motion of Mr. Hardin—2. A bill to extend the charter of the Bank of the Commonwealth of Kentucky.

On the motion of Mr. Gray—3. A bill to amend an act, entitled, an act to amend an act, entitled, an act to amend the law concerning slaves, and for other purposes, approved February 5, 1845.

And on the motion of Mr. Swope—4. A bill to provide for the running and marking the dividing line between the counties of Campbell and Pendleton.

The committee on Education was directed to prepare and bring in the 1st; the committee on the Judiciary the 2d and 3d; and the committee on Propositions and Grievances the 4th.

Mr. Evans, from a select committee, reported a bill for the benefit of William Adcock, and others, 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. Evans,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of passing a law to declare seduction a felony, and make the punishment thereof confinement in the Penitentiary for a certain period, and that they report by bill or otherwise.

An engrossed bill, entitled, an act for the benefit of Jonathan Davis of Allen county, was read the third time, and amended by way of engrossed rider.

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

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

Messrs. Boyd, A. Dyer, Marshall,
Bradley, Evans, Peyton,
Bramlette, Gray, Thomas,
Conner, Harris, Thurman,
Crenshaw, Heady, Walker,
Drake, Helm, Wallace—18.

Those who voted in the negative, were—

Messrs. Ballard, Draffin, Swope,
Boyd, W. P. Henderson, Taylor,
Butler, Nowell, Todd,
Chenault, Slaughter, Woodson—12.

Resolved, That the title of the said bill be amended by adding thereto, "and Raleigh Watson, of Morgan county."

Mr. Harris, from a select committee, reported a bill to modify the law of 1833, in relation to the importation of slaves, which was read the first time, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

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

[For Report—See Legislative Documents.]

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

And then the Senate adjourned.

THURSDAY, JANUARY 8, 1846.

Mr. Robert A. Patterson, a member of the Senate from the eleventh Senatorial District, appeared and took his seat.

Mr. Hardin, from the committee on the Judiciary, to whom was referred the message of the Governor, received on the 6th instant, containing the nomination of sundry public officers, reported the following resolution thereon, viz:

Resolved, That the Senate advise and consent to the said appointments. Which was concurred in.
Mr. Hardin, from the same committee, reported a bill providing for a change of venue in the prosecution against Robert Simmons, in the Allen Circuit 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 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. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the town of Mayfield, and for other purposes, reported the same with amendments, which 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 said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled; an act for the benefit of Moses McMullen, of Barren 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. A. Boyd, 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 William T. Samuels.

An act for the benefit of Mary Ann M. Hall, and others.

An act to allow an additional Justice of the Peace and Constable to Fulton 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. A. Boyd reported that the committee had performed that duty.

Mr. Peyton, from the committee on the Judiciary, reported the following bills, viz:

1. A bill requiring certain duties of Justices of the Peace.
2. A bill to amend the penal laws.

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 re-committed to the committee on the Judiciary; and the 2d was placed in the orders of the day.

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

Mr. 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 change the name of Clementine Pinley to Clementine Waterbury.
An act to change the names of Betsey Walton and Mary Ann White.
An act authorizing the appointment of additional Justices of the Peace for the counties of Muhlenburg and Union.
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 said bills do pass, and that the titles thereof be as aforesaid.

Mr. Walker, from the same committee, reported the following bills, viz:
1. A bill to change the Franklin and Anderson county line.
2. A bill to change the Russell and Clinton county line.

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 re-committed to the committee on Propositions and Grievances; 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. W. P. Boyd, from the committee on Religion, to whom was referred the petitions of Martin L. Binion, Frances Dickerson, Winyah C. Barber and Henry Ezell, each praying for a divorce, reported the following resolution thereon, viz:

Resolved, That the petitions be rejected.

Which was twice read and concurred in.

Mr. Helm, from the committee on Finance, to whom was referred a bill for the benefit of Lemuel H. Williams, reported the same without amendment.

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

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

Messrs. Boyd, A. Evans, Key,
Boyd, W. P. Hardin, Marshall,
Bradley, Heady, Thomas,
Bramlette, Helm, Thurman,
Crenshaw, Henderson, Walker—17.
Draffin, Holloway,

Those who voted in the negative, were—

Messrs. Ballard, Harris, Swope,
Butler, Newell, Taylor,
Chenault, Peyton, Todd,
Conner, Slaughter, Wallace,
Drake, South, Woodson—16.
Gray,

Mr. Helm, from the same committee, reported the following bills, viz:
A bill for the benefit of Philip Lightfoot, Sheriff of Breckinridge county.
A bill for the benefit of William Price, of Oldham 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 said bills
being dispensed with, and the same being engrossed,
Resolved, That said bills do pass, and that the titles thereof be as afore­
said.

Mr. Thurman, from the committee on Education, reported a bill for the
benefit of the School Commissioners 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 said bill being
dispensed with, and the same being engrossed.
Resolved, That said bill do pass, and that the title thereof be as afore­
said.

Mr. Key, from the committee on Banks, reported a bill to continue in force
the 20th section of an act to amend the charters of the Banks of Kentucky,
approved March 8, 1843, 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 said bill do pass, and that the title thereof be as afore­
said.
The yeas and nays being required on the passage of the said bill, by
Messrs. Ballard and Key, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bramlette, Hardin, Slaughter,
Butler, Heady, Swope,
Chenault, Helm, Taylor,
Conner, Henderson, Thomas,
Crenshaw, Holloway, Thurman,
Draffin, Key, Todd,
Drake, Newell, Walker,
Evans, Patterson, Woodson—26.
Gray, Peyton,

Those who voted in the negative, were—

Messrs. Ballard, Bradley, South,
Boyd, A. Harris, Wallace—8.
Boyd, W. P. Marshall,

A message, in writing, was received from the Governor, by Mr. Hardin, 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, George S. Shanklin to be Commonwealth's Attorney, for the 9th Judicial District, in place of G. C. Thurman, resigned.

Calhoun Benham to be Commissioner of Deeds for Kentucky, in Cincinnati, Ohio.

William H. Maxwell to be Commissioner of Deeds for Kentucky, in the city of New York.

Jonathan C. Langston to be Sheriff of Caldwell county, in place of J. O'Hara, time expired.

James R. Sloan to be Sheriff of Fayette county, in place of James Dudley, resigned.

William T. Spurrier, Charles S. Tucker, and John C. Buckles, to be Notaries Public in Jefferson county.

William D. Vertrees to be Notary Public in Hardin county.

Geo. W. Triplett to be Notary Public in Daviess county.

Joseph A. Davis to be Commissioner of Deeds for Kentucky, in New Orleans.

Abraham Jones to be Commissioner of Deeds for Kentucky, at Quincy, Ill.

James Collins to be Sheriff of Russell county, in place of the present Sheriff, whose term is about to expire, the County Court having failed to recommend according to the Constitution.

Solomon Taylor to be Sheriff of Bracken county, in place of Joseph T. McKibbin, whose term is about to expire, the County Court having failed to recommend agreeably to the Constitution.

Marcus E. Browning to be Notary Public in Fayette county.

Milton P. Buster to be Sheriff of Wayne county, in place of B. Haden, deceased.

WM. OWSLEY.

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

The Speaker laid before the Senate the following communication from the Secretary of State, viz:

[For Communication—see Legislative Documents.]
Ordered, That said report be referred to the committee on the Sinking Fund, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

An engrossed bill, entitled, an act to change the time of the meeting of the General Assembly of this Commonwealth, was read the third time.

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. Chenault and Walker, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


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 E. Stout, and others.

An act to extend the Constable's district including the town of Mayfield. Approved January 7, 1846.

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 town of Albany. That they had passed bills from the Senate, of the following titles, viz:

An act for the benefit of the Clerk of the Clinton Circuit Court.

An act to change the time of holding the election of Trustees for the town of Cadiz, in Trigg county.

An act for the benefit of Samuel E. Carpenter.

An act to change the names of William Reynolds and Walker Reynolds, to those of William Cochran and Walker Cochran, and for other purposes.

An act to allow further time to the Sheriff of Pulaski county to return his delinquent list of muster fines.
With amendments to the last bill, which amendments were concurred in. That they had concurred in the adoption of a resolution to appoint a committee to examine Transylvania University and the Lunatic Asylum, with amendments, which were concurred in.

That they had passed bills of the following titles, viz:
1. An act to divorce Marvil Winfrey, from his wife, Betsey Jane Winfrey.
2. An act divorcing Mary Hancock.
3. An act divorcing Alley Martin from her husband.
4. An act to divorce Joseph Miller from his wife.
5. An act to amend an act to invest the Craddock Fund.
6. An act to legalize certain proceedings of the 20th Regiment, 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 of said bills being dispensed with, they were referred: the 1st, 2d, 3d and 4th to the committee on Religion; the 5th to the committee on Finance; and the 6th to the committee on Military Affairs.

A resolution relative to Executive nominations was laid on the table.

A resolution fixing a day for the final adjournment of the General Assembly, read and laid on the table by Mr. Butler, on the 6th instant, was taken up.

The said resolution is as follows, viz:

Resolved, That the General Assembly of the Commonwealth of Kentucky will adjourn sine die on the 10th day of February, 1846.

Mr. Woodson moved to amend the said resolution by substituting in lieu thereof the following, viz:

Resolved, That the General Assembly of the Commonwealth of Kentucky will adjourn on the earliest day after they shall have gotten through with the business of the State.

Mr. Taylor moved the previous question.

Mr. Walker moved to lay the said resolution and amendment on the table. The question being taken on the motion of Mr. Walker, it was decided in the negative.

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

Those who voted in the affirmative, were—

Messrs. Ballard, Key, Slaughter,
Drake, Newell, Walker—7.
Dyer,

Those who voted in the negative, were—

Messrs. Boyd, A., Evans, Peyton,
Boyd, W. P. Gray, South,
The question was then taken, shall the main question be now put? and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Boyd, A. 
Bradley, 
Bramlette, 
Butler, 
Chenault, 
Conner, 
Crenshaw, 
Draffin, 

Evans, 
Gray, 
Hardin, 
Heady, 
Helm, 
Henderson, 

Holloway, 
Patterson, 
Taylor, 
Thurman, 
Todd, 
Walker—19.

Those who voted in the negative, were—

Messrs. Ballard, 
Boyd, W. P. 
Draffin, 
Drake, 
Dyer, 
Harris, 

Key, 
Marshall, 
Peyton, 
Slaughter, 

South, 
Swope, 
Thomas, 
Wallace, 
Woodson—16.

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, A. 
Boyd, W. P. 
Bradley, 
Bramlette, 
Butler, 
Chenault, 
Conner, 
Crenshaw, 
Draffin, 

Evans, 
Gray, 
Hardin, 
Heady, 
Helm, 
Henderson, 
Holloway, 

Marshall, 
Patterson, 
Peyton, 
South, 
Taylor, 
Thurman, 
Todd, 
Walker—25.

Those who voted in the negative, were—

Messrs. Ballard, 
Drake, 
Dyer, 
Key, 

Newell, 
Slaughter, 
Swope, 

Thomas, 
Wallace, 
Woodson—10.
Leave was given to bring in the following bills, viz:

On the motion of Mr. Gray—1. A bill to amend the act requiring the proprietors of shows to obtain license, approved February 21, 1840.
2. A bill to prevent the burning the woods in Christian county.
3. A bill to regulate the terms of the Christian County Court.

On the motion of Mr. Peyton—4. A bill for the benefit of Quintus C. Shanks, late Sheriff of Ohio county, and others.

On the motion of Mr. Helm—5. A bill to establish an additional precinct in Hardin county.

On the motion of Mr. Evans—6. A bill to confer jurisdiction upon the Judges of Circuit Courts in this Commonwealth to grant changes of venue in criminal prosecutions.

On the motion of Mr. Draffin—7. A bill further to regulate the duties of executors or administrators.

The committee on Propositions and Grievances was directed to prepare and bring in the 1st and 2d bills; the committee on the Judiciary the 3d, 4th, 6th and 7th; and the committee on Privileges and Elections the 5th.

And then the Senate adjourned.

FRIDAY, JANUARY 9, 1846.

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

The rule of the Senate being dispensed with, the said messages were referred to the committee on the Judiciary.

Mr. Hardin, from the committee on the Judiciary, to whom was referred the message of the Governor, nominating sundry public officers, received on yesterday, reported the following resolution thereon, viz:

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

Which was twice read and concurred in.

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

An act to change the venue in the prosecutions against Moses Guess, Philip F. Jones, Murray M. Jones and John P. Salling, from the Edmonson to the Warren Circuit Court.
An act for the benefit of the Jailers of Hickman, Oldham and Livingston counties.

Reported the same without amendment.

Ordered, That said bills be read a third time.

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

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

Mr. Hardin, from the same committee, reported a bill to amend the act concerning slaves, approved February 5, 1845, 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 made the special order of the day for Tuesday next.

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

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

A bill for the benefit of Thomas McIntire, of Mercer county.

A bill for the benefit of Quintus C. Shanks and Justinian T. Harris, late Sheriffs of Ohio county, and the Sheriff of Muhlenburg county.

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

Mr. Hardin, from the same committee, to whom was referred a bill to repeal an act, entitled, an act to amend the law concerning executions, approved March 10, 1843, reported the same without amendment: the said bill was re-committed to the committee on the Judiciary.

Mr. W. P. Boyd, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act to divorce Marvil Winfrey from his wife, Betsey Jane Winfrey, reported the same with the opinion of the committee that it ought not to pass: the said bill was laid on the table.

Mr. W. P. Boyd, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act divorcing Mary Hancock, reported the same with the opinion that it ought not to pass.

Mr. Walker and Mr. Ballard offered amendments to said bill.

Mr. Taylor moved that the bill and amendments be laid on the table.

The question being taken thereon, it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Taylor and Chenault, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, A. Draffin, Holloway,
Boyd, W. P. Dyer, Marshall,
Bradford, Gray, Newell,
Bramlette, Hardin, Peyton,
Chenault, Helm, Taylor,
Conner, Henderson, Todd—19.
Crenshaw,

Those who voted in the negative, were—

Messrs. Ballard, Heady, Thomas,
Bradley, Key, Thurman,
Butler, Patterson, Walker,
Evans, Slaughter, Wallace,
Harris, Swope, Woodson—15.

Mr. W. P. Boyd, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act divorcing Alley Martin from her husband, 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. W. P. Boyd, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to divorce Joseph Miller, from his wife, reported the same with the opinion of the committee that it ought not to pass.

The said bill was amended to read as follows, viz:

1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Joseph Miller be, and is hereby, divorced from his wife, Lavinia Miller, and he is hereby restored to all the rights and privileges of a single man.

2. Be it further enacted, That the provisions of this bill extend to Lavinia Miller, who is hereby declared to be divorced from said Joseph Miller, and she is hereby restored to her maiden name, Lavinia Williams.

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

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

Those who voted in the affirmative, were—

Messrs. Ballard, Evans, Slaughter,
Bradley, Heady, Thurman,
Crenshaw, Helm, Wallace,
Dyer, Holloway, Woodson—12.
Those who voted in the negative, were—

Messrs. Boyd, W. P. | Gray, | Peyton,  
Bradford, | Hardin, | Swepe,  
Bramlette, | Henderson, | Taylor,  
Butler, | Marshall, | Thomas,  
Conner, | Newell, | Todd—16.  
Draffin,  

An engrossed bill, entitled, an act for the benefit of Lemuel H. Williams, was read the third time, as follows, viz:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,*

That it shall be lawful for Lemuel H. Williams, of Clinton county, to be qualified, and to act as Deputy Sheriff of said county, notwithstanding he was Commissioner of Tax in said county in the year 1845.

The question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was rejected.

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

Those who voted in the affirmative, were—

Messrs. Boyd, A. | Dyer,  
Boyd, W. P. | Holloway,  
Bradley, | Evans,  
Bramlette, | Hardin,  
Crenshaw, | Heady,  
Draffin, | Helm,  

Those who voted in the negative, were—

Messrs. Ballard, | Harris,  
Bradford, | South,  
Butler, | Swope,  
Chenault, | Taylor,  
Conner, | Todd,  
Gray, | Peyton,  

A bill to modify the law of 1833, in relation to the importation of slaves, was postponed and made the order of the day for Wednesday next.

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

On the motion of Mr. Butler—1. A bill for the benefit of James C. Johnson, and others, heirs and devisees of Eliza Collins.

On the motion of Mr. Newell—2. A bill to amend the law concerning the hiring of slaves in this Commonwealth.

On the motion of Mr. Crenshaw—3. A bill so to amend the penal laws of this Commonwealth, as to provide penalties for malicious mischief.

Messrs. Butler, Slaughter and Helm 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 and 3d.
On the motion of Mr. Newell,

Resolved, That the Board of Internal Improvement be requested to inform this House of the amount of money appropriated to works of Internal Improvement on Licking river, and also, the amount expended on said river.

On the motion of Mr. Evans,

Resolved, That the Board of Internal Improvement, either by themselves or their Engineer, report to the Senate as early as practicable, the probable cost, as well as the practicability of elevating Lock and Dam No. 4, on Green river, four feet higher.

And then the Senate adjourned.

SATURDAY, JANUARY 10, 1846.

1. Mr. Walker presented the petition of Allen Campbell, praying that his deaf and dumb daughter may be received in the Deaf and Dumb Asylum at Danville, and supported by the State.

2. Mr. Bramlette presented the petition of Louisa Gray, praying for a divorce from her husband, David Gray.

3. Mr. Draffin presented the petition of the heirs of Richard McCarty, by their attorney in fact, praying for the passage of a law declaring that the lands acquired by said McCarty, in the State of Kentucky, shall not escheat to the State, in consequence of the petitioners being aliens.

Which petitions were severally received and referred: the 1st and 3d to the committee on the Judiciary; and the 2d to the committee on Religion.

Mr. Hardin, from the committee on the Judiciary, reported a bill to regulate the terms of the Christian 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 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. Slaughter, from the committee on Agriculture, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the County Court of Russell, 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 be amended to read, and act for the benefit of the County Courts of Russell and Clinton counties.

Mr. Todd, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act to invest the Craddock fund, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Todd, from the same committee, reported a bill for the benefit of Elijah McWhorter, 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 said bill being dispensed with, and the same being amended and engrossed,

Resolved, That said bill do pass, and that the title be amended by adding thereto, "and William J. Mayo, of Floyd county."

The following bills were reported from select committees, viz:

By Mr. Crenshaw—1. A bill to amend the charter of the Glasgow and Scottsville Turnpike Road Company.

By Mr. Bramlette—2. A bill concerning the town of Albany, in Clinton county.

By Mr. Conner—3. A bill to improve the navigation of Little Sandy river.

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 ordered to be engrossed and read a third time; the 2d was referred to the committee on the Judiciary; and the 3d to the committee on Internal Improvement.

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

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

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

An act to allow an additional Justice of the Peace and Constable to Fulton county.

An act for the benefit of Mary Ann M. Hall, and others.

Approved January 8, 1846.
Leave was given to bring in the following bills, viz:

On the motion of Mr. Draffin—1. A bill to authorize the Clerks of the County Courts of this Commonwealth to swear persons to the age of individuals who shall wish to obtain marriage license.

On the motion of Mr. Taylor—2. A bill to amend the acts regulating conveyances.

On the motion of Mr. Evans—3. A bill to improve the navigation of Green and Barren rivers, and for other purposes.

On the motion of Mr. Gray—4. A bill to amend an act providing for appeals from Justices of the Peace, approved 1831.

The committee on the Judiciary was directed to prepare and bring in the 1st, 2d and 4th; and the committee on Internal Improvement, the 3d.

A bill from the House of Representatives, entitled, an act divorcing Mary Hancock, was taken up and amended to read as follows, viz:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Mary Hancock be, and she is hereby, divorced from her husband, James Hancock, and said Mary Hancock is restored to all the rights and privileges of an unmarried woman.

SEC. 2. Be it further enacted, That Sarah Ann Doneghy be, and she is hereby, divorced from her husband, John G. Doneghy, and restored to all the privileges of an unmarried woman.

The question was then taken on reading the said bill a third time, as amended, and it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Peyton and W. P. Boyd, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, A. Holloway, Thomas,
Bradley, Key, Thurman,
Evans, Patterson, Walker,
Harris, Slaughter, Wallace,
Heady, South, Woodson—16.

Those who voted in the negative, were—

Messrs. Boyd, W. P. Draffin, Newell,
Bramlette, Drake, Peyton,
Butler, Dyer, Swope,
Chenault, Gray, Taylor,
Conner, Hardin, Todd—17.
Crenshaw, Henderson,

Mr. Hardin presented the annual report of the Trustees of the Kentucky Institution for the education of the Deaf and Dumb, which is as follows, viz:

[For the Report—See Legislative Documents.]
The said report was referred to the committee on Finance.

Ordered, That the Public Printer print 1,000 copies thereof for the use of the General Assembly.

Mr. A. Boyd, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to continue in force for one year, an act for the benefit of Isaiah Heston, late Sheriff of Breckinridge county.

An act continuing in force the law providing for the appointment of Commonwealth's Attorneys.

An act authorizing the County Court of Breckinridge county to change the location of a part of the State road leading from Brandenburg to Shawneetown.

An act for the benefit of the Clerk of the Clinton Circuit Court.

An act to change the time of holding the election of Trustees for the town of Cadiz, in Trigg county.

An act to allow further time to the Sheriff of Pulaski county to return his delinquent list of muster fines, and for other purposes.

An act for the benefit of Samuel E. Carpenter.

An act to change the names of William Reynolds and Walker Reynolds, to those of William Cochran and Walker Cochran, and for other purposes.

And a resolution to appoint a committee to examine Transylvania University, the Deaf and Dumb Asylum and the Lunatic Asylum.

The Speaker of the House of Representatives having signed the said bills and resolution, 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. A. Boyd reported that the committee had performed that duty.

And then the Senate adjourned.

[MONDAY, JANUARY 13, 1846.]

A message was received from the House of Representatives, announcing that they had adopted resolutions in Relation to Public Printing, which were twice read and concurred in.
That they had passed bills of the following titles, viz:
1. An act concerning the Banks in Kentucky.
2. An act for the benefit of the Sheriff of Perry county.
3. An act for the benefit of Lois Smallwood.

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 to the committee on Banks; the 2d and 3d to the committee on Finance; and the fourth to the committee on Education.

The Speaker laid before the Senate the annual report of the Board of Internal Improvement, and also, the report of the Green and Barren River Commissioners, which are as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,

January 10, 1846.

I herewith lay before you the annual report of the Board of Internal Improvement, and have the honor to be, with great respect, yours, &c.

THOMAS METCALFE, P. B. I. I.

Hon. ARCHIBALD DIXON,
Speaker of the Senate.

[For Reports—See Legislative Documents.]

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

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

Twenty-first annual report of the President and Directors of the Louisville and Portland Canal Company.

The balance in the Treasury as shown by the last report, was appropriated in the purchase of shares, and 771 shares were taken, as authorized by a resolution of the Stockholders, and the amount charged in the general account of the Company, which is as follows:

Louisville and Portland Canal Company in General Account:

<table>
<thead>
<tr>
<th>DEBITS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance of cash on hand January 1st, 1845</td>
<td>-$113,490 78</td>
</tr>
<tr>
<td>Received for Canal tolls in 1845</td>
<td>138,291 17</td>
</tr>
</tbody>
</table>

$251,781 95
CREDITS.

Paid for 771 shares of the stock of the Company, $129,528 00
Paid expenses on the Canal, 20,197 54
Paid incidental expenses, of salaries, law and office charges, 1,892 32
Balance of cash in the Treasury, 100,164 09

$251,781 95

The balance on hand will be immediately appropriated in the purchase of about 665 shares of stock, as authorized by Act of Assembly, which added to those purchased in three previous years, will make the United States virtually the owners of 5,353 shares, leaving but 4,647 shares to be hereafter liquidated.

The annexed table shows the number and tonnage of boats that have passed through the Canal since its commencement. The severity of the weather during the month of December, has caused the navigation to be obstructed with ice, and a consequent diminution of the tolls, which otherwise would have exceeded those of the last year.

Respectfully submitted,

JAMES MARSHALL, President.


S. S. GOODWIN, Secretary.

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Steam Boats</th>
<th>Flat and Keel Boats</th>
<th>Tons.</th>
<th>Amount received</th>
</tr>
</thead>
<tbody>
<tr>
<td>1831</td>
<td>406</td>
<td>421</td>
<td>76,323</td>
<td>$12,750 77</td>
</tr>
<tr>
<td>1832</td>
<td>453</td>
<td>179</td>
<td>70,109</td>
<td>25,756 12</td>
</tr>
<tr>
<td>1833</td>
<td>875</td>
<td>710</td>
<td>169,885</td>
<td>60,736 92</td>
</tr>
<tr>
<td>1834</td>
<td>938</td>
<td>623</td>
<td>162,000</td>
<td>61,845 17</td>
</tr>
<tr>
<td>1835</td>
<td>1,256</td>
<td>355</td>
<td>200,413</td>
<td>80,165 24</td>
</tr>
<tr>
<td>1836</td>
<td>1,182</td>
<td>260</td>
<td>182,220</td>
<td>88,343 23</td>
</tr>
<tr>
<td>1837</td>
<td>1,501</td>
<td>165</td>
<td>242,371</td>
<td>145,424 69</td>
</tr>
<tr>
<td>1838</td>
<td>1,058</td>
<td>438</td>
<td>201,750</td>
<td>121,107 16</td>
</tr>
<tr>
<td>1839</td>
<td>1,666</td>
<td>578</td>
<td>300,406</td>
<td>150,364 01</td>
</tr>
<tr>
<td>1840</td>
<td>1,381</td>
<td>392</td>
<td>224,841</td>
<td>134,904 55</td>
</tr>
<tr>
<td>1841</td>
<td>1,031</td>
<td>309</td>
<td>189,907</td>
<td>113,944 59</td>
</tr>
<tr>
<td>1842</td>
<td>983</td>
<td>183</td>
<td>172,755</td>
<td>95,005 10</td>
</tr>
<tr>
<td>1843</td>
<td>1,206</td>
<td>88</td>
<td>232,964</td>
<td>107,274 65</td>
</tr>
<tr>
<td>1844</td>
<td>1,476</td>
<td>168</td>
<td>304,384</td>
<td>140,359 97</td>
</tr>
<tr>
<td>1845</td>
<td>1,585</td>
<td>394</td>
<td>318,741</td>
<td>158,291 17</td>
</tr>
<tr>
<td></td>
<td>16,817</td>
<td>5,263</td>
<td>3,048,692</td>
<td>$1,506,306 34</td>
</tr>
</tbody>
</table>
At a meeting of the Stockholders of the Louisville and Portland Canal Company, at their office in the city of Louisville, January 5, 1846, the report of the President and Directors was received and ordered to be printed.

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

JAMES MARSHALL, President.
SIMON S. GOODWIN, (Directors.
JOHN HULME,
RICHARD RONALDSON,
PETER HULME,

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

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

JAMES MARSHALL, Chairman.

[Extract from the Minutes.]

S. S. GOODWIN, Secretary.

A message, in writing, was received from the Governor, by Mr. Hardin, Secretary, announcing that the Governor had approved and signed enrolled bills and a resolution which originated in the Senate, of the following titles, viz:

An act authorizing the County Court of Breckinridge county to change the location of part of the State road leading from Brandenburg to Shawneetown.

An act to continue in force for one year, an act for the benefit of Isaiah Heston, late Sheriff of Breckinridge county.

An act for the benefit of Samuel F. Carpenter.

An act to change the names of William Reynolds and Walker Reynolds, to those of William Cochran and Walker Cochran.

An act continuing in force the law providing for the appointment of Commonwealth's Attorneys.

An act for the benefit of the Clerk of the Clinton Circuit Court.

An act to change the time of holding the election of Trustees for the town of Cadiz, in Trigg county.

An act to allow further time to the Sheriff of Pulaski county to return his delinquent list of muster fines, and for other purposes.

A resolution to appoint a committee to examine Transylvania University, the Deaf and Dumb Asylum, and the Lunatic Asylum.

Approved January 10, 1846.

A message, in writing, was received from the Governor, by Mr. Hardin, 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, John Snyder, to be Police Judge of the town of Smithland, in the place of John E. Newman, resigned.

WM. OWSLEY.

Ordered. That said message be referred to the committee on the Judiciary.

The Speaker laid before the Senate the following communication from the Secretary of State, viz:

[For Communication—see Legislative Documents.]

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

1. Mr. Helm presented the petition of Lewis Barrett, praying for the passage of a law exonerating him and others from the penalty of the law of 1833, for having imported into this State a negro slave named Manson.

2. Mr. Hardin presented the petition of John Kincaid, jr., praying for a divorce from his wife, Martha Susan Kincaid, and also, sundry depositions accompanying said petition.

3. Mr. Fox presented sundry depositions taken by Martha Susan Kincaid, in support of her application for a divorce from her husband, John Kincaid, jr.

4. Mr. Taylor presented the petition of Isaac Pearcall, praying for the passage of a law allowing him for his expenses incurred in a prosecution for felony.

5. Mr. South presented the remonstrance of sundry citizens of the county of Pike, forming a portion of the 19th Judicial District, against the appointment of a Circuit Judge residing out of said District.

6. Mr. Harris presented three remonstrances of sundry citizens of the 19th Judicial District, against the appointment of a Circuit Judge residing out of said District.

7. Mr. Thomas presented the petition of Elizabeth Wydel, praying for a divorce from her husband, Samuel Wydel.

8. Mr. Harris presented the petition of Benajah A. Webb, Administrator of Frederick Adkins, deceased, praying for the passage of a law permitting him or the widow of said Adkins, to bring into this State, from Virginia, a negro woman named Sarah, and her child Lucy, without incurring any penalty.

9. Mr. Drake presented the petition of sundry citizens of the town of Simpsonville, in Shelby county, praying for the passage of a law extending the limits of said town.

10. Mr. Drake also presented the remonstrance of James L. Russell, and others, against the enlargement of the bounds of the town of Simpsonville.
11. Mr. W. P. Boyd presented the petition of sundry citizens of Fleming county, praying for the passage of a law authorizing the Trustees named in a deed of trust executed by John Andrews, of Sherburn Mills, for the benefit of his creditors, to dispose of the property named in said deed of trust by a Lottery, for the benefit of his creditors, or to appoint Commissioners to do so.

12. Mr. Butler presented the petition of the Firemen’s Insurance Company of Louisville, praying for an amendment to the charter of said Company.

Which were severally received and referred: (the 2d and 5th being read)

The 1st and 8th to the committee on Propositions and Grievances; the 2d, 3d and 7th to the committee on Religion; the 4th to the committee on Finance; and the 5th, 6th, 9th, 10th, 11th and 12th to the committee on the Judiciary.

On the motion of Mr. Swope, the vote by which a bill from the House of Representatives, entitled, an act divorcing Mary Hancock, was disagreed to, was re-considered.

The question being taken on reading the said bill, as amended, a third time, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Ballard, Harris, South,
Boyd, A. Heady, Thomas,
Bradford, Helm, Thurman,
Bradley, Holloway, Walker,
Draffin, Key, Wallace,
Evans, Patterson, Woodson—20.
Fox, Slaughter,

Those who voted in the negative, were—

Messrs. Boyd, W. P. Drake, Peyton,
Butler, Gray, Swope,
Chenault, Hardin, Taylor,
Conner, Henderson, Todd—14.
Crenshaw, Newell,

The following bills were reported from select committees, viz:

By Mr. Swope—1. A bill to change the name of George W. Sowder to George W. Haley.

By Mr. Fox—2. A bill to change the names of Amanda Jane Hines, and others, and for other purposes.

By Mr. Butler—3. A bill for the benefit of James C. Johnston, and others, heirs and devisees of Eliza Collins.

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 and 2d were ordered to be engrossed and read a third time; and the 3d was referred to the committee on the Judiciary.

The constitutional rule as to the third reading of the 1st and 2d bills being dispensed with, and the same being engrossed,

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

On the motion of Mr. Fox,

Resolved, That the committee on the Judiciary be directed to enquire into the propriety of prohibiting, by law, the sale of merchandise, spirits, or other articles, to persons under 21 years of age, unless by consent of their parents or guardians, and to report a bill for that purpose.

A bill to amend the penal laws was taken up, and is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if any person shall hereafter usurp any office established by the Constitution or laws of this Commonwealth, or shall hold over any such office, after his appointment thereto shall have been declared by a court of competent jurisdiction illegal or void, such person shall, on the presentment or indictment of a Grand Jury, be subject to a fine of not less than five hundred dollars nor more than fifteen hundred dollars, at the discretion of a jury; and upon conviction and failure to pay said fine, shall be imprisoned in the jail of the county where such offence shall be committed, until such fine and the costs of the prosecution are paid.

Mr. Harris moved to amend the said bill by adding thereto the following proviso, viz:

Provided, That nothing in this act shall, in anywise, apply to the contest in relation to the Jailer of Franklin county, now or hereafter.

Mr. Butler moved to commit the said bill to the committee on the Judiciary, with the following instructions, viz: to enquire and report,

1st. Whether the Court of Appeals have power to act on the inferior court, and enforce obedience to their mandate, by punishing for contempt or otherwise.

And 2d. If the appellate court possesses no such power, to enquire into the propriety of so amending the law as to confer the requisite power on the Supreme Court.

The question being taken on said motion of Mr. Butler, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Boyd, A. 
Boyd, W. P. 
Bradford, 
Bradley, 

Draffin, 
Drake, 
Dyer, 
Gray, 

Newell, 
Slaughter, 
South, 
Swope,
Mr. Hardin presented sundry letters and papers in relation to the appointment of Circuit Judge in the 19th Judicial District, which was received and referred to the committee on the Judiciary.

On the motion of Mr. Swope, leave was given to bring in the following bills, viz:

1. A bill authorizing the Pendleton County Court to appropriate the proceeds of the sales of the vacant lands in said county to aid in the erection of a new Court House.

2. A bill allowing Martin Fugate, late Sheriff of Pendleton county, further time to return his delinquent list of muster fines, and for other purposes.

Messrs. Swope, Slaughter and Bramlette were appointed a committee to prepare and bring in the 1st; and Messrs. Swope, Crenshaw and Fox the 2d.

On the motion of Mr. Harris,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of so changing the law on the subject of trials before Justices of the Peace, as to allow jurors the sum of fifty cents per day, for their attendance on the trial of causes before them.

Resolved, That the committee on the Judiciary be also instructed to enquire into the expediency of repealing the law conferring jurisdiction on Justices of the Peace, to punish persons guilty of riots, routs, unlawful assemblies and breaches of the peace, or what alteration is necessary in the law on that subject, and report by bill or otherwise.

Mr. Butler moved the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to enquire into the propriety of so amending the law of divorce, as to authorize the Chancellor, where abandonment is the allegation in the bill, to enquire into the conduct of the plaintiff, and where he or she has given good cause for the abandonment, to refuse the application.

2d. Into the propriety of absolving both parties in all cases of divorce.

Mr. Evans moved to amend the said resolution by adding thereto the following:

Resolved further, That said committee be instructed to enquire into the propriety of passing a law to confer general jurisdiction upon Chancellors in all cases, and for all causes for divorces, when application shall be made to them; and that said committee enquire into the constitutionality of the
legislative action in granting divorces, and the policy and justice of such action by the Legislature, upon ex parte statements of the facts and circumstances which form the basis for applications for divorces.

Which amendment was concurred in.

The said resolution, as amended, was then adopted.

And then the Senate adjourned.

TUESDAY, JANUARY 13, 1846.

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 the County Court of Barren county to change the location of the Poor House in said county.

An act for the benefit of Jonathan T. Moredock.

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

An act to take the sense of the people of this Commonwealth as to the expediency of calling a Convention.

An act for the benefit of Gideon S. and Susan Mary Mims, infant heirs of Gideon Mims, deceased.

An act for the benefit of the infant heirs of G. W. Wall, deceased.

An act to amend an act providing for a change of venue in the prosecution against Joseph N. Allen, approved January 22, 1845.

An act to change the venue in the prosecution against Amos C. Hale.

An act for the benefit of Milton King, Clerk of the Cumberland County and Circuit Courts.

An act for the benefit of Urban E. Kennedy and Achsah H. Kennedy, of Todd County.

An act for the benefit of the heirs of Elisha Franklin, deceased.

An act for the benefit of the heirs of Hubbard B. Smith, deceased.

An act for the relief of Edmund Payne.

An act establishing a chancery term of the Montgomery Circuit Court.

1. Mr. Draffin presented the petition of sundry Stockholders of that part of the Franklin and Crab Orchard Turnpike Road Company, lying in the county of Mercer, praying for the passage of a law providing for a settlement with the Board for Mercer county from the commencement of said road up to the present time.
2. Mr. Patterson presented the petition of Zachariah Weeks, praying for a divorce from his wife, Elizabeth, together with depositions in support of said application.

3. Mr. Patterson also presented the petition of William Wadlington, praying for the passage of a law allowing him to bring into this State seven negro slaves which he removed to the State of Mississippi in the year 1843; and also, praying for the passage of a law discontinuing Main South and Second South Street, within the boundary of his land, adjoining, and within the town of Princeton.

4. Mr. Patterson also presented the remonstrance of the Trustees and sundry citizens of the town of Princeton, against the passage of a law annulling or discontinuing Main South and Second South Street, so far as they run into the lands of William Wadlington.

Which petitions and remonstrance were severally received and referred: the 1st to the committee on Internal Improvement; the 2d to the committee on Religion; and the 3d and 4th to the committee on the Judiciary.

Mr. Hardin, from the committee on the Judiciary, to whom was referred the message of the Governor, received on yesterday, nominating John Snyder to be Police Judge of the town of Smithland, reported the following resolution thereon, viz:

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

Which was concurred in.

Mr. Hardin, from the same committee, to whom was referred the following message of the Governor, viz:

Gentlemen of the Senate:
I nominate for your advice and consent, Micajah Malone to be Sheriff of Marion county, in place of Joseph Wimsatt, whose term is about to expire, the County Court having failed to recommend in the time prescribed by the Constitution.

F. X. White to be Notary Public, in Jefferson county.

WM. OWSLEY.

Reported the following resolution thereon, viz:

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

Which was concurred in.

Mr. Thomas James, a member of the Senate from the first Senatorial District, appeared and took his seat.

Mr. Hardin, from the same committee, to whom was referred the following message from the Governor, viz:

Gentlemen of the Senate:
I nominate for your advice and consent, William B. Kinkead to be Judge of the 19th Judicial District, in place of John White, deceased.

WM. OWSLEY.

Reported the following resolution thereon, viz:

Resolved, That the Senate advise and consent to the said appointment.
The question being then taken on concurring in the said resolution, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Ballard, Boyd, W. P., Dyer, Peyton,
Boyd, W. P., Dyer, Peyton,
Bradford, Fox, Slaughter,
Bramlette, Gray, Swope,
Butler, Hardin, Taylor,
Chenault, Henderson, Thurman,
Conner, Holloway, Todd,
Draffin, Key, Walker,
Drake, Patterson, Woodson—25.

Those who voted in the negative, were—

Messrs. Boyd, A., Harris, Newell,
Bradley, Heady, Wallace—8,
Evans, Helm,

Mr. Walker, from the committee on Propositions and Grievances, reported the following bills, viz:

1. A bill to amend an act to prevent the burning of the woods in certain counties, and for other purposes, approved February 7, 1840.
2. A bill to amend the act requiring the proprietors of shows to obtain license, approved February 21, 1840.
3. A bill for the benefit of the widow and heirs of Frederick Adkins, 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 of said bills being dispensed with, the 1st and 2d were committed 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the same committee, to whom was referred a bill to change the Anderson and Franklin county line, reported the same without amendment.

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

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

Messrs. Boyd, W. P. Dyer, Peyton,
Bradford, Evans, Thomas,
Bramlett, Gray, Thurman,
Chenault, Hardin, Todd,
Crenshaw, Headley, Walker,
Draffin, Patterson, Woodson—18.

Those who voted in the negative, were—

Messrs. Boyd, A. Fox, Slaughter,
Bradley, Henderson, Swope,
Butler, James, Taylor,
Conner, Key, Wallace—14.
Drake, Marshall,

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

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

The Speaker laid before the Senate the following communication from the Board of Internal Improvement, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,

January 13, 1846.

SIR:

I have the honor, herewith, to make a report of the views and opinion of the Board of Internal Improvement upon various claims against the State, for damages done to the claimants by the slackwater of the Green and Barren rivers, and to be, with great deference and respect,

Your obedient servant,

THOMAS METCALFE, P. B. I. I.

To the honorable Senate and House of Representatives:

In pursuance of the provisions of an “act for the benefit of the owners of mills and other property injured by slackwater,” approved February 10, 1845, the Board of Internal Improvement respectfully report:

That instead of appointing an agency, as they were authorized to do, to discharge the duties prescribed by that act, it was determined that the President of the Board should investigate all the claims against the State, for damages upon the Green and Barren River Navigation, in person. This step was taken on the part of the Board, not only as a measure of economy, by which to avoid the necessity of employing competent persons to perform that duty, but also for the purpose of enabling the President to make a minute examination of the Locks and Dams, and to report to the Legislature his opinion of what ought to be done for the future security and protection of those works. He proceeded, accordingly, to Bowlinggreen, and entered upon the duties assigned him. It was, however, his misfortune, in returning to Bowlinggreen, from Mitchell’s mill, to sustain an injury so seri-
ous by the sudden falling of his horse, and the summerset of that beast, reversing positions with the rider, as to render it impossible for him to proceed further. In consequence of this mishap, an agent had to be appointed to continue the investigation of the claims alluded to. The works upon the Kentucky river being, at that time, in good order, and not requiring the immediate attention of the Superintendent, the Board thought it best to devolve upon that officer the duty of making the investigations upon the Green and Barren rivers. Having entire confidence in the integrity of Mr. Conn, as well as in his experience and capacity to perform that duty; and wishing to incur no additional expense, by the employment of persons not connected with the service, who of course would expect to be paid for the time they were employed, as well as their traveling expenses, he was appointed accordingly; and made all the investigations except the claims within the vicinity of Bowlinggreen, which underwent the investigation of the President, aided, on account of his debility at the time, by George B. Adams, Esq., of Bowlinggreen. The testimony taken in behalf of the several claimants, on that line of navigation, has been "reduced to writing," and is "on file in this office," as directed by the act aforesaid, for the inspection of committees, or to be disposed of as the honorable Legislature may direct.

The Board give the following opinion as the result of their investigations, founded upon the testimony alluded to:

From the testimony produced in the case of Prudence Shadburn, and others, claiming damages done to a tract of land, of between 900 and 1,000 acres, the Board are of opinion that the claimants have, in reality, sustained damages to the amount of about ($1,000,) one thousand dollars, and recommended the payment of that sum accordingly.

From the testimony taken in the case of John Mitchell, H. G. Mitchell, and Leander Mitchell, the Board are of opinion that they have sustained damages to the amount of about $2,000, over and above the value of all the advantages resulting to them from the navigation, and recommend the payment of that sum to the claimants.

From the testimony taken in behalf of H. Hines, the Board have formed the opinion, that he has, in reality, sustained no damages from the slack-water, at all equal to the advantages resulting from it, and therefore decline to recommend the payment of his claim, or any part of it.

The claim of S. & S. F. Vaught, for damages done to their mill on Pond creek, which empties into Green river more than thirty miles above Dam No. 1, was investigated by Mr. Conn. As will be seen by examining the testimony, several witnesses give it as their opinion, that the claimants have actually sustained damages to the amount of about $1,000. From the statement of the same witnesses, it will appear that the water wheel of their mill is about six feet above the back water from pool No. 2, when upon a level with the top of the Dam. Admitting this opinion of the witnesses to be correct, so far as relates to the height of the wheel above the water at the stage mentioned, and the Board would still doubt whether the damning of the water had any serious effect upon the running of the mills. A considerable rise would be required to swell the river, at that point, six feet above the usual depth of the pool. Such floods do occasionally occur, and in most instances, would probably reach a height as great, and remain up nearly as long if the Dams were removed, as at present.

But the opinion of the witnesses alluded to, is not corroborated by the
testimony of Alonzo Livermore, whose opportunity rightly to understand the matter was much better than that of the other witnesses. From the testimony of Mr. Livermore, it appears, that the water wheel is not less than about nine feet above the water at the stage mentioned; and as will also be seen by referring to the testimony of Hiram Taylor, an engineer employed by the “Kentucky Coal Company,” to examine and report to that company such facts as would guide them in their contemplated purchase of that property, they declined making the purchase, not on account of any difficulty reported to them, or at all likely to result from the slackwater, but for other causes, as set forth in the report of said Taylor—for instance, the dilapidated condition of the mills, and the scarcity of timber. There is, upon the whole, such contradiction in the testimony taken by Mr. Conn, and that which was given to the “Kentucky Coal Company,” by their engineer, and which is referred to by Mr. Livermore, as to forbid any attempt on the part of the Board to reconcile it. The Board would, by no means, be understood to impute to the witnesses, on either side, the slightest intentional wrong; but would respectfully dissent from the opinion of those who think that damages have been sustained to the amount of $1,000, even from their own account of the height of the wheel above the ordinary level of the pool. But when to this hesitancy on the part of the Board, to concur in the opinion of those witnesses, is added the testimony of the engineers alluded to, they feel confirmed in the opinion that no allowance should, at this time, if ever, be made to the claimants. If the wheel is, in reality, but six feet above the level stated, that fact can easily be established; and then the question will fairly arise, whether, at that height, and from that cause, the effect upon the mills will be as supposed by the witnesses. Nor do the Board suppose it to be difficult to ascertain with accuracy, the extent and value of the coal beds. If, in reality, they were of any value at all, prior to the making of the slackwater, that value is evidently greatly increased, by the near approach of navigable water to them, from the pools. For the reasons stated, the Board decline to recommend the payment of any damages to S. & S. F. Vaught.

The President of the Board, assisted by Mr. Adams, investigated the claim of H. Hines, for damages done to his farm upon Barren river, above the Dam upon that stream. From the testimony in that case, the Board are of opinion that the benefits resulting to the claimant from the navigation, are at least equal, if not greater than all the damages sustained by the inconsiderable inconveniences to which he is subjected by the slackwater. Entertaining this opinion, the Board decline to recommend the payment of this claim, or any part thereof.

The claim of G. W. King, for damages done to his mill upon Sputman’s creek, might be deemed worthy of further investigation, but for the fact that the mill was built some years after the commencement of the works upon Green river, and when those works were in rapid progress towards completion. The State, in the opinion of the Board, is under no obligation, moral or otherwise, to indemnify—if damages have been sustained—such claims as this. To indemnify claimants for their own wrong, would be a bad precedent, and might be productive to future similar evils. The Board, therefore, think this claim ought to be rejected.

There is yet another claim for damages upon that navigation, which at the request, by letter, of the friend and supposed attorney of the claimant,
the Board at present decline to report upon; and submit their views and opinions in reference to the other claimants, with great deference to the honorable Senate and House of Representatives.

THOMAS METCALFE, P. B. I. I.

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

A bill to amend the act concerning slaves, approved February 5, 1845, and for other purposes, was referred to the committee of the whole House, on the State of the Commonwealth; whereupon, the Senate resolved itself into a committee of the whole House, Mr. A. Boyd in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. A. Boyd reported that the committee had, according to order, had under consideration the said bill, and had made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again, which leave was granted.

A message was received from the Governor, by Mr. Hardin, 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, Charles M. Hays to be Commissioner of Deeds for Kentucky, in Pittsburg, Pa.
Henry L. Pope to be Notary Public in Jefferson county.
O. M. De Courcy to be Sheriff of Campbell, in place of H. E. Spilman, who refused to accept.
James A. Lee to be Mayor of the city of Maysville.
Simeon Hart to be Commissioner of Deeds for Kentucky, at Patterson, in the State of New Jersey.

WM. OWSLEY.

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

On the motion of Mr. Patterson, leave was given to bring in a bill for the benefit of the Marine Railways at the town of Paducah, in the county of McCracken, and the committee on the Judiciary was directed to prepare and bring in the same.

And then the Senate adjourned.
WEDNESDAY, JANUARY 14, 1846.

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 Francis Machen.
3. An act for the benefit of Susan Ann D. Young, and her children.
4. An act for the benefit of John Dennis, wife and children.
5. An act to change the names of John Holly, Hezekiah Ashley and Aurelius Valerion Grigsby.

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, 3d and 4th to the committee on the Judiciary; and the 5th to the committee on Propositions and Grievances.

Mr. Hardin presented sundry depositions to be read in behalf of John Kincaid, jr., upon the application of his wife, Martha Susan Kincaid, for a divorce, which were received and referred to the committee on Religion.

Mr. Hardin, from the committee on the Judiciary, to whom was referred the petition of David Wilson, and others, reported the following resolution thereon,

Resolved, That the petition be rejected.

Which was concurred in.

Mr. Hardin, from the same committee, to whom was referred the petition of sundry citizens of the town of Simpsonville for an extension of the town limits, reported the following resolution thereon, viz:

Resolved, That the petition be rejected.

Which was concurred in.

Mr. Hardin, from the same committee, to whom was referred a bill for the benefit of James C. Johnston, and others, heirs and devisees of Eliza Collins, 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, reported the following bills, viz:

A bill to amend the charter of the Firemans' Insurance Company of Louisville.

A bill to amend an act, entitled, an act to amend the law regulating appeals from the judgment of Justices of the Peace, approved December 23, 1831.
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 said bills do pass, and that the titles thereof be as aforesaid.

Mr. Butler, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Common School District, No. 23, in Caldwell 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Key, from the committee on Banks, to whom was referred a bill from the House of Representatives, entitled, an act concerning the Banks in Kentucky, reported the same without amendment.

Mr. Ballard moved to strike out the first section of said bill, after the enacting clause, which is as follows, viz:

That the Bank of Kentucky, the Northern Bank of Kentucky, and the Bank of Louisville shall have power to issue and circulate notes of a less denomination and amount than five dollars, signed and executed by the President or Cashier, as heretofore provided by law, during the time of their respective charters, unless hereafter prohibited by an act of the Legislature.

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

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

Those who voted in the affirmative, were—

Messrs. Ballard,
Boyd, A.
Boyd, W. P.

Bradley,
Harris,
Marshall,

South,
Wallace—8.

Those who voted in the negative, were—

Messrs. Bradford,
Bramlette,
Butler,
Chenault,
Conner,
Crenshaw,
Draffin,
Drake,
Dyer,
Evans,

Fox,
Gray,
Hardin,
Heady,
Helm,
Henderson,
Holloway,
Key,
Newell,
Patterson,

Peyton,
Slaughter,
Swope,
Taylor,
Thomas,
Thurman,
Todd,
Walker,
Woodson—29.

Mr. Harris moved to amend the first section of said bill, by adding thereto the following proviso.
“Provided, That no bill shall be issued by either Bank, of a less denomination than two dollars.”

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Ordered, That said bill be read a third time.

The 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. Harris and South, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


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

Mr. Helm, from a select committee, reported a bill to amend the charter of the Louisville and Elizabethtown Turnpike Road Company, and provide for the erection of a bridge across Salt river, at the mouth, 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 Internal Improvement.

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

On the motion of Mr. Taylor—1. A bill for the benefit of Napoleon B. Burks and Eliza Jane Burks, his wife.

On the motion of Mr. Crenshaw—2. A bill for the benefit of Robert Hall, of Barren county.

On the motion of Mr. Harris—3. A bill for the benefit of the Clerks of the County Courts of Pike and Floyd.

On the motion of Mr. Heady—4. A bill for the benefit of the widow and heirs of Samuel Howard, deceased.

On the motion of Mr. Conner—5. A bill to amend the road law in Greenup county.

On the motion of Mr. Evans—6. A bill to amend the law in relation to tolls on flat boats descending the Green and Barren rivers.

On the motion of Mr. Swope—7. A bill to amend the several acts concerning lunatics.

On the motion of Mr. Harris—8. A bill for the benefit of Erastus Evans and James W. Prater.

The committee on the Judiciary was directed to prepare and bring in the 1st and 4th; the committee on Finance the 2d, 3d and 7th; Messrs. Conner, Harris and W. P. Boyd were appointed a committee to prepare and bring in the 5th; Messrs. Evans, Walker and Crenshaw the 6th; and Messrs. Harris, Hardin, Peyton and Gray the 8th.

The Speaker laid before the Senate the following communications from the Secretary of State and Attorney General, viz:

Frankfort, January 13, 1846.

Sir:

The act to amend the Revenue Laws, approved February 10, 1845, made it the duty of the Attorney General and Secretary of State to digest all the Revenue Laws then in force in this Commonwealth, and report the laws so digested to the present Legislature, in a bill for consideration and re-enactment.

During the past year we have attempted to discharge that duty, and now ask permission, respectfully, to make known to the General Assembly the result of our labor:

In the task assigned us, we deeply felt the importance of the trust and great responsibility thereof; but did not anticipate the many difficulties attendant thereon, until we had made considerable progress in our labor; and nothing but an anxious desire to discharge any duty imposed by the Legislature, prevented an entire abandonment of the task. In the year 1792, a system of Revenue was established, and since that time to the present, there has been a continued legislation on the subject of Revenue, without a repeal of former laws, except by implication. Therefore, in digesting those laws we found great difficulty in keeping clear of the unwarranted act of
legislation ourselves. The plan adopted, (according to our construction of the act prescribing our duties) was as follows, viz:

1. To divide the Revenue into three grand heads or divisions, ordinary, extraordinary and incidental.
2. Each grand division is sub-divided into chapters.
3. The entire work is sectionised, and should be indexed by sections instead of pages.
4. To which is added an appendix or synopsis of the laws, for the issue of State Bonds, Banks, &c., which laws have expired; yet in order to understand the true financial condition of the State, it becomes important to refer to them.

It will be seen each head, chapter and section has some direct or indirect bearing on the Revenue, either in its reception or disbursement, and therefore came, within the idea of "a digest of the Revenue Laws now in force." But should this be deemed a mis-construction of our duty; in that event, the work is so arranged that any head, chapter or section can be removed without the slightest injury to the remainder.

We have endeavored to be accurate and faithful. The language of the statutes, (so far as they comported with simplicity and common understanding of the law) has been retained.

The work, such as it is, we have ready for the consideration of the Legislature, and will, with pleasure, give any further explanation or suggestion in relation thereto, that may be deemed needful.

With great respect,

O. G. CATES, Attorney General.
BEN. HARDIN, Secretary of State.

I would respectfully suggest that the law which passed last session, appointing the Attorney General and Secretary of State to digest the revenue laws, does not, in so many words, in our opinion, authorize us to submit to the consideration of your honorable body, any alterations or amendments in those laws; but to that point I directed my attention personally, and if it would not be considered obtrusive and disrespectful, I will, at some future day of this session, submit to the Legislature my views and plans, to so improve the revenue as to add fifty thousand dollars annually to the Sinking Fund, to reimburse the principal of the State debt in thirty years, and add very little to the burdens of the people.

I am, &c.,

BEN. HARDIN, Secretary of State.

Mr. Peyton moved that the Senate resolve itself into a committee of the whole, on the State of the Commonwealth, for the purpose of considering a bill to amend the act concerning slaves, approved February 2, 1845, and for other purposes, which motion was decided in the negative.

The consideration of a bill to modify the law of 1833, in relation to the importation of slaves, was postponed, and made the special order of the day for Friday next.

A bill from the House of Representatives, entitled, an act divorcing Mary Hancock, was read the third time, as amended.
The question being taken on the passage of the said bill, as amended, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. W. P. Boyd and Peyton, were as follows, viz:

Those who voted in the affirmative, were:

Messrs. Ballard, Heady, Slaughter,
Boyd, A. Helm, South,
Bradley, Holloway, Thomas,
Draffin, James, Thurman,
Drake, Key, Walker,
Evans, Newell, Wallace,
Fox, Patterson, Woodson—22.
Harris,

Those who voted in the negative, were:

Messrs. Boyd, W. P. Conner, Henderson,
Bradford, Grenshaw, Peyton,
Bramlette, Dyer, Swope,
Butler, Gray, Taylor,
Chenault, Hardin, Todd—15.

Resolved, That the title of the said bill be amended by adding thereto, "and Sarah Ann Doneghy."

A bill from the House of Representatives, entitled, an act to take the sense of the people of this Commonwealth, as to the expediency of calling a Convention, was read the first time, and ordered to be read a second time.

Two messages, in writing, were received from the Governor, by Mr. Hardin, 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, Jackson J. Cracraft to be Colonel of 114th Regiment Kentucky Militia, vice Robt. B. Miller, resigned.

William B. Hopkins to be Lieutenant Colonel of 114th Regiment, vice J. J. Cracraft, promoted.

Jesse Troutman to be Major of 114th Regiment, vice Wm. B. Hopkins, promoted.

Thomas Throop to be Lieutenant Colonel of 30th Regiment, vice John Proctor.

William Ewing to be Major, vice Thos. Throop, promoted.

John Tupman to be Major of 130th Regiment.

Javan White to be Colonel of 93d Regiment, vice Wm. H. Johnson, removed.

Cornelius Gay to be Lieutenant Colonel of 93d Regiment, vice Javan White, promoted.

Solomon Baker to be Major of 93d Regiment, vice C. Gay, promoted.

Gibson T. Wilcox to be Colonel of 33d Regiment, vice Robert C. Hord, resigned.
William Boston to be Lieutenant Colonel of 33d Regiment, vice G. T. Wilcox, promoted.

George Bruce to be Major of 33d Regiment, vice Wm. Boston, promoted.

R. T. P. Allen to be Colonel of the Fayette Legion, vice C. M. Clay, resigned.

H. C. Pindell to be Lieutenant Colonel of the Fayette Legion, vice R. T. P. Allen, promoted.

William Campbell to be Colonel of 97th Regiment, vice Geo. Poindexter, resigned.

M. T. Chrisman to be Lieutenant Colonel of 43d Regiment, vice Wm. R. Boyce, refused.

William H. H. Bates to be Colonel, and John H. Williams to be Lieutenant Colonel of 53d Regiment, 16th Brigade.

Peter B. Riffe to be Major of 74th Regiment, 16th Brigade.

Reuben May to be Lieutenant Colonel, and Lewis Souard to be Major of 56th Regiment, 14th Brigade.

Lessenby Nance to be Major General of 1st Division of Kentucky Militia.

John Horine to be Colonel, Richard Ferguson to be Lieutenant Colonel, and Thos Harris to be Major of 9th Regiment, 5th Brigade, Kentucky Militia.

Madison Stewart to be Colonel, Wm. Ditto to be Lieutenant Colonel, and W. W. Martin to be Major of 88th Regiment, 2d Brigade.

Bryan Fannin to be Colonel, John Ratliff, jr., to be Lieutenant Colonel, and James A. Wannack to be Major of 136th Regiment, 14th Brigade.

Drury Burton to be Major of 94th Regiment, 20th Brigade.

Leslie Combs to be Major General of 5th Division Kentucky Militia.

William Bryan to be Brigadier General of 3d Brigade, Kentucky Militia. Wm. T. Heath to be Colonel of 90th Regiment, vice Sherrod Williams, resigned.

Charles H. Lair to be Lieutenant Colonel of 90th Regiment, vice Wm. T. Heath, promoted.

John C. Clarke to be Major of 90th Regiment, vice Chas. H. Lair, promoted.

Wm. Stephens to be Colonel, B. F. Dooley to be Lieutenant Colonel, and James A. Conner to be Major of 34th Regiment, 15th Brigade.

James M. England to be Major of 43d Regiment, 8th Brigade, vice E. P. Bowman, resigned.

William S. Woodyard to be Lieutenant Colonel, and Willis Hazlewood to be Major of 104th Regiment, 26th Brigade.

Walter Chiles to be Colonel, Richard F. A. Grigsby to be Lieutenant Colonel, and George J. Stockton to be Major of 31st Regiment, 15th Brigade.

Samuel Chastain to be Colonel, and Leander Miller to be Lieutenant Colonel of 68th Regiment, — Brigade.

John D. Mannon to be Brigadier General of 20th Brigade, vice Joseph W. Wilberger, resigned.

Green V. Goble to be Colonel, James Rose to be Lieutenant Colonel, and Gordon C. Briggs to be Major of 110th Regiment, Kentucky Militia.

John G. Taylor to be Major of 55th Regiment 19th Brigade.

Dougherty White to be Major of 68th Regiment, Kentucky Militia.

Wm. B. Bishop to be Colonel, Nathan Seearce to be Lieutenant Colonel, and Wm. Thomas to be Major of 125th Regiment, 25th Brigade.
Lorenzo D. Clark to be Colonel, James B. Wiley to be Lieutenant Colonel, and Samuel W. Revill to be Major of 118th Regiment.

Christian Miller to be Colonel, Henry Darneal to be Lieutenant Colonel, and Louis Henderson to be Major of 111th Regiment Kentucky Militia.

Willis Ennis to be Colonel, Felix G. Wright to be Lieutenant Colonel, and Lilburn B. Ewing to be Major of 61st Regiment, 20th Brigade.

Robert B. Hall to be Major of 94th Regiment, 20th Brigade.

Thomas G. Randall to be Colonel, Samuel D. McCullough to be Lieutenant Colonel, and R. H. Wendover to be Major of 42d Regiment, 3d Brigade.

J. J. Vivian to be Colonel, J. H. G. Bush to be Lieutenant Colonel, and H. G. Bush to be Major of 17th Regiment, 5th Brigade.

WM. OWSLEY.

Gentlemen of the Senate:

I nominate for your advice and consent, John P. McElrath to be Sheriff of Marshall county, that office being now vacant by the refusal of the late Sheriff to execute bond for the collection of the revenue tax and county tax for the present year, in consequence of his term of office being about to expire, and the County Court having failed to recommend a successor in the time prescribed by the Constitution. WM. OWSLEY.

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

On the motion of Mr. Swope,

Resolved, That the committee on the Judiciary enquire into the propriety and expediency of so amending the penal law of this Commonwealth, as to allow to the Commonwealth in all criminal prosecutions, a peremptory challenge of a third of the number of jurors now allowed to the accused, and that they report by bill or otherwise.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

1. An act for the benefit of Gideon S. and Susan Mary Mims, infant heirs of Gideon Mims, deceased.
2. An act for the benefit of the infant heirs of G. W. Wall, deceased.
3. An act to amend an act providing for a change of venue in the prosecution against Joseph N. Allen, approved January 22, 1845.
4. An act to change the venue in the prosecution against Amos C. Hale.
5. An act for the benefit of Milton King, Clerk of the Cumberland County and Circuit Courts.
7. An act for the benefit of the heirs of Elisha Franklin, deceased.
8. An act for the benefit of the heirs of Hubbard B. Smith, deceased.
10. An act establishing a chancery term of the Montgomery Circuit Court.

Ordered, That said bills be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th and 10th to the committee on the Judiciary; and the 9th to the committee on Propositions and Grievances.
Mr. A. Boyd, 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 Jonathan T. Moredock.
* An act to authorize the County Court of Barren county to change the location of the Poor House in said county.
* And enrolled bills which originated in the House of Representatives, of the following titles, viz:
  * An act for the benefit of James Flippin and W. G. Howard, late Sheriffs of Monroe county.
  * An act for the benefit of the town of Albany.
  * An act appointing Commissioners to run and mark the line between Jefferson and Bullitt counties.
  * An act for the benefit of Benjamin Leavell.
  * An act to change the name of Samuel Allison.
  * An act for the benefit of Moses McMillen, of Barren county.
  * An act to change the name of James William Davis.
  * An act for the benefit of James Sparks, a Constable of Harrison county.
  * An act to change the venue in the prosecution against Moses Guess, Philip F. Jones, Mary M. Jones and John P. Salling, from the Edmonson to the Warren Circuit Court.
  * An act for the benefit of the Jailers of Hickman, Oldham and Livingston counties.
  * An act to change the names of Betsey Walton and Mary Ann White.
  * An act authorizing the appointment of additional Justices of the Peace for the counties of Muhlenburg and Union.
  * An act to change the name of Clementine Pinley to Clementine Waterbury.
  * An act to amend an act to invest the Craddock Fund.
* 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. A. Boyd reported that the committee had performed that duty.

On the motion of Mr. James,

**Resolved**, That the committee on the Judiciary be instructed to enquire into the expediency and propriety of passing a general law regulating all changes of venue which may hereafter be granted by the Legislature.

And then the Senate adjourned.
THURSDAY, JANUARY 15, 1846.

1. Mr. Crenshaw presented the petition of William Ramsey, and others, praying for the passage of a law confirming to them the title to certain lands purchased by them, being a portion of a grant by the Commonwealth of Virginia, of 3,000 acres, to Abraham Nelson.

2. Mr. Thomas presented the petition of the Contractors for building the Locks and Dams on Licking river, praying for the passage of a law to pay them for losses sustained by the suspension of said works.

3. Mr. Ballard presented the petition of William D. Mitchell, Clerk of the County and Circuit Courts of Oldham county, praying for the passage of a law to authorize him to collect his fee bills for the years 1840 and 1841, by distress.

4. Mr. Taylor presented the petition of H. M. H. Taylor, praying that the Colbyville precinct, in Clarke county, may be abolished, or the place of voting changed to some other place in said precinct.

5. Mr. Conner presented the petition of sundry persons living immediately on the Owingsville and Big Sandy Turnpike road, that passes through the counties of Greenup, Carter, Fleming and Bath, praying for the passage of a law to compel all the citizens residing within a specified distance of said road, to pay two days work each, on that part of said road that passes through their respective neighborhoods.

Which were received and referred: the 1st to the committee on the Judiciary; the 2d and 5th to the committee on Internal Improvement; the 3d to the committee on Finance; and the 4th to the committee on Privileges and Elections.

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill to amend an act to prevent the burning of the woods in certain counties, and for other purposes, approved February 7, 1840, reported the same without amendment.

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

Mr. Hardin, from the same committee, to whom was referred a bill to amend the penal laws, reported the same without amendment, which bill was discussed for some time, when the Senate proceeded to the consideration of the orders of the day.

A message was received from the Governor, by Mr. Hardin, 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 authorize the County Court of Barren county to change the location of the Poor House in said county.
An act for the benefit of Jonathan T. Moredock.
Approved January 14, 1846.

Mr. Crenshaw moved that the Senate resolve itself into a committee of the whole House, on the State of the Commonwealth, for the consideration of a bill to amend the act concerning slaves, approved February 5, 1845, and for other purposes.

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

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

Those who voted in the affirmative, were—

Messrs. Crenshaw, Key, Peyton,
Gray, Patterson, Taylor—7.
Heady,

Those who voted in the negative, were—

Messrs. Ballard, Drake, Newell,
Boyd, A. Dyer, Slaughter,
Boyd, W. P. Evans, South,
Bradford, Fox, Swope,
Bradley, Hardin, Thomas,
Bramlette, Harris, Thurman,
Butler, Henderson, Todd,
Chenault, Holloway, Walker,
Conner, James, Wallace,

A bill from the House of Representatives, entitled, an act to take the sense of the people of this Commonwealth as to the expediency of calling a Convention, was read a second time, as follows, viz:

WHEREAS, It is represented to this General Assembly, that many of the good people of this Commonwealth do very believe that experience has pointed out the necessity of amending the Constitution thereof—therefore

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Sheriffs and other returning officers of this State, at the next general election which shall be held for Representatives, after the passage of this act, to open a poll for, and make a return to the Secretary of State, for the time being, of the names of all those persons entitled to vote for Representatives, who have voted for the calling of a Convention, in such manner and form as prescribed by the Constitution and Laws; and it shall be the duty of the officers conducting the election, to say to each voter, if he shall not announce his vote, that a poll is opened to enable him to vote for the call of a Convention.

SEC. 2. Be it further enacted, That any Sheriff failing to perform his duty according to the provisions of this act, shall be subject to a fine of five hundred dollars, to be recovered by action of debt, by any person suing for the same, in any court in this Commonwealth, having jurisdiction of the same,
one half to the use of the person suing, the other to the use of the Common­
wealth.

Sec. 3. Be it further enacted, That it shall be the duty of the several Sheriffs of this Commonwealth to read, or cause to be read, this act, at their several places of voting in their respective counties and precincts, at the opening the polls.

Sec. 4. Be it further enacted, That any person who shall cast his vote for the calling of a Convention, under the provisions of this act, such person not being entitled to vote for Representative in the county in which he shall cast his vote, shall be, and is hereby, made liable to all the pains and penalties now by law imposed upon persons illegally voting.

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. Butler and Wallace, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard, Boyd, A., Boyd, W. P., Bradley, Bramlette, Conner,
Evans, Fox, Hardin, Harris, Henderson, James,

Those who voted in the negative, were—

Messrs. Bradford, Butler, Chenault, Crenshaw, Draffin, Drake, Dyer,
Gray, Heady, Helm, Holloway, Key, Patterson, Peyton,

A message, in writing, was received from the Governor, by Mr. Hardin, 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, John M. Hayden to be Sheriff of Pulaski, in place of Samuel Tate, deceased.

WM. OWSLEY.

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

The Speaker laid before the Senate the following communication from the President of the Board of Internal Improvement, viz:

Office of the Board of Internal Improvement,
January 15, 1846.

Sir:

In compliance with the resolution of the Senate of the 9th instant, I have, respectfully, to make the following report:
The amount appropriated to the improvements on Licking river in 1835, was $50,000; in 1836, $100,000; including the former appropriation of $50,000; in 1837, $100,000; in 1838, $50,000; in 1839, $70,000; in 1841, $110,000; in 1842, $60,000; total, $570,000. Deduct the above sum of $50,000, which is included in the second appropriation, 50,000. Actual sum total appropriated, $520,000.

There has been expended on that river, inclusive of $26,777, for hydraulic lime, $371,837.95.

I have the honor to be, with considerations of high respect, yours, &c.,

THOMAS METCALFE, P. B. I. I.

Hon. ARCHIBALD DIXON,
Speaker of the Senate.

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

Mr. Evans, from a select committee, reported a bill to amend the law in relation to tolls on flat boats descending Green and Barren rivers, 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 referred to the committee on Internal Improvement.

On the motion of Mr. Woodson, a message was sent to the House of Representatives, asking leave to withdraw the report of the concurrence of the Senate, in resolutions from that House in relation to the Public Printing.

The Senate resumed the consideration of a bill to amend the penal laws.

Mr. Newell moved to lay the said bill and amendments on the table.

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

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

Those who voted in the affirmative, were—

Messrs. Ballard, Conner, Slaughter,
Boyd, A. Drake, South,
Bradley, Harris, Thomas,
Bramlette, Headly, Thurman,
Butler, Marshall, Wallace—17.
Chenault, Newell,

Those who voted in the negative, were—

Messrs. Boyd, W. P. Hardin, Peyton,
Crenshaw, Helm, Swope,
Dyer, Henderson, Taylor,
Evans, Holloway, Todd,
Fox, Key, Walker—17.
Gray, Patterson,

And then the Senate adjourned.
FRIDAY, JANUARY 16, 1846.

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 Samuel Allison.
An act for the benefit of the town of Albany.
An act for the benefit of James Flippin and W. G. Howard, late Sheriffs of Monroe county.
An act to change the name of James William Davis.
An act to amend an act to invest the Craddock Fund.
An act for the benefit of the Jailers of Hickman, Oldham, and Livingston counties.
An act to change the names of Betsey Walton and Mary Ann White.
An act authorizing the appointment of additional Justices of the Peace for the counties of Muhlenburg and Union.
An act for the benefit of Benjamin Leavell.
An act for the benefit of John Sparks, a Constable of Harrison county.
An act appointing Commissioners to run and mark the county line between Jefferson and Bullitt counties.
An act to change the name of Clementine Pinley to Clementine Waterberry.
An act for the benefit of Moses McMillin, of Barren county.
An act to change the venue in the prosecutions against Moses Guess, Philip F. Jones, Murray M. Jones, and John P. Salling, from the Edmonson to the Warren Circuit Court. Approved January 14, 1846.

That they had concurred in the amendment proposed by the Senate, to a bill from that House, entitled, an act divorcing Mary Hancock.

That they had passed bills of the following titles, viz:
An act for the benefit of Joseph Botts.
An act for the benefit of the Sheriff of Union county.
An act allowing additional Justices of the Peace and Constables to certain counties, and for other purposes.

1. Mr. Henderson presented the petition of sundry citizens of the county of Laurel, praying for the establishment of an election precinct in said county.

2. Mr. Marshall presented the petition of Benjamin H. Kirtsly, of Adair county, praying that the county line between the counties of Adair and Green may be so changed as to include his home and farm in Green county.
3. Mr. Marshall presented the petition of A. F. Gowdy, praying for the passage of a law to repeal or modify the law imposing a specific tax on Gold Watches, Pianos, &c.

4. Mr. Thomas presented the petition of Joseph W. Dicken and Sarah Dicken, praying for the passage of a law to authorize the investment of certain funds belonging to Joseph S. N. Dicken and James N. Dicken, who are infants, in a certain tract of land, for the benefit of said infants.

5. Mr. South presented the petition of Elijah Combs, jr., committee of four idiots in Perry county, praying for the passage of a law to allow him to draw from the Treasury money due him for taking care of said idiots.

Which petitions were severally received and referred: the 1st to the committee on Privileges and Elections; the 2d to the committee on Propositions and Grievances; the 3d to the committee on Finance; the 4th to the committee on the Judiciary; and the 5th to the committee on Finance.

The Senate resumed the consideration of a bill to amend the penal laws. Mr. Crenshaw moved an amendment thereto.

Mr. Harris moved to lay the said bill and amendment 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. Harris and Gray, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard, Conner, Marshall,
Boyd, A. Harris, Thomas,
Bradley, Heady, Thurman—9.

Those who voted in the negative, were—

Messrs. Boyd, W. P. Fox, Slaughter,
Bramlette, Gray, South,
Butler, Hardin, Swope,
Chenault, Henderson, Taylor,
Crenshaw, Holloway, Todd,
Draffin, Key, Walker,
Drake, Newell, Wallace,
Dyer, Patterson, Woodson—26.

Evans, Peyton,

The amendment moved by Mr. Crenshaw was concurred in.

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

Resolutions from the House of Representatives in relation to the Public Printing, having been returned to the Senate, on the motion of Mr. Peyton,
the vote of the Senate concurring in the adoption of said resolutions was reconsidered.

Mr. Hardin, from the committee on the Judiciary, reported the following bills, viz:

A bill providing for a change of venue in the prosecution against Henry Green.

A bill for the benefit of Napoleon B. Burks and Eliza Jane Burks, his wife,
A bill for the benefit of the Marine Railways in the town of Paducah.
A bill to appoint Commissioners to collect the debts due the Farmer's Bank of Somerset, and pay the same to its creditors.

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

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

An act to regulate the terms of the Laurel Circuit Court.
An act establishing a chancery term of the Montgomery Circuit Court.
An act incorporating the Sons of Temperance, under the title of Covington Division, No. 1, Sons of Temperance of the State of Kentucky, located in the city of Covington.

An act to amend an act, entitled, an act for the benefit of the Grand and Subordinate Lodges of the Independent Order of Odd Fellows, and for the benefit of Washington Lodge, No. 3, in the city of Covington,

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

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Gideon S. and Susan Mary Mims, infant heirs of Gideon Mims, deceased, reported the same with amendments, which 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 said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act providing for a change of venue in the prosecution against Joseph N. Allen, approved January 22, 1845, reported the same with an amendment, which was disagreed to.
Ordered, That said bill be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That said bill do pass, and that the title thereof be as afore-
said.

Mr. W. P. Boyd, from the committee on Religion, reported a bill to di-
vote John Kincaid, Jr., and Martha S. Kincaid, and to restore her to her
maiden name, 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 said bill do pass, and that the title thereof be as afore-
said.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act for the relief of Edmund Payne, reported the same without amendment.
Ordered, That said bill be read a third time.

On the motion of Mr. Dyer, the committee on Internal Improvement was discharges from the further consideration of the petition of David T. Foster, and others, stockholders in the Maysville and Mountsterling Turnpike Road Company.

Mr. Dyer, from the committee on Internal Improvement, reported a bill permitting Robert Prater to build a mill dam across Licking river, in Morgan 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 said bill do pass, and that the title thereof be as afore-
said.

Mr. Dyer, from the same committee, to whom was referred a bill to im-
prove the navigation of Little Sandy river, reported the same with an
amendment, which was concurred in.
Ordered, That said bill be engrossed and read a third time.
The constitutional rule as to the third reading of said bill being dis-
pensed with, and the same being engrossed,
Resolved, That said bill do pass, and that the title be amended to read,
an act permitting mill dams to be erected on Little Sandy river, under cer-
tain restrictions.

Mr. Dyer, from the same committee, to whom was referred a bill to
amend the charter of the Louisville and Elizabethtown Turnpike Road Com-
pany, and provide for the erection of a bridge across Salt river at the mouth,
reported the same with amendments, which were concurred in.
Ordered, That 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 said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from select committees, viz:

By Mr. Harris—1. A bill for the benefit of Jas. W. Prater and Erastus Evans.

By Mr. Marshall—2. A bill to change the time of holding the Green Circuit Court.

Which bills were each 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 a committee of Messrs. Harris, South and Newell; and the 2d to the committee on the Judiciary.

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

On the motion of Mr. Woodson—1. A bill to amend an act to reduce into one the several acts regulating the town of Nicholasville, approved February 12, 1836.

On the motion of Mr. Henderson—2. A bill to reduce the rates of tavern license in this Commonwealth.

On the motion of Mr. Evans—3. A bill to amend an act, entitled, an act to amend the law establishing the Board of Internal Improvement, approved March 3, 1842, so far as the said law relates to the Glasgow and Scottsville Turnpike Road Company.

The committee on the Judiciary was directed to prepare and bring in the 1st; the committee on Finance the 2d; and Messrs. Evans, Crenshaw and Bramlette were appointed a committee to prepare and bring in the 3d.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee be raised, to consist of five members of the Senate, and seven members of the House of Representatives, whose duty it shall be, to examine the accounts of the Public Printer of this Commonwealth, and report to the General Assembly, whether the same is in accordance with his contract, and the law in relation to that subject; and said committee shall also enquire whether any amendment is necessary in the laws in relation to the Public Printing, and whether the printing can be done at less cost to the Commonwealth, by a different mode than that now provided for by law; and if, in the opinion of said committee, it shall be necessary for the prosecution of the enquiries directed by this resolution, that said committee have power to send for persons and papers.

Resolved further, That if any charges shall be preferred before said committee, against the Public Printer, it shall be the duty of said committee to investigate the same and report thereon; and said committee shall examine, on oath, any witnesses introduced before him, either to sustain or refute such charges; and the testimony when taken, shall be reduced to writing, and re-
ported by said committee. Said committee shall afford the Public Printer an opportunity to be heard before them in his defence, and shall examine any witnesses offered by him.

On the motion of Mr. Swope,

Resolved, That the committee on Internal Improvement enquire into the propriety and expediency of surrendering the State stock in the Covington and Lexington Turnpike Road, upon condition of the Company completing said road, and that they report by bill or otherwise.

Mr. W. P. Boyd read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on the 23d day of January, 1846, proceed, by joint vote of both Houses, to the election of the Public Officers of the State.

On the motion of Mr. Walker,

Resolved, That the committee on the Judiciary be requested to enquire into the propriety of paying to Richard Boyce, certain sums of money paid the State on land warrants, for lands which he could never obtain.

The Speaker laid before the Senate the following communication from the President of the Board of Internal Improvement, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,

January 15th, 1846.

Sir: In obedience to a resolution of the Senate of the 9th instant, calling upon this Board, "either by themselves or their Engineer," to report to the Senate the probable cost, as well as the practicability, of elevating Lock and Dam No. 4, on Green river, four feet higher, I have the honor, respectfully, to report:

That in the opinion of the Board it is not practicable to elevate the Dam mentioned four feet above its present height, without detriment to the works, not only at that point, but also to the works above. It is doubted whether the base of the Dam is of sufficient width to justify any increase of its height.

It is moreover apprehended, that it might be dangerous to increase the Lock walls four feet in height—especially as fears are entertained of the insufficiency of the present wall, in point of thickness and strength, to sustain the present height. It may be added, that the proposed increase of height would require the Gate of the Locks to be made longer in proportion—an objection of some weight.

Another objection may very properly be urged to the proposition. The effect will be to increase the height of the water up to the Dam on Barren river, and thereby to render the water power at that point of less value to the lessees, who, it is believed, have rented it. No estimate can be made, approximating the truth, of the probable cost of the proposed increase of height, without first making a minute investigation of the works as they are, and determining upon the additional width required for the foundation of the Dam, &c.

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

THOMAS METCALFE, P. B. I. I.

Hon. Archibald Dixon,
Speaker of the Senate.
Ordered, That the Public Printer print 150 copies of said report for the use of the General Assembly.
And then the Senate adjourned.

SATURDAY, JANUARY 17, 1846.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:
An act authorizing the County Court of Boyle county to require its Clerk to make cross indexes to all deeds and other instruments of writing recorded in his office.
An act for the benefit of Daniel O'Neal and Sarah Graham.
An act divorcing Edward Farrar and Martha Farrar.
An act divorcing Reuben Herndon from his wife, Mary E. Herndon.
An act divorcing Thomas Watson from his wife, Amanda Watson.
An act divorcing William Gressom from his wife, Mary Gressom.
An act divorcing Mary E. Levi.
That they had passed a bill from the Senate, entitled, an act to divorce John Kincaid, Jr. and Martha S. Kincaid, and to restore her to her maiden name.

1. Mr. Swope presented the memorial of the Licking River Convention, praying the Legislature to resume the public works on said river.
2. Mr. Helm presented the petition of Rachel Hoskins, praying for a divorce from her husband, Davis Hoskins.
3. 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.
4. Mr. Taylor presented the petition of Dennis Doyle, a Constable of Clarke county, praying for the passage of a law authorizing the appointment of a Deputy Constable in his district.

Which memorial and petitions were received and referred; the 1st to the committee on Internal Improvement; the 2d to the committee on Religion; the 3rd to the committee on Propositions and Grievances; and the 4th to the committee on the Judiciary.

On the motion of Mr. Holloway, leave was given to bring in a bill for the benefit of John G. Howard, former Sheriff of Daviess county, and the committee on Finance was directed to prepare and bring in said bill.
Mr. Hardin, from the committee on the Judiciary, reported a bill to amend the penal laws of 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 ordered to be engrossed and read a third time.

Mr. Crenshaw moved to dispense with the constitutional rule as to the third reading of said bill. The question being taken thereon, it was decided in the negative, four fifths not having voted therefor.

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

Those who voted in the affirmative, were—

Messrs. Ballard, Gray, Peyton,
Bradford, Hardin, Swope,
Bramlette, Harris, Taylor,
Chenault, Heady, Thomas,
Crenshaw, Helm, Thurman,
Drinan, Holloway, Todd,
Dyer, Key, Walker,
Evans, Marshall, Wallace—26,
Fox, Patterson,

Those who voted in the negative, were—

Messrs. Boyd, A. Butler, Slaughter,
Bradley,

Mr. Hardin, from the same committee, to whom was referred a bill to amend the act requiring the proprietors of shows to obtain license, approved February 21, 1840, reported the same with the opinion of the committee that it ought not to pass.

The said bill was amended and laid on the table.

Mr. Hardin, from the same committee, to whom was referred a bill requiring certain duties of Justices of the Peace, reported the same with an amendment, which was concurred in.

Ordered, That 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. Hardin, from the same committee, to whom was referred a bill to repeal an act, entitled, an act to amend the law concerning executions, approved March 10, 1843, reported the same without amendment.

The question being taken on engrossing the said bill and reading it a third time, it was decided in the negative, and so the said bill was rejected.
Mr. Hardin, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, viz:

1. An act to reduce the price of unappropriated land in Madison county.
2. An act for the benefit of Milton King, Clerk of the Cumberland County and Circuit Courts.

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

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

The constitutional rule as to the third reading of the 2d bill being dispensed with,

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

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

An act for the relief of Francis Machen.
An act for the benefit of the heirs of Elisha Franklin, deceased.
An act for the benefit of Urban E. Kennedy and Achsah H. Kennedy, of Todd County.
An act to change the venue in the prosecution against Amoa C. Hale.
An act for the benefit of the infant heirs of G. W. Wall, deceased.
An act for the benefit of Susan Ann D. Young, and her children.
An act for the benefit of John Dennis' wife and children.
An act for the benefit of the children of William M. Taylor,

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

A message, in writing, was received from the Governor, by Mr. Hardin, 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, James W. Lively to be Colonel, Joel M. Avery to be Lieutenant Colonel, and Forrester T. Mears to be Major of 99th Regiment, 10th Brigade, Kentucky Militia.
Edward Leavell to be Lieutenant Colonel, and William Conn to be Major of 26th Regiment, 9th Brigade.
James Dale to be Major of 117th Regiment, 21st Brigade.
Henry M. Chrisman to be Brigadier General of the 5th Brigade.
Edmund Meachan to be Major of 39th Regiment, 27th Brigade.
Lewis Bohannon to be Brigadier General of the 18th Brigade, Kentucky Militia.

Resolved, That the Senate advise and consent to the said appointments.
Mr. Patterson, from the committee on the Judiciary, reported a bill for the benefit of William Wadlington, of Caldwell county, 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.

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

Mr. Ballard moved to lay the said bill on the table.

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

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

Those who voted in the affirmative, were—

Messrs. Ballard,
Boyd, W. P.

Swope,
Taylor—4.

Those who voted in the negative, were—

Messrs. Boyd, A.
Bradford,
Bradley,
Bramlette,
Chenault,
Conner,
Crenshaw,
Draffin,
Evans,

Fox,
Gray,
Harris,
Head,
Helm,
Holloway,
Marshall,
Newell,

Patterson,
Peyton,
South,
Thomas,
Thurman,
Todd,
Walker,
Wallace—25.

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, A.
Bradford,
Bradley,
Bramlette,
Chenault,
Conner,
Crenshaw,

Dyer,
Evans,
Gray,
Harris,
Head,
Helm,
Marshall,

Patterson,
Peyton,
South,
Thomas,
Thurman,
Wallace—20.

Those who voted in the negative, were—

Messrs. Ballard,
Boyd, W. P.
Butler,
Fox,

Holloway,
Newell,
Slaughter,
Swope,

Taylor,
Todd,
Walker—11.

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

Mr. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill which originated in the Senate, entitled, an act to divorce John Kincaid, Jr., and Martha S. Kincaid, and to restore her to her maiden name, 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. Mr. A. Boyd reported that the committee had performed that duty.

After some time a message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had approved and signed the said bill.

Mr. Patterson, from the committee on the Judiciary, to whom was referred the petition of William Wadlington, reported the following resolution thereon, viz:

Resolved, That the petition of Wm. Wadlington, so far as said petition prays to discontinue certain streets in the town of Princeton, be rejected.

The Senate then 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. A. Boyd in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. A. Boyd reported that the committee had, according to order, had under consideration a bill to amend the act concerning slaves, approved February 5, 1845, and for other purposes, and had made some further progress therein, but not having time to go through with the same, had directed him to ask leave to sit again; which was granted.

Mr. Butler moved for leave to withdraw a private letter from Doct. Z. Cushing, to the Hon. William B. Kinkead, being among the papers in relation to the nomination of said Kinkead, as Judge of the 19th Judicial District; and which letter had, through mistake, been placed before the committee to whom the said nomination was referred.

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, W. P. — Fox, Peyton, 
Bradford, — Gray, Slaughter, 
Bramlette, — Hardin, Swope, 
Butler, — Helm, Taylor, 
Chenault, — Holloway, Thomas, 
Crenshaw, — Key, Thurman, 
Evans, — Patterson, 

Those who voted in the negative, were—

Messrs. Boyd, A. — Draft, South, 
Bradley, — Harris, Walker—8. 
Conner, — Heady, 

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:

- An act to establish the town of Milton, and for other purposes.
- An act to incorporate the town of Hillsboro', in the county of Fleming.
- An act to amend the charter of the Agricultural Society of Bourbon county.
- An act to establish a precinct at Friendship School House, in Madison county, and for other purposes.
- An act to abolish an election precinct in the county of Gallatin, and for other purposes.
- An act to change the State road from Paducah to Gray's Ferry, on the Tennessee river.
- An act to repeal the law limiting the number of Justices of the Peace of Simpson county to ten.
- An act to change the name of William Oden Smith, to that of Markham Oden Smith, and to change the name of Ephraim Pendleton.
- An act to change the places of voting in election precincts in the counties of Breathitt and Clay.
- An act to change the place of voting in the Donelson precinct, in Caldwell county.
- An act to place the State road leading from Moss' Ferry, on the Tennessee river, to Watseboro', under the control of the Marshall County Court.
- An act to change the name of a place in Madison county from Arcadia, to that of Rogersville.
- An act for the benefit of John Young, Surveyor of Greenup county.
- An act for the benefit of the children of Achilles Moorman.
- An act to change the place of voting in an election precinct in Hart county.
- An act for the benefit of Hiram Begley.
- An act to change the names of George W. and Thomas J. Gallaher.
- An act to prevent the sale of spirituous liquors within the town of Lagrange, and one mile therefrom.

The Speaker laid before the Senate the annual report of the Board of Visitors of the Kentucky Institution for the Education of the Blind, which is as follows, viz:

[For Report—See Legislative Documents.]
Ordered, That said report be referred to the committee on Education, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

1. Mr. Marshall presented the petition of Charles Martin, and others, praying for the repeal of the law declaring Little Barren river navigable.

2. Mr. Marshall also presented the remonstrance of sundry citizens of Green, Barren and Hart counties, against the repeal of said law.

3. Mr. Fox presented the petition of Benjamin F. Hansford, praying for the passage of a law allowing him to peddle goods without obtaining a license.

4. Mr. Harris presented the petition of Samuel K. Friend, praying for the passage of a law to alter the mode of trials before Justices of the Peace.

5. Mr. Harris also presented the petition of Diana McGuire, praying for the passage of a law allowing her compensation for taking care of her idiot son.

6. Mr. Harris also presented the petition of Gabriel M. Vincent and Zarilda Vincent, praying for the passage of a law authorizing the sale of certain real estate in Floyd county.

7. Mr. Harris also presented the petition of Abner James, praying for the passage of a law legalizing a patent which issued to him for a certain tract of land in Lawrence county, or that the Register be directed to issue a new patent.

8. Mr. Thurman presented the petition of Uriah Shewmaker, of Washington county, praying for the passage of a law authorizing the sale of a negro woman belonging to the estate of Nancy Shewmaker, deceased.

9. Mr. Peyton presented the petition of James R. Hambleton, and others, praying for the passage of a law to authorize the sale of certain real estate.

10. Mr. Peyton also presented the petition of Martha L. Monday, and others, praying for the passage of a law authorizing the sale of real estate, instead of slaves, to pay certain debts.

11. Mr. Todd presented the petition and affidavit of Mary E. Levi, in relation to her application for a divorce from her husband, James C. Levi.

12. Mr. Butler presented the petition of Thomas G. Rucker, praying for the passage of a law to allow him to bring into this State a negro boy named Frank, without incurring the penalty of the law of 1833, prohibiting the importation of slaves into this State.

13. Mr. Evans presented the petition of Louisa A. Flournoy, of Boone county, praying for a divorce from her husband, R. J. Flournoy.

Which petitions and remonstrances were received and referred: the 1st and 2d to the committee on Internal Improvement; the 3d to the committee on Finance; the 4th, 6th, 7th, 8th, 9th and 10th to the committee on the
Judiciary; the 5th and 12th to the committee on Propositions and Grievances; and the 11th and 13th to the committee on Religion.

A bill from the House of Representatives, entitled, an act divorcing Mary E. Levi, 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 Religion.

The Senate resumed the consideration of the resolution reported by Mr. Patterson, on Saturday, from the committee on the Judiciary, rejecting that part of the petition of Wm. Wadlington, relative to the closing up of certain streets in the town of Princeton, which resolution was twice read and concurred in.

Mr. Hardin, from the committee on the Judiciary, reported a bill to amend the act, entitled, an act to incorporate the Louisville and Bon Harbour Coal Company, approved January 28, 1833, 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 said bill do pass, and that the title thereof be as afore-said.

Mr. Butler, from the committee on Education, reported a bill for the benefit of the Kentucky Institution for the Education of the Blind, 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 made the special order of the day for Tuesday, the 27th instant.

Mr. Walker, from the committee on Propositions and Grievances, reported a bill for the benefit of Lewis Barrett and John Wyatte, 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,

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. Butler and Fox, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, A. Gray,
Bradford, Hardin,
Bradley, Harris,
Bramlette, Heady,
Chenault, Helm,
Conner, Holloway,
Newell,
Peyton,
South,
Swope,
Thomas,
Thurman,
Resolved, That the title of the said bill be as aforesaid.

Mr. Evans, from a select committee, reported a bill to amend an act, entitled, an act to amend the law establishing the Board of Internal Improvement, so far as relates to the Glasgow and Scottville Turnpike Road Company, 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 Internal Improvement.

Mr. Harris, from a select committee, to whom was referred a bill for the benefit of James W. Prater and Erastus Evans, 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 of said bill being dispensed with, and the same being engrossed,

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

On the motion of Mr. Helm, 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 divorcing Alley Martin from her husband; the said bill having been returned to the Senate,

On the motion of Mr. Helm, the vote by which the said bill was disagreed to, was re-considered, and it was referred to the committee on Religion.

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

On the motion of Mr. Bradley—1. A bill to change the name of William M. Gray, to that of William M. Medlock, and that he be made the lawful heir of John Medlock.

On the motion of Mr. South—2. A bill for the benefit of David Snowden, Sheriff of Owsley county.

Also—3. A bill to improve the descending navigation of the Kentucky river and its tributaries, above Slackwater.

On the motion of Mr. Bradford—4. A bill to authorize the committing of criminals in Scott county, to the jails of the adjoining counties.

On the motion of Mr. Peyton—5. A bill to prohibit the hiring of slaves to free negroes, and the sale of spirituous liquors to free negroes.

On the motion of Mr. Heady—6. A bill to amend an act, entitled, an act to establish an election precinct in Spencer county, and for other purposes, approved February 10, 1845.
On the motion of Mr. Thurman—7. A bill for the benefit of David H. Spears, Sheriff of Washington county.

The committee on the Judiciary was directed to prepare and bring in the 1st and 5th; the committee on Finance the 2d and 7th; the committee on Internal Improvement the 3d; the committee on Privileges and Elections the 6th; and Messrs. Bradford, Todd and Woodson were appointed a committee to prepare and bring in the 4th.

On the motion of Mr. Swope,

Ordered, That a message be 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 to divorce Joseph Miller from his wife; and Mr. Slaughter was directed to convey the said message.

A message, in writing, was received from the Governor, by Mr. Hardin, 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, William Abner to be Sheriff of Owsley county, in place of David Snowden, resigned.

William D. Tinsley to be Sheriff of Caldwell county, in place of Jonathan C. Langston, deceased.

WM. OWSLEY.

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

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. A. Boyd in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. A. Boyd reported that the committee had, according to order, again had under consideration a bill to amend the act concerning slaves, approved February 5, 1845, and for other purposes, and had made 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.

Messrs. Gray, Harris and Crenshaw were appointed a committee on the part of the Senate, to examine Transylvania University, the Deaf and Dumb Asylum, and the Lunatic Asylum.

And then the Senate adjourned.
TUESDAY, JANUARY 20, 1846.

A message was received from the House of Representatives, announcing that they had disagreed to a bill from the Senate, entitled, an act to change the time of the meeting of the General Assembly of this Commonwealth.

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

An act for the benefit of William Skaggs, Sheriff of Green county.

An act for the benefit of Edward Lewis, late Sheriff of Green county.

An act for the benefit of Jonathan Davis, of Allen county, and Raleigh Watson, of Morgan county.

An act for the benefit of William Davis, late Sheriff of Clinton county.

An act to change the venue in the prosecution against Milton Martin, indicted for Felony.

An act for the benefit of William Adcock, and others.

An act for the benefit of the School Commissioners of Fayette county.

An act for the benefit of Thomas McIntyre, of Mercer county.

An act for the benefit of Quintus C. Shanks, and Justinian T. Harris, late Sheriffs of Ohio county, and the Sheriff of Muhlenburg county.

An act providing for a change of venue in the prosecution against Garret Fitzpatrick.

An act for the benefit of Joseph A. Radford and Louisa J. Radford.

With amendments to the two bills last named.

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

An act for the benefit of Smith Wingate and Charles Horsman.

An act to regulate the Owen County Court, and for other purposes.

An act to allow an additional Constable to the county of Wayne.

An act for the benefit of Thomas M. Gibson, and others.

An act in relation to keeping the public roads in Clarke and Todd counties in repair.

An act for the benefit of Richard H. Ranson.

1. Mr. A. Boyd presented the petition of the Justices of the Trigg County Court, praying for the passage of a law legalizing the proceedings of said Court, at the November term, 1845.

2. Mr. A. Boyd also presented the petition of Bennett Henderson, praying for a divorce from his wife, Kesiah Henderson.

3. Mr. Heady presented the petition of sundry citizens of Mount Eden, in Spencer county, praying for the passage of a law establishing said town.

4. Mr. Helm presented the petition of Greenberry A. Gaither, praying for the passage of a law granting a change of venue to his slave Addison, who stands indicted in the Hardin Circuit Court for murder.
5. Mr. Holloway presented the petition of sundry citizens of Davis, Hopkins and Henderson counties, praying for the formation of a new county out of parts of said counties.

6. Mr. South presented the petition of Wilson Baker, praying to be restored to the right of suffrage.

7. Mr. Chenault presented the petition of sundry citizens of Madison and Garrard counties, praying for the establishment of a public road in said counties.

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

A bill from the House of Representatives, entitled, an act divorcing Reuben Herndon, from his wife, Mary E. Herndon, 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 Religion.

On the motion of Mr. Walker, leave was given to bring in a bill to amend the duelling laws, and Messrs. Walker, South and Holloway were appointed a committee to prepare and bring in the same. After a short time Mr. Walker 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 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. Walker, from the committee on Propositions and Grievances, to whom was referred the petition of Diana McGuire, reported the following resolution thereon, viz:

Resolved, That the petition be rejected.

Which was concurred in.

The vote rejecting the said petition was re-considered, and it was re-committed to the committee on Propositions and Grievances.

Mr. Walker, from the same committee, to whom was referred the petition of Thomas G. Rucker, reported the following resolution thereon, viz:

Resolved, That the petition be rejected.

Which was concurred in.

Mr. W. P. Boyd, from the committee on Religion, to whom was referred the petition of Rachel Hoskins, praying for a divorce, reported the following resolution thereon, viz:

Resolved, That said petition be rejected.
Mr. Helm moved to amend the said resolution by striking out "be rejected," and inserting in lieu thereof, the words "is reasonable."

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

Mr. W. P. Boyd, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act divorcing Alley Martin from her husband, reported the same with the opinion of the committee that it ought not to pass.

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

Mr. W. P. Boyd, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to divorce Mary E. Levi, reported the same without amendment.

The question being taken on reading the said bill a third time, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Boyd, A. Dyer, Marshall,
Boyd, W. P. Evans, Patterson,
Bradford, Fox, Peyton,
Bradley, Gray, Taylor,
Bramelette, Harris, Thomas,
Butler, Head, Thurman,
Chenault, Helm, Todd,
Conner, Henderson, Wallace,
Crenshaw, Holloway, Woodson—29,
Draffin, Key,

Those who voted in the negative, were—

Messrs. Newell, South, Swope—3.

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

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

Mr. Draffin, from the same committee, reported a bill to divorce Elizabeth Wydel, 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. Dyer, from the committee on Internal Improvement, reported a bill to incorporate the Barren River Navigation and Manufacturing Company, 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. Bradford, from a select committee, reported a bill to authorize the committing of criminals in Scott county to the jails of the adjoining counties, 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 said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Key,

Resolved, That John L. Helm, Chairman of the committee on the Sinking Fund, be associated with the committee on Banks, to visit the Banks of Kentucky, with a view to ascertain if arrangements can be made with the Banks to aid the Sinking Fund.

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

On the motion of Mr. Crenshaw—1. A bill for the benefit of James Dilly.

On the motion of Mr. Henderson—2. A bill to amend the act to regulate the management of the Wilderness road, and for other purposes, approved February 2, 1844.

Also—3. A bill to amend the general divorce law.

The committee on the Judiciary was directed to prepare and bring in the 1st; the committee on Internal Improvement the 2d; and the committee on Religion the 3d.

Mr. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill which originated in the House of Representatives, entitled, an act divorcing Mary Hancock and Sarah Ann Doneghy, 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. A. Boyd 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. A. Boyd in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. A. Boyd reported that the committee had, according to order, had under consideration a bill to amend the act concerning slaves, approved February 5, 1845, and for other purposes, and had made further progress therein, but not having time to go through the same, had directed him to ask for leave to sit again on Thursday the 29th instant; which leave was granted.

On the motion of Mr. Harris, he was excused from serving on the committee to examine Transylvania University, the Deaf and Dumb Asylum, and the Lunatic Asylum, and Mr. Evans was appointed on the said committee.

A bill to modify the law of 1833, in relation to the importation of slaves, was postponed and made the special order of the day for Monday next.
The Speaker laid before the Senate the following report of the Public Librarian, viz:

Books purchased for the Public Library in 1845, by the House of Representatives:

12 Copies A. Beatty on Agriculture, - - No. 7679 to 7690

Books purchased by the Judges of the Court of Appeals, for the Public Library, for the year 1845.

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<td>7848 to 7873</td>
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<td>Ben. Monroe's Reports,</td>
<td>7874 to 7883</td>
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G. A. ROBERTSON, Public Librarian.

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

And then the Senate adjourned.

WEDNESDAY, JANUARY 21, 1846.

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

An act to tax Pistols, Bowie Knives, and other deadly weapons.
An act for the benefit of the County Court of Livingston, and for other purposes.
I. Mr. Hardin presented for Mr. Fox, the petition of sundry citizens of the town of Somerset, praying for the passage of a law authorizing the Trustees of the lot of ground in said town, known as the Seminary lot, to permit the members of the Christian Church to erect a house of worship on the north end of said lot, which was received and referred to the committee on the Judiciary.

Mr. Hardin, from the committee on the Judiciary, reported the following bills, viz:

A bill to amend an act, entitled, an act to reduce into one the several acts regulating the town of Nicholasville, approved February 12, 1836.

A bill to legalize the proceedings of the Trigg County Court, at the November term 1845.

A bill to incorporate the town of Mount Eden, in Spencer 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 said bills being dispensed with, and the same being engrossed,

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

Mr. Hardin, from the same committee, to whom was referred the petition of the heirs of Richard McCarty, reported the following resolution thereon, viz:

Resolved, That the petition be rejected.

Which was concurred in.

Mr. W. P. Boyd, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act to divorce Reuben Herndon from his wife, Mary E. Herndon, reported the same with the opinion of the committee that it ought not to pass.

Mr. Todd moved an amendment to the said bill.

Mr. Harris moved to lay the said bill and amendment on the table.

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

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

Those who voted in the affirmative, were—

Those who voted in the negative, were—


Mr. W. P. Boyd, from the same committee, to whom was referred the petition of Zachariah Weeks for a divorce, reported the following resolution thereon, viz:

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

Mr. W. P. Boyd, from the same committee, to whom was referred the petition of Bennett Henderson for a divorce, reported the following resolution thereon, viz:

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

Mr. Swope, from a select committee, reported a bill to appropriate the proceeds of the vacant lands in the county of Pendleton, to aid in the erection of a new Court House in said 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 the Judiciary.

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

On the motion of Mr. Dyer—1. A bill to amend an act, entitled, an act to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a Railroad between the said city and river.


On the motion of Mr. Harris—3. A bill to allow two years from and after the passage of this act, for the holders of Treasury Land Office Warrants, and Seminary Land Office Warrants, to return plats and certificates of survey to the Register's Office.

On the motion of Mr. Evans—4. A bill for the benefit of the town of Port Oliver, in Allen county.

On the motion of Mr. South—5. A bill for the benefit of Thomas Hagins, Sheriff of Breathitt county.

On the motion of Mr. James—6. A bill to provide for the erection of a Marine Railway in the town of Hickman, in Fulton county, and for other purposes.

On the motion of Mr. Bradford—7. A bill to reduce the number of Justices of the Peace in Scott county.

On the motion of Mr. Hardin—8. A bill for the benefit of Elizabeth Williams.

On the motion of Mr. Conner—9. A bill to establish an election precinct in Lawrence county.
Also—10. A bill to allow an additional Justice of the Peace to Lawrence county.

Also—11. A bill to allow an additional Justice of the Peace to Carter county.

On the motion of Mr. Drake—12. A bill for the benefit of Thomas Crutcher and children.

On the motion of Mr. South—13. A bill for the benefit of Preston Hall, Polly Hughes, Lidia Johnson and Malinda Johnson, making an allowance to them, as idiots.

The committee on Internal Improvement was directed to prepare and bring in the 1st; the committee on the Judiciary the 2d, 8th and 12th; the committee on Finance the 5th and 13th; the committee on Privileges and Elections the 9th; the committee on Propositions and Grievances the 10th and 11th; Messrs. Harris, Hardin and South were appointed a committee to prepare and bring in the 3d; Messrs. Evans, Walker and Bramlette the 4th; Messrs. James, South and Walker the 6th; and Messrs. Bradford, Todd and Woodson the 7th.

A bill from the House of Representatives, entitled, an act to change the place of voting in an election precinct in Hart county, 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,

Resolved, That said bill do pass, and that the title 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 Perry county, reported the same with an amendment, which was concurred in.

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

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

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

A message, in writing, was received from the Governor, by Mr. Hardin, 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, John Williams, to be Sheriff of Letcher county, to fill the vacancy which will be occasioned by the expiration of the term of the present Sheriff, which will shortly occur, and the County Court having failed to make a nomination at the time required by the Constitution.

WM. OWSLEY.

Resolved, That the Senate advise and consent to the said appointment.
Bills from the House of Representatives of the following titles, viz:
1. An act for the benefit of Joseph Botts.
2. An act for the benefit of the Sheriff of Union county.
3. An act allowing additional Justices of the Peace and Constables to certain counties, and for other purposes.
4. An act authorizing the County Court of Boyle county to require its Clerk to make cross indexes to all deeds and other instruments of writing recorded in his office.
5. An act for the benefit of Daniel O'Neal and Sarah Graham.
7. An act divorcing Thomas Watson from his wife, Amanda Watson.
8. An act divorcing William Gressom from his wife, Mary Gressom.
9. An act to establish the town of Milton, and for other purposes.
10. An act to incorporate the town of Hillsboro', in the county of Fleming.
11. An act to amend the charter of the Agricultural Society of Bourbon county.
12. An act to establish a precinct at Friendship School House, in Madison county, and for other purposes.
13. An act to abolish an election precinct in the county of Gallatin, and for other purposes.
14. An act to change the State road from Paducah, to Gray's Ferry, on the Tennessee river.
15. An act to repeal the law limiting the number of Justices of the Peace of Simpson county.
16. An act to change the name of William Oden Smith, to that of Markham Oden Smith, and to change the name of Ephraim Pendleton.
17. An act to change the places of voting in election precincts in the counties of Breathitt and Clay.
18. An act to change the place of voting in the Donelson precinct, in Caldwell county.
19. An act to place the State road leading from Moss' Ferry, on the Tennessee river, to Waidboro', under the control of the Marshall County Court.
20. An act to change the name of a place in Madison county from Arcadia, to that of Rogersville.
22. An act for the benefit of the children of Achilles Moorman.
23. An act for the benefit of Hiram Begley.
25. An act to prevent the sale of spirituous liquors within the town of Lagrange, and one mile therefrom.
27. An act to regulate the Owen County Court, and for other purposes.
28. An act to allow an additional Constable to the county of Wayne.
29. An act for the benefit of Thomas M. Gibson, and others.
30. An act in relation to keeping the public roads in Clarke and Todd counties in repair.
31. An act for the benefit of Richard H. Ranson.
32. An act for the benefit of the County Court of Livingston county, and for other purposes.
33. An act to tax Pistols, Bowie Knives, and other deadly weapons.
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, 4th, 9th, 10th, 21st, 22d, 23d, 25th, 27th and 29th to the committee on the Judiciary; the 2d, 5th, 26th, 31st and 33d to the committee on Finance; the 3d, 15th, 16th, 20th, 24th, 28th and 32d to the committee on Propositions and Grievances; the 6th, 7th and 8th to the committee on Religion; the 11th to the committee on Agriculture and Manufactures; the 12th, 13th, 17th and 18th to the committee on Privileges and Elections; the 14th, 19th and 30th to the committee on Internal Improvement.

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 providing for a change of venue in the prosecution against Garret Fitzpatrick.
An act for the benefit of Joseph A. Radford and Louisa J. Radford.
An engrossed bill, entitled, an act to amend the penal laws of this Commonwealth, was referred to the committee on the Judiciary.
An engrossed bill, entitled, an act to divorce Elizabeth Wydel, was read the first time.
The question being then taken on the passage of the said bill, it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Thomas and Draffin, were as follows, viz:

Those who voted in the affirmative, were—

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

A bill from the House of Representatives, entitled, an act for the relief of Edward Payne, 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. Butler and 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 as aforesaid.

Resolutions from the House of Representatives, in relation to the Public Printing, were taken up, amended and concurred in.

A resolution fixing a day to elect public officers was laid on the table.

A message, in writing, was received from the Governor, by Mr. Hardin, 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 House of Representatives:

In my annual message to the present General Assembly I represented the means of the State, in Bank stocks, by which part of the State debt might be paid, to amount to $1,270,500.

In that statement I inadvertently omitted to mention that the amount includes $250,000 of stock in the Northern Bank of Kentucky, which has not been paid for by the State, otherwise than by the execution of like amount of five per cent. State Bonds, which is not included in my estimate of the funded debt of the State.

WM. OWSLEY.
Mr. A. Boyd, 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 divorcing Mary E. Levi.
An act concerning the Banks in Kentucky.
An act for the benefit of Common School District, No. 23, in Caldwell county.
An act to amend an act, entitled, an act for the benefit of the Grand and Subordinate Lodges of the Independent Order of Odd Fellows, and for the benefit of Washington Lodge, No. 3, in the city of Covington,
An act incorporating the Sons of Temperance, under the title of Covington Division, No. 1, Sons of Temperance of the State of Kentucky, located in the city of Covington.
An act to change the names of John Holly, Hezekiah Ashley and Aurelius Valerion Grigsby.
An act to amend an act providing for a change of venue in the prosecution against Joseph N. Allen, approved January 22, 1845.
An act establishing a chancery term of the Montgomery Circuit Court.
An act to regulate the terms of the Larue Circuit Court.
An act for the benefit of John Dennis' wife and children.
An act for the benefit of Susan Ann D. Young, and her children.
An act for the benefit of the infant heirs of G. W. Wall, deceased.
An act to change the venue in the prosecution against Amon C. Hale.
An act for the benefit of the heirs of Elisha Franklin, deceased.
An act for the benefit of Francis Machen.

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

An act for the benefit of William Davis, late Sheriff of Clinton county.
An act for the benefit of William Adcock, and others.
An act to change the venue in the prosecution against Milton Martin, indicted for felony.
An act for the benefit of Thomas McIntyre, of Mercer county.
An act for the benefit of the School Commissioners of Fayette county.
An act for the benefit of Quintus C. Shanks and Justinian T. Harris, late Sheriffs of Ohio county, and the Sheriff of Muhlenburg county.
An act for the benefit of Jonathan Davis, of Allen county, and Raleigh Watson, of Morgan county.
An act for the benefit of Edward Lewis, late Sheriff of Green county.
An act for the benefit of William Skagg, Sheriff of Green 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. A. Boyd reported that the committee had performed that duty.

A bill from the House of Representatives, entitled, an act to reduce the price of unappropriated lands in Madison county, was read the third time, as amended.

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

The Speaker laid before the Senate the following report of the Board of Internal Improvement, viz:

Office of the Board of Internal Improvement, January 21st, 1846.

Sir:
I have the honor to lay before the Senate, the report of this Board upon the claim of W. E. Dixon, for damages done to his property, by the slackwater of the Green river, and to be,

Very respectfully, yours, &c.
THOMAS METCALFE, P. B. I. I.

Hon. Archibald Dixon,
Speaker of the Senate.

The Board of Internal Improvement having examined the claim of W. E. Dixon, for damages done to his mill on Big Muddy Creek, in Butler county, by the slackwater from the Green river, report:
That in their opinion the claimant is not entitled to damages from the State. Elijah Porter, one of the witnesses relied on by Mr. Dixon to establish his claim, testifies that he bought the property from said Dixon in 1834, containing 480 acres of land, with the grist and saw mill upon it, for which he gave, or agreed to give, $1,200; that he (Porter) owned the same until the fall of '36, when he sold it back to said Dixon; "the mill having done a very poor business," &c. during the period of his ownership, owing to the bad repair she was in, &c.

In 1838, according to the information of this Board, Elijah Porter, (the witness before named,) was himself an applicant to the Board of Internal Improvement, for damages done to the same mill, &c.

It may not be material whether Porter sold the property to Dixon in 1836, or in 1838, the time of his claiming damages for it, as his own; because, in either case, the worthless old property was purchased by Dixon some two years or more after the contracts had been made, and the works were in progress upon that river, and this fact, in the opinion of the Board, ought to bar any claim for damages incurred, (if any) by the applicant for new work made by him after that time.

This claim may be worthy of further investigation, to reconcile, if practicable, the inconsistency alluded to; as there are other witnesses, whose testimony is on file in this office, who think the claimant entitled to damages. However that may be, the Board think that, at present, the claim ought to be rejected.

I have the honor to be,
Respectfully, your obedient servant,
THOMAS METCALFE, P. B. I. I.
Ordered, That the Public Printer print 150 copies of said report for the use of the General Assembly.

On the motion of Mr. W. P. Boyd,

Resolved, That the committee on the Library enquire into the expediency of purchasing, for the use of the Library, one set of the Debates of the Congress of the United States; also, one set of Elliott's Debates, and report by bill or otherwise.

Mr. James presented the petition of sundry citizens of Ballard county, praying that the appointment of A. J. Warden, as a Constable of said county, and his acts as Constable, may be legalized.

Which petition was received and referred to the committee on the Judiciary.

And then the Senate adjourned.

THURSDAY, JANUARY 22, 1846.

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 divorcing Mary E. Levi.

That they had adopted resolutions of the following titles, viz:

Resolution adding another member to the joint committee to examine the Lunatic Asylum.

A resolution requesting the Secretary of State to communicate to the General Assembly his system of Finance.

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

1. An act incorporating the Covington and Cincinnati Bridge Company.
2. An act divorcing Thomas Briarly from his wife, Frances Briarly.
3. An act divorcing Benjamin M. Griffith from his wife, Mary Ann Griffith.
4. An act divorcing Jesse Gee from his wife, Elizabeth Gee.
5. An act divorcing Mizella Crow from her husband, Samuel H. Crow.
6. An act divorcing Elizabeth Cox.
8. An act divorcing Joseph W. Tate from his wife, Mary C. Tate.

Mr. Dyer presented the petition of John A. Taylor, and others, praying for the passage of a law making provisions for the support of Jasper Tim-
monschilds, a lunatic, and allowing him to remain with his mother, which was received and referred to the committee on Finance.

Mr. Hardin, 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 children of Achilis Moorman, 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 said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the town of Hillsboro', in the county of Fleming, reported the same without amendment.

Ordered, That said bill be read a third time.

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

An act to establish the town of Milton, and for other purposes.

An act authorizing the County Court of Boyle county to require its Clerk to make cross indexes to all deeds and other instruments of writing recorded in his office.

An act to regulate the Owen County Court, and for other purposes.

An act for the benefit of Joseph Botts.

An act for the benefit of Hiram Begley.

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

Mr. W. P. Boyd, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act divorcing William Grissom from his wife, Mary Grissom, 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. Bramlette, from the same committee, reported a bill to divorce Louisa Gray, 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 said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:
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An act for the benefit of Jonathan Davis, of Allen county, and Raleigh Watson, of Morgan county.

An act for the benefit of Edward Lewis, late Sheriff of Green county.

An act for the benefit of Quintus C. Shanks and Justinian T. Harris, late Sheriffs of Ohio county, and the Sheriff of Muhlenburg county.

An act for the benefit of the School Commissioners of Fayette county.

An act for the benefit of William Adcock, and others.

An act for the benefit of William Davis, late Sheriff of Clinton county.

An act to change the venue in the prosecution against Milton Martin, indicted for felony.

An act for the benefit of Thomas McIntyre, of Mercer county.

An act for the benefit of William Skaggs, Sheriff of Green county.

Approved January 21, 1846.

A resolution from the House of Representatives, adding another member to the joint committee to examine the Lunatic Asylum, was taken up, twice read, and disagreed to.

Mr. Draffin, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act divorcing Thomas Watson from his wife, Amanda Watson, reported the same without amendment.

The said bill is as follows, viz:

**Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas Watson be, and he is hereby, divorced from his wife, Amanda Watson, and he is restored to all the rights and privileges of a single man.**

Mr. Conner moved to amend the said bill by adding thereto the following section, viz:

**Sec. 2. Be it further enacted, That Amanda M. Watson be, and she is hereby, divorced from the said Thomas Watson, and the marriage heretofore solemnized between George W. Newman and Amanda Watson, be, and the same is hereby, legalized.**

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

The yeas and nays being required thereon by Messrs. Conner and A. Boyd, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard, Dyer, Swope,
Boyd, A. Henderson, Taylor,
Bradley, James, Walker,
Butler, Marshall, Wallace,
Conner, Slaughter, Woodson—17.
Drake, South,

Those who voted in the negative, were—

Messrs. Boyd, W. P. Hardin, Newell,
Bradford, Harris, Patterson,
Chenault, Heady, Thomas,
Draffin, Holloway, Thurman—12.
The question was then taken on reading the said bill a third time, as amended, and it was decided in the affirmative: the Senate being equally divided, the Speaker voted in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Walker, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of the counties of Ohio, Muhlenburg and Daviess, praying for the formation of a new county out of parts of said counties, reported the same with a statement of the facts proved before the committee.

Mr. Dyer moved to re-commit the petition to the committee on Propositions and Grievances, with instructions to report a bill to establish the said new county.

Mr. Holloway moved to lay the said petition on the table.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Holloway called for a division of the question, on the motion of Mr. Dyer, and the question being taken on re-committing the said petition to the committee on Propositions and Grievances, it was decided in the affirmative.

Mr. Dyer then withdrew his motion to instruct the committee to report said bill.

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to change the name of William Oden Smith, to that of Markham Oden Smith, and to change the name of Ephraim Pendleton, 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 said bill, as amended, do pass, and that the title be amended “William Markham Oden Smith,” instead of “Markham Oden Smith.”

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

An act to change the name of a place in Madison county from Arcadia, to that of Rogersville.
An act to allow an additional Constable to the county of Wayne.
An act to repeal the law limiting the number of Justices of the Peace of Simpson county, to ten.
An act to change the names of George W. and Thomas J. Gallaher. 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 said bills do pass, and that the titles thereof be as aforesaid.

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the County Court of Livingston county, and for other purposes, reported the same without amendment.

The said bill is as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County Court of Livingston county, be, and they are hereby, allowed the further time of two years, from and after the passage of this act, wherein to provide a set of standard weights and measures as now required by law.

Sec. 2. Be it further enacted, That the County Court of said county shall have power, if they think proper, so to direct to apply the moneys now in the hands of their Treasurer, arising from the sales of vacant lands in said county, or which may hereafter come to his hands, from the same source, to the building and completion of a jail and other public buildings in said county, instead of the improvement of the roads in said county, as heretofore required by law.
Sec. 3. *Be it further enacted,* That the time of twelve months be allowed the County Courts of Wayne, Union, Todd and Lawrence counties to procure a set of standard weights and measures.

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

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

Those who voted in the affirmative, were—

| Messrs. Chenault, | Holloway,        | South,         |
| Conner,          | Newell,          | Swope,         |
| Draffin,         | Patterson,       | Thomas,        |
| Harris,          | Slaughter,       | Walker—12.     |

Those who voted in the negative, were—

| Messrs. Ballard, | Bramlette,       | Taylor,        |
| Boyd, A.         | Butler,          | Thurman,       |
| Boyd, W. P.      | Hardin,          | Todd,          |
| Bradford,        | Heady,           | Wallace,       |
| Bradley,         | Henderson,       | Woodson—15.   |

Mr. 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 Constables to certain counties, and for other purposes, 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 said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the same committee, to whom was referred the petition of Benjamin H. Kirtley, reported the following resolution thereon, viz:

*Resolved,* That the petition be rejected.

Which was concurred in.

Mr. Butler presented the petition of the Mayor and Council of the city of Louisville, praying for the passage of a law to grant to the Louisville College and the Louisville Medical Institute a charter as one Institution, under the name and title of the University of Louisville.

Mr. Butler also presented the remonstrance of the President and Managers of the Medical Institute, in the city of Louisville, against the repeal of their charter.

Which were received and referred to the committee on the Judiciary.

On the motion of Mr. South, leave was given to bring in a bill for the benefit of the Clerks of Perry and Letcher counties, to allow them further time to renew their bond in said counties, and the committee on the Judiciary was directed to prepare and bring in the same.
A message, in writing, was received from the Governor, by Mr. Hardin, 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, Dorchester H. Merrick to be Colonel of the 67th Regiment, 22d Brigade, Kentucky Militia, in place of John Cave, resigned.

Richard H. Botts to be Lieutenant Colonel of same, in place of D. H. Merrick, promoted.

Benjamin Stephens to be Major of same, in place of Richard H. Botts, promoted.

James Anderson to be Lieutenant Colonel of 120th Regiment, 22d Brigade, in place of John C. Riley, resigned.

John T. Ballard to be Colonel of 2d Regiment, 1st Brigade, in place of Wm. Read, resigned.

William H. Abel to be Lieutenant Colonel of same, in place of John T. Ballard, promoted.

Harrison Humphrey to be Major of same, in place of Wm. H. Abel, promoted.

WM. OWSLEY.

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

On the motion of Mr. Chenault, the vote of the Senate disagreeing to a resolution from the House of Representatives, adding another member to the joint committee to examine the Lunatic Asylum, was reconsidered.

The said resolution was then concurred in.

And then the Senate adjourned.

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**FRIDAY, JANUARY 23, 1846.**

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 relief of Francis Machen.
- An act for the benefit of the heirs of Elisha Franklin, deceased.
- An act for the benefit of Susan Ann D. Young, and her children.
- An act for the benefit of John Dennis' wife and children.

17
An act to regulate the terms of the Larue Circuit Court.

An act establishing a chancery term of the Montgomery Circuit Court.

An act to change the names of John Holléy, Hezekiah Ashley and Aurelius Valerion Grigsby.

An act to amend an act providing for a change of venue in the prosecution against Joseph N. Allen, approved January 22, 1845.

An act incorporating the Sons of Temperance under the title of Covington Division, No. 1, Sons of Temperance of the State of Kentucky, located in the city of Covington.

An act to amend an act, entitled, an act for the benefit of the Grand and Subordinate Lodges of the Independent Order of Odd Fellows, and for the benefit of Washington Lodge, No. 3, in the city of Covington.

An act for the benefit of the infant heirs of G. W. Wall, deceased.

An act to change the venue in the prosecution against Amon C. Hale.

An act for the benefit of the Common School District, No. 23, in Caldwell county.

An act concerning the Banks in Kentucky.

An act for the benefit of Urban E. Kennedy and Achsah H. Kennedy, of Todd County.

An act for the benefit of the children of William M. Taylor.

Approved January 21, 1846.

That they had passed a bill from the Senate, entitled, an act for the benefit of Louisa Ann Coleman, and Charles H. Kenner and Marcus M. Kenner, with an amendment, which amendment was concurred in.

That they had passed a bill, entitled, an act incorporating the Rodef Scholem, (a people of peace,) of the city of Louisville.

1. Mr. Taylor presented the petition of the Trustees of the Christian Church in Winchester, praying for the passage of a law authorizing the sale of a certain lot of ground belonging to said Church.

2. Mr. Bradford presented the petition of Simeon Neale, who is the Guardian of Lewis A. Neale and Felix R. Neale, praying for the passage of a law authorizing him to use sufficient of the funds in his hands, belonging to his wards, to buy for them a quarter section of public land.

3. Mr. Bradley presented the proceedings of a public meeting of the citizens of Henderson, Daviess and Hopkins counties, against the formation of a new county out of parts of said counties.

4. Mr. Butler presented the petition of Henry H. Philips, praying for the passage of a law allowing him to bring into this State a negro boy named Alfred.

5. Mr. Harris presented the petition of sundry citizens of Bath county, praying for the passage of a law allowing an additional Justice of the Peace to said county.
6. Mr. Conner presented the petition of Elias P. Davis, of Carter county, praying for the passage of a law allowing him compensation for the erection of certain buildings at the second or middle gate on the Owingsville and Big Sandy Turnpike Road.

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

The following bills were reported, viz:

By Mr. Hardin, from the committee on the Judiciary:
A bill for the benefit of Joshua P. Owens, James S. Owens and Margaret F. Owens, infant heirs of Jeremiah Owens, deceased.
A bill for the benefit of the heirs of Redmond F. Monday.
By Mr. Walker, from the committee on Propositions and Grievances:
A bill to allow an additional Justice of the Peace to Lawrence county.
A bill for the benefit of Mrs. Diana McGuire.
By Mr. Swope, from the committee on Privileges and Elections:
A bill to establish an election precinct in Laurel county, at the house of William McHargue, on Big Robertson creek.
A bill to establish an additional election precinct in Lawrence county.
A bill to change the place of voting in the lower precinct in Spencer county, from the house of Edrington Collins to McGrews' mill house, in Waterford.

By Mr. Dyer, from the committee on Internal Improvement:
A bill to amend an act, entitled, an act to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a Railroad between the said city and river.
By Mr. James, from the committee on Finance:
A bill for the benefit of the idiots of Perry and Letcher counties.
By Mr. James, from a select committee:
A bill to provide for the erection of a Marine Railway in the town of Hickman, 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 said bills do pass, and that the titles thereof be as aforesaid.

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

An act to prevent the sale of spirituous liquors within the town of Lagrange, and one mile therefrom.
An act for the benefit of John Young, Surveyor of Greenup county.
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 said bills do pass, and that the titles thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, reported a bill to allow an additional Justice of the Peace to Carter 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 amended and ordered to be engrossed and read a third time.

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

Resolved, That said bill do pass, and that the title thereof be amended by adding "and for other purposes."

Mr. Swope, 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 places of voting in election precincts in the counties of Breathitt and Clay.

An act to establish a precinct at Friendship School House, in Madison 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 said bills do pass, and that the titles thereof be as aforesaid.

Mr. Swope, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to abolish an election precinct in the county of Gallatin, and for other purposes, 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 said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to place the State road leading from Moss' Ferry, on the Tennessee River, to Waidboro', under the control of the Marshall County Court, reported the same without amendment.

Ordered, That said bill read a third time.

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

Resolved, That said bill do pass, and that the title thereof be as aforesaid.
Mr. Dyer, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act in relation to keeping the public roads in Clarke and Todd counties in repair, 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 said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Dyer, from the same committee, to whom was referred the petition of Charles Martin, and others, reported the following resolution thereon, viz:
Resolved, That the petition be rejected.
Which was concurred in.

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 Daniel O'Neal and Sarah Graham, reported the same without amendment.

Ordered, That said bill read a third time.

The constitutional rule as to the third reading being dispensed with,
Resolved, That said bill do pass, and that the title 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 Smith Wingate and Charles Horsman, 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 said bill, as amended, do pass, and that the title thereof be amended by adding "and W. D. Mitchell, Clerk of the County and Circuit Courts of Oldham county.

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Richard H. Ranson, 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 said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. James, from the same committee, to whom was referred the petition of Benjamin F. Hansford, reported the following resolution thereon, viz:
Resolved, That the petition be rejected.
Which was concurred in.

Mr. Wallace, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act to legalize certain proceedings of the 20th Regiment, 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 said bill do pass, and that the title thereof be as afore-
said.

Mr. Swope, from a select committee, reported a bill allowing Martin Fu-
gate, late Sheriff of Pendleton county, further time to return his delinquent
list of muster fines, 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 Military Affairs.

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

On the motion of Mr. Walker—1. A bill concerning the town of Russell-
ville.

On the motion of Mr. Swope—2. A bill to legalize the proceedings of the
Court of Assessment held in the year 1843, for the 104th Regiment of Ken-
tucky Militia, and for other purposes.

Messrs. Walker, Newell and Bradford were appointed a committee to
prepare and bring in the 1st; and the committee on Military Affairs was
directed to prepare and bring in the 2d.

Mr. Walker, from a select committee, 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 said bill
being dispensed with, and the same being engrossed,

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

On the motion of Mr. Taylor, a message was sent to the House of Rep-
resentatives 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 Coun-
ty Court of Livingston county, and for other purposes.

The said bill having been returned to the Senate, on the motion of Mr.
Taylor, the vote by which it was disagreed to was re-considered.

The said bill was then amended.

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, A. Dyer,
Boyd, W. P. Harris,
Bradford, James,
Bradley, Marshall,
Swope,
Taylor,
Thomas,
Todd,
Resolved, That the title of the said bill be as aforesaid.

On the motion of Mr. Butler, a message was sent to the House of Representatives asking leave to withdraw the report of the passage of a bill from that House, entitled, an act to establish the town of Milton, and for other purposes.

The said bill having been returned to the Senate, the vote by which it was passed was re-considered, and it was referred to the committee on the Judiciary.

A message, in writing, was received from the Governor, by Mr. Hardin, 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, Bushrod T. Boswell to be Brigadier General of the 4th Brigade, 10th Division, in place of William M. Samuel, resigned.

WM. OWSLEY.

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

A bill from the House of Representatives, entitled, an act incorporating the town of Hillsboro, in the county of Fleming, was read a third time.

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

A bill from the House of Representatives, entitled, an act divorcing Thos. Watson from his wife, Amanda Watson, was read the third time as amended;

Resolved, That said bill, as amended, do pass, and that the title be amended by adding “and for other purposes.”

Bills from the House of Representatives of the following titles, viz:
1. An act incorporating the Covington and Cincinnati Bridge Company.
2. An act divorcing Thomas Briarly from his wife, Frances Briarly.
3. An act divorcing Benjamin M. Griffith from his wife, Mary Ann Griffith.
4. An act divorcing Jesse Gee from his wife, Elizabeth Gee.
5. An act divorcing Mizella Crow from her husband, Samuel H. Crow.
6. An act divorcing Elizabeth Cox.
8. An act divorcing Joseph W. Tate from his wife, Mary C. Tate.
9. An act to incorporate the Rodef Scholem, (a people of peace,) of the
city of Louisville.

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,
3d, 4th, 5th, 6th, 7th and 8th to the committee on Religion; and the 9th
to the committee on the Judiciary.

A resolution from the House of Representatives, requesting the Secretary
of State to communicate to the General Assembly his system of Finance,
was taken up, twice read and concurred in.

And then the Senate adjourned.

SATURDAY, JANUARY 24, 1846.

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
John Thomas.

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

1. An act ordering the payment of the amount due the Commissioners
   on the road from the mouth of Salt river to Bowling green.

2. An act to reduce the salaries of the Circuit Judges of this Common
   wealth, and for other purposes.

3. An act for the benefit of Alexander Strong, of Breathitt county.

4. An act for the benefit of John Duerson.

5. An act authorizing Mary L. Burch to erect a fish dam across the Rolling
   Fork of Salt river.

6. An act to repeal in part, an act, entitled, an act to amend the charter
   of the Louisville and Elizabethtown Turnpike Company, and Covington and
   Lexington Turnpike Company, approved February 7, 1845.

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 dis-
pensed with, they were referred: the 1st, 3d, 5th and 6th to the committee
on Internal Improvement; the 2d to the committee on Finance; and the 4th
to the committee on the Judiciary.
1. Mr. Bramlette presented the petition of sundry citizens of Clinton county, praying an amendment to the Constitution of the State; and also, an amendment to the law of 1833, prohibiting the importation of slaves into this State.

2. Mr. Harris presented the petition of John Hensley, and others, members of the Reformed Baptist Church, at Slate Union, in the county of Bath, praying for the passage of a law authorizing the sale of said Church, and lot of ground attached, and an investment of the proceeds of sale in another lot of ground.

Which were received and referred: the 1st to a select committee of Messrs. Harris, Bramlette and Swope; and the 2d to the committee on Religion.

Mr. Patterson, from the committee on the Judiciary, reported a bill for the benefit of William H. Stephens, 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 amended 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 said bill do pass, and that the title thereof be amended by adding "and the heirs of Solomon Derositt, deceased."

Mr. Slaughter, from the committee on Agriculture and Manufactures, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the Agricultural Society of Bourbon 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to change the State road from Paducah to Gray's Ferry on the Tennessee river, 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 said bill do pass, and that the title thereof be as aforesaid.

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

1. A bill for the benefit of Elias P. Davis.


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 laid on the table, 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 said bill do pass, and that the title thereof be as afore-said.

Leave of absence was granted to Mr. Wallace until Wednesday the 28th instant.

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

- An act for the benefit of Hiram Begley.
- An act to change the names of George W. and Thomas J. Gallaher.
- An act to regulate the Owen County Court, and for other purposes.
- An act to allow an additional Constable to the county of Wayne.
- An act to repeal the law limiting the number of Justices of the Peace of Simpson county, to ten.
- An act authorizing the County Court of Boyle county to require its Clerk to make cross indexes to all deeds and other instruments of writing recorded in his office.
- An act to change the name of a place in Madison county from Arcadia, to that of Rogersville.
- An act for the benefit of Joseph Botts.
- An act for the relief of Edmund Payne.
- An act to change the place of voting in an election precinct in Hart county.
- A resolution adding another member to the joint committee to examine 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. A. Boyd reported that the committee had performed that duty.

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

On the motion of Mr. South—1. A bill for the benefit of Alexander White, Sheriff of Clay county, allowing him further time to return his delinquent list.

Also—2. A bill for the benefit of Hardin Land, allowing him to change his name to that of Hardin Crawford.

On the motion of Mr. Dyer—3. A bill to extend further time for register-
ing head right plats and certificates, and legalizing all those received since
the time expired.

The committee on Finance was directed to prepare and bring in the 1st;
the committee on Propositions and Grievances the 2d; and Messrs. Dyer,
James and Patterson were appointed a committee to prepare and bring in
the 3d.

Mr. Dyer, from a select committee, reported a bill to extend the time of
registering head right surveys, 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 said bill do pass, and that the title thereof be as afore-
said.

And then the Senate adjourned.

MONDAY, JANUARY 26, 1846.

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 Hiram Begley.
An act to change the names of George W. and Thomas J. Gallaher.
An act to regulate the Owen County Court, and for other purposes.
An act to allow an additional Constable to the county of Wayne.
An act authorizing the County Court of Boyle county to require its Clerk
to make cross indexes to all deeds and other instruments of writing recorded
in his office.
An act to repeal the law limiting the number of Justices of the Peace of
Simpson county, to ten.
An act to change the place of voting in an election precinct in Hart
county.
An act for the relief of Edmund Payne.
An act to change the name of a place in Madison county, from Arcadia to
that of Rogersville.
An act for the benefit of Joseph Botts.
Also, a joint resolution originating in the House of Representatives, entitled, resolution adding another member to the joint committee to examine the Lunatic Asylum.

Approved January 24, 1846.

That they had concurred in the amendments proposed by the Senate, to a bill from that House, entitled, an act for the benefit of Gideon S. and Susan Mary Mims, infant heirs of Gideon Mims, deceased.

That they had passed a bill from the Senate, entitled, an act to amend the act, entitled, an act to incorporate the Louisville and Bon Harbour Coal Company, approved January 28, 1833.

That they had passed bills of the following titles, viz:
1. An act to amend the charter of the Bank of the Commonwealth.
2. An act to change the place of voting in the Liberty precinct, in Jefferson county, 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 bill was referred to the committee on Banks; and the 2d to the committee on Privileges and Elections.

1. Mr. Marshall presented the petition of William W. Stockton, and others, praying for the passage of a law to legalize the proceedings of the Green County Court in appointing the said Stockton a Constable.
2. Mr. Ballard presented the petition of John Morris and Elijah Adcock, of the county of Trimble, praying that the county line be so changed as to include them in the county of Henry.
3. Mr. Fox presented the petition of James Pitman, praying for the passage of a law directing the Second Auditor of Public Accounts, to draw a warrant on the Treasury in his favor, for the sum of fifty dollars, for taking care of his idiot daughter for the twelve months preceding the 25th of October, 1845.

Which petitions were received and referred: the 1st and 2d to the committee on Propositions and Grievances; and the 3d to the committee on Finance.

Mr. Walker, from the committee on Propositions and Grievances, reported a bill for the benefit of Wilson Baker, 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.

On the motion of Mr. Helm,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of providing by law, for the appointment of one or
more competent Lawyers to revise the criminal code of Kentucky, and report the same to the Legislature.

On the motion of Mr. Walker, leave was given to bring in a bill for the benefit of John F. Todd, and the committee on Propositions and Grievances was directed to prepare and bring in the same.

And then the Senate adjourned.

TUESDAY, JANUARY 27, 1846.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate to resolutions from that House in relation to the Public Printing.

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 the County Court of Russell.
- An act to reduce the price of unappropriated land in Madison county.
- An act for the benefit of the late Sheriff of Casey county, and for other purposes.
- An act to incorporate the town of Mayfield, and for other purposes.
- An act for the benefit of the Sheriff of Perry county.
- An act for the benefit of Milton King, Clerk of the Cumberland County and Circuit Courts.
- An act allowing additional Justices of the Peace and Constables to certain counties, and for other purposes.
- An act divorcing Thomas Watson from his wife, Amanda Watson.
- An act to change the name of William Oden Smith, to that of Markham Oden Smith, and to change the name of Ephraim Pendleton.
- An act for the benefit of the children of Achilles Moorman.
- An act for the benefit of Smith Wingate and Charles Horsman.
- An act in relation to keeping the public roads in Clarke and Todd counties in repair.
- An act for the benefit of Richard H. Ranson.
- An act for the benefit of the County Court of Livingston county, and for other purposes.

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

- An act to regulate the terms of the Christian County Court.
An act to change the name of George W. Sowder to George W. Haley.
An act to amend an act to prevent the burning of the woods in certain counties, and for other purposes, approved February 7, 1840.
An act to amend the charter of the Firemans' Insurance Company of Louisville.
An act for the benefit of the Marine Railways in the town of Paducah.
An act to appoint Commissioners to collect the debts due the Farmers' Bank of Somerset, and pay the same to its creditors.
An act to authorize the committing of the criminals in Scott county to the jails of the adjoining counties.
An act to amend an act, entitled, an act to reduce into one the several acts regulating the town of Nicholasville, approved February 12, 1836.
An act to amend the duelling laws.
An act to legalize the proceedings of the Trigg County Court at the November term, 1845.
An act to allow an additional Justice of the Peace to Carter county, and for other purposes.
An act to establish an election precinct in Laurel county, at the house of William McHargue on Big Robertson creek.
An act to establish an additional election precinct in Lawrence county.
An act to change the place of voting in the lower precinct in Spencer county, from the house of Edrington Collins to McGrews' mill house, in Waterford.
An act for the benefit of the idiots of Perry and Letcher counties.
An act to provide for the erection of a Marine Railway in the town of Hickman, and for other purposes.
An act to incorporate the town of Mount Eden, in Spencer county.
An act to allow an additional Justice of the Peace to Lawrence county.
With amendments to the two bills last named.
Which amendments were twice read and concurred in.
1. Mr. Thomas presented the petition of sundry citizens of the city of Newport, praying the repeal of the law of last session, dividing the said city into wards.
2. Mr. Fox presented the petition of Martha Carson, and others, heirs and legal representatives of James Gilmore, deceased, praying for the passage of a law authorizing the sale of a certain tract of land in Carroll county.
3. Mr. Fox also presented the petition of Isham R. Fox, and others, praying for the passage of a law authorizing the sale of certain slaves of the estate of Samuel Fox, Sr., deceased.
4. Mr. Holloway presented the memorial of George W. King, of Henderson county, relative to injuries done his Mill by slack water from Lock and Dam No. 1, on Green river.
5. Mr. Butler presented the petition of Elizabeth Thompson and her husband, Philip R. Thompson, praying for the passage of a law authorizing the sale of a certain house and lot, and the proceeds of sale to be vested in other estate in Kentucky or Missouri.

6. Mr. Draffin presented the memorial of Willson, Knott & Co., Contractors for building Locks and Dams Nos. 4 and 5, on the Kentucky river, asking compensation for losses sustained on certain State Bonds.

Which petitions and memorials were received and referred: the 1st to the committee on Propositions and Grievances; the 2d, 3d and 5th to the committee on the Judiciary; the 4th to the committee on Finance; and the 6th to a committee of Messrs. Helm, Draffin, Thurman and Swope.

Mr. Peyton, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Thomas M. Gibson, and others, 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. Peyton, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John Duer son, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Peyton, from the same committee, to whom was referred a bill to amend the penal laws of this Commonwealth, reported the same with amendments, which were concurred in.

Mr. Harris moved an amendment to the said bill, and the said bill and amendment were re-committed to the committee on the Judiciary.

Mr. Peyton, from the same committee, to whom was referred the petition of Uriah Shewmaker, reported the following resolution thereon, viz:

Resolved, That the petition be rejected.

Which was concurred in.

Mr. Peyton, from the same committee, to whom was referred the petition of Dennis Doyle, reported the following resolution thereon, viz:

Resolved, That the petition be rejected.

Which was concurred in.

Mr. Patterson, from the same committee, to whom was referred a bill concerning the town of Albany, in Clinton 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 of said bill being dispensed with, and the same being engrossed,
Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, reported the following bills, viz:

A bill to change the Trimble county line.
A bill to legalize the appointment of William W. Stockton, Constable of Green county.
A bill to change the name of Hardin Land to Hardin Crawford.

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

A message, in writing, was received from the Governor, by Mr. Hardin, 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, Chasteen T. Dunavan to be Sheriff of Warren county, in place of Presley Donalson, resigned.

WM. OWSLEY.

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

Mr. Dyer, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of Alexander Strong, of Breathitt county.
An act authorizing Mary L. Burch to erect a fish dam across the Rolling Fork of Salt river.

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 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 Warren county, reported the same with amendments, which 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 said bill, as amended, do pass, and that the title thereof be amended by adding thereto "and for other purposes:"

Mr. James, from the same committee, to whom was referred the petition of sundry citizens praying for the passage of a law to reduce the tax on
tavern license; and the petition of John A. Taylor, and others, praying that a law may pass for the support of Jasper Timmons, a lunatic, and permitting him to remain with his mother, reported the following resolution thereon, viz:

Resolved, That the petitions be rejected.

Which was concurred in.

Mr. Woodson, from the committee on Federal Relations, reported a bill to establish a portion of the line between the States of Kentucky and Tennessee, 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 said bill do pass, and that the title thereof be as afore-said.

Mr. Key, from the committee on Banks, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the Bank of the Commonwealth, reported the same without amendment.

Ordered, That said bill read a third time.

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

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

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

On the motion of Mr. Todd, a bill to amend an act, entitled, an act to amend the several laws of this Commonwealth relative to the duties of Clerks of Courts, approved February 2, 1841.

On the motion of Mr. Conner, a bill for the benefit of Allaniah Cole, of Greenup county.

Ordered, That the committee on the Judiciary prepare and bring in the said bills.

A bill for the benefit of the Kentucky Institution for the Education of the Blind, was taken up and referred to the committee on the Sinking Fund.

A bill concerning Turnpike Roads, 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 said bill do pass, and that the title thereof be as afore-said.

On the motion of Mr. James,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency and propriety of so amending the penal laws of this Commonwealth, as to prohibit persons charged with having committed a breach of the peace, riot, rout or unlawful assembly, from surrendering themselves to any Justice of the Peace for trial, for said offence, after a warrant has been issued, and placed in the hands of an officer; and that said committee further enquire into the propriety of allowing jurors a reasonable
compensation for their services in the above cases; the amount to be fixed by the Justice of the Peace, to be taxed in the bill of costs; said compensation not to exceed fifty cents per day.

Mr. Henderson presented the petition of James Renfro, praying the Legislature to interpose and save him from loss on his contract for the Wilderness road, which was received and referred to the committee on the Judiciary.

On the motion of Mr. Butler, leave was given to withdraw the petition of James C. Johnston.

And then the Senate adjourned.

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WEDNESDAY, JANUARY 28, 1846.

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 Covington and Lexington Turnpike Company, and for other purposes.

An act for the benefit of Nathaniel Wickeff.

An act for the benefit of Turner Wilson.

An act to incorporate the Barren River Navigation and Manufacturing Company.

An act to provide for filling vacancies in the Directory of Turnpike Road Companies.

An act to authorize the Trustee of the Craddock Fund to surrender his trust, and to constitute a permanent Board to manage the same.

An act to incorporate the Maysville College, and for other purposes.

An act for the benefit of the Fayette Rifle Company.

An act for the benefit of the 71st Regiment of Kentucky Militia.

An act for the benefit of Jonathan Newcum.

1. Mr. Gray presented the petition of Martha Chumly, praying for a divorce from her husband, Beverly Chumly.

2. Mr. Gray also presented the petition of James Moore, and others, who are the securities of John Buckner, late Sheriff of Christian county, praying for the passage of a law allowing said Sheriff further time to pay into the Treasury a balance of the revenue tax uncollected by him.

3. Mr. Gray also presented the petition of sundry citizens of Christian county, praying for the passage of a law compelling the Surveyor of said county to keep his books and papers within the limits of Hopkinsville.
4. Mr. Holloway presented the remonstrance of sundry citizens of Daviess county against the formation of a new county out of parts of Daviess, Muhlenburg and Ohio counties.

5. Mr. Butler presented the petition of James Lane, who stands indicted in the Jefferson Circuit Court, praying for a change of venue.

6. Mr. Evans presented the petition of sundry citizens of Edmonson county, praying for the passage of a law to elevate the Dam, No. 4, on Green river.

7. Mr. Thomas presented the remonstrance of sundry citizens of Newport, against the repeal of the law of last session, dividing the town into wards.

8. Mr. Evans presented the petition of Mary E. Herndon, praying for a divorce from her husband, Reuben Herndon.

9. Mr. South presented the petition of Francis Hamblin, praying for the passage of a law allowing him to build a mill dam on the South Fork of the Kentucky river.

10. Mr. Draffin presented the petition of Jordan H. Walker, praying for the passage of a law authorizing the sale of a small tract of land in Anderson county.

11. Mr. Draffin also presented the petition of Allen Wash, praying for compensation as Commissioner of Tax, in Anderson county.

Which petitions and remonstrances were received and referred: the 1st and 8th to the committee on Religion; the 2d and 11th to the committee on Finance; the 3d, 4th and 7th to the committee on Propositions and Grievances; the 5th and 10th to the committee on the Judiciary; and the 6th and 9th to the committee on Internal Improvement.

Mr. Peyton, from the committee on the Judiciary, to whom was referred the petition of Samuel Fox, and others, and also the petition of Martha Carson, reported the following resolution thereon, viz:

Resolved, That the said petitions be rejected.

Which was concurred in.

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

A bill to amend an act, entitled, an act to amend the several laws of this Commonwealth relative to the duties of Clerks of Courts, approved February 2, 1841.

A bill for the benefit of Elizabeth Thompson and her infant children.

A bill to change the name of William M. Gray to William M. Medlock, and for other purposes.

A bill for the benefit of Allaniah Cole.

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

A message, in writing, was received from the Governor, by Mr. Hardin, 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, William E. Bishop to be Colonel, William Thomas to be Lieutenant Colonel, and Thomas Sanford to be Major of 137th Regiment, Kentucky Militia, being a new Regiment formed in the county of Ballard.

Ambrose Pitman to be Brigadier General of 24th Brigade, Kentucky Militia.

John C. Brown to be Colonel, Sion Johnson to be Lieutenant Colonel, and William Owens to be Major of 75th Regiment, Kentucky Militia.

WM. OWSLEY.

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

Mr. Walker, from the committee on Propositions and Grievances, reported a bill for the benefit of Henry H. Phillips, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Draffin, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act divorcing Benjamin M. Griffith from his wife, Mary Ann Griffith, reported the same with the opinion that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the affirmative.

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

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

Mr. Draffin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act divorcing Thomas Stark, 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. Dyer, from the committee on Internal Improvement, reported a bill to establish a road in Madison and Garrard counties, 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 said bill do pass, and that the title thereof be as afore­said.

Mr. Dyer, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to repeal in part, an act, ent­itled, an act to amend the charter of the Louisville and Elizabethtown Turnpike Company, and Covington and Lexington Turnpike Company, approved February 7, 1845, 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 said bill, as amended, do pass, and that the title be amend­ed by striking out the words "repeal in part," and inserting the word "amend."

Mr. Helm, from the committee on the Sinking Fund, to whom was re­ferred a bill for the benefit of the Kentucky Institution for the Education of the Blind, reported the same with amendments, which were concurred in.

The first section of said bill is as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That three thousand five hundred dollars of the dividends which may be declared by the Bank of Kentucky, upon the stock held by the Board of Education in said Bank, between the 1st day of January, 1846, and the 1st day of January, 1847, be, and the same are hereby, set apart and appro­priated to the Kentucky Institution for the Education of the Blind, to be drawn for in the manner, and upon the terms prescribed by the act, entitled, "an act to establish the Kentucky Institution for the Education of the Blind."

Provided, That the sum of nineteen hundred and twenty nine dollars seventy eight cents, arising therefrom, shall be applied to the payments of the debts now due by said Institution; and the balance, if any there be, to the purchase of a suitable library, apparatus, and instruments, and the erection of necessary improvements for the use of said Institution.

Mr. Peyton moved to amend the said bill by striking out the said section, after the enacting clause, and inserting in lieu thereof, the following, viz:

That one thousand nine hundred and twenty nine dollars and seventy eight cents, be appropriated out of any moneys in the Treasury not other­wise appropriated, and paid over by the Treasurer to the Superintendent of the Institution for the Education of the Blind, that sum being the balance due by said Institution, for the erection of buildings and furnishing 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. Peyton and Butler, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Conner, James, Peyton,
Heady, Marshall, South,
Those who voted in the negative, were—

| Messrs. Ballard, | Drafphin, | Key, |
| Boyd, A. | Dyer, | Slaughter, |
| Bradford, | Evans, | Swope, |
| Bradley, | Fox, | Taylor, |
| Bramlette, | Gray, | Thomas, |
| Butler, | Harris, | Thurman, |
| Chenault, | Helm, | Todd, |
| Crenshaw, | Holloway, | Woodson—24. |

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

A bill to modify the law of 1833, in relation to the importation of slaves, was referred to the committee of the whole House, on the State of the Commonwealth.

Whereupon, the Senate resolved itself into a committee of the whole House, Mr. Bradford in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Bradford reported that the committee had, according to order, had under consideration the said bill to modify the law of 1833, in relation to the importation of slaves, and had gone through the same, and made an amendment thereto, which he handed in at the Clerk's table.

The said amendment was concurred in.

Mr. Newell 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. Newell and Harris, were as follows, viz:

Those who voted in the affirmative, were—

| Messrs. Bradford, | Henderson, | Swope, |
| Butler, | Holloway, | Taylor, |
| Chenault, | Key, | Thomas, |
| Crenshaw, | Newell, | Todd, |
| Dyer, | Patterson, | Woodson—17. |
| Fox, | Slaughter, | |

Those who voted in the negative, were—

| Messrs. Ballard, | Evans, | James, |
| Boyd, A. | Gray, | Marshall, |
| Bradley, | Harris, | Peyton, |
| Bramlette, | Heady, | Thurman, |
| Conner, | Helm, | Walker—16. |
| Drafphin, | | |
On the motion of Mr. Evans, leave was given to bring in a bill to amend the law regulating the town of Bowlinggreen, in Warren county, and Messrs. Evans, Crenshaw and Walker were appointed a committee to prepare and bring in the said bill.

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

An act for the benefit of John Thomas.
An act for the benefit of Joseph A. Radford and Louisa J. Radford.
An act for the benefit of Louisa Ann Coleman, and Charles H. Kenner, and Marcus M. Kenner.
An act providing for a change of venue in the prosecution against Garret Fitzpatrick.
An act to change the name of George W. Sowder to George W. Haley.
An act to regulate the terms of the Christian County Court.
An act to amend the charter of the Firemans' Insurance Company of Louisville.
An act to amend an act to prevent the burning of the woods in certain counties, and for other purposes, approved February 7, 1840.
An act for the benefit of the Marine Railways in the town of Paducah.
An act to appoint Commissioners to collect the debts due the Farmers' Bank of Somerset, and pay the same to its creditors.
An act to authorize the committing of the criminals in Scott county to the jails of the adjoining counties.
An act to amend an act, entitled, an act to reduce into one the several acts regulating the town of Nicholasville, approved February 12, 1836.
An act to legalize the proceedings of the Trigg County Court at the November term, 1845.
An act to amend the duelling laws.
An act to establish an election precinct in Laurel county, at the house of William McHargue, on Big Robertson creek.
An act to allow an additional Justice of the Peace to Carter county, and for other purposes.
An act to change the place of voting in the lower precinct in Spencer county, from the house of Edrington Collins to McGrews' mill house, in Waterford.
An act to establish an additional election precinct in Lawrence county.
An act to amend an act, entitled, an act to incorporate the Louisville and Bonharbour Coal Company, approved January 28, 1833.
An act for the benefit of the idiots of Perry and Letcher counties.
An act to provide for the erection of a Marine Railway in the town of Hickman, and for other purposes.
An act to incorporate the town of Mount Eden, in Spencer county, and for other purposes.

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

And enrolled bills and a resolution which originated in the House of Representatives, of the following titles, viz:

An act to legalize certain proceedings of the 20th Regiment, and for other purposes.

An act for the benefit of Daniel O'Neal and Sarah Graham.

An act to establish a precinct at Friendship School House, in Madison county, and for other purposes.

An act to change the places of voting in election precincts in the counties of Breathitt and Clay.

An act for the benefit of John Young, Surveyor of Greenup county.

An act to place the State road leading from Moss' Ferry, on the Tennessee river, to Waidboro', under the control of the Marshall County Court.

An act to incorporate the town of Hillsboro', in the county of Fleming.

An act to prevent the sale of spirituous liquors within the town of Lagrange, and one mile therefrom.

An act for the benefit of Gideon S. and Susan Mary Mims, infant heirs of Gideon Mims, deceased.

An act to change the State road from Paducah, to Gray's Ferry, on the Tennessee river.

An act to amend the charter of the Agricultural Society of Bourbon county.

An act to change the name of William Oden Smith, to that of William Markham Oden Smith, and to change the name of Ephraim Pendleton.

An act for the benefit of the late Sheriff of Casey county, and for other purposes.

An act to reduce the price of unappropriated land in Madison county.

An act for the benefit of Milton King, Clerk of the Cumberland County and Circuit Courts.

An act for the benefit of the County Courts of Russell and Clinton counties.

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

An act for the benefit of Smith Wingate and Charles Horsman, and W. D. Mitchell, Clerk of the County and Circuit Courts of Oldham county.

An act for the benefit of Richard H. Ranson.

An act divorcing Thomas Watson from his wife, Amanda Watson, and for other purposes.

An act in relation to keeping the public roads in Clarke and Todd counties in repair.
An act for the benefit of the County Court of Livingston county, and for other purposes.

A resolution requesting the Secretary of State to communicate to the General Assembly his system of Finance.

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. A. Boyd reported that the committee had performed that duty.

And then the Senate adjourned.

THURSDAY, JANUARY 29, 1846.

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 the Common Schools in Graves county, and for other purposes.
2. An act to extend the limits of the town of Hopkinsville.
3. An act to establish and incorporate the town of Fairview.
4. An act to establish the county of Underwood.

The said 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 said bills were referred: the 1st to the committee on Education; the 2d and 4th to the committee on Propositions and Grievances; and the 3d to the committee on the Judiciary.

The Speaker laid before the Senate a communication from the President of the Board of Internal Improvement, relative to the claims of Wm. Rowlett and Wesley Dean, for damages done to their property by the slackwater of the Kentucky river, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
28th January, 1846.

SIR:

I have the honor, herewith, to submit the report of the Board of Internal Improvement, on the claims of William Rowlett, and of Wesley Dean, Esq., for damages done to their property by the improvements in the Kentucky river, and to be, with profound respect, your obedient servant,

THOMAS METCALFE, P. B. I. I.

Hon. ARCHIBALD DIXON,
Speaker of the Senate.
The claim of William Rowlett, for damages done to his farm at the mouth of Savio creek, by the slackwater of the Kentucky river, has been investigated by the Board; and they have the honor respectfully to submit the following report:

During the past summer, the President and Secretary visited the premises of Mr. Rowlett, for the purpose of investigating the merits of his claim. They have also received the testimony of sundry witnesses, taken in January last, in support of the claim. This testimony is placed on file in this office, for the use and inspection of members or committees. The deponents, six in number, are believed to be credible and respectable. The Board, nevertheless, feel themselves constrained to dissent from the views and opinions of these gentlemen, in regard to the amount of damages to which the claimant is entitled. They fix the amount of damages at from $1,200 to $1,500, which, in the opinion of the Board, would be at least a high price, if not more than the value of the whole tract of land, with, or without the advantages or disadvantages resulting from the river improvements.

The tract consists of about 100 acres, about one third of which is tolerable bottom, much of the greater portion of which is too elevated to sustain any injury from the overflowing of the slackwater. A small portion of the bottom, however, say from five to seven acres, lies quite low, and was covered with water when the Board visited the premises; and, as the Board supposes, this low part of the bottom which is rendered unfit for cultivation by the river improvements, might have been cultivated prior to their construction, at some risk of the destruction of the crops from flood and freshet; for it appears to be a well ascertained fact, that the floods of this stream often rose higher before, than since the improvements were made, although the fall, and withdrawal of the outspreading waters was then quick and sudden, so as to leave the very low bottoms to be cultivated at some risk, that cannot now be cultivated at all, because of the long continuance of the waters to cover them.

The residue of the tract consists chiefly of abrupt hills and bluffs, with but little timber on them. A slope of some of the hills has been cleared and cultivated—worn out, or nearly so, and abandoned on account of its gullies and loss of soil. The residence is a reasonably snug one, with an orchard, &c. on the elevated bottom. To this description of the tract, it may be added, that water from the river pool, back up Savin creek so as to make it more difficult to cross than formerly, excepting in short periods of high water, as hereinbefore indicated. This back water in Savin, obstructs the crossing of one fork of the road leading to the river, at Mr. Rowlett's, to a much greater extent than formerly; and it appears to be on this ground mainly, that the witnesses alluded to, give the damages mentioned. Mr. Rowlett has a Ware-house and shed, the profits of which is necessarily reduced, if not destroyed, by this obstruction of the road, added to the fact that the neighborhood or former customers to the Ware-house, now find it to their interest, independently of that obstruction, to carry their produce for shipment to a convenient point below Lock No. 2, and thereby to save the cost of lockage. From these two causes, Mr. Rowlett has doubtless sustained an injury to the amount of his loss of Ware-house profits. The Board omitted to inquire into the exact amount of losses thus sustained, assuming that it was not the design of the Legislature to make any indemnity in such cases. If this constitutes any claim to indemnity, we have only to
carry out the same principle, by making indemnity to owners of Ware- 
houses, commission merchants, towns and villages, Inn-keepers, &c., whose 
business or custom has been diverted by this or by other improvements, 
from former routes or channels.

Another reason urged by the claimant and his witnesses in favor of dam-
ages is, that the health of the inhabitants at that point has been seriously and 
jinously effected by the slackwater. This may be so for aught the Board 
knows to the contrary at that particular point. But that the reverse is the 
fact along the river generally, and that the city of Frankfort has been de-
dedly more healthy since, than before those improvements were made, the 
experience of the Board and all others acquainted with the facts of the case, 
can abundantly testify. But the Board dismiss the plea of increased sickness, 
and that in regard to the profits of the Ware-house, as not properly appertaining 
to their duties. They know of no law, or principle of law, authorizing 
indemnity in such cases, and therefore submit the matter to the considera-
tion of the law making power, to be disposed of as they in their wisdom 
may think proper.

To say nothing about indemnity on account of what may be lost to 
the Ware-house, nor indemnity on the ground of increased sickness, the 
Board are constrained to say, that in their opinion, the farm and tract of 
land, as a whole, is worth at least as much now, if not more, than it would 
at this time be worth, in the absence of the river improvements.

THOMAS METCALFE, P. B. I. I.

The claim of Wesley Dean, Esq., for damage done his property on Eagle 
creek, by the slackwater from pool number one, of the Kentucky river, 
has been investigated by the Board, and they respectfully report thereupon, 
as follows:

This claim may be arranged under three separate heads. First, for the loss 
of rock in the bed of Eagle, which the claimant represents to be covered by the 
back water from the pool, so as to render them inaccessible. Secondly, for 
injury done to a mill site about or near the same place; and thirdly, for the 
loss of fish, which heretofore regaled the palates of his customers, and re-
plenished his purse, at the rate of $250 to $300 per annum.

The Board do not doubt the statement, that the rock alluded to is render-
ed much less accessible than formerly, on account of the river improve-
ments; but assuming what they suppose to be undeniable, that there was at 
that day no market for them, they were, of course, of no value. On the 
contrary, knowing that the erection of the river improvements has created 
a market for, and rendered more accessible the residue of Mr. Dean's rock 
above, believed to be in great abundance, for a few of which he has already 
received from this Board $25. The Board think that the advantages resulting 
to Mr. Dean, on that score, will overbalance the disadvantages and bring 
the claimant in debt to the State.

The claim for the damages done to the mill site, does not appear, in the 
opinion of the Board, to be well supported by the testimony. From the in-
considerable fall from the designated site, it is doubted whether any discreet 
man would ever have built a mill at that point, even in the absence of all the 
river improvements. However profitable the fish dam may have been, the
mill, it is supposed, would have been of little or no value, and both could not have existed together.

In examining so much of the claim, as is founded upon the destruction of the fish dam, the Board have been led to the belief, that the claimant is not only not entitled to damages for its destruction, but that he has incurred a very heavy penalty for placing or sustaining such a nuisance in that stream.

An act approved the 23d February, 1808, imposes a fine of five dollars per month upon any one placing such an obstruction in that part of Eagle, or failing soon thereafter to remove it.

Another act, approved February 10th, 1816, provides that "any person or persons, who shall erect, or cause to be erected, across any river or stream within this Commonwealth, which hath been heretofore, or may hereafter be navigable for boats" (the act first above recited having declared that part of Eagle navigable) "any fish dam, slope, stop, weir, or hedge, or other obstruction to the passage of fish and navigation, every and any person convicted thereof, shall forfeit and pay a fine of five dollars for every 24 hours such obstruction shall remain."

In turning to the acts of the Legislature, the Board have not been able to find any repeal of either of the above recited provisions—though there are other acts declaring Eagle to be navigable and repealing the same. The act above, of 1816, not being repealed, it is obvious that Mr. Dean, and his predecessors in the ownership of the fish dam, have incurred heavy liabilities—say at the rate of $1,825 per annum since 1816, to say nothing about their liabilities for the eight preceding years. The Board think the claimant might well afford to compromise his untenable claim of $250 to $300 per annum, for the loss of his fish, against the liabilities incurred by the erection or upholding of this awful nuisance in Eagle.

In right good earnest, the Board consider it a matter of entire indifference whether the acts recited have been repealed or not. Nor do they think it material how long Mr. Dean and the preceding proprietors continued to violate those laws; they are referred to for the purpose of showing what has ever been the views and the sense of the Legislature, and of the public, in regard to such nuisances.

In the older times the angler alone received the protection of legislative enactments and the up stream inhabitants, could share in the sport and the other enjoyments, as well as those below. The Board most sincerely think it would be a just and righteous act still further to protect the angler in the Kentucky river, by prohibiting the hauling of seines therein too near to the dams. If this is not done, e're long this noble river will present a melancholy spectacle to the up stream inhabitants. Instead of the red horse, the cat, the perch, and the salmon, to play and gambol in its waters, and nibble at the hook, the frog, is at no distant day, to pollute its current, not solitary and alone in its glory, but with innumerable comrades in its own likeness. All of which is, with great deference and respect, submitted to the superior wisdom and patriotism of the Legislature.

THOMAS METCALFE,
President Board Internal Improvement.

Ordered, That said report be referred to the committee on Internal Improvement, and that the Public Printer print 150 copies thereof for the use of the General Assembly.
1. Mr. A. Boyd presented the petition of the Trustees of the town of Cadiz, in Trigg county, praying for the passage of a law permitting them to sell part of a street in said town.

2. Mr. Peyton presented the remonstrance of the citizens of the town of Milton, in Trimble county, against the incorporation of said town.

3. Mr. Woodson presented the petition of John Butler, executor of Alexander Willoughby and Katharine H. Willis, praying for the passage of a law authorizing the sale of certain lands to pay the outstanding debts against said estate.

4. Mr. Thurman presented the petition of Z. Ray, praying for the passage of a law allowing him to build a mill dam across the Rolling Fork of Salt river.

5. Mr. Fox presented the remonstrance of sundry citizens of Pulaski county, against the passage of a law permitting the erection of a Church on the Academy lot in the town of Somerset.

6. Mr. Harris presented the petition of sundry citizens of Prestonsburg, praying for the establishment of a Police Court in said town.

7. Mr. Thurman presented the petition of sundry citizens of Marion county, praying for the passage of a law relative to the improvement of the Rolling Fork, and asking an appropriation for that purpose.

8. Mr. Thurman also presented the petition of sundry citizens of the town of Raywick, praying for the passage of a law allowing an additional Constable to Marion county, also, the revival of the act incorporating said town.

Which petitions and remonstrances were received and referred: the 1st and 8th to the committee on Propositions and Grievances; the 2d, 3d, 5th and 6th to the committee on the Judiciary; and the 4th and 7th to the committee on Internal Improvement.

Mr. Harris presented the proceedings of a public meeting of the citizens of Pike county, remonstrating against the appointment of Wm. B. Kinkead as Judge of the 19th Judicial District, which were received and laid on the table.

On the motion of Mr. South, the vote by which a bill from the House of Representatives, entitled, an act divorcing Thomas Stark, was disagreed to, was reconsidered, and the said bill was referred to the committee on Religion.

On the motion of Mr. Peyton, the committee on the Judiciary was discharged from the further consideration of the petition of Allen Campbell, to them referred, and the said petition was referred to the committee on Finance.

Mr. Peyton, from the committee on the Judiciary, to whom was referred the petition of the citizens of Clinton county, for an amendment to the Constitution of the State, and an amendment to the slave law, reported the following resolution thereon, viz:
Resolved, That the said petition be rejected.
Which was concurred in.

Mr. Peyton, from the same committee, to whom was referred the petition of Gabriel M. Vincent and Zarilda Vincent, reported the following resolution thereon, viz:

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

Mr. Peyton, from the same committee, to whom was referred the petition of Simeon Neale, Guardian of Lewis A. Neale and Felix R. Neale, reported the following resolution thereon, viz:

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

Mr. Peyton, from the same committee, to whom was referred the petition of Samuel K. Friend, reported the following resolution thereon, viz:

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

On the motion of Mr. Peyton, the committee on the Judiciary was discharged from the further consideration of sundry resolutions of enquiry relative to divorces, adopted on the 12th instant; also, from the further consideration of a resolution of enquiry, to them referred, of the 26th instant, relative to the appointment of a competent Lawyer to revise the Criminal Code of Kentucky.

Mr. Peyton, from the same committee, to whom was referred the petition of J. Renfro, reported the following resolution thereon, viz:

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

Mr. Peyton, from the same committee, to whom was referred the petition of Jordan J. Walker, reported the following resolution thereon, viz:

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

On the motion of Mr. Peyton, the committee on the Judiciary was discharged from the further consideration of a resolution, to them referred, of the 27th instant, relative to amending the penal laws.

Mr. Peyton, from the committee on the Judiciary, reported a bill to prohibit the hiring of slaves to free negroes, and the sale of spirituous liquors to free negroes, 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.

Mr. Walker moved further to amend the said bill, by striking out the second section.

The said section is as follows, viz:
SEC. 2. Be it further enacted, That it shall not be lawful for any person or persons, within this Commonwealth, to hire to any free negro or mulatto, any slaves, for any period of time whatever; and any person or persons who shall violate the provisions of this act, shall be subject to a fine of fifty dollars, to be recovered by the presentment or indictment of a grand jury of the county in which the offence may be committed, which fine shall be paid over to the Trustee of the Jury Fund of said county.

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

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

Those who voted in the affirmative, were—

Messrs. Ballard, Dyer, South,
Boyd, A. Helm, Swope,
Bradley, Henderson, Thomas,
Bramlette, Holloway, Todd,
Chenault, James, Walker,
Conner, Newell, Wallace,
Draffin, Slaughter, Woodson—21.

Those who voted in the negative, were—

Messrs. Bradford, Harris, Patterson,
Crenshaw, Heady, Peyton,
Evans, Key, Taylor,
Fox, Marshall, Thurman—13.

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

Mr. Peyton, from the same committee, reported a bill to authorize the Clerks of the County Courts to administer on oath to witnesses who offer to prove the age of persons applying for marriage license, 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 said bill do pass, and that the title thereof be as afore-said.

Mr. Peyton, from the same committee, to whom was referred a bill to amend the penal laws of this Commonwealth, reported the same without amendment.

The amendment proposed by Mr. Harris was withdrawn.

Ordered, That said bill 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,

The question was taken on the passage thereof, and it was decided in the affirmative.

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


Those who voted in the negative, were—


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

Mr. Peyton, from the same committee, reported a bill to amend the act, entitled, an act for the benefit of the Preacher's Aid Society of the Kentucky Conference, approved February 15, 1842, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Crenshaw, from the same committee, reported a bill for the benefit of William Ramsey, Elisha Gardner, and John B. Cobb, 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 Finance.

Mr. Gray, from the same committee, reported a bill providing for a change of venue in the prosecution against James Lane, 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 said bill do pass, and that the title thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Hardin, 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, Oscar Pepper to be Colonel of the 106th Regiment, 3d Brigade, Kentucky Militia, in place of William Hart, resigned.
J. M. Coleman to be Lieutenant Colonel of same, in place of Oscar Pepper, promoted.
Newton Alexander to be Major of same, in place of J. M. Coleman, promoted.

WM. OWSLEY.

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

Mr. Walter, from the committee on Propositions and Grievances, reported a bill to establish the county of McLean, which was read the first time, and ordered to be read a second time to-morrow at eleven o'clock.

Mr. Swope, from the same committee, reported a bill to provide for the running and marking the dividing line between the counties of Campbell and Pendleton, 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. Draffin, from the committee on Religion, to whom was referred bills from the House of Representatives, of the following titles, reported the same with the opinion of the committee that they ought not to pass, viz:
1. An act divorcing Thomas Briarly from his wife, Frances Briarly.
2. An act divorcing Elizabeth Cox.
3. An act divorcing Mizella Crow from her husband, Samuel H. Crow.
4. An act divorcing Jesse Gee from his wife, Elizabeth Gee.

Ordered, That the 1st, 2d and 4th bills be read a third time.

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

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

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

Mr. Heady, from the committee on Public Offices, made the following report, viz:

The joint committee on Public Offices have embraced every opportunity afforded them, of discharging the duties assigned them; and although the time allotted them has not been sufficient for them to make a full and minute examination of all the books and accounts, since the last report to the Legislature, yet they believe they have made such progress as to enable them to come to a favorable conclusion in relation to the condition of the different Public Offices.

Your committee have examined particularly the books, papers, and accounts of the Treasurer and Second Auditor, from October, 1844, to October, 1845. They called over the warrants drawn upon the Treasury and compared them with the corresponding numbers in the Register of Warrants drawn upon the Treasury, and found the same to be correct in every
particular. They also examined and compared the books and accounts of the First Auditor and Treasurer and found the same to agree.

From the year 1840 to 1844, they examined the additions of the receipts and expenditures—compared the books of the Second Auditor with those of the Treasurer, and found their statements to correspond.

The committee deem it unnecessary to go into a detailed account of the office of Treasurer and Auditor, but would refer to the annual reports of those officers.

In the progress of examination, the committee are pleased to state, that they found the books and papers neatly arranged and in good order, and the officers and their clerks at all times pleasant and accommodating; and indeed the committee are inclined to believe, that those officers, in discharging the duties assigned them, have given ample evidence of industry, regularity and skill.

In the Register's Office, the committee find all the books and papers neatly arranged, and in a good state of preservation, and recorded up to the commencement of the present session. The clerks in this office are well qualified to discharge the duties assigned them, and from their agreeable dispositions and manly deportment cannot fail to give general satisfaction. Considering the deep interest the State of Kentucky has in the preservation of those offices, the committee would suggest the propriety of having them made fire-proof; and in order to form an estimate of the expenses, they have consulted with Mr. J. J. Vest, a respectable and experienced mechanic, and are thereby enabled to submit the following statement:

Take off the present roof of the Auditor's and Treasurer's office, and put upon the present walls an attic story of about 7½ feet high, with small windows suitable to rooms above, which can be made by stud partition and which will be necessary in support of the roof. Small rooms above may also be convenient for the reception of many old books and papers, which it is important to preserve, but to which reference is seldom made. The roof should be raised above four feet in the centre, and gutters formed in the cornice with down pipes to carry off the water. The cost will be about as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brick work in wall and chimneys</td>
<td>$300.00</td>
</tr>
<tr>
<td>Tin roof and copper gutters in cornice</td>
<td>600.00</td>
</tr>
<tr>
<td>Painting roof, cornice, glass, &amp;c.</td>
<td>125.00</td>
</tr>
<tr>
<td>Timbers, planks, nails, and carpenters work</td>
<td>600.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,625.00</strong></td>
</tr>
</tbody>
</table>

The Register's Office is too small, and the committee are of opinion, that an additional room of brick, 22 feet square, would be of great convenience. To build this room and to cover the same, together with the present Register's Office, and Secretary's Office, with tin, would cost about $1200.

Should the proposed improvements on the Public Offices meet the approbation of the Legislature, the committee would recommend the appointment of two or more persons to make contracts for the purpose aforesaid; provided, that in making said contracts, they are not to exceed the sum of $ , and no contract to be closed until the same shall be approved by the Governor. In conclusion, the committee would recommend the adoption of the following resolution:
Resolved, That a law ought to pass appropriating the sum of $ for the purpose of improving and making fire-proof the offices of the Auditor and Treasurer and of enlarging the Register’s Office, and making the roof of the same, as well as the roof of the Secretary’s Office, fire-proof.

All of which is respectfully submitted,

STILWELL HEADY,
DILLIS DYER,
Committee of the Senate.
HENRY GORE,
SALEM WALLACE,
RICHARD G. JACKSON,
DANIEL B. JOHNSON,
Committee of the House of Representatives.

Ordered, That the said report be laid on the table, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

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

On the motion of Mr. Thomas—1. A bill for the relief of the Sheriff of Kenton county.

On the motion of Mr. Bradford—2. A bill to authorize the Scott County Court to borrow money to re-build their County Jail.

On the motion of Mr. Crenshaw—3. A bill concerning the town of Glasgow.

On the motion of Mr. Woodson—4. A bill to amend the charter of the town of Keene, in the county of Jessamine.

On the motion of Mr. South—5. A bill for the benefit of Susan Baker.

On the motion of Mr. Patterson—6. A bill to incorporate the St. John’s Church, in Caldwell county.

The committee on Finance was directed to prepare and bring in the 1st; the committee on the Judiciary the 3d; the committee on Internal Improvement the 4th; the committee on Propositions and Grievances the 5th; Messrs. Bradford, Todd and Woodson were appointed a committee to prepare and bring in the 2d; and Messrs. Patterson, Peyton and Evans the 6th.

The following bills were reported, viz:

By Mr. James, from the committee on Finance—1. A bill to amend the revenue laws.

By Mr. Harris, from a select committee—2. A bill to allow holders of Seminary Warrants the further time of two years to return plats and certificates.

By Mr. Evans, from a select committee—3. A bill to allow the Marshal of the town of Bowlinggreen to act as Constable in said town, and within one half mile of the same.

By Mr. Bradford, from a select committee—4. A bill to authorize the County Court of Scott to borrow money to re-build the County Jail.

By Mr. Patterson, from a select committee—5. A bill to incorporate the St. John’s Church at Princeton, in Caldwell 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 of said bills being dispensed with, the 1st was referred to the committee on Finance; the 2d to the committee on the Judiciary; and the 3d, 4th and 5th were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 3d, 4th and 5th bills being dispensed with, and the same being engrossed,

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

Ordered, That the Public Printer print 150 copies of the 1st bill for the use of the General Assembly.

Mr. Wallace presented the petition of the Trustees of School District No. 4, in Carroll county, praying for the passage of a law to authorize them to receive their portion of the Common School Fund for the year 1844, which was received and referred to the committee on Education.

The Speaker laid before the Senate the following communication from the President of the Bank of the Commonwealth, viz:

COMMONWEALTH's Bank Office, January 26, 1846.

Sir:

Since my last annual report, as President of the Commonwealth's Bank, I have collected the sum of $7,710 10 cents; to which add the sum of $835 70 cents, cash on hand on the 1st day of January, 1845, in all $8,067 80 cents, of which last sum, $6,349 77 cents has been paid to the Treasury for the use of the Sinking Fund. The sum of $110 81 cents to the redemption of notes in circulation, and the sum of $1,346 44 cents to the payment of salary, incidental expenses, &c.; cash on hand, $261 78 cents.

During the past year, I have secured the further sum of $7,500, of doubtful debt, the greater part of which will be realized by the Sinking Fund during the current year. There is still due the Bank, as manifested by the books, about $200,000, part of which may be realized if properly managed.

I would suggest the propriety of a grant of full power to the Commissioners of the Sinking Fund, to sell, compromise, and dispose of all bad and doubtful debts now due the Bank, or that a collecting agent be appointed, under their superintendence, with a liberal commission on all moneys collected and paid into the Treasury. In obedience to the act of last session, a final settlement of my accounts has been made by the Commissioners appointed for that purpose, and reported to the Legislature.

With great respect,

O. G. CATES, P. B. C.

Hon. Archibald Dixon,
Lieut. Governor and Speaker of the Senate.

Ordered, That said communication be referred to the committee on Banks, and that the Public Printer print 150 copies thereof for the use of the General Assembly.
Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

1. An act for the benefit of the Covington and Lexington Turnpike Company, and for other purposes.
2. An act for the benefit of Nathaniel Wickliffe.
3. An act for the benefit of Turner Wilson.
5. An act to provide for filling vacancies in the Directory of Turnpike Road Companies.
6. An act to authorize the Trustee of the Craddock Fund to surrender his trust, and to constitute a permanent Board to manage the same.
7. An act to incorporate the Maysville College, and for other purposes.
8. An act for the benefit of the Fayette Rifle Company.
9. An act for the benefit of the 71st Regiment of Kentucky Militia.
10. An act for the benefit of Jonathan Newcum.

Ordered, That said bills be read a second time.

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

And then the Senate adjourned.

FRIDAY, JANUARY 30, 1846.

Messrs. Peyton, James, Todd, Fox and Swope were appointed a committee, on the part of the Senate, pursuant to a resolution in relation to the Public Printing.

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 Agricultural Society of Bourbon county.
An act to change the State road from Paducah to Gray's Ferry, on the Tennessee river.

An act for the benefit of Gideon S. and Susan Mary Mims, infant heirs of Gideon Mims, deceased.

An act to prevent the sale of spirituous liquors within the town of Lagrange, and one mile therefrom.

An act to incorporate the town of Hillsboro', in the county of Fleming.

An act to legalize certain proceedings of the 20th Regiment, and for other purposes.

An act for the benefit of Daniel O'Neal and Sarah Graham.

An act to establish a precinct at Friendship School House, in Madison county, and for other purposes.

An act to change the places of voting in election precincts in the counties of Breathitt and Clay.

An act for the benefit of John Young, Surveyor of Greenup county.

An act to place the State road leading from Moss' Ferry, on the Tennessee river, to Waidsboro', under the control of the Marshall County Court.

An act in relation to keeping the public roads in Clarke and Todd counties in repair.

An act for the benefit of the County Court of Livingston county, and for other purposes.

An act divorcing Thomas Watson from his wife, Amanda Watson, and for other purposes.

An act for the benefit of Richard H. Ranson.

An act for the benefit of Smith Wingate and Charles Horsman, and W. D. Mitchell, Clerk of the County and Circuit Courts of Oldham county.

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

An act for the benefit of the County Courts of Russell and Clinton.

An act to reduce the price of unappropriated land in Madison county.

An act for the benefit of Milton King, Clerk of the Cumberland County and Circuit Courts.

An act for the benefit of the late Sheriff of Casey county, and for other purposes.

An act to change the name of William Oden Smith, to that of William Markham Oden Smith, and to change the name of Ephraim Pendleton.

Also, a joint resolution, entitled, a resolution requesting the Secretary of State to communicate to the General Assembly his system of Finance.

Approved January 29, 1846.

I. Mr. Wallace presented the petition of sundry citizens of Boone county, praying for the passage of a law to change the name of the town of Landing, in Boone county, to that of Hamilton.
2. Mr. Taylor presented the petition of Philip B. Winnlate, late Sheriff of Clarke county, praying for the passage of a law allowing him the amount of his delinquent list, for the year 1845, which amount he has paid into the Treasury.

3. Mr. Taylor also presented affidavits in support of the claim of Isaac Pearcall, for prosecuting certain persons charged with burglary.

Which petitions and affidavits were received and referred: the 1st to the committee on Propositions and Grievances; and the 2d and 3d to the committee on Finance.

A message was received from the Governor, by Mr. Hardin, 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 change the name of George W. Bowder to George W. Haley.
- An act to regulate the terms of the Christian County Court.
- An act for the benefit of the Marine Railways in the town of Paducah.
- An act to appoint Commissioners to collect the debts of the Farmers' Bank of Somerset, and pay the same to its creditors.
- An act to amend the charter of the Firemen's Insurance Company of Louisville.
- An act to amend an act to prevent the burning of the woods in certain counties, and for other purposes, approved February 7, 1840.
- An act to authorize the committing of the criminals in Scott county to the jails of the adjoining counties.
- An act to amend an act, entitled, an act to reduce into one the several acts regulating the town of Nicholasville, approved February 12, 1836.
- An act for the benefit of John Thomas.
- An act for the benefit of Joseph A. Radford and Louisa J. Radford.
- An act for the benefit of Louisa Ann Coleman, and Charles H. Kenner, and Marcus M. Kenner.
- An act providing for a change of venue in the prosecution against Garret Fitzpatrick.
- An act to amend the act, entitled, an act to incorporate the Louisville and Bonharbour Coal Company, approved January 28, 1833.
- An act for the benefit of the idiots of Perry and Letcher counties.
- An act to provide for the erection of a Marine Railway in the town of Hickman, and for other purposes.
- An act to allow an additional Justice of the Peace to Lawrence county, and for other purposes.
- An act to incorporate the town of Mount Eden, in Spencer county, and for other purposes.
- An act to establish an election precinct in Laurel county, at the house of William McHargue, on Big Robertson creek.
An act to allow an additional Justice of the Peace to Carter county, and for other purposes.
An act to legalize the proceedings of the Trigg County Court at the November term, 1845.
An act to amend the duelling laws.
An act to change the place of voting in the lower precinct in Spencer county, from the house of Edrington Collins to McGrews' mill house, in Waterford.
An act to establish an additional election precinct in Lawrence county.
Approved January 29, 1846.

Mr. Gray, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to establish the town of Milton, and for other purposes, reported the same.

Mr. Patterson moved to amend the said bill by adding thereto the following proviso, viz:

Provided, however, That the law in relation to the establishment of ferries across the Ohio river, shall stand as though this act had never passed.

Mr. A. Boyd moved the previous question, which was decided in the affirmative.

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. Ballard and Walker, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Crenshaw, Draffin, Fox, Holloway, Patterson, Peyton, Slaughter, Taylor—8.

Mr. Gray moved to dispense with the constitutional rule as to the third reading of the said bill.

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

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

Messrs. Ballard,      Gray,       South,
Boyd, A.             Harris,     Swope,
Boyd, W. P.          Heady,      Taylor,
Bradford,            Henderson,  Thomas,
Bradley,             Holloway,   Thurman,
Chenault,            James,      Todd,
Conner,              Marshall,   Walker,
Dyer,                Newell,     Wallace,
Evans,               Slaughter,  Woodson—28.

Those who voted in the negative, were—

Messrs. Crenshaw,    Fox,        Peyton—5.
Draffin,             Patterson,

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

And then the Senate adjourned.

SATURDAY, JANUARY 31, 1846.

1. Mr. Crenshaw presented the petition of sundry citizens, praying that a Law School in the town of Glasgow may be incorporated.

2. Mr. Ballard presented the petition of William F. Colston, praying for the passage of a law to authorize the sale of a tract of land in Shelby county, the inheritance of his wife who is under twenty one years of age, and the investment of the proceeds of the land in other property.

3. Mr. A. Boyd presented the petition of sundry citizens of Calloway county, praying for the passage of a law incorporating a Calispean Society in the town of Murray in said county.

4. Mr. Evans presented the proceedings and memorial of a public meeting of the citizens of Warren county in reference to the establishment of a Lunatic Asylum in the south western division of this State.

5. Mr. Evans also presented the petition of James Berry, and others, of Allen county, praying for the passage of a law permitting him to peddle in this State without license, he being unable to work owing to bodily affliction.

6. Mr. Drake presented the petition of Robert N. Miers, praying for the
passage of a law authorizing the sale of a tract of land in Shelby county, the property of his infant daughter.

7. Mr. Drake also presented the petition of William Long, praying for the passage of a law conferring a sale and conveyance of a tract of land which descended to his infant daughter.

8. Mr. Drake also presented the petition of Enoch Stevens, praying for a change of venue in a prosecution against him for bigamy, in the Jefferson Circuit Court.

The said petitions and memorial were received and referred: the 1st and 3d to the committee on Education; the 2d, 6th, 7th and 8th to the committee on the Judiciary; the 4th to the committee on the Lunatic Asylum; and the 5th to the committee on Finance.

On the motion of Mr. Henderson, the petition of J. Renfro was referred to the committee on Propositions and Grievances.

The following bills were reported, viz:

From the committee on the Judiciary:
A bill to authorize the Trustees of Somerset Academy to sell and convey a lot of ground in the town of Somerset.
A bill to limit the jurisdiction of the General Court.
A bill concerning the town of Glasgow.
A bill for the benefit of Catharine H. Willis and her infant children.
A bill for the benefit of the widow and heirs of Samuel Howard, deceased.

From the committee on Propositions and Grievances:
A bill to change the name of Susan Baker.
A bill to authorize the Trustees of Cadiz to sell part of a street in said town.

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

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

An act to amend an act, entitled, an act to provide for taking the sense of the people of Mason county, relative to the seat of Justice of said county, approved February 1, 1845.

An act to authorize the Chairmen of Standing and Select committees to administer oaths in certain cases.

The latter bill 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 said bill do pass, and that the title thereof be as afore-
said.

The committee on Propositions and Grievances was discharged from the
duty of preparing and bringing in a bill for the benefit of John F. Todd.

Mr. Walker, from the committee on Propositions and Grievances, to whom
was referred a bill from the House of Representatives, entitled, an act to
extend the limits of the town of Hopkinsville, reported the same.

The question being taken on reading the said bill a third time, it was
decided in the affirmative.

The yeas and nays being required thereon by Messrs. A. Boyd and Ballard,
were as follows, viz:

Those who voted in the affirmative, were—

<table>
<thead>
<tr>
<th>Messrs. Ballard</th>
<th>Evans,</th>
<th>Patterson,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boyd, W. P.</td>
<td>Fox,</td>
<td>Peyton,</td>
</tr>
<tr>
<td>Bradford</td>
<td>Gray,</td>
<td>Slaughter,</td>
</tr>
<tr>
<td>Bramlette</td>
<td>Heady,</td>
<td>Swope,</td>
</tr>
<tr>
<td>Conner</td>
<td>Helm,</td>
<td>Thomas,</td>
</tr>
<tr>
<td>Draffin</td>
<td>Henderson,</td>
<td>Todd,</td>
</tr>
<tr>
<td>Drake</td>
<td>Key,</td>
<td>Wallace,</td>
</tr>
</tbody>
</table>

Those who voted in the negative, were—

<table>
<thead>
<tr>
<th>Messrs. Boyd, A.</th>
<th>Holloway,</th>
<th>South,</th>
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</thead>
<tbody>
<tr>
<td>Bradley</td>
<td>James,</td>
<td>Taylor,</td>
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The constitutional rule as to the third reading being dispensed with,

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

Mr. A. Boyd, from the committee on Enrollments, reported that the com-
mittee had examined enrolled bills and resolutions, which originated in the
House of Representatives, of the following titles, viz:

An act to amend the charter of the Bank of the Commonwealth.

An act authorizing Mary L. Burch to erect a fish dam across the Rolling
Fork of Salt river.

An act for the benefit of John Duerson.

An act divorcing Thomas Briarly from his wife, Frances Briarly.

An act divorcing Benjamin M. Griffith from his wife, Mary Ann Griffith.

An act for the benefit of Alexander Strong, of Breathitt county.

An act allowing additional Justices of the Peace and Constables to certain
counties, and for other purposes.

An act for the benefit of Achilles Moorman.

An act to incorporate the town of Mayfield, and for other purposes.

An act to authorize the Chairmen of Standing and Select committees to
administer oaths in certain cases.

And resolutions in relation to the Public Printing.

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. A. Boyd reported that the committee had performed that duty.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred the petition of J. D. Hays, and other citizens of Christian county, praying that the Surveyor of said county be compelled to keep his office in the limits of the town of Hopkinsville, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

On the motion of Mr. Drake, leave was given to bring in a bill for the benefit of the Sheriff of Shelby county, and the committee on Finance was directed to prepare and bring in the same.

Mr. Gray, from the committee on the Lunatic Asylum, made the following report, viz:

[For Report—see Legislative Documents.]

Mr. Gray moved that the Public Printer be directed to print 1,000 copies of the said report for the use of the General Assembly.

Mr. Harris moved to lay the said motion on the table,

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, A.
Bradford, Harris,
Conner, Thurman—7.

Those who voted in the negative, were—

Messrs. Ballard, Gray, Slaughter,
Boyd, W. P. Heady, South,
Bradley, Helm, Swope,
Bramlette, Henderson, Taylor,
Butler, Holloway, Thomas,
Crenshaw, Key, Todd,
Draffin, Marshall, Walker,
Drake, Newell, Wallace,
Evans, Patterson, Woodson—29.
Fox, Peyton,

Ordered, That the Public Printer print 500 copies of said report for the use of the General Assembly.

A bill to establish the county of McLean, was taken up and discussed for some time.
Mr. Dyer, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act incorporating the Covington and Cincinnati Bridge Company, reported the same without amendment.

The said bill was referred to a committee of the whole House on the State of the Commonwealth, and made the special order of the day for Tuesday next.

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

On the motion of Mr. James, the committee on Finance was discharged from the further consideration of the petition of George W. King, and the said petition was referred to the committee on Internal Improvement.

And then the Senate adjourned.

MONDAY, FEBRUARY 2, 1846.

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 resolutions which originated in that House, of the following titles, viz:

An act to amend the charter of the Bank of the Commonwealth.
An act authorizing Mary L. Burch to erect a fish dam across the Rolling Fork of Salt river.
An act to authorize the Chairmen of Standing and Select committees to administer oaths in certain cases.
An act divorcing Thomas Briarly from his wife, Frances Briarly.
An act for the benefit of the children of Achilles Moorman.
An act allowing additional Justices of the Peace and Constables to certain counties, and for other purposes.
An act to incorporate the town of Mayfield, and for other purposes.
An act divorcing Benjamin M. Griffith from his wife, Mary Ann Griffith.
An act for the benefit of Alexander Strong, of Breathitt county.
An act for the benefit of John Duerson.

Also, a joint resolution of the two Houses, entitled, resolutions to appoint a joint committee on the Public Printing.

Approved January 31, 1846.
That they had adopted resolutions in relation to Texas, which were read and referred to the committee on Foreign Relations.

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

1. An act to amend an act, entitled, an act to incorporate the Louisville and Portland Railroad Company, approved March 2, 1844.

2. An act for the benefit of the first Presbyterian Church of Shelbyville.

3. An act to establish an election precinct in Warren county.

4. An act authorizing the improvement of the streets and alleys in the town of Bowling green, and for other purposes.

5. An act for the benefit of Jesse H. Cotton.

6. An act to repeal an act, entitled, an act to amend the act incorporating the town of Columbia, approved February 27, 1844.

The said 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 6th to the committee on the Judiciary; the 2d to the committee on Religion; the 3d to the committee on Privileges and Elections; and the 4th and 5th to the committee on Propositions and Grievances.

1. Mr. A. Boyd presented the petition of sundry citizens of Calloway county, praying for the passage of a law to change the place of voting in the Calloway precinct.

2. Mr. South presented the petition of James P. Moore, of Owsley county, praying for the passage of a law to legalize the proceedings of the Surveyor of said county.

3. Mr. Evans presented the petition of sundry citizens of Edmonson and Grayson counties, praying for the passage of a law to authorize the raising of Dam No. 4, on Green river, two and a half or three feet higher.

The said petitions were received and referred: the 1st to the committee on Privileges and Elections; the 2d to the committee on the Judiciary; and the 3d to the committee on Internal Improvement.

Mr. Walker, from the committee on Propositions and Grievances, reported a bill allowing an additional Constable to Marion 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. W. P. Boyd, from the committee on Religion, to whom was referred the petition of Anna Eliza Holtscaw, praying for a divorce from her husband, reported the following resolution thereon, viz:

Resolved, That said petition be rejected.
Mr. Ballard moved to amend the said resolution by striking out the words, "be rejected," and inserting in lieu thereof the words "is reasonable."
The question being taken on the adoption of said amendment, it was decided in the negative, and so the said petition was rejected.
The yeas and nays being required thereon by Messrs. Ballard and Drake, were as follows, viz:

Those who voted in the affirmative, were—

<table>
<thead>
<tr>
<th>Messrs.</th>
<th>Ballard</th>
<th>Harris</th>
<th>Swope</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boyd, A.</td>
<td>Heady</td>
<td>Thomas</td>
<td></td>
</tr>
<tr>
<td>Bradley,</td>
<td>James,</td>
<td>Thurman</td>
<td></td>
</tr>
<tr>
<td>Conner,</td>
<td>Newell,</td>
<td>Walker</td>
<td></td>
</tr>
<tr>
<td>Evans,</td>
<td>Slaughter,</td>
<td>Wallace—15.</td>
<td></td>
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</tbody>
</table>

Those who voted in the negative, were—

<table>
<thead>
<tr>
<th>Messrs.</th>
<th>Boyd, W. P.</th>
<th>Hardin</th>
<th>Patterson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bramlette,</td>
<td>Helm,</td>
<td>South,</td>
<td></td>
</tr>
<tr>
<td>Draffin,</td>
<td>Henderson,</td>
<td>Taylor,</td>
<td></td>
</tr>
<tr>
<td>Drake,</td>
<td>Holloway,</td>
<td>Todd,</td>
<td></td>
</tr>
<tr>
<td>Gray,</td>
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Mr. Dyer, from the committee on Internal Improvement, reported a bill to provide for the completion of Lock and Dam, No. 2, on Licking river, 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, an amendment was offered thereto by Mr. Harris, and the said bill and amendment was referred to the committee of the whole House, on the State of the Commonwealth, and made the special order of the day for Tuesday next.
Ordered, That the Public Printer print 150 copies of the said bill for the use of the General Assembly.
Mr. Dyer, from the same committee, reported a bill for the benefit of the citizens living on the Owingsville and Big Sandy Turnpike Road, 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. Harris moved to amend the said bill by striking out the second section, which is as follows, viz:

Sec. 2. That the Lessee of said road, shall have the same right to move or remove any one or more of the gates on said road, that the Board of Internal Improvement had.
The question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Harris and Conner, were as follows, viz:
Those who voted in the affirmative, were—

Messrs. Boyd, W. P. 
Evans, 
Harris, 
Heady, 
Helm, 
James, 
Newell, 
South, 
Swope, 
Thomas, 
Todd, 
Walker—12.

Those who voted in the negative, were—

Messrs. Ballard, Boyd, A. Bradley, Bramlette, Butler, Conner, 

Crenshaw, 
Draffin, 
Drake, 
Dyer, 
Gray, 
Hardin, 

Holloway, 
Marshall, 
Patterson, 
Slaughter, 
Wallace, 
Woodson—18.

The said bill was then amended, and re-committed to the committee on Internal Improvement.

On the motion of Mr. Todd, leave was given to bring in a bill to regulate the weight of coal, and Messrs. Todd, Walker and Butler were appointed a committee to prepare and bring in the said bill. After a short time Mr. Todd, from said committee, 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 reading of said bill being dispensed with, it was referred to the committee on Propositions and Grievances.

Mr. Patterson presented the petition of the heirs of William P. Bond, deceased, four of them who are infants, by their guardian, praying for the passage of a law authorizing a sale of the land of the decedent, which petition was received and referred to the committee on the Judiciary.

Mr. Dyer, 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 Covington and Lexington Turnpike Road Company, and for other purposes, reported the same without amendment.

Ordered, That said bill be read a third time.

Mr. Dyer, from the same committee, reported a bill to amend the charter of the town of Keene, in the county of Jessamine, 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 said bill do pass, and that the title thereof be as above said.

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

An act to provide for filling vacancies in the Directory of Turnpike Road Companies.

An act to incorporate the Barren River Navigation and Manufacturing Company.
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 said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to provide for taking the sense of the people of Mason county, relative to the Seat of Justice of said county, approved February, 1, 1845, 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.

An engrossed bill, entitled, an act to prohibit the hiring of slaves to free negroes, and the sale of spirituous liquors to free negroes, was read the third time, and referred to the committee on the Judiciary.

A bill to incorporate the Barren River Navigation and Manufacturing Company, was laid on the table.

Bills from the House of Representatives, of the following titles, were severally read the third time, viz:

- An act divorcing Jesse Gee from his wife, Elizabeth Gee.
- An act divorcing Elizabeth Cox.

The question being taken on the passage of the said bills, it was decided in the negative, and so the said bills were disagreed to.

On the motion of Mr. W. P. Boyd.

Resolved, That the committee on Finance be instructed to enquire into the expediency of repealing all laws allowing compensation to Clerks, for ex-officio services, payable out of the Treasury, and report by bill or otherwise.

On the motion of Mr. Draffin, leave was given to withdraw the petition and papers of the heirs of Richard McCarty.

Mr. Bradley presented the petition of sundry citizens of Hopkins county, praying for the repeal of all laws laying off Constables' Districts in said county, which was received and referred to the committee on the Judiciary.

On the motion of Mr. Helm, leave was given to withdraw the petition of Rachel Hoskins, praying for a divorce.

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

On the motion of Mr. Gray—1. A bill authorizing the Trustees of the Methodist Episcopal Church, South, in Hopkinsville, in the county of Christian, to sell a lot of ground in the town of Hopkinsville.

On the motion of Mr. Thomas—2. A bill to incorporate a company to construct a Turnpike Road from Newport to Alexandria, in Campbell county.

On the motion of Mr. Henderson—3. A bill for the benefit of John A. Hunt, of Whitley county.

Also—4. A bill to amend the law for the establishment of Common Schools.
Also—5. A bill to amend the act to provide for the sale of lands for arrearage of tax.
Also—6. A bill for the benefit of Andrew Bean, of Laurel county.
Also—7. A bill for the benefit of Rockcastle, Owsley and Harlan counties, to repeal all laws requiring said counties to procure weights and measures.
On the motion of Mr. Slaughter—8. A bill to provide for a Geological survey of the State of Kentucky.
On the motion of Mr. Henderson—9. A bill for the benefit of Jarvis Jackson, Sheriff of Laurel county.
The committee on the Judiciary was directed to prepare and bring in the 1st and 5th; the committee on Internal Improvement the 3d; the committee on Finance the 3d and 9th; the committee on Education the 4th; the committee on Religion the 6th; the committee on Propositions and Grievances the 7th; and the committee on Agriculture the 8th.
Mr. Evans presented the petition of S. M. Worley, praying for the passage of a law to prevent the evils resulting from the depredations of dogs, which was received, read, and laid on the table.
And then the Senate adjourned.

TUESDAY, FEBRUARY 3, 1846.

1. Mr. South presented the petition of Elijah McWhorter, Sheriff of Clay county, and his securities, praying for the passage of a law to relieve them from the payment of the damages on a judgment rendered against them for a portion of the revenue of said county, which said Sheriff failed to pay over; and also, for further time to complete the collection of the revenue of said county.
2. Mr. Todd presented the petition of sundry citizens of Athens, in Fayette county, praying for the passage of a law giving to the Chairman of the Board of Trustees of said town the powers of a Justice of the Peace.
Which were received and referred: the 1st to the committee on Finance; and the 2d to the committee on the Judiciary.
A message was received from the House of Representatives, announcing that they had passed a bill which originated in the Senate, entitled, an act for the benefit of William Price, of Oldham county.
That they had passed a bill, entitled, an act to remodel and change the Judicial Districts and equalize the labor of the Circuit Judges.

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, it was referred to the committee on the Judiciary.

On the motion of Mr. James, the committee on Finance was discharged from the duty of preparing and bringing in a bill for the relief of the Sheriff of Kenton county.

Mr. James, from the committee on Finance, to whom was referred the petition of the securities of John Buckner, Sheriff of Christian county, reported the following resolution thereon, viz:

Resolved, That the petition be rejected.

Which was concurred in.

Mr. James, from the same committee, to whom was referred the petition of Isaac Pearcell, of Clarke county, reported the following resolution thereon, viz:

Resolved, That the petition be rejected.

Which was concurred in.

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

A bill for the benefit of the County Court Clerks of Floyd and Pike counties.

A bill for the benefit of James Pittman.

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

Mr. James, from the same committee, reported a bill for the benefit of Robert B. Hall, of Barren county, which was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there is hereby allowed to Robert B. Hall, of Barren county, the sum of eighty five dollars, in addition to the sum now allowed by law, for his expenses in going to, and returning from the State of Mississippi, with an authority from the Governor of this State upon the Governor of Mississippi, for a negro slave, Ned, indicted in the county of Barren for rape; and the Second Auditor of Public Accounts is hereby directed to issue his warrant upon the Treasurer in favor of said Hall, for said sum of money.

Ordered, That said bill 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 it was decided in the negative, and so the said bill was rejected.
The yeas and nays being required thereon by Messrs. South and Evans, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Crenshaw, Drake, Evans, Helm,
Newell, Patterson, Swope, Taylor,
Thomas, Thurman, Walker—11.

Those who voted in the negative, were—

Messrs. Ballard, Boyd, A. Boyd, W. P. Bradford, Bradley, Bramlette, Conner, Drafhn, Dyer, Gray, Hardin, Harris, Heady, Henderson, Holloway, James,
Key, Marshall, Peyton, Slaughter, South, Todd, Wallace, Woodson—24.

Mr. Hardin, from the committee on the Judiciary, reported the following bills, viz:

A bill for the benefit of the Christian Church in Winchester, Clarke county.
A bill for the benefit of Elizabeth Williams.
A bill for the benefit of the Methodist Episcopal Church, South, in Hopkinsville.
A bill for the benefit of Mary N. Gwynn.

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

Mr. Hardin, from the same committee, to whom was referred a bill to change the time of holding the Green Circuit Court, reported the same with the following amendment as a substitute for the bill, viz:

Amend the bill, striking out all after the enacting clause and insert—

That hereafter the Spring Term of the Hart Circuit Court shall commence on the first Monday in April, and the Fall Term shall commence on the first Monday in October, and continue twelve juridical days, if the business of the Court shall require it.

That hereafter the Spring Term of the Green Circuit Court shall commence on the first Monday in May, and the Fall Term on the first Monday in November, and continue twenty four juridical days at each term, if the business of the Court shall require it.

That all process issued and made returnable, and all recognizances taken to the said Courts, as now held, shall receive the same consideration, and have the same effect as if issued, made returnable, and taken to the said Courts, as fixed by this act.
Mr. Hardin moved to lay the said bill and amendment on the table. The question being taken thereon, it was decided in the negative. The yeas and nays being required thereon by Messrs. Marshall and Hardin, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Crenshaw, Evans, Fox, Gray, Hardin, Helm, Henderson, Holloway, Key, Patterson, Peyton, Swope, Taylor, Thurman, Walker, Woodson—16.

Those who voted in the negative, were—


The question was then taken on concurring in the said amendment, and it was decided in the negative. The yeas and nays being required thereon by Messrs. Marshall and Hardin, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Hardin moved an amendment. On the motion of Mr. Marshall, the said bill and amendment were laid on the table.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to establish and incorporate the town of Fairview, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred the petition of the heirs of William B. Bond, reported the following resolution thereon, viz:

Resolved, That the petition be rejected.

Which was concurred in.

Mr. Crenshaw, from the same committee, reported a bill for the benefit of James G. Dilly, of Barren 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 Senate proceeded to the consideration of the orders of the day.

The Senate resumed the consideration of a bill to establish the county of McLean: the said bill was amended.

Mr. Taylor 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. Peyton and James, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


The Speaker laid before the Senate the following report on the Old Bank of Kentucky, under a resolution of the 8th of February, 1845, viz:

In pursuance of a resolution approved February 8, 1845, “providing for a final settlement of the concerns of the Old Bank of Kentucky,” the undersigned, having made said settlement “with Harrison Blanton, the Commissioner and Agent of the said Bank,” begs leave to report as follows, viz:

1st. That under the provisions of the act of the 29th of February, 1836, there was placed in said Blanton’s hands, as Agent and Commissioner, as aforesaid, this sum, $10,498.15

At the same time there was on deposit in other Banks, which he says came into his hands, this sum $43,314.58 $53,812.73
This sum was in current Bank notes principally, with a very small amount in specie:

2d. On the 1st of March, 1836, there was in circulation, notes of said Bank, amounting in the whole, to this sum, $30,960 39
Since which time there has been redeemed and burnt, 533 25 $30,427 14

3d. List, No. 1, shows the aggregate amount of notes now due said Bank, with the names of the debtors and their several securities, viz: $279,165 11

4th. The dividends of the profits, and capital stock have not all been claimed or paid; List, No. 2, shows the amount unclaimed, and yet due, and the names of the persons to whom due. This list, I am satisfied is imperfect, as it shows said amount to be, $22,304 64
Whilst the books of the Bank shows the aggregate sum to be, 24,694 50

5th. Lists, Nos. 3 and 4, show the real estate which belonged to the Bank on the 1st of March, 1836; and List, No. 3, shows how portions of it have been disposed of, and for what sum, and the prices given originally, when practicable.
6th. List, No. 4, shows the real estate which now belongs to the Bank.
7th. Lists, Nos. 5 and 6, show the compromises made by Blanton with the debtors of the Bank; the names of the individuals with whom made; the terms of such compromises, and the amount of the debts compromised.

In answer to other questions proposed by the Bank committee, the undersigned reports further.

That there has been collected of the debts due the Bank, since 1st March, 1836, the aggregate sum of, $69,245 18
A portion of which was in stock, viz: 4,002 00 $65,243 18
On hand, as stated in answer to 1st question, 32,812 73 $119,055 91

The Agent has paid to individual stockholders, this sum, $53,423 06
To the State of Kentucky, 31,802 00 $94,846 17
To various incidental expenses, and Agent's commissions, &c. &c., 5,621 11

Leaving a balance on hand of twenty eight thousand two hundred and nine dollars seventy four cents.
All of which is respectfully submitted,

January 31st, 1846. AUSTIN P. COX.

Ordered, That said report be referred to the committee on Banks, and
JOURNAL OF THE SENATE.

that the Public Printer print 150 copies thereof for the use of the General Assembly.

1. Mr. Butler presented the petition of Henry Pirtle, and others, executors of Samuel H. Cook, praying for the passage of a law incorporating a body of men to take care of the fund devised by said Cook for the benefit of the poor and the sick in Louisville.

2. Mr. Butler also presented the remonstrance of sundry members of the "Idas Israel Society" of Louisville, against the passage of a law to incorporate a Jewish Church under the title of the "Rodef Scholem," or "people of peace."

3. Mr. Bradford presented the petition of Anderson J. Turpin and wife, praying for the passage of a law confirming an exchange of some slaves for a house and lot in Paris.

4. Mr. Drake presented the petition of Lud Fore, praying for the passage of a law to refund to him a sum of money paid to the Bank of the Commonwealth for a tract of land from which he has been evicted, together with the costs expended in defending the suit for the land.

5. Mr. Drake also presented the petition of Thomas Todd, Charles S. and Henry S. Todd, praying for the passage of a law authorizing a sale of a tract of land in McCracken county, which descended to the said Charles S. and Henry S. Todd, who are infants, from their mother.

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

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 4, 1846.

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 for the benefit of Philip Lightfoot, Sheriff of Breckinridge county. An act for the benefit of Elijah McWhorter, of Clay county, and William J. Mayo, of Floyd county. With an amendment to the last bill. That they had passed bills of the following titles, viz: 1. An act for the benefit of William B. Howard. 2. An act to extend the corporate limits of Newport, and for other purposes.
3. An act for the benefit of Preston F. Samuels.
4. An act for the benefit of Joseph B. O'Rear.
5. An act for the benefit of William P. Blackstone.
6. An act for the benefit of Edward D. Stockton, of Estill county, and others.
7. An act for the benefit of Coonrod Havens.
8. An act to change the place of voting in the Lewisport precinct, in Hancock county.
9. An act to change the place of voting in the county of Harlan, from the house of John Creech to the house of John Lewis, in said county.
10. An act to change the place of voting in an election precinct in Allen county, and for other purposes.
11. An act to amend an act to establish the Louisville Bank of Kentucky, and an act to incorporate the Merchants' Louisville Insurance Company.
15. An act to legalize certain proceedings of the Bullitt County Court.
16. An act for the benefit of the Trustees of the town of Carlisle.
17. An act concerning ferries on the Ohio river.
18. An act for the benefit of Nancy Eastin.
19. An act to reduce into one the several acts in relation to the town of Danville, and for other purposes.
20. An act to establish the town of Johnstonville, in Monroe county.
21. An act providing for a change of venue in the prosecution against Reuben Payne.
22. An act for the benefit of William P. Mitchell, a lunatic.
24. An act to incorporate the town of Midway, in Woodford county.
25. An act to amend an act, entitled, an act to incorporate the town of Lancaster.

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, 4th, 5th, 6th, 7th, 13th and 14th to the committee on Finance; the 2d, 3d, 12th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22d, 23d, 24th and 25th to the committee on the Judiciary; the 8th, 9th and 10th to the committee on Privileges and Elections; and the 11th to the committee on Banks.

1. Mr. Drake presented the petition of James Price and wife, praying for
the passage of a law authorizing the sale of a certain tract of land in Shelby county.

2. Mr. James presented a communication from G. W. L. Marr, of the State of Tennessee, in relation to the sanction of the Kentucky Legislature to the termination of the Mississippi Railroad at the town of Hickman, in this State.

3. Mr. Peyton presented the petition of James Duncan, praying for the passage of a law to regulate the weight of beans.

4. Mr. Peyton also presented the petition of William Smart, praying for the passage of a law allowing him to appoint a Deputy Constable.

5. Mr. Conner presented the petition of the Trustees of the town of Paintsville, in Johnson county, praying for the passage of a law to incorporate said town.

6. Mr. Conner presented the petition of sundry citizens of the county of Greenup, praying for the establishment of a branch of one of the Banks of this Commonwealth in the town of Greenupburg.

7. Mr. Evans presented the petition of W. M. Thomas, praying for the passage of a law authorizing the County Court of Allen county to appoint him guardian to Sarah Elizabeth Gill, an infant.

Which were received and referred: the 1st, 4th and 7th to the committee on the Judiciary; the 2d to the committee on Internal Improvement; the 3d to the committee on Finance; the 5th to the committee on Propositions and Grievances; and the 6th to the committee on Banks.

The Senate resumed the consideration of a bill for the benefit of James G. Dilly, of Barren county.

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

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

An act to establish the town of Milton, and for other purposes.
An act to extend the limits of the town of Hopkinsville.
An act to provide for filling vacancies in the Directory of Turnpike Road Companies.

Which 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. A. Boyd reported that the committee had performed that duty.
Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Rodef Scholum, (a people of peace,) of the city of Louisville, 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, reported the following bills, viz:

1. A bill to establish the University of Louisville.
3. A bill for the benefit of William F. Colston and Mary E. Colston.

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

The papers concerning the first bill were withdrawn.

On the motion of Mr. Hardin, the committee on the Judiciary was discharged from the further consideration of a resolution adopted on the 16th of January, to enquire into the propriety of paying to Richard Boyce certain sums of money paid the State for land warrants.

Mr. Hardin, from the same committee, to whom was referred the petition of James P. Moore, of Owsley county, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. Hardin, from the same committee, to whom was referred the petition of Abner James, reported the following resolution thereon, viz:

Resolved, That the petition be rejected.

Which was concurred in.

On the motion of Mr. Walker, the committee on Propositions and Grievances was discharged from the further consideration of the petition of James Renfro, and the said petition was referred to the committee on Internal Improvement.

Mr. Walker, from the committee on Propositions and Grievances, reported a bill to change the name of the town of Landing, in Boone county, to that of Hamilton, and to appoint Trustees for said town, 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 said bill do pass, and that the title thereof be as aforesaid.
Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Jesse H. Cotton, 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,

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, A. Harris, Peyton,
Bradford, Heady, South,
Bradley, Helm, Swope,
Bramlette, Holloway, Taylor,
Conner, James, Thomas,
Crenshaw, Key, Thurman,
Dyer, Marshall, Todd,
Evans, Patterson, Walker,
Gray, Wallace—27.

Those who voted in the negative, were—

Messrs. Ballard, Draffin, Henderson,
Boyd, W. P. Drake, Woodson—8,
Butler, Fox,

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

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act authorizing the improvement of the streets and alleys in the town of Bowlinggreen, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Helm, from the committee on the Sinking Fund, made the following report, viz:

The committee on the Sinking Fund beg leave to make to the Senate the following report:

The liabilities of the State, the payment of which is contemplated, is (with an error corrected by a subsequent message) correctly reported in the annual message of the Governor. The interest account for the year 1845, was promptly met; and no serious doubt is entertained that the interest account due in 1846, will be as promptly paid. The product of the resources of the Sinking Fund, for the year 1846, will not vary far from the sum reported by the Commissioners of the Sinking Fund, abating an error made in one item. The entire interest on dividends derived from 2,500 shares of
stock, held by the State in the Northern Bank, was estimated without deducting 5 per cent. interest, retained to pay the interest on the State bonds with which that stock was paid. That error corrected, lessens the anticipated receipts, as reported, $12,500.

The resources of the Sinking Fund, though appearing ample for the payment of the interest due to individuals, are, many of them, precarious and not reliable.

Your committee, therefore, repeat the views submitted in their last report, that the resources of that Fund ought to be strengthened with a view to guard against accidental occurrences which will probably happen. And with a further view to set apart and profitably employ occasional balances to the extinguishment of a portion of the principal of the State debt.

The acts suggested by your committee, and passed at the last session of the Legislature, have had a happy effect in arranging the accounts of the Commissioners of the Sinking Fund. In future, little difficulty will be found in ascertaining the precise amount of the State debt, and in knowing what coupons have been paid and such as remain unpaid.

With a view to an economical administration and efficient use of the means placed to the credit of the Commissioners of the Sinking Fund, your committee believe it advisable to give to the Commissioners corporate existence—allow them to deal in bills of exchange, and vest them with powers, provided by a bill herewith reported by your committee.

Your committee cannot too earnestly press upon the consideration of the Legislature, one subject to which your committee called their attention in the last report submitted by them. By the laws now in force, the School Fund draws upon the Sinking Fund exclusively for aid. This state of things ought no longer to exist. Your committee indulge the belief, that it is the fixed sense of the community, to meet the interest due, and to become due upon bonds held by individuals; and public sentiment is becoming ripe for making suitable and timely provisions for the payment of the principal of those bonds. The Sinking Fund is now barely sufficient to meet the interest due upon bonds held by individuals. The interest upon the Education Fund exceeds any probable surplus that may exist for a number of years, unless the resources of that Fund shall be increased.

The Commissioners of the Sinking Fund have hitherto determined, by force of their own will, to pay the interest due to individuals, to the exclusion of the interest due upon the Education Fund. But the power to withhold a single dollar, after the payment of the interest due to individuals, might well be questioned. If, then, the Superintendent of Common Schools should be prompt and pertinacious in his demands for all that is due that fund by law, the Commissioners of the Sinking Fund would often find themselves in a perilous condition and the public honor jeopardized by the slightest diversion of any one of the various resources of that fund. On the other hand, no certain reliance can be had upon that fund to give efficient aid to a system of Common Schools.

The education of the rising and coming generations is a subject which challenges the high consideration of every lover of his country, of morals, and of religion. Your committee, however, entertain the belief that, with a view to give any system a fast hold upon the community, it should be certain in its operations, gradually progressive, and promising ultimately a general diffusion of education. A system in operation today and out to-mor-
row, dependent upon treasury crumbs which may or may not fall, is a prodigal waste of the public money, failing to obtain the object of the expenditure, partial in its operation, and cannot fail to provoke the opposition of that portion of the community having no participation in the expenditure.

It is, then, due to candor to meet this question as becomes statesmen, and no longer to hold out the tantalizing delusion of popular education. If a system of Common School Education is to become a part of the settled policy of the State, a fund should be raised, held sacred for that purpose, denominated the School Fund, and disconnected in its disbursements from any other fund. If we are not prepared to raise such a fund, justice and fair play demands that we should at once make known our settled determination. For the State to hold on to a nominal debt against itself, for the sake of accumulating a fund, which can only be paid by the same mode to which resort must be had to create a certain fund, is an idle ceremony, and a mockery in legislation.

Your committee being denied the constitutional power to present a bill to raise a revenue, have thought proper, with a view to bring this question directly before the Legislature, in a tangible form, to present a bill accompanying this report, making provision for Common Schools directly from the Treasury, and the dividend declared upon the Bank stock held by the Board of Education in the Bank of Kentucky. A surplus in the Treasury of the State, over ten thousand dollars, constitutes one of the resources of the Sinking Fund. The money drawn by the Superintendent, for the purpose of sustaining Common Schools, has been for the last several years drawn from the Treasury. In the estimated expenditures reported by the Second Auditor, the sum of $10,000 is set down to be disbursed for schools. That is a larger sum, if your committee be not mistaken, than has been expended in any preceding year. The dividends on the Bank stock, not hitherto used by the Superintendent, will, increase the Fund for 1847, in a sum not less than four thousand dollars. The aggregate of these two sums will be found not far short of twice the amount heretofore expended in any one year. The certainty of receiving that sum will unquestionably place such schools as are now in operation, and allowing some increase, upon a more solid footing than at present. Whilst they are left in a condition to depend upon the discretion of the Commissioners of the Sinking Fund in choosing which of the two interest accounts to suspend, your committee do not hesitate to venture the opinion, that the Commissioners, impelled by a sense of duty, will preserve the public honor by the payment of interest due to individuals.

The sum set apart will be sufficient to sustain the school system, as at present organized, until an opportunity will be afforded to test the public will, in regard to making a more extended provision, and increase the number of schools.

JOHN L. HELM, Chairman.

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

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

A bill to incorporate the Commissioners of the Sinking Fund of Kentucky.

And a bill to provide for Common Schools.

Which 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 made the special order of the day for Friday next.

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

A message, in writing, was received from the Governor, by Mr. Hardin, 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, James F. Buckner to be Colonel of the 97th Regiment, 27th Brigade.

William B. Allen to be Lieutenant Colonel of the 16th Regiment, 10th Brigade, in place of Asa Noe, deceased.

Nicholas McKubbin to be Major of same, in place of William B. Allen, promoted.

D. M. White to be Major General of the 11th Division of Kentucky Militia, in place of Eli Bozarth, resigned.

Enoch Muyrhead to be Major of the 120th Regiment, 22d Brigade, in place of James Anderson, promoted.

Anjereau Franklin to be Lieutenant Colonel and Benjamin F. McKesson to be Major of the 24th Regiment.

William Hughes to be Colonel, Thomas M. Duvall to be Lieutenant Colonel, and William B. Clement to be Major of the 138th Regiment, being a new Regiment just formed.

Thomas B. Shields to be Colonel, John Shawhan to be Lieutenant Colonel, and William Gray, Jr., to be Major of the 20th Regiment.

William D. Coryell to be Major of the 123d Regiment, in place of William Bickley, resigned.

Thomas H. Hamrick to be Lieutenant Colonel of 69th Regiment, in place of N. R. Garland, resigned.

WM. OWSLEY.

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

On the motion of Mr. South,

Ordered, That a message be sent to the House of Representatives to ask leave to withdraw the report of the disagreement of the Senate, to a bill from that House, entitled, an act divorcing Elizabeth Cox, and Mr. South was directed to carry said message.

The said bill being returned to the Senate, on the motion of Mr. South, the vote by which it was disagreed to was reconsidered.

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. Taylor and Newell, were as follows, viz:

Those who voted in the negative, were—


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

On the motion of Mr. Draffin,

Ordered, That a message be sent to the House of Representatives to ask leave to withdraw the report of the disagreement of the Senate, to a bill from that House, entitled, an act divorcing Jesse Gee from his wife, Elizabeth Gee, and Mr. Draffin was directed to carry said message.

The said bill having been returned to the Senate, on the motion of Mr. Draffin, the vote by which it was disagreed to, was reconsidered; and it was placed in the orders of the day.

On the motion of Mr. Draffin, the vote by which the petition of Ann Eliza Holtsclaw, praying for a divorce, was rejected, was reconsidered, and the said petition was 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. A. Boyd in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. A. Boyd reported that the committee had, according to order, had under consideration a bill to amend the act concerning slaves, approved February 5, 1845, and for other purposes, and had made 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.

Mr. Hardin presented the remonstrance of sundry citizens of the town of Columbia, in Adair county, against the repeal of the law incorporating said town, which was received and referred to the committee on the Judiciary.

And then the Senate adjourned.
THURSDAY, FEBRUARY 5, 1846.

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 for the benefit of Joshua P. Owens, James S. Owens, and Margaret F. Owens, infant heirs of Jeremiah Owens, deceased.

An act for the benefit of Mrs. Diana McGuire.

An act concerning the town of Russellville.

An act to establish the University of Louisville.

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 provide for filling vacancies in the Directory of Turnpike Road Companies.

An act to establish the town of Milton, and for other purposes.

An act to extend the limits of the town of Hopkinsville.

Approved February 4, 1846.

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

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

An act for the benefit of Thomas Howser, of Monroe county.

An act to amend an act, entitled, an act to amend the Militia Laws, approved February 9, 1837.

An act to incorporate the Lawrence County Coal Mining Company.

An act for the benefit of Richard Smart, a Constable of Hancock county.

An act for the benefit of certain Sheriffs.

An act for the benefit of John P. Dorsay, and others, heirs of Greenberry Dorsay, deceased.

An act for the benefit of the devisees of Sarah Crawford, deceased.

An act for the benefit of the devisees of Carter Tadlock, deceased.

An act for the relief of Jane, Marion, and Samuel Walker, infant heirs of Henry M. Walker, deceased.

An act for the benefit of Thomas Shannon Head.

An act for the benefit of Mary D. Cassedy.

An act for the benefit of Joseph W. Wood.

1. Mr. Draffin presented the petition of William Yeates, praying for compensation for keeping a lunatic.

2. Mr. Bradford presented the petition of Edmund H. Parrish, and others, citizens of Clintonville, praying for the passage of a law to incorporate said town.
3. Mr. Bradford also presented the remonstrance of James S. Lane, and others, against incorporating the town of Clintonville.

4. Mr. Fox presented the petition of George W. Fox, praying for compensation for a horse lost in the military service of the State, in 1845.

5. Mr. Hardin presented the petitions and remonstrances of sundry citizens of Owsley county, relative to the removal of the County Seat of said county.

6. Mr. Wallace presented the petition of sundry citizens of Boone county, praying for the passage of a law for the benefit of Matthew Cook.

7. Mr. Wallace also presented the petition of sundry citizens of Boone county, praying for the passage of a law to amend the execution laws.

Which were received and referred: the 1st and 6th to the committee on Finance; the 2d, 3d, 5th and 7th to the committee on the Judiciary; and the 4th to the committee on Military Affairs.

Mr. W. P. Boyd, from the committee on Religion, to whom was referred the petition of Ann Eliza Holtsclaw for a divorce, reported the following resolution thereon, viz:

Resolved, That 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 the said petition.

Mr. W. P. Boyd, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the First Presbyterian Church of Shelbyville, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. W. P. Boyd, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act divorcing Edward Farrar and Martha Farrar, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That said bill be read a third time.

Mr. W. P. Boyd, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act divorcing Joseph W. Tate, from his wife, Mary C. Tate, reported the same with the opinion of the committee that it ought not to pass, and said bill was re-committed to the committee on Religion.

The Speaker laid before the Senate the following communication from the President of the Board of Internal Improvement, viz:
Office of the Board of Internal Improvement,  
5th February, 1846.

Sir:  
The Board of Internal Improvement have had under consideration the claim of C. J. Blackburn, for damages done to his farm, by the running of the Lexington and Ohio Railroad through the same, and have the honor to make the following report.

THOMAS METCALFE, P. B. I. I.

Hon. Archibald Dixon,  
Speaker of the Senate.

Office of the Board of Internal Improvement,  
February, 1846.

In pursuance of the provisions of an act, entitled, "an act for the benefit of C. J. Blackburn," approved February 7, 1845, two members of the Board visited his farm, on the Lexington and Ohio Railroad, and made special examination of the line of said road, through it; from which examination, they at once formed the opinion that no agreement or compromise with the Doctor, could be effected.

The Board then determined to pursue one of the other alternatives authorized by the act aforesaid, and caused a jury to be summoned to ascertain the amount of damages sustained. The jury met on the ground, on the 17th of January, but failed to agree in a verdict. The Board then determined to embrace the alternative of taking such testimony as might be produced, to ascertain the damages, if any, sustained by the claimant.

On the 23d of January, Charles Alexander, the foreman of the jury, appeared at this office, accompanied by Dr. Blackburn, and stated, on oath, that the land occupied or destroyed by the road, amounted, as he supposed, to from four and a half to six acres, but that it had been estimated by Major McKee, at four and a half acres; which he, (Mr. Alexander,) valued at $50 per acre—that the additional fencing caused by the Railroad, would cost about $120; and that the damages resulting to the Doctor, over and above the advantages, might be estimated at about $120 more.

The opinion thus given by Mr. Alexander, as foreman of the jury, was, as he stated, the opinion of eleven of the jury—the twelfth juror dissenting from that opinion on the ground that damages had not been sustained to that amount.

The question was then propounded to Mr. Alexander, by the Board, "whether or not, did the eleven jurors take into consideration 'the fact, that Mrs. Prudence Blackburn, now deceased, had, in her life time, and during her exclusive ownership of the property, given her consent for the location of the road, and had received payment in full from the company, for the privilege granted.'

This question was answered in the negative by Mr. Alexander, who stated that that matter had not been submitted to, or considered by the jury—neither did they, according to his admission, take into consideration the comparative cost of transportation from that point to Louisville, at this time, and prior to the construction of those improvements.

Mr. Alexander estimated the farm of Dr. Blackburn to be worth $50 per acre, and by referring to the Commissioners books in the Auditor's Office, we find the estimated value for the year 1845, to be the same, say $50 per acre.
From 1829 to 1831, inclusive, the same tract of land was valued for taxation at $20 per acre. For the years 1832 and 1833, the Board found no account of this land on the books of the Auditor. In 1834-5, it was listed at $30 per acre, and rising from that time and alternating from $35 to $40, $45, and $50 per acre.

Now, in the opinion of the Board, this increased value of the land is, in a great measure, the result of the improvements in that section of the country; and more especially of the line of improvement, River and Railroad, the last of which is so very objectionable to the claimant. But when we add the other facts, not taken into consideration by the jury, that the prior owner of the land had, for a reward in damages, yielded her consent to the location of the road; and the comparative cheapness and facility of transportation now, to what it was formerly, the Board feel more than ever confirmed in their opinion, that the benefits resulting to the Doctor, greatly exceed the small amount of damages he has sustained.

But there are yet other grounds of objection to this claim, which the Board, as in duty bound, will present to the Legislature. The fact is admitted, that the full ownership of this land, for the time being, was in Mrs. P. Blackburn, by the will of her deceased husband, and that she released to the Company the right of way, receiving for that release, $——, a sum fully equal to the then value of the land destroyed by the road, and to the cost of additional fencing, and the loss of a few ancient apple trees, with their old fashioned fruit included.

The question now arises, was not that consent and release, on her part, valid against succeeding heirs and owners? It is true that Mrs. Blackburn's ownership, by the will of her deceased husband, extended to the termination of her life only; and that Dr. C. J. Blackburn was, by the same will, to succeed his mother in the ownership.

Now, if Mrs. Blackburn, in her life time, committed any unnecessary waste or destruction of the property, against the known wishes, or without the knowledge of the Doctor, the question might be made, whether she was not accountable to him for it? But it is evident that in this transaction, she not only committed no such destruction, (for no act on her part could have added more to the value of the property when left by her,) and that all she did was well known to the Doctor.

The above supposed case is much more favorable to the claimant than the reality.

In reply to a letter from the President of the Board to Maj. Wm. R. McKee on this subject, the Major states that he had a conversation, as requested, with Messrs. Winter and Gratz, formerly President and Director of the Railroad Company, who stated "that to the best of their recollection, there was a release by Dr. Blackburn, who was anxious for the road to be made;" "that Mrs. Blackburn, the Doctor's mother, released her life interest," that "as the old lady was not disposed to do it, the Doctor was anxious that she should"—that "the Doctor's release was taken in a common copy book, used for that purpose," but that the book had been lost—that Messrs. Winter and Gratz "do not state positively that there was a release, but believe there was." Now the Doctor admits that he did release to the Company the right of way through two small strips of land owned by him at the time, one of which is on each side of his mother's tract; but he denies that he gave any release to the lands of his mother.
The Board think it probable that the release of the Doctor's to the right way through his own land, may have impressed itself on the minds of Messrs. Winter and Gratz, and hence it is, that "to the best of their recollection," he released the right of way through the land then owned by his mother. From the very credible and high character of both the gentlemen named and the Doctor, it is fair to put this construction on the misunderstanding.

Assuming then, that the Doctor did not give his consent in writing, except to the strips of land before mentioned, and how does the matter stand? The Doctor acknowledges that he was extremely anxious for the location of the road; believing that it would add greatly to the benefit and prosperity of the section through which it was to run; and that he exerted an active influence with others, (a well merited influence the Board acknowledges,) to induce them to consent to the location of the road through their lands.

Now the fair, if not the only inference to be drawn from this acknowledgment, in connection with the other facts and circumstances above recited is, that if he did not give his consent in writing, for the location of the road through his mother's land, it was because neither himself or the Directory of the road, supposed that his release, added to that of his mother's, would add a single particle to the strength of their right of way through her land—all believing that the release of the mother was good and valid against future heirships or subsequent owners. Here the Board might leave the question, in the confident belief, that neither the jury, or any one of them would, if all the matters above stated had been presented for their consideration, have brought in a verdict for a single cent.

But the Board beg leave to present the case in another of its legitimate aspects. In looking abroad over the State, they find many counties and sections thereof, entirely destitute of any improvement whatever, by the State. Is it fair, or reasonable, that counties or sections of this character, should be made to pay in reality, damages existing in the imagination of the claimant only? Is it not enough that these sections thus situated, should have to contribute to the payment of interest upon investments made by the State in those improvements, but that they shall also be made to pay damages of this character? Here is a fine hemp growing farm, situated far in the interior, the owner acknowledging that it cost him, this year, but 15 cents per hundred to send his hemp to Louisville, about one third of the cost formerly, and yet with this striking advantage, and all the facilities afforded to his traveling and transportation to Lexington, to Frankfort, to the Ohio, up and down, he would ask the suffering sections alluded to, to contribute to his ideal damages, as well as to the payment of interest upon the sums invested in the improvements in his section of country. He would ask to be paid for some five acres of land, the fencing, and a few old apple trees, for which his mother received an ample indemnity years before. How very discouraging the thought to those who enjoy comparatively none of the advantages resulting from our improvements.

The Board would not be understood as asserting the narrow principle that no improvement should be made, unless all parts of the Commonwealth could share alike in its advantages, but would reign steer their bark between the Scylla and Charybdis of the two propositions. While on the one hand, they would have their noble Commonwealth to throw itsegis of protection around each one of its citizens, to ward off absolute wrong or oppression, on the other hand, they frankly acknowledge their disposition to check
the increasing disposition of individuals to overrate their claims upon the State, and to underrate the benefits they receive from her. These remarks are intended to have no personal bearing, but feel that it is their duty, upon principle, to expose and hold up to view, the numerous efforts made, in such varied shapes and forms of late, to obtain from the State vast sums, for inconsiderable value, or for no value at all. The present claimant, we all know to be a gentleman of unquestionable integrity and honor, though like the most of our race, he seems, in this particular instance, to look at one, and not at both sides of the question. The Board feel, that it is not the small amount of this particular claim they are combating—but all such or similar claims now becoming so numerous, as time and testimony for the State recedes from the theatre of the claimants' action.

All of which is submitted to the superior wisdom of the Legislature, by their obedient servant,

THOMAS METCALFE, P. B. I. I.

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

Mr. Draffin, from the committee on Religion, to whom was referred the petition of Mary E. Herndon, praying for a divorce, reported the following resolution thereon, viz:

Resolved, That said petition is unreasonable.

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. W. P. Boyd and Taylor, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.
Bradley,
Bramlette,
Butler,
Dyer,
Gray,
Hardin,
Harris,
Holloway,
Peyton,
Swope,
Taylor,
Woodson—13.

Those who voted in the negative were—

Messrs. Ballard,
Boyd, A.
Bradford,
Conner,
Crenshaw,
Draffin,
Evans,
Fox,
Heady,
Key,
Newell,
Patterson,
Slaughter,
Thomas,
Thurman,
Todd,
Walker,
Wallace—18.

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

Mr. W. P. Boyd, from the same committee, reported a bill to divorce Ann Eliza Holtzclaw, 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 said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, by Mr. Hughes, requesting leave to withdraw the report of the passage of a bill by that House, entitled, an act for the benefit of Richard Smart, a Constable of Hancock county: leave to withdraw the said report was granted.

A bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Whitley county, 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 Finance.

On the motion of Mr. Taylor, leave was given to bring in a bill to authorize the holding Chancery Terms of the Clarke Circuit Court, and the committee on the Judiciary 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. A. Boyd in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. A. Boyd reported that the committee had, according to order, had under consideration a bill to amend the act concerning slaves, approved February 5, 1845, and for other purposes, and had gone through the same, and made amendments thereto, which he handed in at the Clerks' table; the said amendments were concurred in.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Evans, Harris, Slaughter, South—4.
The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

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

And then the Senate adjourned.

FRIDAY, FEBRUARY 6, 1846.

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 amend the penal laws.

An act requiring certain duties of Justices of the Peace.

With an amendment to the last bill.

That they had passed a bill, entitled, an act for the relief of Henry Blanton and Robert Snell, executors of Carter Blanton, 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.

1. Mr. Fox presented the petition of sundry citizens of the town of Somerset, praying for the passage of a law to incorporate said town.

2. Mr. Conner presented the petition of Miles McFarlan, praying for a divorce from his wife, Hannah McFarlan.

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

Mr. Swope moved to reconsider the vote by which a bill was passed, entitled, an act to amend the act concerning slaves, approved February 5, 1845, and for other purposes.

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, W. P. Drake, South,
Bradford, Dyer, Swope,
Butler, Evans, Taylor,
Those who voted in the negative, were—

Messrs. Ballard, Hardin, Marshall,
Bradley, Heady, Patterson,
Bramlette, Helm, Peyton,
Conner, Holloway, Thurman,
Fox, James, Walker,
Gray, Key, Wallace—18.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of Turner Wilson.
An act for the benefit of Nathaniel Wickliffe.

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. Dyer, from the same committee, to whom was referred the petition of J. Renfro, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. Dyer, from the same committee, to whom was referred a bill to amend the law in relation to tolls on flat boats descending the Green and Barren rivers, reported the same without amendment.

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. Dyer, from the same committee, reported the following bills, viz:

1. A bill to incorporate the Campbell Turnpike Road Company.
2. A bill to elevate Dam, No. 4, on Green river.

Which were each 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 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Dyer, from the same committee, to whom was referred a bill for the benefit of the citizens living on the Owingsville and Big Sandy Turnpike Road, reported the same without amendment.

Ordered, That said bill 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,

The question was taken on the passage thereof, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Ballard, Crenshaw, Key,
Boyd, A. Draffin, Patterson,
Boyd, W. P. Dyer, Peyton,
Bradford, Evans, Slaughter,
Bradley, Fox, Taylor,
Bramlette, Gray, Todd,
Butler, Hardin, Wallace,
Conner, Holloway, Woodson—24.

Those who voted in the negative, were—

Messrs. Harris, Newell, Thomas,
Heady, South, Thurman,
James, Swope, Walker—10.

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

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

On the motion of Mr. Drake—A bill to amend an act providing for a change of venue in the prosecution against Joseph N. Allen, approved January 21, 1846.

Also—A bill to extend the limits of the town of Christiansburg.

On the motion of Mr. Heady—A bill to reduce the number of Justices of the Peace in Spencer county.

Ordered, That the committee on the Judiciary prepare and bring in said bills.

Mr. A. Boyd, 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 and incorporate the town of Fairview.

An act to incorporate the Barren River Navigation and Manufacturing Company.

An act for the benefit of Jesse H. Colton.

An act divorcing Elizabeth Cox.

And 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. A. Boyd reported that the committee had performed that duty.
Bills from the House of Representatives, of the following titles, were
severally read the first time, viz:

1. An act for the benefit of Thomas Howser, of Monroe county.
2. An act to amend an act, entitled, an act to amend the Militia Laws,
approved February 9, 1837.
3. An act to incorporate the Lawrence county Coal Mining Company.
4. An act for the benefit of the devisees of Sarah Crawford, deceased.
5. An act for the benefit of John P. Dorsey, and others, heirs of Greenberry Dorsey, deceased.
6. An act for the benefit of the devisees of Carter Tadlock, deceased.
7. An act for the benefit of the devisees of Harvey M. Walker, deceased.
8. An act for the benefit of Thomas Shannon Head.
9. An act for the benefit of Mary D. Cassedy.
10. An act for the benefit of Joseph W. Wood.

Ordered, That said bills be read a second time.

The rule of the Senate, as to the second reading being dispensed with, the
said bills were referred: the 1st, 9th and 11th to the committee on Proposi­tions and Grievances; the 2d to the committee on Military Affairs; the 3d, 5th, 6th, 7th, 8th and 10th to the committee on the Judiciary; and the 4th
to the committee on Finance.

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

On the motion of Mr. Conner-1. A bill to change the name of William Mahan to William Nelson Rice.

On the motion of Mr. W. P. Boyd-2. A bill to authorize the Jailer of Fleming county to sell a runaway slave named Isaiah, to pay expenses and jail fees.

The committee on Propositions and Grievances was directed to prepare
and bring in the 1st; and the committee on the Judiciary the 2d.

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. A. Boyd in the Chair. After some time spent in committee, the
Speaker resumed the Chair, when Mr. A. Boyd reported that the com­mittee had, according to order, had under consideration a bill from the
House of Representatives, entitled, an act incorporating the Covington and
Cincinnati Bridge Company, and had gone through the same, and made
amendments thereto, which he handed in at the Clerk's table; three of
which amendments were concurred in, and one was disagreed to.

On the motion of Mr. Helm, the said bill was amended by striking out the
tenth section.

The said section is as follows, viz:
Sec. 10. That the said Company shall be held liable, by any appropriate action, for all injuries sustained by vessels or boats, rafts of plank, timber, or other lumber, passing up or down said river, in consequence of the construction of said Bridge; unless the injuries are sustained by negligence, or want of competent skill of those on board said vessels, rafts or boats.

Mr. Helm moved to amend the said bill by inserting the following in lieu of the tenth section:

Sec. 10. That said Company shall be held liable, by appropriate action, for all injuries which may be sustained by individuals or corporations in consequence of the construction of said Bridge; whether the same be done to any vessel or raft, or any other water craft, whatever, or in passing over said Bridge, or by willfully or negligently permitting the property of any of the citizens of the State of Kentucky to cross said Bridge without the consent of such owner; unless the injury complained of be the result of the negligence of the person or persons making complaint.

Mr. Butler moved to amend the said amendment offered by Mr. Helm, by substituting therefor the following, viz:

And it shall be unlawful for said Company, their agents or officers, to suffer or permit any slave or slaves, to pass over said Bridge without a written request of the owner or owners of such slaves or slaves, or without said slaves or slaves shall do so in the company of such owner or owners; and the said Company shall be liable to pay to said owner or owners for every slave so permitted to pass contrary to the provisions of this act, the full value of said slave or slaves, to be ascertained by the verdict of a jury, together with a penalty of ten per cent. thereon, to be assessed by the judgment of a court; and all costs of suit, which shall be recovered by action of debt, or on the case, as the plaintiff may elect.

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

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

Those who voted in the affirmative, were—

Messrs. Ballard, Drake, Marshall,
Boyd, A. Gray, Patterson,
Boyd, W. P. Hardin, Peyton,
Bradford, Hensly, South,
Bradley, Holloway, Taylor,
Butler, James, Walker,
Chenault, Key, Woodson—21.

Those who voted in the negative, were—

Messrs. Bramlette, Evans, Slaughter,
Conner, Fox, Swope,
Crenshaw, Harris, Thomas,
Draffin, Helm, Todd,

On motion of Mr. Swope, the vote by which the said tenth section was stricken out, was reconsidered.
Mr. Butler then moved to amend the said section by adding thereto the above amendment offered by him to the amendment moved by Mr. Helm, and the question being taken thereon, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Ballard, Drake,
Boyd, A. Fox,
Boyd, W. P. Gray,
Bradford, Hardin,
Bradley, Heady,
Bramlette, Holloway,
Butler, James,
Chenault, Key,
Crenshaw,

Those who voted in the negative, were—

Messrs. Conner, Harris,
Draffin, Helm,
Dyer, Newell,
Evans, Slaughter,

The said bill was further amended.

And then the Senate adjourned.

SATURDAY, FEBRUARY 7, 1846.

A message was received from the House of Representatives, announcing that they had disagreed to a bill from the Senate, entitled, an act for the benefit of Napoleon B. Burks and Eliza Jane Burks, his wife.

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

An act providing for a change of venue in the prosecution against Robert Simmons, in the Allen Circuit Court.

An act to amend an act, entitled, an act to amend the law regulating appeals from the judgment of Justices of the Peace, approved December 23, 1831.

An act providing for a change of venue in the prosecution against Henry Green.

An act for the benefit of the heirs of Redmond F. Munday.
An act for the benefit of Wm. H. Stephens, and the heirs of Solomon Derossett, deceased.
An act for the benefit of Albert Allen and Ann E. Allen, his wife.
An act to change the names of Amanda Jane Hinds, and others, and for other purposes.
An act for the benefit of Lewis Barrett and John Wyatte.
With amendments to the three bills last named.
That they had passed bills of the following titles, viz:
An act to legalize the proceedings of the Estill County Court held in March, 1845.
An act to change the name of Woodson Clay Gordon to that of Woodson Clay Montgomery.

1. Mr. Patterson presented the petition of P. R. Baker, praying for a divorce from his wife, Diana H. Baker.
2. Mr. Ballard presented the petition of Samuel B. Woolfolk, praying for a divorce from his wife, Matilda S. C. Woolfolk.
3. Mr. Drake presented the petition of sundry citizens of Bridgeport, in Franklin county, praying for the establishment of an election precinct in said town.

Which were received and referred: the first and second to the committee on Religion; and the third to the committee on Privileges and Elections.

A message, in writing, was received from the Governor, by Mr. Hardin, 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, Charles G. Douglass, to be Colonel, John Hall to be Lieutenant Colonel, and W. C. Short, to be Major, of the 32d Regiment, 1st Brigade.
Victor M. Kenny, to be Lieutenant Colonel of the 14th Regiment, and G. B. Reed, to be Major, in place of V. M. Kenny, promoted.
James T. Ware, to be Colonel, Jacob David, to be Lieutenant Colonel, and Silas Corben, to be Major of the 71st Regiment.

WM. OWSLEY.

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

Mr. Dyer, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to incorporate the Louisville and Portland Railroad Company, approved March 3, 1844, reported the same without amendment.

The said bill was amended.

Ordered, That said bill be read a third time.

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

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.
Mr. Dyer, from the same committee, reported a bill to authorize the Mississippi Railroad Company to extend their Railroad from the south boundary line of the Commonwealth of Kentucky to the Mississippi river, 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. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Joshua P. Owens, James S. Owens, and Margaret F. Owens, infant heirs of Jeremiah Owens, deceased.

An act to amend the penal laws.
An act concerning the town of Russellville.
An act for the benefit of Mrs. Diana McGuire.
An act to establish the University of Louisville.
An act for the benefit of Philip Lightfoot, Sheriff of Breckinridge county.
An act for the benefit of William Price, of Oldham county.
And enrolled bills which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the first Presbyterian Church of Shelbyville.
An act authorizing the improvement of the streets and alleys in the town of Bowling Green, 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. A. Boyd reported that the committee had performed that duty.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act ordering the payment of the amount due the Commissioners on the road from the mouth of Salt river to Bowling Green, reported the same without amendment.

Mr. Wallace moved an amendment to said bill.

Mr. Butler moved to recommit the said bill and amendment to the committee on Internal Improvement with instructions; and the Senate then proceeded to the consideration of the orders of the day.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act incorporating the Covington and Cincinnati Bridge Company, the said bill was further amended.

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 said bill, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.  
Bradford,  
Butler,  
Chennault,  
Conner,  
Crenshaw,  
Draffin,  
Dyer,  
Evans,  
Gray,  
Hardin,  
Harris,  
Heady,  
Heim,  
Holloway,  
Marshall,  
Newell,  
Peyton,  
Slaughter,  
Swope,  
Taylor,  
Thomas,  
Todd,  
Wallace,  
Woodson—26.

Those who voted in the negative, were—

Messrs. Ballard,  
Boyd, A.  
Bradley,  
Bramlette,  
Drake,  
Fox,  
James,  
Key,  
Walker—9.

Resolved, That the title of the said bill 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 change the names of Amanda Jane Hinds, and others, and for other purposes.
- An act for the benefit of Lewis Barrett and John Wyatte.
- An act for the benefit of Albert Allen and Ann E. Allen, his wife.
- An act requiring certain duties of Justices of the Peace.
- An act for the benefit of Elijah McWhorter, of Clay county, and William J. Mayo, of Floyd county.

A message, in writing, was received from the Governor, by Mr. Hardin, 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 for the benefit of Joshua P. Owens, James S. Owens, and Margaret F. Owens, infant heirs of Jeremiah Owens, deceased.
- An act to amend the penal laws.
- An act concerning the town of Russellville.
- An act for the benefit of Mrs. Diana McGuire.
- An act to establish the University of Louisville.

Approved February 7, 1846.

On the motion of Mr. Swope, the committee of the whole House, on the State of the Commonwealth, was discharged from the further consideration of a bill to provide for the completion of Lock and Dam, No. 2, on Licking river.
Ordered, That said bill be engrossed and read a third time.

On the motion of Mr. Wallace, the committee on Military Affairs was discharged from the further consideration of the petitions of Robert Million, of Frances Roberts, and of George W. Fox, and the said petitions were referred to the committee on Finance.

The committee on the Judiciary was discharged from the further consideration of a bill from the House of Representatives, entitled, an act for the relief of Henry Blanton and Robert Snell, executors of Carter Blanton, deceased, and the said bill was referred to the committee on the Sinking Fund.

And then the Senate adjourned.

MONDAY, FEBRUARY 9, 1846.

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 incorporate the Barren River Navigation and Manufacturing Company.
An act to establish and incorporate the town of Fairview.
An act for the benefit of Jesse H. Cotton.
An act divorcing Elizabeth Cox. Approved February 6, 1846.

An act for the benefit of the First Presbyterian Church of Shelbyville.
An act authorizing the improvement of the streets and alleys in the town of Bowlinggreen, and for other purposes. Approved February 7, 1846.

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 to incorporate the Louisville and Portland Railroad Company, approved March 2, 1844.

An act incorporating the Covington and Cincinnati Bridge Company.

That they had passed a bill from the Senate, entitled, an act to change the Anderson and Franklin county line, with an amendment.

That they had adopted a resolution for the removal, (by address,) of George W. Kouns, a Justice of the Peace of Carter county.
That they had passed bills of the following titles, viz:
An act for the benefit of Elizabeth Wathen.
An act to limit the elections in Calloway and Marshall counties to one day.
An act to incorporate the Blue Lick Hotel and Water Company.
An act to add a part of Henry to Oldham county.
An act to incorporate the Dialectic Society of Shelby College.
An act allowing an additional Constable to Nicholas county.
An act for the benefit of Jacob White, Sheriff of Fulton county.
An act for the benefit of Talitha Easterday.
An act regulating elections in Hardin, Laurel and Rockcastle counties.
An act to amend the charter of the Covington Fire Company.
An act for the benefit of Samuel Godsey.
An act for the benefit of William M. Bowen and Rachel Nesbit.

1. Mr. Walker presented the petition of Henry Frizell, praying for compensation for work done on the monument of Governor Breathitt.
2. Mr. Todd presented the memorial of John B. Huston, in relation to adding the county of Harrison to the 10th Judicial District.
3. Mr. Patterson presented the petition of sundry citizens of Livingston and Crittenden counties, praying for a change in the division line between those counties.
4. Mr. Drake presented the petition of sundry citizens of Franklin county, praying for the establishment of an election precinct in said county, at the house of Reuben Sebree.
5. Mr. Chenault presented the petition of the Trustees of the Methodist Episcopal Church of Madison county, praying for the passage of a law to authorize them to sell a small tract of land in said county, for the benefit of said Church.
6. Mr. Holloway presented the petition of sundry citizens of Owensborough, praying for the passage of a law to allow the Trustees of said town to grant to John Pursell a license to keep a Coffee House in said town.
7. Mr. Wallace presented the petition of sundry citizens of Boone county, praying the establishment of a State road from the Rising Sun to the Covington and Lexington Turnpike Road.

Which were received and referred: the 1st and 6th to the committee on Finance; the 2d and 5th to the committee on the Judiciary; the 3d to the committee on Propositions and Grievances; the 4th to the committee on Privileges and Elections; and the 7th to the committee on Internal Improvement.

Leave of absence was granted to Mr. Graffin for to-day.

A message, in writing, was received from the Governor, by Mr. Hardin, 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, James Heaton to be Commissioner of Deeds for Kentucky, at Crawfordsville, Indiana.

A. H. Jameson to be Notary Public in Kenton county.

_W. M. Owsley._

_Resolved, That the Senate advise and consent to the said appointments._

On the motion of Mr. Hardin,

_Resolved, That the Governor, Attorney General, and Secretary of State, be requested to lay before the Senate, a report of the settlement of the claim of John Tilford, under the act of the Legislature, approved February 10, 1845; and if no settlement has been made, then the reasons why it had not._

On the motion of Mr. James,

_Resolved, That the committee on the Judiciary, be instructed to enquire into the propriety of so amending the act, entitled, “an act to regulate the administration and settlement of estates, approved February 20, 1839,” as to limit the provisions of said act, to the settlement and distribution of those estates where the assets may exceed five hundred dollars, and that all estates falling under that sum shall be distributed agreeably to the provisions of said act, by the executor or administrator._

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

On the motion of Mr. Evans—1. A bill for the benefit of Alfred Payne.

On the motion of Mr. Wallace—2. A bill to provide for the re-marking of the county line between the counties of Boone and Kenton.

On the motion of Mr. Fox—3. A bill allowing to Henry Myers, a Justice of the Peace of Lincoln county, Morehead and Brown’s Digest of the laws of Kentucky.

On the motion of Mr. Harris—4. A bill to furnish the Justices of the Peace of Johnson county with the statutes of the State.

The committee on the Judiciary were directed to prepare and bring in the 1st; the committee on Propositions and Grievances the 2d; and Messrs. Fox, Slaughter and Bramlette were appointed a committee to prepare and bring in the 3d; and Messrs. Harris, Slaughter and Fox the 4th.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act ordering the payment of the amount due the Commissioners on the road from the mouth of Salt river to Bowling Green.

Mr. Butler withdrew the instructions moved by him on Saturday.

On the motion of Mr. James,

_Resolved, That the said bill be recommitted to the committee on Internal Improvement, with instructions to enquire what appropriations were made by the 27th and 31st sections of the act of February 29, 1836, defining the powers and duties of the Board of Internal Improvement, and for other purposes, which were made conditionally: what appropriations remain yet unpaid, where the conditions or contingencies, under which the same were made, have been complied with._
Mr. Dyer moved that the committee on Internal Improvement be discharged from the duty of preparing and bringing in a bill to provide for the improvement of the navigation of the Beech and Rolling Forks of Salt river.

Mr. Slaughter moved that the said committee be ordered to report said bill, providing for the improvement of said streams by slackwatering them.

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

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

Those who voted in the affirmative, were—

Messrs. Evans, Newell, Slaughter,
Helm, Patterson, Thurman—6.

Those who voted in the negative, were—

Messrs. Ballard, Fox, Peyton,
Boyd, A. Gray, South,
Boyd, W. P. Hardin, Swope,
Bradley, Harris, Taylor,
Bramlette, Headly, Thomas,
Butler, Holloway, Todd,
Conner, James, Walker,
Crenshaw, Key, Wallace,

The said committee was discharged.

Mr. Dyer, from the same committee, reported a bill prescribing further duties of the Board of Internal Improvement, 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 on the State of the Commonwealth, and made the special order of the day for Thursday, next the 12th instant.

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

Mr. Evans, from the same committee, to whom was referred a bill to amend an act, entitled, an act to amend the law establishing the Board of Internal Improvement, so far as relates to the Glasgow and Scottsville Turnpike Road Company, reported the same with an amendment.

On the motion of Mr. Hardin, the said bill and amendment were laid on the table.

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

An act for the relief of the administrator of William A. Pendleton, late Clerk of the Kenton Circuit and County Courts.
An act for the benefit of Edward D. Stockton, of Estill county, and others.

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

Mr. James, from the same committee, to whom was referred a bill for the benefit of William Ramsey, Elisha Gardner, and John B. Cobb, reported the same without amendment.

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

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

1. A bill providing for the support of an additional number of pupils in the Deaf and Dumb Asylum at Danville.
2. A bill for the benefit of certain Sheriffs.
3. A bill for the benefit of the Sheriff of Laurel county.
4. A bill for the benefit of the Sheriff of Shelby 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 of said bills being dispensed with, the 2d was amended and recommitted to the committee on Finance; 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 said bills being dispensed with, and the same being engrossed,

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

Mr. James, from the same committee, reported a bill to amend the law in relation to idiots and lunatics, approved February 12, 1840, 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 on the State of the Commonwealth, and made the special order of the day for Wednesday, the 11th instant.

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

Mr. James, from the same committee, reported a bill concerning Clerks, 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. Peyton 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. James and Fox, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard, Holloway, Taylor,
Bramlette, Key, Thomas,
Butler, Patterson, Thurman,
Conner, Peyton, Walker,
Drake, Slaughter, Wallace,
Fox, Swope, Woodson—15.

Those who voted in the negative, were—

Messrs. Boyd, A. Evans, James,
Boyd, W. P. Gray, Marshall,
Bradley, Hardin, Newell,
Chenault, Harris, South,
Crenshaw, Heady, Todd—17.

Dyer, Helm,

Mr. James, from the same committee, to whom was referred the petition of James Berry, of Allen county, reported the following resolution thereon, viz:

Resolved, That the petition be rejected.

Which was concurred in.

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

An act to incorporate the Maysville College, and for other purposes.
An act for the benefit of the Common Schools in Graves 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 said bills do pass, and that the titles thereof be as aforesaid.

Mr. Slaughter, from the same committee, reported a bill to incorporate the Calliopean Institute of Murray.

Also, a bill for the benefit of the School Commissioners of Carroll county.

Which were each 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 said bills do pass, and that the titles thereof be as aforesaid.
The Speaker laid before the Senate the following communication from the Governor, Attorney General and Secretary of State; and also, the following communication from the Secretary of State, viz:

EXECUTIVE OFFICE,
Feb. 9th, 1846.

Sir:

In obedience to a resolution of the Senate of the 7th instant, requesting "the Governor, Attorney General, and Secretary of State, to lay before "that body a report of the settlement of the claim of John Tilford, under "the act of the Legislature, approved February 10, 1845: and if no set­"tlement has been made, then the reasons why it has not:"

We respectfully respond—

1. That no settlement of the claim of John Tilford has been made under the recited act.

2. That, during the last spring, the Governor, Attorney General, and Secretary of State, held meetings for the purpose of examining all the facts of the case, and allow said Tilford such compensation for his services as they deemed equitable and just: and from the facts submitted by the said Tilford, the Governor and Attorney General are of the opinion that he, (Tilford) was equitably and justly entitled to the sum of $500, as compensation for his services rendered, and expenses incurred, in the year 1836, in the sale, in the Eastern cities, of nine hundred thousand dollars of five per cent. bonds of the State of Kentucky.

3. The reason why said settlement was not made, was owing to the want of concurrence on the part of the Secretary of State.

With respect,

WM. OWSLEY, Governor.
O. G. CATES, Atty. Gen'l.
BEN. HARDIN,
Secretary of State.

HON. ARCHIBALD DIXON,
Speaker of the Senate.

P. S. The reasons which induced the Secretary of State to differ from the Governor and Attorney General, will be presented in a separate report.

BEN. HARDIN,
Secretary of State.

SECRETARY OF STATE'S REPORT.

To the General Assembly of the Commonwealth of Kentucky:

The undersigned, Secretary of State, would respectfully represent, that on the 10th of February, 1845, an act passed, in substance, as follows:

"Whereas, it is represented to the present General Assembly, that John Tilford, of the city of Lexington, is entitled to some compensation for his services rendered, and expenses incurred, in the year 1836, in the sale, in the Eastern cities, of nine hundred thousand dollars of five per cent. bonds, of the State of Kentucky—therefore,

"Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor, Attorney General, and Secretary of State be, and they are hereby, authorized to examine all the facts of the case, and
allow to the said John Tilford such compensation for his services as they may deem equitable and just: *Provided*, such allowance shall not exceed the sum of five hundred dollars.

"Sec. 2. Be it further enacted, That upon such adjustment, the Governor, Attorney General, and Secretary, shall certify the same to the Second Auditor, who is hereby authorized to draw his warrant upon the Treasurer for the amount so allowed, payable out of any money in the Treasury not otherwise appropriated."

The undersigned would further represent, that some time last spring, in that room of the Secretary's Office, usually occupied by the Gov., the Governor, Attorney General and himself, entered upon the discharge of the duties enjoined upon them in that act. Mr. John Tilford was present, made a statement to us of his claims, and laid all the papers before us that he thought proper, and answered such questions as were asked him. After Mr. Tilford retired, we conferred together, and could not agree. Some time afterwards, we had a second meeting, and made further efforts to come to some agreement on the subject, but could not. The act did not leave the subject to a majority; consequently, we were to be unanimous or no opinion could be made. I differed from the other two gentlemen, and will, with as much brevity as I can, to be clearly understood, proceed to state the reasons upon which I founded my opinion.

On the 14th of May, 1836, the terms or proposals to obtain the loan were drawn up by Mr. Morehead, the then Acting Governor, and signed by him, to effect a loan of nine hundred thousand dollars, upon five per cent. bonds, redeemable in thirty years. One of the conditions was, that the money borrowed, or intended to be borrowed, "should be paid cotemporaneously with the delivery of the bonds, in gold or silver."

On the same day, to-wit: the 14th of May, 1836, the Acting Governor gave Mr. Tilford a power of attorney to go to the Eastern cities to effect the loan of the nine hundred thousand dollars, by the sale of five per cent. bonds, "subject only to the limitations and restrictions contained in the proposals, for the sale of said scrip or bonds this day made out and subscribed by me." Mr. Tilford, in June or July, left Kentucky for the Eastern cities; and on the 17th of September, 1836, he made a contract with Messrs. Biddle & Company, of Philadelphia, by which he sold the nine hundred thousand dollars of five per cent. State Bonds, to bear interest from the first of July, 1836, payable half yearly. The money was to be paid, seventy five thousand dollars monthly—to commence sixty days after the delivery of the State Bonds in the city of Philadelphia—the monthly payments to bear interest from the first of November, 1836. The contract for the loan was made subject to the ratifications of the Governor; under a full and perfect knowledge on the part of Mr. Tilford, and Biddle & Co., that Mr. Tilford had not pursued his powers given him by the Governor to make the loan, Governor Clarke refused to approve of, and ratify the loan; and during his administration, which was continued until his death, in the year 1839, he made Mr. Tilford no allowance for his trouble and expenses. Mr. Wickliffe succeeded Governor Clarke, and he made no allowance to Mr. Tilford. Governor Letcher succeeded Mr. Wickliffe, and during his administration, which lasted four years, no allowance was made to Mr. Tilford; and in the first year of Governor Owsley's administration, the act above recited, passed. Why Mr. Tilford has never been compensated heretofore, by the Governors
Clarke, Wickliffe and Letcher, and the different legislatures that have been in session, I know not. I presume he has often applied, and has as often failed; and now, after near 8 years, we are called upon to examine the claims of Mr. Tilford to compensation for his services and expenses. The first enquiry is, was there a contract, either expressed or implied, to compensate Mr. Tilford for his services in negotiating the loan; and if there were, what was it?

In the Journal of the House of Representatives of 1839-40, page 512, tables H. and J, you will find, that in August, 1835, E. I. Winter negotiated a loan with Prime, Ward & King, for $100,000, and he charged, and was allowed, ½ of one per cent., for his compensation. The same table will show that Mr. Tilford negotiated a loan with the War Department for $165,000, and he was allowed one half of one per cent. That Mr. Bullock, the Secretary of State, negotiated a loan of $1,250,000 with the Life Insurance and Trust Company, New York—he was allowed $4,506; which, I presume, is, or was intended as one half of one per cent., or near that. In 1835, Mr. E. I. Winter negotiated a loan to the Northern Bank of Kentucky—he was allowed one half of one per cent.

By these negotiations of loans, both before and after September, 1836, it will appear that the agents who negotiated them, charged, and were paid, ½ of one per cent.; that Mr. Tilford had charged and been paid at that rate; so had Mr. Winter; and so had Mr. Bullock. Mr. Tilford alluded to that standard of compensation, wherein he says, "that if the sale had been ratified by the Governor, my compensation would have been ample." Evidently alluding to the one half of one per cent. For, if the loan had been ratified, the ample compensation alluded to by him, would have been $4,500. And in the letter of Governor Morehead, dated 29th of November, 1841, he says: "He, (Mr. Tilford,) would have been entitled to a compensation equal to one half of one per cent. on the amount sold." Take all the facts, the manner in which the loans were negotiated, and what Mr. Tilford says as to his compensation, and what Governor Morehead says, there can be no doubt it was distinctly understood to be one half of one per cent. on the loan, if he, Mr. Tilford, negotiated it—amounting to the enormous sum of $4,500, for about one month's work. Was there any thing said or agreed on, that if Mr. Tilford did not obtain the loan, he was to be paid for his services and expenses? No, not one word on that subject. Is it to be implied from the nature of the transaction? Certainly not. He was to be paid upon the contingency of complete success, $4,500; ten times as much as his labor was worth. Instead of there being any thing said, that Mr. Tilford was to be paid a compensation for his services if he did not effect the loan, the high and extravagant contingent compensation proves that the pay was intended to be altogether contingent. If I, as a lawyer, undertake a law suit for a part of what I may recover, is not that a complete negative to the implied assumpst that I am nevertheless to be paid for what my labor is worth. I was employed by Kentucky to go to the Supreme Court and plead the great questions of the constitutionality of the Commonwealth's Bank. The interest of the State then was about one million; my agreed fee was $200. I left this place on the 7th of February, 1833; got to Washington City in five days; remained at the city until the court adjourned; about the 16th March returned home; and then, some years after, I went again to the city; argued the cause and gained it. My fee was, as I have before stated, $200. But
having to go back a second time, and then having complete success, the State allowed me $100 in addition to the $200. But suppose I had agreed for one half of one per cent. upon all that was in stake in that controversy on the part of the State, that would have been five thousand dollars, if successful; and, in Mr. Tillord's own words, "an ample compensation." And suppose, further—the law establishing the Bank had been declared unconstitutional, then what claim would I have had for a fair compensation for my services and expenses? The heavy contingent fee would negative any implied contract that I was to be paid at all, even for what my services were worth. It appeared from the statements of Mr. Tillord, made to the Governor, Attorney General, and myself, he was, at the time he went, President of the Northern Bank of Kentucky, at an annual salary of $2,000, and that his salary was not discontinued while he was absent, but he was paid the full amount as though he was present the whole time. I think I understood from Mr. Tillord, that he had some business of the Bank to transact during the time he went to the Eastern cities to negotiate the loan, and that the Bank had made him some compensation or allowance for expenses. Mr. Tillord's account for expenses was very high, and entirely at war with my own experience. I have lived twelve winters in the city of Washington, and generally at Brown's Hotel, equal to any in America, and fifteen dollars a week will cover all expenses: it will cover all expenses in Philadelphia and at New Orleans. Mr. Tillord said he paid about $80 for advertising. There must be some mistake in that. Ten or twenty dollars at furthest, would pay the fees for advertising in three daily papers in Philadelphia and New York. I understood Mr. Tillord had to give parties, &c. He took his family, or part of them, with him. These parties must have grown out of the fact that his family was along, and as they were invited to parties, he had to give parties in his turn. If a man goes to negotiate a large money transaction, giving parties is no recommendation; for certainly to be sober, discreet, and temperate, is the best plan to effect that object. I never knew or heard that an oyster supper, or wine party, was any recommendation to an agent in effecting large and heavy loans on the part of the government. I have before said, that in the loan of $165,000, negotiated by Mr. Tillord in April, 1837, with the War Department, he received one half of one per cent., amounting to $825. In March, 1843, Mr. Tillord negotiated a loan for which he received $500. The compensation was one half of one per cent. There is no charge for expenses; the sums received are just one half of one per cent.

I will remark, in conclusion, that the sums paid Mr. Winter, Bullock, and Mr. Tillord, I consider very heavy, and very enormous, for the labor and trouble they had. The compensation was contingent, and nothing but that would justify the payment of such sums; and that fact, as I have before observed, excludes all inference of a claim to any other pay than the contingent one of one half of one per cent. Only to think that Mr. Tillord would have charged, and as certainly received, if the loan had been ratified by Governor Clarke, $4,500 for about one or two months labor, in addition to his annual salary of $2,000 as President of the Northern Bank of Kentucky—and can it be pretended, under these circumstances, that if he failed, he is still to be paid a large compensation for the labor? In 1832, I went from here in January, and plead for a man who had killed another in Benton, Mississippi, for $200. In 1839, I went to St. Louis, and from there to St. Charles, and from there up the Missouri river, ten or twelve miles further, looking
after a Spanish grant made in 1796, and there had a connected plat made out for the sum of $200, and expenses borne, which was about $40. I consider my services worth as much per week as Mr. Tilford's. Kentucky has suffered enough, and paid enough, for the negotiations of the loans; and I am now, and was, when I attempted to arbitrate this claim with the Governor and Attorney General, opposed to Mr. Tilford being paid any other or further compensation, than what he has heretofore received for the sale of $165,000 to the War Department, to-wit: the sum of $825, and the $500 for the other loan he effected: and even those bonds, to-wit: the $165,000 he sold at a discount of two per cent. below par, to-wit: 98 for 100 at a dead loss of $3,300. I would remark, that the Governor and Attorney General were in favor of allowing Mr. Tilford $500. I had the misfortune to differ with them in opinion, and felt bound to maintain my opinion, until I became convinced I was in error; and I have not, as yet, experienced that conviction. I am, with great respect, gentlemen,

Your humble servant, &c.,

BEN. HARDIN.

Ordered, That the Public Printer print 200 copies of said reports for the use of the General Assembly.

Mr. Peyton, from the committee on the Penitentiary, made the following report, viz:

The committee on the Penitentiary, to whom have been referred at different periods of the present session, the various subjects relating to that Institution, after mature consideration, submit the following report:

From a personal examination of the Institution, they are satisfied it is necessary to its success and permanent interest, that it should be enlarged and improved. The present dimensions of the yard is too limited to admit of the erection of the necessary buildings to carry on its business with due regard to the security of the buildings, and the health and comfort of the inmates. Immediately adjoining the yard, is situated a lot, owned by A. P. Cox, Esq., a portion of which the Commissioners of the Sinking Fund have contracted for the purchase of, with a view to the erection of a Warehouse, to accommodate the Institution, and secure from danger of destruction, the manufactured articles belonging to it. This purchase is 45 feet fronting on High street, and extending back 80 feet; the price agreed to be paid, is $15 per foot, amounting in the whole to the sum of $675. The proprietor of the balance of the lot, agrees to sell it to the State at the same price per foot, extending to the corner of Clinton street, and including the 45 feet sold to the State; its length is 160 feet, the entire depth is the same of the present Penitentiary wall, which is 280 feet; making the cost of the entire lot $2,400. The committee are satisfied that the price demanded for this lot is low, and the purchase is absolutely necessary to the successful and proper management of the interest and business of the Institution. If, however, it may be considered proper to purchase a part of the lot, the proprietor proposes to sell only 100 feet front on High street, and extending back the depth of the lot, at the same rate, and indeed greatly prefers selling a part to the whole, at the price stipulated.

From an estimate furnished by the Keepers of the Penitentiary, the probable cost of extending the walls of the Prison yard around the entire lot proposed to be added, would be $4,731.
The Penitentiary is unprovided with a suitable house for the prisoners to eat in, and it is necessary that one should be erected. It is proposed to make this house two stories high, the upper part of which may be used as a Chapel, and the probable cost as estimated, would be $3,500.

In order to secure the public property and the buildings against fire, it is proposed to erect in the yard of the Prison, an extensive cistern, the walling and probable cost of which would be $200. To secure the same object, during the past summer, the Keepers of the Penitentiary have supplied the Institution with a Fire Engine, which cost $360; 300 feet of hose pipe, which cost $210; 156 feet of cast iron pipe for watering the yard, and supplying the cistern, which cost $220; a fire plug and stop cock, which cost $54 50; and they have erected and placed on the roof of the buildings, five large water cisterns, at $25 each; 100 fire buckets, at 80 cents each; a lead pipe, cock, &c. for supplying the Fire Engine, at $1870—amounting in the whole, including carriage, &c., to the sum of $1,109 70. The committee are of opinion that these articles are necessary and proper for the preservation of the buildings and other property in the Penitentiary, and that the Commonwealth ought to pay for them, or at least a proportion of the cost equal to the interest of the State in the buildings and property they are designed to secure.

The act approved 10th February, 1845, authorized the Commissioners of the Sinking Fund, with the concurrence of the Governor, to cause the erection of buildings and machinery, not exceeding in value $10,000; and in furtherance of that object, directed the sum of $5,000 to be paid out of the Treasury. Buildings, which in the opinion of the committee, were necessary and proper for the profitable employment of the inmates of the Prison, have been erected; but there is left unfinished, a female Prison, the completion of which is regarded as highly important. The amount necessary for this object is estimated at $671 11. The estimate furnished by the Keepers to the Commissioners of the Sinking Fund for the completion of the buildings erected during the last year, and including the female Prison, was found to be too low, in consequence of a change of plan, deemed essential in the construction of the buildings, and is the cause of the additional appropriation being now necessary to complete the female Prison. The committee have examined the buildings erected, and are satisfied that the work is well done, and upon as reasonable terms as ought to be expected.

By the terms of the contract with the Keepers of the Penitentiary, they are bound to pay the State five thousand dollars per year as net profits. Owing to the destruction of the buildings, work shops, &c., and the failure of the State to advance, by way of capital to carry on the business of the Institution, the 25,000 dollars of raw materials, stock and manufactured articles, which it was supposed would have remained on hand at the expiration of the time of the late Keeper, the present Keepers have been subjected to great loss and inconvenience, having alone to rely on their individual credit and resources for the necessary means to carry on the business of the concern. They have been compelled to pay a high rate of interest out of their own means, to obtain the capital, and instead of devoting the entire labor of the inmates to manufacturing purposes, much of the labor of the convicts has necessarily been employed in the erection of the buildings. The State has furnished only $5,000 in money to meet the expenditure of $31,346 70, used in the erection of buildings, machinery, &c., leaving the
to the sum of $11,190.65. The Keepers, at their last settlement with the Commissioners of the Sinking Fund, fell in debt the sum of $1,794.38, on account of the $5,000 they are bound to pay each year, after paying over the entire profits of the Penitentiary, and it is supposed that in their settlement this year, the deficiency will be about the same amount. This failure of the concern to realize the expectations of the parties to the contract, and enable the Keepers to pay to the State $5,000 of net profit, has been produced, as we suppose, by the failure of the State to comply with her part of the agreement by advancing the capital expected to be advanced at the commencement of the time of the Keepers, and resulting from the disastrous consequences of the fire. The State would perhaps have it in her power, by the terms of the contract, to throw these losses on the Keepers, they being unconditionally bound to pay at least the $5,000 per year. But it is submitted whether a regard for justice, and becoming liberality on the part of the State, ought not to induce a release of these amounts to the Keepers.

It is thought that the profits of the Penitentiary during the next three years, will be sufficient to reimburse the State the loan of $5,000 advanced for the erection of buildings, and complete the improvements and extension of the yard as suggested in this report. This result is all that ought to be reasonably expected, and its consummation will place the establishment in a condition to realize all the profits that ought to be reasonably expected.

The attention of the committee has been directed to the condition of the cells in the Prison. They are so constructed and fenced around with a wall reaching to the roof, as to exclude the possibility of having sufficient air to render them reasonably comfortable or healthy. The plan of their construction is perhaps the worst that could have been devised, with any regard to the health or comfort of those destined to inhabit them. To make these cells such as they ought to be, and such as humanity might suggest, would necessarily involve the State in a heavy expenditure, as it would require their destruction and re-building. The committee have therefore thought it their duty to recommend, that sufficiently secure windows be placed at proper distances in the wall, to afford a circulation of air within the outer walls. This improvement, it is estimated, would cost about $400; and it is perhaps the only improvement that it would be prudent to make at the present time.

The attention of the committee has also been drawn to the fact, that the roof of the offices are very defective, and require repairing. We therefore recommend that the Governor be directed to contract for such repairs as may, upon a minute examination by competent persons, be deemed necessary. It is supposed that the expense cannot, under any circumstances, be great.

The office of Clerk of the Penitentiary is of vast importance to the State, and involves great responsibility. The duties are very laborious, and for some years past have been discharged with great fidelity and efficiency by the present incumbent, who is in all respects a most worthy and deserv-
The clerk of the Senate, Mr. J. A. Mcmillan, in a very courteous manner and with great delicacy, suggested to the committee in his letter which accompanies this report, that his salary, which is only $750 per annum, is entirely disproportioned to the amount of responsibility and labor incident to the office, and asks that his salary may be increased $250. The salary of this officer is paid out of the profits of the Penitentiary, and the Keepers have not only given their consent to the increase, but urge it, upon the ground that it is an act of justice. The proportion of the increase to be paid by the State would be $166, and the proportion paid by the Keepers $84.

The committee are satisfied, from inquiry upon this subject, that the request of the clerk is reasonable and just, and ought to be granted.

Mr. Peyton, from the same committee, reported a bill in relation to the Penitentiary, 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 placed in the orders of the day.

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

Mr. Wallace, 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 71st Regiment of Kentucky Militia.

An act for the benefit of Jonathan Newcomb.

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

Mr. Wallace, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Fayette Rifle Company, reported the same with an amendment, which was concurred in.

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

The constitutional rule as to the third reading being dispensed with, Resolved, That said bill, as amended, do pass, and that the title be amended by adding "and Midway Highland Guards."

Mr. Wallace, from the same committee, to whom was referred a bill allowing Martin Fugate, late sheriff of Pendleton county, further time to return his delinquent list of muster fines, and for other purposes, reported the same without amendment.

Ordered, That said bill 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 said bill do pass, and that the title thereof be as aforesaid.
Mr. James read and laid on the table the following resolution, viz:

Resolved by the Senate and House of Representatives, That the committee on Finance in the Senate, and the committee of Claims in the House of Representatives, be a joint committee to examine all claims to be provided for in the General appropriation bill, before the said bill is reported to the House of Representatives.

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

On the motion of Mr. Patterson, leave was given to withdraw certain papers of W. King, in relation to the establishment of the town of Milton.

And then the Senate adjourned.

TUESDAY, FEBRUARY 10, 1846.

1. Mr. Evans presented the petition of Carrel Kendrick, praying the passage of a law to allow him to import a negro girl into this State, which was received and referred to the committee on Propositions and Grievances.

On the motion of Mr. Evans,

Resolved, That the committee on Finance is hereby requested to take into consideration the propriety of passing a law directing the County Courts in this State, who have not done so, to allow pay to such Commissioners of Tax, who, in the year 1845, in consequence of the change made by the Legislature of the Revenue Laws, had to re-take lists, which before said change, they had already taken; and that they report by bill or otherwise, as early as practicable.

Resolved, That the Senate concur in the amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act to change the Anderson and Franklin county line.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

1. An act to legalize the proceedings of the Estill County Court, held in March, 1845.
2. An act to change the name of Woodson Clay Gordon to that of Woodson Clay Montgomery.
3. An act for the benefit of Elizabeth Wathen.
4. An act to limit the elections in Calloway and Marshall counties to one day.
5. An act to incorporate the Blue Lick Hotel and Water Company.
6. An act to add a part of Henry to Oldham county.
7. An act to incorporate the Dialectic Society of Shelby College.
8. An act allowing an additional Constable to Nicholas county.
9. An act for the benefit of Jacob White, Sheriff of Fulton county.
10. An act for the benefit of Talitha Easterday.
11. An act regulating elections in Hardin, Laurel and Rockcastle counties.
12. An act to amend the charter of the Covington Fire Company.

Ordered, That said bills be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st, 3rd, 5th, 7th, 9th, 10th, 12th, 13th and 14th to the committee on the Judiciary; the 2d, 6th and 8th to the committee on Proposals and Grievances; and the 4th and 11th to the committee on Privileges and Elections.

Mr. Todd presented a communication from Lewis Sanders, Hemp Agent of Kentucky, together with a copy of a letter from the Secretary of the Navy, relative to the purchase of American Hemp for the use of the Navy, which was received and referred to the committee on Agriculture and Manufactures.

Resolution for the removal, (by address,) of George W. Kouns, a Justice of the Peace for Carter county, was twice read.

Mr. Conner moved the following resolution thereon, viz:

Resolved, That the resolutions of the House of Representatives, in relation to the removal of George W. Kouns, be referred to a committee of five, who shall hear the testimony of the memorialists and the accused; and report to the Senate at as early a day as practicable.

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

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

Those who voted in the affirmative, were—

Those who voted in the negative, were—

Messrs. Butler, Evans, Peyton,
    Crenshaw, Key, Todd—6.

Mr. Peyton moved the following instructions to said committee, which were adopted, viz:

With instructions to take into consideration the evidence reported by the House of Representatives, and such other testimony as shall be introduced before them, and report their opinion thereupon to the Senate.

Messrs. Peyton, Patterson, Butler, Harris and Todd were appointed a committee pursuant to the resolution offered by Mr. Conner.

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

An act for the benefit of Lewis Barrett.
An act to change the names of Amanda Jane Hinds, and others, and for other purposes.
An act for the benefit of Elijah McWhorter, of Clay county, and William J. Mayo, of Floyd county.
An act for the benefit of Albert Allen and Ann E. Allen, his wife.
An act requiring certain duties of Justices of the Peace.
An act providing for a change of venue in the prosecution against Robert Simmons, in the Allen Circuit Court.
An act to amend an act, entitled, an act to amend the law regulating appeals from the judgment of Justices of the Peace, approved December 23, 1831.
An act providing for a change of venue in the prosecution against Henry Green.
An act for the benefit of the heirs of Redmond F. Munday.
An act for the benefit of Wm. H. Stephens, and the heirs of Solomon Derossett, deceased.

And enrolled bills which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the Covington and Cincinnati Bridge Company.
An act to amend an act, entitled, an act to incorporate the Louisville and Portland Railroad Company, approved March 2, 1844.

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. A. Boyd reported that the committee had performed that duty.

A message was received from the Governor, by Mr. Hardin, Secretary of
State, announcing that the Governor had approved and signed the said bills which originated in the Senate.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to establish the county of Underwood, reported the same with a statement of the facts.

The said bill is as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of March, next, all that part of Caldwell county, lying and being within the following bounds, viz: Beginning where the old road from Eddyville to Hopkinsville crosses the Trigg county line, near the late Mrs. George's; and running from thence a straight line to the house of John Boyd, on the Turnpike road leading from Princeton to Eddyville, including the house of said Boyd in the new county; thence a straight line to Livingston creek, at old Centreville, where the main road from Princeton to Salem crosses said creek; thence with said creek to Cumberland river; thence crossing said river, and running with the Livingston county line, to the Tennessee river; thence with said river to the Trigg county line; and thence with said line to the beginning, shall form and constitute a new county, to be called the county of Underwood.

Sec. 2. That the Governor of this Commonwealth shall appoint a Sheriff, and nine Justices of the Peace, for said new county; and it shall be the duty of said Justices to meet at the Court House in the town of Eddyville, on or before the first Monday in March next, and after taking the necessary oath of office, and qualified the Sheriff, shall proceed to appoint a Clerk of the County Court of Underwood, to whose permanent appointment a majority of all the Justices in commission in and for said county, shall concur; but if such majority cannot be had in favor of any one person, then the County Court of said county, may appoint a Clerk pro tem, until a majority of said Court shall concur in an appointment of Clerk.

Sec. 3. That the County Court of Underwood, shall be entitled to three Constables, and no more; and the County Court of said county, shall, as soon as the foregoing provisions of this act are complied with, lay off the same into three Constable's districts; and in the appointment of Constables and other county officers, shall be governed by the laws in force regulating such appointments.

Sec. 4. That the County Court of Underwood, shall appoint Commissioners of Tax, for the year eighteen hundred and forty-six, who shall be governed by the laws now in force regulating Commissioners of Tax in this Commonwealth.

Sec. 5. That the County Surveyor of Trigg county, be, and he is hereby, appointed Commissioner, with such assistants as he may deem necessary, to run and mark the division line specified in the first section of this act; and said Commissioner shall be allowed the sum of two dollars per day, while engaged in running and marking the said line; and one dollar per day shall be allowed each assistant, payable out of the county levy of said county of Underwood, and the County Court shall, in making their levy, provide for such payment; and it shall also be the duty of said Court, to notify said Commissioner of the appointment herein made.

Sec. 6. That the town of Eddyville shall be the Seat of Justice for the county of Underwood.
Sec. 7. That all laws regulating elections in the counties of this Commonwealth, shall apply to the county of Underwood.

Sec. 8. That the county of Underwood, shall belong to the seventh Judicial District, and the Circuit Courts for said county, shall be held on the third Monday in February, and the first Monday in August, of each year, and shall continue six Juridical days at each term, if the business of the Court shall require it; and the County Court shall be held on the first Monday of each and every month.

Mr. Patterson moved to lay the said bill on the table until the first day of June, and the question being taken thereon, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Boyd, W. P. Gray, Peyton,
Bradford, Hardin, Slaughter,
Bramlette, Helm, Taylor,
Butler, Henderson, Thurman,
Chenault, Holloway, Todd,
Crenshaw, Key, Walker,
Evans, Patterson, Woodson—22.

Fox,

Those who voted in the negative, were—

Messrs. Ballard, Dyer, Newell,
Boyd, A. Harris, South,
Bradley, Heady, Swope,
Conner, James, Thomas,
Draffin, Marshall, Wallace—16.

Drake,

Leave of absence was granted to Mr. Fox until Saturday evening next.

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

On the motion of Mr. Slaughter—1. A bill for the benefit of John Ricks.
On the motion of Mr. Butler—2. A bill to regulate the terms of the Louisville Chancery Court and the Jefferson Circuit Court, and for other purposes.
On the motion of Mr. Slaughter—3. A bill to amend the laws regulating the inspection of salt.
Also—4. A bill to amend the charter of the Bardstown Female Academy.

On the motion of Mr. Evans—5. A bill to revive and amend an act entitled, an act to incorporate the Louisville, Nashville and Knoxville Railroad Company.

Messrs. Slaughter, Thurman and Heady were appointed a committee to prepare and bring in the 1st; the committee on the Judiciary was directed to prepare and bring in the 2d; Messrs. Slaughter, Butler and Fox were appointed a committee to prepare and bring in the 3d; Messrs. Slaughter, Helm and Swope the 4th; and Messrs. Evans, Helm and Crenshaw the 5th.

And then the Senate adjourned.
WEDNESDAY, FEBRUARY 11, 1846.

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 an act, entitled, and act to incorporate the Louisville and Portland Railroad Company, approved March 2, 1844.

An act incorporating the Covington and Cincinnati Bridge Company.

Approved February 10, 1846.

That they had concurred in the adoption of resolutions from the Senate, of the following titles, viz:

A resolution for a joint committee to examine certain claims.

A resolution fixing a day for the adjournment of the General Assembly, with amendments to the last.

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

An act to reduce the price of vacant and unappropriated lands in Grayson county.

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

An act to amend an act, entitled, an act to establish a Seminary of learning in Morgantown, and for other purposes.

An act for the benefit of John D. Howard.

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

1. Mr. Bramlette presented the petition of Jonathan Jones, and others, praying for the passage of a law to establish a road leading from Liberty, in Casey county, to the Tennessee State line.

2. Mr. Bramlette also presented the petition of W. H. Berry, and others, praying for the passage of a law to allow them to import a slave into this State, from the State of Georgia, without incurring any penalty.

Which were received and referred to the the committee on Propositions and Grievances.

Mr. Peyton moved to re-consider the vote of yesterday, instructing the select committee in the case of George W. Kouns.

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, W. P. Dyer, Patterson,
Bradford, Evans, Peyton,
Bramlette, Gray, Taylor,
Butler, Hardin, Todd,
Chenault, Henderson, Walker,
Crenshaw, Holloway, Woodson—20.
Draffin, Key,

Those who voted in the negative, were—

Messrs. Ballard, Harris, Slaughter,
Boyd, A. Heady, Swope,
Bradley, James, Thomas,
Conner, Marshall, Thurman,
Drake, Newell, Wallace—15.

On the motion of Mr. Peyton, the said instructions voted on yesterday, were amended and adopted, and are as follows, viz:

Resolved, That the select committee appointed to investigate the case of George W. Kouns, shall not be required to re-take any testimony, that either appears in the depositions, or that was taken before the committee of the House of Representatives, but their examination of testimony shall be confined to the charges sustained by the House of Representatives, and for this purpose they shall examine or re-examine any witnesses they may think proper.

Mr. Conner presented the affidavit of George W. Kouns relative to said case, which was referred to the select committee appointed in said case.

Mr. Helm, from the committee on the Sinking Fund, to whom was referred a bill from the House of Representatives, entitled, an act for the relief of Henry Blanton and Robert Snell, executors of Carter Blanton, deceased, reported the same.

Ordered, That said bill be read a third time.

Mr. Key, from the committee on Banks, to whom was referred the petition of sundry citizens of Greensburg, praying the establishment of a Branch Bank in said town, reported the following resolution thereon, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Key, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act to establish the Louisville Bank of Kentucky, and an act to incorporate the Merchants’ Louisville Insurance Company, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Peyton, from the same committee, reported a bill to transfer the duties of the President of the Bank of the Commonwealth, and the Agent of the Old Bank of Kentucky to the First Auditor, and requiring certain duties of the First Auditor and Attorney General, 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 made the special order of the day for Saturday, the 14th instant.
Ordered, That the Public Printer print 150 copies of said bill for the
use of the General Assembly.
Mr. Hardin, from the committee on the Judiciary, to whom was referred
bills from the House of Representatives, of the following titles, viz:
An act to repeal an act, entitled, an act to amend the act incorporating
the town of Columbia, approved February 27, 1844.
An act for the benefit of John Rogers' children.
An act for the benefit of the heirs of Hubbard B. Smith, deceased.
An act for the benefit of Jacob White, Sheriff of Fulton county.
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 said bills, as amended, do pass, and that the title of the
1st bill be amended by inserting the word "amend" in the lieu of the word
"repeal," and adding "and for other purposes," and that the titles of the
others be as aforesaid.
Mr. Hardin, from the same committee, to whom was referred a bill from
the House of Representatives, entitled, an act to incorporate the Lawrence
County Coal Mining Company, reported the same with an amendment, and
said bill and amendment were laid on the table.
Mr. Hardin, from the same committee, reported the following bills, viz:
A bill establishing a Chancery Term of the Clarke Circuit Court.
A bill concerning the Barren Circuit Court.
A bill to change the time of holding the Caldwell Circuit Court.
A bill to reduce the number of Justices of the Peace in Spencer county.
A bill to change the venue in the prosecution of Adison, a slave.
A bill for the benefit of James C. Price and Mary C. Price.
A bill for the benefit of Sabina Turpin, and others.
A bill to incorporate the Cook Benevolent Institution.
A bill to provide for a change of venue in the prosecution against Enoch
Stephens.
A bill for the benefit of Joseph S. N. and James M. Dicken.
A bill for the benefit of William Smart.
A bill regulating the terms of the Louisville Chancery Court and the Jeff-
erson Circuit Court, 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 said bills do pass, and that the titles thereof be as afore-
said.
Mr. Hardin, from the same committee, reported a bill concerning private passways 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,

Mr. Peyton 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 affirmative.

On the motion of Mr. Hardin, the committee on the Judiciary was discharged from the further consideration of the petition of Robert N. Miers, and leave was given to withdraw the said petition.

Mr. Hardin, from the committee on the Judiciary, to whom was referred the petition of Thomas Todd, and others, of the citizens of Athens, and W. M. Thomas, reported the following resolution thereon, viz:

Resolved, That the said petitions be rejected.

Which was concurred in.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to reduce into one the several acts in relation to the town of Danville, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Preston F. Samuels, 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.

On the motion of Mr. Hardin, the committee on the Judiciary was discharged from the further consideration of the petition concerning the County Seat of Owsley county.

Mr. Gray, from the committee on the Lunatic Asylum, made the following report, viz:

The joint committee appointed to visit the Lunatic Asylum and Transylvania University at Lexington, and the Deaf and Dumb Asylum at Danville, have performed that duty, and respectfully submit the following report:

They visited the Lunatic Asylum, examined the construction and arrangement of the buildings, and the situation and condition of the patients. They take great pleasure in stating that the greatest cleanliness and neatness prevailed through all the apartments, and they were so arranged as to afford to the unfortunate inmates, every convenience and comfort attainable with the present construction and extent of the buildings. The intercourse with, and attention to the patients by the Medical Superintendent, and other officers and agents of the Institution, were distinguished by the utmost kind-
ness, pleasantness and tenderness. The patients enjoy every opportunity to exercise in the open air, and as much freedom from restraint, as is consistent with their situation, and the construction of the buildings and partition of the grounds will permit. The good order, decorum, and propriety of their conduct, not only in their intercourse with the Superintendent, but with each other, and with strangers, in their apartments, in the yard, and at their meals, is very remarkable, and affords satisfactory evidence of the happy effects of kindness and politeness in their attendants. Your committee are satisfied that they are as well classified, and receive every attention and comfort that can be afforded by the most competent and devoted Superintendent, with the present contracted and inconveniently constructed buildings. The buildings are entirely inadequate to the judicious and proper classification of the present number of inmates; and are so constructed, that some of them necessarily occupy damp and disagreeable apartments in the basement story, which is clearly stated and commented upon in the able report of the Medical Superintendent. The area of the ground of the Institution, is about thirty acres, which is entirely inadequate to its successful and economical management; but there is no land that can be procured at this time for a reasonable price. The Directors of the Institution, who deserve the regard and gratitude of the friends of humanity, for their disinterested efforts to ameliorate the condition of the insane, recommend the appropriation of $15,000, in addition to the materials and means on hand, and labor that can be contributed from the Institution, as the smallest sum that will be sufficient to erect suitable buildings and other improvements that are necessary for the judicious classification and comfort of the patients. The number of patients at present in the Institution, is 220—a large increase since last year. And the Directors have been compelled, for the want of room, to refuse admission to more than fifty applicants from other States during the past year, which clearly demonstrates the absolute necessity for enlarging the buildings. The law requires that persons who are able to pay, shall not be charged more for the benefits and comforts of the Institution, than the State appropriates to support her own indigent citizens.

Many patients require more attention, and are more troublesome than others; and your committee can see no good reason why those who can afford it, should not pay in proportion to the trouble they give, and the attention and comforts they require and receive. The Superintendent stated that in some instances the medicine actually administered to a patient in a week, cost more than the amount of the weekly charges. In all other well regulated Asylums, pay patients, and particularly those from other States than the one in which the Asylum is located, are charged more than those supported at the public expense. And a proper and just regulation of this matter, would yield a revenue to the Institution, that would aid in its general support and improvement, and reduce the annual expenditures on the part of the State. Your committee would therefore recommend, that the charges for the pay patients be increased, at the discretion of the Directors, not exceeding five dollars per week.

From the report of the Superintendent, it is evident that patients should be in the Institution as soon as practicable after the discovery of their malady. It is therefore very desirable that every inducement should be offered, and every facility afforded, for their speedy removal to the Institution; and with a view to attain this object, your committee would recommend, that
the Clerk, or some suitable person in each county, be authorized to hold inquisitons of lunacy, under the rules and regulations now prescribed by law.

The costs of conveying Lunatics to the Asylum, is now a heavy item of expense, and it is believed a great saving would result to the Institution, by requiring the Directors to send for the patients, as soon as they can be notified of the inquest.

From information of persons well acquainted with the management of the insane in various Asylums, your committee are satisfied that 250 are as many as ought to be in any one institution; that there are now in our State, at least 500, more than half of whom are without the enjoyment of the blessings and comforts of hospital treatment. And if Kentucky intends to maintain and preserve the high character she has so justly acquired, for liberality and humanity in affording protection and support to this unfortunate class of her citizens, she must erect another institution. And the great facility of acquiring, at small cost, a suitable quantity of land for its location; the great abundance of building materials, cheapness of building, and supplies for the support of such an Institution, and the great saving in the costs of conveying the patients to the Asylum, point to the Southern part of the State, as a suitable and proper place for its location.

For an account of the management, income and expenditures of the Institution for the past year, and for the current expenses of the present year, reference is made to the report of the Directors and Secretary of said Institution.

For a list of the officers, attendants, &c., and their salaries, see exhibit (A,) appended to this report.

TRANSYLVANIA UNIVERSITY.

Transylvania University continues to prosper and flourish, under its present organization, and bids fair to outstrip the most sanguine anticipations of its friends, and become one of the most extensive and distinguished institutions of learning in our country. Good order, method, and proper discipline, are strictly observed in its management. Its elevated and healthy situation, in the beautiful and lovely city of Lexington, together with the moral worth and intellectual acquirements of its Professors, render it one of the most desirable schools in the Union. The number of Students in Morrison College, including the Preparatory Department, as stated by the Chairman of the Trustees, is 231—Law Department, sixty—Medical Department, one hundred and seventy. The eminent ability, profound learning, and great experience of the Professors in the Law Department, have given to it a character and rank not surpassed by any similar Institution in our country. The facilities afforded for acquiring a knowledge of the elementary principles of the science, from the critical examination of the text books, and the explanatory lectures by the Professors; and a practical knowledge of the principles of pleading, as applicable to cases that constantly occur in the country, from the exercises in the moot courts, should induce every student desirous of becoming proficient in his profession, to attend at least one course of the lectures.

The Medical Department, also offers inducements equally enticing to the students of medicine. It is one of the most ancient and distinguished in-
institutions in the West. The high character and standing of its Professors; its extensive and commodious buildings, fine Library, Chemical Apparatus, and superior preparations of Morbid Anatomy, and specimens on the various subjects of the lectures, will insure the perpetuation of the established reputation it has so justly acquired.

DEAF AND DUMB ASYLUM.

The Deaf and Dumb Asylum is pleasantly located on the border of the beautiful and healthy town of Danville. Neatness, good order, and proper discipline, seem to be properly appreciated and observed in the management of this Institution. And under the Superintendence of its very accomplished and experienced Principal, J. A. Jacobs, and its amiable and intelligent Matron, Mrs. Jacobs, every facility is afforded to the unfortunate Deaf and Dumb for receiving the inestimable benefits of education. The number of pupils now enjoying the benefits afforded by this Institution, is thirty seven—greater than at any previous period since its establishment. Your committee had the pleasure and satisfaction of witnessing an examination of the pupils. The wonderful progress made by them in the acquisition of knowledge, affords the most incontestible evidence of the qualifications of the teachers, and their industry and application in the discharge of their duty. The number of beneficiaries at present authorized by law, to be supported in this Institution, is twenty-five. There have been, since October last, four over this number enjoying the benefits of the Institution. Your committee would recommend that an appropriation be made for their support since their admission, and that the number provided for by law be enlarged to thirty. This, it is believed, will afford to all the indigent of this unfortunate class of our citizens, an opportunity of enjoying the blessings of education. And since provision has been made for a portion of this class, sheer justice and common benevolence, require at our hands, that all should be upon an equality, and enjoy the same benefits and privileges. For an account of the receipts and disbursements of the Institution, reference may be had to the report of the Trustees.

N. E. GRAY,
Chairman Senate Committee.

WILLIS G. HUGHES,
Chairman of the H. R. Committee.
**EXHIBIT A.**

The following persons are in the employment of the Lunatic Asylum of Kentucky, with their compensation annexed.

<table>
<thead>
<tr>
<th>No.</th>
<th>NAMES</th>
<th>SERVICE</th>
<th>COMPENSATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>John R. Allen</td>
<td>Medical Superintendent</td>
<td>$375.00 per qur. and Board</td>
</tr>
<tr>
<td>2</td>
<td>J. Simpson</td>
<td>Assistant Physician</td>
<td>91.00</td>
</tr>
<tr>
<td>3</td>
<td>W. Rice</td>
<td>Steward</td>
<td>75.00</td>
</tr>
<tr>
<td>4</td>
<td>Mrs. J. Rice</td>
<td>Matron</td>
<td>50.00</td>
</tr>
<tr>
<td>5</td>
<td>Miss Mary Burch</td>
<td>Attendant</td>
<td>25.00</td>
</tr>
<tr>
<td>6</td>
<td>Miss E. Reale</td>
<td></td>
<td>25.00</td>
</tr>
<tr>
<td>7</td>
<td>Miss E. Johnson</td>
<td></td>
<td>25.00</td>
</tr>
<tr>
<td>8</td>
<td>Miss L. Weaver</td>
<td></td>
<td>25.00</td>
</tr>
<tr>
<td>9</td>
<td>Mrs. L. Anderson</td>
<td></td>
<td>25.00</td>
</tr>
<tr>
<td>10</td>
<td>Miss M. J. Withrow</td>
<td></td>
<td>25.00</td>
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<tr>
<td>11</td>
<td>Miss E. Diamond</td>
<td></td>
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</tr>
<tr>
<td>12</td>
<td>John Williams</td>
<td>Farmer</td>
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<td>13</td>
<td>John Sullivan</td>
<td>Gardner</td>
<td>60.00</td>
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<td>14</td>
<td>M. Cummins</td>
<td>Attendant</td>
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<tr>
<td>15</td>
<td>W. Evans</td>
<td>Attendant and Baker</td>
<td>60.00</td>
</tr>
<tr>
<td>16</td>
<td>A. H. Weaver</td>
<td>Attendant</td>
<td>60.00</td>
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<tr>
<td>17</td>
<td>P. Fitzpatrick</td>
<td>Carpenter</td>
<td>78.00</td>
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<tr>
<td>18</td>
<td>W. Christie</td>
<td>Cooks</td>
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<td>19</td>
<td>T. Probert</td>
<td>House servant</td>
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<tr>
<td>20</td>
<td>W. Holliday</td>
<td>Secretary and purchaser</td>
<td>125.00 per qur. without Board</td>
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<tr>
<td>21</td>
<td>P. Hann</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Four Negro Women</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>One Negro Woman</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>W. E. Milton</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Lost time is deducted from their wages.

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

Mr. Gray, from the same committee, reported a bill for the benefit of the Lunatic Asylum, 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. Gray presented the memorial of Miss D. L. Dix, soliciting an appropriation for the State Hospital, for the insane at Lexington; and also, urging the necessity of establishing a new Hospital in the Green River Country, which was received, and the Public Printer ordered to print 1,000 copies thereof, for the use of the General Assembly.

And then the Senate adjourned.
THURSDAY, FEBRUARY 12, 1846.

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 landlord and tenant.
An act providing for a change of venue in the prosecution against Joseph H. Coleman.
An act authorizing the County Court of Marshall county to appoint a Treasurer.
An act to amend an act, entitled, an act for the benefit of Eliza A. Roman, approved February 13, 1844.
An act to establish a Mechanics’ Institute in the town of Paducah.
An act for the benefit of the infant heirs of James Howe, deceased.
An act to allow an additional week to the Ballard Circuit Court.
An act to change the August Term of the Hickman County Court.
An act to amend in part, and repeal in part, an act, entitled, an act to amend the laws incorporating the town of Hickman, in Fulton county.
An act for the benefit of Wm. F. B. Garrett and Rebecca Garrett.
An act reducing the number of Justices of the Peace of Washington county.
An act requiring Clerks of County Courts to perform certain services.
An act to amend and reduce into one the several acts in relation to the town of New Liberty, in Owen county.
An act for the benefit of Robert A. and Mary P. Moffett.
An act to amend the laws of Civil and Chancery proceedings.

1. Mr. Bradford presented the petition of John Downing, and others, praying for the passage of a law authorizing the sale of a small lot of ground in the town of Frankfort.
2. Mr. Draffin presented the petition of Maria T. Taylor, praying for a divorce.
3. Mr. Draffin also presented the petition of Dickson G. Dedman and others, Trustees of Ann Daviess, praying for the passage of a law authorizing the sale of certain out lots adjoining the town of Lawrenceburg, the property of said Ann Daviess.
4. Mr. Swope presented the petition of W. Tully, praying for the passage of a law authorizing the conveyance of the real estate of William Arnold, by a Commissioner.
5. Mr. Bradford presented the petition of sundry citizens of the town of Clintonville, praying for the passage of a law to incorporate said town.

Which were received and referred: the 1st, 3d, 4th and 5th to the committee on the Judiciary; and the 2d to the committee on Religion.
Leave was given to withdraw the petition in relation to the location of the Owsley County Seat.

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

On the motion of Mr. Thomas—1. A bill for the benefit of Missouri and Mary Jane Arnold.

Also—2. A bill for the benefit of the Marshal of the city of Covington.

On the motion of Mr. Drake—3. A bill to incorporate the town of Shelbyville.

The committee on Propositions and Grievances was directed to prepare and bring in the 1st bill; and the committee on the Judiciary the 2d and 3d.

A bill from the House of Representatives, entitled, an act for the benefit of John D. Howard, 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 said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Hardin, the committee on the Judiciary was discharged from the duty of preparing and bringing in a bill to authorize the Jailer of Fleming county to sell a runaway slave named Isaiah, to pay expenses and jail fees.

Mr. Hardin moved that the committee on the Judiciary be discharged from the further consideration of a resolution moved by Mr. Swope on the 14th ultimo, directing them to enquire as to the expediency of allowing to the Commonwealth a peremptory challenge of jurors in criminal cases.

Mr. Swope moved the following resolution, viz:

Resolved. That the resolution be recommitted, and the committee on the Judiciary be instructed to bring in a bill to allow the Commonwealth of Kentucky, in criminal prosecutions, a peremptory challenge to one fourth of the number of jurors allowed to the accused.

Mr. Conner moved to lay the said motion and resolution on the table.

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

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

Those who voted in the affirmative, were—

Those who voted in the negative, were—

Messrs. Evans, Swope, Wallace,
Gray, Thomas, Woodson—7.
Newell,

Mr. Hardin, from the committee on the Judiciary, reported a bill to authorize the appointment of a Police Judge for the town of Athens, in 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 said bill being dispensed with, and the same being engrossed,

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

Mr. Hardin, 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, entitled, an act to incorporate the town of Lancaster.
An act to incorporate the town of Midway, in Woodford county.
An act for the benefit of James Coleman's children.
An act for the benefit of William P. Mitchell, a lunatic.
An act providing for a change of venue in the prosecution against Reuben Payne.
An act for the benefit of the devisees of Carter Tadlock, deceased.
An act for the benefit of Nancy Eastin.
An act to establish the town of Johnstonville, in Monroe county.
An act for the benefit of the Trustees of the town of Carlisle.
An act to legalize certain proceedings of the Bullitt County Court.
An act to legalize the proceedings of the Estill County Court, held in March, 1845.
An act for the benefit of Mary D. Cassedy.
An act for the benefit of the devisees of Sarah Crawford, deceased.
An act for the benefit of John P. Dorsey, and others, heirs of Greenberry Dorsey, deceased.
An act for the relief of Jane, Marion, and Samuel Walker, infant heirs of Harvey M. Walker, deceased.
An act for the benefit of Elizabeth Wathen.
An act to amend the charter of the Covington Fire Company.
An act for the benefit of William W. Bowen and Rachel Nesbit.
An act to extend the corporate limits of Newport, and for other purposes.
An act concerning ferries on the Ohio river.
An act for the benefit of Samuel Godsey.
An act to amend an act, entitled, an act to provide for taking the sense of the people of Mason county, relative to the seat of Justice of said county, approved February 1, 1845.

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

Mr. Hardin, from the same committee, reported a bill to incorporate the town of Somerset, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred an engrossed bill entitled, an act to prohibit the hiring of slaves to free negroes, and the sale of spirituous liquors to free negroes, reported the same without amendment.

The question being taken on re-engrossing and reading the said bill a third time, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Ballard, Gray, Marshall,
Boyd, W. P. Hardin, Patterson,
Bradford, Harris, Peyton,
Bramlette, Heady, Taylor,
Crenshaw, Holloway, Todd,
Evans, Key, Wallace—18.

Those who voted in the negative, were—

Messrs. Boyd, A. Drake, Swope,
Bradley, Dyer, Thomas,
Butler, Henderson, Thurman,
Chenault, James, Walker,
Conner, Newell, Woodson—17.
Draffin, Slaughter,

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Talitha Easterday, 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 were disagreed to.
On the motion of Mr. Walker, the committee on Propositions and Grievances was discharged from the consideration of the petition of the citizens of Paintsville, and the said petition was referred to the committee on the Judiciary.

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

1. An act to change the name of Woodson Clay Gorden to that of Woodson Clay Montgomery.
2. An act for the benefit of Thomas Howser, of Monroe county.
3. An act allowing an additional Constable to Nicholas county.
5. An act for the benefit of Thomas Shannon Head.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading of the 1st, 3d, 4th and 5th bills being dispensed with,

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

Mr. Walker, from the same committee, to whom was referred the petition of sundry citizens of Livingston and Crittenden counties, praying a change in the division line of said counties, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. Walker, from the same committee, to whom was referred the petition of W. H. Berry, and others, reported the following resolution thereon, viz:

Resolved, That said petition be rejected.

Which was concurred in.

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

A bill to change the name of William Mahan to William Nelson Rice.
A bill to amend the road law of Greenup county.
A bill for the benefit of Carol Kendrick.
A bill to amend an act incorporating the town of Raywick.

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

Mr. Walker, from the same committee, to whom was referred a bill
from the House of Representatives, entitled, an act to add a part of Henry to Oldham county, reported the same with the opinion of the committee that it ought not to pass.

The said bill is as follows, viz:

**Be it enacted by the General Assembly of the Commonwealth of Kentucky,**

That all that part of Henry county included in the following boundary, viz: Commencing at a point near John W. Berry's, where the counties of Shelby, Henry and Oldham corners; thence a straight line to William Thompson's, leaving his residence one hundred yards in the county of Henry; thence a straight line, leaving the residence of B. F. Tanner one hundred yards in the county of Henry; thence a straight line, leaving the residence of John S. Maddox one hundred yards in the county of Henry; thence a straight line to a point in the road from Bedford to Shelbyville, at the eastern corner of James N. Hughes' land; thence with said road to a point opposite to the house of Robert Hutchison; thence a straight line to a point in the road from Lagrange to Bedford, where the Henry and Oldham lines crosses the said road; thence with the Henry and Oldham line to the beginning, be, and the same is hereby, added to the county of Oldham.

Mr. Draffin 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 affirmative.

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

Those who voted in the affirmative, were—

<table>
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<tr>
<th>Messrs. Ballard,</th>
<th>Boyd, W. P.,</th>
<th>Boyd, A.,</th>
<th>Conner,</th>
<th>Dyer,</th>
<th>Evans,</th>
<th>Harris,</th>
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<tr>
<td>Draffin,</td>
<td>Drake,</td>
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<td>James,</td>
<td>Key,</td>
<td>Marshall,</td>
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<td>Swope,</td>
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<td>Thorman,</td>
<td>Todd,</td>
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<td>Woodson—23.</td>
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Those who voted in the negative, were—

<table>
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<tr>
<th>Messrs. Bradford,</th>
<th>Bradley,</th>
<th>Bramlette,</th>
<th>Butler,</th>
<th>Chenault,</th>
<th>Crenshaw,</th>
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<tr>
<td>Gray,</td>
<td>Hardin,</td>
<td>Helm,</td>
<td>Henderson,</td>
<td>Holloway,</td>
<td>Patterson,</td>
</tr>
</tbody>
</table>

Mr. Key, from the committee on Banks, made the following report, viz:

[For Report—See Legislative Documents.]

Ordered, That the Public Printer print 50 copies of said report and accompanying documents, for the use of the General Assembly.

Mr. Harris, from a select committee, reported a bill to furnish certain Justices of the Peace a copy of Brown and Moreheads' Digest, 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 Finance.

Mr. James moved to take up a resolution fixing a day for the adjournment of the General Assembly, with the amendments thereto, proposed by the House of Representatives.

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, A. Gray, Patterson,
Bradford, Hardin, Peyton,
Bradley, Heady, Taylor,
Bramlette, Henderson, Thurman,
Chenaull, Holloway, Todd,
Conner, James, Walker,
Crenshaw, Marshall, Wallace—23.
Evans, Newell,

Those who voted in the negative, were—

Messrs. Ballard, Harris, Swope,
Boyd, W. P. Helm, Thomas,
Drake, Key, Woodson—11.
Dyer, Slaughter,

The amendments of the House of Representatives to the said resolution, were twice read and concurred in.

And then the Senate adjourned.

FRIDAY, FEBRUARY 13, 1846.

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 concerning the town of Albany, in Clinton county.

An act to change the name of Hardin Land to Hardin Crawford.

An act to legalize the appointment of William W. Stockton, Constable of Green county.
An act to change the name of William M. Gray to William M. Medlock, and for other purposes.

An act for the benefit of Henry H. Phillips.

An act to establish a road in Madison and Garrard counties.

An act to authorize the Clerks of the County Courts to administer an oath to witnesses who offer to prove the age of persons applying for marriage license.

An act to amend the act, entitled, an act for the benefit of the Preachers Aid Society of the Kentucky Conference, approved February 15, 1842.

An act providing for a change of venue in the prosecution against James Lane.

An act to provide for the running and marking the dividing line between the counties of Campbell and Pendleton.

An act to allow the Marshal of the town of Bowlinggreen to act as Constable in said town, and within one half mile of the same.

An act to authorize the County Court of Scott county to borrow money to re-build the County Jail.

An act to incorporate the St. John's Church at Princeton, in Caldwell county.

An act to authorize the Trustees of Somerset Academy to sell and convey a lot of ground in the town of Somerset.

An act to change the time of holding the Caldwell Circuit Court.

That they had passed bills entitled,

An act for the benefit of Charles L. Boswell.

The last named bill 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,

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

1. Mr. Todd presented the petition of Thomas Gray, of Fayette county, praying for the passage of a law changing the name of Benjamin Thomas Spry, to that of Benjamin Thomas Gray.

2. Mr. A Boyd presented the petition of Edmund Robertson, praying for the passage of a law to allow him to bring into this State, from the State of Tennessee, a negro girl named Betsey.

3. Mr. Henderson presented the petition of George P. Brown and William H. Randall, Common School Commissioners in Laurel county, praying for the passage of a law to allow them to draw the amount due to certain School Districts in said county.
4. Mr. Taylor presented the remonstrance of James S. Lane, against the passage of a law to incorporate the town of Clintonville.

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 Education.

The message received from the Governor on the 11th instant, was taken up and read as follows, viz:

_Gentlemen of the Senate:_

I nominate for your advice and consent, William Smedley, Henry F. Given, John E. Wilson, Richard Olive, and William Gordon to be Trustees of the Cumberland Hospital, for the ensuing year.

WM. OWSLEY.

_Resolved, That the Senate advise and consent to the said appointments._

Mr. Drake, from the committee on Privileges and Elections, reported a bill to establish precincts in Franklin county, 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, and the Senate proceeded to the consideration of the orders of the day.

Mr. A. Boyd, 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 Edward D. Stockton, of Estill county, and others.

An act for the relief of the administrator of William A. Pendleton, late Clerk of the Kenton Circuit and County Courts.

An act for the benefit of John D. Howard.

An act to amend an act to establish the Louisville Bank of Kentucky, and an act to incorporate the Merchant's Louisville Insurance Company.

An act for the benefit of Nancy Eastin.

An act to establish the town of Johnstonville, in Monroe county.

An act to amend an act, entitled, an act to incorporate the town of Lancaster.

An act for the benefit of the devisees of Carter Tadlock, deceased.

An act to amend the charter of the Covington Fire Company.

An act for the benefit of William W. Bowen and Rachel Nesbit.

An act to legalize certain proceedings of the Bullitt County Court.

An act concerning ferries on the Ohio river.

An act for the benefit of Samuel Godsey.

An act for the benefit of Mary D. Cassedy.

An act to legalize the proceedings of the Estill County Court, held in March, 1845.

An act for the benefit of Elizabeth Wathen.

An act for the benefit of the devisees of Sarah Crawford, deceased.
An act for the benefit of John P. Dorsey, and others, heirs of Greenberry Dorsey, deceased.
An act for the benefit of the Common Schools in Graves county, and for other purposes.
An act to incorporate the Maysville College, and for other purposes.
An act for the benefit of the 71st Regiment of Kentucky Militia.
An act for the benefit of Jonathan Newcum.
And had 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. A. Boyd reported that the committee had performed that duty.

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

On the motion of Mr. Chenault—1. A bill for the benefit of Kentucky Militia, ordered out by the Governor to defend the Manchester Jail in the case of Abner Baker.

On the motion of Mr. Conner—2. A bill to amend the law in the appointment of Constables.

The committee on Finance was directed to prepare and bring in the 1st; and Messrs. Conner, Walker and Thomas were appointed a committee to prepare and bring in the 2d.

Mr. Evans, from a select committee, reported a bill to amend the law regulating the election of Trustees in the town of Port Oliver, in Allen 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 amended and engrossed,

Resolved, That said bill do pass, and that the title be amended by adding thereto "and the town of Hopkinsville."

A resolution fixing a day for the election of Public Officers was taken up, amended and adopted, as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on the 21st day of February, 1846, proceed by joint vote of both Houses to the election of the Public Officers of the State.

Mr. Slaughter, from the committee on Agriculture, made the following report, viz:

The committee on Agriculture, to whom was referred leave to bring in a bill to provide for a Geological Survey of Kentucky, submit the following report and resolution:

Plan of organization of a complete corps for making a geological survey of the State, with the attendant expenses:
1. A Field Geologist, or principal, salary, $1,500 00
2. First Assistant, 500 00
3. Second Assistant, 500 00
4. One Chemist, for analyzing soils, minerals, &c., 500 00
5. Outfit for conveyance, and philosophical instruments, &c., 500 00

**Total expense, per annum, $3,500 00**

The above organization will be sufficient to make as complete a geological survey of Kentucky, in three years, as has been made of any one of the United States.

The benefits to be derived from a geological survey, may be stated as follows:

1. A better and fuller development of the mineral resources of the State, by finding new mineral districts, and new and valuable localities in those already known.

2. The finding of new minerals, especially lead, which has lately been ascertained to exist extensively in the neighborhood of Cumberland river.

3. Ascertaining the localities where borings may be successfully made for salt, and the depth to which they must be carried.

4. Finding the localities where the best and most durable building rock for architectural purposes, and the construction of public works, can be obtained.

5. Pointing out the difficulties to be overcome in the construction of public (and sometimes private) works, and the danger to the permanency of such works, arising solely from geological causes.

6. Ascertaining the localities and comparative value of the various kinds of rock used for cements.

7. Finding to what extent gypsum, or plaster of Paris, exists in this State, as well as fire clays, and clays suitable to be used in pottery. All of which are known to exist, but to what extent is not known.

8. The improvement of agriculture, by ascertaining the actual condition and defects of the soils in various parts of the State, and the best methods for their improvement.

9. The diffusion of sound knowledge among the people on all the above topics, thereby both informing the public mind of the nature and extent of the resources of the State, and stimulating it in the development of them.

10. The collection and arrangement of a complete suite of specimens of all the rocks and minerals of the State, for the Capitol, and the Kentucky Historical Society, and each of the collegiate institutions of the State.

It may be remarked as to some of the enumerated benefits to be derived from the geological survey of the State, that fire clay is to be found in the vicinity of the coal. It is believed to exist in Hancock, Madison and Estill counties, and in other counties on the border of the coal fields. Fire clay is the material of which fire brick is made. Brick made of this clay is known to resist fluxion or melting when exposed to intense heat. Fire brick, to a large amount in value, is annually brought into the State from Pennsylvania. Manufacturing establishments which require the application of high heat, every steam boat, and stationary steam furnace, as well as every per...
petul tame kiln, and all fire grates in dwelling houses, indispensably require
fire brick.
Clay suitable to be used in the manufacture of Liverpool or Queensware,
found in great abundance in the chalk banks on the Mississippi river in
this State.
Gypsum has been discovered on the waters of Salt river and its tributarys,
also in Wayne and Green counties, and most probably will be found
in both Hardin and Larue.
In reference to cements, it is proper to state, that hydraulic lime is manu-
factured at Louisville in large quantities, and that the rock from which it
is manufactured is distributed in great abundance in various sections of the
State, especially at the mouth of Red river, on the Kentucky, and in Mad-
ison, Clarke and Christian.

G. CLAYTON SLAUGHTER, Chairman.

Resolved by the General Assembly of the Commonwealth of Kentucky,
That a thorough Geological Survey is expedient and imperatively called for
by the best interests of this Commonwealth.

The said resolution was concurred in.

Ordered, That the Public Printer print 1,000 copies of said report for the
use of the General Assembly.

Mr. Wallace, from the committee on Military Affairs, reported a bill to
abolish Militia Musters, which was read the first time, and laid on the table.
Mr. Wallace, 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 the Militia Laws, approved February 9, 1837, 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 de-
cided in the affirmative.

The yeas and nays being required thereon by Messrs. Evans and W. P.
Boyd, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.
Boyd, Gray, Slaughter,
Bramlette, Hardin, Swope,
Chenault, Henderson, Taylor,
Crenshaw, Holloway, Thomas,
Draffin, Key, Todd,
Evans, Patterson, Wallace—20.
Peyton,

Those who voted in the negative, were—

Messrs. Ballard, Harris, Newell,
Boyd, A. Heady, South,
Bradley, Helm, Thurman,
Conner, James, Walker,
Drake, Marshall, Woodson—16.
Dyer,
Mr. Butler moved the following resolution, viz:

WHEREAS, During the present session, an act was passed by the General Assembly of the Commonwealth of Kentucky, entitled, an act to establish the University of Louisville, in which an error was made by inserting the word “two,” instead of the word “ten,” which occurs in the 20th line of the 3d section of the engrossed bill: now for the purpose of correcting said error, Resolved, unanimously, by the General Assembly of the Commonwealth of Kentucky, That a joint committee of one from the Senate and two from the House of Representatives, be appointed to request permission of his Excellency, the Governor, to withdraw the enrolled bill, and have the said error corrected in the engrossed bill, and the enrolled bill, by the Clerk of the Senate.

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

After a short time, a message was received from the House of Representatives, announcing that they had concurr'd in the said resolution.

Mr. Butler was appointed a committee on the part of the Senate, pursuant to said resolution.

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. Bradford in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Bradford reported that the committee had, according to order, had under consideration a bill to incorporate the Commissioners of the Sinking Fund, 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 leave was granted.

Mr. W. P. Boyd, from the committee on Religion, reported a bill for the benefit of the Reformed Baptist Church, on Slate Run, in Bath 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. W. P. Boyd, from the same committee, reported a bill for the divorce of Mary E. Herndon, 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 the question being taken on engrossing the same, and reading it a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Todd and W. P. Boyd, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard, Draffin, Patterson,
Boyd, A. Dyer, Peyton,
Bradford, Evans, Slaughter,
Bradley, Heady, Thomas,
Bramlette, Helm, Thurman,
Chenault, James, Todd,
Conner, Key, Walker,

Those who voted in the negative, were—

Messrs. Boyd, W. P. Harris, Swope,
Butler, Henderson, Taylor,
Gray, Marshall, Woodson—11.
Hardin, South,

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

Resolved, That said bill do pass, and that the title thereof be amended
by adding thereto "and Reuben Herndon."

And then the Senate adjourned.

SATURDAY, FEBRUARY 14, 1846.

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 an act to establish the Louisville Bank of Kentucky, and
an act to incorporate the Merchant's Louisville Insurance Company.
An act for the benefit of John D. Howard.
An act for the benefit of the devisees of Sarah Crawford, deceased.
An act for the benefit of John P. Dorsey, and others, heirs of Green­
berry Dorsey, deceased.
An act to legalize the proceedings of the Estill County Court, held in
March, 1845.
An act for the benefit of Elizabeth Wathen.
An act to incorporate the Maysville College, and for other purposes.
An act for the benefit of the 71st Regiment of Kentucky Militia.
An act for the benefit of Jonathan Newcum.
An act for the benefit of Edward D. Stockton, of Estill county, and
others.
An act for the relief of the administrator of William A. Pendleton, late Clerk of the Kenton Circuit and County Courts.
An act for the benefit of Nancy Eastin.
An act to establish the town of Johnstonville, in Monroe county.
An act for the benefit of the devisees of Carter Tadlock, deceased.
An act to amend an act, entitled, an act to incorporate the town of Lancaster.
An act for the benefit of William W. Bowen and Rachel Nesbit.
An act to amend the charter of the Covington Fire Company.
An act concerning ferries on the Ohio river.
An act to legalize certain proceedings of the Bullitt County Court.
An act for the benefit of Mary D. Cassidy.
An act for the benefit of Samuel Godsey.
An act for the benefit of the Common Schools in Graves county, and for other purposes.

Approved February 13, 1846.

That they had passed a bill from the Senate, entitled, an act to amend an act, entitled, an act to amend the several laws of this Commonwealth relative to the duties of Clerks of Courts, approved February 2, 1841.

That they had passed bills of the following titles, viz:
An act authorizing the Secretary of State to furnish Justices of the Peace with Morehead and Brown's Digest.
An act for the benefit of Samuel F. Taylor, and others.
An act for the benefit of the widow and heirs of George M. Bedinger, deceased.
An act to amend an act, entitled, an act to add a portion of Nicholas to Bracken county, approved February 29, 1844.
An act providing for a change of venue in the prosecution against Charles Yates.
An act authorizing the sale of the Old Seminary at Bardstown.
An act to appoint an additional Constable to Kenton and Boone counties.

On the motion of Mr. Gray, the vote adopting a resolution fixing a day for the election of Public Officers, was reconsidered: the said resolution was amended by striking out the 21st February and inserting the 19th, as the day for the election, and adopted.

Mr. Evans, from a select committee, reported a bill to revive and amend an act, entitled, an act to incorporate the Louisville, Nashville and Knoxville Railroad Company, 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 referred to the committee on Internal Improvement.

On the motion of Mr. Crenshaw,
Resolved, That the Public Printer be instructed to deliver to Miss D. L. Dix, two hundred copies of her memorial, in reference to Hospitals, &c., ordered to be taken out of the one thousand copies ordered to be printed by the Senate.

On the motion of Mr. W. P. Boyd, the committee on Religion was discharged from the further consideration of the petition of Samuel B. Wolfolk, praying for a divorce, and leave was given to withdraw the said petition.

The Senate resumed the consideration of a bill to establish precincts in Franklin county.

Ordered, That said bill 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,

The question was taken on the passage thereof, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


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

Mr. W. P. Boyd, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act divorcing Thomas Stark, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That said bill be read a third time.

Mr. W. P. Boyd, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act divorcing Joseph W. Tate from his wife, Mary C. Tate, reported the same with the opinion of the committee that it ought not to pass.

The said bill was amended.

The question being taken on reading the said bill a third time, as amended, it was decided in the negative, and so the said bill was disagreed to.
Mr. W. P. Boyd, from the same committee, to whom was referred the petition of Louisa A. Flournoy, praying for a divorce; also, the petition of Martha Chumley, praying for a divorce; also, the petition of Miles McFarlen, praying for a divorce, reported the following resolution thereon, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

Mr. Bramlette, from the same committee, reported a bill for the benefit of Maria T. Taylor, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act ordering the payment of the amount due the Commissioners on the road from the mouth of Salt river to Bowlinggreen, made the following report thereon, viz:

In obedience to the resolution of instructions of the Senate, the committee report the following communication from the Secretary of the Board of Internal Improvement, and the response of January 14th, of said Board, to a resolution of the House of January 12th.

The 27th section of the Internal Improvement act of 1835-6—(see session acts, page 527,) makes the following appropriation, viz:

To Bayou Duchien, $5,000
To Clark’s river, 5,000
To Little Obion and Mayfield creek, 1,500
To Little river, 1,000
To Little Barren river, 1,000
To Panther creek, 2,500
$16,000

The first five sums above named, were to be expended, provided the Board of Internal Improvement shall believe that the said improvements are expedient, and will be of public benefit, and that said sums are necessary for those purposes.

One half the appropriations to Panther creek, the Board had liberty to use in improving the two principal roads in Daviess county.

The streams between the Tennessee river were examined by Mr. N. B. Buford, Assistant Engineer, in June, 1836.—See his report in appendix to Senate Journal of 1836-7, pages 48 to 50.

When Mr. Buford’s report was laid before the Board, they made the following order, viz:

JULY 4, 1836.

a N. B. Buford, Assistant Engineer, produced his report of examination and estimates of Clark’s river, Mayfield creek, Little Obion, and Bayou Duchien, west of the Tennessee river, and the same having been duly con-
sidered, it is ordered by the Board that *three thousand* dollars be applied to the improvement of the navigation of Bayou Duchien, by clearing out the obstructions in that stream. It is further ordered that Thomas Harper be appointed Superintendent, to make all necessary contracts, and have the contemplated improvement carried into complete effect. It is also ordered that the President of this Board, from time to time, as in his judgment may be proper, issue his warrant in favor of the said Harper for the aforesaid amount, or any part or parts thereof.”

See also, report of Board of Internal Improvement in appendix to the Senate Journal of 1836-7—last paragraph on page 8.

The Board thought it expedient to withhold all the appropriations, save $3,000 to Bayou Duchien, and the appropriation to Panther creek; one half of the latter was expended on two roads in Daviess county. The $3,000 expended on Bayou Duchien, for the reasons stated in the report of the Board, alluded to above—(see last paragraph on pages 8 and 10.)

The appointment of Harper, and his letter of instructions did not reach him, for some reason unknown to the Board, for several weeks after they were mailed. In the meantime it was ascertained that the bonds of the State could not be sold, and the Board, in the months of September and October, 1836, were compelled to borrow $100,000 from the Banks of Kentucky, to prevent works already under contract from stopping.

In regard to the appropriations mentioned in the 31st section of the act first alluded to, the Board beg leave to refer the committee to a report made to the present House of Representatives, see pages 110, 111 and 112.

AUSTIN P. COX, Secretary B. I. I.

Mr. Gray moved to lay the said bill and the amendment offered thereto, by Mr. Wallace, on the table.

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

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

Those who voted in the affirmative, were—

Messrs. Ballard, Conner, Marshall,
  Boyd, A. Gray, Patterson,
  Boyd, W. P. Hardin, South,
  Bradford, Harris, Taylor,
  Bradley, Head, Todd,
  Chenault, James,

Those who voted in the negative, were—

Messrs. Crenshaw, Holloway, Slaughter,
  Drake, Key, Swope,
  Dyer, Newell, Thomas,
  Evans, Peyton, Wallace—13.
  Helm,

Mr. Dyer, from the same committee, reported a bill to establish and improve a State road from James Carlton's ferry, in Boone county, to intersect
the Covington and Lexington Turnpike Road, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. James, 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 Joseph B. O'Rear.
An act for the benefit of certain Sheriffs.
An act to authorize the Trustee of the Craddock Fund to surrender his trust, and to constitute a permanent Board to manage the same.
An act for the benefit of William B. Howard.
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 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 Whitley 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. James, from the same committee, to whom was referred a bill for the benefit of certain Sheriffs, reported the same without amendment.

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

Mr. James, from the same committee, reported a bill requiring Sheriffs to execute bond in double the amount of revenue collected, 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. James, from the same committee, to whom was referred a bill to amend the revenue laws, reported the same without amendment.

And the Senate proceeded to the consideration of the orders of the day. Leave was given to bring in the following bills, viz:

On the motion of Mr. Henderson—1. A bill to amend the jury law.
On the motion of Mr. Taylor—2. A bill to change the time of holding the Fleming, Bath, Estill and Morgan Circuit Courts.

The committee on the Judiciary was directed to prepare and bring in the 1st bill; and Messrs. W. P. Boyd, Conner and Taylor were appointed a committee to prepare and bring in the 2d.

After a short time, Mr. Taylor, from the said committee, reported the 2d bill, 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.

Mr. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and an enrolled resolution which originated in the Senate, of the following titles, viz:

An act concerning the town of Albany, in Clinton county.
An act providing for a change of venue in the prosecution against James Lane.
An act to legalize the appointment of William W. Stockton, Constable of Green county.
An act to change the name of Hardin Land to Hardin Crawford.
An act to incorporate the St. John's Church at Princeton, in Caldwell county.
An act to establish a road in Madison and Garrard counties.
An act to change the name of William M. Gray to William M. Medlock, and for other purposes.
An act to authorize the County Court of Scott county to borrow money to re-build the County Jail.
An act for the benefit of Henry H. Phillips.
An act to allow the Marshal of the town of Bowling-green to act as Constable in said town, and within one half mile of the same.
An act to authorize the Clerks of the County Courts to administer an oath to witnesses who offer to prove the age of persons applying for marriage license.
An act to amend the act, entitled, an act for the benefit of the Preacher's Aid Society of the Kentucky Conference, approved February 15, 1842.
An act to authorize the Trustees of Somerset Academy to sell and convey a lot of ground in the town of Somerset.
An act to change the time of holding the Caldwell Circuit Court.
An act to change the Anderson and Franklin county line.
An act providing for the running and marking the dividing line between the counties of Campbell and Pendleton.
A resolution for correcting an error in an act to establish the University of Louisville.

And enrolled bills which originated in the House of Representatives, of the following titles, viz:
An act for the benefit of the Trustees of the town of Carlisle.
An act for the benefit of Thomas Shannon Head.
An act to reduce into one the several acts in relation to the town of Danville, and for other purposes.
An act allowing an additional Constable to Nicholas county.
An act for the benefit of William P. Mitchell, a lunatic.
An act for the benefit of James Coleman's children.
An act for the relief of Jane, Marion, and Samuel Walker, infant heirs of Harvey M. Walker, deceased.
An act for the benefit of Joseph W. Wood.
An act to change the name of Woodson Clay Gorden to that of Woodson Clay Montgomery.
An act providing for a change of venue in the prosecution against Reuben Payne.
An act for the benefit of Charles L. Boswell.

And had found the same truly enrolled.

The Speaker of the House of Representatives having signed the said bills and resolution, 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. A. Boyd reported that the committee had performed that duty.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that the Governor had approved and signed the said resolution, for correcting an error in an act to establish the University of Louisville. The said act was accordingly withdrawn, and the error therein corrected.

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. Bradford in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Bradford reported that the committee had, according to order, had under consideration a bill to incorporate the Commissioners of the Sinking Fund of Kentucky, and had gone through the same, and made amendments thereto, which he handed in at the Clerk's table.

One of the said amendments proposes to strike out the fifth section of the bill, which reads as follows, viz:

SEC. 5. That with a view to pay the stock so subscribed, or so much as may, from time to time, be subscribed, the said Commissioners of the Sinking Fund shall have the right to apply any surplus funds on hand; and upon the requisition of said Board, a majority, with the Governor concurring, the Governor is hereby authorized to issue the bonds of the State of Kentucky, not exceeding the sum of eight hundred thousand dollars, bearing a rate of interest not exceeding five per centum per annum, payable in the city of
New York or Philadelphia, semi-annually; which bonds may be sold at their nominal value and not under, and the proceeds applied to the payment of said stock, or said stock may be paid by said bonds to the Bank or Banks, when subscription is made, by the consent of the Banks. In the event the Bank shall receive said bonds, the dividends, equal to the interest, shall be reserved by the Banks, and the residue paid over to the Commissioners of the Sinking Fund; said bonds shall be made redeemable and payable at the pleasure of the State of Kentucky, at any time after the expiration of the charters of said Banks. In the event said bonds shall be sold, either by the Governor or the Banks, the stock subscribed shall be held sacred by the Commissioners of the Sinking Fund, to pay the principal of said bonds.

The question being then taken on concurring in the said amendment, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Boyd, A. 
Boyd, W. P. 
Bradford, 
Bradley, 
Bramlette, 
Chenault, 
Conner, 
Crenshaw, 
Draffin, 
Drake, 
Gray, 
Henderson, 
Key, 
Marshall, 
Newell, 
Peyton, 
South, 
Taylor, 
Thomas, 
Wallace, 
Woodson—21.

Those who voted in the negative, were—

Messrs. Butler, 
Dyer, 
Evans, 
Heady, 
Helm, 
Swope, 
Thurman—7.

The other amendments were also concurred in.

Ordered, That said bill 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, the question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Peyton and W. P. Boyd, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P. 
Bradford, 
Bramlette, 
Butler, 
Crenshaw, 
Draffin, 
Drake, 
Dyer, 
Evans, 
Gray, 
Heady, 
Helm, 
Henderson, 
Key, 
Newell, 
Swope, 
Taylor, 
Thomas, 
Thurman, 
Wallace, 
Woodson—21.
Those who voted in the negative, were—

Messrs. Boyd, A. Conner, Peyton,
Bradley, Marshall, South—7.
Chenault.

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

And then the Senate adjourned.

MONDAY, FEBRUARY 16, 1846.

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 allowing Martin Fugate, late Sheriff of Pendleton county, further time to return his delinquent list of muster fines, and for other purposes.

An act concerning the town of Glasgow.

An act for the benefit of Catharine H. Willis, and her infant children.

An act for the benefit of the widow and heirs of Samuel Howard, deceased.

An act to change the name of Susan Baker.

An act to authorize the Trustees of Cadiz to sell part of a street in said town.

An act to amend the charter of the town of Keene, in the county of Jessamine.

An act for the benefit of the County Court Clerks of Floyd and Pike counties.

An act for the benefit of James Pittman.

An act for the benefit of the Christian Church in Winchester, Clarke county.

An act for the benefit of Elizabeth Williams.

An act for the benefit of the Methodist Episcopal Church, South, in Hopkinsville.

An act for the benefit of Mary N. Gwynn.

An act for the benefit of James G. Dillay, of Barren county.

An act for the benefit of William F. Colston and Mary E. Colston.

An act to change the name of the town of Landing, in Boone county, to that of Hamilton, and to appoint Trustees for said town.

An act to divorce Ann Eliza Holtzclaw.

An act to incorporate the Campbell Turnpike Road Company.
An act providing for the support of an additional number of pupils in the Deaf and Dumb Asylum, at Danville.
An act for the benefit of the Sheriff of Laurel county.
An act for the benefit of the Sheriff of Shelby county.
An act for the benefit of the School Commissioners of Carroll county.
An act establishing a Chancery Term of the Clarke Circuit Court.
An act concerning the Barren Circuit Court.
An act to reduce the number of Justices of the Peace in Spencer county.
An act to change the venue in the prosecution of Addison, a slave.
An act for the benefit of James C. Price and Mary C. Price.
An act for the benefit of Sabina Turpin, and others.
An act to incorporate the Cook Benevolent Institution.
An act to provide for a change of venue in the prosecution against Enoch Stephens.
An act for the benefit of Joseph S. N. and James M. Dicken.
An act to authorize the appointment of a Police Judge for the town of Athens, in Fayette county.
An act to incorporate the town of Somerset.
An act to change the name of William Mahan to William Nelson Rice.
An act to amend the road law in Greenup county.
An act for the benefit of Carol Kindrick.
An act to amend an act incorporating the town of Raywick.
An act to amend the law regulating the election of Trustees in the town of Port Oliver, in Allen county, and the town of Hopkinsville.
An act for the divorce of Mary E. Herndon and Reuben Herndon.
An act for the benefit of Maria T. Taylor.
An act to incorporate the Calleopean Institute, of Murray.
An act for the benefit of William Rumsey, Elisha Gardner and John B. Cobb.
An act allowing an additional Constable to Marion county.
With amendments to the three bills last named.
That they had disagreed to a bill from the Senate, entitled, an act for the benefit of William Smart.
That they had passed bills of the following titles, viz:
1. An act to incorporate the South Frankfort Bridge Company.
2. An act for the benefit of Benjamin Haydon and John Fleming.
3. An act for the benefit of Alexander M. Rigg.
4. An act to change and more particularly define the county line between the counties of Perry and Breathitt.
5. An act authorizing the Trustees of the town of Jackson to change an alley in said town.
6. An act for the benefit of L. Graves, of Gallatin county.
7. An act for the benefit of the several County Courts.
8. An act for the benefit of the County Courts of Cumberland and Boyle.
9. An act to incorporate the town of Burksville, and for other purposes.
10. An act to reduce the number of Justices of the Peace in Perry county.
11. An act to establish an election precinct in Owsley county.
12. An act to run the county line between the counties of Harlan and Knox.
13. An act for the benefit of S. J. Poston, late Sheriff of Hardin county.
14. An act to regulate the time of holding the County Court of Larue.
15. An act for the benefit of the Sheriff of Montgomery county.
17. An act for the benefit of Common Schools in the city of Maysville, county of Carroll, and for other purposes.
18. An act to allow an additional Justice of the Peace to Pulaski county.
19. An act to enlarge the powers and jurisdiction of the Police Judge of the town of Morganfield, and for other purposes.
20. An act authorizing the County Court of Union to sell a part of the public square in Morganfield.
21. An act to establish a Chancery Term of the Union Circuit Court, and to change the Terms of the Boyle Circuit Court.
22. An act for the benefit of Benedict W. Drury's executor.
23. An act to provide for districting the county of Trimble into Magistrates Districts.
24. An act to regulate the Spring Term of the Trimble Circuit 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 said bills being dispensed with, they were referred: the 1st and 8th to the committee on Internal Improvement; the 2d to the committee on Finance; the 3d and 7th to the committee on Agriculture and Manufactures; the 4th, 6th, 10th, 12th, 16th, 18th and 23d to the committee on Propositions and Grievances; the 5th, 9th, 14th, 19th, 20th, 21st, 22d and 24th to the committee on the Judiciary; the 11th to the committee on Privileges and Elections; the 13th and 15th to the committee on Military Affairs; and the 17th to the committee on Education.

Mr. South presented the petition of James K. Harris, praying for the passage of a law allowing him to build a mill dam across the South Fork of the Kentucky river, which was received and referred to the committee on Internal Improvement.

A message, in writing, was received from the Governor, by Mr. Hardin Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:
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An act providing for a change of venue in the prosecution against James Lane.
An act to legalize the appointment of William W. Stockton, Constable of Green county.
An act to change the name of Hardin Land to Hardin Crawford.
An act concerning the town of Albany, in Clinton county.
An act to provide for the running and marking the dividing line between the counties of Campbell and Pendleton.
An act to incorporate the St. John's Church at Princeton, in Caldwell county.
An act to establish a road in Madison and Garrard counties.
An act to change the name of William M. Gray to William M. Medlock, and for other purposes.
An act to authorize the County Court of Scott county to borrow money to re-build the County Jail.
An act for the benefit of Henry H. Phillips.
An act to authorize the Trustees of Somerset Academy to sell and convey a lot of ground in the town of Somerset.
An act to amend the act, entitled, an act for the benefit of the Preacher's Aid Society of the Kentucky Conference, approved February 15, 1842.
An act to change the time of holding the Caldwell Circuit Court.
An act to change the Anderson and Franklin county line.
An act to authorize the Clerks of the County Courts to administer an oath to witnesses who offer to prove the age of persons applying for marriage license. Approved February 14, 1846.

The Senate resumed the consideration of a bill to amend the revenue laws.

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, A. Gray, James,
Boyd, W. P. Hardin, Marshall,
Bradley, Harris, Newell,
Bramlette, Heady, South,
Conner, Helm, Thomas,
Crenshaw, Henderson, Walker,
Draffin, Holloway, Wallace—22.
Evans,

Those who voted in the negative, were—

Messrs. Ballard, Patterson, Taylor,
Butler, Peyton, Thurman,
Ordered, That said bill have its third reading on to-morrow at 11 o'clock.

The Speaker laid before the Senate the following communication from the Secretary of State:

SECRETARY’S OFFICE.

Sm:
I transmit to you, and through you to the Senate, the plan of Revenue, that, by a joint resolution of both Houses of the Legislature, I was requested to submit, I am, with great respect,

Hon. Archibald Dixon,
Speaker of the Senate.

[For Report—See Legislative Documents.]

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 Speaker laid before the Senate the following report of the Trustees of the Public Library, viz:

To the General Assembly of the Commonwealth of Kentucky:

GENTLEMEN:—The undersigned, Trustees of the Public Library, would report, that some time last summer, they entered upon the discharge of the duties assigned them by the act, entitled, an act to appoint Trustees of the Public Library, approved March 1, 1836; and they have, from time to time, as their other business would permit, examined the Public Library and condition of the books, and how the Library was attended to—that the books are in good order and well taken care of by the Librarian, when his health would permit; and when he was sick, which has been very frequent this last year, by his brother, William D. Robertson.

They would suggest, that from the catalogue, and prices given for them, they are of opinion that some of the purchases were made at very high prices. They would further suggest, that a very bad practice prevails of the Judges of the Court of Appeals taking to their rooms so large a part of the Law Library, that when the Court is in session, that part of the Library remaining is of little service to the professional gentlemen of the law. They deem some regulations on this subject necessary.

BEN. HARDIN, Secretary of State.

JAMES DAVIDSON, Treasurer.

H. I. BODLEY, Auditor.

JAMES ROBERTSON, Register Land Office.

O. G. CATES.

The statements in the foregoing report concerning the purchases of books at very high prices; and the practice of the Court of Appeals, in using the books, are signed by me, upon the information of others, having no personal knowledge relative thereto.

H. I. BODLEY.
Ordered, That the said report be referred to the committee on the Library.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act to reduce the salaries of the Circuit Judges of this Commonwealth, and for other purposes, reported the same with the opinion of a majority of the committee, that it ought not to pass.

Mr. Harris moved to amend the said bill by striking out the fourth section thereof.

Mr. Peyton moved to lay the said bill and amendment on the table.

The question being taken on the motion of Mr. Peyton, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Boyd, W. P. Evans, Patterson,
Bramlette, Fox, Peyton,
Butler, Gray, Slaughter,
Chenault, Hardin, Taylor,
Crenshaw, Helm, Todd,
Draffin, Henderson, Wallace,
Drake, Holloway, Woodson—23.
Dyer, Key,

Those who voted in the negative, were—

Messrs. Ballard, Heady, Swope,
Boyd, A. James, Thomas,
Bradley, Marshall, Thurman,
Harris, South,

Mr. James, 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 Conrad Havens.
An act for the benefit of William P. Blackstone.

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 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 to tax Pistols, Bowie Knives, and other deadly weapons, reported the same with the opinion of the committee that it ought not to pass.

Mr. Drake moved to lay the said bill on the table, and the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Evans and James, were as follows, viz:

**Those who voted in the affirmative, were—**


**Those who voted in the negative, were—**


Mr. Crenshaw moved an amendment to the said bill, and the Senate proceeded to the consideration of the orders of the day.

A bill to provide for Common Schools, was taken up. Ordered, That said bill 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.

Mr. Harris moved the following amendment by way of engrossed rider.

That it shall be the duty of each Clerk of this Commonwealth, including the Clerk of the Appellate and General Court, who shall receive from all sources, as Clerks of any such Court, a sum exceeding thirteen hundred dollars annually; or whose fees and perquisites exceeds that sum annually, to pay into the Public Treasury, for the purpose of Common Schools, all sums of money above that sum; Provided, That at the Fall Term of each Circuit Court, and the Fall Term of the Court of Appeals, and at the February Term of the General Court, the Clerks of each of the aforesaid Courts, shall exhibit to the Courts of which they are Clerks, their fee books, and a full statement, on oath, of the fees and perquisites of their respective offices; and the said Court shall allow them a credit for all such fees, as they may be satisfied are not available, which sum shall be deducted from the amount, as charged and received by said Clerk; and which shall also be certified to the Auditor of Public Accounts accordingly.

Mr. Helm moved the previous question, which was decided in the affirmative.

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

**Those who voted in the affirmative, were—**

Those who voted in the affirmative, were—

Those who voted in the negative, were—

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

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

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

The Speaker laid before the Senate the following communication from the President of the Board of Internal Improvement, viz:

Sir: The Board of Internal Improvement having examined the claim of E. H. Watson and J. C. Young, for damages sustained by them from the slackwater of the Kentucky River Navigation, have the honor to make the following report:

THOMAS METCALFE, P. B. I. I.

Hon. Archibald Dixon,
Speaker of the Senate.

[For Report—See Legislative Documents.]
On the motion of Mr. Wallace, the vote ordering to the third reading a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to amend the Militia Laws, approved February 9, 1837, was reconsidered, and said bill was made the special order of the day for tomorrow.

On the motion of Mr. Peyton, the committee of the whole House, on the State of the Commonwealth, was discharged from the further consideration of a bill to amend the law in relation to idiots and lunatics, approved February 12, 1840.

The said bill was amended, 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,

The question was taken on the passage thereof, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Ballard, Hardin, Slaughter,
Boyd, A. Harris, South,
Boyd, W. P. Heady, Swope,
Bradley, Helm, Taylor,
Butler, Henderson, Thomas,
Crenshaw, Holloway, Thurman,
Draffin, James, Todd,
Draike, Marshall, Walker,
Dyer, Newell, Wallace,
Evans, Patterson, Woodson—32.
Gray, Peyton,

Those who voted in the negative, were—

Messrs. Bramlette, Fox, Key—4.
Conner,

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

On the motion of Mr. Peyton, the committee of the whole House, on the State of the Commonwealth, was discharged from the further consideration of a bill prescribing further duties of the Board of Internal Improvement.

The said bill was amended 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 said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:
1. An act to reduce the price of vacant and unappropriated lands in Grayson county.
2. An act to change the time of holding the Butler County Court.
3. An act to amend an act, entitled, an act to establish a Seminary of learning in Morgantown, and for other purposes.
4. An act for the benefit of landlord and tenant.
5. An act providing for a change of venue in the prosecution against Joseph H. Coleman.
6. An act authorizing the County Court of Marshall county to appoint a Treasurer.
7. An act to amend an act, entitled, an act for the benefit of Eliza A. Roman, approved February 13, 1844.
8. An act to establish a Mechanics' Institute in the town of Paducah.
9. An act for the benefit of the infant heirs of James Howe, deceased.
10. An act to allow an additional week to the Ballard Circuit Court.
11. An act to change the August Term of the Hickman County Court.
12. An act to amend in part, and repeal in part, an act, entitled, an act to amend the laws incorporating the town of Hickman, in Fulton county.
13. An act for the benefit of Wm. F. Garrett and Rebecca Garrett.
15. An act requiring Clerks of County Courts to perform certain services.
16. An act to amend and reduce into one the several acts in relation to the town of New Liberty, in Owen county.
17. An act for the benefit of Robert A. and Mary P. Moffett.
18. An act to amend the laws of Civil and Chancery proceedings.
19. An act to amend an act amending the law incorporating the town of Simpsonville, in Shelby county.
20. An act authorizing the Secretary of State to furnish Justices of the Peace with Morehead and Brown's Digest.
21. An act for the benefit of Samuel F. Taylor, and others.
22. An act for the benefit of the widow and heirs of George M. Bedinger, deceased.
23. An act to amend an act, entitled, an act to add a portion of Nicholas to Bracken county, approved February 29, 1844.
24. An act providing for a change of venue in the prosecution against Charles Yates.
25. An act authorizing the sale of the Old Seminary at Bardstown.
26. An act to appoint an additional Constable in Kenton and Boone counties.

Ordered, That said bills be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st and 20th to the committee on
Finance; the 2d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 15th, 17th, 18th, 19th, 22d and 24th to the committee on the Judiciary; the 3d and 25th to the committee on Education; the 14th, 16th, 23d and 26th to the committee on Propositions and Grievances; and the 21st to the committee on Military Affairs.

A message, in writing, was received from the Governor, by Mr. Hardin, 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, Jacob B. Hayden to be Colonel of the 3d Regiment, Kentucky Militia.

Charles Cecil to be Lieutenant Colonel of the same.

Jacob Miller to be Major of the same.

William W. Farris to be Colonel of the 133d Regiment.

James Sweeney to be Lieutenant Colonel of the same.

Nathan Lawson to be Major of the same.

James Kirk to be Major of the 30th Regiment.

WM. OWSLEY.

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

Mr. A. Boyd, 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 allowing Martin Fugate, late Sheriff of Pendleton county, further time to return his delinquent list of muster fines, and for other purposes.

An act concerning the town of Glasgow.

An act for the benefit of Catharine H. Willis, and her infant children.

An act for the benefit of the widow and heirs of Samuel Howard, deceased.

An act to change the name of Susan Baker.

An act to authorize the Trustees of Cadiz to sell part of a street in said town.

An act to amend the charter of the town of Keene, in the county of Jessamine.

An act for the benefit of the County Court Clerks of Floyd and Pike counties.

An act for the benefit of James Pittman.

An act for the benefit of the Christian Church in Winchester, Clarke county.

An act for the benefit of Elizabeth Williams.

An act for the benefit of the Methodist Episcopal Church, South, in Hopkinsville.

An act for the benefit of Mary N. Gwynn.

An act for the benefit of James G. Dilley, of Barren county.

An act for the benefit of William F. Colston and Mary E. Colston.
An act to change the name of the town of Landing, in Boone county, to that of Hamilton, and to appoint Trustees for said town.

An act to divorce Ann Eliza Holtzclaw.

An act to incorporate the Campbell Turnpike Road Company.

An act providing for the support of an additional number of pupils in the Deaf and Dumb Asylum, at Danville.

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

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

An act for the benefit of the School Commissioners of Carroll county.

An act establishing a Chancery Term of the Clarke Circuit Court.

An act concerning the Barren Circuit Court.

An act to reduce the number of Justices of the Peace in Spencer county.

An act to change the venue in the prosecution of Addison, a slave.

An act for the benefit of James C. Price and Mary C. Price.

An act for the benefit of Sabina Turpin, and others.

An act to incorporate the Cook Benevolent Institution.

An act to provide for a change of venue in the prosecution against Enoch Stephens.

An act for the benefit of Joseph S. N. and James M. Dicken.

An act to authorize the appointment of a Police Judge for the town of Athens, in Fayette county.

An act to change the name of William Mahan to William Nelson Rice.

An act to amend the road law of Greenup county.

An act for the benefit of Carol Kendrick.

An act to amend the law regulating the election of Trustees in the town of Port Oliver, in Allen county, and the town of Hopkinsville.

An act for the divorce of Mary E. Herndon and Reuben Herndon.

An act for the benefit of Maria T. Taylor.

An act to amend an act, entitled, an act to amend the several laws of this Commonwealth relative to the duties of Clerks of Courts, approved February 2, 1841.

And enrolled bills which originated in the House of Representatives, of the following titles viz:

An act to incorporate the town of Midway, in Woodford county.

An act to extend the corporate limits of Newport, and for other purposes.

An act to amend an act, entitled, an act to provide for taking the sense of the people of Mason county, relative to the seat of Justice of said county, approved February 1, 1845.

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 appro
bation and signature. After a short time, Mr. A. Boyd reported that the committee had performed that duty.

On the motion of Mr. Key, the committee of the whole House, on the State of the Commonwealth, was discharged from the further consideration of a bill to transfer the duties of the President of the Bank of the Commonwealth and Agent of the Old Bank of Kentucky to the First Auditor, and requiring certain duties of the First Auditor and Attorney General.

The said bill was amended, 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 said bill do pass, and that the title thereof be as aforesaid.

A bill in relation to the Penitentiary was taken up, said bill was amended.

Ordered, That said bill 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 said bill do pass, and that the title 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 for the benefit of William Ramsey, Elisha Gardner and John B. Cobb.

An act to incorporate the Calliopean Institute, of Murray.

An act allowing an additional Constable to Marion county.

An engrossed bill entitled, an act to elevate Dam, No. 4, on Green river, was read the third time, as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That A. M. Barrett and Vechel H. Jones, together with an Engineer, to be designated by the President of the Board of Internal Improvement, be, and the are hereby, appointed Commissioners, to examine into the expediency and practicability of raising Dam, No. 4, on Green river, not less than two, nor more than four feet higher, and the cost thereof; which examination shall be reported to the Board of Internal Improvement.

Sec. 2. That should said Board believe, from said report, that it is right and proper to make said alteration, they shall direct the same to be done by letting out the same to a competent Contractor, provided said Commissioners shall have raised, by voluntary subscription, the amount of funds necessary to complete said work.

Sec. 3. That in order to raise said funds, said Commissioners, or either of them, are hereby authorized to open books for subscriptions, at such times and places as they may deem necessary: Provided, also, That the County Courts of Edmonson and Grayson counties may subscribe the amount of money necessary to make said work, out of any money now, or which may hereafter belong to said counties, or either of them; which money, so paid by said counties, or either of them, shall be regarded as so much of the aforesaid subscription.
The question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was disagreed to.

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

Those who voted in the affirmative, were—


An engrossed bill, entitled, an act to authorize the Mississippi Railroad Company to extend their Railroad from the south boundary line of the Commonwealth of Kentucky to the Mississippi river, was read the third time.

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

An engrossed bill, entitled, an act to prohibit the hiring of slaves to free negroes, and the sale of spirituous liquors to free negroes, was read the third time.

Mr. Swope 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. Peyton and Swope, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Ballard, Harris, Peyton, Crenshaw, Heady, Taylor, Evans, Helm, Todd,
A message, in writing, was received from the Governor, by Mr. Hardin, Secretary of State, the said message is as follows, viz:

Gentlemen of the Senate:
The bill which passed both Houses of the General Assembly, entitled, "an act to allow the Marshal of the town of Bowlinggreen to act as Constable in said town, and within one half mile of the same," has been presented to me for my approval.

The bill provides: That the Marshal of the town of Bowlinggreen, in Warren county, be, and he is hereby, authorized to act as Constable in said town, and within one half mile of the same: Provided, He shall, before he enters upon the duties of said office, execute bond with good security, before the Trustees of said town, and take the oath as now prescribed by law, regulating the bonds and oaths of Constables, in the County Courts; which bond and oath shall be recorded by said Trustees in their office, upon which bond, suits may be instituted from time to time, by any person or persons injured and aggrieved by said Marshal, to all intents and purposes as though said appointment, bond and oath, had been made in the County Court of said Warren county. This law shall extend, not only to the present Marshal, but to his successors in office, in said town; and as such, shall be entitled for his services, to such fees as are now, or may hereafter be allowed by law, and subject to all the liabilities now, or which may hereafter, be required by law for a failure to discharge his duty as Constable.

I regard this bill as a legislative appointment of the Marshal of the town of Bowlinggreen to the office of Constable. He is authorized to act as Constable, is required to execute bond before the Trustees, and to take the oath, such as is required of Constables in the County Court, and subjected to liability for failure to discharge his duty, as Constable. Considered in this light, the General Assembly must have transcended their constitutional power, in the passage of the bill. The 9th section of the third article of the Constitution, in express terms, confers the power of appointing Constables upon the County Courts.

I cannot, therefore, approve the bill, and return it to the Senate in which it originated, with the foregoing, my objections.

WM. OWSLEY.

The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Marshal of the town of Bowlinggreen, in Warren county, be, and he is hereby, authorized to act as Constable in said town, and within one half mile of the same: Provided, He shall, before he enter upon the duties of said office, execute bond with good security, before the Trustees of said town, and take the oath as now prescribed by law, regulating the bonds and oaths of Constables in the County Courts; which bond and oath shall be recorded by said Trustees in their office, upon which bond suits may be instituted from time to time, by any person or persons injured and aggrieved by said Marshal, to all intents and purposes as though said appointment, bond and oath, had been made in the County Court of said Warren county.
This law shall extend, not only to the present Marshal, but to his successors in office, in said town, and as such, shall be entitled for his services, to such fees as are now, or may hereafter be, allowed by law; and subject to all the liabilities now, or which may hereafter be, required by law for a failure to discharge his duty as Constable.

The question being taken on the passage of the said bill, the objections of the Governor to the contrary, notwithstanding, it was decided in the negative unanimously, and so the said bill was rejected.

The yeas and nays thereon, are as follows, viz:

Those who voted in the negative, were—

Messrs. Ballard, Evans, Patterson,
Boyd, A. Fox, Peyton,
Boyd, W. P. Gray, Slaughter,
Bradford, Hardin, South,
Bradley, Harris, Swope,
Bramlette, Heady, Taylor,
Butler, Helm, Thomas,
Chenault, Henderson, Thurman,
Conner, Holloway, Todd,
Crenshaw, James, Walker,
Draffin, Key, Wallace,
Drake, Marshall, Woodson—38.

On the motion of Mr. Draffin, leave was given to bring in a bill to change the name of Eufracia Hendrix, to that of Eufracia Smith; and Messrs. Gray, W. P. Boyd and Draffin were appointed a committee to prepare and bring in the same.

1. Mr. Patterson presented the petition of Marmaduke Coker, praying for a change of venue in a prosecution against him, in the Livingston Circuit Court.

2. Also, the petition of R. W. Alcorn, praying for the passage of a law to enable the School District, No. 1, in Livingston county, to draw its portion of the School Fund.

3. Mr. Slaughter presented the remonstrance of Samuel Hahn, against the sale of the old Seminary at Bardstown.

Which were received and referred: the 1st to the committee on the Judiciary; and the 2d and 3d to the committee on Education.

On the motion of Mr. James,

Resolved, That the committee on Finance be instructed to enquire into the expediency of directing the Secretary of State to procure the paper and other stationery, for all the public offices, who are by law, provided with the same; said contract to be let to the lowest bidder.

Mr. Slaughter, from a select committee, reported the following bills, viz: A bill to amend the charter of the Bardstown Female Academy. A bill for the benefit of John Ricks.
The said bills were each 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 said bills do pass, and that the titles thereof be as aforesaid.
And then the Senate adjourned.

TUESDAY, FEBRUARY 17, 1846.
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 Thomas Shannon Head.
An act for the benefit of the Trustees of the town of Carlisle.
An act for the benefit of Joseph W. Wood.
An act to change the name of Woodson Clay Gordon to that of Woodson Clay Montgomery.
An act for the benefit of James Coleman's children.
An act for the relief of Jane, Marion, and Samuel Walker, infant heirs of Harvey M. Walker, deceased.
An act providing for a change of venue in the prosecution against Reuben Payne.
An act for the benefit of Charles S. Boswell.
An act allowing an additional Constable to Nicholas county.
An act for the benefit of William P. Mitchell, a lunatic.
Approved February 16, 1846.
An act to reduce into one the several acts in relation to the town of Danville, and for other purposes.
Approved February 16, 1846.
That they had passed a bill from the Senate, entitled, an act for the benefit of the widow and heirs of Frederick Adkins, deceased.
That they had passed bills of the following titles, viz:
1. An act for the benefit of the heirs of Nicholas Smith, deceased.
2. An act further to protect the rights of married women.
3. An act to incorporate the Licking River Navigation Company.
5. An act the better to protect the estates of deceased persons.
6. An act for the benefit of Frederick Potter.
7. An act for the benefit of Catharine Dagnan.
9. An act to change the names of William Henry Rice and John Wilson Dollins, and for the benefit of Wm. H. Garnett.
10. An act for the benefit of Catharine Hathaway, and others.
11. An act for the benefit of certain Justices of the Peace in Fulton 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 of said bills being dispensed with, they were referred: the 1st, 2d, 5th, 8th and 10th to the committee on the Judiciary; the 3d, 4th and 6th to the committee on Internal Improvement; the 7th, 9th, 12th and 13th to the committee on Propositions and Grievances; and the 11th to the committee on Finance.

Mr. Peyton, from the joint committee on the Public Printing, made the following report, viz:

[For the Report—See Legislative Documents.]

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

Mr. Peyton, from the same committee, reported a bill concerning the Penitentiary, 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 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. James, from the same committee, presented the following communication from Buck and Monsarrat, viz:

JUDGE T. JAMES,

Sr: We address you as a member of the committee on Printing, from the Senate, and you are authorized to say to the Senate in our behalf, that we the undersigned, Buck & Monsarrat, printers, are willing to do the Public Printing for the State of Kentucky, at the prices following, and if the State has been in the habit of requiring security of their printers, we will give it also, for the true performance and execution of the work:

For composition in plain matter, in Small Pica and smaller type, for each 1,000 ems, 50
For rule and figure work, in similar type, whether on insets or tables, for each 1,000 ems, 1 00
For all rule or figure work, as above, 75
[All matter in which two or more rules are inserted to constitute rule work, and two or more columns of figures to constitute figure work.]

For composition, where it is possible to transpose from one form to another, we will only charge; and when the same matter is ordered to be printed by the Senate and House, so as it can be worked in one job, only one charge for typography will be made.

For composition on all bills, reports, or resolutions, &c. (other than book work,) printed on cap or any other paper, folio form, Small Pica and under, for 1,000 ems, 75
For the same work in Pica and larger type, per 1,000 ems, 100
For plain blanks, per quire, on cap or letter paper, 50
For post paper, &c., 75
For ruled blanks of either size, double.
For advertising list of non-residents' lands, per tract, 20
For same for Sheriffs' sales, 20
For press work per 240 impressions, or one token, 60
On bills, resolutions, or reports, other than book work, 75

Respectfully yours,

BUCK & MONSARRAT.

P. S. We will obligate ourselves to do the work upon the above terms for a term of years.

B. & M.

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

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to remodel and change the Judicial Districts, and equalize the labor of the Circuit Judges, reported the same with amendments.

Mr. Patterson moved to lay the said bill and amendments on the table.

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

The yeas and nays being required thereon, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard,
Boyd, A.
Boyd, W. P.
Bradley,
Bramlette,
Chenault,
Conner,
Draffin,
Drake,

Heady,
Helm,
James,
Patterson,

Slaughter,
South,
Walker—11.

Those who voted in the negative, were—

Messrs. Bradford,
Butler,
Crenshaw,
Fox,

Dyer,
Evans,
Gray,
Hardin,
Harris,
Henderson,
Holloway,
Key,
Marshall,

Newell,
Peyton,
Swope,
Taylor,
Thomas,
Thurman,
Todd,
Wallace,
Woodson—27.
The first amendment proposes to take the county of Harrison from the 10th Judicial District and add it to the 3d Judicial District.

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. Newell and Taylor, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, A. Dyer, Key,  
Bradford, Evans, Peyton,  
Bradley, Gray, Slaughter,  
Butler, Hardin, Taylor,  
Chenault, Henderson, Todd,  
Crenshaw, Holloway, Woodson—18.

Those who voted in the negative, were—

Messrs. Ballard, Heady, South,  
Boyd, W. P. Helm, Swope,  
Bramlette, James, Thomas,  
Conner, Marshall, Thurman,  
Draffin, Newell, Walker,  
Fox, Patterson, Wallace—19.

On the motion of Mr. Draffin, the said vote was reconsidered, and the said amendment was then concurred in.

The other amendments reported from the committee, were amended and concurred in.

Mr. Wallace moved to amend the said bill by adding thereto the following section, viz:

*Be it further enacted,* That the county of Oldham shall be added to, and compose a part of the 5th Judicial District.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Ballard, Evans, Marshall,  
Boyd, A. Gray, Newell,  
Boyd, W. P. Hardin, Patterson,  
Bradford, Harris, Peyton,  
Bradley, Heady, South,  
Butler, Helm, Taylor,  
Chenault, Henderson, Thomas,  
Conner, Holloway, Thurman,  
Crenshaw, James, Walker,  
Draffin, Key, Woodson—31.

Dyer,
The said bill was further amended.

Mr. Patterson moved to amend the said bill, by adding thereto the following section, viz:

That the Judge of the 2d Judicial District have two years, from the passage of this act, to move into said District.

Mr. Henderson moved the previous question, which was decided in the affirmative.

The question was then taken on reading the said bill a third time, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and A. Boyd, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard, Drake, Peyton,
Boyd, A. Dyer, South,
Boyd, W. P. Evans, Swope,
Bradford, Gray, Taylor,
Bradley, Harris, Thomas,
Bramlette, Henderson, Thurman,
Chenault, Holloway, Wallace,
Conner, Key, Woodson—25.

Those who voted in the negative, were—

Messrs. Butler, Helm, Patterson,
Crenshaw, James, Slaughter,
Hardin, Marshall, Todd,
Heady, Newell, Walker—12.

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

Mr. Patterson moved to amend the said bill, by adding thereto the following engrossed clause by way of rider, viz:

That the Judge of the 2d Judicial District, have two years from the passage of this act, to move into said District.

The question being taken on the adoption of the said amendment, it was decided in the negative, two thirds not voting therefor.

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

Those who voted in the affirmative, were—

Messrs. Ballard, Drake, Swope,
Boyd, A. Hardin, Taylor,
Boyd, W. P. Heady, Thomas,
Bradford, Henderson, Thurman,
Bradley, Holloway, Todd,
Bramlette, James, Walker,
Conner, Patterson, Wallace,
Crenshaw, Slaughter, Woodson—24.
Those who voted in the negative, were—

Messrs. Butler, 
Chenaault, 
Draffin, 
Dyer, 
Evans,

Gray, 
Harris, 
Helm, 
Key,

Marshall, 
Newell, 
Peyton, 
South—13.

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

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

Those who voted in the affirmative, were—

Messrs. Ballard, 
Boyd, A. 
Boyd, W. P. 
Bradford, 
Bradley, 
Chenaault, 
Conner, 
Draffin, 

Drake, 
Dyer, 
Evans, 
Gray, 
Harris, 
Henderson, 
Holloway, 

Marshall, 
Peyton, 
South, 
Swope, 
Thomas, 
Thurman, 
Wallace, 
Woodson—24.

Those who voted in the negative, were—

Messrs. Bramlette, 
Butler, 
Crenshaw, 
Fox, 
Hardin, 

Heady, 
Helm, 
James, 
Newell, 
Patterson,

Slaughter, 
Taylor, 
Todd, 
Walker—14.

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

Mr. A. Boyd, 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 William P. Blackstone.
An act for the benefit of Conrad Havens.
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. A. Boyd reported that the committee had performed that duty.

Mr. Hardin, from the committee on the Judiciary, reported the following bills, viz:

A bill granting a change of venue to Marmaduke Coker.
A bill to change the venue in the prosecution against Charles Darnals.
Which bills were each 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 said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to amend the Militia Laws, approved February 9, 1837, was taken up.

Mr. Wallace moved an amendment to said bill.

Mr. Helm moved to lay the said bill and amendment on the table.

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

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

Those who voted in the affirmative, were—

Bramlette, Conner, Grenshaw, Drake, James, Dyer, Hardin, Harris, Newell, South, Swope, Thurman, Walker, Woodson—22.

Those who voted in the negative, were—


An engrossed bill, entitled, an act to amend the revenue laws, was read the third time.

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

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

Those who voted in the affirmative, were—

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Those who voted in the negative, were—

Messrs. Ballard, Drake, Slaughter,
Bradford, Fox, Taylor,
Butler, Gray, Thurman,
Chenault, Key, Todd,
Crenshaw, Peyton, Woodson—15.

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

On the motion of Mr. Butler, leave was given to bring in a bill for the benefit of the Louisville Tobacco Warehouse, and Messrs. Butler, Draffin and Key were appointed a committee to prepare and bring in the same.

The following bills were reported, viz:

By Mr. Draffin, from a select committee—1. A bill to change the name of Eufracia Hendrix to that of Eufracia Smith.

By Mr. Butler, from a select committee—2. A bill for the benefit of the Louisville Tobacco Warehouse.

By Mr. Helm, from a select committee—3. A bill for the benefit of Wilson, Knott & Co.

Which bills were each 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 3d bill was referred to the committee on Internal Improvement; 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 title of the 2d bill be as aforesaid, and that the title of the 1st be amended by adding thereto, "and to change the name of Benjamin Thomas Sparr."

A message, in writing, was received from the Governor, by Mr. Hardin, 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 incorporate the Cook Benevolent Institution.
An act for the benefit of Joseph S. N. and James M. Dicken.
An act for the benefit of James C. Price and Mary C. Price.
An act for the benefit of Elizabeth Williams.
An act for the benefit of James Pittman.
An act concerning the Barren Circuit Court.
An act to reduce the number of Justices of the Peace in Spencer county.
An act establishing a Chancery Term of the Clarke Circuit Court.
An act to change the venue in the prosecution of Addison, a slave.
An act for the benefit of James G. Dilley, of Barren county.
An act to divorce Ann Eliza Holtzclaw.

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An act to change the name of the town of Landing, in Boone county, to that of Hamilton, and to appoint Trustees for said town.
An act for the benefit of William F. Colston and Mary E. Colston.
An act for the benefit of the Christian Church in Winchester, Clarke county.
An act for the benefit of the Methodist Episcopal Church, South, in Hopkinsville.
An act to amend the charter of the town of Keene, in the county of Jessamine.
An act for the benefit of Mary N. Gwynn.
An act to change the name of Susan Baker.
An act to authorize the Trustees of Cadiz to sell part of a street in said town.
An act for the benefit of the widow and heirs of Samuel Howard, deceased.
An act for the benefit of Catharine H. Willis, and her infant children.
An act to incorporate the Campbell Turnpike Road Company.
An act to amend an act, entitled, an act to amend the several laws of this Commonwealth relative to the duties of Clerks of Courts, approved February 2, 1841.
An act allowing Martin Fugate, late Sheriff of Pendleton county, further time to return his delinquent list of muster fines, and for other purposes.
An act providing for the support of an additional number of pupils in the Deaf and Dumb Asylum at Danville.
An act for the benefit of the County Court Clerks of Floyd and Pike counties.
An act concerning the town of Glasgow.
An act for the divorce of Mary E. Herndon and Reuben Herndon.
An act for the benefit of Maria T. Taylor.
An act for the benefit of the School Commissioners of Carroll county.
An act to provide for a change of venue in the prosecution against Enoch Stephens.
An act for the benefit of the Sheriff of Laurel county.
An act for the benefit of the Sheriff of Shelby county.
An act to authorize the appointment of a Police Judge for the town of Athens, in Fayette county.
An act to amend the law regulating the election of Trustees in the town of Port Oliver, in Allen county, and the town of Hopkinsville.
An act for the benefit of Carol Kendrick.
An act to change the name of William Mahan to William Nelson Rice.
An act for the benefit of Sabina Turpin, and others.
An act to amend the road law of Greenup county.

Approved February 17, 1846.
A bill for the benefit of the Lunatic Asylum was made the special order of the day for to-morrow.

A bill to change the time of holding the Fleming, Bath, Estill and Morgan Circuit Courts, was referred to a committee of Messrs. Boyd, Taylor and South.

An engrossed bill, entitled, an act to provide for the completion of Lock and Dam, No. 2, on Licking river, was read the third time as follows, viz:

WHEREAS, The sum of $316,350 09 have heretofore been paid for the construction, in part, of the five lower Locks and Dams, on Licking river, and that said expenditure, together with the amount expended to remove the bar at the mouth of the river, will soon become a total and irreparable loss to the State, unless some plan shall be promptly adopted to prevent it—therefore:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of twenty thousand dollars be, and the same is hereby, appropriated, to be drawn from the Treasury by the Board of Internal Improvement, as heretofore drawn for Internal Improvement purposes, and to be applied, by said Board, to the completion of Lock and Dam, No. 2, on said river.

SEC. 2. Be it further enacted, That all of the net revenue, hereafter collected from the counties of Kenton, Campbell, and Pendleton, over and above the sum of $2,000 per annum, be, and the same is hereby, appropriated and set apart, to be applied by, and under the directions of said Board, to the completion of the aforesaid five Locks and Dams.

SEC. 3. Be it further enacted, That said Board be, and they are hereby, authorized to lease out, for a term of years, the water power at No. 2, as well as any one or more of the Dams, for the best price they can obtain, as the respective Locks and Dams can be prepared for that purpose, and apply the proceeds, together with the funds hereinbefore appropriated and set apart, to the completion of the whole of said five Locks and Dams.

SEC. 4. Be it further enacted, That the Board shall also have power to make contracts, to appoint a Superintendent, and to do whatever else may be necessary to enable them to perform the duties herein enjoined, as heretofore they are authorized to do, by the laws under which the public works of the State have been heretofore carried on, and to pay for the same out of the moneys by this act provided.

The question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was rejected.

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

Those who voted in the affirmative, were—

Messrs. Dyer, Swope, Wallace, Evans, Thomas, Woodson—S.
Newell, Todd,

Those who voted in the negative, were—

Messrs. Ballard, Drake, Key,
Boyd, A. Fox, Marshall,
Boyd, W. P. Gray, Patterson,
A bill from the House of Representatives, entitled, an act divorcing Jesse Gee from his wife, Elizabeth Gee, was read a 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. South and Henderson, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard, Boyd, A., Bradley, Chenault, Crenshaw, Draffin, Dyer,

Evans, Fox, Head, James, Key, Newell,
Patterson, Slaughter, Thomas, Thurman, Walker, Wallace—19.

Those who voted in the negative, were—

Messrs. Boyd, W. P., Bradford, Bramlette, Drake, Gray, Hardin,

Harris, Henderson, Marshall, Peyton,
South, Swope, Taylor, Todd, Woodson—16.

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

Bills from the House of Representatives, of the following titles, were severally read the third time, viz:

An act divorcing Edward Farrar and Martha Farrar.
An act for the benefit of the Covington and Lexington Turnpike Company, and for other purposes.
An act for the benefit of Thomas Howser, of Monroe county.

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

A bill from the House of Representatives, entitled, an act for the relief of Henry Blanton and Robert Snell, executors of Carter Blanton, deceased, was read the third time.

The question being taken on the passage of said bill, 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. Gray and Crenshaw were as follows, viz:
Those who voted in the affirmative, were—

Messrs. Ballard, Dyer, Slaughter,
Bradford, Fox, Swope,
Bramlette, Heady, Thomas,
Conner, Holloway, Walker,
Crenshaw, Key, Wallace,
Draffin, Newell, Woodson—19.

Those who voted in the negative, were—

Messrs. Boyd, A. Hardin, Patterson,
Boyd, W. P. Harris, Peyton,
Bradley, Helm, South,
Butler, Henderson, Taylor,
Chenault, James, Thurman,
Evans, Marshall, Todd—19.

A bill from the House of Representatives, entitled, an act divorcing Thomas Stark, was read the third time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas Stark be, and he is hereby, divorced from his wife, Nancy Stark, and restored to all the rights and privileges of an unmarried man.

The question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. W. P. Boyd and Bramlette, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bradley, Harris, Thomas,
Chenault, Heady, Walker,
Crenshaw, James, Wallace—11.
Evans, Slaughter,

Those who voted in the negative, were—

Messrs. Boyd, W. P. Gray, Patterson,
Bradford, Hardin, Peyton,
Bramlette, Helm, South,
Butler, Holloway, Swope,
Conner, Key, Taylor,
Drake, Marshall, Todd,

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to divorce Louisa Gray.

That they had passed a bill, entitled, an act divorcing Susan Garrett from her husband, James H. Garrett, and changing her name.

Mr. Slaughter, from the committee on Education, reported a bill for the benefit of Common Schools in Laurel and Livingston 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 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 said bill do pass, and that the title thereof be amended by inserting Greenup county.

On the motion of Mr. Dyer, 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 to divorce Joseph W. Tate from his wife, Mary C. Tate.

The said bill having been returned to the Senate, on the motion of Mr. Dyer, the vote by which it was disagreed to, was reconsidered.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 18, 1846.

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 originating in the House of Representatives, of the following titles, viz:

An act to incorporate the town of Midway, in Woodford county.
An act to extend the corporate limits of Newport, and for other purposes.
An act to amend an act, entitled, an act to provide for taking the sense of the people of Mason county, relative to the seat of Justice of said county, approved February 1, 1845.
An act for the benefit of William P. Blackstone.
An act for the benefit of Conrad Havens.

Approved February 17, 1846.

That they had passed bills of the following titles, viz:
1. An act for the relief of John S. Lucas, of Warren county.
2. An act for the benefit of Winston Roberts.
3. An act to enlarge the boundaries of the town of Owensboro', in Daviess county.

Which bills were each 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 bill was referred to the committee on Propositions and Grievances; and the 2d and 3d to the committee on the Judiciary.

Mr. Peyton presented a review of the present condition of the State Penitentiary of Kentucky, with brief notices and remarks upon the Jails and Poor Houses in some of the most populous counties, written by request, by Miss D. L. Dix, which was received.

Ordered, That the Public Printer print 1,000 copies thereof for the use of the General Assembly.

1. Mr. Fox presented the petition of John L. Bailey, Lieutenant Colonel of the 6th Regiment of Kentucky Militia, praying that the bounds of said Regiment may be enlarged.

2. Mr. Fox also presented the petition of sundry citizens of Lincoln county, praying for an additional Justice of the Peace to said county.

3. Mr. Thurman presented the petition of sundry citizens of Washington county, praying that an additional Justice of the Peace be allowed to said county.

4. Mr. Bradford presented the petition of sundry citizens of the town of Stamping Ground, in Scott county, praying for an amendment to the act establishing said town.

Which were received and referred: the 1st to the committee on Military Affairs; the 2d to a committee of Messrs. Fox, Helm and Thurman; the 3d to a committee of Messrs. Thurman, Fox and Helm; and the 4th to the committee on the Judiciary.

Mr. Fox, from a select committee, reported a bill to allow the county of Lincoln one additional Justice of the Peace, 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. Evans, the vote disagreeing to a bill from the House of Representatives, entitled, an act for the relief of Henry Blanton and Robert Snell, executors of Carter Blanton, deceased, was reconsidered.

Mr. Patterson moved an amendment to said bill.

Mr. Swope moved the previous question, which was decided in the affirmative.

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

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

Messrs. Ballard,  Dyer,  Slaughter,
Bradford,        Evans,  Swope,
Bramlette,       Fox,    Thomas,
Conner,          Heady,  Walker,
Crenshaw,        Holloway,  Wallace,
Draffin,         Key,    Woodson—20.
Drake,           Newell,

Those who voted in the negative, were—

Messrs. Boyd, A.  Hardin,  Patterson,
Boyd, W. P.      Harris,  Peyton,
Bradley,         Helm,    South,
Butler,          Henderson,  Taylor,
Chenault,        James,   Thurman,
Gray,            Marshall,  Todd—18.

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

Mr. Thurman, from a select committee, reported a bill to allow an additional Justice of the Peace to Washington 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 said bill do pass, and that the title thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Hardin, 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, Richard L. Mayes to be Attorney for the Commonwealth, in the 16th Judicial District, in place of James B. Husbands, resigned.
Claudian Bird Northrop to be Commissioner of Deeds for Kentucky, in the city of Charleston, South Carolina.
James L. Dallam to be Notary Public in Livingston county.

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

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

The rule of the Senate being dispensed with, the said message was taken up, read, and referred to the committee on Military Affairs.

The said message contains the nomination of S. M. Berry to be Brigadier General of the 6th Brigade, Kentucky Militia, in the place of J. C. Towson, resigned.

A bill from the House of Representatives, entitled, an act to incorporate the Lawrence County Coal Mining Company, was taken up.
The amendment proposed thereto by the committee on the Judiciary, 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 said bill, as amended, 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 tax Pistols, Bowie Knives, and other deadly weapons.

Mr. Crenshaw moved to amend the said bill by adding thereto the following proviso, viz:

Provided however, That the provisions of this act shall not apply to manufacturers of any of the articles mentioned in this act, or to those who keep them for sale.

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. Butler and Crenshaw, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard, Evans, Peyton,
Boyd, W. P. Gray, Taylor,
Bradford, Helm, Todd,
Butler, Henderson, Walker,
Chenault, Holloway, Wallace,
Crenshaw, Newell, Woodson—20.
Dyer, Patterson,

Those who voted in the negative, were—

Messrs. Boyd, A. Fox, Slaughter,
Bradley, Hardin, South,
Bramlette, Harris, Swope,
Conner, Heady, Thomas,
Draffin, James, Thurman—17.
Drake, Marshall,

Mr. Harris moved to lay the said bill and amendments on the table.

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

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

Those who voted in the affirmative, were—

Messrs. Ballard, Dyer, Marshall,
Boyd, A. Gray, Peyton,
Boyd, W. P. Hardin, Slaughter,
Bradford, Harris, South,
Bradley, Heady, Taylor,
Bramlette, Helm, Todd,
Butler, Henderson, Thurman,
Drake, James,
Those who voted in the negative, were—

Messrs. Conner, Fox, Swope,
Crenshaw, Key, Thomas,
Draffin, Newell, Walker,
Evans, Patterson, Woodson—12.

Mr. A. Boyd, 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 to divorce Louisa Gray.
An act to amend an act incorporating the town of Raywick.
An act for the benefit of the widow and heirs of Frederick Adkins, deceased.
An act for the benefit of William Ramsey, Elisha Gardner and John B. Cobb.
An act allowing an additional Constable to Marion county, and to the county of Nelson.
An act to incorporate the Calliopean Institute, of Murray.
An act to incorporate the town of Somerset.

And enrolled bills which originated in the House of Representatives, of the following titles, viz:

An act to authorize the Trustee of the Craddock Fund to surrender his trust, and to constitute a permanent Board to manage the same.
An act for the benefit of Joseph B. O'Rear.
An act for the benefit of certain Sheriffs.
An act for the benefit of William B. Howard.
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. A. Boyd reported that the committee had performed that duty.

On the motion of Mr. Marshall, leave was given to withdraw the papers accompanying the bill establishing the county of Underwood.

On the motion of Mr. Slaughter, the committee on Education was discharged from the further consideration of a bill from the House of Representatives, entitled, an act authorizing the sale of the old Seminary at Bardstown, and the said bill was referred to the committee on the Judiciary.

Mr. Evans, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Frederick Potter, 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 said bill do pass, and that the title thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Mitchell, Assistant 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, Richard T. Benton to be Sheriff of Estill, in place of E. D. Stockton, resigned.

WM. OWSLEY.

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

A bill for the benefit of the Lunatic Asylum was taken up.

Mr. Peyton moved to amend the said bill.

Mr. Harris moved the previous question, which was decided in the affirmative.

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, W. P. Dyer, Slaughter,
Bradford, Evans, Swope,
Bramlette, Fox, Taylor,
Butler, Gray, Todd,
Chenault, Henderson, Walker,
Crenshaw, Holloway, Wallace,
Drake, Newell, Woodson—21.

Those who voted in the negative, were—

Messrs. Ballard, Hardin, Patterson,
Boyd, A. Harris, Peyton,
Bradley, Heady, South,
Conner, James, Thurman—14,
Draffin, Marshall.

Ordered, That the third reading of the said bill be had on to-morrow at 11 o'clock.

A bill from the House of Representatives, entitled, an act divorcing Susan Garnett from her husband, James H. Garnett, and changing her name, 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 Religion.

On the motion of Mr. Draffin, leave was given to bring in a bill to establish the Franklin Manufacturing Company, and Messrs. Hardin, Peyton and Draffin were appointed a committee to prepare and bring in the same.

And then the Senate adjourned.
THURSDAY, FEBRUARY 19, 1846.

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 the heirs of Hubbard B. Smith, deceased.
An act for the benefit of the Sheriff of Union county.
An act to abolish an election precinct in the county of Gallatin, and for other purposes.
An act to remodel and change the Judicial Districts, and equalize the labor of the Circuit Judges.
An act to repeal in part, an act, entitled, an act to amend the charter of the Louisville and Elizabethtown Turnpike Company, and Covington and Lexington Turnpike Company, approved February 7, 1845.
An act for the benefit of the Fayette Rifle Company.
An act to repeal an act, entitled, an act to amend the act incorporating the town of Columbia, approved February 27, 1844.
An act for the benefit of John Rogers' children.
An act for the benefit of Jacob White, Sheriff of Fulton county.
That they had passed bills from the Senate, of the following titles, viz:
An act to amend the act concerning slaves, approved February 5, 1845, and for other purposes.
An act to establish a portion of the line between the States of Kentucky and Tennessee.
With amendments to each of said bills.
That they had passed bills of the following titles, viz:
An act to amend the penal laws.
An act to limit the sale of spirituous liquors in Greenup county.
The papers accompanying the bill from the House of Representatives to establish the county of Underwood, were delivered to Mr. Clarke, under the order of the Senate of yesterday.

Resolved, That the Senate concur in the amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act to establish a portion of the line between the States of Kentucky and Tennessee.

The Speaker laid before the Senate the following communication from A. G. Hodges, viz:

FRANKFORT, February 19, 1846.

I beg leave to inform the Senate, through you, that I am a candidate for re-election as Public Printer; and as regards the compensation to be paid for the services to be rendered, I have only to say that, in the event of my elec-
tion, I will perform the work in accordance with the prices which the Legislature may, in its wisdom, think proper to adopt.

I am, very respectfully,

Your obedient servant,

A. G. HODGES.

Hon. ARCHIBALD DIXON,
Speaker of the Senate.

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

A message was received from the Governor, by Mr. Hardin, 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 an act incorporating the town of Raywick.
- An act for the benefit of the widow and heirs of Frederick Adkins, deceased.
- An act for the benefit of William Ramsey, Elisha Gardner, and John B. Cobb.
- An act to divorce Louisa Gray.
- An act allowing an additional Constable to Marion, county, and to the county of Nelson.
- An act to incorporate the Calliopean Institution of Murray.
- An act to incorporate the town of Somerset.

Approved February 18, 1846.

Mr. Peyton, from the committee to whom was referred a resolution from the House of Representatives, for the removal, by address, of George W. Kouns, a Justice of the Peace for Carter county, made the following report thereon, viz:

The select committee, appointed under a resolution of the Senate, to investigate the charges reported by the House of Representatives, in the case of George W. Kouns, have had the same under consideration, and after a full investigation and examination of the testimony, present the following resolution as adopted by the committee, viz:

Resolved, That we concur in the report of the House of Representatives, that the second and fifth specifications, as presented by the memorialists, against George W. Kouns, are fully sustained by the evidence; and the opinion of this committee is, that the resolution and address of the House ought to be concurred in by the Senate.

This report and resolution was adopted in committee by the following vote, viz: In the affirmative, Francis Peyton, Robert S. Todd, Robert A. Patterson and P. Butler. In the negative, H. C. Harris.

The further consideration of the said resolution was postponed and made the order of the day for 3 o'clock, this afternoon.

Bills from the House of Representatives, of the following titles, were severally reported from the committees to which they had been referred, without amendment, viz:
By Mr. Hardin, from the committee on the Judiciary:
An act providing for a change of venue in the prosecution against Joseph H. Coleman.
An act providing for a change of venue in the prosecution against Charles Yates.
An act for the benefit of Robert A. and Mary P. Moffett.
By Mr. Walker, from the committee on Propositions and Grievances:
An act for the relief of John S. Lucas, of Warren county.
An act for the benefit of L. Graves, of Gallatin county.
An act to reduce the number of Justices in Perry county.
An act for the benefit of Catharine Dagnan.
An act to change the names of Wilson Henry Rice and John Wilson Dollins, and for the benefit of Wm. H. Garnett.
An act for the benefit of John W. Carter.
An act to amend an act, entitled, an act to add a portion of Nicholas to Bracken county, approved February 29, 1844.
An act to change and more particularly define the county line between the counties of Perry and Breathitt.
An act to amend and reduce into one the several acts in relation to the town of New Liberty, in Owen county.
An act to run the county line between the counties of Harlan and Knox.
An act to provide for districting the county of Trimble into Magistrates' Districts.
Ordered, That said bills be read a third time.
The constitutional rule as to the third reading being dispensed with, Resolved, That said bills do pass, and that the titles thereof be as aforesaid.
The following bills were reported, viz:
By Mr. Hardin, from the committee on the Judiciary:
A bill for the benefit of Robert B. Hall.
A bill to incorporate the town of Shelbyville.
By Mr. Walker, from the committee on Propositions and Grievances:
A bill providing for running and marking the line between Boone and Kenton counties.
A bill for the benefit of Rockcastle, Harlan and Owsley counties.
A bill for the benefit of Edmund Robertson.
A bill for the benefit of Missouri and Mary Jane Arnold.
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 said bills do pass, and that the titles thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Hardin, 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, James B. Gregory to be Colonel, John Howser to be Lieutenant Colonel, and Joseph B. Carico to be Major of 119th Regiment, Kentucky Militia.

George W. Graves to be Colonel, Thomas H. Payne to be Lieutenant Colonel, and Wm. R. Davis to be Major of the 10th Regiment, 3d Brigade.

James Hawkins to be Colonel, John N. Mosby, to be Lieutenant Colonel, and Dudley M. Woolfolk to be Major of the 11th Regiment, 3d Brigade.

John D. Hardwick to be Colonel, Wiley Parker to be Lieutenant Colonel, and William D. Bailey to be Major of the 76th Regiment, 17th Brigade.

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

Mr. Walker, 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 to Pulaski 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 said bill, as amended, do pass, and that the title be amended by adding, and for other purposes.

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

An act for the relief of John Tompkins.

An act for the relief of Milton Busby.

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

Ordered, That said bills be read a third time.

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

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

An engrossed bill, entitled, an act for the benefit of the Lunatic Asylum, was taken up and read the third time.

Mr. Peyton moved to amend the said bill, by adding thereto the following engrossed clause by way of ryder, viz:

That the Governor of this Commonwealth shall appoint three discreet Commissioners, whose duty it shall be to examine and select a suitable location for a Lunatic Asylum, in some part of the Green River country, and whether the land can be obtained, the price of the same, and the probable
cost of erecting suitable buildings for such an Institution; and the report of such Commissioners shall be laid before the next Legislature.

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

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

Those who voted in the affirmative, were—


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

An engrossed bill, entitled, an act to amend the act concerning slaves, approved February 5, 1845, and for other purposes, together with the amendments proposed thereto by the House of Representatives, was made the special order of the day for to-morrow at 11 o'clock.

A message, in writing, was received from the Governor, by Mr. Hardin, 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, John H. Rucker to be Colonel, James A. Moore to be Lieutenant Colonel, and William P. Chambliss to be Major of 84th Regiment, Kentucky Militia.

Thomas Hart to be Colonel, Samuel Bean to be Lieutenant Colonel, and Thomas H. Ramsey to be Major of the 36th Regiment.

Harmon West to be Colonel and Edmund Meacham to be Lieutenant Colonel of 39th Regiment.

Wm. Owsley.

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

A bill from the House of Representatives, entitled, an act divorcing Joseph W. Tate from his wife, Mary C. Tate, was taken up and amended.

Ordered, That 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 said bill, as amended, and it was decided in the affirmative.

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

| Messrs. Ballard, | Evans,     | Swope, |
| A. Boyd,        | Fox,       | Taylor, |
| Bradford,       | Headly,    | Thomas, |
| Bradley,        | Heln,      | Thurman,|
| Conner,         | Newell,    | Todd,  |
| Crenshaw,       | Patterson, | Walker,|

Those who voted in the negative, were—

| Messrs. Boyd, W. P. | Hardin, | Marshall, |
| Brumlette,          | Harris, | Peyton, |
| Butler,             | Henderson, | South, |
| Chenault,           | Holloway, | Woodson-14. |
| Gray,               | Key,    |         |

Resolved, That the title of said bill be amended to read, an act to divorce Joseph W. and Mary C. Tate, and Paul R. Baker.

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

- An act to abolish an election precinct in the county of Gallatin, and for other purposes.
- An act for the benefit of the Sheriff of Union county.
- An act for the benefit of the Fayette Rifle Company and Midway H. Guards.
- An act for the benefit of John Rogers' children.
- An act for the benefit of Thomas Howser, of Monroe county.
- An act for the benefit of the Covington and Lexington Turnpike Company, and for other purposes.
- An act divorcing Jesse Gee from his wife, Elizabeth Gee.
- An act to remodel and change the Judicial Districts, and equalize the labor of the Circuit Judges.
- An act divorcing Edward Farrar and Martha Farrar.

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. A. Boyd reported that the committee had performed that duty.

Mr. James, from the minority of the joint committee on the Public Printing, made the following report, viz:

[For Report—See Legislative Documents.]
Ordered, That the Public Printer print 150 copies of said report for the use of the General Assembly.

On the motion of Mr. Key, leave was given to bring in a bill regulating the terms of the Circuit Courts in the first, third and fourth Judicial Districts of this Commonwealth, and Messrs. Key, Swope and Conner were appointed a committee to prepare and bring in the same.

Mr. Harris, the minority of the committee to whom was referred the resolution from the House of Representatives for the removal, by address, of George W. Kouns, a Justice of the Peace for Carter county, made the following report, viz:

The undersigned, one of the committee of the Senate, raised to inquire into the charges preferred against George W. Kouns, on the 2nd and 5th specifications, having differed with the majority of the committee in the conclusions to which the committee came, would beg leave to report:

The first charge sustained by the committee, in relation to the alleged illicit commerce with Ellen McCormick, was substantially sworn to by Davis, the witness; and there also appears, in the depositions, that his testimony is somewhat corroborated by the testimony of Lampton, who proves an admission of the fact of adultery, by Kouns, when he was under arrest for rape. This admission was made under circumstances that greatly weaken its force, which at best, is the weakest of all the grades of testimony known to the law.

In view of all the evidence, the actors and agents in the prosecution for the rape of Ellen McCormick—the motives that prompted it—the time it was commenced—the confession of Ellen McCormick that she had sworn falsely against Kouns—her failure to establish either adultery, or rape, by her oath, on the trial, so far as I have seen or heard—her being in company with the Hogans, Kouns' bitter enemies—staying all night at one of the Hogans' during the time the prosecution was going on—being in their hands—the charge having slept from May, 1841, till October 8th, 1843—never having become a matter of public notoriety until just before the suit was about to be tried between "the Hogans" and Kouns. The fact, also, that Ellen McCormick confessed it was untrue to Mrs. Prichard, and told Mrs. McGinnis, the day of the trial at Grayson, on her way home, that she had been hired to swear it against Kouns—that she was to get a bonnet, a dress, a pair of shoes, and money, to swear, and that the charge was untrue—that Davis had also "sworn to a lie" in relation to the affair; and also, the character of George W. Kouns, from his youth to the present time, contradict it, as established by all the testimony—of which, the undersigned will hereafter speak. He is therefore constrained to entertain his doubts on the 2nd charge. He believes that this whole prosecution in relation to the rape of Ellen McCormick was got up by the enemies of Kouns, more to harass and ruin him, and gratify their individual ends and spites, than for any love they had for the purity of the judicial ermine or the public morals.

As to the 5th specification, sustained by the committee, he would remark, that it was proved beyond any doubt, that Kouns collected $7 for Col. Bolt, from the brother of James McGinnis, who, it seems, paid it for James. The attachment was issued in 1838, by Kouns, and the money received by him; and that Bolt drew an order on Hood, which, after accepting (as Hood
proves) the order; afterwards protested the order, and stated, in the protest, the facts why it was protested. The undersigned is not aware of any law that authorizes a Justice of the Peace as a Justice to receive money on attachment or execution. He then became a mere trustee, and stake holder for Col. Bolt; and the affair presents nothing to the mind of the undersigned but a mere moral dereliction of duty to pay the $7 over, if he was able to do it, and nothing else. It is respectfully asked, that the reception of $7, the failure to pay it by Kouns, is a sum so large as to have inflicted any great injury; or is it such a great, and monstrous moral outrage as to deprive a faithful public officer of his office, and to plunge him, his wife and children in utter disgrace?

The undersigned is therefore unwilling to inflict such a terrible judgment on the accused, under the circumstances which mark this whole case, as the whole testimony proves Kouns to be an honest and upright man, aside from the present charges, although an imprudent and singular one. Like other men, he has his enemies, and they speak disparagingly of him. It is true, his religious character, with believing christians and others, is not such as could be wished; but still the constitution entitles him to the full enjoyment of his heresy, and singular, (and I must be permitted to add) imprudent religious "notions." Having been led to doubt, on the first charge sustained by the House of Representatives, and by a majority of the Senate's committee, and believing it to be a solemn duty to be careful in pronouncing judgment of condemnation in this case, the consequence of which, is complete disgrace to the accused, and which will fall also on the heads of Kouns' wife and nine children; and regarding the 5th specification not in the light of official malfeasance, the undersigned is constrained to adopt for the rule of his action "that it is better that ninety and nine guilty men should escape punishment than one innocent man should suffer." He is therefore constrained to dissent from the report and resolution of the majority of the committee.

H. C. HARRIS.

The said resolution from the House of Representatives is as follows, viz:

IN THE HOUSE OF REPRESENTATIVES, February 7, 1846.

The select committee to whom was referred a memorial of sundry citizens of Carter county, praying the removal of George W. Kouns from his office of Justice of the Peace for Carter county, have carefully investigated the charges contained in said memorial, and report:

The first specification charging him with rape, was withdrawn by the counsel for the prosecution.

The second specification charging said Kouns with having illicit intercourse with Ellen McCormick, she being then in his custody as an apprentice, against her will, was sustained in the opinion of the committee, in part, by the oath of William Davis, who proved the fact of his having illicit intercourse with said Ellen; but that portion charging that she was at that time, in the custody of said Kouns, as an apprentice, and that he had intercourse with said Ellen, against her consent, was not sustained; though it was proven by said Davis and others, whose characters as men of veracity, were sustained, that at the time, she was an inmate of said Kouns' family and without a mother living. That portion of William Davis' testimony was supported by that of James Lampton, in so far, as that Kouns admitted to him the fact of said illicit intercourse with said Ellen.
The third specification charges, that said Kouns, as a Justice of the Peace, certified as true, full and complete a transcript of a record from his office, when in fact, it was false. It was in proof that the only substantial difference between the copy and the original, was in this, that in the copy which was that of an execution, he omitted to insert the costs amounting to 12½ cents, and the day of return. In as much as no person sustained any material injury, if any, the committee are of opinion it does not amount to malfeasance in office.

The fourth specification charges said Kouns with having received a fee of $5, corruptly, in a case decided by himself as a Justice of the Peace. Said specification we consider as unsustained by the evidence.

The fifth specification, charging him with receiving the money on an attachment issued by himself, and failing or refusing to pay the same over when demanded, is sustained in the opinion of the committee.

The sixth specification is, that “the general character of said Kouns is so infamous as to bring the said office of Justice of the Peace into reproach and disrepute, with the honorable part of the community.” It appears that up to the time of his being charged with the illicit intercourse with said Ellen, said Kouns sustained a good character; previous to which time, the only thing charged to him was his peculiar religious notions and opinions, which your committee think he had a constitutional right to enjoy.

The seventh, and last specification is as follows: “said George W. Kouns is an infidel, and by his blasphemous course in reference to the christian religion, brings disgrace upon his office of Justice of the Peace; and more particularly did he do so, when asked as a witness, if he believed in a future state of rewards and punishments, he responded he did not, and no body but a fool did. As regards the first part of the specification, the committee are of opinion it was not fully sustained by the evidence. In relation to the latter, and more specific portion, the facts proven are these: that in a case in which he had been sworn, the question was asked him by a lawyer, if he believed in a future state of rewards and punishments; he appealed to the court if he was bound to answer; the court replied he was not; after which he turned to the lawyer and said, for your satisfaction I answer, I do not, and no body but a fool does.” It was in proof before the committee that said Kouns holds to the doctrine of a sect of Christians called Universalists, who contend that man is rewarded and punished in this life for his deeds, and that it was in this view of the case that said Kouns made the declaration, and as your committee think, wished to be understood.

The foregoing is a correct detail of the facts as presented to the committee. Therefore, the adoption of the following address to the Governor, is recommended:

To his Excellency, William Owsley, Governor of Kentucky:

The General Assembly of the Commonwealth of Kentucky, (two thirds of both Houses concurring in this address,) would respectfully state and charge, that George W. Kouns, a Justice of the Peace in and for Carter county, then in commission, was, on or about the 1st of May, 1841, in said county of Carter, guilty of illicit intercourse with one Ellen McCormick, of the age of 14 or 15 years, then and at that time an inmate of the family of said Kouns, and having no mother living, she being claimed by him as his bound girl or apprentice, thereby offending against morality and decency,
and the peace and dignity of the Commonwealth; and that the said George W. Kouns issued an attachment, received the money thereon, and failed and refused to pay the same over when properly demanded, thereby offending against the dignity of the Commonwealth. Wherefore:

Resolved, That the said George W. Kouns be removed from his office of Justice of the Peace by the Governor of this Commonwealth.

The question being taken on concurring in the said resolution, it was decided in the negative, two thirds not voting therefor, and so the said resolution was disagreed to.

The yeas and nays thereon were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P. Evans, Patterson,
Bradford, Fox, Peyton,
Butler, Gray, Swope,
Chenault, Helm, Taylor,
Crenshaw, Henderson, Todd,
Drake, Holloway, Walker,
Dyer, Key, Woodson—21.

Those who voted in the negative, were—

Messrs. Ballard, Draffin, Slaughter,
Boyd, A. Harris, South,
Bradley, Head, Thomas,
Bramlette, Marshall, Thurman,
Conner, Newell, Wallace—15.

And then the Senate adjourned.

FRIDAY, FEBRUARY 20, 1846.

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 originating in the House of Representatives, of the following titles, viz:

An act to authorize the Trustee of the Craddock Fund to surrender his trust, and to create a permanent Board to manage the same.

An act for the benefit of William B. Howard.

An act for the benefit of Joseph B. O'Rear.

An act for the benefit of certain Sheriffs.

Approved February 18, 1846.
That they had concurred in the amendments proposed by the Senate, to a bill from that House, entitled, an act to incorporate the Lawrence County Coal Mining Company.

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

An act to divorce Elizabeth Wydell.
An act for the benefit of Ann Elizabeth Long.
An act for the benefit of certain Sheriffs.
An act to authorize the Mississippi Railroad Company, to extend their Railroad from the south boundary line of the Commonwealth of Kentucky, to the Mississippi river.
An act to amend the law in relation to idiots and lunatics, approved February 12, 1840.
An act to transfer the duties of the President of the Bank of the Commonwealth and the Agent of the Old Bank of Kentucky to the First Auditor, and requiring certain duties of the First Auditor and Attorney General.
An act for the benefit of the Reformed Baptist Church of Slate Run, in Bath county.
An act to establish and improve a State road from James Carlton’s Ferry, in Boone county, to intersect the Covington and Lexington Turnpike Road.
An act requiring Sheriffs to execute bond in double the amount of the revenue collected.
An act to amend the charter of the Bardstown Female Academy.
An act for the benefit of John Ricks.
An act granting a change of venue to Marmaduke Coker.
An act to change the venue in the prosecution against Charles Darnalds.
An act to change the name of Eufracia Hendrix to that of Eufracia Smith, and to change the name of Benjamin Thomas Sparr.
An act for the benefit of Common Schools in Laurel, Livingston and Greenup counties.
An act to allow an additional Justice of the Peace to Washington county.
And that they have passed bills from the Senate, of the following titles, with amendments to each, viz:

An act to amend an act, entitled, an act to amend an act incorporating the Louisville and Mississippi Railroad Company, and promote the construction of a Railroad between said city and river.
An act for the benefit of the Louisville Tobacco Warehouse.
An act to allow the county of Lincoln one additional Justice of the Peace.
An act to incorporate the town of Shelbyville.
The said amendments were twice read and concurred in.
That they had concurred in a resolution from the Senate, fixing a day for the election of Public Officers, with an amendment.
Which amendment was concurred in.
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That they had passed bills of the following titles, viz:
An act for the relief of emigrants to this State.
An act to repeal the first section of an act, entitled, an act for the benefit of N. R. Harris and E. D. Solomon.
An act authorizing a settlement with the Board of Internal Improvement.
An act to change the place of voting in a precinct in Bath county, and for other purposes.
An act for the benefit of the widow and heirs of G. C. Bohannan, deceased.
An act for the benefit of the devisees of Wm. Logan, deceased.
An act for the benefit of Jacob Cardwell's heirs.
An act divorcing Zerilda Jane Price, and changing her name.
An act to incorporate the Augusta Presbyterian Church in Bracken county, and for other purposes.
An act divorcing Catharine Smith and changing her name.
An act divorcing Lindsey Lister from his wife, Margaret Lister.
An act divorcing Pleasant Meadows from his wife, Sally Meadows.
An act divorcing Rhoda Ames from her husband, David S. Ames, and Mary Moore from her husband, Wm. C. Moore.
An act divorcing Rachel Hoskins from her husband, Davis Hoskins.
An act to incorporate the fourth Baptist Church of Louisville.
An act to authorize the Board of Trustees of the town of Port Royal to change an alley.
An act to extend the limits of the town of Stanford.
An act for the benefit of the mechanics of the town of Danville, and for other purposes.
An act for the benefit of the Methodist Episcopal Church in the town of Carlisle.

Bills from the House of Representatives, of the following titles, were reported from the committees to whom they were referred, without amendment, viz:

By Mr. Dyer, from the committee on Internal Improvement:
1. An act to incorporate the Licking River Navigation Company.
By Mr. James, from the committee on Finance:
2. An act to reduce the price of vacant and unappropriated lands in Grayson county.
3. An act authorizing the Secretary of State to furnish Justices of the Peace with Morehead and Brown's Digest.
4. An act for the relief of William Lair, late Sheriff of Russell county.
The 1st bill was postponed, and made the order of the day for to-morrow at 11 o'clock; and the 4th bill was laid on the table; the 2d and 3d bills were ordered to be read a third time.

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

Mr. Swope, 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 an election precinct in Allen county, and for other purposes, reported the same with amendments, which 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 said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Key, from a select committee, reported a bill regulating the terms of the Circuit Courts in the first and fourth Judicial Districts, 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,

Mr. W. P. Boyd moved an amendment thereto.

Mr. Swope moved the previous question, which was decided in the affirmative.

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

Mr. Key moved to dispense with the rule as to the third reading of the said bill.

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

The yeas and nays being required thereon by Messrs. Patterson and W. P. Boyd, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


The said bill being engrossed, was amended by way of engrossed ryder.

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

Mr. Key moved to reconsider the vote by which the said bill was passed, and it was decided in the negative.
A message, in writing, was received from the Governor, by Mr. Mitchell, Assistant 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, B. Rowan Hardin to be Commissioner of Deeds for Kentucky, for the State of Texas.

WM. OWSLEY.

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

*Ordered,* That the committee on Finance have leave to sit during the sessions of the Senate.

Mr. James, from the committee on Finance, reported a bill to amend the revenue laws, 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 so much of an act, entitled, "an act to amend the revenue laws," approved March 10, 1843, as imposes a tax of "fifty cents on gold spectacles," shall be and the same is hereby repealed.

Mr. Gray moved to amend the said bill by substituting therefor, the following, viz:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky,*

That an act, entitled, "an act to amend the revenue laws," approved March 10, 1843, which imposes a tax on spectacles, watches, &c., be and the same is hereby repealed.

Mr. Conner moved to lay the said bill and amendment on the table.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Draffin 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. Todd and South, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, A.                Hardin,                James,
Bramlette,                      Harris,                Newell,
Draffin,                        Helm,                   South,
Dyer,                           Henderson,             Walker,
Fox,                            Holloway,              Woodson—15.

Those who voted in the negative, were—

Messrs. Ballard,                 Drake,                  Peyton,
Boyd, W. P.                     Evans,                  Slaughter,
Bradford,                       Gray,                   Taylor,
Bradley,                        Heady,                  Thomas,
Butler,                         Key,                    Thurman,
Chenault,                       Marshall,               Todd,
Conner,                         Patterson,              Wallace—22.
Crenshaw,

The question was then taken on the adoption of the amendment moved by Mr. Gray, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Ballard,                 Crenshaw,              Peyton,
Boyd, A.                         Drake,                  Taylor,
Bradford,                       Gray,                   Thurman,
Bradley,                        Holloway,              Todd,
Bramlette,                      Key,                    Wallace—20.
Butler,                         Marshall,               Woodson,
Chenault,                       Patterson,

Those who voted in the negative, were—

Messrs. Boyd, W. P.             Hardin,                  Newell,
Conner,                         Harris,                 Slaughter,
Draffin,                        Heady,                  South,
Dyer,                           Helm,                   Swope,
Evans,                          Henderson,             Thomas,
Fox,                            James,                  Walker—18.

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

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

Messrs. Bradley, Crenshaw, Drake, Gray, Holloway, Key, Marshall, Patterson,
Bradley, Gray, Holloway, Key, Marshall, Patterson,
Bramlette, Key, Wallace, Woodson—20.
Butler, Marshall, Patterson,
Chenault, Patterson,

Those who voted in the negative, were—

Conner, Harris, Headly, Helm, Henderson, James,
Draffin, Heady, Helm, Swope, South, Swope, Thomas, Walker—18.
Dyer, Evans, Henderson, Swope, South, Swope, Thomas, Walker—18.
Evans, Henderson, Swope, South, Swope, Thomas, Walker—18.
Fox, James, Walker—18.

Mr. James, from the committee on Finance, to whom was referred the petitions of William Yates, of Lud Fore, and of the citizens of Boone county, in behalf of Matthew Cook, reported the following resolution thereon, viz:

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

Mr. James moved that the committee on Finance be discharged from the duty of preparing and bringing in a bill for the benefit of John A. Hunt, of Whitley county.
The question being taken thereon, it was decided in the negative.

Mr. James, from the said committee, reported 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 the said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of the said bill, by Messrs. Peyton and Evans, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard, Drake, Patterson, South, Swope, Taylor, Thomas, Woodson—22.
Bradford, Evans, Slaughter, South, Swope, Taylor, Thomas, Woodson—22.
Bradley, Fox, Slaughter, South, Swope, Taylor, Thomas, Woodson—22.
Bramlette, Headly, Slaughter, South, Swope, Taylor, Thomas, Woodson—22.
Chenault, Henderson, Swope, South, Swope, Taylor, Thomas, Woodson—22.
Conner, Henderson, Swope, South, Swope, Taylor, Thomas, Woodson—22.
Crenshaw, Holloway, Swope, South, Swope, Taylor, Thomas, Woodson—22.
Those who voted in the negative, were—

Messrs. Boyd, A. James, Peyton,
Butler, Key, Todd,
Draffin, Marshall, Walker,

Resolved, That the Senate concur in the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to amend the act concerning slaves, approved February 5, 1845, and for other purposes.

A bill to change the time of holding the Green Circuit Court, was taken up, 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 be amended to read, an act requiring County Courts to be held in Green county in the months of May and November.

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

An act for the benefit of Common Schools in the city of Maysville, county of Carroll, and for other purposes.

An act to amend an act, entitled, an act to establish a Seminary of learning in Morgantown, 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 said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Butler, leave was given to bring in a bill to incorporate the Floyd's Fork Turnpike Company, and Messrs. Butler, Drake and Helm were appointed a committee to prepare and bring in the same.

After a short time, Mr. Butler 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 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. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and an enrolled resolution which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of S. Duncan and Constant A. Wilson.
An act for the benefit of the Reformed Baptist Church of Slate Run, in Bath county.
An act to allow an additional Justice of the Peace to Washington county.
An act for the benefit of Common Schools in Laurel, Livingston and Greenup counties.
An act to change the name of Eufracia Hendrix to that of Eufracia Smith, and to change the name of Benjamin Thomas Sparr.
An act to amend the charter of the Bardstown Female Academy.
An act for the benefit of John Ricks.
A resolution fixing a day for the election of Public Officers.
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. A. Boyd reported that the committee had performed that duty.
The Senate resumed the consideration of a bill concerning Public Printing.
Mr. James moved an amendment thereto, which was discussed for some time.
A message was received from the House of Representatives, by Mr. Finnell, announcing the death of Milton Mills, late a member of that House, from the county of Wayne, and that they had adopted the following resolutions, viz:

Resolved, That the members and officers of this House, will attend the funeral of Milton Mills, deceased, late a member of this House, from the county of Wayne to-morrow.

Resolved, That a committee be appointed to take order for superintending the funeral of Milton Mills, deceased.

Resolved, That the members and officers of this House, in testimony of their regard for their late member, Milton Mills, will wear crape on the left arm for thirty days.

Resolved, As a further testimony of respect for the deceased, this House do now adjourn.

Mr. Bramlette moved the following resolutions, viz:

Resolved, That the Senate having received the melancholy intelligence of the death of Milton Mills, a Representative in the House of Representatives; and that in token of the deep sorrow entertained by this body, for his untimely death, the Senate will now adjourn.

Resolved, That we will attend the funeral of Milton Mills, at his burial; and that in testimony of our respect for the memory of the deceased, we will wear the usual badge of mourning on our left arm for thirty days.

Resolved, That a committee of three, on the part of the Senate, be appointed to co-operate with the committee of the House of Representatives, to arrange the funeral ceremonies of the deceased.

Which resolutions were unanimously adopted, and Messrs. Bramlette, James and Helm were appointed the said committee on the part of the Senate.

And then the Senate adjourned.
SATURDAY, FEBRUARY 21, 1846.

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, originating in the House of Representatives of the following titles, viz:


An act to abolish an election precinct in the county of Gallatin, and for other purposes.

An act for the benefit of the Sheriff of Union county, and for other purposes.

An act for the benefit of the Fayette Rifle Company and Midway H. Guards.

An act to remodel and change the Judicial Districts, and equalize the labor of the Circuit Judges.

An act for the benefit of John Rogers' children.

An act for the benefit of Thomas Howser, of Monroe county.

An act divorcing Edward Farrar and Martha Farrar.

An act for the benefit of the Covington and Lexington Turnpike Company, and for other purposes.

An act divorcing Jesse Gee from his wife, Elizabeth Gee.

Approved February 19, 1846.

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

1. An act to amend the charter of the Glasgow and Scottsville Turnpike Road Company.

2. An act to incorporate the Commissioners of the Sinking Fund of Kentucky.

3. An act prescribing further duties of the Board of Internal Improvement.


With amendments to each.

The said amendments were severally twice read, and those to the first and second bills were concurred in, and those to the third and fourth bills were disagreed to.

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

An act for the benefit of William T. Dudley, Clerk of the Fleming County Court.

An act for the benefit of Mary Flint, of Oldham county.

An act for the benefit of Samuel F. Singleton.

An act for the benefit of Sally Gaston.
An act for the benefit of Harriet Stroude and the heirs of Edward Stroude.
An act to revive and amend an act, entitled, an act to incorporate a Turnpike Road from Lancaster to Crab Orchard.
An act to incorporate the Danville and Perryville Turnpike Road Company.
An act to amend the charter of the Danville and Hustonville Turnpike Road Company.

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

An act for the benefit of James W. Prater and Erastus Evans.
An act for the benefit of the Kentucky Institution for the Education of the Blind.
An act for the benefit of Elizabeth Thompson and her infant children.
An act to amend the charter of the Louisville and Elizabethtown Turnpike Road Company, and to provide for the erection of a bridge across Salt river, at the mouth.
An act providing for a change of venue in the prosecution against James Lane.
An act to extend the time for registering headright surveys.
An act for the benefit of the Lunatic Asylum.

With amendments to the last two bills, which amendments were concurred in.

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

An act for the benefit of S. Duncan and C. A. Wilson.
An act for the benefit of the Reformed Church of Slate Run, in Bath county.
An act to allow an additional Justice of the Peace to Washington county.
An act to amend the charter of the Bardstown Female Academy.
An act for the benefit of John Ricks.
An act to change the name of Eufacia Hendrix to that of Eufacia Smith, and to change the name of Benjamin Thomas Sparr.
An act for the benefit of the Common Schools in Laurel, Livingston and Greenup counties.

Also, a resolution fixing a day for the election of Public Officers.

Approved February 20, 1846.

Mr. Slaughter, from the committee on Agriculture, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Alexander Rigg, 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 said bill do pass, and that the title thereof be as aforesaid.
Bills from the House of Representatives, of the following titles, were severally read the first time, viz:
An act to incorporate the Augusta Presbyterian Church in Bracken county and for other purposes.
An act divorcing Catharine Smith, and changing her name.
Ordered, That said bills be read a third time.
The constitutional rule as to the third reading being dispensed with,
Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were reported from the committees to whom they were referred, without amendments, viz:

By Mr. Swope, from the committee on Privileges and Elections:
An act to limit the elections in Calloway and Marshall counties to one day.
An act regulating elections in Hardin, Laurel and Rockcastle counties.
An act to change the place of voting at the Liberty precinct, in Jessamine county, and for other purposes.
An act to change the place of voting in the county of Harlan, from the house of John Creech to the house of John Lewis, in said county.
An act to change the place of voting at the Lewisport precinct, in Hancock county.
An act to change the place of voting in the Donelson precinct, in Caldwell county.
An act to establish an election precinct in Owsley county.
By Mr. Slaughter, from the committee on Agriculture, an act for the benefit of the several County Courts.
By Mr. Marshall, from the committee on Military Affairs, an act for the benefit of Samuel P. Taylor, and others.
By Mr. Hardin, from the committee on the Judiciary:
An act to incorporate the Blue Lick Hotel and Water Company.
An act to incorporate the town of Burksville, and for other purposes.
An act to enlarge the boundaries of the town of Owensboro, in Daviess county.
An act authorizing the Trustees of the town of Jackson to change an alley in said town.
An act to regulate the time of holding the County Court of Larue.
An act requiring Clerks of County Courts to perform certain services.
An act for the benefit of Wm. F. B. Garrett and Rebecca Garrett.
An act to allow an additional week to the Ballard Circuit Court.
An act to establish a Mechanics' Institute in the town of Paducah.
An act to amend an act, entitled, an act for the benefit of Eliza A. Roman, approved February 13, 1844.
An act to regulate the Spring Term of the Trimble Circuit Court.
An act authorizing the County Court of Union to sell a part of the public square in Morganfield.
An act to establish a Chancery Term of the Union Circuit Court, and to change the Terms of the Boyle Circuit Court.
An act to amend in part, and repeal in part, an act, entitled, an act to amend the laws incorporating the town of Hickman, in Fulton county.
An act for the benefit of the widow and heirs of George M. Bedinger, deceased.
An act to incorporate the Dialectic Society of Shelby College.
An act for the benefit of Winston Roberts.
An act for the benefit of the heirs of Nicholas Smith, deceased.
An act for the benefit of Jno. Stump's children.
An act authorizing the County Court of Marshall county to appoint a Treasurer.

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

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

After interchanging messages and nominations, the two Houses proceeded to the election of Public Officers.

Mr. James Davidson received the unanimous vote of both Houses for the office of Treasurer, and was thereupon declared to be duly elected Treasurer of this Commonwealth, for the ensuing year.

The vote of the Senate for Public Printer, was as follows, viz:

Those who voted for Mr. A. G. Hodges, were—

Messrs. Boyd, W. P. Bradford, Bramlette, Butler, Chenault, Draffin, Drake, Dyer,
Evans, Fox, Gray, Hardin, Helm, Henderson, Holloway, Key,
Patterson, Peyton, Slaughter, Taylor, Todd, Walker, Woodson—23.

Those who voted for Mr. Wm. Tanner, were—

Messrs. Ballard, Boyd, A. Bradley, Conner, Harris,
Heady, James, Marshall, Newell, South,
Patterson, Peyton, Swope, Thomas, Thurman, Wallace—14.

The joint vote of the two Houses stood thus:

For Mr. Hodges, 82
For Mr. Tanner, 50

40
Mr. A. G. Hodges having received a majority of all the votes given, was declared duly elected Public Printer for the ensuing year.

The vote of the Senate for Public Librarian, was as follows, viz:

Those who voted for Mr. G. A. Robertson, were—

Messrs. W. P. Boyd, Bradford, - Fox, Patterson, -
Bradley, - Gray, Peyton, -
Bramlette, - Hardin, Slaughter, -
Chenault, - Harris, Taylor, -
Conner, - Helm, Thomas, -
Draffin, - Henderson, Thurman, -
Drake, - Holloway, Todd, -
Dyer, - James, Wallace, -

Those who voted for Mr. C. Coghlan, were—

Messrs. Butler, Marshall, - Swope, -

Those who voted for Mr. C. G. Leonard, were—

Messrs. Ballard, Heady, South, -
Boyd, A., Newell, Walker, -
Evans, -

The joint vote of both Houses stood thus:

For Mr. G. A. Robertson, - - - - - - - - - - - - - 82
For Mr. C. G. Leonard, - - - - - - - - - - - - - 45
For Mr. C. Coghlan, - - - - - - - - - - - - - 5

Mr. G. A. Robertson having received a majority of all the votes given, was declared duly elected Public Librarian for the ensuing year.

Mr. William A. Leavy received the unanimous vote of both Houses, for a Commissioner of the Lunatic Asylum, for five years; and Mr. George B. Kinkead received the unanimous vote of both Houses, for Commissioner of the Lunatic Asylum, for three years, and they were thereupon declared duly elected.

On the motion of Mr. Key,

Resolved, That it shall be the duty of the Clerk of the Senate, in issuing a certificate of pay to members of the Senate, to issue the same from the commencement of the session, to such Senators as left home at, or before the usual time; and were delayed on the route by sickness or any unavoidable delay, on account of the severity of the weather.

Mr. W. P. Boyd, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act divorcing Susan Garnett from her husband, James H. Garnett, and changing her name, reported the same.

Ordered, That said bill be read a third time.

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

The question was then taken on the passage of said bill, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Taylor and Gray, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard, Evans, Slaughter,
Bradford, Harris, Swope,
Bradley, Heady, Thomas,
Butler, Helm, Thurman,
Conner, James, Todd,
Draffin, Key, Walker,
Draffin, Newell, Wallace—23.
Dyer, Patterson,

Those who voted in the negative, were—

Messrs. Boyd, W. P. Hardin, Peyton,
Chenault, Henderson, Taylor—8.
Gray, Holloway,

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

Mr. Swope, from the committee on Privileges and Elections, reported a bill to amend the election laws, 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 said bill do pass, and that the title thereof be as aforesaid.

The Senate resumed the consideration of a bill concerning the Public Printing.

The said bill was amended.

Mr. James moved to amend the said bill by striking out seventy five cents per token for press work, and inserting in lieu thereof sixty cents.

Mr. Peyton 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 Peyton, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard, Fox, Peyton,
Bradford, Gray, Slaughter,
Brumlette, Hardin, Swope,
Butler, Helm, Taylor,
Chenault, Henderson, Todd,
Crenshaw, Key, Wallace,
Draffin, Patterson, Woodson—22.
Dyer,
Those who voted in the negative, were—

Messrs. Bradley, James, Thomas,
Conner, Marshall, Thurman,
Harris, Newell, Walker—11.
Heady, South,

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

A bill from the House of Representatives, entitled, an act to incorporate the Licking River Navigation Company, was amended, and ordered to be read a third time.

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

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

After some time, a message was received from the House of Representatives, announcing that they had concurred in the said amendments.

An engrossed bill, entitled, an act to amend the revenue laws, 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. Fox and Harris, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard, Crenshaw, Taylor,
Boyd, A. Drake, Thurman,
Bradford, Gray, Todd,
Bradley, Key, Walker,
Bramlette, Marshall, Wallace,
Butler, Patterson, Woodson—20.
Chenault, Peyton,

Those who voted in the negative, were—

Messrs. Conner, Harris, Newell,
Draffin, Heady, Slaughter,
Dyer, Helm, South,
Evans, Henderson, Swope,
Fox, James, Thomas—16.
Hardin,

Mr. Swope moved to amend the title of the said bill to read, an act to diminish the revenue, and curtail the resources of the Sinking Fund.

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

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

Messrs. Conner, Harris, Slaughter,
Dyer, Heady, South,
Evans, Helm, Swope,
Fox, Henderson, Thomas—14.
Hardin, Newell,

Those who voted in the negative, were—

Messrs. Ballard, Draflin, Peyton,
Boyd, A. Drake, Taylor,
Bradford, Gray, Thurman,
Bradley, Holloway, Todd,
Bramlette, James, Walker,
Butler, Key, Wallace,
Chenault, Marshall, Woodson—22.
Crenshaw, Patterson,

Resolved, That the title of the said bill be amended to read, an act to repeal an act, entitled, an act to amend the revenue laws, approved March 10, 1843, imposing a tax on gold spectacles, &c.

Mr. Hardin, from the committee on the Judiciary, reported the following bills, viz:
A bill providing a mode for a change of venue in criminal cases.
A bill to establish the Frankfort Manufacturing Company.
A bill to provide for taking depositions of Attorneys at Law, and for other purposes.
A bill concerning the Methodist Episcopal Church in Madison 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 being dispensed with, and the same being engrossed,

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

Mr. Hardin, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, viz:
1. An act to enlarge the powers and jurisdiction of the Police Judge of the town of Morganfield, and for other purposes.
2. An act to amend the laws of Civil and Chancery proceedings.
Reported the same with amendments to each, which were concurred in.

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

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

The yeas and nays being required on the passage of the said second bill, by Messrs. Henderson and Taylor, were as follows, viz:
Those who voted in the affirmative, were—

Bradley, Fox, Holloway, Gray, Key, T Over, Walker—17.
Crenshaw, Hardin, Harris, Dyer, Fox, Holloway, Gray, Key, T Over, Walker—17.
Draffin, Drake, Harris, Dyer, Fox, Holloway, Gray, Key, T Over, Walker—17.

Those who voted in the negative, were—

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to change the August term of the Hickman County Court, 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 said bill, as amended, do pass, and that the title be amended by adding thereto “and time of holding the Breathitt County Court.”

Mr. Hardin, 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 Benedict W. Drury’s executor.

An act for the benefit of the infant heirs of James Howe, deceased.

An act authorizing the sale of the Old Seminary at Bardstown.

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. Hardin, from the same committee, reported a bill to amend the charter of the city of Lexington, 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. South 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. South and Harris, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act further to protect the rights of married women, reported the same without amendment.

Mr. Hardin moved to amend the said bill, by adding thereto the following section, viz:

**Be it further enacted,** That all persons embraced in the provisions of this act, shall make out, upon oath, a schedule of all his property, and file the same for record, in the office of the Clerk of the county in which he may live, or remove to, upon his removal; and the same shall be recorded by the Clerk of such court; which schedule shall not embrace any property secured to the wife by this act.

Mr. Patterson moved to lay the said bill and amendment on the table.

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

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

Those who voted in the affirmative, were—

Messrs. Ballard, Dyer, Patterson, Gray, Slaughter, Butler, Hardin, Taylor, Conner, Henderson, Ballard, Dyer, Patterson, Gray, Slaughter, Butler, Hardin, Taylor, Conner, Henderson, Crenshaw, Ballard, Dyer, Patterson, Gray, Slaughter, Butler, Hardin, Taylor, Conner, Henderson, Crenshaw,

Those who voted in the negative, were—


The question was then taken on the adoption of the amendment moved by Mr. Hardin, and it was decided in the negative.

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

Those who voted in the affirmative, were—

Ordered, That said bill be read a third time on Monday next, at 11 o'clock.

Mr. A. Boyd, 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 providing for a change of venue in the prosecution against Charles Yates.

An act providing for a change of venue in the prosecution against Joseph H. Coleman.

An act for the relief of Milton Busby.

An act for the relief of John Tompkins.

An act for the benefit of Robert A. and Mary P. Moffett.

An act to change and more particularly define the county line between the counties of Perry and Breathitt.

An act to change the names of Wilson Henry Rice and John W. Dollins, and for the benefit of Wm. H. Garnett.

An act for the relief of John S. Lucas, of Warren county.

An act for the benefit of John W. Carter.

An act to run the county line between the counties of Knox and Harlan.

An act for the benefit of Catharine Dagnan.

An act to provide for districting the county of Trimble into Magistrates' Districts.

An act to reduce the number of Justices in Perry county.

An act to incorporate the Lawrence County Coal Mining Company.

An act for the benefit of Frederick Potter.

An act to repeal an act, entitled, an act to amend the act incorporating the town of Columbia, approved February 27, 1844.

An act for the benefit of the heirs of Hubbard B. Smith, deceased.

An act for the benefit of Jacob White, Sheriff of Fulton county.

An act to repeal in part, an act, entitled, an act to amend the charter of the Louisville and Elizabethtown Turnpike Company, and Covington and Lexington Turnpike Company, approved February 7, 1845.
An act to amend and reduce into one the several acts in relation to the town of New Liberty, in Owen county.

An act for the benefit of L. Graves, of Gallatin county.

An act to amend an act, entitled, an act to add a portion of Nicholas to Bracken county, approved February 29, 1844.

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

An act to change the venue in the prosecution against Charles Darnalds.

An act for the benefit of the Louisville Tobacco Warehouse.

An act to amend the act concerning slaves, approved February 5, 1845, and for other purposes.

An act requiring Sheriffs to execute bond in double the amount of the revenue collected.

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

An act to amend an act, entitled, an act to amend an act incorporating the Louisville and Mississippi Railroad Company, and promote the construction of a Railroad between said city and river.

An act to establish and improve a State road from James Carlton’s Ferry, in Boone county, to intersect the Covington and Lexington Turnpike Road.

An act to transfer the duties of the President of the Bank of the Commonwealth and the Agent of the Old Bank of Kentucky to the First Auditor, and requiring certain duties of the First Auditor and Attorney General.

An act to authorize the Mississippi Railroad Company, to extend their Railroad from the south boundary line of the Commonwealth of Kentucky, to the Mississippi river.

An act granting a change of venue to Marmaduke Coker.

An act to incorporate the town of Shelbyville, and for other purposes.

An act to amend the law in relation to idiots and lunatics, approved February 12, 1840.

An act for the benefit of certain Sheriffs.

An act to divorce Elizabeth Wydell.

An act for the benefit of Ann Elizabeth Long.

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. A. Boyd reported that the committee had performed that duty.

After some time, a message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that the Governor had approved and signed the said bills which originated in the Senate.

A message was received from the House of Representatives, announcing that they had adopted a joint resolution appointing a committee to ask leave to
withdraw from the Governor, an enrolled bill granting a change of venue to
Joseph H. Coleman, which resolution was concurred in.

And Mr. Hardin was appointed a committee on the part of the Senate,
pursuant thereto.

The said bill being withdrawn, on the motion of Mr. Hardin, the votes of
the Senate, by which it was passed, and ordered to be read a second and
third time, were reconsidered.

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

A message was received from the House of Representatives, announcing
that they had insisted on their amendments to a bill from the Senate, entitled,
an act concerning the Penitentiary.

Resolved, That the Senate insist on their disagreement to the said amend­
ments, and that a committee of conference be appointed thereon. Messrs.
Peyton, Gray and Patterson were appointed the said committee.

After some time, Mr. Peyton, from the said committee, reported that the
committee of conference of the two Houses, had come to an agreement on
the said amendments, which was concurred in by the Senate; and a message
was received that the House of Representatives had also concurred therein.

Mr. Slaughter, from the committee on Agriculture, made the following re­
port, viz:

The committee on Agriculture have taken into consideration the commu­
nication of the United States Hemp Agent for Kentucky, touching the fail­
ure of the West to supply the Navy with hemp, and requesting the Sen­
ate to institute an enquiry into the causes which have occasioned the failure
(a) to bid, on the part of the western hemp growers, for the one hundred and fifty
tons advertised for by the Department, last fall.

The Secretary of the Navy, in a communication dated December 24th,
1845, addressed to Lewis Sanders, Esq., Hemp Agent for Kentucky, ex­
presses his surprise and regret that no offers, under the advertisement, have
yet been received at the appropriate Bureau.

The committee, on the 17th inst., had several intelligent gentlemen before
them, from different parts of the State, interested in the growth and water­
rotting of hemp. A number of samples were exhibited of water-rotted,
and a parcel of Riga Rein hemp. Mr. Barlow, of Lexington, Kentucky,
exhibited two specimens of well cleaned hemp, handling soft and fine, yet
very strong—the full natural strength; from its handling, and appearance
to the eye, it is as good as the Riga Rein. Mr. B. stated that he cured this
hemp in two days, by hot water, and asserts that it is in no wise injured in
its staple, and that it is well adapted for any Naval purpose. He is willing
to contract with the Government for the delivery of one hundred tons per
annum, for three years, of such hemp, at the price paid for the best Russian
hemp, to be paid for on delivery.

Dr. J. T. Parker, of Shelby county, Kentucky, sent to the committee two
fine samples of water-rotted hemp, of his own growth and preparation, re­
markably well cleaned, handling well; it is very suitable for the Navy. In a
letter from Dr. P. to the Agent, he states he is getting through a crop of one
hundred and twenty acres, using Darlington’s hemp brake, with which he is
much pleased, and that he is imitating the Russians by putting his hemp in ten pound bundles, and not in twists or hands.

Gen. Geo. W. Williams, President of the Bourbon County Agricultural Society, has much experience in water-rotting hemp, is of opinion that the cumbersome machinery employed by the Government in regulating the bids and the amount, constitutes the main obstacle to the attainment of the ends aimed at by the Department—the supply of the Navy with American water-rotted hemp. He suggests such a modification of the rules and regulations of the Navy, in regard to this subject, as will authorize the Agent to receive less in amount than thirty tons; that is, such amounts or parcels as the hemp growers, respectively, may be enabled to prepare and furnish, at some convenient place indicated within the hemp growing region, there to be tested, inspected and paid for, when delivered.

Mr. Stonestreet, an intelligent and highly respectable farmer of Clarke county, states that the Government cannot hope to receive the requisite supply of hemp from the growers of that great staple of the West, under the present inadequate and baffling regulations of the Navy Department. He concurs generally in the views expressed by General Williams.

The Agent exhibited to the committee a specimen of very superior hemp, taken by him from a lot of five tons, prepared for the Navy, by General G. J. Pillow, of Columbia, Tennessee. In the opinion of the Agent there has been no hemp superior, and but little equal to it ever exhibited in Louisville.

For the want of time—owing to the late period of the session—the committee are restrained from making so full a report as the importance of the subject seems to require—therefore beg leave to submit the following resolutions:

G. CLAYTON SLAUGHTER, Chairman.

Resolved, That the establishment of a National Ropewalk in the West, at a point of easy access to the hemp-growing region, is of itself right and proper, is due to the West, and will be a national benefit.

Resolved, That the Government of the United States should use American water-rotted hemp only for the Navy.

Resolved, That the members in Congress from Kentucky, be respectfully but earnestly requested to urge the speedy completion of the National Ropewalk at Memphis, and early commencement there of manufacturing all the cordage for the Navy of the United States.

The said resolutions were adopted, and the Public Printer was directed to print 150 copies of the said report and resolutions for the use of the General Assembly.

Mr. Swope, 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 Warren 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 be amended by adding thereto, “and to extend the bounds of a precinct in Fayette county.”
Mr. Dyer, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of the County Courts of Cumberland and Boyle.
An act to incorporate the South Frankfort Bridge Company.
An act to incorporate the Lexington and Kentucky River Railroad Company.

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

Mr. Dyer, from the same committee, reported a bill to amend an act, entitled, an act for the benefit of the owners of mills and other property injured by slack water, approved February 10, 1845, 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 said bill do pass, and that the title thereof be as aforesaid.

Mr. Dyer, from the same committee, to whom was referred a bill to revive and amend an act, entitled, an act to incorporate the Louisville, Nashville and Knoxville Railroad Company, reported the same without amendment.

Ordered, That said bill be engrossed and read a third 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. Dyer, from the same committee, reported a bill providing for the payment of repairs on Lock and Dam, No. 1, on Barren river, 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. Ballard moved to lay the said bill on the table.
The question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Ballard and Heady, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard, Harris, Marshall,
Bramlette, Heady, South-7.
Fox,

Those who voted in the negative, were—

Messrs. Boyd, A. Dyer, Slaughter,
Bradford, Evans, Swope,
Bradley, Gray, Taylor,
Ordered, That said bill be engrossed and read a third time.

Mr. Dyer, from the same committee, to whom was referred a bill for the benefit of Wilson, Knott & Co., reported the same without amendment.

Mr. Gray moved to lay the said bill on the table.

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

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

Those who voted in the affirmative, were—


Evans, Walker—13.

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

Mr. Swope, from the committee on Privileges and Elections, made the following report, viz:

The committee on Privileges and Elections have had under consideration the returns from the several Senatorial Districts and report the following Senators elected, viz:

From the first Senatorial District, Thomas James; from the second, William Bradley; from the third Ninian E. Gray; from the fourth, James V. Walker; from the fifth, John G. Holloway; from the sixth, William F. Evans; from the seventh, B. Mills Crenshaw; from the eighth, William N. Marshall; from the ninth, Ambrose S. Bramlette; from the tenth, Parker C. Hardin; from the eleventh, Robert A. Patterson; from the twelfth, Francis Peyton; from the thirteenth, Dillis Dyer; from the fourteenth, John L. Helm; from the fifteenth, Pierce Butler; from the sixteenth, Camden M. Ballard; from the seventeenth, Walter C. Drake; from the eighteenth, G. Clayton Slaughter; from the nineteenth, George C. Thurman; from the twentieth, John Draf fin; from the twenty first, Alfred Boyd; from the twenty second, Fountain T. Fox; from the twenty third, William Chenault; from the twenty fourth, James S. Henderson; from the twenty fifth, John Wallace; from the twenty sixth, John J. Thomas; from the twenty seventh, Thomas H. Bradford; from the twenty eighth, Samuel F. Swope; from the twenty
ninth, Hugh Newell; from the thirtieth, Stilwell Heady; from the thirty first, Robert S. Todd; from the thirty second, Tucker Woodson; from the thirty third, Samuel M. Taylor; from the thirty fourth, William Conner; from the thirty fifth, Wilson P. Boyd; from the thirty sixth, Marshal Key; from the thirty seventh, Henry C. Harris; from the thirty eighth, Jeremiah W. South.


The term of service of Ninian E. Gray, Francis Peyton, Pierce Butler, Camden M. Ballard, G. Clayton Slaughter, Wilson P. Boyd, Marshal Key, Henry C. Harris, and Jeremiah W. South, will expire in the year 1847.

The term of service of Thomas James, John G. Holloway, B. Mills Crenshaw, William N. Marshall, Parker C. Hardin, Robert A. Patterson, John L. Helm, Fountain T. Fox, Samuel F. Swope, and Samuel M. Taylor, will expire in the year 1848.


All of which is respectfully submitted.

SAMUEL F. SWOPE, Chairman.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

1. An act for the benefit of the Methodist Episcopal Church in the town of Carlisle.
2. An act divorcing Lindsey Lister from his wife, Margaret Lister.

Ordered, That said bills be read a second time.

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

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

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

And then the Senate adjourned, until Monday morning 9 o'clock.
and signed enrolled bills originating in the House of Representatives, of the following titles, viz:

An act for the benefit of Jacob White, Sheriff of Fulton county.

An act to amend an act, entitled, an act to amend the charter of the Louisville and Elizabethtown Turnpike Company, and Covington and Lexington Turnpike Company, approved February 7, 1845.

An act for the benefit of the heirs of Hubbard B. Smith, deceased.

An act to amend an act, entitled, an act to amend the act incorporating the town of Columbia, approved February 27, 1844, and for other purposes.

An act for the benefit of Frederick Potter.

An act for the benefit of L. Graves, of Gallatin county.

An act to amend an act, entitled, an act to add a portion of Nicholas to Bracken county, approved February 29, 1844.

An act to incorporate the Lawrence County Coal Mining Company.

An act to change the names of William Henry Rice and John W. Dollins, and for the benefit of Wm. H. Garnett.

An act for the relief of John S. Lucas, of Warren county.

An act for the benefit of John W. Carter.

An act to reduce the number of Justices in Perry county.

An act to provide for districting the county of Trimble into Magistrates' Districts.

An act to change and more particularly define the county line between the counties of Perry and Breathitt.

An act for the benefit of Robert A. and Mary P. Moffett.

An act for the benefit of Catharine Daguan.

An act to run the county line between the counties of Knox and Harlan.

An act providing for a change of venue in the prosecution against Charles Yates.

An act for the relief of John Tompkins.

An act for the relief of Milton Busby.

An act to amend and reduce into one the several acts in relation to the town of New Liberty, in Owen county.

Approved February 21, 1846.

That the House of Representatives had concurred in the amendments proposed by the Senate, to bills from that House, of the following titles, viz:

An act to establish an election precinct in Warren county.

An act divorcing Joseph W. Tate from his wife, Mary C. Tate, and Paul R. Baker.

An act to change the place of voting in an election precinct in Allen county, and for other purposes.

An act to amend the laws of Civil and Chancery proceedings.
An act to allow an additional Justice of the Peace to Pulaski county, and for other purposes.

An act to enlarge the powers and jurisdiction of the Police Judge of the town of Morganfield, and for other purposes.

An act to change the August Term of the Hickman County Court.

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

An act providing for a change of venue in the prosecution against Joseph H. Coleman.

An act to amend an act, entitled, an act to establish a State road through Grayson county to Bowling green.

An act to amend and revive an act, entitled, an act to incorporate the Bath Seminary, and for other purposes.

An act providing for a State road from Adairsville, in Logan county, to Bowling green, in Warren county.

An act to appropriate money to purchase books for the Penitentiary.

The said 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 being dispensed with,

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

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

1. An act to allow the voters in an election precinct in Warren county to determine on the place of voting in said precinct.

2. An act concerning the town of Winchester.

3. An act vesting the Gallatin and Carroll County Courts with power to change a State road, and for other purposes.

4. An act to have the line run between Estill and Owsley counties.

The said 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 bill was laid on the table; the 4th was referred to the committee on Propositions and Grievances; and the 1st and 3d were amended and ordered to be read a third time.

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

Resolved, That said bills, as amended, do pass, and that the titles 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 amendments.

A bill from the House of Representatives, entitled, an act to amend the penal laws, 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. Butler moved to lay the said bill on the table.
The question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Marshall and Butler, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bradford, 
Butler, 
Chenault, 
Conner, 

Draffin, 
Helm, 
Henderson, 
Newell, 

Swope, 
Thurman, 
Woodson—11.

Those who voted in the negative, were—

Messrs. Ballard, 
Bramlette, 
Dyer, 
Fox, 
Gray, 
Hardin, 

Harris, 
Heady, 
Holloway, 
Key, 
Marshall, 

Peyton, 
South, 
Taylor, 
Todd, 
Wallace—16.

Ordered, That said bill be read a third time.

Mr. Marshall moved to dispense with the constitutional rule as to the third reading of said bill.
The question being taken thereon, it was decided in the negative, four fifths not voting therefor.
The yeas and nays being required thereon by Messrs. Draffin and Henderson, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard, 
Bramlette, 
Dyer, 
Evans, 
Fox, 
Gray, 
Hardin, 

Harris, 
Heady, 
Helm, 
Holloway, 
Key, 

Marshall, 
Peyton, 
South, 
Taylor, 
Todd, 
Wallace—18.

Those who voted in the negative, were—

Messrs. Bradford, 
Butler, 
Chenault, 
Conner, 

Crenshaw, 
Draffin, 
Henderson, 
Newell, 

Swope, 
Thurman, 
Woodson—11.

A bill from the House of Representatives, entitled, an act to limit the sale of spirituous liquors in Greenup county, 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 laid on the table.
Bills from the House of Representatives, of the following titles, were read the first time, and ordered to be read a second time, viz:

An act authorizing a settlement with the Board of Internal Improvement.
An act for the benefit of the mechanics of the town of Danville, and for other purposes.

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

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

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

After some time, a message was received from the House of Representatives, announcing that they had concurred in the said amendments.

On the motion of Mr. Hardin, a message was sent to the House of Representatives, requesting leave to withdraw the report that the Senate had concurred in the amendment proposed by that House, to a bill from the Senate, entitled, an act to extend the time of registering headright surveys.

The report being withdrawn, the vote by which the said amendment was concurred in was reconsidered, and the said amendment was again concurred in.

Two messages, in writing, were received from the Governor, by Mr. Hardin, 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, Jacob Swigert, Adam C. Keenan, Austin P. Cox, and Albert G. Hodges, to be securities of James Davidson, elected Treasurer of Kentucky.

Gentlemen of the Senate:
I nominate for your advice and consent, Jeremiah Crabb to be Major of the 38th Regiment, 21st Brigade.
Thomas J. Nash to be Colonel, Buford Bland to be Lieutenant Colonel, and Richard Wathen to be Major of 4th Regiment, 8th Brigade.

Resolved, That the Senate approve and consent to the said securities of James Davidson, Treasurer, and advise and consent to the said appointments.

Bills from the House of Representatives, of the following titles, were severally read the first time, viz:

An act divorcing Rhoda Ames from her husband, David S. Ames, and Mary Moore from her husband, Wm. C. Moore.
An act for the relief of emigrants to this State.
An act to change the place of voting in a precinct in Bath county, and for other purposes.
An act for the benefit of the widow and heirs of G. C. Bohannan, deceased.
An act to extend the limits of the town of Stanford.
An act for the benefit of the devisees of Wm. Logan, deceased.
An act divorcing Pleasant Meadows from his wife, Sally Meadows.
An act divorcing Rachel Hoskins from her husband, Davis Hoskins.
An act to incorporate the fourth Baptist Church of Louisville.
An act for the benefit of William T. Dudley, Clerk of the Fleming County Court.
An act for the benefit of Samuel F. Singleton.
An act for the benefit of Sally Gaston.
An act for the benefit of Harriet Stroude and the heirs of Edward Stroude.
An act to revive and amend an act, entitled, an act to incorporate a Turnpike Road from Lancaster to Crab Orchard.
An act for the benefit of Mary Flint, of Oldham county.
An act to authorize the Board of Trustees of the town of Port Royal to change an alley.
An act to incorporate the Danville and Perryville Turnpike Road Company.
An act to amend the charter of the Danville and Hustonville Turnpike Road Company.

Ordered, That said bills be read a second time.

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

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

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act regulating the terms of the Circuit Courts in the first and fourth Judicial Districts, and for other purposes, with amendments.

One of the amendments proposes to strike out the third Mondays in May and November, and to insert in lieu thereof the fourth Monday in April and October, as the time of holding the Greenup Circuit Court.

The question being taken on concurring in the said amendment, it was decided in the negative, and so the said amendment was disagreed to.

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

Those who voted in the affirmative, were—

Messrs. Butler, Holloway, Thomas,
Crenshaw, Key, Todd,
Draffin, Swope, Woodson—II.
Gray, Taylor,

Those who voted in the negative, were—

Messrs. Ballard, Drake, Marshall,
Boyd, A., Dyer, Newell,
Boyd, W. P., Evans, Peyton,
Bradford, Fox, Slaughter,
Bradley, Hardin, South,
Bramlette, Harris, Thurman,
Chenault, Heady, Wallace—23.
Conner, James,

The other amendments were then disagreed to.

After some time, a message was received from the House of Representatives, announcing that they had insisted on their amendments to the said bill, and had appointed a committee of conference thereon, on their part, and requested the appointment of a committee on the part of the Senate.

The Senate insisted on their disagreement to the said amendments, and appointed Messrs. Key, Swope and Conner a committee of conference on their part.

A message was received from the House of Representatives, announcing that they had concurred in the report of the committee of conference on said bill.

Mr. Swope, from the said committee on the part of the Senate, reported that the committee had agreed that the Senate should recede from their disagreement to the said amendments, which was adopted, and so the said amendments of the House of Representatives to the said bill, were concurred in.

A bill from the House of Representatives, entitled, an act further to protect the rights of married women, 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. Hardin and Evans, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, A.
Boyd, W. P.
Bramlette,
Chenault,
Draffin,
Drake,
Evans,

Fox,
Harris,
Heady,
Helm,
Holloway,
James,
Key,

Messrs. Boyd, A.
Butler,
Conner,
Crenshaw,

Marshall,
Newell,
Peyton,
South,
Todd,
Wallace,
Woodson—21.

Those who voted in the negative, were—

Messrs. Bradford,
Bradley,
Gray,
Hardin,
Henderson,
Slaughter,

Dyer,
Swope,
Taylor,
Thomas,
Thurman—14.

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

An engrossed bill, entitled, an act for the benefit of Wilson, Knott & Co., was read the third time.

Mr. Gray 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. Gray and Peyton, were as follows, viz:
Those who voted in the affirmative, were—

Messrs. Ballard,
Boyd, W. P.
Bradley,
Bramlette,
Butler,
Crenshaw,
Evans,

Fox,
Gray,
Hardin,
Heady,
Henderson,
Holloway,
James,

Key,
Peyton,
Slaughter,
South,
Taylor,
Todd—20.

Those who voted in the negative, were—

Messrs. Bradford,
Conner,
Drake,
Dyer,
Harris,

Helm,
Marshall,
Newell,
Swope,

Thomas,
Thurman,
Wallace,
Woodson—13.

A bill from the House of Representatives, entitled, an act divorcing Lindsey Lister from his wife, Margaret Lister, was read a third time.

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

A bill from the House of Representatives, entitled, an act divorcing Zerilda Jane Price, and changing her name, 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 read a third time.

An engrossed bill, entitled, an act providing for the repairs of Lock and Dam, No. 1, on Barren river, was read the third time, and amended by way of engrossed rider.

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. Marshall and Evans, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.
Bradford,
Bradley,
Bramlette,
Butler,
Chenault,
Conner,

Crenshaw,
Drake,
Dyer,
Evans,
Fox,
Helm,
Henderson,

Newell,
Swope,
Taylor,
Thomas,
Wallace,
Woodson—20.

Those who voted in the negative, were—

Messrs. Ballard,
Gray,
Harris,
Heady,

James,
Key,
Marshall,

Peyton,
Slaughter,
South—10.
Mr. James, 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 Lois Smallwood.
An act for the benefit of John Benjamin Hayden and John Fleming.
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 said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the committee on the Judiciary, made the following report, viz:

The committee on the Judiciary, to whom was referred the report of O. G. Cates and Ben. Hardin, accompanied by a bill, revising the Revenue Laws, have had the same under consideration, and respectfully submit, for the consideration of the Senate, the following report:

The great amount of matter contained in the revision, was presented at too late a period of the present session, to permit the committee to make that minute and thorough examination which is necessary before the same ought to be acted upon by the Legislature. From the limited, and somewhat superficial examination which the committee have been able to make, they entertain no doubt, but that it is a document prepared with much care and ability, by Mr. O. G. Cates, with the advice and assistance of Mr. Hardin. Mr. Cates seems to have had the most of the physical labour of its preparation. The arrangement of the different subjects of revenue, and the general character of the work, entitle it to the favorable consideration of the Legislature. Under existing circumstances, however, in view of the rapidly approaching termination of the session, the committee are induced to come to the conclusion that no action should be had, at the present session, in relation to it. They, however, believe the document is valuable, and ought to be preserved for future action upon it. The preparation of this document required both talent and labour, and with a view to remunerate it, and preserve the document, the committee recommend the adoption of the following resolution.

Resolved, That the Clerk of the Senate carefully preserve the report of the revision of the Revenue Laws, and report the same to the Senate, at the next session of the Legislature; and that O. G. Cates and Ben. Hardin are entitled to a fair compensation for the preparation of the same.

The said resolution was concurred in.

The committees on the Judiciary, Religion, Finance and Internal Improvement were discharged from the further consideration of all the business before them.

Mr. Wallace, 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 S. J. Poston, late Sheriff of Hardin county.
An act for the benefit of the Sheriff of Montgomery county.
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 said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wallace, from the same committee, to whom was referred the following message of the Governor. viz:

Gentlemen of the Senate:
I nominate for your advice and consent, S. M. Berry to be Brigadier General of the 6th Brigade, Kentucky Militia, in place of J. G. Towson, resigned; and beg leave to accompany the same, with the nomination to me by the Major General.

WM. OWSELEY.

Reported the following resolution thereon, viz:
Resolved, That the Senate advise and consent to the said appointment.
Which resolution was concurred in.

On the motion of Mr. Helm,
Resolved, That the Public Printer be instructed to publish a synopsis of the acts of the present General Assembly, and forward to each Senator 100 copies.

A message was received from the House of Representatives, announcing that they had adopted a resolution rescinding the resolution for a final adjournment of the General Assembly, and fixing another day for its adjournment, which resolution was concurred in.

On the motion of Mr. Dyer, leave was given to withdraw the petitions and other papers for the formation of the county of McLean, out of parts of the counties of Muhlenburg, Ohio and Daviess.

On the motion of Mr. Draffin, leave was given to withdraw the petition of William Yates.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act requiring County Courts to be held in Green county, in the months of May and November, with an amendment, which was concurred in.

On the motion of Mr. Henderson, leave was given to bring in a bill to amend the law in relation to the Wilderness Turnpike Road, and Messrs. Henderson, Todd and Gray were appointed a committee to prepare and bring in the same.

Mr. Henderson, from the said committee, reported said bill, 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.

Mr. South moved to lay the said bill on the table.

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

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


Those who voted in the negative, were—


Ordered, That 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 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 the said bill.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act for the appropriation of money, the said bill was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, Mr. Harris moved to amend the said bill by striking out seven dollars per day, and inserting in lieu thereof five dollars per day, as the pay of the Assistant Clerks of the Senate and House of Representatives.

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

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

Those who voted in the affirmative, were—

Messrs. Ballard, Bradley, Conner, Evans, Harris, Heady, Marshall, South, Swope, Thomas, Thurman—11.

Those who voted in the negative, were—

Mr. Chenault moved to amend the said bill by adding thereto the following, viz:

To George W. Fox, seventy dollars for a horse lost in the Manchester expedition of the Kentucky Militia.

To Francis Roberts, forty dollars for a horse lost in the Manchester expedition of the Kentucky Militia.

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. Chenault and Butler, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P., Dyer, Key,
Bradford, Evans, Swope,
Bramlette, Fox, Taylor,
Butler, Gray, Thomas,
Chenault, Harris, Todd,
Crenshaw, Helm, Wallace,
Draffin, Henderson, Woodson—23.
Drake, Holloway,

Those who voted in the negative, were—

Messrs. Ballard, Heady, Slaughter,
Boyd, A., Marshall, South,
Conner, Peyton, Thurman—10.

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

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

Resolved, That 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 disagreed to the said amendment.

Resolved, That the Senate insist on their said amendment, and that Messrs. Chenault, Todd and Butler be appointed a committee of conference thereon, on the part of the Senate.

Ordered, That Mr. Chenault inform the House of Representatives thereof, and request the appointment of a committee on their part.

After a short time, Mr. Todd reported that the committee of conference had met and agreed on a report, which he made to the Senate, which report was concurred in.

A message was received from the House of Representatives, announcing that they had disagreed to the said report of the committee of conference.

Whereupon, a message was sent to the House of Representatives, requesting the appointment of a committee of conference on the last conference; and Messrs. Harris, Helm and Hardin were appointed a committee on the part of the Senate.
Mr. Harris, from said committee, reported that the committee had agreed that the Senate recede from their amendment with an amendment, which was adopted.

And soon after, a message was received from the House of Representatives, announcing that they had concurred therein.

A message was received from the House of Representatives, announcing that they had receded from the amendments proposed by them, to a bill from the Senate, entitled, an act prescribing further duties of the Board of Internal Improvement.

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

An act to amend an act, entitled, an act for the benefit of the owners of mills and other property injured by slack water, approved February 10, 1845.

An act concerning the Methodist Episcopal Church in Madison county.

An act to amend the jury law.

An act to provide for taking depositions of Attorneys at Law, and for other purposes.

An act to establish the Frankfort Manufacturing Company.

An act prescribing the mode for a change of venue in criminal cases.

An act to amend the election laws.

An act for the benefit of Missouri and Mary Jane Arnold.

An act for the benefit of Edmund Robertson.

An act for the benefit of Rockcastle, Harlan and Owsley counties.

An act for the benefit of Robert B. Hall.

Mr. Slaughter presented a communication from the Secretary of State, which was received and read as follows, viz:

SECRETARY'S Office, 4
Feb. 23, 1846.

To the Senate of the General Assembly of the Commonwealth of Kentucky:

Gentlemen:—An act passed the last session of the Legislature requiring the Attorney General and Secretary of State to digest the revenue laws of this State. Some time last Spring, the Attorney General and myself had an interview on the duties imposed on us by this act, and we both were of opinion that the act confined us to a mere copying of the laws, and not to any alteration of those laws, so as to improve the revenue. Some time after that, Mr. Helm told me the law was not as comprehensive as he intended it, which I communicated to Mr. Cates; and thus my understanding was, that Mr. Cates should manage the digest to be made from the statutes, and I was to take up the other part of the subject, to-wit: to improve the revenue by retrenchments, and new taxes; and furthermore, it was talked of, that we would procure a person to do the copying for us. Mr. Cates executed himself his part, and we did not employ any person to copy; and I executed the part I undertook to do. I was, during the Summer and Fall, occasionally preparing for my part. Mr. Cates copied the laws in his office. I called there once to see how he came on. When done, he brought the laws to the Secretary's office. I did not read over the copies he made. I examined
his plan, and divisions, and subdivisions of the work, and approved it. I
never refused to sign it, nor hesitated to sign it. The digest remained
in the Secretary's office about four days. I said it was not complete: it had no
index, and could not be published until there was an index. It was but one
man's work to copy. I performed all I undertook to do. I did not prefer
any claims until I understood Mr. Cates had; nor did I ever intend to do it
if he had not. I promised Charles Morris three dollars and one half for
copying my report on the finances, and on the claims of Tilford, and that
sum has been refused. I thought, when Mr. Cates was allowed for his ser-
vices, it was a reflection on me, indicating I had not done my duty. I am
against extra compensation, in principle. A man takes his office subject by
Legislative enactment, to have his duties increased or diminished; and if di-
minished, he will refund nothing of his salary. I am one of the Trustees of
the Public Library, and the only one that examined the books, one by one,
or even looked at them. I asked nothing for it. I have signed, I think, my
name to ten thousand coupons: I asked nothing extra for that; and all I
asked, originally, was three dollars and a half for Charles Morris, which was
refused; and I will claim no more now.

With great respect,

BEN. HARDIN.

A message was received from the House of Representatives, announcing
that they had passed a bill from the Senate, entitled, an act to revive and
amend an act, entitled, an act to incorporate the Louisville, Nashville and
Knoxville Railroad Company, with an amendment, which was concurred in.

Mr. Gray moved that all the evidence in the case of George W. Kouns, a
Justice of the Peace for Carter county, be spread upon the Journal of the
Senate.

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, A. Gray, Taylor,
Butler, Henderson,
Chenault, Key,
Crenshaw, Peyton,

Those who voted in the negative, were—

Messrs. Ballard, Drake, Marshall,
Boyd, W. P. Dyer, Slaughter,
Bradford, Evans, South,
Bradley, Hardin, Swope,
Bramlette, Henny, Thomas,
Conner, Holloway, Woodson—19.

On the motion of Mr. Woodson, leave was given to withdraw the docu-
ments accompanying the petition of Mrs. Willis.

On the motion of Mr. Marshall, leave was given to withdraw the petition
of Charles Martin.
Mr. A. Boyd, 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 to amend the charter of the Louisville and Elizabethtown Turnpike Road Company, and to provide for the erection of a bridge across Salt river, at the mouth.

An act in relation to the Penitentiary.

An act to extend the time for registering headright certificates, and for other purposes.

An act for the benefit of the Lunatic Asylum.

An act to incorporate the Floyd's Fork Turnpike Company.

An act for the benefit of Elizabeth Thompson and her infant children.

An act for the benefit of the Kentucky Institution for the Education of the Blind.

An act concerning the Public Printing.

An act to amend the charter of the Glasgow and Scottsville Turnpike Road Company.

An act to incorporate the Commissioners of the Sinking Fund of Kentucky.

An act for the benefit of James W. Prater and Erastus Evans.

An act providing for the running and marking the line between Boone and Kenton counties.

An act for the benefit of Robert B. Hall.

An act to amend the election laws.

An act to amend the jury laws.

An act to provide for the taking of depositions of Attorneys at Law, and for other purposes.

An act to incorporate the Frankfort Manufacturing Company.

An act requiring County Courts to be held in Green county, in the months of May and November, and for other purposes.

An act for the benefit of Edmund Robertson.

An act for the benefit of Missouri and Mary Jane Arnold.

An act to revive and amend an act to incorporate the Louisville, Nashville and Knoxville Railroad Company.

An act to amend an act, entitled, an act for the benefit of the owners of mills and other property injured by slackwater, approved February 10, 1845.

An act prescribing further duties of the Board of Internal Improvement.

An act to amend the law in relation to the Wilderness Turnpike Road.

An act for the benefit of Rockcastle, Harlan and Owsley counties.

An act prescribing the mode for a change of venue in criminal cases.

An act concerning the Methodist Episcopal Church of Madison 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. A. Boyd reported that the committee had performed that duty.

After some time, a message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that the Governor had approved and signed the said bills.

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

- An act divorcing Catharine Smith, and changing her name.
- An act for the benefit of the several County Courts.
- An act to limit the elections in Calloway and Marshall counties to one day.
- An act to amend an act, entitled, an act for the benefit of Eliza A. Roman, approved February 13, 1844.
- An act for the benefit of Alexander M. Rigg.
- An act to amend in part, and repeal in part, an act, entitled, an act to amend the laws incorporating the town of Hickman, in Fulton county.
- An act divorcing Susan Garnett from her husband, James H. Garnett, and changing her name.
- An act to allow an additional week to the Ballard Circuit Court.
- An act to incorporate the Licking River Navigation Company.
- An act to regulate the time of holding the County Court of Larue.
- An act requiring Clerks of County Courts to perform certain services.
- An act to amend an act, entitled, an act to establish a Seminary of learning in Morgantown, and for other purposes.
- An act to reduce the price of vacant and unappropriated land in Grayson county.
- An act authorizing the County Court of Union to sell a part of the public square in Morganfield.
- An act to establish a Chancery Term of the Union Circuit Court, and to change the Terms of the Boyle Circuit Court.
- An act authorizing the Secretary of State to furnish Justices of the Peace with Morehead and Brown's Digest.
- An act for the benefit of Common Schools in the city of Maysville, county of Carroll, and for other purposes.
- An act for the benefit of Wm. F. B. Garrett and Rebecca Garrett.
- An act to establish a Mechanics' Institute in the town of Paducah.
- An act for the benefit of the heirs of Nicholas Smith, deceased.
An act authorizing the County Court of Marshall county to appoint a Treasurer.

An act for the benefit of Jno. Stump's children.

An act for the benefit of Winston Roberts.

An act for the benefit of the County Courts of Cumberland and Boyle.

An act for the benefit of the widow and heirs of George M. Bedinger, deceased.

An act to change the place of voting in the Donelson precinct, in Caldwell county.

An act to change the place of voting at the Lewisport precinct, in Hancock county.

An act regulating elections in Hardin, Laurel and Rockcastle counties.

An act to establish an election precinct in Owsley county.

An act to change the place of voting in the county of Harlan, from the house of John Creech to the house of John Lewis, in said county.

An act to change the place of voting at the Liberty precinct, in Jessamine county, and for other purposes.

An act authorizing the Trustees of the town of Jackson to change an alley in said town.

An act to change the boundaries of the town of Owensboro, in Daviess county.

An act to regulate the Spring Term of the Trimble Circuit Court.

An act for the benefit of the Methodist Episcopal Church in the town of Carlisle.

An act for the benefit of Samuel F. Taylor, and others.

An act to incorporate the Dialectic Society of Shelby College.

An act to incorporate the Augusta Presbyterian Church in Bracken county and for other purposes.

An act to change the August Term of the Hickman County Court, and the time of holding the County Court of Breathitt.

An act to establish an election precinct in Warren county, and to extend the bounds of a precinct in Fayette county.

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

An act divorcing Pleasant Meadows from his wife, Sally Meadows.

An act for the benefit of Samuel F. Singleton.

An act divorcing Joseph W. Tate from his wife, Mary C. Tate, and Paul R. Baker.

An act to change the powers and jurisdiction of the Police Judge of the town of Morganfield, and for other purposes.

An act to amend the laws of Civil and Chancery proceedings.

An act for the benefit of Harriet Stroude and the heirs of Edward Stroude.

An act for the benefit of Mary Flint, of Oldham county.
An act to incorporate the Blue Lick Hotel and Water Company.
An act to incorporate the South Frankfort Bridge Company.
An act to incorporate the town of Burksville, and for other purposes.
An act to revive and amend an act, entitled, an act to incorporate a Turnpike Road from Lancaster to Crab Orchard.
An act to authorize the Board of Trustees of the town of Port Royal to change an alley.
An act to incorporate the Lexington and Kentucky River Railroad Company.
An act further to protect the rights of married women.
An act to amend the charter of the Danville and Hustonville Turnpike Road Company.
An act providing for a State road from Adairsville, in Logan county, to Bowlinggreen, in Warren county.
An act for the benefit of S. J. Poston, late Sheriff of Hardin county.
An act for the benefit of Benjamin Hayden and John Fleming.
An act to incorporate the fourth Baptist Church of Louisville.
An act to amend an act, entitled, an act to establish a State road through Grayson county to Bowlinggreen.
An act to extend the limits of the town of Stanford.
An act for the benefit of Lois Smallwood.
An act for the benefit of the Sheriff of Montgomery county.
An act to change the place of voting in a precinct in Bath county, and for other purposes.
An act divorcing Rhoda Ames from her husband, David S. Ames, and Mary Moore from her husband, Wm. C. Moore.
An act for the benefit of William T. Dudley, Clerk of the Fleming County Court.
An act for the benefit of the widow and heirs of G. C. Bohannon, deceased.
An act to amend and revive an act, entitled, an act to incorporate the Bath Seminary, and for other purposes.
An act divorcing Rachel Hoskins from her husband, Davis Hoskins.
An act for the benefit of Sally Gustin.
An act to appropriate money to purchase books for the Penitentiary.
An act authorizing a settlement with the Board of Internal Improvement.
An act to allow the voters in an election precinct in Warren county to determine on the place of voting in said precinct.
An act for the relief of emigrants to this State.
An act for the benefit of the devisees of Wm. Logan, deceased.
An act for the benefit of Wm. Cardwell's heirs.
An act divorcing Lindsey Lister from his wife, Margaret Lister.
An act vesting the Gallatin and Carroll County Courts with power to change a State road, and for other purposes.
An act for the benefit of the mechanics of the town of Danville, and for other purposes.

An act providing for a change of venue in the prosecution against Joseph H. Coleman.

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. A. Boyd reported that the committee 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 said bills.

Two messages, in writing, were received from the Governor, by Mr. Hardin, 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, Madison C. Johnson and Henry Duncan to be Directors on the part of the State, of the Northern Bank of Kentucky.
Virgil McKnight and William J. Graves to be Directors on the part of the State, of the Bank of Kentucky.
Thomas Turner, Jr., to be Commonwealth's Attorney of the 10th Judicial District, in place of Robert C. Clarke, resigned.
William Speed to be Police Judge of the town of Danville.
Fielding Winlock to be Police Judge of the town of Shelbyville.
D. P. Watson to be Police Judge of the town of Athens.
Henry D. Small to be Commissioner of Deeds for Kentucky, in the State of Tennessee.
William F. Owsley to be Police Judge of the town of Burksville.

Gentlemen of the Senate:
I nominate for your advice and consent, Henry C. Wilson, of Victoria, Texas, to be Commissioner for taking the acknowledgment of Deeds, &c., for the State of Texas.
Alfred Smith to be Keeper of the Wilderness Turnpike Gate.

Resolved, That the Senate advise and consent to the said appointments.
And then the Senate adjourned, until half past seven o'clock, to-morrow morning.
TUESDAY, FEBRUARY 24, 1846.

The Speaker laid before the Senate a communication from the Attorney General, which was read as follows, viz:

Office of the Attorney General, /
February 24th, 1846.

Sir:—A paper signed by the Hon. Ben. Hardin, and read to the Senate on last evening, unexplained, might tend to my injury in the estimation of some persons whose good opinion I seek, and at the same time place the action of the General Assembly in a false light in regard to an allowance made in the general appropriation bill.

Want of time and opportunity to read that paper forbids a detailed answer, on my part, to the many small matters touched or rather insinuated therein. Therefore, with the most profound respect to the Senate, I ask to make the following statement of facts, by way of response, to-wit:

1. That early last year I called the attention of the Secretary of State to the act of last session, which made it our duty "to digest all the revenue laws then in force;" he seemed to have been apprised of the act; but remarked, that the intention of the Legislature was, that we should devise a new system of revenue laws. After this, Mr. Hardin was absent from the seat of Government; when he returned, I again called on him, and desired his aid, both mental and physical, in digesting the revenue laws. He then remarked, that he had conversed with Mr. Helm as to the intention of the Legislature, and the proper construction of the act, and was still of the opinion it was our duty "to devise a new system of revenue laws." I then replied, that my duty under the act was too plain and simple to admit the slightest doubt, in my mind; but in order to relieve all doubt, and at the same time end, what I conceive to be a fruitless conference, as to the proper construction of the act, and our duties thereunder, it was mutually agreed that I should digest the revenue laws in force; and Mr. Hardin, if he thought proper, and had the time, would devise a scheme of retrenchment and taxation, and present it to the Legislature as a new system of revenue. Accordingly, I in good faith, and with much anxiety of mind, proceeded alone, unaided by the wisdom and "financial advice" of Mr. Hardin, to perform my duty under the act. The result of my tedious, sleepless, and truly delicate labour has met the approbation of two committees appointed to examine the same; and I, under the common right of an humble citizen, applied for compensation for the service thus rendered and approved. I did not ask for honor, credit, or money due the services of Mr. Hardin, rendered the Legislature in his scheme or system of revenue; all the honor, all the credit, all the money resulting therefrom was his—not mine. And certainly no appropriation of money, or other complimentary action of the Legislature in regard thereto, could have excited the slightest emotion of wounded pride in my bosom, or the smallest reflection on my humble effort to digest the revenue laws.

2. If, in the paper read to the Senate, the idea is intended to be conveyed, or insinuated by the honorable Secretary of State, that he, by word,
deed or thought, suggested, arranged, planed or devised all or any part of
the digest of the revenue laws reported by us to the Legislature, I then,
with an eye to the responsibility of what I say and do, respond, that from
the hour I commenced the digest of the revenue laws, until the day of their
completion, he knew no more of the plan adopted, or the manner of its exe­
cution, than any other citizen who may have learned that I was engaged in
such a work. There is not a thought, or the fraction of an idea, of his great
mind, from the beginning to the end of the poor digest. Everything good
or bad therein is mine, not his. I prepared and arranged every word, line,
sentence, section, and chapter of the work, and Mr. Hardin knows it; and
this response is submitted as part of my former report, in regard to the digest
of the revenue laws.

With respect,

O. G. CATES, Atty General.

Hon. A. Dixon, Speaker of Senate.

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
John A. Hunt, of Whitley county.

A bill from the House of Representatives, entitled, an act to amend the
penal laws, was read the third time.

Mr. Henderson moved to lay the said bill on the table.

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.  Dyer,
Bradley,  Henderson,
Chenaullt,  James,
Crenshaw,

Those who voted in the negative, were—

Messrs. Boyd, A.  Gray,
Bradford,  Hardin,
Bramlette,  Heady,
Conner,  Helm,
Drake,  Key,

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

A message, in writing, was received from the Governor, by Mr. Hardin,
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, Dillis Dyer to be a member of the
Board of Internal Improvement.

W.M. OWSLEY.

Resolved, That the Senate advise and consent to the said appointment.
Mr. A. Boyd and Conner, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of John A. Hunt, of Whitley county.

An act regulating the terms of the Circuit Courts in the first and fourth Judicial Districts, 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. Mr. A. Boyd reported that the committee had performed that duty.

After a short time, a message was received from the Governor, announcing that he had approved and signed said bills.

Mr. A. Boyd, from the joint 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 Richard A. Price, Collector of the 25th Regiment, and for other purposes.

An act to incorporate the Danville and Perryville Turnpike Road Company.

An act for the appropriation of money.

An act to amend the penal laws.

A resolution appointing a committee to ask leave to withdraw from the Governor an enrolled bill granting a change of venue to Joseph H. Coleman.

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. Soon after, Mr. A. Boyd reported that the committee had performed that duty.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed said bills and resolution.

Mr. W. P. Boyd moved the following resolution, viz:

Resolved, That the thanks of the Senate, be and are hereby tendered to the several Ministers of the Gospel, who have attended during the present session, and opened the Senate with prayer.

The said resolution was unanimously adopted.

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 that the General Assembly have finished the business before them, and are now ready to adjourn, and to know whether he has any further communication to make to them.

Whereupon Messrs. Peyton, Gray and Slaughter were appointed a committee on the part of the Senate.

A message was sent to the House of Representatives to inform them that the Senate having finished their legislative business, are now ready to adjourn; and have appointed a committee, on the part of the Senate, to wait on the Governor to 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. Peyton 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.

Mr. Helm being in the Chair, Mr. Swope moved the following resolution, viz:

Resolved by the Senate, That Archibald Dixon, Lieutenant Governor and Speaker of the Senate, is entitled to the thanks of the Senate; for the able, independent and conciliatory manner in which he has discharged the high duties of his office, during the present session.

The said resolution was unanimously adopted.

The Speaker having resumed the Chair, delivered a suitable address, and the Senate then adjourned without day.
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