JOURNAL

OF

THE SENATE

OF THE

COMMONWEALTH OF KENTUCKY,


FRANKFORT, KY:
A. G. HODGES—STATE PRINTER.
1846.
At a General Assembly, begun and held for the State of Kentucky, at the Capitol, in the town of Frankfort, on Thursday the 31st day of December, one thousand eight hundred and forty six, it being the day appointed by law for the meeting of the General Assembly—Archibald Dixon, Esq., Lieutenant Governor, took the chair, and the following members of the Senate took their seats, to-wit:

From the first Senatorial District, Thomas James; from the second, William Bradley; from the third, Francis M. Bristow; 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 fourteenth, John L. Helm; from the fifteenth, Percival Butler; from the sixteenth, Camden M. Ballard; from the seventeenth, John W. Russell; from the eighteenth, G. Clayton Slaughter; from the nineteenth, George C. Thurman; from the twentieth, John Draffin; from the twenty first, James Brien; from the twenty second, Fountain T. Fox; from the twenty third, John Speed Smith; from the twenty fourth, James S. Henderson; from the twenty fifth, James R. Hawkins; from the twenty sixth, John J. Thomas; from the twenty seventh, George W. Williams; from the twenty eighth, Samuel F. Swope; from the thirtieth, Stilwell Heady; from the thirty first, Robert S. Todd; from the thirty second, David Thornton; from the thirty third, Samuel M. Taylor; from the thirty fourth, James M. Rice; from the thirty fifth, Wilson P. Boyd; from the thirty sixth, Marshall Key; from the thirty seventh, Henry C. Harris; from the thirty eighth, Jeremiah W. South.

The said Francis M. Bristow, James V. Walker, John W. Russell, James Brien, John Speed Smith, James R. Hawkins, George W. Williams, David Thornton, and James M. Rice, severally took the oaths prescribed by the Constitution of the United States, and the Constitution of this State.

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

Resolved, That the Senate now proceed to the election of an Assistant Clerk to the same, who shall be held responsible to the Senate for his official acts; and that his compensation shall be five dollars per day, and no more.

Mr. Swope nominated Mr. Edmund W. Hawkins, as a proper person to fill the office of Assistant Clerk.

Mr. Fox nominated Mr. Thomas D. Tilford.

Mr. Harris nominated Mr. Theodore Kohlhass.

Upon taking the vote it stood thus:

Those who voted for Mr. Hawkins, were—

Butler, Hawkins.

Those who voted for Mr. Tilford, were—

Messrs. Ballard, James, Russell, Slaughter.
Boyd, Key, South, Thomas.
Bramlette, Marshall, Thurman—16.
Draffin, Patterson.
Fox, Peyton.
Heady.

Those who voted for Mr. Kohlhass, were—

Crenshaw, Holloway.
Hardin, Rice.
Harris, Smith.
Helm.

No person having received a majority of all the votes given, a second vote was taken, which stood thus:

Those who voted for Mr. Hawkins, were—

Butler, Hawkins.

Those who voted for Mr. Tilford, were—

Messrs. Boyd, James, Russell, Slaughter.
Bramlette, Key, South, Thomas.
Brien, Marshall, Thurman—16.
Draffin, Patterson.
Fox, Peyton.
Heady.

Those who voted for Mr. Kohlhass were—

Messrs. Bradley, Helm, Taylor.
Bristow, Henderson, Thornton.
Crenshaw, Holloway, Todd.
No person having received a majority of all the votes given, the nomination of Mr. Hawkins was then withdrawn.

The Senate proceeded to vote a third time for Assistant Clerk, and the vote stood thus:

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<thead>
<tr>
<th>Those who voted for Mr. Tilford, were—</th>
<th>Those who voted for Mr. Kohlhass, were—</th>
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<tbody>
<tr>
<td>Messrs. Ballard,</td>
<td>Messrs. Bradley,</td>
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<td>Boyd,</td>
<td>Bristow,</td>
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<td>Bramlette,</td>
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<td>Brien,</td>
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<td>Evans,</td>
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<td>Fox,</td>
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<td>Hawkins,</td>
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<td>Heady,</td>
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<td>James,</td>
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<td>Key,</td>
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<td>Marshall,</td>
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<td>Patterson,</td>
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<td>Peyton,</td>
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<td>Russell,</td>
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<td>Slaughter,</td>
<td>Todd,</td>
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<tr>
<td>South,</td>
<td>Walker,</td>
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<tr>
<td>Thomas,</td>
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<tr>
<td>Thurman—19.</td>
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Mr. Thomas D. Tilford having received a majority of all the votes given, was declared duly elected Assistant Clerk of the Senate during the present session. Whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and Laws of this State.

Mr. Todd nominated Mr. John D. McClure as a proper person to fill the office of Sergeant-at-Arms of the Senate during the present session.

Mr. Russell nominated Mr. John C. Stedman.

Upon taking the vote it stood thus:

<table>
<thead>
<tr>
<th>Those who voted for Mr. McClure, were—</th>
<th>Those who voted for Mr. Stedman, were—</th>
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</thead>
<tbody>
<tr>
<td>Messrs. Ballard,</td>
<td>Messrs. Russell,</td>
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<td>Boyd,</td>
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<tr>
<td>Bradley,</td>
<td>Walker—2.</td>
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<td>Bramlette,</td>
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<td>Brien,</td>
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<td>Draffin,</td>
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<td>Key,</td>
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<td>Marshall,</td>
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<tr>
<td>Patterson,</td>
<td>Thornton,</td>
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<tr>
<td>Peyton,</td>
<td>Todd,</td>
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<td></td>
<td>Williams—34.</td>
</tr>
</tbody>
</table>

Those who voted for Mr. Stedman, were—
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. Hardin nominated Mr. Benjamin Selby, as a proper person to fill the office of Doorkeeper of the Senate during the present session.

Mr. Evans nominated Mr. Alexander A. Harvey.
Mr. Ballard nominated Mr. C. N. Johnston.
Mr. South nominated Mr. Alexander R. Lindsey.
Mr. Key nominated Mr. Greenup Keene.
Mr. Draffin nominated Mr. Wm. McGinnis.
Mr. Helm nominated Mr. Alfred B. Ely.
Mr. Smith nominated Mr. Lewis F. Fenwick.

Upon taking the vote it stood thus:

Those who voted for Mr. Ely, were—
Messrs. Heady, Helm, Slaughter—3.

Those who voted for Mr. Fenwick, were—

Those who voted for Mr. Selby, were—
Hardin,

Those who voted for Mr. Harvey, were—
Crenshaw,

Those who voted for Mr. Johnston, were—
Hawkins, Rice,

For Mr. Lindsey—Mr. South.

Those who voted for Mr. Keene, were—
Messrs. Bristow, Key, Thornton—3.
For Mr. McGinnis—Mr. Draffin.

No person having received a majority of all the votes given, the nominations of Mr. Lindsey and Mr. McGinnis were withdrawn.

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

Those who voted for Mr. Ely, were—
Messrs. Heady, Helm, Slaughter—3.
Those who voted for Mr. Fenwick, were—
Messrs. Butler, Russell, Todd,
Draffin, Smith, Williams—6.

Those who voted for Mr. Selby, were—
Messrs. Boyd, Henderson, Peyton,
Brien, Holloway, Taylor,
Fox, James, Thomas,
Hardin, Patterson, Thurman—12.

Those who voted for Mr. Harvey, were—
Bristow, Evans,

Those who voted for Mr. Johnston, were—
Messrs. Ballard, Hawkins, South,
Bradley, Marshall, Swope—8.
Harris, Rice,

Those who voted for Mr. Keene, were—
Messrs. Key, Thornton—2.

No person having received a majority of all the votes given, the nomination of Mr. Ely was withdrawn, and the Senate proceeded to take the third vote and it stood thus:

Those who voted for Mr. Fenwick, were—
Russell, Todd,

Those who voted for Mr. Selby, were—
Messrs. Boyd, Hardin, Peyton,
Brien, Henderson, Taylor,
Draffin, Holloway, Thomas,
Fox, Patterson, Thurman—12.

Those who voted for Mr. Harvey, were—
Messrs. Bramlette, Evans, Marshall,
Bristow, Helm, Walker—7.
Crenshaw,

Those who voted for Mr. Johnston, were—
Messrs. Ballard, Hawkins, James,
Bradley, Heady, Rice—7.
Harris,

Those who voted for Mr. Keene, were—
Messrs. Key, South, Thornton—5.
Slaughter, Swope,

No person having received a majority of all the votes given, the nomination of Mr. Johnston was withdrawn, and the Senate proceeded to take the fourth vote, and it stood thus:
Those who voted for Mr. Fenwick, were—

Messrs. Butler, Heady, Smith, 
Draffin, Marshall, Todd, 
Harris, Russell, Williams—9.

Those who voted for Mr. Selby, were—

Messrs. Ballard, Hardin, Peyton, 
Boyd, Henderson, Rice, 
Bradley, Holloway, Taylor, 
Brien, James, Thomas, 
Fox, Patterson, Thurman—15.

Those who voted for Mr. Harvey, were—

Messrs. Bramlette, Evans, Helm, 
Crenshaw,

Those who voted for Mr. Keene, were—

Messrs. Key, South, Thornton—5. 
Slaughter, Swope,

No person having received a majority of all the votes given, the nomination of Mr. Keene was withdrawn, and the Senate proceeded to take the fifth vote, and it stood thus:

Those who voted for Mr. Fenwick, were—

Messrs. Butler, Russell, Swope, 
Draffin, Slaughter, Todd, 
Heady, Smith, Williams—10. 
Marshall,

Those who voted for Mr. Selby, were—

Messrs. Ballard, Harris, Peyton, 
Boyd, Henderson, Rice, 
Bradley, Holloway, Taylor, 
Brien, James, Thomas, 
Fox, Key, Thornton, 
Hardin, Patterson, Thurman—18.

Those who voted for Mr. Harvey, were—

Messrs. Bramlette, Evans, South, 
Bristow, Hawkins, Walker—8. 
Crenshaw, Helm,
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. Fenwick, were—

Messrs. Butler, Marshall, Swope,
   Draffin, Russell, Todd,
   Harris, Slaughter, Williams—11.
   Heady, Smith,

Those who voted for Mr. Selby, were—

Messrs. Ballard, Henderson, Rice,
   Boyd, Holloway, Taylor,
   Bradley, James; Thomas,
   Brien, Key, Thornton,
   Fox, Patterson, Thurman—17.
   Hardin, Peyton,

Those who voted for Mr. Harvey, were—

Messrs. Bramlette, Evans, South,
   Bristow, Hawkins, Walker—8.
   Crenshaw, Helm,

Mr. 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 motion of Mr. Peyton, a message was 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 then the Senate adjourned.
FRIDAY, JANUARY 1, 1847.

Mr. William K. Wall, a member of the Senate from the twenty ninth Senatorial District, appeared, and having taken the several oaths required by the Constitution of the United States, and the Constitution and Laws of this State, took his seat.

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

Whereupon, Messrs. Boyd, Russell and Evans were appointed a committee on the part of the Senate.

After a short time Mr. Boyd reported that the joint committee had performed the duty assigned them, and were informed by the Governor that he would on this day, at 11 o'clock, make a communication in writing to each branch of the Legislature.

Mr. Marshall presented the petition of the heirs of William Buckner, deceased, praying the passage of a law authorizing the executor of the said Buckner to convey certain lands.

Mr. Henderson presented the petition of Alexander Frazier, who stands indicted for the crime of murder, in the Clay Circuit Court, praying a change of venue.

Which petitions were received and referred to the committee on the Judiciary.

On the motion of Mr. Key,

Resolved, That Lewis Collins have the privilege of a seat within the bar of the Senate as reporter for the Maysville Eagle.

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

On the motion of Mr. Harris—1. A bill to take the sense of the people of this Commonwealth, as to the propriety of calling a Convention.

On the motion of Mr. Rice—2. A bill giving further time to the Judge of the 19th Judicial District to remove into said District.

On the motion of Mr. Crenshaw—3. A bill to repeal all laws allowing "benefit of clergy" to slaves, free negroes, and mulattoes.

On the motion of Mr. Evans—4. A bill to amend the Common School law.

On the motion of Mr. Todd—6. A bill to extend the terms of the Fayette Circuit Court, and for other purposes.

On the motion of Mr. Boyd—7. A bill to incorporate the Flemingsburg Fire Engine and Hose Company.

On the motion of Mr. Helm—8. A bill concerning lands forfeited to the Commonwealth.

On the motion of same—9. A bill subjecting the estates of decedents to the payments of costs of suits brought by executors and administrators.

On the motion of same—10. A bill regulating the action of trespass, and provide a remedy against trespassers on lands not in possession of the owner.

On the motion of Mr. James—11. A bill for the benefit of Beverly McGarey.

On the motion of Mr. Peyton—12. A bill to amend the law limiting certain actions.


Messrs. Harris, Helm and Crenshaw, were appointed a committee to prepare and bring in the 1st; Messrs. Rice, Harris and South the 2d; Messrs. Marshall, Brien and Williams the 5th; Messrs. Todd, Wall and Williams the 6th; Messrs. Boyd, Hardin and Patterson the 7th; Messrs. Helm, Harris, Crenshaw, Wall and Henderson the 8th; Messrs. Helm, Smith and Thurman the 9th; Messrs. Helm, Slaughter and Smith the 10th; Messrs. James, Hardin and Brien the 11th; the committee on the Judiciary was directed to prepare and bring in the the 3d, 12th and 13th, and the committee on Education the 4th.

On the motion of Mr. Smith,
Resolved, That the committee on the Judiciary be and they are hereby instructed to take into consideration the propriety of changing the manner of inflicting capital punishment, from public to private; and report by bill or otherwise.

On the motion of Mr. Taylor,
Resolved, That the clergy of the town of Frankfort be invited to open the Senate by prayer, each day, during the present session.

On the motion of Mr. Helm,
Resolved, That the Second Auditor be required to lay before the Senate, at as early a day as practicable, a list of lands forfeited to the Commonwealth, and remaining unsold.

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

A message in writing, was received from the Governor, by Mr. Kinkead, Secretary of State, which was read as follows, viz:
Gentlemen of the Senate,
and House of Representatives:

I avail myself of the present occasion to perform a duty required of the Governor by the constitution, to give to the General Assembly information of the state of the Commonwealth. But I should omit a still higher duty were I not, at the same time, to call to mind our dependence on the Supreme Ruler of the Universe, acknowledge the obligations we are under to him for the numerous blessings which he has been pleased graciously to bestow upon our State and people, and implore his assistance that our deliberations may be conducted in wisdom and our labors terminated beneficially to the community.

The Reports of the First and Second Auditors and Treasurer will make you acquainted with the fiscal transactions of the past year, and with the demands which will likely fall upon the Treasury in the present year. You will discover that after paying all demands upon the Treasury, there remained a balance of $20,503 in the Treasury at the close of the year ending on the 10th October, 1846, and that there will probably be a balance of $19,093 63 in the Treasury at the end of the present fiscal year, after paying the estimated demands upon it up to that time. The receipts of the Treasury for the year ending the 10th October, 1846, including $33,444 36, which remained in the Treasury on the 10th October, 1845, amounted to $428,810 35; and there was paid by the Treasury in the same year, $408,307 35. The estimated receipts of the Treasury for the fiscal year ending the 10th October, 1847, amount to $388,997 15, and it is expected that the demands upon the Treasury for the same year will amount to $369,903 63. These estimates may not prove to be entirely correct, but from the known accuracy and long experience of the Second Auditor, by whom they were made, we have reason to rely upon their being sufficiently accurate to obviate any necessity for increased taxation to meet the ordinary expenditures of Government for the present year.

In my last annual message, I took occasion to allude to the imperfect manner in which the duties of the Commissioners of Tax had been performed, and expressed the opinion, that by a more accurate and faithful discharge of their duty, the amount of tax would be considerably increased on the property required to be listed by them. The correctness of the opinion then expressed is more fully confirmed by the present Report of the Second Auditor. It now appears that there is an actual increase of a fraction above six per centum in the tax receivable on property listed by the Commissioners of Tax in the year 1846 above what it was on property listed in the preceding year; and no reason for the increase is perceived, unless it is supposed the duties of the Commissioners were performed in 1846 with more accuracy and fidelity than in the preceding year. But while this was doubt-
less the case, and whilst due credit is awarded to such Commissioners as have faithfully performed their duty, I feel constrained to believe, from an inspection of the present Report of the Auditor, that part of the Commissioners have again failed to discharge correctly the duties which, by law, should have been performed in 1846. I must therefore again submit to the wisdom of the General Assembly whether means may not and ought not to be adopted to correct the evil, and effectually guard against the recurrence of like abuses in future.

But in connection with the subject of revenue, my attention has been directed to the Sheriffs who were entrusted with the collection of the revenue for the year 1845; and although part of them failed to account therefor by the time fixed by law, yet all of them did what never before had been accomplished by every collector in any preceding year, and set an example worthy of high commendation, by accounting fully and paying into the Treasury the revenue for which they were respectively liable before the close of the fiscal year ending on the 10th October, 1846.

Reference was also made in my last message to the gratifying fact that in the preceding year, for the first time since the State embarked in works of internal improvement, the debt of the State was diminished several thousand dollars. After deducting payments previously made, there remained then outstanding against the State a debt of $4,409,456, besides a debt of $250,000, the interest of which is payable by the Northern Bank of Kentucky; making an aggregate funded debt against the State of $4,659,456. Since then, payments have been made to the amount of $81,430, and new liabilities created to the amount of $18,000, but resulting in a further actual diminution of the debt $63,430.

Payments were made,

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>To the Bank of Louisville,</td>
<td>$30,000</td>
</tr>
<tr>
<td>In redemption of six year bonds,</td>
<td>$50,800</td>
</tr>
<tr>
<td>In redemption of certificates or scrip of the Northern Bank of Kentucky,</td>
<td>$630</td>
</tr>
<tr>
<td>Total amount of payments,</td>
<td>$81,430</td>
</tr>
</tbody>
</table>

New liabilities were created,

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>By 6 per cent. thirty year bonds sold in exchange and for the redemption of six year bonds,</td>
<td>$15,000</td>
</tr>
<tr>
<td>By receipt of money of Craddock Fund,</td>
<td>$3,000</td>
</tr>
<tr>
<td>Amount of new liabilities,</td>
<td>$18,000</td>
</tr>
</tbody>
</table>

This latter sum deducted from the aggregate amount of payments, leaves a balance of $63,430, which constitutes the actual diminution of the State debt in the year just ended; and when taken from that debt, shows the entire funded debt of the State, at present, to be $4,596,026.
This debt is composed of the following items:

5 per cent. bonds, redeemable at the pleasure of the State, at any time within six years after the expiration of the charter of the Northern Bank of Kentucky, $250,000
5 per cent. bonds, payable 35 years after date, 165,000
5 per cent. bonds, payable 30 years after date, 450,000
6 per cent. bonds, payable 30 years after date, 3,594,000
6 per cent. bonds, payable 6 years after date, 49,600
6 per cent. bonds, (for repair of Railroad,) payable 6 years after date, 84,000
Railroad and Internal Improvement scrip issued by the Northern Bank of Kentucky, and redeemable by the State, 426
Money received of Craddock Fund, 3,000

Total amount of debt, $4,596,026

But, as remarked in my last annual message, the State is in possession of means by which part of this debt may be paid without burdening the people with taxation. The State now holds, as she then held, 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,
400 shares of stock in the Northern Bank of Kentucky, 40,000
406 shares of stock in the Bank of Louisville, 40,600
2,399 shares of stock in the Bank of Kentucky, 239,900

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

This sum deducted from the amount of debt, as stated, leaves $3,325,526, which may be considered as the actual burthen of debt on the State.

The means appointed by law for that purpose, have enabled the Commissioners of the Sinking Fund not only to diminish the State debt, as above stated, $63,430, but also to discharge promptly the interest of the entire debt for the past year, as it became payable; and I entertain entire confidence as to the sufficiency of the means to pay the interest as it accrues and becomes payable, in future. The receipts for the past year have come fully up to the anticipations of the Commissioners in their last annual Report, and there is no reason to fear that they will be diminished in future. The Reports of the First Auditor and Commissioners of the Sinking Fund will put you in possession of detailed statements as to the receipts, expenditures, and transactions of the Commissioners for the year just ended, and also, the anticipated receipts and expenditures for the present year.

There was received from the Kentucky River Navigation, for the year ending the 10th of October, 1846, $11,929 33 more than had been received from the same source, for the preceding year; and there was received from Turnpike roads, for the year ending 10th October, 1846, $3,828 24 more than
had been received from those roads the preceding year. The receipts from the Kentucky River Navigation, for the year ending the 10th October, 1845, amounted, after deducting expenses, to $17,244 15; and the receipts from that navigation, for the year ending the 10th October, 1846, after deducting expenses, amounts to $29,173 58. The receipts from Turnpike roads, for the year ending the 10th October, 1845, amounted to $24,869 41; and the receipts from the same source, for the year ending 10th October, 1846, amount to $28,697 65. The receipts from the Green and Barren River Navigation, for the year ending the 10th October, 1846, after deducting expenses, amount to $4,227 13; nothing was received from that source for the year ending the 10th October, 1845. As to the amount which may probably be brought into the Sinking Fund in future, from the river navigations, I refer you to the report of the Board of Internal Improvements, under whose management and control those navigations are placed by law, and who must be presumed to possess more correct information on the subject. But as to all other resources of the Sinking Fund, I entertain entire confidence, that they will bring into the Sinking Fund, during the present fiscal year, as much as was received from those sources in the year ending the 10th October last.

It must be a source of unalloyed gratification to witness the highly flattering condition to which the Sinking Fund has been brought in the past year. Never before, since the organization of the Board of Commissioners, was the business transacted in any year without suffering cost for exchange or interest on advances, in anticipation of the means of the Fund, and frequently for both. The Board has been organized nine years, and in that time $57,762 07 was paid for exchange and interest, on anticipated advances, making an average annual cost of $6,195 78; but in the year just ended no cost was incurred, either for exchange or for interest, on anticipated advances. The means of the Sinking Fund enabled the Commissioners to meet promptly the instalments of interest on the State debt; and under the act of the last General Assembly, they so managed their means as to incur no cost for exchange, in placing, in the city of New York, money sufficient to meet the instalments of interest payable at that place, the first Monday in July, 1846, and the first Monday in January, 1847. Relieved from these burthens, the business of the Sinking Fund may in future be transacted, and its means transmitted and applied to their appropriate purposes, with comparatively inconsiderable cost. And what is still more, we may rely with confidence on the sufficiency of the means of the Fund, if not withdrawn, or diverted from their purpose, to extinguish, from time to time, as it becomes payable, the entire interest of the funded debt of the State.

Among all the grave subjects of legislation, which may come up before you, I know of none of more importance to the people of the State, or more
worthy of your enlightened consideration, than our Common School system. This is a trite subject in our State, and from long hearing the words the mind is apt to turn away with a sort of aversion at their mention. It has become almost a stereotype part of messages—a reference to the Common School system, and a kindly recommendation of it to the good will of the Legislature. The charge has too often been politely received and acknowledged and then neglected.

Why it is that the education of the youth of the land, the duty of which is so high and imperative, has so languished in Kentucky, is not now to be investigated. It is enough for us to know that the fact exists. It is enough for us to know that Kentucky has been far outstripped in this noblest work that can engage the wisdom and energies of a Commonwealth; that while younger and poorer States have achieved noble results in their efforts to rear up all their youth into educated intelligent citizens, our State has idly slept by her work, and permitted the weeds of ignorance to grow unchecked within her borders.

The sad fact is no longer to be concealed that our Common School system is altogether barren—that it produces no fruit commensurate with the wants of the people. The only thing we have to show, as the result of years of legislation and flattering debate, is a law on the statute book. Why is this so? It cannot be that there is anything in our soil, climate, or people, inimical to schools and education. It cannot be that the State is pleased with the astounding extent of ignorance within her borders, that is exhibited by each successive census. It certainly cannot be that our people have quietly acquiesced in the charge daily and tauntingly made against slave holding States, by abolition presses, that “no system of general education can flourish in a slave State.” These conclusions we all indignantly spurn.

If I may be indulged, I will endeavor to express briefly what seem to be the chief wants of our system, and without which it can never succeed:

First, it is assumed that ample means are indispensably necessary to carry on a system of Common Schools. No system can ever succeed, nay, no system can ever fairly commence, without adequate means to sustain it. Governments are conducted only by immense revenues. The waging of war requires millions of money. Even the benevolent objects of christianity have to be urged forward by immense contributions of its professors. And if in these latter, how much more in the less exciting work of education, is the agency of abundant means necessary.

The young State of Michigan, just starting, as it were, in life, spends annually about $90,000 for school purposes. Her schools are flourishing, and no complaint is heard. Kentucky spent last year about $7,000 on Common Schools. Our schools are languishing, and the whole State murmurs at the inefficiency of the system. No comment on these facts is necessary.
The sum of $90,000 a year, it is thought, would not fail to set our Common School system in active operation throughout the State. Nothing but money will do it, and it is left to the appropriate department—the legislative—to determine on the expediency or inexpediency of raising it.

Another defect, as I conceive, in our system, is in the manner of disbursing the school money among the people. The plan pursued in the State of New York seems to be the most successful one known. It is there required that only one-half of the money used in support of schools be raised by the State; the citizens of school districts are required to raise the balance by a regular district levy, each district raising an amount equal to its apportionment from the State, and not being entitled to receive its share until this tax is levied, proper exemptions being made in favor of indigent persons. On the supposition that $90,000 were annually used in this State, in support of schools, $45,000 would be the amount to be raised by the State; to raise this sum a tax of two per cent. would be amply sufficient.

The advantages of this plan would be, first, its voluntary principle, giving the people of each district the privilege of taxing, or not taxing, themselves, as they desired or refused schools: second, in case they have schools it will secure much more vigilance and care in the disbursement of the school money than would otherwise be had. Though we have this plan, in part, in our present system, it can be much improved upon, and rendered more effective.

Another feature that is deemed essential to the success of any system is this, that whenever a school district refuses to assess itself for a sum equal to its distributive share from the State, the share shall go back to the principal fund, to be distributed with it, to those districts adopting the system. A wise limitation should be made which, while it would insure a most adequate bonus to the immediate adoption of Common Schools, would nevertheless prevent unnecessarily large distributions to particular counties, if a large number should refuse the system. The object of this provision would be to force, by the strongest incentives, the adoption of the system by every district. If it be urged by any that it would be unjust thus to forfeit a district's share, a sufficient answer is given by replying that there would be no probability of more than one year's forfeiture ever taking place in a district, for there would be no district whose citizens would rest satisfied with no money, and no school, while their more active neighbors, in adjoining districts, were receiving from $50 to $100 a year from the State, for their schools; finding themselves thus situated, every district would quickly embrace the terms of the law. On the other hand, if the shares of neglectful districts should be placed to their credit, whether they adopted schools or not, it would only encourage them in the indifference and inaction which it should be our object to overcome. The regulations of the State of New York, in
all these respects, are admirable, and I will gladly exhibit the details of their eminently successful system, to any gentlemen of the Legislature who may wish to become further acquainted therewith.

Schools for the proper education of teachers, both male and female, to supply the great demand that an extensive adoption of the system would create, would be very desirable. In a perfect system it is indeed indispensable. Such schools, known as Normal Schools, are in successful operation in other States, but I do not advise their immediate introduction in Kentucky. The place of such schools can be partially supplied by colleges, and I am happy to say that the Faculty of three of the principal colleges in the State have expressed their entire approbation, and promised their co-operation in a plan for this purpose, submitted to their consideration. No doubt is entertained but that the others will be equally willing to join in the plan if it can be perfected. These arrangements would pave the way for the introduction of Normal Schools, under better auspices, and with more intelligence on the subject, than we now possess. A perfect system must be the work of years, and we need not try to embrace everything that is desirable at once. We will make more progress by reforming steadily and gradually the system we have.

After my extended remarks on this subject, I need not assure you that I shall be most happy to co-operate with you in any measure you may devise for commencing in earnest the noble work of education in Kentucky. Surely there is no work more worthy of the time, talents, and labor of a patriot—none more calculated to bring honor and fame to a statesman's brow. Kentucky has once and again solemnly pledged her faith for the education of all her youth. It is for the Legislature to say whether the sacred pledge is ever to be redeemed—whether the minds of the neglected children of the State are ever to be illuminated, and taught to know a condition of happiness in life unshackled by the bonds of poverty, and undimmed by the mists of ignorance.

In connection with this subject, I will inform the Legislature that I have received a communication from the Trustees of the Deaf and Dumb Asylum of Kentucky, advising me that, notwithstanding the Legislature last winter made provision for an increased number of pupils, there are now in the Institution four pupils beyond the number provided for by law. I transmit, herewith, a copy of the letter of the Trustees, explaining this fact, and asking that the provisions of the law be still further extended. It would certainly be difficult to satisfy the parents of any unfortunate deaf and dumb children that the State may justly provide for a part of such unfortunates, and not for all.

I recommend the passage of an act making more explicit the law applicable to crimes perpetrated by slaves. Legal gentlemen differ in respect to
the benefit of clergy. Some of our Circuit Judges entertain the opinion that the benefit of clergy has been long since abolished, and refuse to allow it to slaves in any case, whilst other Judges are of opinion that, though abolished as to freemen, the benefit of clergy has not been taken away entirely from slaves, and have allowed it to them in particular cases. The consequence is that slaves are made to suffer death for the commission of crimes, in some counties, when, for like crimes perpetrated in other counties, the punishment is greatly mitigated, and comparatively slight. This is painfully unjust and reproachful to the law. Without venturing an opinion upon a subject about which Judges differ so widely, it seems to me that if the benefit of clergy has not been altogether abolished there exists no good reason for retaining that antiquated appendage of the law. Should the punishment prescribed by law be too sanguinary, or not justly apportioned to the offence, it would, I think, be much better to change the punishment, by explicit enactment, than to leave it to be mitigated by the Judges, through the idle ceremony of a claim of the benefit of clergy.

I ought not to pass unnoticed some of the incidents of the past year, unusual in the ordinary action of the State Government, and in which it became my duty, as Governor, to act a part.

The United States had become involved in war with Mexico, a sister Republic. The calamity was great, and deeply to be deplored; but the Rubicon was passed, and it was too late to look back and wrangle as to the manner in which it was brought about. Our country needed assistance, and most willingly was assistance afforded. A call was made by the Government at Washington, upon Kentucky, for three Regiments of volunteers—one of mounted riflemen, and two of infantry—and each to be composed of ten companies. The requisition was received the 22d of May, but in anticipation of it I had previously, on the 17th of that month, issued a proclamation calling for the organization of volunteer companies, and before the 26th of May, companies for each regiment were organized, their services tendered and accepted by me, and one of the regiments, (the Louisville Legion,) actually embarked on steamers for the seat of war. There was a burst of patriotic feeling on the occasion, and a promptness in responding to the call of Government, worthy the sons of Kentucky, and for which they justly merit high commendation. Party strife gave way to the love of country, and the struggle to be first to tender their services, became common everywhere throughout the State. The dispatch was so great and unexpected that means were not provided by Government to pay the incidental and necessary expenses of the Legion. Unwilling that the service should be impeded, or the brave soldiers who had so promptly stepped forward at the call of their country, should suffer for the lack of necessary supplies, I did not hesitate to accept the tender, made to me by an association of patriotic citizens of Louisville,
of money adequate to pay the expenses and supply the wants of the Legion. But I am happy to inform you that the Government at Washington has since reimbursed the entire amount expended, and the accounts with those who advanced the money have been finally adjusted and closed.

I should do injustice to my feelings, were I not to express my highest estimation of the services of Quartermaster General Ambrose W. Dudley, and Assistant Quartermaster, Col. William Preston, in bringing the accounts to such speedy and satisfactory adjustment. To the prudence, industry and skill of Gen. A. W. Dudley, in keeping the accounts of the State's expenditure, and managing his difficult and embarrassing department, this result is chiefly owing. Other States, less fortunate in this respect, are still involved with the department at Washington, over unsettled accounts for precisely similar expenditures.

The Commissioners who were appointed by an act of the last Legislature to audit and settle the accounts of the Board of Internal Improvement, have not performed that duty. The cause of their failure is made known by their Report, which is herewith transmitted to the General Assembly. The Commissioners being appointed during the year 1846 only, their authority to act has of course terminated, and the contemplated settlement cannot be accomplished without further legislation.

Soon after the adjournment of the last General Assembly, and in compliance with the 7th section of an act, approved 23d February, 1846, I appointed Wm. F. Bullock, Orlando Brown and F. T. Fox, Esqs., Commissioners to select some eligible location in the Green River country, or Southern portion of the State, for the erection of a Lunatic Asylum. Messrs. Bullock and Fox afterwards resigned their stations, and their places were supplied by commissioning Pierce Butler and John Barkley, Esqs. These two latter gentlemen, in conjunction with Orlando Brown, Esq., have been engaged in the duty assigned them, and will doubtless report to the present General Assembly.

The building intended for the reception of females sentenced to the Penitentiary and which was in progress of construction at the close of the last session of the General Assembly, has been completed, in fulfilment of the contract made with the keepers for the erection of buildings in the Penitentiary, under the act of 10th February, 1845.

Under an act of the 23d of February, 1846, and in conformity therewith, I purchased for the Commonwealth, from A. P. Cox, the lot of ground adjoining the Penitentiary, at the price of $4,000, and paid him the purchase money, and received his conveyance of the title to the Commonwealth. Since then, the walls of the Penitentiary have been extended around the lot so purchased, under a contract made by the Commissioners of the Sinking Fund with the keepers, for the extension of the wall and the erection of
new buildings, &c., designated in said act. The work on the wall has been faithfully executed, but the other buildings, &c., have not been erected, nor was it contemplated in the contract that they would be, until the next season for building.

The extension of the wall adds much to the convenience of the institution, and I entertain a confident hope, will contribute greatly to the comfort and health of the inmates. In the past year, there has been one escape from the Penitentiary, and one death. The general health of the inmates is at present good. Their number, on the 1st of December, 1846, was one hundred and eighty-seven—exceeding the number in the institution on the 1st of December, 1845, by eleven. The keepers have sustained loss by the institution the last two years, and I doubt whether they will realize any profit the present year. The low prices of bagging and rope, the manufacturing of which constitute the principal business of the institution, render it altogether improbable that much, if any, profit can be realized by the keepers, after paying the annual profit of $5,000, which they have guaranteed to the State. The report of the keepers will give you more detailed information as to the condition of the institution.

I herewith transmit Resolutions of the State of New Hampshire, on various subjects, forwarded to me to be laid before you.

Brought together for a common purpose, I indulge the hope that the public good will be the controlling consideration in whatever may engage your attention; and in the furtherance of this, I promise you my cordial cooperation and aid.

WILLIAM OWSLEY.

JANUARY 1, 1847.

Ordered, That the Public Printer print 4,000 copies of said message, for the use of the Senate, 150 copies of the accompanying documents.

On the motion of Mr. Evans,

Resolved, That so much of the annual message of the Executive, as relates to education, be referred to the committee on that subject, and that they report, by bill or otherwise, at as early a period of the present session as practicable.

And then the Senate adjourned.
SATURDAY, JANUARY 2, 1847.

On the motion of Mr. Russell,

Resolved, That a seat within the bar of the Senate be allowed to Will. R. Hervey, reporter for the Daily Commonwealth.

The Speaker laid before the Senate the following communication from Jas. Stonestreet, Clerk of the Senate, to-wit:

JANUARY, 2, 1847.

Sr: I do hereby resign the office of Clerk of the Senate. I tender to you, and the members of the Senate, my sincere thanks for your kindness towards me.

JAS. STONESTREET.

Hon. A. Dixon,

Speaker of the Senate.

Mr. Theodore Kohlhass was unanimously elected Clerk of the Senate during the present session. Whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and Laws of this State.

On the motion of Mr. Peyton,

Resolved, That the Senate acknowledge with pride, the long and faithful services of James Stonestreet, their late Clerk, and tender him a lively and lasting remembrance of the honesty, fidelity and propriety with which those services have, at all times, been rendered by him; and also, their earnest hope that his future life may command the high respect, and entire confidence, with which we are deeply impressed.

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

Resolved, That the Sergeant-at-Arms and Doorkeeper of the Senate, are hereby directed to furnish for the Senate Chamber, forty split-bottom chairs, such as are now used in the House of Representatives. That the Treasurer sell the present chairs of the Senate, for the best price he can get, and pass the same to the credit of the Treasury.

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

Mr. Fox read and laid on the table the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on Saturday, the 9th day of this month, proceed, by joint vote of both houses; to the election of a Senator to the Congress of the United States, from this State, for six years, from and after the 4th day of March.

The Speaker laid before the Senate the annual report of the 1st Auditor, which is as follows, to-wit:
STATE OF KENTUCKY, Auditor's Office, 
January 2, 1847.

SIR: I herewith enclose to you the annual report from this Department. 
I am sir, respectfully, 
H. I. BODLEY, Auditor.

Hon. A. DIXON,
Speaker of the Senate.

[For Report—see Legislative Documents.]

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

REVENUE DEPARTMENT, Auditor's Office, KY. 
Frankfort, January 2, 1847. 

SIR: I herewith enclose the annual report from this Department. 
I am, very respectfully, 
THO. S. PAGE, 2d Auditor.

Hon. A. DIXON,
Speaker of the Senate.

[For Report—see Legislative Documents.]

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

TREASURY OFFICE, January 1, 1847. 

SIR: Please lay before the Senate the annual report from this Department. 
Very respectfully, 
JAMES DAVIDSON, Treasurer.

Hon. A. DIXON,
Speaker of the Senate.

[For Report—see Legislative Documents.]

The Speaker laid before the Senate the following communication from the 
President of the Board of Internal Improvement, which is as follows, viz: 

OFFICE OF BOARD OF INTERNAL IMPROVEMENT, 
January 2, 1847. 

In pursuance of the provisions of an act, entitled, "an act concerning the 
Public Printing," approved February 23, 1846, I have the honor to inform 
you that the annual report of the Board of Internal Improvement has been 
printed, and that copies thereof will this day be laid on the table of each 
Senator. 

With profound respect, 
THOMAS METCALFE, P. B. I. I.

Hon. A. DIXON,
Speaker of the Senate.

[For Report—see Legislative Documents.]

The Speaker laid before the Senate the report of the Visitors of the Peni- 
tentiary, for the year 1846, which is as follows, to-wit: 

Ordered, That the Public Printer print 150 copies of said report for the 
use of the General Assembly.
A message was received from the House of Representatives, announcing that they had adopted a preamble and resolutions in relation to the increase of the pay of volunteers in the Mexican war.

1. Mr. Peyton presented the petition of Jane P. Berryman and Abraham Foreman, praying for the passage of a law authorizing the Circuit Court of Ohio county to decree a sale of a tract of land, held by said Foreman, in trust for the said Jane and her children, and that the proceeds be vested in other lands.

2. Mr. Peyton also presented the petition of Johnson Dehaven, guardian for Henry D. Wilkerson, praying for the passage of a law authorizing the sale of a negro woman, the property of said Wilkerson, and that the proceeds be vested in another slave.

3. Mr. James presented the petition of Martha S. Poland and Reuben Poland, praying for the passage of a law authorizing the said Martha to convey a tract of land in Shelby county.

4. Mr. Peyton presented the petition of Micajah Basham and Uriah Winchell, praying for the passage of a law allowing them to erect a mill dam on the south fork of Rough creek.

5. Mr. Bristow presented the petition of Catharine W. Hutchison, praying for a divorce from her husband, Parker N. Hutchison.

6. Mr. Peyton presented the petition of Letitia Ann Casey, praying to be divorced from her husband, James S. Casey, and that her name be changed.

7. Mr. Hardin presented the petition of Rebecca Morrison, widow of Joseph A. Morrison, deceased, praying for the passage of a law authorizing the sale of three tracts of land lying in Adair county, and also a division of the slaves of said estate.

8. Mr. Heady presented the petition of Adeline Barnes, widow of Richard Barnes, deceased, praying for the passage of a law authorizing her to convey to the purchaser, a small lot near the town of Mt. Washington.

Which petitions were severally received and referred: the 1st, 2d, 3d, 7th and 8th to the committee on the Judiciary; the 4th to the committee on Internal Improvement; and 5th and 6th to the committee on Religion.

On the motion of Mr. Rice,

Resolved, That the committee on the Judiciary prepare and report a bill repealing all acts, or parts of acts, that gives the General Court jurisdiction, either in law or chancery, to try and determine any controversy in relation to the title or possession of lands in this Commonwealth, except the land is situate in the county of Franklin.

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

On the motion of Mr. Butler—1. A bill to incorporate the Louisville and Frankfort Railroad Company.

On the motion of Mr. Peyton—2. A bill to incorporate the Mount Alba Female Collegiate Institute, in the county of Breckinridge.
On the motion of Mr. Peyton—3. A bill to incorporate the Breckinridge College.

On the motion of Mr. Hardin—4. A bill for the benefit of James Miller.
On the motion of Mr. Hawkins—5. A bill to simplify the authentication of foreign deeds and other instruments.

On the motion of Mr. Evans—6. A bill to amend the law in relation to binding out poor children in this Commonwealth.
On the motion of Mr. Henderson—7. A bill to amend the general law in relation to divorces.

Messrs. Butler, Speed Smith and Peyton were appointed a committee to prepare and bring in the 1st; Messrs. Hardin, James and Boyd the 4th; Messrs. Hawkins, Wall and Todd the 5th; and the committee on the Judiciary was directed to prepare and bring in the 2d, 3d, 6th and 7th.

Mr. Rice, from a select committee, reported a bill to extend the time for the Judge of the 19th Judicial District, to remove into his District, which was read the first time, and ordered to 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. Todd, from a select committee, reported a bill to extend the terms of the Fayette Circuit Court, and for other purposes, which was read the first time and ordered to be read a second time.

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

Mr. Wall moved the following resolutions, which were unanimously adopted, to-wit:

Resolved, That the Senate has heard, with profound sorrow, of the death of Dr. A.H. Innis, Senator elect from the counties of Harrison and Bracken.
Resolved, That in testimony of respect for the memory of the deceased, we will wear the usual badge of mourning for the space of thirty days.
Resolved, That the Senate do now adjourn.

And then the Senate adjourned.

MONDAY, JANUARY 4, 1847.

The following standing committees were announced, to-wit:

Judiciary—Messrs. Hardin, Patterson, Peyton, Crenshaw, and Wall.


Internal Improvement—Messrs. J. Speed Smith, Evans, Thornton, Bristow and Swope.

Finance—Messrs. James, Todd, Helm, Butler and Rice.

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

Penitentiary—Messrs. Peyton, Rice, Thurman, Boyd and Patterson.


Sinking Fund—Messrs. Helm, Holloway and South.

Executive Affairs—Messrs. Harris, Draffin and Thornton.


Agriculture and Manufactures—Messrs. Slaughter, Taylor, Bradley, Williams and Ballard.

Federal Relations—Messrs. Williams, Fox, South, Bristow and Crenshaw.

JOINT COMMITTEES.

Banks—Messrs. Key, Fox and Peyton.

Library—Messrs. Taylor, Thomas and Holloway.


The Speaker laid before the Senate a communication from the Auditor of Public Accounts, which is follows, to-wit:

AUDITOR'S OFFICE, January 4, 1847.

Sir: I herewith enclose to you a copy of the list of State bonds and coupons, burned on the 28th December, 1846.

Respectfully,

H. I. BODLEY, Auditor.

Hon. A. DIXON,
Speaker of the Senate.

[For Communication—see Legislative Documents.]

1. Mr. Rice presented the petition of Tamsey Chadwell, praying for a divorce from her husband, John A. Chadwell.

2. Mr. Peyton presented the petition of Hiram Harris, who stands indicted in the Breckinridge Circuit Court for murder, praying for the passage of a law granting him a change of venue.

3. Mr. Peyton also presented the petition of Valentine W. Peyton, who stands indicted for murder in the Warren Circuit Court, praying for the passage of a law granting him a change of venue.
4. Mr. Bristow presented the petition of J. Ayres and others, trustees of the Methodist Episcopal Parsonage, in the town of Elkton, praying for the passage of a law authorizing them to make sale of said parsonage house and lot.

5. Mr. Bramlette presented the petition of Charles Silvers, guardian of Silvers and Rosannah Orms, praying for the passage of a law authorizing him to vest, in his said wards, the title to a tract of land in Clinton county, in discharge of his liability as guardian, or to pledge said land as surety as guardian, and thereby release his sureties.

6. Mr. Bramlette also presented the petition of Charles H. Cox and others, children and heirs at law of Mabry T. Cox, deceased, praying for the passage of a law authorizing the registration of a plat and certificate of survey, made in Wayne county, in the year 1819, upon a Kentucky land warrant, No. 3170.

7. Mr. Bradley presented the petition of Levi Pendley, of Hopkins county, praying for the passage of a law to allow him compensation for taking care of James Ewing, an idiot.

8. Mr. Harris presented the petition of Jacob Mayo, late Clerk of the Floyd Circuit Court, praying for the passage of a law authorizing him to issue his fee bills.

9. Mr. Thurman presented the petition of the Justices and sundry citizens of Washington county, praying for the passage of a law to change the time of the sitting of the Washington County Court.

Which petitions were severally received and referred: the 1st to the committee on Religion; the 2d, 3d, 5th, 6th, 8th and 9th to the committee on the Judiciary; the 4th to the committee on Propositions and Grievances; and the 7th to the committee on Finance.

Mr. J. Speed Smith presented the memorial of a convention of the citizens of Madison, Clarke, Estill, and other counties, praying a continuation of the improvement of the Kentucky river, by slackwater.

Which was received and referred to the committee on Internal Improvement.

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

Mr. Harris, from a select committee, reported a bill to take the sense of the people of this State, as to the propriety of calling a Convention, 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 a committee of the whole House, on the State of the Commonwealth, and made the special order of the day for to-morrow.

A message in writing, was received from the Governor, by Mr. Kinkead, Secretary of State.
The rule of the Senate being dispensed with, the said message was taken up and read as follows:

Gentlemen of the Senate:

The first section of the third article of the Constitution of this State declares—

"The supreme executive power of the Commonwealth shall be vested in a Chief Magistrate, who shall be styled the Governor of the Commonwealth of Kentucky."

The ninth section of the same article of the Constitution, in reference to the Governor, provides—

"He shall nominate, and by and with the advice and consent of the Senate, appoint all officers whose offices are established by this Constitution, or shall be established by law, and whose appointments are not herein otherwise provided for."

And the fifteenth section of the same article of the Constitution requires of the Governor, that—

"He shall take care that the laws be faithfully executed."

By the twenty fourth section of the same article of the Constitution, it is also provided—

"A Secretary shall be appointed and commissioned during the term for which the Governor shall have been elected, if he shall so long behave himself well."

By the tenth section of the same article of the Constitution, it is declared that—

"The Governor shall have power to fill up vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session."

During the session of 1844-5, of the General Assembly, as Governor, I nominated, and by and with the advice and consent of the Senate, appointed Benjamin Hardin, Esq., Secretary, and commissioned him to have and to hold the office during the term, and subject to the condition prescribed by the Constitution.

His appointment was not to an office without duties to perform, nor was he commissioned to hold the office free from liability, be his behavior what it might. His continuance in office is, by the express terms of the Constitution, made to depend upon his behaving himself well. And whilst in office, it is required by a provision in the twenty fourth section of the third article of the Constitution, that—

"He shall keep a fair register and attest all the official acts and proceedings of the Governor; and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before either house of the General Assembly; and shall perform such other duties as may be enjoined him by law."
This provision of the Constitution indicates the main purpose contemplated by the makers of that instrument, in requiring a Secretary to be appointed, and show, beyond cavil, that the appointment was not intended to embarrass executive action, but to afford assistance to the Governor in his administration of the supreme executive power with which he is invested. The Secretary has no authority to control executive action; but he is expressly required to keep a fair register, and attest all the official acts of the Governor, and perform such other duties as are enjoined him by law. His duties spring out of, and are connected with, all the official acts of the Governor; and in the performance of those duties, he is necessarily brought into more immediate intercourse with the Governor than any other officer of the government. He may, with propriety, be denominated an officer with ministerial functions—not, to be performed or not performed, according to his pleasure, but imperatively enjoined upon him to carry out, in the form contemplated by the Constitution, the official acts and proceedings of the Governor. These duties cannot be faithfully discharged at any other place than the Seat of Government, where the official acts of the Governor are performed, and necessarily imply, without express laws on the subject, a further duty of the Secretary to reside at Frankfort, the Seat of Government. Other duties, it is true, have been enjoined upon the Secretary by legislative enactments, but these duties are also required to be performed at Frankfort, and impose a still greater necessity, if possible, for the Secretary to reside and keep his office at Frankfort, the Seat of Government. So highly important was this subject in the estimation of the Legislature, that as far back as the 21st of December, 1795, an act was passed by that body, declaring that the Auditor, Treasurer, and Secretary, shall reside at, and keep their offices in, Frankfort.

This act was prior in date, and was in force at the time our present Constitution was adopted. Its provisions must, therefore, be presumed to have been known to the Convention, and with that knowledge, when prescribing duties to the Secretary, it is explicitly declared in the Constitution, that he shall perform such other duties as may be enjoined him by law. So that, in addition to the obligation of duty, springing out of the requirement of the act, for the Secretary to reside at Frankfort, the performance of that duty is imperatively commanded by the Constitution.

By a subsequent act of the 24th of December, 1805, it is made lawful for the Secretary, with the assent of the Governor, to employ an assistant, who, in case of the indisposition, or necessary absence of the Secretary, may do the business in the name of the Secretary. But, so far from its repealing or containing any thing repugnant to the act of 1795, the provisions of the act of 1805 are strongly confirmatory of it. Those provisions most clearly indicate an understanding of the law makers, that the Secretary should reside at Frankfort. But perceiving, as they must have done, that there might be
times, when, owing to the necessary absence of the Secretary from his residence, or his indisposition, the duties of Secretary could not be performed by him in person, provision was made for the employment of an assistant, with authority to act in the name of the Secretary on such occasions. It is evident, however, that it was not intended by the makers of the act of 1805, to cast the burden of performing all the duties of the Secretary on the assistant, and to allow the Secretary, though neither indisposed or necessarily absent, to do nothing, and enjoy all the emoluments of his office. On the contrary, it was plainly intended that, except when indisposed or necessarily absent, the Secretary should be at his post, and attend personally to the duties of his office.

But, in utter disregard of the obligations which he came under to the public, by accepting his commission, and in defiance of the Constitution and acts of the Legislature, Mr. Hardin, since his appointment and acceptance of his commission, has wilfully neglected the duties of his office.

He has wilfully failed and neglected to reside at Frankfort, the Seat of Government.

He has, at different times, wilfully absented himself from the Seat of Government for weeks and months in succession, and part of the time out of the State, thereby putting it out of his power to perform any of the duties of Secretary.

And, when at the Seat of Government, he has wilfully failed and neglected to bestow the attention and perform the duties which were incumbent on him, as Secretary, to perform.

And, not only so, but there was no prospect of any change for the better. By his failure to reside at Frankfort, Mr. Hardin not only disappointed expectations superinduced before he was commissioned Secretary, by his professing an earnest desire to settle in Frankfort, but also violated his solemn promise to remove to Frankfort before he was nominated to the Senate. — And, though occasionally present, he was not, after his appointment, in Frankfort, except whilst the Legislature was in session, in all more than about five months of the time; and, from the adjournment of the last Legislature, up to the 1st of September, he was not, in all, more than about four weeks in Frankfort.

I need not inform the Senate of what they cannot be ignorant, that in this country, appointments to office are not made for the benefit of the officer, but to subservite public interest. They must know, that by Mr. Hardin's acceptance of his commission, he came under high obligations to the public to discharge the various duties of his office faithfully, and that any wilful failure to perform those duties would be a violation of the implied condition inseparably attached to the office, and for which his office would be liable to forfeiture. The Senate also know, that though commissioned to hold his of-
JAN. 4.]

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office during the term for which the Governor was elected, the holding the office that long by the Secretary, is made to depend upon the express condition that he so long behave himself well; and they cannot but know, that in wilfully failing and neglecting the duties of the office, as Mr. Hardin has done, he has not behaved himself well.

With these facts before me, I entertained no doubt that the contingency had occurred—upon the happening of which, the continuance of Mr. Hardin in office was made to depend—that there existed a forfeiture of his office, and that it was virtually abandoned and vacated. Accordingly, on the 1st September last, I caused to be entered on the Executive Journal, that the office was vacated, and thereupon commissioned George B. Kinkead, Esq., to fill the vacancy until the end of the present session of the General Assembly.

This I was necessarily compelled to do, or fail to perform and have carried out in the manner required by the Constitution, my official duties as Governor. It is true there was, at the time, an Assistant Secretary, who had been appointed by my consent. But the law under which he was appointed limited his authority to act in the name of the Secretary in case only of the indisposition or necessary absence of the Secretary. There was, however, no necessity for the absence of Mr. Hardin from the Seat of Government, nor was he indisposed: and the Assistant Secretary being unauthorized to act in his name, when so absent, it was impossible for any official act of the Governor to be attested and authenticated in the manner required by the Constitution, however imperious the necessity for prompt action, or however hazardous the delay. Though convinced by the most reliable evidence, discovered after trial, that a condemned culprit was innocent of the crime of which he was convicted, the Governor would be unable, in the absence of the Secretary, to rescue him from death and the gallows by a pardon legally authenticated.

Nor could he, if the peace of the community was disturbed, and the lives and property of the citizens endangered by an insurrection or rebellion of the most aggravated character, have attested and legally authenticated, any order which it might be his duty to issue for their suppression. Under these circumstances, ought I to have ceased official action—stood still and gazed upon the absence of Mr. Hardin, and quietly waited until it might please his fancy, or suit his convenience, to give a passing call at the Seat of Government; or should I not have done as I did, and appoint a successor to perform the duties of the office?

There was no other mode than the one adopted by which my duty as Governor might be fulfilled; and I could not believe that it was intended by the makers of the Constitution, or that the Constitution should be construed to impose upon the head of the executive department any duty which he was not empowered to perform. Responsible not only for a faithful performance of
the duties of his office, but also, for the faithful execution of the law by others, as the Governor is made to be by the Constitution, it would be ridiculous to suppose that the Secretary, whose duties are all ministerial and mandatory only, was intended by the makers of that instrument as a check upon the Governor, or that he might, by neglecting to perform the duty imperatively commanded by the Constitution, clog the wheels of Government, and bring executive action to a stand-still.

Such a result would be highly injurious to the public interest—in conflict with the object and import of the Constitution, and could not be tolerated by the Governor without violation of his official duty. His duty would be violated, in seeing a faithless ineffectual execution of the law by the Secretary, and suffering that delinquency to cause him to omit the duties enjoined upon him by the Constitution. It would evidently be more in harmony with the Constitution to consider the official delinquency of the Secretary, when multiplied, repeated and continued as they have been by Mr. Hardin, irrefragable evidence of such an utter disregard to the duties of the office, and recklessness of consequences, as to amount not only to a forfeiture of the office, but to a virtual abandonment and vacation of it.

And why not? By failing to reside at the seat of Government, and absenting himself therefrom as he did, Mr. Hardin has effectually put it out of his power to perform the duties of Secretary, and acted in as palpable violation of the law and Constitution, and exposed the interest of the public as much to injury as he would have done had he actually removed from the State, or accepted an incompatible office; either of which, according to the settled practice of the executive and judicial decisions, would constitute a vacation of the office.

And there is no reason why his absence and failure to reside at the seat of Government should not have the same effect; but when it is recollected that his failure was not for a few days or weeks only, but has been prolonged and continued against the urgent request of the Governor, assuring him that the public service was suffering by his absence, and that his failure in that respect was but a link in the chain of numerous delinquencies, many, if not each of which, would, at common law, be cause of forfeiture of the office; and when it is also recollected that in his absence, without necessity, there was no person having authority to do the business of Secretary in his name, and attest the acts of the Governor; and moreover, when it is called to mind, that whilst at Frankfort, he, for weeks in succession, kept himself at a distance, and held no intercourse with the Governor—when all this is recollected and passed in review before me, I should have been regardless of the high responsibility resting upon me as Governor, and grossly inattentive to the public interest, had I not treated the conduct of Mr. Hardin as a virtual abandonment of the office, and declared the office vacant. He had, indeed, by his
conduct removed himself from office, and it became my duty to appoint a successor.

In so acting, it is true, I exercised my judgment in the official delinquency of Mr. Hardin; but it was on such part of it only as came under my personal observation. And who might be supposed so suitable as the Governor to judge correctly of the conduct of the Secretary, whose duty required him to attest all the official acts of the Governor; and whether performed or not performed, must of course be officially known to the Governor only? And how is the Governor to perform any official duty without knowing what duty enjoins? And how is that to be known without exercising his judgment? If the office had been vacated by the acceptance of an incompatible office by Mr. Hardin, or by his removal from the State, the Governor would, of course, in the latter case, have had to judge of the removal, and in the former case, to judge of the acceptance of the incompatible office. Suppose that after Mr. Hardin had accepted his commission he had refused to qualify to it, thereby putting it out of the power of the executive to do any Constitutional act, and effectually stopping the wheels of Government, would any one contend that the Governor might not have treated his refusal as an abandonment of the office, and thereupon commissioned a successor? And what is the difference, in substance, between his refusal to qualify to the commission, and his failure and refusal to perform the duties of the office after he qualified? And if it be the duty of the Governor to treat the former as an abandonment and vacation of the office, why should he not treat the delinquency in the latter case as amounting to an abandonment of the office likewise.

Besides, the tenure of the office of Secretary as prescribed in the Constitution is peculiar. He is not to have and to hold the office, absolutely and unconditionally, for and during the term for which the Governor is elected, but he is to hold the office for that term if he shall so long behave himself well. If he fail to behave himself well, his office becomes ipso facto at an end, and he could thereafter have no better right to the office than he would have to any article of property conveyed to him for four years, after the happening of the contingency, upon the non-happening of which, his right to the property that long, was, by its conveyance, made to depend. If, therefore, Mr. Hardin has failed to behave himself well, any claim that may be asserted by him to the office has no foundation in justice, and is nothing more nor less than an effort to obtain the emoluments of an office, the duties of which he would not perform, and which, by his own conduct in failing to perform his duty, has been brought to an end and vacated. Has he then behaved himself well? And who has authority to determine whether or not he has failed to behave himself well? The Constitution has not defined what does or does not constitute good or bad behaviour; but it has prescribed duties for the Secretary to perform, and none can doubt but that in neglecting, as Mr. Har-
din has done, to perform those duties, he failed to behave himself well. Nor has the Constitution, in express terms, given to the Governor the power of judging of the behaviour of the Secretary. But it has imposed duties on the Governor which cannot be fulfilled without the power of judging of the official acts of the Secretary; and he must, therefore, from necessity be possessed of that power as fully as if it had been conferred upon him expressly by the Constitution. It is undoubtedly the duty of the Governor to see and know that whatever he does officially, is attested and authenticated in the manner required by the Constitution, and this he cannot do without judging of the acts of the Secretary, whose duty requires him to attest all the official acts of the Governor.

It does not follow that the Governor has no power to do anything in respect to the Secretary which he could not legally do as to all other officers. It was doubtless intended by the makers of the Constitution, that neither of the three great departments of Government should encroach upon the others; and that the officers in each should be limited in their action to duties applicable alone to the department to which they belong, unless otherwise authorised by the Constitution. It is not, therefore, to be inferred from the injunction upon the Governor that he should see the laws faithfully executed, that it was intended to create a responsibility on him for the faithful performance of duties by officers of the Judicial department, or by any other officer not belonging to the Executive department, of which the Governor is head. Nor could the Governor be obstructed in having his official acts authenticated in the manner required by the Constitution, by any failure of duty by officers of the Executive department, whose duties bear no relation to the official action of the Governor. The necessity out of which springs the power of the Governor to judge of the conduct of the Secretary, and from which it is implied, cannot therefore exist as to any officer of any other department of the Government; and the case is very different even as to other executive officers, whose official duty is not so intimately connected with the action of the Governor, and whose official conduct does not come so immediately under the official observation of the Governor as that of the Secretary; and as to all such, I would not be understood to express the opinion, that the power is conferred by the Constitution upon the Governor to judge of their conduct.

I have thus, on account of the novelty of the case, and to prevent misconstruction, and not from any doubt entertained upon the subject, thought it proper, and not disrespectful to the Senate, to deviate from the usual practice, and accompany the nomination I am about to make with these preliminary remarks. Unwilling as I am at all times to exercise power not clearly belonging to the Executive, nevertheless, whilst I am clothed with the trust confided to me, I can never consent to see the public money drawn from the
Treasury by any one who is discharging scarcely one of the duties of his office, when I am satisfied he has abandoned and vacated his office by his neglect as completely as if he had resigned, and when I am satisfied of my power and duty to appoint his successor.

I therefore nominate, for the advice and consent of the Senate, Geo. B. Kinkead, Esq., to be Secretary, from and after the end of the present session of the General Assembly.

WM. OWSLEY.

Ordered, That said message be referred to the committee on Executive Affairs, and that the Public Printer 150 copies thereof for the use of the General Assembly.

Mr. Slaughter presented the following memorial of Benjamin Hardin, to-wit:

To the Honorable the Senate of Kentucky:

Your memorialist, Benjamin Hardin, would respectfully state: That on the 5th of September, 1844, William Owsley, Esq., then Governor of Kentucky, commissioned your memorialist Secretary of State, until the end of the next session of the General Assembly. The commission was enclosed to him at Bardstown, in a letter from the Governor. That so soon as his business would permit, he came to Frankfort and took the proper oaths of office. That by the request of the Governor, he appointed, as his assistant in the office, one Abram S. Mitchell, with whom he had no acquaintance; but the Governor recommended him as well qualified to discharge the duties of assistant. Besides, he further urged, he was personally agreeable to him, and one to whom he felt as if he were under some obligations; as he had edited a newspaper at Danville, that was the first paper in Kentucky which advocated his election.

Your memorialist would further state, that within a few days after the commencement of the legislative session succeeding the date of said commission, the Governor nominated your memorialist to the Senate for their advice and consent, and the Senate unanimously confirmed the nomination.

That on the 16th of January, 1845, your memorialist was commissioned Secretary of State; by which he was invested "with full power and authority to execute and fulfill the duties of the said office, according to law; and to have and to hold the same, with all the rights and emoluments thereunto legally appertaining, during good behavior, and until the end of my (to-wit, William Owsley's) administration." That he continued by himself and his said assistant, Abram S. Mitchell, faithfully to discharge the duties of Secretary of State until the first of September, 1846, when the Governor attempted to remove him from office, and appoint George B. Kinkead, Esq., Secretary of State. That up to the moment of the appointment of Mr. Kinkead, your memorialist was in office, never having resigned, nor has he yet resigned. That since then he has made repeated attempts to act as Secretary of State, and discharge the duties appertaining to the office; but the Governor has positively refused to permit him to do so. That he made an attempt, by a motion for a mandamus in the Franklin Circuit Court at its last October term, to try the question of the Governor's power under the constitution to remove
your memorialist; but the court held the case under advisement, and declined entering any judgment at that term.

Your memorialist being left without remedy, except to bring the case before your honorable body, that the Governor may be called upon to give his reasons for his acting and doings, so far as the same respects the facts set forth in this memorial. And that your memorialist may be heard in his defense, which heretofore has been denied him.

With great respect,

Your obedient Servant,

BEN. HARDIN.

FRANKFORT, January 4, 1847.

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

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to extend the time for the Judge of the 19th Judicial District to remove into his District.

That they had passed bills of the following titles, to-wit:

An act to change the time of holding the spring term of the Jessamine Circuit Court.

An act to establish the town of Rollington, in Oldham county.

An act to change the name of Stephen A. Red to that of Stephen A. Carver.

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

That they had adopted a resolution for the appointment of a committee to examine Transylvania University and the Lunatic Asylum.

On the motion of Mr. Harris, the rules of the Senate were amended so as to authorize the appointment of two additional members to the committee on Executive Affairs, and Messrs. Wall and Butler were added to said committee.

The following bills were reported from select committees, to-wit:

By Mr. Marshall—1. A bill for the benefit of Wm. Skaggs, Sheriff of Green county.

By Mr. Hawkins—2. A bill to simplify the authentication of foreign deeds and other instruments.

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 having been dispensed with, the 1st was referred to the committee on Finance, and the 2d to the committee on the Judiciary.

On the motion of Mr. Butler, he was excused from serving as the chairman of the committee on Education, and Mr. Fox was appointed in his place.
Leave was given to bring in the following bills, viz:

On the motion of Mr. J. Speed Smith—1. A bill to provide for the completion of the Kentucky river navigation.

On the motion of Mr. Swope—2. A bill to allow to the Commonwealth, in criminal prosecutions, a peremptory challenge of a fourth of the number of jurors now allowed to the accused.

On the motion of Mr. Crenshaw—3. A bill to amend the law in regard to chancery proceedings.

On the motion of Mr. Henderson—4. A bill to repeal all laws authorizing a plea in abatement to be filed, except to the jurisdiction of the court, and for other purposes.

On the motion of Mr. James—5. A bill to amend the revenue laws.

On the motion of Mr. Bristow—6. A bill for the benefit of Isaac Ayres, of Todd county.

On the motion of Mr. Butler—7. A bill to repeal so much of all laws as authorize deeds, powers, &c., to be recorded in the Clerks Office of the Court of Appeals and General Court.

The committee on Internal Improvement was directed to prepare and bring in the 1st; the committee on the Judiciary the 3d, 4th and 7th; the committee on Finance the 5th; the committee on Propositions and Grievances the 6th; and Messrs. Swope, Crenshaw and Evans were appointed a committee to prepare and bring in the 2d.

On the motion of Mr. Harris,

Resolved, That the committee on Executive Affairs shall have power to hear any testimony which may be offered, in relation to the controversy in regard to the Secretary of State, and be clothed with power to send for persons and papers.

Mr. Draffin read and laid on the table the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky,
That the Governor be requested to have a national salute fired, on the public square, in the town of Frankfort, at sunrise, on the morning of the 8th of January, inst., in honor of the glorious victory obtained by the American army, under the command of General Andrew Jackson, over the British army, on the 8th of January, 1815.

Which was twice read and adopted.
a patent, shall be null and void, and shall not be recoverable for any greater sum than the fees now allowed by law.

On the motion of Mr. Fox,

Resolved, That the committee on the Judiciary be directed to enquire into the propriety and expediency of altering and changing, by law, the mode of taking depositions in this Commonwealth; and to prepare and introduce a bill for that purpose.

Preamble and resolutions from the House of Representatives, in relation to the increase of the pay of volunteers in the Mexican war, were twice read and concurred in.

On the motion of Mr. James, the vote concurring in the adoption of said preamble and resolutions, was reconsidered, and they were referred to the committee on Finance.

A resolution from the House of Representatives, for the appointment of a committee to examine Transylvania University and the Lunatic Asylum, was twice read and disagreed to.

Bills from the House of Representatives, of the following titles, were severally read the first time, to wit:

An act to establish the town of Rollington, in Oldham county.
An act to change the name of Stephen A. Red to that of Stephen A. Carver.
An act to change the time of holding the County Court of Johnson.

Ordered, That said bills be read a second time.

The constitutional rule as the second and third readings of said bills 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 change the time of holding the Spring term of the Jessamine Circuit Court, 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 referred to the committee on the Judiciary.

The resolution read and laid on the table by Mr. Fox, on the 2d inst., fixing a day for the election of a Senator to the Congress of the United States, was taken up.

Mr. James moved to lay the said resolution on the table for the present.

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

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

Those who voted in the affirmative, were—

Messrs. Ballard, Hardin, Rice, Boyd, Harris, Smith,
Bradley, Helm, South,
Bramlette, Henderson, Thomas,
Brien, James, Thurman,
Crenshaw, Peyton,

Those who voted in the negative, were—

Messrs. Butler, Holloway, Swope,
Draffin, Key, Taylor,
Fox, Russell, Todd,

On the motion of Mr. Slaughter, Mr. J. Speed Smith was added to the committee on Agriculture and Manufactures.

On the motion of Mr. Harris, he was excused from serving as a member of the committee on Education, and Mr. Bristow was added to the said committee.

And then the Senate adjourned.

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TUESDAY, JANUARY 5, 1847.

The Speaker laid before the Senate the following communication from the President of the Kentucky and Louisville Mutual Insurance Company, to-wit:

THE KENTUCKY AND LOUISVILLE MUTUAL INSURANCE COMPANY.

*Report of the condition, progress and affairs of said Company, up to the 30th of November, 1846, inclusive, viz:*

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount insured, 715 policies, on real estate</td>
<td>$2,002,452</td>
</tr>
<tr>
<td>Amount insured, (23—11 expired—12,) on merchandise</td>
<td>$20,700</td>
</tr>
<tr>
<td></td>
<td>$2,023,152</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of premium notes,</td>
<td>$121,139</td>
</tr>
<tr>
<td>Deduct amount of premiums discharged by transfer of property and otherwise</td>
<td>$6,404 75</td>
</tr>
<tr>
<td></td>
<td>$114,734 40</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received on premium notes,</td>
<td>$16,514 68</td>
</tr>
<tr>
<td>Received for 738 policies, $1 each,</td>
<td>738 00</td>
</tr>
<tr>
<td>Received for premium on merchandise,</td>
<td>825 194</td>
</tr>
<tr>
<td>Received for dividends on bank stock,</td>
<td>75 75</td>
</tr>
<tr>
<td>Due to agent,</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>$18,153 77</td>
</tr>
</tbody>
</table>
Paid this amount of expense account, $\quad$ $11,052.77
Paid this amount for losses, \quad 3,188.93
Paid this amount for commissions to agents, \quad 198.48
Paid this amount for stock in Bank of Kentucky, \quad 2,250.00
Due from agents, \quad 278.52
Cash, balance, \quad 1,185.96
\hline $\quad$ $18,153.77

BALANCES.

<table>
<thead>
<tr>
<th>DEBITS.</th>
<th>CREDITS.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To bills receivable, \quad $11,052.77</td>
<td>By premium account, \quad $114,794.40</td>
</tr>
<tr>
<td>To cash, \quad $1,185.96</td>
<td>By extra premium account, \quad 202.99</td>
</tr>
<tr>
<td>To commission account, \quad 198.48</td>
<td>By premium on merchandise, \quad 895.72</td>
</tr>
<tr>
<td>To expense account, \quad 3,188.93</td>
<td>By policy account, \quad 738.00</td>
</tr>
<tr>
<td>To loss account, \quad 2,250.00</td>
<td>By agent, \quad 27</td>
</tr>
<tr>
<td>To stock in Bank of Kentucky, \quad 278.52</td>
<td>By dividend on bank stock, \quad 75.75</td>
</tr>
<tr>
<td>To agents, accounts, \quad 1,185.96</td>
<td>\hline $\quad$ $116,576.64</td>
</tr>
</tbody>
</table>

At a meeting of the President and Directors of the Kentucky and Louisville Mutual Insurance Company, at their office in the city of Louisville, on the 10th day of December, 1846, 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 requisitions of the 22d section of the charter of this Company.

Office of the Ky. and Louisville Mutual Insurance Co. \\
Louisville, December 28, 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 30th November, 1846, 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. A. Dixon,

Speaker of the Senate.

1. Mr. Evans presented the petition of Joseph Crow, of Allen county, praying for the passage of a law authorizing him to import into this State, certain slaves, from the State of Missouri.
2. Mr. Evans also presented the petition of Henry S. Mitchell, of Allen county, praying for the passage of a law authorizing him to lay off a town in said county, to be called Taylorsville.

3. Mr. Rice presented the petition of John Hall, of Letcher county, praying for the passage of a law relieving him from the disabilities incurred by a conviction of the crime of perjury.

4. Mr. Bristow presented the petition of Samuel B. Caruth, of Todd county, praying for the passage of a law releasing him from the pains and penalties of a second marriage, during the lifetime of a former wife.

5. Mr. Patterson presented the petition of B. F. Bashaw, praying for the passage of a law making Tradewater river the line between the counties of Caldwell and Hopkins.

6. Mr. Patterson also presented the petition of William Wadlington, praying for the passage of a law allowing him to bring into this State certain slaves, taken by him to the State of Mississippi.

7. Mr. Patterson also presented the petition of the trustees and sundry citizens of the town of Princeton, in Caldwell county, praying for the passage of a law authorizing the trustees of said town to re-open a part of Washington street, in said town.

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

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

1. An act for the benefit of William Smith, Clerk of the Grant Circuit and County Courts, and William H. Evans, late Sheriff of Grant county.

2. An act for the benefit of Mrs. Nancy Cox, of the county of Fleming.

3. An act to change the time of holding the April and October terms of the Lewis County Court.

4. An act to amend the charter of the Louisville Savings Institution.

5. An act to repeal in part, and amend in part, the several acts incorporating the town of Hickman, in Fulton county.

6. An act to change the name of James P. Conkin to James P. Hagan, and to legitimate him.

7. An act to allow an additional Justice of the Peace to Green county.

8. An act for the benefit of Richard Buchanan and Benjamin Hayden.


10. An act to change the Spring and Fall terms of the Warren 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 to the committee on Finance; the 2d, 5th, 6th, 7th and 9th to the committee on Propositions and Grievances; and the 3d, 4th, 8th and 10th to the committee on the Judiciary.

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, as to authorize the Circuit Judges of this Commonwealth power to grant and order a change of venue, in cases of felony.

Mr. Draffin read and laid on the table the following resolution, to-wit:

Resolved, That the President of the Bank of the Commonwealth of Kentucky report to this house the items that constitute the two sums of $809 47, and $932 90, mentioned in his annual report to this house, at its present session, called in said report "expense vouchers."

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

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

On the motion of Mr. Russell—1. A bill to incorporate the Franklin Institute.

On the motion of Mr. Rice—2. A bill making an appropriation to improve the navigation of Big Sandy river.

On the motion of Mr. Evans—3. A bill to establish a Lunatic Asylum in the southern or Green river portion of this State.

On the motion of Mr. Hawkins—4. A bill to branch the Lexington and Covington turnpike to Warsaw, in Gallatin county.

On the motion of Mr. Crenshaw—5. A bill to amend the penal laws of this Commonwealth.

Messrs. Russell, Speed Smith and Helm were appointed a committee to prepare and bring in the 1st; Messrs. Rice, Harris and Bristow the 2d; Messrs. Evans, Bristow, Patterson, Peyton and Crenshaw the 3d; Messrs. Hawkins, Swope and Wall the 4th; and the committee on the Judiciary was directed to prepare and bring in the 5th.

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. Bramlette in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Bramlette reported that the committee had, according to order, had under consideration a bill to take the sense of the people of this State as to the propriety of calling a Convention, and had made some progress therein, but not having time to go through with the same, had directed him to ask for leave to sit again, on Thursday next, which leave was granted.

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

And then the Senate adjourned.
The Speaker laid before the Senate the following communication from the Auditor of Public Accounts, to-wit:

AUDITOR'S OFFICE, January 5, 1847.

In obedience to a resolution of the Senate just received, I have the honor to report that “the items that constitute the two sums of $809.47 and $932.90, mentioned in my annual report, at the present session, called in said report ‘expense vouchers,’ were for disbursements made by O. G. Cates, Esq., my predecessor in office, before the reception, by me, of the books and papers, and are as follows, viz:

O. G. Cates' salary as President to 1st January, 1846, ........ $ 250.00
Fountain T. Fox, fee in the case of Commonwealth's Bank against G. C. Farris and securities, ........ 420.00
Fee bills of Clerk of the Court of Appeals, .......... 6.97
James Davidson, salary as Director, ...... 12.00
Thomas S. Page, salary as Director, ...... 12.00
O. G. Cates, for trip to Louisville, trip to Logan, Butler and Warren counties, postages, wood, cutting up wood, and sweeping office, .......... 68.50
Cates & Lindsey, attorneys fees, .......... 30.00
G. C. Slaughter, attorneys fees, .......... 10.00

Respectfully submitted.

H. I. BODLEY,
President of the Bank of the Commonwealth.

Hon. A. Dixon,
Speaker of the Senate.

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

A message was received from the House of Representatives, announcing that they had concurred in the adoption of a resolution from the Senate, to fire a national salute on the 8th of January, with an amendment.

That they had adopted resolutions for presenting the widow of the late Philip Norbourne Barbour a sword, and for the interment of his remains in the Frankfort Cemetery.

That they had passed bills of the following titles, to-wit:

1. An act to abolish the benefit of clergy.
2. An act for the benefit of Sylvester and Rebecca Patton.
3. An act for the benefit of Isabella Morton.
4. An act to amend an act, entitled, an act for the benefit of Harrison Rankins and wife and children.
5. An act to incorporate the Old School Presbyterian Church, in Newport.
6. An act to authorize the use of a portion of the surplus water at Dam No. 3, on Green river, on certain conditions.
8. An act to amend the laws relating to the town of Frankfort.
9. An act to incorporate the Sharpsburg Male and Female Academy.

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 having been dispensed with, the 1st, 4th, 5th and 9th was referred to the committee on the Judiciary; the 2d, 3d and 7th to the committee on Propositions and Grievances; the 6th to the committee on Internal Improvement; and the 8th was ordered to be read a third time.

The constitutional rule as to the third reading of the 8th bill being dispensed with,

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

Mr. Hardin, from the committee on the Judiciary, reported the following bills, to-wit:
A bill for the benefit of Reuben Poland and Martha S. Poland.
A bill to change the venue in the prosecution against Hiram Harris.
A bill to change the venue in the prosecution against Alexander Frazier.
A bill for the benefit of Jane Berryman.
A bill for the benefit of Henry D. Wilkerson.
A bill to change the venue in the prosecution against Valentine W. Peyton.
A bill for the benefit of William Barnes, Sen., and the widow and heirs of Richard Barnes, deceased.
A bill to incorporate the Mount Alba Female Collegiate Institute, in the county of Breckinridge.
A bill to incorporate the Breckinridge College.

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, to whom was referred bills from
the House of Representatives, of the following titles, to-wit:
An act to change the time of holding the April and October terms of the
Lewis County Court.
An act to amend the charter of the Louisville Savings Institution.
Reported the same without amendment.
Ordered, That said bills be read a third time.
The constitutional rule as the third reading of said bills being dispensed
with,
Resolved, That said bills do pass, and that the titles thereof be as afore-
said.
Mr. James, from the committee on Finance, to whom was referred a pre-
amble and resolutions from the House of Representatives, in relation to
the increase of the pay of volunteers in the Mexican war, reported the
same with amendments, which were unanimously concurred in.
The said preamble and resolutions were then unanimously concurred in
as amended.
Mr. J. Speed Smith, from the committee on Internal Improvement, re-
ported a bill to authorize the construcrion of a mill dam across the south
fork of Rough creek, 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. James, from a select committee, reported a bill for the benefit of Bev-
erly Megary, of Graves county, which was read the first time, and
ordered to be read a second time.
The constitutional rule as to the second and third readings of 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. Harris,
Resolved, That the committee on Executive Affairs shall have power to
appoint a competent Clerk, to take down the evidence submitted to said
committee, and keep a fair record of the proceedings of said committee, in
their enquiries in relation to the nomination of George B. Kinkead as Sec-
retary of State, now pending before said committee.
On the motion of Mr. Draffin,
Resolved, That the committee on Military Affairs be instructed to en-
quire into the condition of the Public Arsenal; and also, into the propriety
of procuring a public building to keep the arms, &c., and by that means
avoid the heavy rents paid by the State for buildings; and whether or not
some suitable room, in the Capitol, cannot be set apart as an office for the Adjutant General and Quartermaster General; and report the result of their investigation.

On the motion of Mr. Williams, leave was given to bring in a bill for the benefit of Joseph Porter, Jailer of Bourbon county, and the committee on Propositions and Grievances was directed to prepare and bring in the same.

Mr. Evans read and laid on the table the following resolution, to-wit:

Resolved, That the General Assembly of the Commonwealth of Kentucky will adjourn, sine die, on the 10th day of February, 1847.

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

Resolved, That the committee on Religion be and they are hereby instructed, to report against all applications for divorce, in cases provided for by law.

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

The yeas and nays being required thereon by Messrs. Harris and Taylor, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, Marshall, Thomas,
   Butler, Patterson, Thurman,
   Fox, Smith, Todd,
   Hardin, South, Walker,
   Harris, Swope, Wall,
   Heady, Taylor, Williams—19.
   Holloway.

Those who voted in the negative, were—

Messrs. Ballard, Key,
   Bradley, Evans, Rice,
   Bramlette, Hawkins, Russell,
   Brien, Helm, Slaughter,
   Bristow, James, Thornton—16.
   Crenshaw,

The resolution to fire a national salute on the 8th of January, was taken up, and the amendment proposed thereto, by the House of Representatives, was twice read and disagreed to.

Mr. Russell, from a select committee, reported a bill to incorporate the Kentucky Military Institute, 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 Military Affairs.

And then the Senate adjourned.
THURSDAY, JANUARY 7, 1847.

Mr. William C. McNary, a member of the Senate from the thirteenth 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.

1. Mr. James presented the petition of John Moss, praying for the passage of a law allowing him to bring into this State three slaves, without incurring the penalties of the act of 1833, prohibiting the importation of slaves into this State.

2. Mr. Crenshaw presented the petition of N. S. Robertson, praying for the passage of a law authorizing him to bring into this State certain slaves, from the State of Missouri, without incurring the penalties of the law of 1823, prohibiting the importation of slaves into this State.

3. Mr. Crenshaw also presented the petition of Lucy C. P. Perkins, praying for the passage of a law divorcing her from her husband, William H. Perkins.

4. Mr. Crenshaw also presented the memorial of William H. Perkins, in opposition to the passage of a law granting to his wife, Lucy C. P. Perkins, a divorce.

5. Mr. Slaughter presented the petition of sundry citizens of Nelson county, praying for the passage of a law authorizing the sale, by the guardian, of a tract of land containing one hundred acres, lying on the Beech fork of Salt river, the property of the heirs of John Lee, deceased.

6. Mr. McNary presented the petition of George W. Eaves, deputy Sheriff of Muhlenburg county, praying for the passage of a law allowing him further time to return his delinquent list of revenue and county levy, for the year 1846.

7. Mr. Bristow presented the petition of the Justices of the Christian County Court, praying for the passage of a law authorizing the sale of the old jail and lot, and the erection of a new jail.

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

A message was received from the House of Representatives, announcing that they had receded from the amendment proposed by them, to the resolution from the Senate, to fire a national salute on the 8th of January. That they had passed bills of the following titles, to-wit:

An act to amend the law in relation to the trustees of towns.
An act to declare Whippoorwill a navigable stream.
An act for the benefit of the Sheriff of Estill county.
An act for the benefit of Lois Smallwood.
An act for the benefit of James Coyle.
An act for the benefit of Samuel T. Crews.
An act for the benefit of James Cunningham, of Trigg county.
An act declaring the Louisa Fork of Big Sandy river a navigable stream.
An act for the benefit of Joseph Brownold and others.
An act to amend the penal laws.
An act to amend the road law in Pendleton county.
An act to change the names of Jacob McClung and Pleasant McClung.
An act to incorporate the town of Lower Cloverport, in Breckinridge county.
An act to change the name of Joab Hoffman to that of Joseph Hoffman.
An act for the benefit of Sydledon Sidney Smith.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives, of the following titles, to-wit:
An act for the benefit of Polixna McDaniel.
An act for the benefit of Nancy Cox, of the county of Fleming.
An act for the benefit of Isabella Morton.
An act to change the name of James P. Conkin to James P. Hagan, and legitimate him.

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 for the benefit of Isaac Ayres.
2. A bill authorizing the sale of the parsonage house, in the town of Elkton.

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 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 second 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. Walker, the committee on Propositions and Grievances was discharged from the further consideration of a bill from the House of Representatives, entitled, an act to repeal in part, and amend in part, the several acts incorporating the town of Hickman, in Fulton county, and said bill was referred to the committee on the Judiciary.

Mr. J. Speed Smith, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the use of a portion of the surplus water at Dam No. 3, on Green river, on certain conditions, 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.

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

Sir: I herewith transmit to the honorable body, over which you preside, the annual report of the Commissioners of the Sinking Fund.

Very respectfully,

A. S. MITCHELL, Secretary of the Board.

Hon. A. DIXON,
Speaker of the Senate.

[For Report—see Legislative Documents.]

Ordered, That said message 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.

On the motion of Mr. Evans,

Resolved, That the committee on the Judiciary enquire into the expediency of passing a law authorizing Circuit Court Judges to change the names of persons desiring such change; and that they report by bill or otherwise.

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

On the motion of Mr. Todd—1. A bill concerning conveyances of property made in trust.
On the motion of Mr. Peyton—2. A bill to authorize the Board of Internal Improvement to compromise and settle with Simpson Stout.
On the motion of Mr. Bramlette—3. A bill to incorporate the Clinton County Seminary.
On the motion of Mr. Bramlette—4. A bill to amend an act concerning the town of Albany, approved January —, 1846.
On the motion of Mr. Evans—5. A bill to amend the election laws of this State, so far as relates to the pay of Sheriffs, Judges and Clerks, after the first day of elections.
On the motion of Mr. Swope—6. A bill for the benefit of William Rowlett, of Owen county.
Messrs. Todd, Peyton, Boyd, Wall and Butler were appointed a committee to prepare and bring in the 1st; Messrs. Evans, Draffin and Bristow the 5th; the committee on Internal Improvement was directed to prepare and bring in the 2d and 6th; and the committee on the Judiciary the 3d and 4th.

Mr. Swope presented sundry depositions touching the claim of William Rowlett, which were referred to the committee on Internal Improvement.

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. Rice in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Rice reported that the committee had, according to order, had under consideration a bill to take the sense of the people of this State as to the propriety of calling a Convention, and had gone through with the same, and directed him to report the same, with an amendment as a substitute for the original bill, which he handed in at the Clerk's table.

The said amendment is as follows, to-wit:

WHEREAS, it is represented to the General Assembly, that many of the good citizens of this Commonwealth do verily believe that experience has pointed out the necessity of calling a Convention, with the view of amending the Constitution of this State. 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 others, returning officers, at the next general election to be held for representatives, after the passage of this act, to open a poll for, and make a return to the Secretary, for the time being, of the names of all citizens entitled to vote for representatives, who have voted for calling a Convention.

SEC. 2. Be it further enacted, That any Sheriff, or other returning officer, failing to perform his duty, according to the provisions of the first section of this act, shall be subject to a fine of six hundred dollars, to be recovered by action of debt, by any person suing for the same, in any court having jurisdiction thereof; and also be subject, upon conviction of such failure, to removal from office.

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 publicly, this act, at their several places of voting in their respective counties, at the opening of the polls on each day of the election in August next; and in case of failure to do so, they shall be subject to a penalty of six hundred dollars, to be recovered in the same manner as is the penalty prescribed in the second section of this act.

SEC. 4. Be it further enacted, That the Public Printer shall, upon a separate leaf or sheet, print fifteen hundred copies of this act, and deliver them to the Secretary of State, who shall send fifteen copies of the same to the Clerks of the County Courts of each county in the State, at the time of forwarding the acts of the General Assembly, and said Clerks shall deliver the same to the Sheriffs of their several counties. The Secretary shall take the receipt of the carriers of the acts for said copies, who shall, on delivery to the Clerks as aforesaid, take a receipt for the same.
SEC. 5. Be it further enacted, That it shall be the duty of the Sheriffs conducting the next general election, to propound distinctly, to each voter, the following interrogatory: “Do you vote for calling a Convention or not?” and if his answer in the affirmative, his name shall be recorded as having voted for calling a Convention.

SEC. 6. Be it further enacted, That in case of the failure, by sickness, death, absence, or resignation, of the Sheriff of any county, to attend to compare the list of votes in his county, at the county seat, it shall be the duty of the County Court Clerk of such county to attend, with the list of votes of said county, and make the comparison, and in every respect perform the same duties which the Sheriff would have to perform were he acting; the Clerk thus acting to receive the same compensation allowed the Sheriff for the same services, and shall be liable to the same penalties, for a failure to discharge the duties hereby imposed.

SEC. 7. Be it further enacted, That it shall be the duty of the Commissioners of Tax, to open a column in their commissioners book, and enroll therein the name of each citizen entitled to vote for representatives, for the year 1847; that said Commissioners ascertain the number of persons absent in the service of this State, or the United States, who are entitled to vote in the respect counties of this State, and report the same, in the same manner, that persons who may be in the State are required to be reported; and they shall be governed, in all cases, in duties which is entitled to vote, by the laws now in force to prevent illegal voting; and this column, written in a fair and legible hand, shall be transmitted with the commissioners books, to the Second Auditor, who shall make out a copy thereof, and deposit the same in the office of the Secretary for the time being, who shall transmit the same to the next Legislature, as a list of those who are entitled to vote for representatives, in order that the Legislature may have the means to ascertain whether a majority of the citizens of the State, entitled to vote for representatives, have voted for a Convention.

SEC. 8. Be it further enacted, That it shall be the duty of each Assessor of Tax, as soon as he shall be advised of the passage of this act, to go before a Justice of the Peace and take the following oath: “I do solemnly swear I will, to the best of my skill and judgment, fairly ascertain the number of qualified voters in the district in which I was appointed, for the year 1847, and report the same with my book, made as a Commissioner of Tax.”

SEC. 9. Be it further enacted, That the Commissioners of Tax may, and they are hereby required, to examine, on oath, any person in relation to his right to vote for representatives, when he has doubts as to his right to vote, and any person who shall knowingly swear falsely before the Commissioner, and shall thereof be convicted, shall be subject to all the pains and penalties of the crime of perjury.

SEC. 10. Be it further enacted, That the Commissioner shall write ‘sworn’ opposite to the name of each person who may be sworn by him.

SEC. 11. Be it further enacted, That it shall be the duty of the Public Printer to print one thousand copies of the 7th, 8th, 9th, 10th and 11th sections of this act, immediately after its passage, and deliver them to the Secretary for the time being, who shall transmit them, forthwith, to the County Court Clerks, to be delivered by them, without delay, to the Commissioners of Tax for the year 1847.
Mr. Taylor moved to amend the said amendment, in the 7th section, by striking out all that part printed in italics, and inserting in lieu thereof the following, to-wit:

And the Commissioners, in taking said list, shall include in the list the names of all such qualified voters who may be absent from the State, at the time of taxing in said list, either in the army or otherwise.

A division of the question being called for, the question was first taken on striking out, and decided in the affirmative.

The question was then taken on inserting the amendment proposed by Mr. Taylor, and decided in the negative.

The yeas and nays being required thereon by Messrs. Peyton and Taylor, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bradley, Henderson, Russell,
Bramlette, Holloway, Slaughter,
Crenshaw, Key, Taylor,
Fox, Patterson, Todd,
Helm, Peyton, Walker—15.

Those who voted in the negative, were—

Messrs. Ballard, Harris, South,
Boyd, Hawkins, Swope,
Brien, Heady, Thomas,
Bristow, James, Thornton,
Butler, Marshall, Thurman,
Draffin, McNary, Wall,
Evans, Rice, Williams—23.
Hardin, Smith,

Mr. Butler moved to amend the said 7th section by inserting, after the figures “1847,” the following, to-wit:

Including those who may be absent engaged in the service of their country, or absent from any other cause.

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

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

Those who voted in the affirmative, were—

Messrs. Bradley, Holloway, Slaughter,
Butler, Key, Smith,
Draffin, McNary, Taylor,
Fox, Peyton, Thurman,
Helm, Rice, Todd,

Those who voted in the negative, were—

Messrs. Ballard, Hardin, South,
Boyd, Harris, Swope,
The question was then taken on the adoption of the amendment proposed by the committee of the Whole, as a substitute for the original bill, and it was decided in the affirmative.

Ordered, That said bill, as amended, 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 of said bill, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Mr. Bradley, from the joint committee on Enrollments, reported that the committee had examined an enrolled resolution which originated in the Senate, to fire a national salute on the 8th of January, and had found the same truly enrolled.

The said resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. Bradley reported that the committee had performed that duty.

A message was received from the Governor, by Mr. Kinkead, Secretary of State, announcing that the Governor had approved and signed the said resolution.
The Speaker laid before the Senate the annual report of the Trustees of the Cumberland Hospital, which is as follows, to-wit:

**Report of the Trustees of the Cumberland Hospital, to the General Assembly of Kentucky, January 1, 1847.**

**CUMBERLAND HOSPITAL,**

<table>
<thead>
<tr>
<th>Description</th>
<th>CR.</th>
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<tbody>
<tr>
<td>By balance last report,</td>
<td>$28 61</td>
</tr>
<tr>
<td>By cash from United States Treasury,</td>
<td>753 00</td>
</tr>
<tr>
<td>By the annual appropriation of the Legislature,</td>
<td>1,500 00</td>
</tr>
<tr>
<td>By cash from deceased persons,</td>
<td>22 20</td>
</tr>
</tbody>
</table>

**Total** $2,303 81

**CUMBERLAND HOSPITAL,**

<table>
<thead>
<tr>
<th>Description</th>
<th>DR.</th>
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<tbody>
<tr>
<td>To this sum paid Thomas McCormick, for 5244.7 weeks board, and attention to patients, at $3 50 per week,</td>
<td>$1,836 00</td>
</tr>
<tr>
<td>To same, for 12 burials, at $6 per burial,</td>
<td>72 00</td>
</tr>
<tr>
<td>To same, for washing 3821-6 dozen, at 50 cents,</td>
<td>141 08</td>
</tr>
<tr>
<td>To same for taking care of two small-pox cases, 89 days, at $2 per day,</td>
<td>178 00</td>
</tr>
<tr>
<td>To J. W. Mills, his bill,</td>
<td>10 78</td>
</tr>
<tr>
<td>To W. Gordon, his bill,</td>
<td>42 91</td>
</tr>
<tr>
<td>To D. B. Sanders, M. D., for medical services up to date,</td>
<td>300 00</td>
</tr>
</tbody>
</table>

**Total credits,** $2,580 77

**Due the trustees,** $276 96

The foregoing shows a true statement of the business of Cumberland Hospital, for the year 1846, leaving a balance as above, of $276 96, due to the Trustees of said Institution, the expenditures for the year being that much more than the receipts. The expenditures of 1846 are not so much as those of 1845, by a few dollars, but the amount received from the United States Treasury has been less by several hundred dollars, which has been the cause of the deficit in the means of the Institution, to meet its requirements.

An appropriation of $276 96 to pay the deficit at present existing, and the usual annual appropriation of $1,500, (with the amount expected from the Treasury of the United States,) it is presumed will be sufficient to meet all the demands upon the Institution for the present year.

There have been admitted into the Hospital, during the past year, one hundred and twenty three patients, (among them many sick volunteers returning to their homes,) out of which number there have been twelve deaths, eight remaining, and the balance discharged cured.

All of which is respectfully submitted.

WM. GORDON,
WM. SMEDLEY,
H. F. GIVEN,
JOHN E. WILSON,

Trustees of the Cumberland Hospital.
Ordered, That said report be referred to the committee on Finance.

The Speaker laid before the Senate the annual report of the Keepers of the Penitentiary, which is as follows, to-wit:

Office Kentucky Penitentiary,  
Frankfort, January 5, 1847.

SIR: Please lay the enclosed annual report before the Senate of Kentucky.

Very respectfully,

CRAIG & HENRY,
Agents and Keepers Ky. Penitentiary.

Hon. A. Dixon,
Speaker of the Senate.

Ordered, That said report be referred to the committee on the Penitentiary, and that the Public Printer print 500 copies thereof for the use of the General Assembly.

Mr. J. Speed Smith, from the committee on Internal Improvement, reported a bill to provide for the completion of the Kentucky river navigation, 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 re-committed to the committee on Internal Improvement, and the Public Printer was directed to print 150 copies of said bill for the use of the General Assembly.

And then the Senate adjourned.

FRIDAY, JANUARY 8, 1847.

1. Mr. Draffin presented the petition of John McAfee, of Mercer county, praying for the passage of a law allowing him to bring into this State, a negro man, from the State of Missouri.

2. Mr. Thurman presented the petition of John Cardwell, guardian for the infant heirs of William McKetrick, deceased, praying for the passage of a law authorizing the Washington Circuit Court to decree a sale of certain town lots belonging to said heirs.

3. Mr. James presented the petition of James P. Tyler, praying for the passage of a law allowing him compensation for conveying a lunatic from Hickman county to the Lunatic Asylum.

Which were severally received and referred: the 1st to the committee on Propositions and Grievances; the 2d to the committee on the Judiciary; and the 3d to the committee on Finance.
Mr. Bristow presented the memorial of the Christian County Colonization Society, asking legislative aid in behalf of African Colonization, which was read and referred to a committee of Messrs. Bristow, J. Speed Smith and Butler.

Ordered, That the Public Printer print 500 copies of said memorial for the use of the General Assembly.

A message was received from the House of Representatives, announcing that they had adopted a resolution directing the joint committee on Banks to examine the Lunatic Asylum.

That they had passed bills of the following titles, to-wit:

An act to amend an act to incorporate the Bank Lick Turnpike Road Company.

An act for the benefit of the estate of John D. Locke, a lunatic.

An act to change the place of comparing the polls in the counties of Morgan and Breathitt.

An act to amend an act incorporating the town of Flemingsburg.

An act to regulate the tare on sugar barrels.

Mr. Hardin, from the committee on the Judiciary, reported a bill for the benefit Rebecca Morrison, and the heirs of Joseph A. Morrison, deceased, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of 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 change the time of holding the spring term of the Jessamine Circuit Court, reported the same, and said bill was re-committed to the committee on the Judiciary.

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

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading of said bill 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 a bill from the House of Representatives, entitled, an act for the benefit of Sylvester and Rebecca Patton, 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. Walker, from the same committee, 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 being dispensed with, Mr. Harris moved to re-commit said bill to the committee on the Judiciary, with instructions to report a bill modifying the law of February 2d, 1833, in relation to the importation of slaves into this State, as merchandise, so as to allow citizens of this State to bring them in for their own use only.

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

The yeas and nays being required thereon by Messrs. Harris and Evans, were as follows, to-wit:

Those who voted in the affirmative were—

Messrs. Ballard, Bradley, Bramlette, Brien, Bristow, Draffin, Evans, Harris, Headly, James, Marshall, McNary, Patterson, Rice, Russell, Speed Smith, South, Thurman, Walker—20.

Those who voted in the negative, were—


Mr. Boyd, from the committee on Religion, to whom was referred the petition of Letitia Ann Casey, praying for a divorce, reported the following resolution thereon, to-wit:

Resolved, That said petition be rejected.

Mr. Peyton moved to re-commit said petition and report to the committee on Religion, with instructions to report a bill pursuant to said petition.

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

The yeas and nays being required thereon by Messrs. Boyd and Peyton, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bradley, Brien, Bristow, Crenshaw, Evans, Fox, Harris, Hawkins, James, Key, McNary, Patterson, Peyton, Rice, Russell, Speed Smith, South, Thurman—18.
Those who voted in the negative, were,


Mr. Boyd, from the same committee, to whom was referred the petition of Catharine W. Hutchinson, praying for a divorce, reported the following resolution thereon, to-wit:

Resolved, That said petition be rejected.

Which was disagreed to.

On the motion of Mr. Bristow, the said petition was referred to the committee on the Judiciary.

Two messages in writing, were received from the Governor, by Mr. Kinkead, 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, Henry Wingate to be Sheriff of Franklin county.
Veche H. Jones to be Sheriff of Edmonson county.
George W. King to be Sheriff of Henderson county.
Samuel Tipton to be Sheriff of Estill county.
Richard Soward to be Sheriff of Mason county.
William Abner to be Sheriff of Owsley county.
Robert B. Hall to be Sheriff of Barren county.
The County Courts of said counties having failed to recommend in the time prescribed by the Constitution.

WM. OWSLEY.

Gentlemen of the Senate:

I nominate for your advice and consent, Daniel Hager to be Major General of the 7th Division of Kentucky Militia.
William Morrow to be Brigadier General of the 27th Brigade, Kentucky Militia.
Levi Walter to be Brigadier General of the 26th Brigade.
Stephen H. Slaughter to be Brigadier General of the 9th Brigade.
Jefferson Williams to be Brigadier General of the 13th Brigade.

WM. OWSLEY.

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

Mr. Todd, from a select committee, reported a bill concerning conveyances of property made in trust, 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, said bill was referred to the committee on the Judiciary, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.
Mr. Heady, from the committee on Military Affairs, to whom was referred a bill to incorporate the Kentucky Military Institute, 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 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 resolutions from the House of Representatives, for presenting the widow of the late Philip Norbourne Barbour a sword, and for the interment of his remains in the Frankfort Cemetery, were taken up.

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

Resolved, That the resolutions be referred to a select committee, with instructions to ascertain what amount will be necessary to carry out the purposes of the resolutions, and report by bill or otherwise.

Which was adopted.

And Messrs. Helm, J. Speed Smith, Butler, Holloway and James were appointed a committee pursuant to said resolution.

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

On the motion of Mr. Thornton—1. A bill to settle the claims of C. J. Blackburn against the State of Kentucky.

On the motion of Mr. Rice—2. A bill to amend an act establishing the Lawrence County Coal Mining Company.

On the motion of Mr. Draffin—3. A bill to protect the sheep from destruction by dogs in this State.

The committee on Internal Improvement was directed to prepare and bring in the 1st; Messrs. Rice, Ballard and Bristow were appointed a committee to prepare and bring in the 2d; and Messrs. Draffin, Hawkins and Evans the 3d.

On the motion of Mr. Taylor,

Resolved, That the committee on the Public Buildings be directed to procure some suitable person to examine the plastering on the ceiling in the Senate Chamber, and if it shall be judged necessary to remove any of said plastering, and to repair the ceiling from which the same may be removed, to have the same done.

On the motion of Mr. Russell,

Resolved, That so much of the Governor's Message, as relates to further legislation on the subject of a settlement with the Board of Internal Improvement, be referred to the committee on Internal Improvement.

And then the Senate adjourned.
SATURDAY, JANUARY 9, 1847.

Mr. Taylor presented the petition of Frederick B. Nichols and others, stockholders in the Winchester and Lexington Turnpike Road Company, praying for the passage of a law reducing the number of Directors of said company to three.

Which was received and referred to the committee on Propositions and Grievances.

Mr. Ballard, from the committee on Public Buildings, read and laid on the table the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the keeper of public property be directed to have the roof of the State house examined, and also the plastering on the ceilings of the Senate and House of Representatives rooms, and if said roof or ceilings require repairs to have them repaired as soon as practicable.

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

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to take the sense of the people of this State as to the propriety of calling a Convention.

That they had passed a bill, entitled, an act for the benefit of Benjamin Payne, of the county of Daviess.

Mr. Hardin, from the committee on Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to change the time of holding the spring term of the Jessamine Circuit Court, 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. Hardin, from the same committee, reported a bill to amend an act concerning the town of Albany, in Clinton 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 committee on Propositions and Grievances, reported the following bills, to-wit:

A bill authorizing the sale of the jail in the town of Hopkinsville.

A bill to add a part of the county of Hopkins to the county of Caldwell.
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. J. Speed Smith, from the committee on Internal Improvement, reported a bill authorizing the Board of Internal Improvement to compromise and settle with Simpson Stout, 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. Rice, from a select committee, reported a bill to amend an act, entitled)

an act to incorporate the Lawrence County Coal Mining Company, 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.

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

On the motion of Mr. Patterson—1. A bill to amend the charter of the Paducah Marine Railways.

On the motion of Mr. Helm—2. A bill to establish at Paducah a public warehouse for the storage and inspection of Tobacco.

The committee on the Judiciary was directed to prepare and bring in the 1st, and Messrs. Helm, Crenshaw, Patterson, James, J. Speed Smith, Key, Walker, Evans and Bristow were appointed a committee to prepare and bring in the 2d.

On the motion of Mr. Evans,

Resolved, That the committee on the Judiciary are hereby instructed to enquire into the propriety of repealing the 2d section of an act, entitled, an act to abolish the summer terms of the Circuit Courts, approved March 9, 1843, so as to require said courts to be held as they were previous to the passage of said act; that said committee report by bill or otherwise.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of a resolution from the Senate, concerning certain repairs on the State house.

A bill from the House of Representatives, entitled, an act for the benefit of Joseph Brownold and others, 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.

Bills from the House of Representatives, of the following titles, were severally read the first time, to-wit:

1. An act to amend the law in relation to trustees of towns.
2. An act for the benefit of Benjamin Payne, of the county of Daviess.
3. An act to declare Whippoorwill a navigable stream.
4. An act for the benefit of the Sheriff of Estill county.
5. An act for the benefit of Lois Smallwood.
6. An act for the benefit of James Coyle.
7. An act for the benefit of Samuel T. Crews.
8. An act for the benefit of James Cunningham, of Trigg county.
9. An act declaring the Louisa Fork of Big Sandy river a navigable stream.
10. An act to amend the penal laws.
11. An act to amend the road law in Pendleton county.
12. An act to change the names of Jacob McClung and Pleasant McClung.
13. An act to incorporate the town of Lower Cloverport, in Breckinridge county.
14. An act to change the name of Joab Hoffman to that of Joseph Hoffman.
15. An act for the benefit of Sylledon Sidney Smith.
16. An act to amend an act to incorporate the Bank Lick Turnpike Road Company.
17. An act for the benefit of the estate of John D. Locke, a lunatic.
18. An act to change the place of comparing the polls in the counties of Morgan and Breathitt.
19. An act to amend an act incorporating the town of Flemingsburg.
20. An act to regulate the tare on sugar barrels.

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, 10th, 13th, 17th and 19th to the committee on the Judiciary; the 2d, 7th, 12th, 14th and 15th to the committee on Propositions and Grievances; the 3d, 8th, 9th, 11th and 16th to the committee on Internal Improvement; the 4th, 5th and 6th to the committee on Finance; the 18th to the committee on Privileges and Elections; and the 20th to the committee on Agriculture and Manufactures.

Resolutions from the House of Representatives, directing the committee on Banks to examine the Lunatic Asylum, were taken up and referred to a committee of Messrs. James, Bristow and Harris.
A message in writing, was received from the Governor, by Mr. Kinkead, Secretary of State.

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

Gentlemen of the Senate:

I nominate for the advice and consent of the Senate, George Hauser to be Sheriff of the county of Pendleton, in the place of Robert S. Fugate, who has resigned.

WM. OWSLEY.

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

Mr. Bradley, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill which originated in the Senate, entitled, an act to extend the time for the Judge of the 19th Judicial District to remove into his District.

And enrolled bills which originated in the House of Representatives, of the following titles, to-wit:

An act to authorize the use of a portion of the surplus water at Dam No. 3, on Green river, on certain conditions.

An act to change the name of James P. Conkin to James P. Hagan, and to legitimate him.

An act for the benefit of Nancy Cox, of the county of Fleming.

An act for the benefit of Polixna McDaniel.

An act for the benefit of Isabella Morton.


An act to amend the charter of the Louisville Savings Institution.

An act to establish the town of Rollington, in Oldham county.

An act to change the time of holding the April and October terms of the Lewis County Court.

An act to amend the laws relating to the town of Frankfort.

An act to change the name of Stephen A. Red to that of Stephen A. Carver.

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

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. Bradley reported that the committee had performed that duty.

And then the Senate adjourned.
MONDAY, JANUARY 11, 1847.

The Speaker laid before the Senate a communication from the President and Treasurer of the Louisville Turnpike Company, which is as follows, viz:

LOUISVILLE, January 8, 1847.

Sir: Enclosed is a communication to the honorable, the General Assembly of Kentucky, required by the charter of the Louisville Turnpike Company, which you will please lay before that honorable body, over one branch of which you preside.

Very respectfully,

LEVI TYLER,
President and Treasurer.

HON. A. DIXON,
Speaker of the Senate.

An abstract of the accounts of the Louisville Turnpike Company, showing the amount of the capital of the Company; the amount expended in making said turnpike road, which is ten miles in length; and, also, showing the amount of profits and income arising from tolls, and the amount expended for the repairs of said turnpike road, as follows, to-wit:

The total amount of the capital of the Company, is $84,000.

The total amount expended in constructing and completing the said turnpike road, purchasing right of way, stone quarries, &c., erecting toll gates, toll houses, and houses for gate keepers, is $69,000; and the amount of a subscription of $15,000, to the capital stock of the Bardstown and Louisville Turnpike Company, as authorized by an act of the General Assembly of the Commonwealth of Kentucky, entitled, "an act to amend the charter of the Bardstown and Louisville Turnpike Company, passed and approved February 25th, 1836," which subscription was made on the 17th day of October, 1837.

To amount of tolls, &c., received for the six months ending 31st December, 1840, including $6715, cash on hand, for receipts for the previous six months.

By amount of expenses for repairs for same period, including salaries of President of $200, and two gate keepers, $250, for same time.

By divided of 3½ per cent., for same period.

By balance of cash on hand.

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To amount of tolls, &c., received for the six months ending 30th June, 1841, including the above balance of $1146½, and $3943½ short this period.

By amount of expenses for repairs, &c., for same period.

By dividend of 3½ per cent., for same time.

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To amount of tolls, &c., for the six months ending 31st December, 1841, including.

By amount of expenses for repairs, &c., for same period, including.

By dividend of 3½ per cent., for six months, ending 31st December, 1841.
To amount of tolls, &c., for the six months ending 30th June, 1842, including $174.95 short this period, $5,209.27
By amount of expenses for repairs, &c., for same period, including the above $82.82 short previous six months, $2,500.27
By dividend of 3 per cent., for the six months ending 30th June, 1842, 2,580.00

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<th>Period</th>
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<tr>
<td>30th June, 1842</td>
<td>$5,209.27</td>
<td>$2,500.27</td>
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| To amount of tolls, &c., for six months ending 31st December, 1842, including the above $271.72, on hand previous six months, $4,508.50
By amount of expenses for repairs, &c., for six months ending 30th June, 1842, including a surplus of $576.84 on hand for this six months, $2,520.00
By dividend of 3 per cent., for the six months ending 31st December, 1842, 2,580.00

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<tr>
<td>31st December, 1842</td>
<td>$4,508.50</td>
<td>$2,520.00</td>
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| To amount of tolls, &c., for six months ending 30th June, 1843, including the above $576.84, on hand previous six months, $5,488.84
By amount of expenses for repairs, &c., for same period, including a surplus of $1,948.66, this period, $2,968.84
By dividend of 3 per cent., for six months ending 31st December, 1843, 2,580.00

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<td>30th June, 1843</td>
<td>$5,488.84</td>
<td>$2,968.84</td>
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| To amount of tolls, &c., for six months ending 31st December, 1844, including the above $1,248.60 of surplus, and $82.27 short this six months, $6,250.34
By amount of expenses for repairs, &c., for same period, including the purchase of a stone quarry for repairing said turnpike road, $3,790.34
By dividend of 3 per cent., for same period, 2,520.00

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<tr>
<td>31st December, 1844</td>
<td>$6,250.34</td>
<td>$3,790.34</td>
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| To amount of tolls, &c., for six months ending 31st December, 1845, including the above surplus of $9.92, and a surplus this six months of $101.27, $5,009.50
By amount of expenses for repairs, &c., for same period, including the above surplus of $9.92, and a surplus this six months of $101.27, $2,489.50
By dividend of 3 per cent., for six months ending 30th June, 1845, 2,520.00

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<tr>
<td>31st December, 1845</td>
<td>$5,009.50</td>
<td>$2,489.50</td>
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| To amount of tolls, &c., for six months ending 31st December, 1845, including the above $101.27, for previous period, $5,281.27
By amount of expenses for repairs, &c., for same period, including a surplus of $118.86, for same period, $2,761.27
By dividend of 3 per cent., for six months ending 31st December, 1845, 2,520.00

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<tr>
<td>31st December, 1845</td>
<td>$5,281.27</td>
<td>$2,761.27</td>
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To amount of tolls, &c., for the six months ending 30th June, 1846, including the above $118 86, for previous period, $5,178 06
By amount of expenses for repairs, &c., for the same period, including a surplus of $43 85, for same period, $2,658 06
By dividend of 3 per cent., for six months ending 30th June, 1846, 2,520 00
To above balance on hand 30th June, 1846, $43 85

LEVI TYLER, President and Treasurer.

LOUISVILLE, December 25, 1846.

JERSEY COUNTY, S.C:

This day the above named Levi Tyler came, in his proper person, before the undersigned, a Justice of the Peace in and for said county, and made oath that he is the President and Treasurer of the Louisville Turnpike Company, and that the foregoing is a just and true statement of the receipts and disbursements and dividends made by said Company, for the periods therein stated, as he verily believes. Given under my hand and seal this 7th January, 1847.

[Seal.]

R. TYLER, J. P. J. C.

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

The within abstract of the accounts of the Louisville Turnpike Company, exhibiting the capital of the Company, the cost of the road, and, also, the costs of repairing the road, the expenses and dividends, as required by the charter of the Company, has been made out, and is now forwarded to your honorable body, by order of the President and Managers of said Turnpike Company.

Yours, very respectfully,

LEVI TYLER, President and Treasurer.

1. Mr. Bramlette presented the petition of sundry citizens of the county of Russell, praying for the passage of a law to alter the boundary line between the counties of Russell and Clinton, so as to include said petitioners in the county of Clinton.

2. Mr. Crenshaw presented the petition of F. G. Everett, praying for the passage of a law allowing him compensation for work done on the Louisville and Nashville turnpike road.

3. Mr. Hardin presented the petition of John U. Watson, of Barren county, praying for the passage of a law confirming the sale of a tract of land made by said Watson and wife to Pemberton Cave.

Which were severally received and referred: the 1st to the committee on Propositions and Grievances; the 2d to the committee on Internal Improvement; and the 3d to the committee on the Judiciary.

Mr. Hardin presented the annual report of the Trustees of the Kentucky Institution for the Deaf and Dumb, which is follows, to-wit:

[For Report—see Legislative Documents.]

Ordered, That said report be referred to the committee on Finance, and that the Public Printer print 350 copies thereof for the use of the General Assembly.
A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate, to a preamble and resolutions from that House, in relation to the increase of the pay of the volunteers in the Mexican war.

That they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act for the benefit of Sylvester and Rebecca Patton.

That they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act for the benefit of Sylvester and Rebecca Patton.

That they had passed bills from the Senate, of the following titles, to-wit:

- An act for the benefit of Reuben S. Poland and Martha S. Poland.
- An act to change the venue in the prosecution against Hiram Harris.
- An act to change the venue in the prosecution against Alexander Frazier.
- An act for the benefit of Jane Berryman.
- An act for the benefit of Henry D. Wilkerson.
- An act to change the venue in the prosecution against Valentine W. Peyton.
- An act for the benefit of William Barnes, Sen., and the widow and heirs of Richard Barnes, deceased.
- An act to incorporate the Mount Alba Female Collegiate Institute, in the county of Breckinridge.
- An act to incorporate the Breckinridge College.
- An act to authorize the construction of a mill dam across the south fork of Rough creek.
- An act for the benefit of Beverly Megary, of Graves county.

That they had passed bills of the following titles, to-wit:

1. An act authorizing the taking of depositions of certain officers of the Lunatic Asylum.
2. An act for the benefit of Richard Darnell.
3. An act for the benefit of Charles H. Smith.
4. An act for the benefit of Artemecia Jones and James Jones.
5. An act allowing additional Justices of the Peace to Graves and Muhlenburg counties.
6. An act for the benefit of Charles Hays.
7. An act for the benefit of Robert A. Wright.
9. An act for the benefit of John S. Page and others.

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, 5th, 6th, 8th and 9th to the committee on the Judiciary, and the 4th and 7th to the committee on Propositions and Grievances.

Mr. Hardin, from the committee on Judiciary, to whom was referred bills from the House of Representatives, of the following titles, to-wit:
An act to incorporate the Sharpsburg Male and Female Academy.

An act to incorporate the town of Lower Cloverport, in Breckinridge county.

An act to abolish the benefit of clergy.

An act for the benefit of the estate of John D. Locke, a lunatic.

An act to incorporate the Old School Presbyterian Church, in Newport.

Reported the same without amendment.

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

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

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

Mr. Hardin, from the same committee, reported the following bills, viz:
A bill for the benefit of the infant heirs of William McKitrick, deceased.
A bill for the benefit of the heirs of Mabry T. Cox.

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, reported a bill authorizing Henry S. Mitchell to lay off a town in Allen 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, 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.

Mr. Hardin, from the same committee, reported a bill divorcing Catharine W. Hutchison from her husband, Parker N. Hutchison, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with.

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

The yeas and nays being required thereon by Messrs. Henderson and Boyd, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bradley, Hawkins, Rice,
Brien, Heady, Russell,
Bristow, Helm, Slaughter,
Crenshaw, James, Thomas,
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Evans,  McNary,  Thurman,  
Fox,    Patterson,  Walker,  
Harris, Peyton,  Wall—21.

Those who voted in the negative, were,

Messrs. Ballard,  Henderson,  Swope,  
Boyd,    Holloway,  Taylor,  
Bramlette, Marshall,  Thornton,  
Butler,  Speed Smith,  Todd—14.  
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 as afore­
said.

Mr. Hardin, from the same committee, to whom was referred the petitions
of the heirs of Wm. Buckner, deceased; the heirs of John Ice, deceased; and
of Charles Silvers, reported the following resolution thereon, to-wit:

Resolved, That said petitions be rejected.
Which was twice read and concurred in.

Mr. Walker, from the committee on Propositions and Grievances, reported
a bill to amend the charter of the Winchester and Lexington Turnpike Com­
pany, 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. Boyd, from the committee on Religion, reported a bill to divorce Le­
titia Ann Casey, and 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 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. Rice, from a select committee, reported a bill making an appropriation

to improve the navigation of Big Sandy river, 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.

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

On the motion of Mr. Fox—1. A bill for the benefit of John Jones and
others.

On the motion of Mr. Rice—2. A bill for the benefit of the mechanics of
the town of Louisa, and also of the county of Lawrence.
On the motion of Mr. Peyton—3. A bill to provide for a special term of the Franklin Circuit Court and Court of Appeals, for the trial of the case of Benjamin Hardin against the Second Auditor, upon an application for a mandamus.


On the motion of Mr. Swope—5. A bill to repeal the act, entitled, an act to incorporate the Licking River Navigation Company, approved February 23, 1846.

On the motion of Mr. Swope—6. A bill to provide for the completion of Lock and Dam No. 2, on Licking river, and for other purposes.

On the motion of Mr. Williams—7. A bill to incorporate the Paris Cemetery Company.

Messrs. Fox, Bramlette and Crenshaw were appointed a committee to prepare and bring in the 1st; Messrs. Rice, Bradley and Bristow the 2d; Messrs. Peyton, Todd and Wall the 3d; Messrs. Williams, Holloway and Todd the 7th; the committee on the Judiciary was directed to prepare and bring in the 4th; and the committee on Internal Improvement the 5th and 6th.

A message was received from the Governor, by Mr. Kinkead, Secretary of State, announcing that the Governor had approved and signed an enrolled bill which originated in the Senate, entitled, an act to extend the time for the Judge of the 19th Judicial District to remove into his District.

Approved January 9, 1847.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to amend the charter of the Winchester and Lexington Turnpike Company.

On the motion of Mr. James, leave was given to bring in a bill for the benefit of the heirs of David Ramsey, deceased, of Hickman county, and the committee on the Judiciary was directed to prepare and bring in said bill.

Mr. James also presented a deed from the Trustees of Columbus to David Ramsey's heirs, which was referred to the same committee.

The resolution for a final adjournment of the General Assembly, was taken up.

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

The yeas and nays being required thereon by Messrs. Evans and Crenshaw, were as follows, to-wit:

Those who voted in the affirmative were—

Messrs. Ballard, Hawkins, South,

Boyd, Heady, Swope,

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

An act to change the time holding the County Court of Johnson.
An act to change the name of Stephen A. Red to that of Stephen A. Carver.
An act to change the time of holding the April and October terms of the Lewis County Court.
An act to amend the laws relating to the town of Frankfort.
An act to establish the town of Rollington, in Oldham county.
An act to amend the charter of the Louisville Savings Institution.
An act for the benefit of Isabella Morton.
An act for the benefit of Nancy Cox, of the county of Fleming.
An act for the benefit of Polixna McDaniel.
An act to authorize the use of a portion of the surplus water at Dam No. 3, on Green river, on certain conditions.
An act to change the name of James P. Conkin to James P. Hagan, and to legitimate him.

Approved January 9, 1847.

That they had passed a bill, entitled, an act for the benefit of Samuel C. Trotter and others.
Mr. Williams presented the petition of Daniel P. Bedinger, praying for the passage of a law repealing the act to "amend the law which provides for condemning lands for public purposes."

Which was read and referred to the committee on the Judiciary.

On the motion of Mr. Thornton,

Ordered, That a message be sent to the House of Representatives asking leave to withdraw the report of the passage, by the Senate, of a bill from that House, entitled, an act to change the time of holding the Spring Term of the Jessamine Circuit Court, and Mr. Thornton was directed to carry the said message.

A message was received from the House of Representatives, announcing that they had appointed managers to conduct the impeachment against John A. Duff, Surveyor of Perry county, and have directed the said managers to carry to the Senate the articles agreed upon by the House, to be exhibited in maintenance of their impeachment against the said John A. Duff.

Mr. Hardin, from the committee on the Judiciary, to whom was referred bills of the following titles, to-wit:

A bill for the benefit of Isaac Ayres.
A bill to extend the terms of the Fayette Circuit Court, and for other purposes.

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. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, of the following titles, to-wit:

An act for the benefit of John S. Page and others.
An act for the benefit of William Long and Ann E. Long.
An act for the benefit of Richard Darnell.
An act allowing additional Justices of the Peace to Graves and Muhlenburg counties.
An act for the benefit of Charles H. Smith.

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 Charles Hays, 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. Patterson, from the same committee, reported a bill to amend the charter of the Paducah Marine Railways, and for other purposes, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,
Resolved, That 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, to-wit:

An act to change the name of Joab Hoffman to that of Joseph Hoffman.
An act for the benefit of Artemecia Jones and James Jones.
An act to change the names of Jacob McClung and Pleasant McClung.
An act for the benefit of Syledon Sidney Smith.
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. Bradley, from the joint committee on Enrollments, reported that the committee had examined an enrolled resolution and enrolled bills which originated in the Senate, of the following titles to-wit:

A resolution concerning certain repairs to the State house.
An act to take the sense of the people of this State as to the propriety of calling a Convention.
An act for the benefit of Reuben S. Poland and Martha S. Poland.
An act for the benefit of Henry D. Wilkerson.
An act to incorporate the Mount Alba Female Collegiate Institute, in the county of Breckinridge.
An act to authorize the construction of a mill dam across the south fork of Rough creek.
An act to amend the charter of the Winchester and Lexington Turnpike Company.
An act to change the venue in the prosecution against Alexander Frazier.
An act to change the venue in the prosecution against Hiram Harris.
An act to change the venue in the prosecution against Valentine W. Peyton.
An act for the benefit of Beverly Megary, of Graves county.
An act for the benefit of William Barnes, Sen., and the widow and heirs of Richard Barnes, deceased.
An act for the benefit of Jane Berryman.
An act to incorporate the Breckinridge College.

And enrolled preamble and resolutions and enrolled bills which originated in the House of Representatives, of the following titles, to-wit:

Preamble and resolutions in relation to the increase of the pay of volunteers in the Mexican war.
An act for the benefit of Joseph Brownold and others.
An act for the benefit of Richard Buchanan and Benjamin Hayden.
An act for the benefit of Sylvester and Rebecca Patton.

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. Bradley reported that the committee had performed that duty.

Mr. J. Speed Smith, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act for the benefit of James Cunningham, of Trigg county.
An act to declare Whippoorwill a navigable stream.

Reported the same 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.

Mr. J. Speed Smith, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act declaring the Louisa fork of Big Sandy river a navigable stream, 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 a select committee, reported a bill providing for a special term of the Franklin Circuit Court and the Court of Appeals, which was read the first time as follows, to-wit:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Judge of the Franklin Circuit Court shall hold a special term of said court, commencing on the 18th day of January, 1847, for the
trial of the case now depending in said court, of Benjamin Hardin against Thomas S. Page Second, Auditor, on an application for a mandamus; and continue said term until said case is disposed of.

Sec. 2. Be it further enacted, That the Judges of the Court of Appeals, or a majority of them, shall hold a special term of said court, commencing on the 25th day of January, 1847, for the trial of an appeal or writ of error, in the case of Benjamin Hardin against Thomas S. Page, Second Auditor, on an application for a mandamus, should an appeal be taken, or a writ of error sued out, in said case, from the judgment of the Franklin Circuit Court; and said court shall continue its session until said case is disposed of.

Sec. 3. Be it further enacted, That upon the decision being rendered by said Franklin Circuit Court, as aforesaid, it shall and may lawful for either plaintiff or defendant to appeal or sue out a writ of error, and upon the record being filed in the office of the Clerk of the Court of Appeals, said Court of Appeals shall have full power and competent authority to try and determine said case, without the service or return of process; and upon such appeal being taken, or writ of error sued out, no bond shall be required.

Mr. Helm moved to lay the said bill on the table.

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

The yeas and nays being required thereon by Messrs. Harris and Peyton, were as follows, to-wit:

Those who voted in the affirmative were—

Messrs. Ballard, Bradley, Bramlette, Brien, Bristow, Butler, Draffin, Hardin, Harris, Hawkins, Heady, Helm, James, Marshall, Patterson, Rice, Russell, Slaughter, Speed Smith, South, Swope, Thurman—22.

Those who voted in the negative, were—


On the motion of Mr. J. Speed Smith, Mr. McNary was added to the committee on Internal Improvement.

Three messages in writing, were received from the Governor, by Mr. Kinkead, 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, J. G. Smith to be Lieutenant Colonel, and A. J. Bartlett to be Major of 22d Regiment, 6th Brigade, Kentucky Militia.
A. W. Bristow to be Major 120th Regiment, 22d Brigade.
P. Butler Hawkins to be Colonel, Elijah Claypool, Lieutenant Colonel, and James O. Hill, Major of 25th Regiment, 20th Brigade.
Woodson Cocke to be Colonel, Daniel M. Clair, Lieutenant Colonel, and Hattiel F. Jennings, Major of 27th Regiment, 1st Brigade.
Felix G. Wright to be Colonel, Peter Rives, Lieutenant Colonel, and Preston McMurray, Major of 61st Regiment, 20th Brigade.
W. W. Badger to be Major of 128th Regiment, 23d Brigade.
Robert F. Thomas to be Lieutenant Colonel, and John W. O'Rear, Major of 31st Regiment, 15th Brigade.
Henry R. Conway to be Colonel, G. A. West, Lieutenant Colonel, and James Myers, Major of 13th Regiment, 25th Brigade.
Samuel Boone to be Lieutenant Colonel, and Franklin H. Ramsey, Major of 36th Regiment, 5th Brigade.
William B. Crupper to be Colonel, Marcus Ware, Lieutenant Colonel, and Aboth R. Harman, Major of 28th Regiment, 26th Brigade.
Henry C. Pindell to be Colonel, and William A. Dudley Lieutenant Colonel of the Lexington Legion.
Vardeman Mulberry to be Colonel, and Ezra N. Offutt, Lieutenant Colonel of 77th Regiment, 6th Brigade.
Stephen Terry to be Major of 47th Regiment, 15th Brigade.
James Sweeney to be Colonel, Nathan Lawson, Lieutenant Colonel, and James Mayes, Major of 133d Regiment, 8th Brigade.
William P. Boone to be Colonel, and Wm. F. Dunn, Lieutenant Colonel of 132d Regiment, 29th Brigade.
Charles Hambleton to be Major of 59th Regiment, 23d Brigade.
Daniel B. Ellis to be Colonel, John B. Preebles, Lieutenant Colonel, and John J. Yelton, Major of 21st Regiment, 26th Brigade.
George N. Denton to be Colonel, Thomas Bristow, Lieutenant Colonel, and Joseph P. Sewell, Major of 81st Regiment, 10th Brigade.
William B. Parker to be Major of 38th Regiment, 27th Brigade.
George W. Williamson to be Colonel, George Bence, Lieutenant Colonel, and James Thompson, Major of 33d Regiment, 29th Brigade.
Stanley Thomas to be Colonel of 72d Regiment, and Edward R. Edmonds to be Major of 37th Regiment, 27th Brigade.
John M. Savil to be Lieutenant Colonel, and Warren Green, Major of 72d Regiment, 27th Brigade.
William B. Wells to be Major of 101st Regiment, 20th Brigade.
Robert King to be Colonel, and F. E. Skidwell, Major of 117th Regiment, 21st Brigade.
John M. Harrington to be Lieutenant Colonel, and Thomas M. Davis, Major of 24th Regiment, 19th Brigade.
Edward M. Leavell to be Lieutenant Colonel of 26th Regiment, 9th Brigade.
Robert G. Rouse to be Colonel, Edward Towler, Lieutenant Colonel, and Andrew W. Agnew, Major of 41st Regiment, 17th Brigade.
William McGuire to be Colonel, Luther Brawner, Lieutenant Colonel, and Andrew J. Speer, Major of 139th Regiment, 18th Brigade, (new regiment.)
James P. Kelley to be Lieutenant Colonel, and George Foust, Major of 53d Regiment, 16th Brigade.
John L. Bailey to be Colonel of 6th Regiment, 9th Brigade.
J. M. Glenn to be Major of 77th Regiment, 6th Brigade.
Jerry Powers to be Lieutenant Colonel, and Henry C. Greenup, Major of 12th Regiment, 6th Brigade.
Nathan K. Harris to be Colonel, J. H. Spencer, Lieutenant Colonel, and R. D. Hampton, Major of 107th Regiment, 11th Brigade.
John H. Cloyd to be Lieutenant Colonel, and Levi Hubble, Major of 44th Regiment, 16th Brigade.
Moses Riley to be Colonel, Lewis Henderson Lieutenant Colonel, and Jesse D. W. Page, Major of 111th Regiment, 28th Brigade.
Joel H. Chubb to be Major of 88th Regiment, 2d Brigade.
David M. Carly to be Lieutenant Colonel, and Wm. O. Gilbert, Major of 23d Regiment, 11th Brigade.
Madison Boleware to be Colonel, Alexander Cornelison, Lieutenant Colonel, and Jonathan Park, Major of 19th Regiment, 13th Brigade.
J. P. Miller to be Colonel, and Shadrack R. Chick, Lieutenant Colonel of 192d Regiment, 29th Brigade.
Richard Wooley to be Colonel, Wm. Russell, Lieutenant Colonel, and John E. Robertson, Major of 129th Regiment, 12th Brigade.
The said nominations being made to fill vacancies in the specified Regiments and Brigades.

WM. OWSLEY.

Gentlemen of the Senate:
The term of the present Sheriff of Lawrence county being about to expire, and the County Court of that county having failed to recommend a suitable person, according to the law, I nominate for your advice and consent, George E. Chadwick, the senior Justice of said county, to be Sheriff of said county.

WM. OWSLEY.

Gentlemen of the Senate:
I nominate for your advice and consent, E. C. Phister to be Mayor of the city of Maysville.

WM. OWSLEY.

Resolved, That the Senate advise and consent to the said appointments except the appointment of Jerry Powers to be Lieutenant Colonel of the 13th Regiment.

Mr. South moved the following resolution, to-wit:
Resolved, That the Clerk of the Senate inform the House of Representatives that the Senate will now receive the articles of impeachment against John A. Duff, Surveyor of Perry county, who stands impeached, by said House, for high crimes and misdemeanors.

And then the Senate adjourned.
WEDNESDAY, JANUARY 13, 1847.

The resolutions moved by Mr. South, on yesterday, directing the Clerk of the Senate to inform the House of Representatives that the Senate are now ready to receive the articles of impeachment against John A. Duff, Surveyor of Perry county, was twice read and adopted.

A bill from the House of Representatives, entitled, an act to change the time of holding the spring term of the Jessamine Circuit Court, having been returned to the possession of the Senate,

On the motion of Mr. Thornton, the votes by which the said bill was passed and ordered to a third reading, were reconsidered, and it was referred to the committee on the Judiciary.

Mr. Fox presented to the Senate the annual report of the Superintendent of Public Instructions, which is as follows, to-wit:

[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. Heady, the votes by which a bill from the House of Representatives, entitled, an act for the benefit of Charles Hays, was ordered to a third reading and passed, was reconsidered.

The vote by which the said bill was amended was then reconsidered, and the said amendment was rejected.

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. Williams presented the remonstrance of Jesse S. Sinclair and others, a committee of commissioned officers of the 12th Regiment of Kentucky Militia, against the confirmation of Jeremiah Powers as Lieutenant Colonel of said Regiment.

Which, together with the nomination of said Powers, were referred to the committee on Military Affairs.

1. Mr. McNary presented the petition of James H. Scott and others, praying for the passage of a law allowing William Jago to build a fish trap on Pond river.

2. Mr. Bradley presented the petition of Maria J. Shelby, praying for the passage of a law divorcing her from her husband, Isaac M. Shelby.

3. Mr. Rice presented the petition of Z. Cushing, praying for the passage of a law allowing him to bring into this State a negro woman.
4. Mr. Russell presented the petition of sundry citizens of the town of Harrisonville, in Shelby county, praying for the passage of a law incorporating said town.

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

Mr. Williams, from a select committee, reported a bill to incorporate the Paris Cemetery 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, said bill was referred to the committee on the Judiciary.

A message was received from the House of Representatives, by Mr. Armstrong, announcing that the managers, appointed by a resolution of the House of Representatives, to prosecute the impeachment of John A. Duff, Surveyor of Perry county, before the Senate, for high crimes and misdemeanors, in obedience to their instructions, present to the Senate articles of impeachment against said John A. Duff, Surveyor of Perry county, on each and every article of impeachment, whereof the said John A. Duff stands charged by the House of Representatives, before the Senate, and the managers do now, in the name of the House of Representatives, respectfully demand that said John A. Duff, Surveyor of Perry county, be put upon his trial.

Mr. Rice, from a select committee, reported a bill for the benefit of the mechanics of the town of Louisa, 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. Butler, from a select committee, reported a bill to incorporate the Louisville and Frankfort Railroad 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, said bill was referred to the committee on Internal Improvement, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

Mr. J. Speed Smith, from the committee on Internal Improvement, reported a bill authorizing a settlement with 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 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 articles of impeachment against John A. Duff, Surveyor of Perry county, were taken up and read as follows, to-wit:

In the name of the House of Representatives of the General Assembly of the Commonwealth of Kentucky, and all the people of said Commonwealth, and by the authority of the same, the said House of Representatives, doth find, present and prefer the following articles against John A. Duff, Surveyor of Perry county, in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

ARTICLE 1.

That, unmindful of the solemn duties of his office, and contrary to the sacred obligation by which he stood bound to discharge them, faithfully and impartially, the said John A. Duff, Surveyor of Perry county, did, within the years, 1825, 1830, 1835, 1840, and 1845, negligently fail to enter into bond and security as required by law in such cases, and hath wholly failed to execute bond since the year 1831, and hath, by such failures, committed five separate distinct misdemeanors in office, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 2.

That, unmindful of the public good and with a view to use his office for selfish purposes, the said John A. Duff, Surveyor as aforesaid, did on the first day of June, in the year of our Lord one thousand eight hundred and twenty-five, and on divers other days and times, refuse to permit Elijah Combs, and many other citizens of the county of Perry, to examine the books and records of his office, declaring that they belonged to him and not to the public. By means of which the said Duff has been benefited at the expense of the public, in making confusion and confusions in appropriating the vacant lands, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 3.

That, using his office and the power conferred upon him by the Constitution and laws, to the manifest injury and oppression of the people, and to the execution of his own selfish and sinister ends, the said John A. Duff, Surveyor as aforesaid, having been employed by a certain Stephen Campbell, to furnish the warrant, and survey for him fifty acres of vacant land, and the said Stephen Campbell afterwards having sold the right to have said land surveyed, to Samuel Campbell, and the said Samuel Campbell having clearly identified the said land to the said Duff, he, the said Duff, did, on the 10th day of June, in the year of our Lord one thousand eight hundred and forty, in the said county of Perry, wilfully and corruptly, while pretending to cover by a survey the fifty acres of vacant land the said Samuel Campbell intended to appropriate, make the survey cover other and different land, which was poor and worthless, for the corrupt purpose of compelling the said Samuel Campbell to again employ him, the said Duff, to make another survey and furnish another fifty acre warrant, to save and
cover the land which the said Duff well knew the said Campbell intended to appropriate. By means of which, the said Duff did compel the said Campbell, to purchase another fifty acre land warrant, and have another survey made by the said Duff, to cover the fifty acres of land the said Samuel Campbell wished to appropriate, and did extort from the said Campbell, in the manner aforesaid, the sum of $28 50 cents, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

Article 4.

That, wholly disregarding the interest and rights of others, the said John A. Duff, Surveyor as aforesaid, did, on the first day of August, in the year of our Lord one thousand eight hundred and thirty nine, in said county of Perry, receive the legal fees from Jeremiah Combs, to enter and survey a well known and well described boundary of vacant land lying on the waters of Loss Creek, in said county of Perry, and did promise to survey the same for the said Combs. But the said Duff, contriving to cheat and defraud the said Combs, did not nor would not, according to his promise and the duties of his office, enter and survey the said boundary of vacant land for the said Combs, although often requested so to do, to the manifest injury of the said Combs, and against the peace and dignity of the Commonwealth of Kentucky.

Article 5.

That the said John A. Duff, Surveyor as aforesaid, did, on the first day of February, in the year of our Lord one thousand eight hundred and forty, in the said county of Perry, for the purpose of corrupt gain, survey for Henry Combs, 200 acres as vacant and unappropriated land, which had been surveyed by the said Duff only a few days before for a certain Alexander Combs and appropriated by him, which was well known to the said Duff; but the said Duff fraudulently, for the purpose of making his fees, concealed the fact of the entry and survey for Alexander Combs from the said Henry Combs, and thereby compelled him, the said Henry Combs, illegally and unjustly, to pay him, the said Duff, the sum of $3 75 cents, for each hundred acres of the said 200 acres, to the injury of the said Henry Combs, and against the peace and dignity of the Commonwealth of Kentucky.

Article 6.

That the said John A. Duff, Surveyor as aforesaid, did, on the 20th day of June, in the year of our Lord one thousand eight hundred and forty two, in said county of Perry, corruptly survey and appropriate one hundred and fifty acres of vacant land for a certain William Stamper, after he, the said Duff, had for a stipulated price, to-wit, the sum of $30, agreed to furnish the warrants and make three fifty acre surveys for a certain Larkin Collins, and the said Collins had often requested the said Duff to appropriate and survey the said vacant land for him. But the said Duff, disregarding his promise and the duties of his office, subsequent to his promise and the request of the said Collins, did appropriate and survey the said one hundred and fifty acres of vacant land aforesaid, for the said William Stamper, thereby selling his official acts to the highest bidder, against the peace and dignity of the Commonwealth of Kentucky.
ARTICLE 7.
That the said John A. Duff, Surveyor as aforesaid, did, on the third day of July, in the year of our Lord one thousand eight hundred and forty, in the said county of Perry, in making a survey of vacant land for a certain James N. Brashears, willfully and corruptly leave out the level and valuable land the said Brashears intended to appropriate, notwithstanding the said Brashears was present directing him, the said Duff, to cover the same by the said survey. But the said Duff, fraudulently intending to cheat the said Brashears out of the valuable land he intended to appropriate, falsely and fraudulently represented to the said Brashears, that he had surveyed and appropriated the valuable portion of said vacant land in his own name, and positively refused to survey the same for the said Brashears, when in truth and in fact, the said Duff had not surveyed and appropriated the said land. By means of which, he cheated and defrauded the said Brashears, against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 8.
That the said John A. Duff, Surveyor as aforesaid, did, on the first day of June, in the year of our Lord one thousand eight hundred and forty two, in said county of Perry, extort from a poor widow, Malinda Merdy, for making for her a fifty acre survey, the illegal, unjust and iniquitous fee of ten dollars, and refused to make for her another fifty acre survey, although the legal fees were tendered, and he, the said Duff, repeatedly requested to make the same, against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 9.
That the said John A. Duff did, in the year of our Lord one thousand eight hundred and forty two, on the 21st day of July, corruptly and illegally charge, and receive and extort, by means of his office, the unjust and illegal fee of ten dollars, in addition to his legal fees for getting and procuring the patents for two fifty acre surveys, for James Williams. And for the purpose of extracting the said sum from the said Williams, the said Duff did corruptly refuse to let the said Williams have the plats and certificates of said surveys, when the said Williams had an opportunity of sending them to the Register's office, without cost or charge, and by so refusing did extort and receive from the said Williams the ten dollars aforesaid, for procuring the patents aforesaid, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 10.
That the said John A. Duff did, in the year of our Lord one thousand eight hundred and forty four, in said county of Perry, corruptly fail and refuse to swear William Campbell and others as chain carriers, and to make several surveys, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.
ARTICLE 11.

That the said John A. Duff, Surveyor as aforesaid, did, on the tenth day of July, in the year of our Lord one thousand eight hundred and forty three, in the said county of Perry, corruptly extort from a certain Patrick B. Napier, for furnishing the land warrant, and making a fifty acre survey, the unjust and illegal fee of fifteen dollars; and for the corrupt purpose of inducing the said Napier to give said fee, the said Duff fraudulently represented that he had entered and surveyed the same for his son Henry Duff, when in truth and in fact, he had not so entered and surveyed it, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 12.

That the said John A. Duff, Surveyor as aforesaid, did, on the 4th day of December, in the year of our Lord one thousand eight hundred and forty four, in said county of Perry, corruptly procure, and retain in his possession, a patent belonging to, and in the name of Solomon Everidge, for the corrupt purpose of extorting and exacting from the said Everidge the fee of five dollars, to get his patent aforesaid out of the hands of the said Duff; and the said Duff hath hitherto wholly failed and refused to deliver the same to the said Everidge, although often requested, unless the said Everidge would first pay him, the said Duff, the said fee of five dollars, and still retains the same, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 13.

That the said John A. Duff, Surveyor as aforesaid, did, on the tenth day of January, in the year of our Lord one thousand eight hundred and forty one, in the said county of Perry, unjustly and illegally extort from a certain Rachael Everidge, (a poor widow,) the unjust and illegal sum of eight dollars, as his fee for making an hundred acre survey for her, and did wholly fail and refuse to make out a plat and certificate for the same, or to return the warrant, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 14.

That the said John A. Duff, Surveyor as aforesaid, did, on the tenth day of November, in the year of our Lord one thousand eight hundred and forty three, in the said county of Perry, make a fifty acre survey for Patrick B. Napier, and failed to swear the chain carriers, and did corruptly and falsely certify, in this plat and certificate, that the said chain carriers had been sworn, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 15.

That the said John A. Duff, Surveyor as aforesaid, did, on the fifteenth day of June, in the year of our Lord one thousand eight hundred and thirty seven, in the said county of Perry, not having the fear of God before his eyes, alter, change and forge a fifty acre survey to an hundred acres, and did change and forge the date of said survey, and the names of the chain car-
riers and marker, which appears to be in the name of John Duff, and lying and being on the Lick branch of the Clear-fork of Troublesome-fork of the North-fork of the Kentucky river, in the county of Perry and State of Kentucky; and did return said altered, changed and forged survey, plat and certificate, to the Register's office, for the corrupt purpose of cheating and defrauding the Commonwealth and the county of Perry out of their vacant lands, thereby grossly abusing the high trust delegated to him by the constitution and laws, and disregarding his oath and the good of the people, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

And the said House of Representatives, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any further articles or other accusation or impeachment against the said John A. Duff, Surveyor of Perry county, and also of replying to his answers which he shall make unto the said Articles, or any of them, and offering proof to all and every the aforesaid articles, and all and every other articles, impeachment or accusation, which shall be exhibited by them, as the case shall require, do demand that the said John A. Duff may be put to answer the said crimes and misdemeanors, and that such proceedings, examinations, trials and judgments, may be thereupon had and given, as are agreeable to law and justice.

Upon these, the foregoing charges, the said John A. Duff, Surveyor of Perry county, stands impeached by the House of Representatives.

GRANVILLE PEARL,
GEORGE ARMSTRONG,
WM. S. BOTTS.

JOHN J. GODSEY,
Petitioner and Prosecutor.

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

Resolved, That the 6th of February be the day fixed upon by the Senate for the appearance of John A. Duff, who stands charged with high crimes and misdemeanors, before the Senate, and that the Clerk of the Senate issue a summons against said Duff returnable on that day.

Mr. Peyton moved to amend said resolution by striking out the 6th day of February, and inserting in lieu thereof the 26th day of January.

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

The yeas and nays being required thereon by Messrs. Patterson and Peyton, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,
Boyd,
Bradley,
Bramlette,

Dr.affin,
Evans,
Henderson,
Patterson,

Peyton,
Russell,
Wall,
Williams—12.

Those who voted in the negative, were,

Messrs. Brien,
Bristow,
Butler,
Hardin,

Holloway,
James,
Key,
Marshall,

South,
Thomas,
Thornton,
Thurman,
Mr. Patterson then moved to amend the said resolution by striking out the 6th day of February, and insert in lieu thereof the 3d day of February.

And the question being taken thereon, 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—


And the question being taken thereon, 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—


Those who voted in the negative, were—


The said resolution, as amended, was then adopted.

Mr. J. Speed Smith moved the following resolution, which was adopted, to-wit:

Resolved, That the Clerk of the Senate be, and he is hereby directed, at the same time that he issues the summons against the said John A. Duff, to make out and issue blank summons for the witnesses on both sides, who shall, respectively, have the right to fill them up with the names of all such witnesses as they may think proper to summon, returnable to the 3d day of February.

On the motion of Mr. South,

Resolved by the Senate, That the Sergeant-at-Arms shall have power to appoint one or more deputies, to execute process and summoning witnesses, in the case of the impeachment of John A. Duff.

On the motion of Mr. Bristow,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency and propriety of providing, by law, for the earlier distribution of the reported decisions of the appellate court, and that they report by bill or otherwise.

On the motion of Mr. Evans,

Resolved, That the Board of Internal Improvement inform the Senate what amount of the turnpike road from Louisville, by the way of Bardstown, Glasgow and Scottsville, to Nashville, Tennessee, yet remains unfinished; and if in their power report, also, what amount of funds will be necessary to complete said road.
On the motion of Mr. Butler, leave was given to bring in a bill to amend the act, entitled, an act to incorporate the Grand Lodge of the Independent Order of Odd Fellows, of the State of Kentucky; and Messrs. Butler, Draffin and Boyd were appointed a committee to prepare and bring in said bill, and thereupon 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 reading being dispensed with, said bill was referred to the committee on the Judiciary.

Mr. Butler presented a communication from the President of the Kentucky Historical Society, which is as follows, to-wit:

LOUISVILLE, January 9, 1847.

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

By order of the Kentucky Historical Society, we respectfully transmit to your honorable body the following memorial and accompanying documents, upon which we respectfully request your calm consideration.

With great respect we subscribe ourselves as your's, &c.,

HENRY PIRTL, President.

TAL. P. SHAFFNER, Secretary.

For Communication—see Legislative Documents.

Ordered, That said memorial be referred to the committee on Agriculture and Manufactures, 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, to-wit:

On the motion of Mr. Evans—1. A bill to enable the Glasgow and Scottsville Turnpike Road Company to complete the road from Glasgow to the Tennessee line, and for other purposes.

On the motion of Mr. Todd—2. A bill to amend an act, entitled, an act for the benefit of David A. Sayre.

On the motion of Mr. Taylor—3. A bill to amend the criminal laws of this State.


Also—5. A bill for the benefit of Edward Graves, Coroner of the county of Boone.

On the motion of Mr. Thornton—6. A bill for the benefit of the heirs of John Frazer, deceased.

Also—7. A bill to reduce into one the several acts relative to the town of Nicholasville, and for other purposes.


The committee on Internal Improvement was directed to prepare and bring in the 1st; the committee on the Sinking Fund the 2d; the committee
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on the Judiciary the 3d, 6th and 7th; the committee on Propositions and Grievances the 8th; and Messrs. Hawkins, Rice and Ballard were appointed a committee to prepare and bring in the 4th and 5th.

On the motion of Mr. Crenshaw, the committee on Religion was discharged from the petition of Lucy C. P. Perkins, praying for a divorce, and also the remonstrance of Wm. H. Perkins, against said divorce, and said petition and remonstrance were withdrawn.

And then the Senate adjourned.

THURSDAY, JANUARY 14, 1847.

1. Mr. Brien presented the petition of the members of the bar in the 2d Judicial District, praying for the passage of a law changing the time of the sitting of the courts in said District.

2. Mr. Evans presented the petition of sundry citizens of Warren and Edmonson counties, praying for the passage of a law to protect, more effectually, religious worship in this State.

3. Mr. Evans also presented the petition of sundry citizens of Warren county, praying for the passage of a law regulating the conduct of slaves.

4. Mr. Hawkins presented the petition of sundry citizens of the county of Kenton, praying for the passage of a law to change the county line between Kenton and Boone counties.

Which were received and referred: (the 2d being read,) the 1st and 3d to the committee on the Judiciary; the 2d to the committee on Religion; and the 4th to the committee on Propositions and Grievances.

Mr. Hawkins presented the petition of sundry citizens of the county of Boone, praying for an amendment to the election laws, which was referred to the committee on the Judiciary.

On the motion of Mr. Hawkins,

Resolved, That the committee on the Judiciary be requested to enquire into the propriety and expediency of amending the election laws of this Commonwealth, in conformity with the prayer of the petitioners, and make report to the Senate.

Mr. Hardin, from the committee on the Judiciary, reported a bill for the benefit of Jacob Mayo, late Clerk of the Floyd County and Circuit Courts, which was read the first time, and ordered to be read a second time.
The constitutional rule as to the second and third readings of 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 following bills were reported from select committees, to-wit:

By Mr. Fox—A bill for the benefit of John Jones and others.

By Mr. Hawkins—A bill for the benefit of Moses Scott Rice, Surveyor of Boone county.

Also—A bill for the benefit of Edward Graves, Coroner of Boone county.

By Mr. Boyd—A bill to organize the Flemingsburg Fire Engine and Hose Company.

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 committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Robert A. Wright, 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 Evans, were as follows, to-wit:

Those who voted in the affirmative were—


Those who voted in the negative, were—


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 same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Benjamin Payne, of the county of Daviess, 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. Heady and Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard, Bradley, Bramlette, Brien, Bristow, Crenshaw, Draffin, Evans, Harris, Hawkins, Helm, Holloway, James, Marshall, Patterson, Rice, Speed Smith, South, Swope, Taylor, Thomas, Thurman, Walker, Wall, Williams—25.

Those who voted in the negative, were—


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 same committee, reported a bill for the benefit of Joseph Crow, of 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 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, reported a bill for the benefit of Nathaniel S. Robertson, 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. Heady moved to amend the said bill by adding thereto the following section, to-wit:

Be it further enacted, That it may be lawful for any person or persons to bring into this State any slave or slaves that they may choose to do, for their own use, and not as merchandize.

Mr. Crenshaw 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. Harris and Crenshaw, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bristow, Butler, Crenshaw, Draffin, Evans, Fox, Hardin, Hawkins,

Helm, Henderson, Holloway, Patterson, Peyton, Speed Smith, Swope,

Taylor, Thomas, Thornton, Todd, Walker, Wall, Williams—22.

Those who voted in the negative, were—

Messrs. Ballard, Boyd, Bradley, Bramlette, Brien,

Harris, Heady, James, Marshall, McNary,

Rice, Russell, South, Thurman—14.

The main question was then put, shall the bill be engrossed and read a third time? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fox and Walker, were as follows, to-wit:

Those who voted in the affirmative were—

Messrs. Ballard, Bradley, Bramlette, Bristow, Crenshaw, Draffin, Evans, Harris,

Helm, Holloway, James, Marshall, Patterson, Peyton, Rice, Speed Smith,


Those who voted in the negative, were—

Messrs. Boyd, Brien, Butler, Fox, Hardin,

Hawkins, Heady, Henderson, McNary,


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 same committee, reported a bill for the benefit of John Moss, of Hickman county, which was read the first time, and ordered to be read a second time.
The constitutional rule as to the second reading being dispensed with, 
The question was taken on engrossing and reading the said bill a third time, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Heady and James, were as follows, to-wit:

Those who voted in the affirmative, were——

Messrs. Ballard, Harris, Speed Smith,
Bradley, Hawkins, South,
Bramlette, Helm, Taylor,
Brien, Holloway, Thomas,
Bristow, James, Thurman,
Crenshaw, Marshall, Walker,
Draffin, Patterson, Williams—23.
Evans, Rice,

Those who voted in the negative, were,

Messrs. Boyd, Henderson, Thornton,
Butler, McNary, Todd,
Heady, Swope, Wall—9.

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 same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Samuel T. Crews, 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. Heady and J. Speed Smith, were as follows, viz:

Those who voted in the affirmative, were——

Messrs. Bradley, Helm, Speed Smith,
Bramlette, Holloway, Swope,
Brien, James, Taylor,
Bristow, Marshall, Thomas,
Crenshaw, Patterson, Thurman,
Draffin, Rice, Walker,
Evans, Russell, Williams—24.
Hawkins, Slaughter,

Those who voted in the negative, were——

Messrs. Boyd, Henderson, Peyton,
Harris, McNary, Wall—7.
Heady,
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, to-wit:

1. An act to amend the patrol laws of Clarke county.
2. An act to amend an act, entitled, an act for the benefit of John Duerson, approved January 31, 1846.
3. An act for the benefit of George F. Catlett, late Sheriff of Union 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 and 2d to the committee on the Judiciary, and the 3d to the committee on Finance.

A bill from the House of Representatives, entitled, an act for the benefit of Samuel C. Trotter and others, was read the first time, and ordered to be read a second time.

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

Mr. J. Speed Smith, from the committee on Internal Improvement, reported a bill for the benefit of F. G. Everett, 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, said bill was re-committed to the committee on Internal Improvements.

Mr. James, from the committee on Finance, reported a bill for the benefit of Levi Pendley, of Hopkins 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.

On the motion of Mr. Butler, leave was given to bring in a bill to incorporate the Grand Division of Sons of Temperance, of the State of Kentucky, and Messrs. Butler, Bramlette and Swope were appointed a committee to prepare and bring in said bill.

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 reading being dispensed with, 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. J. Speed Smith—I. A bill authorizing a chancery term of the Nicholas Circuit Court.
On the motion of Mr. Williams—2. A bill for the benefit of Silas M. Berry and others.

On the motion of Mr. Russell—3. A bill for the benefit of James Davidson, Treasurer.


On the motion of Mr. Butler—5. A bill for the benefit of State Historical Societies in the United States.

On the motion of Mr. Evans—6. A bill for the benefit of the Sheriffs of this Commonwealth.

Messrs. Key, Boyd and Williams 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; the committee on the Sinking Fund the 3d; the committee on Finance the 4th and 6th; and Messrs. Butler, Evans and Walker were appointed a committee to prepare and bring in the 5th.

On the motion of Mr. Rice,

Resolved, That the committee on the Judiciary be, and they are hereby instructed, to enquire into the propriety of so amending the law of this Commonwealth against crimes and misdemeanors, to punish any person or persons in this Commonwealth, who shall hereafter sell or contract land, he or they so making the sale or contract, knowing, at the time, that he or they have no power, authority, or right, to sell or contract the same; and that said committee report by bill or otherwise.

And then the Senate adjourned.

FRIDAY, JANUARY 15, 1847.

1. Mr. Patterson presented the petition of Nancy Y. Moore, praying for the passage of a law changing her name.

2. Mr. Bristow presented the petition of Louisa Virginia Newman, late Cocke, praying for the passage of a law allowing her to remove to the State of Mississippi her dower slaves in the estate of her deceased husband, Thomas A. Cocke.

3. Mr. Patterson presented the petition of W. W. Throckmorton and others, trustees of the town of Princeton, praying for the passage of a law giving to said trustees the power to have the streets of said town paved and improved.
4. Mr. Walker presented the petition of Edward Hughes and Margaret Hughes, praying for the passage of a law divorcing them from each other.

5. Mr. Thurman presented the petition of the members of Springfield Lodge, No. 50, of Free and Accepted Masons, praying for the passage of a law appointing trustees to hold in trust, for the benefit of said Institution, a brick house and lot, in the town of Springfield.

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

Mr. Hardin, from the committee on the Judiciary, reported a bill to modify the law of 1833, in relation to the importation of slaves, 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, 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 the 21st inst.

Mr. Hardin, from the same committee, to whom was referred a bill for the benefit of William Wadlington, of Caldwell county, reported the same without amendment.

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.

Mr. Patterson, from the same committee, reported a bill for the benefit of the trustees and citizens of the town of Princeton, in Caldwell 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 committee on Propositions and Grievances, reported the following bills, viz:

A bill for the benefit of John Hoy, of Simpson county.
A bill for the benefit of John McAfee, of Mercer county.

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.
Mr. Swope, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend the road law in Pendleton county, 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 committee on Finance, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act for the benefit of George F. Catlett, late Sheriff of Union county.
An act for the benefit of William Smith, Clerk of the Grant Circuit and County Courts, and William H. Evans, late Sheriff of Grant 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. Butler, from a select committee, reported a bill for the benefit of State Historical Societies in the United States, 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, announcing that they had passed a bill, entitled, an act to provide for the running and marking the dividing line between the counties of Campbell and Pendleton, 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, said bill was referred to the committee on Propositions and Grievances.

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

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

Gentlemen of the Senate:

I nominate for your advice and consent, William F. Bullock to be Judge of the 5th Judicial District, in place of Henry Pirtle, resigned.

Bryan Y. Owsley to be Register of the Land Office, in place of James Robertson, deceased.

Silas Woodson to be Commonwealth's Attorney of 15th Judicial District, in place of William B. Moore, resigned.
Livingston Lindsay to be Commonwealth's Attorney of 2d Judicial District, in place of Samuel T. Hauser, resigned.

Ninian E. Gray to be Commonwealth's Attorney of 7th Judicial District, in place of John McLarning, resigned.

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

Mr. Key, from a select committee, reported a bill authorizing a chancery term of the Nicholas 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.

On the motion of Mr. Patterson,

Resolved, That the commissioners appointed by the Governor, to select an eligible location in the Green river country, or southern part of this State, for the erection of a Lunatic Asylum, by virtue of an act of the General Assembly, approved February 23, 1846, be required to make their report to the Senate as soon as practicable.

The Speaker laid before the Senate the annual report of the Public Librarian, which is as follows, to-wit:

FRANKFORT, January 15, 1847.

SIR: You will please lay before the honorable house, over which you preside, the accompanying report, which contains all the books received in the Public Library for the year 1846.

Respectfully yours,

G. A. ROBERTSON, P. L.

Hon. A. DIXON,
Speaker of the Senate.

[For Report—see Legislative Documents.]

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

On the motion of Mr. Peyton—1. A bill for the benefit of Isaiah Heston, former Sheriff of Breckinridge county.

Also—2. A bill for the benefit of Philip Lightfoot, late Sheriff of Breckinridge county.

On the motion of Mr. Wall—3. A bill to amend the law in relation to Notaries Public.

On the motion of Mr. Draffin—4. A bill for the benefit of the Anderson Infantry.

On the motion of Mr. Evans—5. A bill to amend the penal laws of this State by declaring seduction a felony, and punishing with confinement in the Penitentiary, those guilty of such offence.

On the motion of Mr. Rice—6. A bill declaring Little Sandy river navigable, and for other purposes.
The committee on the Judiciary was directed to prepare and bring in the 1st, 2d and 3d; the committee on Internal Improvements the 6th; Messrs. Draffin, Bristow and Evans were appointed a committee to prepare and bring in the 4th; and Messrs. Evans, J. Speed Smith, Draffin, Swope, Todd and Bristow the 5th.

And then the Senate adjourned.

SATURDAY, JANUARY 16, 1847.

Mr. Evan~ presented the petition of Isham Thomas, praying for the passage of a law providing for a settlement of his accounts for work and labor done on the Glasgow and Scottsville Turnpike, which was received and referred to the committee on Internal Improvement.

Mr. Hardin, from the committee on the Judiciary, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act authorizing the taking of depositions of certain officers of the Lunatic Asylum.
An act to amend an act incorporating the town of Flemingsburg.

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

Mr. Hardin, from the same committee, to whom was referred a bill to incorporate the Grand Division of Sons of Temperance of Kentucky, reported the same with an amendment.

The amendment reported by the committee proposes to strike out the 7th section of said bill.

The said 7th section reads as follows, to-wit:

Sec. 7. The said corporation shall not be required to pay the State taxation upon any property held by it, for the purposes of meeting in, or any of the subordinate divisions of the State.

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

The yeas and nays being required thereon by Messrs. Peyton and Evans, were as follows, to-wit:
Those who voted in the affirmative, were—

Messrs. Ballard, Helm, Slaughter,
Bradley, Henderson, Swope,
Bramlette, Holloway, Taylor,
Brien, James, Thomas,
Crenshaw, Key, Thurman,
Fox, Marshall, Todd,
Hardin, McNary, Walker,
Hawkins, Patterson, Wall—26.

Those who voted in the negative, were—

Messrs. Boyd, Druffin, Thornton,
Bristow, Evans, Williams—S.
Butler, Rice,

The said bill was further 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 as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill to simplify the authentication of foreign deeds and other instruments, 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, reported the following bills, viz:

A bill for the benefit of Philip Lightfoot and Isaiah Heston, late Sheriffs of Breckinridge county.
A bill better to define the duties of Surveyors of this Commonwealth.
A bill to repeal the law authorizing deeds to be recorded in the office of the Court of Appeals and General Court.

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. Peyton, from the same committee, reported a bill to reduce into one the several acts relating to the town of Nicholasville, and for other purposes, which was read the first time, and ordered to be read a second time.
The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That 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 an act, entitled, an act to incorporate the Grand Lodge of the Independent Order of Odd Fellows, of the State of Kentucky, approved February 16, 1838, reported the same with amendments.

The first amendment was concurred in.

The second amendment proposes to strike out the 7th section of the bill. The said section reads as follows, to-wit:

Sec. 7. All property held by the Grand Lodge, Grand Encampment, Subordinate Lodges and Encampments, in the said State of Kentucky, which may be used or designed for educational and burial purposes, or for the purposes of an Asylum for the poor, aged, infirm, and sick members of said society of Odd Fellows, shall not be subject to the taxation of the State.

Mr. Butler moved to amend the said amendment by striking out the words "or designed," printed in italics.

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

The question was then taken on concurring in the said amendment, as amended, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Boyd, Bradley, Bristow, Butler, Crenshaw, Draffin, Evans, Key, Rice, Todd, Wall, Williams—12.

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. Heady, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Samuel C. Trotter and others, 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. Bradley, from the joint 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 Richard Darnell.

An act to change the name of Joab Hoffman to that of Joseph Hoffman.

An act for the benefit of Charles Hays.

An act to incorporate the Old School Presbyterian Church, in Newport.

An act to change the names of Jacob McClung and Pleasant McClung.

An act declaring the Louisa Fork of Big Sandy river a navigable stream.

An act allowing additional Justices of the Peace to Graves and Muhlenburg counties.

An act for the benefit of Charles H. Smith.

An act for the benefit of the estate of John D. Locke, a lunatic.

An act to abolish the benefit of clergy.

An act for the benefit of Syledon Sidney Smith.

An act for the benefit of John S. Page and others.

An act for the benefit of William Long and Ann E. Long.

An act for the benefit of Artemecia Jones and James Jones.

An act to incorporate the town of Lower Cloverport, in Breckinridge 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. Bradley reported that the committee had performed that duty.

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

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

Gentlemen of the Senate:

I nominate for your advice and consent, James C. Calhoun to be Sheriff of McCracken county, in the place of George Smedley, resigned.

George Smedley to be Police Judge of Paducah, he having vacated that office by accepting an incompatible office, which he has since resigned.

Resolved, That the Senate advise and consent to the said appointments.
Mr. Helm, from the committee on the Sinking Fund, reported the following bills, to-wit:

A bill for the benefit of James Davidson, Treasurer.

A bill to amend an act, entitled, an act for the benefit of David A. Sayre.

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 message was received from the House of Representatives, announcing that they had adopted resolutions in relation to the Board of Internal Improvement, and the extension of slackwater on the Kentucky river.

That they had passed a bill, entitled, an act for the benefit of Coonrod Havens.

The said resolutions were twice read and concurred in.

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, said bill was referred to the committee on Finance.

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

On the motion of Mr. Crenshaw—1. A bill to compel the owners of old and decrepit slaves to provide them shelter, food and raiment.

On the motion of Mr. Thomas—2. A bill to amend the 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, approved January 21, 1846.

On the motion of Mr. Taylor—3. A bill to enlarge a Constables district in Clarke county.

On the motion of Mr. Swope—4. A bill making the owners of slaves, found guilty of larceny, liable for the property or thing stolen, and giving a lien upon such slaves for the value of the property stolen.

On the motion of Mr. Walker—5. A bill to establish a State road from Russellville, in Logan county, to Rochester, in the county of Butler.

On the motion of Mr. Hawkins—6. A bill to change the 4th Judicial District of this Commonwealth.

On the motion of Mr. Marshall—7. A bill to regulate the number of Justices of the Peace in the town of Greensburg.

On the motion of Mr. Key—8. A bill to add an additional term to the Mason Circuit Court.

The committee on the Judiciary was directed to prepare and bring in the 1st, 6th and 8th; the committee on Internal Improvement the 5th; the committee on Propositions and Grievances the 7th; Messrs. Thomas, Bal-
JOURNAL OF THE SENATE.

Monday, January 18, 1847.

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 to declare Whippoorwill a navigable stream.
An act for the benefit of James Cunningham, of Trigg county.
An act to amend the road law in Pendleton county.
That they had passed bills from the Senate, of the following titles, to-wit:
An act to incorporate the Kentucky Military Institute.
An act authorizing the sale of the parsonage house, in the town of Elkton.
An act to amend an act, entitled, an act concerning the town of Albany, in Clinton county, approved February 14, 1846.
An act authorizing the sale of the jail in the town of Hopkinsville.
An act to amend an act, entitled, an act to incorporate the Lawrence County Coal Mining Company.
An act to amend the charter of the Paducah Marine Railways, and for other purposes.
An act for the benefit of the mechanics of the town of Louisa.
An act for the benefit of Jacob Mays, late Clerk of the Floyd County and Circuit Courts.
An act for the benefit of John Jones and others.
An act for the benefit of Moses Scott Rice, Surveyor of Boone county.
An act authorizing a chancery term of the Nicholas Circuit Court.
An act for the benefit of Edward Graves, Coroner of Boone county.
An act authorizing Henry S. Mitchell to lay off a town in Allen county.
With amendments to the two last named bills.
That they had passed bills of the following titles, to-wit:
1. An act for the benefit of James S. Chrisman and wife.
2. An act to amend an act, entitled, an act for the benefit of Susan Ann D. Young, approved January 21, 1846.
3. An act to amend the road laws of Clarke county.
4. An act to allow an additional Constable to the county of Casey.
5. An act to change the place of voting in certain election precincts.
6. An act to authorize the Surveyor’s books of Barren county to be transcribed.
7. An act to compel the trustees of the town of Tompkinsville to keep the streets in order.
8. An act to change the name of Harry Wicks to that of Harry Ferguson.
9. An act to change the place of voting at an election precinct in Hopkins county.
10. An act for the benefit of the Crittenden County Court.
11. An act for the benefit of Parmelia Redman.
12. An act to authorize the County Court of McCracken county to sell or remove the present court house, and build a new one, and for other purposes.
14. An act to amend in part, and repeal in part, the act establishing a road from the mouth of Laurel river, through London, to Bates’ salt well, in Clay county.

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

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

The constitutional rule as to the third reading of the 7th and 12th bills being dispensed with,
Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Speaker laid before the Senate a communication from G. H. Monsarrat & Co., relative to the public printing.

1. Mr. Draffin presented the petition of Dickson G. Dedman and others, trustees of Ann Davis, praying for the passage of a law authorizing the sale of certain out lots adjoining the town of Lawrenceburg, the property of said Ann Davis.

2. Mr. Todd presented the petition of John B. Johnson, administrator of Isaac Sprake, deceased, Elizabeth Sprake, the widow of said Isaac, and John O. Sprake, the brother of Isaac Sprake, deceased, praying for the passage of a law authorizing the confirmation and completion of a contract for certain property, made between the said Isaac and John O. Sprake.

3. Mr. Bristow presented the petition of Nancy Pointer and others, praying for the passage of a law investing Jeptha Hollingsworth, who is trustee for said Nancy, with power to purchase for her use a small tract of land lying in Todd county.

4. Mr. Thurman presented the petition of George Clements, administrator of Nicholas L. Clements, deceased, and statutory guardian of Ann L. Clements, praying for the passage of a law vesting in the purchaser the title to a tract or parcel of land, sold as the property of said Ann L. Clements, an infant.

5. Mr. Crenshaw presented the petition of Joseph Read, committee for William P. Mitchell, a lunatic, praying for the passage of a law amending an act of the last session, entitled, an act for the benefit of William P. Mitchell, a lunatic.

Which petitions were received and referred to the committee on the Judiciary.

Mr. James presented the proceedings of a public meeting of the citizens of Hickman county, relative to the erection of a public warehouse for the inspection of tobacco, and asking that said warehouse may be erected at Columbus, on the Mississippi river, which was received and referred to the select committee on that subject.

Mr. Hardin, from the committee on the Judiciary, reported a bill for the benefit of John W. Hughes, Nancy Hughes, and Henry Hughes, of Hancock 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 committee on Propositions and Grievances, reported a bill for the benefit of Joseph Porter, Jailer of Bourbon 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, said bill was referred to the committee on Finance.

Mr. Thomas, from a select committee, reported a bill 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, approved January 21, 1846, 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 a select committee, to whom was referred a resolution from the House of Representatives, directing the joint committee on Banks to examine the Lunatic Asylum, reported the same with an amendment as a substitute for the said resolution, which reads as follows, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That hereafter, unless expressly directed by the Legislature, it shall not be the duty of the joint committee on Banks to visit and make personal inspection of the concerns of said Banks, but may propound, by written interrogatories to the President, or in case of their absence, the Cashiers of said Banks, touching the various powers given said committee by a resolution approved February 23, 1837, and such other interrogatories as, in their judgment, may be thought proper and necessary, which interrogatories may be answered in writing.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Boyd, Bramlette, Butler, Crenshaw, Fox, Henderson, Holloway, Key, Patterson, Peyton, Russell, Slaughter, Swope, Thornton, Thurman, Todd—16.

The said resolution, as amended, was then adopted.
Mr. Draffin, from a select committee, reported a bill for the benefit of the Anderson Infantry, 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, said bill was referred to the committee on Military Affairs.

On the motion of Mr. James,

Resolved, That the committee on Education be instructed to enquire into the expediency and propriety of instructing our Senators, and requesting our Representatives in Congress, to endeavor to procure such a modification of the present tariff law, as to allow of the importation of chemical and philosophical apparatus and books for schools and colleges, when intended for their use and not for sale, duty free.

On the motion of Mr. Thornton, the votes by which a bill to reduce into one the several acts relating to the town of Nicholasville, and for other purposes, was passed and ordered to be engrossed and read a third time, were reconsidered, and said bill was re-committed to the committee on the Judiciary.

Leave was given to bring in the following bills, to-wit:—

On the motion of Mr. McNary—1. A bill to repeal the law authorizing County Courts to establish Constable's Districts.

On the motion of Mr. Holloway—2. A bill to legalize the proceedings of the Henderson County Court.

On the motion of Mr. Taylor—3. A bill allowing the Sheriff of Clarke county further time to return his delinquent list for the year 1845.

On the motion of Mr. Fox—4. A bill to incorporate the Independent Temperance Society of Pulaski county.


On the motion of Mr. Thurman—6. A bill for the benefit of Prudence Shadbourn and Thomas Merrime, allowing them pay for lands of theirs overflowed by the erection of Lock No. —, on Green river.

On the motion of Mr. Bristow—7. A bill for the benefit of the heirs of Daniel Barksdale, deceased.

The committee on the Judiciary was directed to prepare and bring in the 1st, 2nd and 7th; the committee on Finance the 3rd; the committee on Internal Improvement the 6th; Messrs. Fox, Bramlette and Headly were appointed a committee to prepare and bring in the 4th; and Messrs. Brien, Marshall and Evans the 5th.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives to bills from the Senate, of the following titles, to-wit:

An act authorizing Henry S. Mitchell to lay off a town in Allen county.
An act for the benefit of Edward Graves, Coroner of Boone county.

And then the Senate adjourned.
TUESDAY, JANUARY 19, 1847.

1. Mr. Brien presented the petition of sundry citizens of the town of Cadiz, praying for the passage of a law extending the limits of said town.

2. Mr. Brien also presented the remonstrance of sundry citizens of the town of Cadiz, against the extension of the limits of said town.

3. Mr. Thurman presented the petition of sundry citizens of the town of Springfield, praying for the passage of a law incorporating said town.

4. Mr. Hawkins presented the petition of sundry citizens of Boone and Kenton counties, praying for a charter for a turnpike road leading from the mouth of Dry run, in Boone county, to Covington.

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

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill regulating judgments for costs in actions brought by executors and administrators, 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 incorporate the Paris Cemetery Company, 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 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 bills from the House of Representatives, of the following titles, to-wit:

An act to amend an act, entitled, an act for the benefit of John Duer-son, approved January 31, 1846.

An act authorizing the surveyor's books of Barren county to be transcribed.

An act to amend the patrol laws of Clarke 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 afore-
said.

Mr. Hardin, from the same committee, reported a bill to incorporate the
Trustees of the Clinton County Academy, 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 the petition
of sundry citizens of Warren county, praying for the passage of a law reg­
ulating the conduct of slaves, reported the following resolution thereon, viz:
Resolved, That said petition be rejected.

Which was twice read and concurred in.

Mr. Patterson, from the same committee, reported a bill for the benefit
of the children of Dr. William D. S. 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 afore-
said.

Mr. Walker, from the committee on Propositions and Grievances, to whom
was referred bills from the House of Representatives, of the following titles,
to-wit:
An act for the benefit of Parmelia Redman.
An act for the benefit of the Jailers of Madison, Anderson, Boyle and
Calloway counties.
An act to change the name of Harry Wicks to that of Harry Ferguson.
An act to allow an additional Constable to the county of Casey.
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 afore-
said.

Mr. Walker, from the same committee, reported the following bills, viz:
1. A bill to alter a part of the line of Boone and Kenton counties.
2. A bill to change the name of Nancy Young Moore to that of Nancy
Young Mitcheson.
3. A bill for the benefit of Mrs. Louisa V. Newman.

Which bills were severally read the first time, and ordered to be read a
second time.
The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on Propositions and Grievances, and the 2d and 3d 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. Walker, from the same committee, reported a bill for the benefit of Zattee Cushing, 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 said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Butler and Rice, were as follows, to-wit:

Those who voted in the affirmative, were—
Messrs. Ballard, Bradley, Bramlette, Brien, Bristow, Crenshaw, Draffin, Evans, Hardin, Harris,

Hawkins, Headly, Helm, James, Key, Marshall, Patterson, Peyton, Rice,


Those who voted in the negative, were—
Messrs. Boyd, Butler, Fox,

Henderson, Holloway, McNary,

Thornton, Todd—8.

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 a bill, entitled, an act for the benefit of Sophia Catharine Backman, which 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, said bill was referred to the committee on the Judiciary.

A message was received from the Governor, by Mr. Kinkead, Secretary of State, announcing that the Governor had approved and signed enrolled bills and an enrolled resolution, which originated in the Senate, of the following titles viz:
An act to take the sense of the people of this State as to the propriety of calling a Convention.

An act to incorporate the Breckinridge College.

An act to amend the charter of the Winchester and Lexington Turnpike Company.

An act for the benefit of William Barnes, Sen., and the widow and heirs of Richard Barnes, deceased.

An act for the benefit of Jane Berryman.

An act for the benefit of Beverly Megary, of Graves county.

An act for the benefit of Henry D. Wilkerson.

An act to change the venue in the prosecution against Hiram Harris.

An act to incorporate the Mount Alba Female Collegiate Institute, in the county of Breckinridge.

Approved January 12, 1847.

An act to change the venue in the prosecution against Alexander Frazier.

An act for the benefit of Reuben S. Poland and Martha S. Poland.

An act to change the venue in the prosecution against Valentine W. Peyton.

An act to authorize the construction of a mill dam across the south fork of Rough creek.

Approved January 14, 1847.

A resolution concerning certain repairs to the State house.

Approved January 12, 1847.

Mr. Slaughter, from the committee on Agriculture and Manufactures, to whom was referred a bill from the House of Representatives, entitled, an act to regulate the tare on sugar barrels, 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. Draffin, from a select committee, reported a bill to protect sheep from dogs, 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, said bill was referred to the committee on Agriculture and Manufactures.

Mr. Helm, from a select committee, reported a bill regulating sales of forfeited lands, and applying the statute of limitations in certain cases, 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. Fox moved an amendment to the said bill.
And the said bill and amendment were referred to the committee on the Judiciary.

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

On the motion of Mr. Bristow, leave was given to bring in a bill to amend and reduce into one the several acts concerning the town of Hopkinsville, and the committee on the Judiciary was directed to prepare and bring in the said bill.

On the motion of Mr. Taylor, the resolution moved by Mr. Fox, fixing a day for the election of a Senator in the Congress of the United States, was taken up.

Mr. Taylor moved to amend the said resolution by striking out the 9th, and inserting in lieu thereof, Tuesday the 26th, as the day for said election.

Mr. Harris moved to amend the amendment proposed by Mr. Taylor, by inserting the 5th day of February, in lieu of the 26th of January, as the day for said election.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Helm moved to amend the amendment proposed by Mr. Taylor, by striking out Tuesday the 26th, and inserting in lieu thereof, Thursday the 28th, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and South, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard, Bradley, Bramlette, Hardin, Harris, Heady, Rice, South, Swope,
Those who voted in the negative, were—

Messrs. Boyd, Holloway, Slaughter,
Butler, Key, Taylor,
Draffin, McNary, Thornton,
Fox, Patterson, Todd,
Hawkins, Russell, Williams—15.

The said amendment, as amended, was then adopted.
The said resolution, as amended, was then adopted.

Mr. Harris read and laid on the table the following preamble and resolutions, to-wit:

WHEREAS, Our country is engaged in a war with Mexico, after years of forbearance on our part, in the midst of repeated and long continued insults and injuries perpetrated by Mexico upon our commerce, and our citizens: And, whereas, her late extravagant claim in relation to Texas has led her into unprovoked hostilities with us: therefore,

Resolved, That the General Assembly of the Commonwealth of Kentucky deem it the duty of our government to prosecute the existing Mexican war with all the vigor and energy which is demanded alike by the interest and honor of our country.

Resolved, That whilst we regard peace as desirable, and war a calamity to any people, nevertheless, we hold our government bound to prosecute the present war until we obtain indemnity for the past, and security for the future, from the faithless government of Mexico; and we deem it the duty of Congress to vote all necessary appropriations for that purpose.

Resolved, That we consider the agitation of the question as to whether slavery shall or shall not exist in any territory which may be acquired, as entirely premature and preposterous; inasmuch as no territory is yet acquired, and the question can be much more judiciously discussed when we are not in contest with a foreign enemy.

Resolved, That we consider the principle adopted by the Missouri compromise as a safe guide on the disposal of any question of this kind which may hereafter occur.

Resolved, That we consider at the time of commencement of hostilities by Mexico against this Government, we had just cause of war against that government for repeated violations of her solemn treaty stipulations with the United States.

Resolved, That the Governor of this Commonwealth be requested to forward a copy of this preamble and resolutions to each of our Senators and Representatives in the Congress of the United States.

The Speaker laid before the Senate the following communication from the Secretary of State, to-wit:
I herewith transmit to the Senate, over which you preside, a report of State bonds exchanged between 25th December, 1845, and 25th December, 1846. Very respectfully,

GEO. B. KINKEAD, Secretary of State.

Hon. A. Dixon,
Speaker of the Senate,

[For Report—see Legislative Documents.]

And then the Senate adjourned.

WEDNESDAY, JANUARY 20, 1847.

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 Richard Buchanan and Benjamin Hayden.
An act for the benefit of Sylvester and Rebecca Patton.
An act for the benefit of Joseph Brownoid and others.

Approved January 12, 1847.

An act for the benefit of Richard Darnell.
An act to change the name of Joab Hoffman to that of Joseph Hoffman.
An act to incorporate the Old School Presbyterian Church, in Newport.
An act to change the name of Jacob McClung and Pleasant McClung.
An act declaring the Louisa Fork of Big Sandy river a navigable stream.
An act for the benefit of the estate of John D. Locke, a lunatic.
An act to abolish the benefit of clergy.
An act allowing additional Justices of the Peace to Graves and Muhlenburg counties.
An act for the benefit of Charles H. Smith.
An act for the benefit of Syledon Sidney Smith.
An act for the benefit of John S. Page and others.
An act for the benefit of William Long and Ann E. Long.
An act for the benefit of Artemelia Jones and James Jones.
An act to incorporate the town of Lower Cloverport, in Breckinridge county.

Approved January 16, 1847.
That the Governor had approved and signed an enrolled joint preamble and resolutions originating in the House of Representatives, entitled, preamble and resolutions in relation to the increase of the pay of volunteers in the Mexican war.

Approved January 12th, 1847.

That they had passed bills from the Senate, of the following titles, to-wit:

An act for the benefit of the infant heirs of William McKitrick, deceased.
An act for the benefit of John McAfee, of Mercer county.

That they had adopted a resolution fixing a day for the election of a Senator in Congress.

That they had passed bills of the following titles, to-wit:

1. An act to amend the acts incorporating the towns of Blanville, in Ballard county; Clarksburg, in Lewis county; and Hawesville, in Hancock county.
2. An act regulating the granting injunctions and attachments.
3. An act for the benefit of the Sheriff and late Clerk of the county of Clay.
4. An act to repeal in part an act, entitled, an act further to provide for the appointment of patrols in this Commonwealth, approved February 18, 1841.
5. An act for the benefit of Morgan Myers and wife.
6. An act for the benefit of Hugh Lynn Gilkeron.
7. An act for the benefit of Thomas Woodford.
8. An act for the benefit of Louisa M. Garesche and others.

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, 4th, 5th, 6th and 8th to the committee on the Judiciary; the 3d to the committee on Finance; and the 7th to the committee on Propositions and Grievances.

1. Mr. Fox presented the petition of sundry citizens of Pultaski county, praying for the passage of a law changing the place of voting in an election precinct in said county.

2. Mr. Ballard presented the petition of sundry citizens of Lockport, in Henry county, praying for the passage of a law allowing them an additional Magistrate.

3. Mr. Todd presented the petition of Samuel D. McCullough, praying for the passage of a law to release him from the penalties of a bond executed for the return of certain public arms.

4. Mr. Slaughter presented the petition of George Dixon, praying for the passage of a law releasing him from the penalties of the law of 1833 against the importation of slaves into this State.
Which petitions were 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 Military Affairs; and the 4th to the committee on the Judiciary.

Mr. Boyd, from the committee on Religion, to whom was referred the petitions of Samuel B. Caruth, and Edward and Margaret Hughes, reported the following resolution thereon, to-wit:

Resolved, That said petitions be rejected.

Which was twice read and concurred in.

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

- Resolutions in relation to the Board of Internal Improvement, and the extension of slackwater on the Kentucky river.
- An act to amend the road law in Pendleton county.
- An act for the benefit of Samuel C. Trotter and others.
- An act to declare Whippoorwill a navigable stream.
- An act for the benefit of James Cunningham, of Trigg county.
- An act for the benefit of Samuel T. Crews.
- An act for the benefit of George F. Catlett, late Sheriff of Union county.
- An act for the benefit of Robert A. Wright.
- An act for the benefit of Benjamin Payne, of the county of Daviess.
- An act for the benefit of William Smith, Clerk of the Grant Circuit and County Courts, and William H. Evans, late Sheriff of Grant county.
- An act to compel the trustees of Tompkinsville to keep the streets in order.
- An act to authorize the County Court of McCracken county to sell or remove the present court house, and build a new one, and for other purposes.
- An act for the benefit of Edward Graves, Coroner of Boone county, and for other purposes.
- An act authorizing the sale of the jail in the town of Hopkinsville.
- An act to amend an act, entitled, an act to incorporate the Lawrence County Coal Mining Company.
- An act for the benefit of Edward Graves, Coroner of Boone county, and for other purposes.
- An act to amend an act, entitled, an act concerning the town of Albany, in Clinton county, approved February 14, 1846.
- An act authorizing a chancery term of the Nicholas Circuit Court.
- An act authorizing the sale of the parsonage house, in the town of Elk-
An act for the benefit of John Jones and others.
An act for the benefit of Moses Scott Rice, Surveyor of Boone county.
An act for the benefit of Jacob Mays, late Clerk of the Floyd County and Circuit Courts.
An act authorizing Henry S. Mitchell to lay off a town in Allen county, and for other purposes.
An act to incorporate the Kentucky Military Institute.
And had found the same truly enrolled.
The said resolutions and 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. Bradley reported that the committee had performed that duty.

Mr. Heady, from the committee on Military Affairs, to whom was referred a bill for the benefit of the Anderson Infantry, 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 a select committee, reported a bill for the benefit of James Miller, of Adair 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, said bill was referred to the committee on Finance.
On the motion of Mr. Holloway, leave was given him to withdraw, from the files of the Senate, the petition of George W. King, presented at the last session of the Legislature,

Leave was given to bring in the following bills, to-wit:
On the motion of Mr. Fox—1. A bill for the benefit of John R. Beatty.
On the motion of Mr. McNary—2. A bill to amend the law in appointing officers of elections.
The committee on Finance was directed to prepare and bring in the 1st, and Messrs. McNary, Patterson and Bradley were appointed a committee to prepare and bring in the 2d.

On the motion of Mr. Marshall,

Resolved, That the committee on Internal Improvement be instructed to enquire into the propriety of exempting flat boats from paying toll for passing the Locks on Green and Barren rivers, when they pass without going through the Locks, and start from points above the influence of slackwater; and that they report by bill or otherwise.
Mr. Brien, from a select committee, reported a bill for the benefit of the Surveyor of Marshall 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.

The resolution from the House of Representatives, fixing a day for the election of a Senator in Congress, was taken up, twice read, and concurred in.

The preamble and resolutions in relation to the war with Mexico, read and laid on the table by Mr. Harris, on yesterday, were made the special order of the day for Friday, the 29th instant.

And then the Senate adjourned.

THURSDAY, JANUARY 21, 1847.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate, to bills and a resolution from that House, of the following titles, viz:

An act authorizing the taking of depositions of certain officers of the Lunatic Asylum.
An act to amend an act incorporating the town of Flemingsburg.
A resolution directing the joint committee on Banks to examine the Lunatic Asylum.

That they had passed bills from the Senate, of the following titles, to-wit:
An act for the benefit of Isaac Ayres.
An act for the benefit of the heirs of Mabry T. Cox.
An act for the benefit of Nathaniel S. Robertson.
An act for the benefit of Joseph Crow, of Allen county.
An act for the benefit of John Hoy, of Simpson county.
An act for the benefit of William Wadlington, of Caldwell county.
An act to enlarge a Constable's District in Clarke county.
An act to incorporate the Grand Division of Sons of Temperance of Kentucky.
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, approved January 21, 1846.

An act for the benefit of John W. Hughes, Nancy N. Hughes and Henry Hughes, of Hancock county.

An act to incorporate the Paris Cemetery Company.

An act to incorporate the Trustees of the Clinton County Academy.

An act to change the name of Nancy Young Moore to that of Nancy Young Mitcheson.

An act for the benefit of the children of Dr. William D. S. Taylor.

That they had passed bills of the following titles, to-wit:

An act to authorize the Chancellor of the Louisville Chancery Court to sign law licence.

An act for the benefit of the heirs of David Mize, deceased.

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

The constitutional rule as to the second reading being dispensed with, they were referred to the committee on the Judiciary.

1. Mr. Walker presented the petition of Miles G. Gilbert and Finis E. McLean, guardians of Isaac N. Anderson and others, children and heirs of Thomas Anderson, deceased, and Young P. Reynolds, and Mary Elizabeth, his wife, praying for the passage of a law authorizing the sale of a tract of land lying in the counties of Logan and Todd, the property of said heirs.

2. Mr. McNary presented the petition of George W. King, praying for the passage of a law to pay him for injury done his property by slackwater from Dam No. 1, on Green river.

Which petitions were received and referred: the 1st to the committee on the Judiciary, and the 2d to the committee on Internal Improvement.

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

1. A bill for the benefit of the heirs of Isaac Sprake, deceased.
2. A bill to incorporate the Springfield Lodge and the Washington Royal Arch Chapter.
3. A bill for the benefit of Ann Davis and her children.
4. A bill to amend the law in relation to binding out poor children.

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, said bills were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st and 3d 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, to-wit:

An act for the benefit of Hugh Lynn Gilkerson.
An act for the benefit of James S. Chrisman and wife.
An act to amend the act incorporating the towns of Blanville, in Ballard county; Clarksburg, in Lewis county; and Hawesville, in Hancock county.
An act for the benefit of Morgan Myers and wife.
An act for the benefit of Louisa M. Garesche 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. Hardin, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act regulating the granting injunctions and attachments, reported the same with the opinion of the committee that it ought not to pass.

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

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the penal laws, 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 the petition of sundry citizens of Boone county, for an amendment to the election laws, and also the petition of Daniel P. Bedinger, reported the following resolution thereon, viz:

Resolved, That said petitions be rejected.

Which was twice read and concurred in.

Mr. Peyton, from the same committee, reported a bill for the benefit of Nancy Pointer, 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, to whom was referred a bill from the House of Representatives, entitled, an act to change the spring and fall terms of the Warren Circuit Court, 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 amend the law in relation to the trustees of towns, 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 aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, reported a bill allowing an additional Justice of the Peace to Henry 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 a bill from the House of Representatives, entitled, an act for the benefit of Thomas Woodford, 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. J. Speed Smith, from the committee on Internal Improvement, reported a bill for the benefit of Isham Thomas, 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 said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fox and Evans, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd,       Holloway,       Swope,
Eristow,           Key,             Taylor,
Resolved, That the title of the said bill be as aforesaid.

Mr. J. Speed Smith, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the road laws of Clarke 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. J. Speed Smith, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act to incorporate the Bank Lick Turnpike Road Company, 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. Swope, from a select committee, reported a bill to allow to the Commonwealth of Kentucky, in criminal prosecutions, a peremptory challenge of a fourth of the number of Jurors now allowed to the accused, 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, said bill was referred to the committee on the Judiciary.

Mr. Bradley, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, to-wit:

An act to enlarge a Constable's District in Clarke county.

An act to change the name of Nancy Young Moore to that of Nancy Young Mitchuson.

And had the 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. Bradley reported that
the committee had performed that duty.
On the motion of Mr. James, leave was given him to withdraw, from the
files of the Senate, the petition and papers of Reuben Poland and Martha S.
Poland.
And then the Senate adjourned.

FRIDAY, JANUARY 22, 1847.

A message was received from the House of Representatives, announcing
that they had passed a bill from the Senate, entitled, an act authorizing the
Board of Internal Improvement to compromise and settle with Simpson
Stout.
That they had passed bills of the following titles, to-wit:
1. An act to amend an act incorporating the town of Burksville.
2. An act to amend an act, entitled, an act for the benefit of the trustees
of the town of Bowlinggreen.
3. An act authorizing the proper courts to change the names of persons,
and legitimate children born out of wedlock.
4. An act for the benefit of Thornton F. Johnson.
5. An act for the benefit of John R. Ringo.
6. An act for the benefit of George W. Cox.
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 6th to the committee on the
Judiciary, and the 4th and 5th to the committee on Finance.
1. Mr. Draffin presented the petition of John S. Petty, praying for the
passage of a law divorcing him from his wife, Juliette A. Petty.
2. Mr. Bramlette presented the petition of James Jackman, praying for the
passage of a law divorcing him from his wife, Ann Jackman.
3. Mr. Heady presented the petition of sundry citizens of Shelby, Nelson,
Spencer and Anderson counties, praying for the passage of a law for the
formation of a new county out of parts of said counties.
4. Mr. Holloway presented the petition of sundry citizens of Henderson
county, praying for the passage of a law allowing Reuben M. Wriston, a
citizen of said county, to keep a tavern without obtaining a license.
Which petitions were received and referred: the 1st and 2d to the committee on Religion, and the 3d and 4th to the committee on Propositions and Grievances.

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

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

Gentlemen of the Senate:

I nominate for your advice and consent, Francis A. Brown to be Sheriff of Johnson county, in the place of Sharack Preston, whose time is about to expire, the County Court of said county having failed, constitutionally, to recommend his successor.

WM. OWSLEY.

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

On the motion of Mr. Williams, leave was given him to withdraw, from the files of the Senate, the petition of Daniel P. Bedinger.

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 heirs of David Mize, deceased, 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 a bill from the House of Representatives, entitled, an act to authorize the Chancellor of the Louisville Chancery Court to sign law license, 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, reported the following bills, viz:

A bill for the benefit of Silas M. Berry and others.

A bill to add an additional term to the Mason, Adair and Fleming Circuit Courts.

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 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, reported a bill to amend the laws in relation to chancery proceedings, 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, 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 Monday, the 25th instant.

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

Mr. Swope, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to provide for the running and marking the dividing line between the counties of Campbell and Pendleton, 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. J. Speed Smith, from the committee on Internal Improvement, reported a bill to establish a road from Rochester, at the mouth of Muddy river, to Russellville, 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. Henderson 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. Henderson and Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard, Draffin, Henderson,
Bayd, Fox, Marshall,
Bradley, Hardin, Taylor,

Those who voted in the negative, were—

Messrs. Bristow, McNary, Thomas,
Evans, Patterson, Thornton,
Hawkins, Peyton, Thurman,
Helm, Rice, Todd,
Holloway, Slaughter, Walker,
James, Speed Smith, Williams—20.

Key, Swope,

The said bill was referred to the committee on the Sinking Fund.

Mr. J. Speed Smith, from the same committee, reported a bill for the benefit of Thomas Merimee and Prudence Shadbourn, 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. Kinkead, 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 Moses Scott Rice, Surveyor of Boone county.
An act for the benefit of John Jones and others.
An act authorizing the sale of the parsonage house, in the town of Elkton.
An act authorizing a chancery term of the Nicholas Circuit Court.
An act to amend an act, entitled, an act concerning the town of Albany, in Clinton county, approved February 14, 1846.
An act for the benefit of Edward Graves, Coroner of Boone county, and for other purposes.
An act to amend the charter of the Paducah Marine Railways, and for other purposes.
An act for the benefit of the mechanics of the town of Louisa.
An act authorizing Henry S. Mitchell to lay off a town in Allen county, and for other purposes.
An act for the benefit of Jacob Mayo, late Clerk of the Floyd County and Circuit Courts.
An act to amend an act, entitled, an act to incorporate the Lawrence County Coal Mining Company.
An act authorizing the sale of the jail in the town of Hopkinsville.
An act to incorporate the Kentucky Military Institute.

Approved January 20, 1847.

An act to change the name of Nancy Young Moore to that of Nancy Young Mitchuson.

An act to enlarge a Constable's District in Clarke county.

Approved January 21, 1847.

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

An act to amend the patrol law of Clarke county.
An act to regulate the tare on sugar barrels.
An act to amend an act, entitled, an act for the benefit of John Duer son, approved January 31, 1846.
An act to allow an additional Constable to the county of Casey.
An act for the benefit of Parmelia Redman.
An act to change the name of Harry Wicks to that of Harry Ferguson.
An act for the benefit of the Jailers of Madison, Anderson, Boyle and Calloway counties.

An act authorizing the surveyor's books of Barren county to be transcribed.
An act authorizing the taking of depositions of certain officers of the Lunatic Asylum.

An act to amend an act incorporating the town of Flemingsburg.

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. Bradley reported that the committee had performed that duty.

Mr. Harris moved that the Senate resolve itself into a committee of the whole House, on the State of the Commonwealth, for the purpose of considering the bill to modify the law of 1833, in relation to the importation of slaves.

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

The yeas and nays being required thereon by Messrs. Harris and Heady, were as follows, to-wit:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


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

An act to amend the law in relation to binding out poor children in this Commonwealth.

An act to incorporate the Springfield Lodge and the Washington Royal Arch Chapter.

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 for the benefit of James Miller, of Adair county, 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, to-wit:
A bill to amend the law in relation to the summoning guards.
A bill for the benefit of James P. Tyler, of Fulton county.
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.

Mr. James, from the same committee, to whom was referred a bill for the benefit of Joseph Porter, Jailer of Bourbon county, reported the same without amendment.

The said bill reads as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the 2d Auditor of Public Accounts be, and he is hereby directed, to issue his warrant on the Treasurer, in favor of Joseph Porter, Jailer of Bourbon county, for the sum of two hundred dollars, that sum having been paid by him for the apprehension, in the State of Ohio, of a negro man slave, Major, who had escaped from jail, and who had been confined in jail upon a charge of an attempt to commit a rape on a white woman.

The question being 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. James and Williams, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Evans, Hawkins, Helm, Key, Patterson, Slaughter, Swope, Taylor, Thornton, Todd, Williams—11.

Those who voted in the negative, were—


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 and late Clerk of the county of Clay, reported the same with amendments, which were 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 to read, an act for the benefit of certain Sheriffs, and the late Clerk of the county of Clay.

Mr. Fox, from the committee on Education, reported a bill to amend the Common School laws of this State, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, said bill was placed in the orders of the day.

Leave was given to bring in the following bills, to-wit:
On the motion of Mr. Todd—1. A bill for the benefit of Henry C. Payne.
On the motion of Mr. Evans—2. A bill for the benefit of Alfred Payne.
On the motion of Mr. Boyd—3. A bill to incorporate the trustees of the Frankfort Presbyterian Church.
On the motion of Mr. Wall—4. A bill to incorporate the North Kentucky Mutual Insurance Company.

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

Messrs. J. Speed Smith, Bristow and Thornton were appointed a committee, on the part of the Senate, pursuant to the joint resolution in relation to the Board of Internal Improvement, and the extension of slackwater on the Kentucky river.

And then the Senate adjourned.

SATURDAY, JANUARY 23, 1847.

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 declare Whippoorwill a navigable stream.
An act for the benefit of James Cunningham, of Trigg county.
An act for the benefit of Samuel T. Crews.
An act for the benefit of George F. Catlett, late Sheriff of Union county.
An act for the benefit of Robert A. Wright.
An act for the benefit of Benjamin Payne, of the county of Daviess.
An act for the benefit of William Smith, Clerk of the Grant Circuit and County Courts, and William H. Evans, late Sheriff of Grant county.
An act to amend the road law in Pendleton county.
An act for the benefit of Samuel C. Trotter and others.
An act to compel the trustees of Tompkinsville to keep the streets in order.
An act to authorize the County Court of McCracken county to sell or remove the present court house, and build a new one, and for other purposes.

Approved January 20, 1847.

The Governor approved and signed an enrolled resolution of the House of Representatives, entitled, resolutions in relation to the Board of Internal Improvement, and the extension of slackwater on the Kentucky river.

Approved January 20, 1847.

That they had a passed a bill from the Senate, entitled, an authorizing a settlement with the Board of Internal Improvement, with an amendment, which amendment was concurred in.

That they had passed bills of the following titles, to-wit:

1. An act to amend an act, entitled, an act to amend the road law of Kenton.
2. An act directing the agents of the State, directed and empowered by the 2d Auditor, to sell the lands forfeited for the non-payment of tax.
3. An act removing obstructions in Little Sandy river, and to extend the navigation thereof.
4. An act for the benefit of Elias P. Davis.
5. An act for the benefit of Wolery Eversole.
6. An act for the benefit of John Crice.

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, 3d, 4th, 5th and 6th to the committee on Internal Improvement, and the 2d to the committee on the Sinking Fund.

1. Mr. Thomas presented the remonstrance of sundry citizens of Kenton county, against changing the boundary line between Kenton and Boone counties.

2. Mr. Marshall presented the petition of the trustees of the New Athens Seminary, praying for the passage of a law authorizing them, by their deed, to transfer and convey the title of said lot of ground and building to the trustees of the town of Greensburg, in trust as a school house for the use and benefit of the citizens of said town and county of Green.
3. Mr. Heady presented the petition of Richard S. Mason, who stands indicted for murder in the Spencer Circuit Court, praying for a change of venue.

4. Mr. Taylor presented the petition of sundry citizens of Winchester, praying for the passage of a law to amend the police regulations of said town.

Which remonstrance and petitions were received and referred: the 1st to the committee on Propositions and Grievances; the 2d to the committee on Education; and the 3d and 4th to the committee on the Judiciary.

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, to-wit:

[For Report—see Legislative Documents.]

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

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill regulating sales of forfeited lands, and applying the statute of limitations in certain cases, 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 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 bills from the House of Representatives, of the following titles, to-wit:

1. An act authorizing the proper courts to change the names of persons, and legitimate children born out of wedlock.
2. An act for the benefit of George W. Cox.

Reported the same without amendment.

The 1st bill was re-committed to the committee on the Judiciary, and the 2d was ordered to be read a third time.

The constitutional rule as to the third reading of the 2d bill being dispensed with,

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

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

A bill to legalize the proceedings of the Henderson County Court, held the 4th Monday in June, 1846.

A bill for the benefit of the heirs of John Frazer, deceased.

A bill to incorporate the town of Harrisonville, in Shelby county.
A bill for the benefit of the heirs of S. H. Anderson, deceased.

Mr. Crenshaw, from the same committee, reported a bill for the benefit of William P. Mitchell.

Mr. Patterson, from the same committee, reported a bill giving additional powers to the trustees of the town of Princeton, in Caldwell 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 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 from the House of Representatives, entitled, an act to amend an act, entitled, an act for the benefit of the trustees of the town of Bowlinggreen, 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. Bradley, 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, to-wit:

An act for the benefit of John W. Hughes, Nancy N. Hughes and Henry Hughes, of Hancock 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, approved January 21, 1846.

An act for the benefit of the children of Dr. William D. S. Taylor.

An act for the benefit of Isaac Ayres.

An act for the benefit of the heirs of Mabry T. Cox.

An act for the benefit of Joseph Crow, of Allen county.

An act for the benefit of Nathaniel S. Robertson.

An act for the benefit of John Hoy, of Simpson county.

An act for the benefit of William Wadlington, of Caldwell county.

An act for the benefit of John McAfee, of Mercer county.

An act for the benefit of the infant heirs of William McKitrick, deceased.

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 approval and signature. After a short time, Mr. Bradley reported that the committee had performed that duty.
A message in writing, was received from the Governor, by Mr. Kinkead, Secretary of State.

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

*Gentlemen of the Senate:*

I nominate for your advice and consent, Thomas S. Page to be 2d Auditor of Public Accounts.

William C. Price, Jr. to be Sheriff of Oldham county.


W.M. Owsley.

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

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 Crittenden County Court, reported the same without amendment.

Ordered, That said bill have its third reading on Monday, the 25th inst.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred the petition of Reuben M. Wriston, reported the following resolution thereon, to-wit:

Resolved, That said petition be rejected.

Which was twice read and concurred in.

Mr. Walker, from the same committee, reported a bill to regulate the number of Justices of the Peace in the town of Greensburg, 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. Swope, from the committee on Privileges and Elections, reported a bill to change the place of voting from Seaton Lee's, in Pulaski 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, 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 amended by adding, "and for other purposes."

Mr. Swope, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to change the place of voting at an election precinct in Hopkins 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.

A message in writing, was received from the Governor, by Mr. Kinkead, 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 D. Philips to be Colonel of 115th Regiment, 14th Brigade, Kentucky Militia.

James A. Womack, Colonel of 136th Regiment, 14th Brigade.

Lewis D. Ross to be Colonel, William S. Kouns, Lieutenant Colonel, and Jesse Corum, Major of 70th Regiment, 14th Brigade.

James Franklin to be Colonel, Littleton T. Harris, Lieutenant Colonel, and Edward P. Hill, Major of 140th Regiment, 14th Brigade—being a new Regiment.

Robert Strong to be Colonel, Joseph Sewell, Lieutenant Colonel, and Newton Jett, Major of 135th Regiment, 18th Brigade.

J. D. S. Peacock to be Brigadier General of the 1st Brigade.

Charles G. Douglass to be Colonel, John Hall, Lieutenant Colonel, and William C. Short, Major of 32d Regiment, 1st Brigade.

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

Mr. Boyd, from the committee on Religion, reported a bill to incorporate the trustees of the Presbyterian Church in Frankfort, 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. Boyd, from the same committee, to whom was referred the petition of John S. Petty, for a divorce, reported the following resolution thereon, to-wit:

Resolved, That said petition be rejected.

On motion of Mr. Draffin, the said petition and resolution were re-committed to the committee on Religion.

Mr. James, from the committee on Finance, made the following report, to-wit:

The committee on Finance beg leave to accompany a bill reported, "To amend the Revenue Laws," with a brief statement of facts, calculated, in their judgment, to convince the Senate of the propriety and justice of the measure. The bill proposes to allow to the collectors of the revenue, for the first three thousand dollars collected and paid into the treasury, a commission of seven and one half per cent.; and on all sums over three thousand dollars, five per cent. There are thirty nine counties which pay into the treasury more than $3,000 revenue, and an overplus of $180,147 64;—see table hereunto annexed, marked (A). Upon this excess over $3,000, the
bill proposes to allow a commission of 5 per cent., which will save to the treasury, annually, $4,503 69. See same table, (A.)

**TAKE A.**

**THIRTY NINE COUNTIES, THE REVENUE OF WHICH EXCEEDS $3,000.**

<table>
<thead>
<tr>
<th>No.</th>
<th>Counties</th>
<th>Amount of Revenue</th>
<th>Amount deducted</th>
<th>Rev. deducting $3,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Boyle</td>
<td>6,104 89</td>
<td>3,000</td>
<td>3,104 89</td>
</tr>
<tr>
<td>2</td>
<td>Bourbon</td>
<td>15,198 55</td>
<td>3,000</td>
<td>12,198 55</td>
</tr>
<tr>
<td>3</td>
<td>Barren</td>
<td>4,576 38</td>
<td>3,000</td>
<td>1,576 38</td>
</tr>
<tr>
<td>4</td>
<td>Boone</td>
<td>5,385 72</td>
<td>3,000</td>
<td>2,385 72</td>
</tr>
<tr>
<td>5</td>
<td>Bath</td>
<td>4,877 99</td>
<td>3,000</td>
<td>1,877 99</td>
</tr>
<tr>
<td>6</td>
<td>Caldwell</td>
<td>3,556 97</td>
<td>3,000</td>
<td>556 97</td>
</tr>
<tr>
<td>7</td>
<td>Christian</td>
<td>4,377 20</td>
<td>3,000</td>
<td>1,377 20</td>
</tr>
<tr>
<td>8</td>
<td>Clarke</td>
<td>7,432 27</td>
<td>3,000</td>
<td>4,432 27</td>
</tr>
<tr>
<td>9</td>
<td>Daviess</td>
<td>3,989 43</td>
<td>3,000</td>
<td>989 43</td>
</tr>
<tr>
<td>10</td>
<td>Franklin</td>
<td>6,531 21</td>
<td>3,000</td>
<td>3,531 21</td>
</tr>
<tr>
<td>11</td>
<td>Fayette</td>
<td>23,659 47</td>
<td>3,000</td>
<td>20,659 47</td>
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<tr>
<td>12</td>
<td>Fleming</td>
<td>3,369 60</td>
<td>3,000</td>
<td>369 60</td>
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<tr>
<td>13</td>
<td>Garrard</td>
<td>5,033 18</td>
<td>3,000</td>
<td>2,033 18</td>
</tr>
<tr>
<td>14</td>
<td>Green</td>
<td>4,888 33</td>
<td>3,000</td>
<td>1,888 33</td>
</tr>
<tr>
<td>15</td>
<td>Henderson</td>
<td>5,034 09</td>
<td>3,000</td>
<td>2,034 09</td>
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<tr>
<td>16</td>
<td>Hardin</td>
<td>4,448 57</td>
<td>3,000</td>
<td>1,448 57</td>
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<tr>
<td>17</td>
<td>Henry</td>
<td>6,332 34</td>
<td>3,000</td>
<td>3,332 34</td>
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<tr>
<td>18</td>
<td>Harrison</td>
<td>7,057 97</td>
<td>3,000</td>
<td>4,057 97</td>
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<tr>
<td>19</td>
<td>Jessamine</td>
<td>6,911 20</td>
<td>3,000</td>
<td>3,911 20</td>
</tr>
<tr>
<td>20</td>
<td>Jefferson</td>
<td>40,139 54</td>
<td>3,000</td>
<td>37,139 54</td>
</tr>
<tr>
<td>21</td>
<td>Kenton</td>
<td>5,888 43</td>
<td>3,000</td>
<td>2,888 43</td>
</tr>
<tr>
<td>22</td>
<td>Lincoln</td>
<td>5,446 34</td>
<td>3,000</td>
<td>2,446 34</td>
</tr>
<tr>
<td>23</td>
<td>Logan</td>
<td>4,317 14</td>
<td>3,000</td>
<td>1,317 14</td>
</tr>
<tr>
<td>24</td>
<td>Madison</td>
<td>10,719 59</td>
<td>3,000</td>
<td>7,719 59</td>
</tr>
<tr>
<td>25</td>
<td>Montgomery</td>
<td>6,921 41</td>
<td>3,000</td>
<td>3,921 41</td>
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<tr>
<td>26</td>
<td>Marion</td>
<td>4,061 11</td>
<td>3,000</td>
<td>1,061 11</td>
</tr>
<tr>
<td>27</td>
<td>Mercer</td>
<td>6,310 31</td>
<td>3,000</td>
<td>3,310 31</td>
</tr>
<tr>
<td>28</td>
<td>Mason</td>
<td>10,991 19</td>
<td>3,000</td>
<td>7,991 19</td>
</tr>
<tr>
<td>29</td>
<td>Nicholas</td>
<td>3,793 64</td>
<td>3,000</td>
<td>793 64</td>
</tr>
<tr>
<td>30</td>
<td>Nelson</td>
<td>7,029 65</td>
<td>3,000</td>
<td>4,029 65</td>
</tr>
<tr>
<td>31</td>
<td>Owen</td>
<td>3,137 22</td>
<td>3,000</td>
<td>137 22</td>
</tr>
<tr>
<td>32</td>
<td>Oldham</td>
<td>3,931 24</td>
<td>3,000</td>
<td>931 24</td>
</tr>
<tr>
<td>33</td>
<td>Shelby</td>
<td>12,986 92</td>
<td>3,000</td>
<td>9,986 92</td>
</tr>
<tr>
<td>34</td>
<td>Scott</td>
<td>9,490 40</td>
<td>3,000</td>
<td>6,490 40</td>
</tr>
<tr>
<td>35</td>
<td>Spencer</td>
<td>3,257 73</td>
<td>3,000</td>
<td>257 73</td>
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<tr>
<td>36</td>
<td>Todd</td>
<td>4,759 26</td>
<td>3,000</td>
<td>1,759 26</td>
</tr>
<tr>
<td>37</td>
<td>Woodford</td>
<td>10,445 90</td>
<td>3,000</td>
<td>7,445 90</td>
</tr>
<tr>
<td>38</td>
<td>Warren</td>
<td>6,146 84</td>
<td>3,000</td>
<td>3,146 84</td>
</tr>
<tr>
<td>39</td>
<td>Washington</td>
<td>4,400 50</td>
<td>3,000</td>
<td>1,400 50</td>
</tr>
</tbody>
</table>

Total revenue, $297,147 64
$3,000 deducted from each county, 117,000 00
Leaving revenue, deducting $3,000, $180,147 64
Commission on same, at 24 per cent., (amount of proposed reduction,) $4,503 69

The committee will here remark, that in their judgment, the compensation allowed for the labor and risk incident to the collection of money, should bear a just proportion to the labor and responsibility resting upon the individual performing that duty. No one, it is presumed, will contend that the responsibility and labor of a collector is increased in the same ratio with the
sum to be collected; if so, why allow a Sheriff, for collecting money on an execution, five per cent. for the first hundred pounds, and two one half per cent. on the overplus? Your committee are of the opinion that the same principle might, with great propriety, be adopted towards the collectors of the revenue. In many counties, thousands of dollars are given for the office of Sheriff, or the right to perform its duties and enjoy its emoluments. If the profits justify those large bids, it must be evident that the charges allowed by law, are greater, by the amount given, than a fair price for the labor and risk of performing those duties.

We beg leave to further illustrate the great inequality of the present mode of paying the collectors of the public revenue, by making a contrast between a few counties, viz: Woodford county is almost at the door of your treasury, is small in territory, with an even surface, and 1,367 white males over twenty one years of age. This county paid into the treasury, in 1846, a revenue of $10,445 90; for collecting this sum the Sheriff is allowed $783 44. Hopkins county is about two hundred miles from the treasury, more than double the territory of Woodford, and a more uneven surface, with a voting population of 1,719, and pays a revenue of $2,563 97; commission paid to the Sheriff, $192 29. The revenue paid by Jefferson county, in 1846, was $40,139 54; commission to Sheriff, $3,000 36. Fayette county paid, at the same time, into the Treasury, $25,689 47; Sheriff's commission, $1,926 70. The last two counties mentioned have banks, where the Sheriffs can make deposits every day, if they choose, and thereby avoid any further risk. Many individuals, in the wealthy counties, pay more revenue than is due from some of the counties in the mountains, and other frontier parts of the State, remote from the Seat of Government, large in territory, and sparsely populated. [It would be proper to state, the commission, as calculated here, is upon the gross amount of revenue, which would be somewhat reduced when the delinquents are returned.] They refer to table (B.) which shows the wealth of a few individuals only, in those counties, and the readiness with which taxes can be collected.

TABLE B.

<table>
<thead>
<tr>
<th>No. in county</th>
<th>County and names of Individuals</th>
<th>Value of property</th>
<th>Tax.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>JEFFERSON</td>
<td>Dollars.</td>
<td>Dollars.</td>
</tr>
<tr>
<td>1</td>
<td>James Guthrie,</td>
<td>184,705</td>
<td>277 06</td>
</tr>
<tr>
<td>2</td>
<td>J. D. Breckinridge,</td>
<td>133,350</td>
<td>290 02</td>
</tr>
<tr>
<td>3</td>
<td>Mrs. Mary Gray,</td>
<td>125,054</td>
<td>187 58</td>
</tr>
<tr>
<td>4</td>
<td>Levi Tyler &amp; Son,</td>
<td>117,369</td>
<td>176 05</td>
</tr>
<tr>
<td>5</td>
<td>Bank of Kentucky,</td>
<td>106,830</td>
<td>230 24</td>
</tr>
<tr>
<td>6</td>
<td>Dr. Richard Ferguson,</td>
<td>108,031</td>
<td>192 03</td>
</tr>
<tr>
<td>7</td>
<td>S. B. Nicholas,</td>
<td>126,425</td>
<td>189 64</td>
</tr>
<tr>
<td>8</td>
<td>Louisville and Portland Canal Company,</td>
<td>1,000,000</td>
<td>1,500 00</td>
</tr>
<tr>
<td>9</td>
<td>John L. Jacobs,</td>
<td>309,668</td>
<td>464 50</td>
</tr>
<tr>
<td>10</td>
<td>Margaret Bustard,</td>
<td>148,805</td>
<td>239 21</td>
</tr>
<tr>
<td></td>
<td>Total,</td>
<td>2,430,237</td>
<td>3,630 35</td>
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</tbody>
</table>

And many more, ranging from 30 to $75,000, and some few ranging from 75 to $100,000. Commission on this is 272 27.
### Table B—Continued.

<table>
<thead>
<tr>
<th>No. in county</th>
<th>County and names of Individuals</th>
<th>Value of property</th>
<th>Tax.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FAYETTE.</td>
<td>Dollars.</td>
<td>Dollars.</td>
</tr>
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<td>1</td>
<td>Elisha Warfield,</td>
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<td>$157 59</td>
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<tr>
<td>2</td>
<td>Henry T. Duncan,</td>
<td>$192,635</td>
<td>$181 04</td>
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<tr>
<td>3</td>
<td>Robert W. Wickliffe, Sr.</td>
<td>$264,100</td>
<td>$306 15</td>
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<tr>
<td>4</td>
<td>George W. Sutton,</td>
<td>$123,380</td>
<td>$185 08</td>
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<tr>
<td>5</td>
<td>D. A. Sayre,</td>
<td>$92,450</td>
<td>$138 68</td>
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<tr>
<td>6</td>
<td>Samuel G. Jackson,</td>
<td>$104,180</td>
<td>$136 27</td>
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<tr>
<td>7</td>
<td>John W. Hunt,</td>
<td>$244,000</td>
<td>$141 00</td>
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<tr>
<td>8</td>
<td>Benj. Gratz,</td>
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<td>$173 51</td>
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<tr>
<td>9</td>
<td>C. M. Clay,</td>
<td>$97,250</td>
<td>$145 67</td>
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<tr>
<td>10</td>
<td>J. Brand,</td>
<td>$175,765</td>
<td>$263 95</td>
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<tr>
<td></td>
<td><strong>Total,</strong></td>
<td><strong>1,492,565</strong></td>
<td><strong>2,238 84</strong></td>
</tr>
</tbody>
</table>

And many more, ranging from 25 to $60,000, and some over that amount.

Commission on this is $167 91.

### CAMPBELL COUNTY.

<table>
<thead>
<tr>
<th>No. in county</th>
<th>County and names of Individuals</th>
<th>Value of property</th>
<th>Tax.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>James Taylor, Sr.,</td>
<td>$291,005</td>
<td>$437 86</td>
</tr>
<tr>
<td>2</td>
<td>Richard Southgate,</td>
<td>$132,174</td>
<td>$338 26</td>
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<tr>
<td></td>
<td><strong>Total,</strong></td>
<td><strong>444,179</strong></td>
<td><strong>676 12</strong></td>
</tr>
</tbody>
</table>

Commission on this is $49 95.

### HENRY COUNTY.

<table>
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<th>No. in county</th>
<th>County and names of Individuals</th>
<th>Value of property</th>
<th>Tax.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Thomas Smith,</td>
<td>$286,600</td>
<td>$499 99</td>
</tr>
<tr>
<td></td>
<td><strong>Commission on this,</strong></td>
<td></td>
<td><strong>32 24</strong></td>
</tr>
</tbody>
</table>

This is a continuation of the previous page.

The total value of property, as given, is greater than the Surplus Revenue Fund, and, we believe, could, if not due, at the rates of interest, and under the conditions and for the purposes for which the above gross revenue is provided, save the State and counties a considerable amount.

Shall the gross revenue not exceed $69; was it not due all on gross revenue, the State would be saved $69; and the surplus revenue would be saved $69, by the use of the surplus revenue.

Mr. W. S. Daniel expressed some fear that the bill would be bad for the County.

Mr. W. S. Daniel: The bill is bad for the County.

Order of Business: Further consideration of the bill was postponed to the 25th of March.
Table (C.) is referred to in order to show the contrast between the wealthy counties in the interior of the State, with many mountain and frontier counties alluded to.

### Table C.

<table>
<thead>
<tr>
<th>No. of County</th>
<th>Counties</th>
<th>Revenue</th>
<th>Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Breathitt</td>
<td>$477 13</td>
<td>$37 28</td>
</tr>
<tr>
<td>2</td>
<td>Harlan</td>
<td>$456 69</td>
<td>$34 95</td>
</tr>
<tr>
<td>3</td>
<td>Johnson</td>
<td>$399 67</td>
<td>$24 97</td>
</tr>
<tr>
<td>4</td>
<td>Letcher</td>
<td>$191 48</td>
<td>$14 36</td>
</tr>
<tr>
<td>5</td>
<td>Laviolle</td>
<td>$311 45</td>
<td>$28 35</td>
</tr>
<tr>
<td>6</td>
<td>Lawrence</td>
<td>$609 83</td>
<td>$45 66</td>
</tr>
<tr>
<td>7</td>
<td>Marshall</td>
<td>$615 83</td>
<td>$46 18</td>
</tr>
<tr>
<td>8</td>
<td>Oswego</td>
<td>$373 25</td>
<td>$28 36</td>
</tr>
<tr>
<td>9</td>
<td>Perry</td>
<td>$34 30</td>
<td>$22 69</td>
</tr>
<tr>
<td>10</td>
<td>Edmonson</td>
<td>$634 86</td>
<td>$46 79</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$4,587 49</strong></td>
<td><strong>$344 02</strong></td>
</tr>
</tbody>
</table>

This commission is calculated upon the whole amount of revenue, not taking into consideration delinquents, &c.

The bill reported by your committee provides for the payment of the revenue, (when collected,) into any Bank now established in this Commonwealth—makes it due and payable on the 15th day of January, and requires the Second Auditor to charge any Sheriff who fails to pay the revenue when due, an interest at the rate of six per centum per annum on the amount due and unpaid. This will give time for all to collect and pay over the same, and for a failure, we think no one can doubt the propriety of charging interest. The authority given to pay the revenue, when collected, in Bank, will save the Sheriff much labor and expense, which they have heretofore incurred in paying the same into the Treasury.

Should the proposed bill pass, it will save, by way of commission, $4,503 69; when you add to this sum the interest that will likely be collected, the gross annual saving to the State may be safely set down at $5,000. Therefore, a majority of your committee most respectfully recommend its passage.

THOMAS JAMES, Chairman.

Ordered, That the Public Printer print 500 copies of said report for the use of the General Assembly.

Mr. James, from the same committee, 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 being dispensed with, 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 Monday, the 25th instant.

Ordered, That the Public Printer print 150 copies of said bill for the use of the General Assembly.
Mr. Helm, from the committee on the Sinking Fund, to whom was referred a bill to establish a road from Rochester, at the mouth of Muddy River, to Russellville, reported the same with an amendment, which was concurred in.

The said bill, as amended, reads as follows, to-wit:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Robert Henry, of the county of Logan, — — — — —- of the county of Butler, be and they are hereby appointed commissioners to view, select and mark out the best practicable route for a road from the town of Rochester, at the mouth of Muddy river, in — — — county, to the town of Russellville, in Logan county. That it shall be the duty of said commissioners, or a majority of them, from each county, to meet at some convenient point upon the route, on or before the 1st day of June next, and proceed to perform the duties required by this act; and when they have viewed, selected and marked out the way, as proposed in this act, they shall report the same to their respective County Courts, whose duty it shall be to allow the commissioners who act, not exceeding ten dollars per day for their services, for every day they are necessarily employed.

Sec. 2. That at the first term of the County Court after such return is made, it shall be the duty of the said County Courts to appoint one or more overseers, with an allotment of a sufficient number of hands, in the estimation of said Courts, to cut out said road thirty feet wide.

Sec. 3. That it shall be the duty of said County Courts, so soon as said road is cut out, to appoint overseers, with an allotment of hands sufficient to keep said road in good repair, as the laws in force direct. The said County Court shall possess full power to change any part of said road whenever a majority of said Courts shall think it advisable, and shall possess the same power over said road which they possess over any other public road of their respective counties.

Sec. 4. If the owner or owners of any lands through which this road shall pass, and who will not previously consent to the opening of the same, they shall be entitled to a writ of ad quod damnum in the usual way to ascertain what damages, if any, will accrue to the owner or owners of the lands through which said road will pass, taking into consideration the benefits as well as the value of the land aforesaid.

Sec. 5. Be it further enacted, That in order to aid in the construction of said road, the sum of $1000 is hereby appropriated from the Public Treasury, to be paid to Anthony F. Long and M. B. Morton; but who shall, before they receive the same, enter into bond, with good security, in the County Court of Logan county, in the penalty of $4000, payable to the Commonwealth of Kentucky, for the faithf ul discharge of their duty in appropriating said money to the construction of said road; which bond may be sued on for any violation thereof, as suits are now instituted on similar bonds; and upon the production of a certificate from the Clerk of said Court that said bond has been executed, it shall be the duty of the Auditor of Public Accounts to issue his warrant for said $1000 upon the Treasurer, who shall pay the same out of any money in the Treasury not otherwise appropriated.

The question being 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. Ballard and Peyton, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bristow, Crenshaw, Draffin, Evans, Hawkins, Helm, Holloway, Key, McNary, Patterson, Rice, Russell, Slaughter, Speed Smith, Thornton, Walker—16.

Those who voted in the negative, were—


Mr. Ballard presented the petition of sundry citizens of Oldham county, praying for the passage of a law to charter a railroad from Frankfort to Louisville, which was received and referred to the committee on Internal Improvements.

Mr. Helm, from a select committee, reported a bill to establish a public warehouse at——, 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, 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 Thursday, the 28th inst.

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

Mr. Helm, from a select committee to whom was referred resolutions from the House of Representatives, for presenting the widow of the late Philip Norbourne Barbour with a sword, and for the interment of his remains in the Frankfort Cemetery, reported the same with amendments, which were concurred in.

The said resolutions, as amended, were concurred in.

The title to said resolutions was amended to read, resolutions for having the remains of the late Philip Norbourne Barbour brought to Kentucky, and for their interment in the Frankfort Cemetery.

Mr. Helm, from the same committee, reported a bill making an appropriation for having the remains of the late Philip Norbourne Barbour brought to Kentucky for interment, 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 said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Henderson and Fox, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,          Hawkins,          Slaughter,  
Boyd,                     Heady,             Speed Smith, 
Bradley,                  Helm,               South,      
Bramlette,                Holloway,          Swope,      
Bristow,                  Key,                Taylor,     
Crenshaw,                 McNary,            Thomas,     
Draffin,                  Patterson,          Thornton,   
Evans,                    Peyton,            Todd,       
Fox,                      Rice,               Walker,     
Hardin,                   Russell,            Wall—31.

Those who voted in the negative, were—

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

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

On the motion of Mr. South—1. A bill for the benefit of George Bowling, to allow him to lay off a town.

On the motion of Mr. Hawkins—2. A bill granting certain powers to the trustees of the town of Burlington, Boone county, and for other purposes.

The committee on Propositions and Grievances was directed to prepare and bring in the 1st, and the committee on the Judiciary the 2d.

And then the Senate adjourned.

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MONDAY, JANUARY 25, 1847.

1. Mr. James presented the petition of sundry citizens of Graves county, praying for the establishment of a public warehouse at Paducah, for the inspection and sale of tobacco.

2. Mr. Peyton presented the petition of Nelson Bennett, praying for the passage of a law to divorce him from his wife.
3. Mr. Hardin presented the petition of Joseph H. Coleman, who stands indicted in the Adair Circuit Court for murder, praying for the passage of a law granting him a change of venue.

4. Mr. Hardin also presented the petition of Polly Fenton, (a free woman of colour,) who stands indicted for felony in the Adair Circuit Court, praying for the passage of a law granting her a change of venue.

5. Mr. Hardin also presented the petition of Robert Stockton, praying for the passage of a law authorizing him to sell and convey certain lands in Green county.

6. Mr. Hardin also presented the petition of Bernard Simpson, of Adair county, praying for the passage of a law authorizing the County Court of said county to make such allowance, from year to year, as may be necessary for the support of said Simpson and wife.

7. Mr. Hendy presented the petition of sundry citizens of Mount Washington, praying for the passage of a law authorizing a survey and plat of said town to be made.

8. Mr. Evans presented the petition of Henry G. Mitchell and others, praying compensation for damage done them by the overflowing of slack-water from Dam No. 1, on Barren river.

Which petitions were received and referred: the 1st to a committee of the whole house for Thursday next; the 2d to the committee on Religion; the 3d, 4th, 5th, 6th and 7th to the committee on the Judiciary; and the 8th to the committee on Internal Improvement.

Mr. Boyd, from the committee on Religion, reported a bill to divorce John S. Petty, 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.

On the motion of Mr. Bradley,

Resolved, That the committee on the Judiciary be instructed to enquire into the propriety of so amending the law in regard to administrators, and the settlement of estates of persons who may have died insolvent, as to authorize administrators to proportion the assets, when the estate does not exceed a limited amount; and report by bill or otherwise.

On the motion of Mr. Todd, the vote rejecting a bill to establish a road from Rochester, at the mouth of Muddy river, to Russellville, was reconsidered.

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.

The Speaker laid before the Senate the report of the Commissioners appointed by the Governor for the purpose of selecting, in the Green river or southern portion of the State, a suitable location for a Lunatic Asylum, which is as follows, to-wit:

To the General Assembly of Kentucky:

The undersigned, having been commissioned by the Governor to carry into effect the object contemplated in the 7th section of an act, approved February 23d, 1846, which section is in the following words, to-wit: "Be it further enacted, That it shall be the duty of the Governor to appoint three discreet and suitable persons, as Commissioners, to select some eligible location in the Green River country, or southern portion of the State, for the erection of a Lunatic Asylum; and that it be made their duty to report to the next General Assembly," and having discharged that duty, beg leave to report:

That in the month of November last, they visited the Green River country for the purpose of making a personal examination of the places that, in their judgment, had the most prominent claims to the location of the proposed Asylum. It will be perceived, from an examination of the act of the Legislature, that the Commissioners had no authority to receive proposals for any particular spot of ground, or to make any contracts for the purchase of one; they, therefore, limited themselves to the selection of a town and its neighborhood, leaving to a future commission (that must necessarily be appointed) the duty of selecting a site for the buildings, and obtaining the transfers of titles to the State. They considered the proposed Institution as one intended to give the greatest facility to the Green River country for conveying lunatics to the Asylum, and that the point that combined that advantage, with an approximate equality in other respects, should be the one selected.

They had much difficulty in deciding between the towns of Glasgow, Bowlinggreen, Russellville and Hopkinsville, but had no doubt that the Institution should be located at or near one of them. They are all thriving and handsome towns, and have as much intelligence, and public spirit and moral worth in them as can be found in any communities of equal size in any part of the State of Kentucky. If there be any difference among them, in any matter that bears materially upon the interests of the Institution, it will be found that Glasgow and Russellville have to depend, in a great degree, upon wood for fuel, of which there is the greatest abundance, while at Bowlinggreen and Hopkinsville excellent stone coal can at all times be procured, at a cheap rate. The town of Glasgow is better provided with an abundance of water of fine quality, and the land is cheaper, and timber more convenient than either of the other places, and it is blessed, in an eminent degree, with health. Hopkinsville is next to Glasgow in its supply of good water, but we were assured by the citizens of Bowlinggreen and Russellville, (and have no doubt that such is the fact,) that an abundant supply can be obtained with certainty, by digging wells, at either of those last named places.

After giving due weight to all of these considerations, the Commissioners arrived at the conclusion that the slackwater on Green and Barren rivers,
affording an uninterrupted navigation to Bowlinggreen at all seasons, combined with the fact that Bowlinggreen is connected by excellent roads with all the important points of the Green River country, and that it occupies a more central position than either Glasgow, Russellville or Hopkinsville, give it the preference; and they therefore recommend Bowlinggreen, or its immediate vicinity, as affording the most eligible location for the erection of a Lunatic Asylum in the Green River country, or southern section of the State.

All of which is most respectfully submitted,

ORSANDO BROWN,
JOHN BARCLAY,
P. BUTLER.

The Committee herewith submit the within communications from public meetings held in Bowlinggreen and Hopkinsville, and invite for them the attention of the Legislature.

Ordered, That said report, together with the communications accompanying it, be referred to the select committee appointed to bring in a bill for the erection of an Asylum in the Green river country, and 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 the Crittenden County Court, was read the third time.

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. Hardin and Bradley, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, Bradley, Brien, Bristow, Crenshaw, Evans, Fox, Harris, Heady, Helm, Holloway, James, Key, Marshall, McNary, Patterson, Peyton, Rice, Russell, Slaughter, Speed Smith, South, Swope, Taylor, Thornton, Thurman, Todd, Walker, Williams—29.

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, to-wit:
An act for the benefit of the Coroner and Surveyor of Owen county.
An act for the benefit of Charles W. Dean.
An act to change the time of holding the Garrard and Boyle Circuit Courts, and the Madison Chancery Court.

Leave was given to bring in the following bills, viz:
On the motion of Mr. Ballard—1. A bill for the benefit of the Surveyor of Trimble county.
On the motion of Mr. Slaughter—2. A bill to encourage the growth and manufacture of silk in this Commonwealth.

Messrs. Ballard, Rice and Hawkins were appointed a committee to prepare and bring in the 1st, and the committee on Agriculture and Manufactures was directed to prepare and bring in the 2d.

The committee of the whole house, on the state of the Commonwealth, was discharged from the further consideration of a bill to modify the law of 1833, in relation to the importation of slaves.

Mr. Henderson 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. Harris and Evans, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


The said bill was amended and referred to a committee of Messrs. Harris Peyton and Evans.

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. Swope in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Swope reported that the committee had, according to order, had under consideration a bill to amend the laws in relation to chancery proceedings, and had made some progress therein, but
not having time to go through with the same had directed him to ask leave to sit again, which leave was granted.

And then the Senate adjourned.

TUESDAY, JANUARY 26, 1847.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, to-wit:

1. An act to organize the Flemingsburg Fire Engine and Hose Company.
2. An act for the benefit of State Historical Societies in the United States.
3. That they had passed bills of the following titles, to-wit:
   1. An act providing for the support of an additional number of pupils in the Deaf and Dumb Asylum at Danville.
   2. An act further to protect the interest of wool growers.
   3. An act to incorporate the Covington Collegiate Institute.
   4. An act for the benefit of James McKenzie and others.
   5. An act for the benefit of James M. McMillen.
   6. An act for the benefit of Fielding McDuffie.
   7. An act for the benefit of Uriah Pool.
   8. An act to incorporate a company to construct a turnpike road from Burlington to Florence, in Boone 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 and 3d to the committee on Education; the 2d to the committee on Agriculture and Manufactures; the 4th and 5th to the committee on Military Affairs; and the 6th, 7th and 8th to the committee on Internal Improvement.

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

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

Gentlemen of the Senate:

I nominate for your advice and consent, John P. Force to be Sheriff of Henry county, in the place of Samuel Ireland, whose time is about to expire, the County Court of said county having failed to recommend according to the constitution.

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

Mr. Bradley, from the joint committee on Enrollments, reported that the committee had examined an enrolled resolution which originated in the House of Representatives, fixing a day for the election of a Senator in Congress, and had found the same truly enrolled.

The said resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approbation and signature. After a short time, Mr. Bradley reported that the committee had performed that duty.

1. Mr. Holloway presented the petition of Henry J. Eastin, praying for the passage of a law to remunerate him for losses sustained on State bonds.

2. Mr. Swope presented the petition of W. H. Ewing and wife, praying for the passage of a law allowing them to remove to the State of Missouri, the negroes and effects of George W. Fort, deceased.

3. Mr. Holloway presented the petition of Robert Triplett and Alexander B. Barrett, praying for the passage of a law allowing them to bring into this State certain slaves from the State of Virginia.

4. Mr. Bradley presented the petition of sundry citizens of Hopkins county, in relation to the erection of a Lunatic Asylum in the southern portion of the State.

Which petitions were received and referred: the 1st to the committee on Internal Improvement; the 2d to the committee on the Judiciary; the 3d to the committee on Agriculture and Manufactures; and the 4th to the select committee appointed to bring in a bill for the erection of a Lunatic Asylum in the southern portion of the State.

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to change the time of holding the spring term of the Jessamine Circuit Court, 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 authorizing the proper courts to change the names of persons, and legitimate children born out of wedlock, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.
Mr. Hardin, from the same committee, to whom was referred a bill from
the House of Representatives, entitled, an act to amend an act, entitled,
an act for the benefit of Susan Ann D. Young, approved January 21, 1846,
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. Hardin, from the same committee, reported the following bills, viz:
A bill to provide for a change of venue in the prosecution against Rich-

ard S. Mason.
A bill for the benefit of the town of Winchester.
A bill to provide for a change of venue in the prosecution against Polly
Fenton.
A bill to for the benefit of Bernard Simpson and wife, and William Bai-
ley of Adair county.
A bill (for the benefit of George Dixon, of Nelson county.
Mr. Peyton, from the same committee, reported a bill for the benefit of
the heirs of David Ramsey, deceased, of Hickman county.
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 afore-
said.

Mr. J. Speed Smith, from the committee on Internal Improvement, to
whom was referred bills from the House of Representatives, of the follow-
ing titles, to-wit:
An act for the benefit of John Crice.
An act to amend in part, and repeal in part, the act establishing a road
from the mouth of Laurel river, through London, to Bates' salt well, in
Clay county.
An act to amend an act, entitled, an act to amend the road law of Ken-
ton.
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 afore-
said.

Mr. Fox, from the committee on Education, read and laid on the table
the following joint resolution, to-wit:
Resolved by the General Assembly of the Commonwealth of Kentucky,
That our Senators in Congress be instructed, and our Representatives re-
quested, to use all proper means in their power to procure the passage of a
law modifying our present tariff laws, so as to admit and allow of the im-
portation of books, chemical and philosophical apparatus, designed and im-
ported for the use of colleges, seminaries of learning, and schools, and not
for sale or merchandise, free of duty.
Resolved, That his excellency the Governor of Kentucky, forward a copy
of the above resolution to each of our Senators and Representatives in Con-
gress.

The rule of the Senate being dispensed with, the said resolutions was ta-
ken up, twice read, and adopted.

Mr. Heady, from the committee on Military Affairs, reported a bill for
the benefit of Samuel D. McCullough and his securities, 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. Ballard, from a select committee, reported a bill for the benefit of
William G. Conneil, Surveyor of Trimble 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
engrossed, and the same being engrossed,
Resolved, That said bill do pass, and that the title thereof be as afore-
said.

Bills from the House of Representatives, of the following titles, were sev-
erally read the first time, to-wit:
1. An act for the benefit of the Coroner and Surveyor of Owen county.
2. An act for the benefit of Charles W. Dean.
3. An act to change the time of holding the Garrard and Boyle Circuit
   Courts, and the Madison Chancery Court.
Ordered, That said bills be read a second time.

The constitutional rule as to the second reading of said bills being dis-
pensed with, they were referred to the committee on the Judiciary.

On the motion of Mr. Heady, leave was given to withdraw, from the
files of the Senate, the petition of the citizens of Mount Eden.

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

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

Gentlemen of the Senate:
I nominate for your advice and consent, William B. Carlisle to be Sheriff
of Green county, in the place of Leonard Mudd, deceased.

WM. OWSLEY.

Resolved, That the Senate advise and consent to the said appointment.
Leave was given to bring in the following bills, viz:

On the motion of Mr. Evans—1. A bill to extend the law allowing further time to holders of Kentucky land warrants to have surveys made, and to return plats and certificates of survey to the Register's office.

On the motion of Mr. Williams—2. A bill to incorporate the Kentucky Female Orphan School.

On the motion of Mr. Patterson—3. A bill for the benefit of Hannah Caldwell, of the county of Livingston.

The committee on the Judiciary was directed to prepare and bring in the 1st and 2d, and the committee on Finance the 3d.

On the motion of Mr. Marshall, leave was given to bring in a bill to allow a special term of the Green County Court, and Messrs. Marshall, Williams and Brien were appointed a committee to prepare and bring in said bill. After a short time Mr. Marshall 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 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. Harris, from the committee on Executive Affairs, to whom was referred the message of the Governor nominating George B. Kinkead to be Secretary of State, and also the memorial of Benjamin Hardin, presented to the Senate the report of a majority of said committee, which is as follows, to-wit:

The committee on Executive Affairs, to which was referred the message of the Governor, nominating for the advice and consent of the Senate, George B. Kinkead, to be Secretary of State, from and after the end of the present session of the General Assembly, have had the same under consideration, and ask leave to make the following report:

In view of the important constitutional questions which the committee conceived to be involved in the subject referred to them by the Senate, they determined not to be unnecessarily fettered by forms and technicalities, but to afford a liberal scope to enquiry and investigation. They therefore notified both Mr. Kinkead, the nominee, and Mr. Hardin, the contestant of Mr. Kinkead's right to be appointed to the office, that they were ready and willing to hear evidence and arguments; both of whom appeared and addressed the committee.

It may not be out of place to remark, that the Constitution of Kentucky, after organizing the three great departments of the State government, and providing for the appointment of such officers as are created by it, distinctly provides for the appointment of all officers "whose offices shall be established by law."

Hence, a large proportion of the offices and officers of this Commonwealth are created and established by legislative enactment, and of course temporary in their nature: many of them limited to a term of years, and expiring
by lapse of time, or abolished by the will of the law making power which gave them birth. It consequently often becomes the duty of the Senate, when acting on Executive nominations by its committees, to enquire whether there be any such office as that which the nominee, then under consideration, may be recommended to fill.

This constituted the sole subject of enquiry when the nomination of Arthur L. Campbell, as Surveyor of the military lands, belonging to the officers of the Virginia line on continental establishment was under advisement. In which case the Senate decided that there was no such office, and therefore refused to advise and consent to the nomination.—See Journal of the Senate, 1827: page 340.

As the office of Secretary of State is established by the Constitution, and as stable and permanent as the Constitution itself, this preliminary enquiry, in the present case, would be superfluous, and is only alluded to for the purpose of settling the powers of the Senate, and the legitimate limits of their investigations when called upon to consult over nominations—those powers having been made the topic of much learned discussion before the committee.

That the office of this Commonwealth may become vacant by the death of the incumbent, his resignation, his removal from the State, district or county for which he was appointed, his acceptance of an incompatible office, or his removal from office by proper authority, are familiar propositions which are contested by none. That the Secretary has neither departed this life, resigned his office, removed from the State, nor accepted an incompatible office, is not even pretended. There remains then, but one subject of enquiry. Has the office become vacant by the removal of the said Hardin by proper authority?

This naturally suggests the enquiry—What department of the government, by the Constitution, invested with the power of removing from office the Secretary of State? For what causes can he be removed? And by what mode of proceeding can the removal be effected?

We would derive but little aid, and borrow but a feeble light, in the examination of these questions, by an analysis of the structure of the English government. There, the King is the fountain of honor and of office. He possesses all power, save that which by grants and charters he has doled out to his subjects. There, the appointment to office is purely and strictly an executive function; and hence arises the maxim, that the power of removal is a necessary incident to, and inseparably connected with, the power of appointment.

But the theory of the American Constitution is radically different. Here, in the language of the Constitution of Kentucky, “all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness.”

The people, in the full possession of inherent, underived and unlimited power, in order to secure to themselves and their posterity “the enjoyment of the right of life, liberty and property, and of pursuing happiness,” by their representatives, in Convention assembled, ordained and established a Constitution, or written form of government, by which they delegated certain powers to their officers and agents, and forbid to them the exercise of certain other powers. And then, in conclusion of this sacred charter, after making out an inventory of reserved rights, they solemnly announced, that in order “to guard against the transgression of the high powers which we
have delegated: we declare, that every thing in this article is excepted out of the general powers of the government, and shall forever remain inviolate; and that all laws contrary thereto, or contrary to this Constitution, shall be void.

The powers, thus delegated, constitute what is termed "the government of the State of Kentucky." These powers were divided into three distinct departments, and each of them confided to a separate body of magistracy, to-wit: Those which are legislative, to one; those which are executive, to another; and those which are judiciary, to another.

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

All the functionaries of the government are mere agents of the people: the Constitution is their letter of attorney; they must look to it to learn their duties and their privileges. In the discharge of the one, and the exercise of the other, they must bear in mind that they have no powers but such as are either expressly or impliedly delegated to them. In the assumption of implied powers, they should never forget the salutary maxim, "that construction, for the purpose of conferring power, should be resorted to with great caution, and only for the most persuasive reasons."

The powers thus expressly, or by necessary implication, entrusted by the people to their functionaries and agents, having been distributed amongst the three great departments of the government, and those departments directed not to encroach upon each other, and that neither should exercise any power properly belonging to either of the others, except in the instances therein expressly directed or permitted, it becomes a matter of vital importance, in the administration of the government, to determine with accuracy and precision, what powers properly belong to the several departments; and what are the instances wherein the powers which would otherwise properly belong to one department, have, by the Constitution, been taken from such department and conferred on another. On the orthodox solution of these propositions, depends the decision of the question submitted by the Senate to this committee.

Before entering upon this preliminary investigation, we would premise, that the legislative department is intended more immediately to represent the sovereignty of the people, and to express, from time to time, their will, in the origin and enactment of all laws which they may consider promotive of the common weal. That department is, by the Constitution, commanded and required to do many things: such as the passage of laws "to exclude from office and from suffrage, those who shall thereafter be convicted of bribery, &c." It is also forbidden to do many things: such as enacting ex post facto laws; laws granting titles of nobility, &c. Yet we believe it has been adopted by sound jurists, as the true theory of the legislative department, that the Constitution does not, as to that department, operate as a grant of power, but as a limitation of power; and consequently, that that department may legitimately pass all laws, the enactment whereof is not either expressly or impliedly forbidden by the Constitution.

A different theory however prevails in reference to the powers of the other two departments. They possess none but granted powers, and such incidental and ancillary powers as are clearly implied from those granted.

Notwithstanding there is a broad and well defined boundary between the
several departments, demarking clearly and distinctly their respective spheres of action, warning neither to encroach on the dominions of the other; yet we apprehend that it was not intended, by the framers of the Constitution, to erect an iron wall between them, which would, under all circumstances, prevent either from touching any power which, from its nature, would seem properly to appertain to another department. On the contrary, the Constitution wisely provides for exceptions to this general rule, forbidding either to exercise powers properly belonging to another. Thus, whilst the Constitution confines judicial powers to the judiciary, it also declares, “that the House of Representatives shall have the power of impeaching;” and “all impeachments shall be tried by the Senate,” thereby constituting the House of Representatives a grand inquest, and the Senate a high court of justice, for the trial and punishment of official delinquents. Again, the Senate is associated with the Governor in the executive function of appointment to office. Again, whilst the Governor is empowered, in general terms, to grant “reprieves and pardons,” yet in cases of treason, the highest offence known to the law, this executive function is taken from the chief executive officer and transferred to the General Assembly. Again, in the enactment of laws, the executive and legislative powers are blended. The executive assent and signature being requisite, except under qualified circumstances, to the enactment of all laws.

It is this general separation, partial union, and occasional exchange of the powers of the departments, which constitute what theoretical writers term the checks and balances in our republican form of government: they are the safety valves of the system. Without them, the several departments, like hostile monarchs, would stand in jealous and churlish isolation on the confines of their respective dominions, looking out after imaginary encroachments, and ever ready for conflict.

With these safeguards and checks upon them, they are perpetually reminded of their dependence on the people, and on each other. They are forced into comity and intercourse; constrained to reason with each other about doubtful questions of power, and thereby converted from enemies into friends and co-workers in the affairs of their common employer.

We have indulged in this cursory examination of the structure and theory of our State government, from the hope that it might shed some light on our labors, and aid in guiding us to correct conclusions upon the questions which we have before propounded, and which we will now proceed to discuss.

Has the said Hardin been removed from the office of Secretary by proper authority?

The following provisions of the Constitution are quoted to show how the Secretary is created; the nature and extent of his official tenure, and the duties he is required to perform:

“A Secretary shall be appointed and commissioned during the term for which the Governor shall have been elected, if he shall so long behave himself well. He shall keep a fair register, and attest all the official acts and proceedings of the Governor; and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before either House of the General Assembly; and shall perform such other duties as may be enjoined him by law.”

“If the Lieutenant Governor shall be called upon to administer the Government, and shall, while in such administration, resign, die, or be
absent from the State, during the recess of the General Assembly, it shall be the duty of the Secretary, for the time being, to convene the Senate for the purpose of choosing a Speaker.

“In order that no inconvenience may arise from the change made by this Constitution, in the time of holding the general election, it is hereby ordained, that the first election for Governor, Lieutenant Governor, and members of the General Assembly, shall commence on the first Monday in May, in the year eighteen hundred. The persons then elected shall continue in office during their several terms of service prescribed by this Constitution, and until the next general election, which shall be held after their said terms shall have respectively expired. The returns for the said first election of Governor and Lieutenant Governor, shall be made to the Secretary within fifteen days from the day of election; who shall, as soon as may be, examine and count the same, in the presence of at least two judges of the Court of Appeals, or district courts, and shall declare who are the persons thereby duly elected, and give them official notice of their election; and if any persons shall be equal and highest on the poll, the said judges and Secretary shall determine the election by lot.”

It will be perceived from the foregoing citations, that the Secretary is not the creature of legislation, and subject to be abolished and dispensed with at the will and pleasure of the General Assembly; that he is an officer created by the Constitution, and as permanent as the Constitution itself. That he has devolved upon him, by that instrument, high and responsible powers, in the faithful and fearless discharge of which, not only the executive, but the legislative and judiciary departments of the government, and the public at large, are deeply interested. That, in order to render him, to a reasonable extent secure in his office, and honest and independent in the discharge of his duties, his term of service is co-extensive, in duration, with that of the Governor; subject alone to the condition of good behavior, which condition is attached to the tenure of every functionary of the government, civil and military, from the chief executive magistrate of the Commonwealth, down to the humblest ministerial officer in the State. Good behavior is not only a condition attached to the tenure, by which the Secretary is to hold his office, but it is a duty enjoined on him. Where the law imposes a condition, or enjoins a duty, it always supplies the means of compelling compliance with the one, and performance of the other.

The means furnished by the law in such cases, are numerous, and well adapted to every varying form and phase of official delinquency; whether that delinquency consists in sins of omission or commission. 1st. In the first place the officer is solemnly sworn faithfully to exercise the office to the best of his ability, according to law. 2d. He is liable to a private action for damages, at the suit of any person who may have sustained injury by the official nonfeasance, misfeasance or malfeasance of the functionary. 3d. He may be compelled, by mandamus, not only to perform his duties, but to perform them according to law. 4th. In the 6th article 14th section of the constitution of Kentucky it is provided: “It shall be the duty of the General Assembly to regulate by law, in what cases, and what deduction from the salaries of public officers, shall be made for neglect of duty in their official capacity.” 5th. The fifth article third section of the constitution of Kentucky provides that, “The Governor and all civil officers shall be liable to impeachment for misdemeanor in office; but judgment, in such cases, shall not
extend further than to removal from office and disqualification to hold any office of honor, trust or profit under this Commonwealth; but the party convicted shall, nevertheless, be subject and liable to indictment, trial and punishment according to law." These various modes of insuring official fidelity and punishing official delinquency, consecrated by long usage, clearly recognized by law, and distinctly provided by the constitution, would seem to be ample for every emergency. Our fathers confided in them as sufficient means to secure the desired ends. They are alike applicable to all public officers, and comprehend all of every grade in their operation, without distinction or discrimination. We had supposed them not only ample means, but the only means, (excepting certain specified cases,) furnished by our constitution and laws, for punishing or removing delinquent officers. And if they are not well calculated to achieve their contemplated purposes, we indulged the belief, that the remedy would have to come from either the General Assembly of the Commonwealth, or from the people in convention assembled.

But his Excellency, Governor Owsley, acting on his own judgment, and honest convictions, has assumed that there is no necessity for appealing either to the law making power or to the people, to furnish a more certain and summary process for the punishment or removal of obnoxious officers; at any rate, of an obnoxious secretary of State; and we think that the reasoning applied to the right of removing the Secretary, is equally apposite to all the officers of this Commonwealth, and if it establish the right of the Executive to remove the Secretary, the right to remove any or all other officers is alike established.

Can it be possible that this tremendous and revolutionary power has reposed, like a sleeping giant, in the folds of our constitution, for near half a century, unnoticed by the statesmen and jurists of Kentucky until now, when for the first time, it is roused up and called into action.

If the principle had been asserted and the power proclaimed by a private citizen, it would, we think, have scarcely excited enquiry. But emanating, as it does, from the Chief Magistrate of the Commonwealth, accompanied by a long, learned and argumentative communication, in which the power is not only asserted, but practically applied, by the attempted removal of the Secretary by the Governor, "ex mero motu," without process and without trial and judgment, either by the judiciary or the Senate, it challenges our attention and is entitled to our most deliberate consideration.

The virtues of the Chief Magistrate as a man, his well attested patriotism as a citizen, entitle him to esteem. His high reputation as a jurist, established by long years of faithful service as one of the Judges of the Court of Appeals, inspires respect for his opinions on all constitutional and legal questions.

We, therefore, feel constrained, in our examination of the questions arising out of the message, whilst we treat its doctrines with independent freedom, also to discuss them with respectful fairness.

As the Executive of Kentucky is on all sides admitted to possess no powers outside of, and apart from, the constitution of Kentucky, and is alike admitted to possess none but powers either expressly granted, or such as are clearly implied from those expressly granted, we call for the grant if it be expressed in the constitution. If the express grant be shown, it is the patent which establishes the Executive right, and we yield the question-
None, no not one single passage from the constitution is cited to prove an express grant of the power.

The whole argument of the message in favor of the power, is based on construction and implication. The following provisions of the constitution are cited by the Governor and relied on in the message as constructively conferring the questionable power.

"The first section of the third article of the constitution of this State declares—

"The supreme executive power of the Commonwealth shall be vested in a Chief Magistrate, who shall be styled the Governor of the Commonwealth of Kentucky."

The ninth section of the same article of the constitution, in reference to the Governor, provides—

"He shall nominate, and by and with the advice and consent of the Senate, appoint all officers whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for."

And the fifteenth section of the same article of the constitution requires of the Governor, that—

"He shall take care that the laws be faithfully executed."

By the twenty fourth section of the same article of the constitution, it is also provided—

"A Secretary shall be appointed and commissioned during the term for which the Governor shall have been elected, if he shall so long behave himself well."

By the tenth section of the same article of the constitution, it is declared that—

"The Governor shall have power to fill up vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session."

The 24th section of the 3d article of the constitution says, that—

"He shall keep a fair register and attest all the official acts and proceedings of the Governor; and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before either house of the General Assembly; and shall perform such other duties as may be enjoined him by law."

We will examine them in the order in which they stand:

1st. The clause in the constitution which vests the supreme Executive power in the Governor, is quoted and relied on as authority for the exercise of the power claimed by the Executive message.

If, as herein before stated, the Executive of Kentucky were, like the King of England, the fountain of power, the authority cited might be conclusive. Even provided this were all that is said in the constitution in relation to the Executive power, it would be persuasive evidence, conducing to prove the claim set up in the message. For then the question would depend upon the decision, as to the nature of the power; and if it were decided to be an Executive power, it would be accorded to the Executive head of the government.

We apprehend that the clause quoted was not intended as a grant of power, but merely to denominate and give rank to the officer, who was to constitute the head of one of the three great departments previously established. We are fortified in this conclusion by the fact, that the third article of the constitution which organizes the Executive Department, begins with
this clause, which gives a name and style to the Chief Magistrate, “who shall be styled the Governor, &c.” and after conferring the style or name on the officer, it immediately proceeds to enumerate his powers. Provided there had been no enumeration of Executive powers, then the Governor might, plausibly at least, lay claim to all powers of a decidedly Executive nature—subject, however, to the embarrassing enquiry of, whether that grant embraced all powers considered Executive, under all governments. And if not under all, then under which particular one, and if all foreign governments were rejected as the models of Executive power, he might possibly return home and do what we think ought now to be done, look into the constitution of Kentucky to learn what here constitutes Executive power.

Look once more at this clause. The language is, the Supreme Executive power of this Commonwealth shall be vested in a Chief Magistrate, &c.

What is the true meaning of this sentence? No one will contend that it confers unlimited Executive powers on the Governor. It most unquestionably only intended to make him the head of the Executive officers of the State, and to centre in him not all Executive powers, but all the Executive power of this Commonwealth. In organizing the Judicial Department, similar language is used, vesting the Judicial powers of the Commonwealth in one Supreme Court, styled the Court of Appeals. Which merely implies that it is to be the highest court, as the Executive is to be the highest Executive officer. In order to ascertain what constitutes the Executive and Judiciary power of the Commonwealth, we must look to the constitution in which those powers are enumerated, bearing in mind that it was decided by the Supreme Court of the United States, that an enumeration of the powers of a department of the government operates as a limitation and restriction of a general grant. (1 Peters’ Con. Rep. 445.)

To treat the enumeration of the powers of the Executive Department otherwise than as a restriction, would defeat the object of the enumeration, and render it idle and nugatory. You would thereby confer on the Executive, not only the powers specified in the grant, but all such other powers, as the most visionary theoretical writers on government might, in their speculations, ascribe to the Chief Magistrate of a nation.

The constitution is a power of attorney to its functionaries. Construe it, then, as you would any other written authority. If you empower A. to sell your horse, does it give him any authority to sell your house? Certainly not. Why? Because the expression of one thing, is the exclusion of another. Upon the strict adherence to this rule of construction, depends, in a great measure, the value of our written form of government, and the continuance of our free institutions. Because, it is vain to prescribe the powers of public officers, if they can travel out of their prescribed limits of power, and grasp other powers in addition to those prescribed and specified.

Let us look for a moment at the consequences which would flow from it, were this rule of construction disregarded in the present case. The Constitution declares, that “The Governor and all civil officers shall be liable to impeachment, for misdemeanor in office; but judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit, under this Commonwealth.” And it provides, that the Senate shall try all impeachments; they shall be under oath or affirmation, and requires a vote of two thirds to convict. Here we
perceive that 

misdeemor in office is declared to be an offence. Impeachment is the prescribed mode of proceeding. The Senate is the tribunal selected, and before whom all civil officers may be arraigned. Two thirds of the members present are to concur in the conviction. The judgment extends to removal from office, and disqualification to hold any office of honor, trust, or profit.

If the adoption of this mode of removing and punishing misdemeanor in office does not forbid a resort to all other modes, was it not an idle mockery in the founders of the constitution to insert it? If the Governor can take this power and jurisdiction out of the hands of the Senate, what is to prevent his taking from that body the right of advising and consenting to his nominations.

If he can deprive a constitutional civil officer of his right to be tried before the Senate, as prescribed by the constitution, what is to prevent his depriving a citizen who is not an officer, of his right of being tried before the judicial tribunals of his country? The law which gives the courts jurisdiction of crimes, like the constitutional law which confers on the Senate the power to try impeachments, does not, in terms, declare that to be the exclusive tribunal. The founders of the constitution, and the framers of the laws, were familiar with the maxim, "expressio unius est exclusio alterius;" and when they granted power to one department of the government, or conferred specific jurisdiction on one of the tribunals of the country, fondly indulged the delusion, that it was unnecessary to deny it to another.

The patriots who devised our present form of government, when they deposited with the Senate the power of trying impeachments, and of pronouncing sentence of disqualification to hold office, upon the party convicted, probably never dreamed that the Executive might step in, and by a summary and unceremonious process, remove the culprit from office, and thus snatch him a flagitious offender, from their disfranchising sentence.

The principle for which we are contending was eloquently and ably vindicated in the celebrated Response of the Judges of what was then styled the Old Court. And we had indulged the hope that the settlement of that fierce and never-to-be-forgotten struggle, had also settled and established the maxim that conferring power on one department is the denial of it to another. That prescribing one mode of removing an officer operates as an exclusion of all other modes.

The practice of the Federal government is relied on, as authority to sustain the power claimed for the Executive of Kentucky, and to prove that the power of removal from office is incident to the grant of Executive power. We will more fully examine this authority when an instance is shown wherein the President of the United States has removed from office an officer created by the constitution.

We will close our comments on the constitutional clause under consideration by remarking, that when the constitution declared that the powers of the government should be divided into three distinct departments, it excluded all idea of a fourth department. When it conferred legislative powers on the Legislative department; judicial on the Judiciary, and Executive powers on the Chief Magistrate, it intended that those departments should severally hold those powers, so conferred, to the exclusion of all others. And when it declared that all civil officers should be subject to removal, by impeachment, and that the Senate should try impeachments, it limited both the mode of
trial, and the tribunal; and, by necessary implication, declared that no other
mode of trial than that by impeachment, and no other tribunal than the
Senate, can be resorted to without a violation of the constitution.

2d. He shall nominate, and by and with the advice and consent of the
Senate, appoint all officers, &c.

This clause gives the Executive alone the power of nomination or recom-
mendation. But the power of appointment is confined not on the Execu-
tive alone, but conjointly with the Senate. Surely the wildest advocates of
Executive power would not contend that the mere power of selecting, re-
commending, or nominating, suitable persons for office, implies a power of
removal. And to such as may think that the power of removal is inciden-
tal to the power of appointment, it would seem sufficient to suggest, that
this power of appointment is lodged not with the Executive, but with the
Executive and Senate united.

3d. He shall take care that the laws be faithfully executed.

Judge Story, commenting on the clause in the Federal constitu-
tion, corresponding with this in ours, uses the following language: "The duty
imposed on him (the President) to take care that the laws be faithfully exe-
cuted, follows out the obvious injunctions of his oath of office, that he will
preserve, protect, and defend the constitution. The great object of the
Executive department, is, to accomplish this purpose; and without it, be the
form of government what it may, it will be utterly worthles8, for offence or
defence; for the redress of grievances; for protection of rights; for the hap-
piness, or good order, or safety of the people."

Here the learned commentator drops the subject. Now, provided he had
seen in this provision an injunction on the President to supervise the entire
administrative affairs of the nation, and see that every functionary executed
the law, as far as is incumbent on him, and to dismiss him if he failed,
is it not likely that he would at least have made some such suggestion.
We, therefore, conclude, from the comment quoted, that the learned jurist
construed this provision (as we do) not as conferring any specific power,
nor as enjoining any particular duty, but as descriptive of the comprehen-
sive duty of the Governor, to watch with vigilance over all the public inter-
ests, to suppress insurrections and rebellions, and put down all conspiracies
and dangerous combinations to resist the execution of the laws.

We cannot, therefore, agree with the Executive, that this clause affords
any countenance to the exercise of the power claimed. If it required the
Executive to see that the Secretary performed faithfully all the duties de-
volved on him by the constitution and laws, and to be held responsible for
the failure of the Secretary, it might create a strong reason why the power
of removal should have been conferred, but conduces very slightly to prove
that the power is actually vested. We believe, however, that the Governor
is no more responsible for the discharge of the duties of the Secretary, than
he is for the fidelity and integrity of sheriffs, surveyors, attorneys, &c.; and
that he is as much bound for the conduct of the one, as the other; that he
has the same power of removing one as another. That if he were bound to
see that they all faithfully executed the law, he would of course be bound to
see that it was executed as he, not as they, understood it; thereby making
all the officers of the Commonwealth, not the officers of the law, but the
creatures of the Executive; surrendering their opinions at his suggestion,
or punishable by removal for contumacy. We find, in the constitution, as
clear a warrant of power to the Executive to banish, as to remove an officer, as the means of seeing that the laws are faithfully executed.

4th. That the Secretary shall be appointed and commissioned, during the term for which the Governor shall have been elected, if he shall so long behave himself well.

We have, in a former part of this report, anticipated, in a great degree, all we thought proper to say, in relation to this authority cited by the Executive message.

We will only add, that we regard the question of good or bad behaviour, in a civil officer, as emphatically a question of a judicial nature. And if it is not exclusively conferred on the Senate, as a high court of justice for the trial of impeachments, with a view to the removal of the offender from office, it most indubitably appertains to the Judiciary, and not the Executive department of the government. The Governor in his message asserts, that the tenure of the Secretary depends upon the condition of his so long behaving well, and that he is the judge of the performance of that condition, and has a right to adjudge and declare a forfeiture.

Some members of the Senate may agree with the Governor, but entertain the opinion that the judgment thus pronounced is not final and conclusive, but subject to the revision of the Senate, upon the facts set forth in the record. Now, although we dissent "toto celo" from each of these hypotheses, and hold that no strength of evidence, no array of facts conducing to convict the Secretary of misdemeanor in office, will authorize either the Executive or the Senate (in any other mode than by impeachment,) to remove him from office: nevertheless, in order to meet the various theories on the subject, we have taken down the evidence, and offer it with this report. We would also state, in this connection, that the nominee appeared before the committee, and, in a long and ingenious argument, objected to the right of the committee to hear any evidence, excepting such as related strictly to the personal qualifications of the nominee; thereby excluding from them the right of determining whether there were any such office as that proposed to be supplied. If there were such an office, whether it were vacant, and if vacant, whether the nominee were constitutionally, legally and personally qualified to fill it.

The committee came to the conclusion that the clause of the constitution which requires the Senate to advise upon nominations, intended that they should reason and consult. In order to this exercise of judgment, that they should learn every fact calculated to enlighten their minds, and conduct to correct conclusions. That the authority under which they were acting, imposed no limitations on their range of enquiry; and that it would be improper to impose them on themselves, lest they might be guilty of the folly of advising the Governor to fill an office which did not exist—to fill a vacancy when there was no vacancy—or to fill a vacancy by the appointment of a person who was an alien enemy—or one that held an incompatible office, or had been impeached and disqualified, or convicted of an infamous offence, &c. All, or any of which, might be the case, and the Governor entirely and excusably ignorant of the fact.

The committee found numerous precedents, both in the Federal and State governments, fully justifying the scope of investigation which they prescribed to themselves, and accordingly overruled the motion made to them by the nominee. [See Senate Journal 1827, page 340. Same, of 1832, p. 400.
The only precedent drawn from the practice of the Senate of the United States to which we will make reference, will be found in the report made by Mr. Clay, as Chairman of the Committee of Foreign Relations, on the nomination of Mr. Stevenson as Minister to Great Britain. Mr. Stevenson's nomination was twice rejected, on grounds altogether foreign from his personal qualifications. Mr. Clay, in his report, uses the following language: "The Senate of the United States is supposed, by the theory of the constitution, to be as free and independent in the exercise of its judgment on nominations submitted to its consideration, as the President is in proposing them. Each of the two components, in the appointing power, acts upon its own sense of duty, and upon its own responsibility. The Senate has no right to require the President to nominate any particular individual, and the President has no right to require the Senate to confirm any particular nomination." Cong. Deb. vol. 13, part 2d, page 264.

5th. "The Governor shall have power to fill up vacancies that may happen during the recess of the Senate," &c.

This is a clear, unquestioned and unquestionable proposition. But how it can be forced into service to give license to the Governor to declare that the Secretary has, by misdemeanor, "vacated," "abandoned" or "forfeited" his office, we confess ourselves unable to perceive.

The Governor, in his message, charges and alleges various and numerous delinquencies against the Secretary, some of which were social, some moral, and some official. With those of the social and moral character, we do not feel called upon, at present, to interfere. Those of an official character, as set forth in the message, consist, in "wilfully failing and neglecting to reside at the seat of Government."

"Wilfully absenting himself, at different times, for long periods in succession, from the seat of Government, thereby putting it out of his power to perform any of the duties of Secretary."

"And, when at the seat of Government, in wilfully failing and neglecting to bestow the attention, and perform the duties which were incumbent on him, as Secretary, to perform."

After thus summing up the official delinquencies of the Secretary, the Governor, in his message, says:

"With these facts before me, I entertained no doubt that the contingency had occurred—upon the happening of which, the continuance of Mr. Hardin in office was made to depend—that there existed a forfeiture of his office, and that it was virtually abandoned and vacated. Accordingly, on the 1st September last, I caused to be entered on the Executive Journal, that the office was vacated, and thereupon commissioned George B. Kinkead, Esq., to fill the vacancy until the end of the present session of the General Assembly."

"This I was necessarily compelled to do, or fail to perform and have carried out in the manner required by the Constitution, my official duties as Governor."

The message very clearly sets out the offences with which the Secretary stands charged. But the action taken upon the charges, by the Executive, is not so clearly stated as to be free from ambiguity.

The message assumes that a contingency had occurred, that called for Executive action. If that contingency was a clear undisputed vacancy, arising
from any of the well known modes, of death, voluntary resignation, change of residence from this to another State, or acceptance of an incompatible office, the appropriate action of the Executive would have been simply to supply the vacancy by the appointment of a suitable person.

But such was obviously not the case. For the Governor tells us in his message, that he caused an order to be entered on the Executive Journal, declaring that the secretary had "forfeited" his office, and that it was virtually abandoned and vacated"—and that he thereby declared it to be vacated.

The common law declares that an office is forfeited by absence, non-user, and refusal. But the forfeiture is a question to be tried by a judicial tribunal. A writ of sci. fa. is sued out, the accused notified of the charge, and cited to appear and answer; evidence is heard, and if any of the facts which amount to forfeiture, are established, judgment of forfeiture is pronounced by the Court; and if he hold his office by patent, (commission,) a writ of discharge issues, and then the office is vacated. As no judgment of forfeiture is alluded to in the message, we take it for granted that none exists. It is, therefore, pretty clear that when the message uses the word forfeiture, it does not mean a common law forfeiture.

We therefore feel justified, from the general tenor and phraseology of the message, to come to the conclusion, that, taking the words "abandoned," "forfeited," and "vacated," in the connection as used in the message, that they simply mean that the Governor considered the Secretary guilty of "non-user" of his office to such an extent, that it worked a forfeiture; that he pronounced sentence upon the case, and declared the office vacated. In common parlance, removed the Secretary.

The constitution created the Secretary, fixed the tenure of his office, and the condition of that tenure, prescribed his duties, pointed out the offences for which all civil officers—including thereby the Secretary—should be removed from office, designated the tribunal, regulated the forms of proceeding, and fixed the punishment in case of conviction. We are of the opinion that no other mode of proceeding can be resorted to, and that all other tribunals are excluded; and, of course, that the common law mode of trying the question of forfeiture is repealed and abolished. But whether the Senate, sitting as a court, or the ordinary judicial tribunals of the country, or both, concurrently hold jurisdiction to decide the question of forfeiture for official misdemeanor, it is well settled law that it is a judicial question. Many cases might be cited. We will refer to only Gorham vs. Luckett, 6 B. Mon. 146; Jacob's Law Dictionary, 4th vol., p. 440; same, 6th vol. p. 28; and the cases there cited.

The Governor, in his message, speaking of the removal of the Secretary, says:

"In so acting, it is true, I exercised my judgment in the official delinquency of Mr. Hardin; but it was on such part of it only as came under my personal observation. And who might be supposed so suitable as the Governor to judge correctly of the conduct of the Secretary, whose duty required him to attest all the official acts of the Governor; and whether performed or not performed, must of course be officially known to the Governor only?"

Here is a distinct avowal that official delinquency was the charge against the Secretary; and that the Governor assumed jurisdiction, and pronounced judgment of forfeiture of office, and removed the officer, without even no.
tice or the forms of a trial. If the executive really, under the Constitution, has such powers, we do not wonder at the call for a Convention.

The question is asked—"And who might be supposed so suitable as the Governor to judge correctly of the conduct of the Secretary, &c."

If this were a question of expediency, and we were members of a Convention, we will not say how we would respond. But as it is a question of constitutional power, we answer, unhesitatingly, the Senate.

The message justifies the action of the executive, by arguments drawn from his right to judge of vacancies created by the voluntary act of the officer in removing from the State, or accepting an incompatible office, and then asks the question: "And if it be the duty of the Governor to treat the former as an abandonment and vacation of the office, why should he not treat the delinquency in the latter case as amounting to an abandonment of the office likewise?"

The answer to this question is a very obvious one. The Constitution has, in the cases put, declared the office vacated. The acts of the officer which create the vacancy, are voluntary acts, which he has a right to do without censure. He does them with the full knowledge of the constitutional provision; and the act, so done, amounts to a resignation. The Governor knows the same, and has a right so to treat it, and fill the vacancy; subject, however, to having his mistake, if he make one as to the fact, corrected by the courts, if the officer supposed to have thus vacated his office choose to contest the facts and assert his rights. This is a very different power from that of judging of official delinquency, or, as the Constitution terms it, "misdemeanor in office." There the honor and character of the officer, as well as his right of property, are involved, and the Constitution provides a high judicial tribunal for his trial, and supplies him with all the requisite means of a full defense; and in case of conviction, denounces against him the terrible sentence of disqualification to hold any office of honor, trust, or profit.

There is a wide difference between this mode of deciding upon misdemeanor in office, and that contended for by the Governor, whereby the executive is, from his personal observation, to decide the question, and if he come to the conclusion that the officer has failed to behave himself well, in the language of the message, declare that his office has thereby become, "ipsa facto at an end."

The message, in further support of the Executive power to remove the Secretary, asks: "And who has authority to determine whether or not he has failed to behave himself well? The constitution has not defined what does or does not constitute good or bad behavior, &c."

Can the Supreme Executive Magistrate have forgotten where the Judiciary powers of this Commonwealth have been lodged by the constitution. Has he overlooked the fact that, "the Governor and all civil officers shall be liable to impeachment for misdemeanor in office." That the common law, (which is adopted here so far as it is not repugnant to the constitution or repealed by statute,) defines a misdemeanor to be "an act committed or omitted, in violation of a public law, either forbidding or commanding it." And, consequently, that the Secretary and all other civil officers must be subject to impeachment for either doing what is prohibited, or omitting to do what the law commands.

The message argues the existence of the power in the Executive from the necessity of its being lodged in that department. All arguments ex necessi-
setate, in favor of constructive powers, should be viewed with distrust and examined with scrutiny.

The facts set forth as constituting the necessity for the possession and exercise of the power in question, are substantially: that the Assistant Secretary can only attest the Executive acts in case of the sickness or necessary absence of the Secretary.

Then follows a fearful array of consequences which are supposed to flow from the first position, in the event of the negligent and willful absence of the Secretary. "It was impossible for any official act of the Governor to be attested and authenticated in the manner required by the constitution, however imperative the necessity for prompt action, or however hazardous the delay. Though convinced by the most reliable evidence, discovered after trial, that a condemned culprit was innocent of the crime of which he was convicted, the Governor would be unable, in the absence of the Secretary, to rescue him from death and the gallows, by a pardon legally authenticated."

If it be true, as stated in the first proposition, that no Executive act, attested and authenticated by the Assistant Secretary, is valid in law, unless at the time of the attestation, the Secretary is either sick or necessarily absent, then we admit that there is an imperious necessity, not for the Executive to have the power claimed, but for a change of the constitution.

In the case of Stewart vs. Laird, 1 Cranch, 299, the Supreme Court decided, "That a contemporary exposition of the constitution, practised and acquiesced in for a long period of years, fixes the construction of the constitution, and this Court will not shake or control it." What has been the construction of our constitution on this subject, as practically given by every Chief Magistrate? No instance can be given where the validity of an Executive act, under the case stated, was ever called in question. What has been the practical solution of the question by the present Chief Magistrate, who is a deservedly celebrated jurist? Has he suffered no pardons, no patents, no commissions to be attested and authenticated, when he knew the Secretary was neither sick nor necessarily absent? Has he permitted none to be so attested when he knew he was present?

We have no doubt that he has permitted, and rightfully too, scores of such acts to be done in both states of case.

Will it, after due reflection, be contended by any enlightened lawyer, that on the trial of an ejectment, the defendant would be permitted collaterally to assail the plaintiff's patent, by an enquiry into the necessity of the absence of the Secretary, when the Assistant attested? In a culprit on his trial, to call for the Judge's commission and plead to the jurisdiction? In a Sheriff on trial for hanging a man in contempt of the pardon.

Is it not highly questionable whether the attestation is even essential to these Executive acts? Are they not, like the law requiring Sheriffs to advert, return executions, &c., merely directory to the ministerial officer, and not an essential element in giving legal validity to the Executive act?

The constitution confers on the Governor the power to grant reprieves and pardons. The doctrine contended for in the message, would associate the Secretary with him in this grant, and as he says, control the Executive action. If the signature of the Secretary was intended by the constitution, to constitute an essential and indispensable part of the pardon, the attestation would cease to be a mandatory and ministerial act; it would become, like the
act of the Governor, a discretionary act, which he could do or omit, according to his judgment; and as before stated, he would become a part of the pardoning power.

Again: if attestation is essential to a commission, who would attest the commission of the Secretary? He could not do it, for he is not Secretary till it has been done.

The constitution as peremptorily requires the registration as the attestation of the acts of the Executive. Suppose a pardon issued, signed, sealed and attested, but not registered; would a Sheriff be bound to obey it? Would it shield him from the punishment for murder if he disregarded it?

We put these cases to show that the constitutional requisitions on the Secretary, are merely directory to a ministerial officer, and that their omission by him, though a high misdemeanor, do not essentially affect the independent Executive action.

If we have succeeded in showing that the evils of murder, rebellion, insurrection, &c. (which are relied on in the message to prove the necessity of his being clothed with the power claimed,) would not ensue from the absence of that power, then his argument, ex necessetate, fails.

But if expediency is a sound argument in favor of a particular construction, the weight of the argument, drawn from that source, is in favor of the views for which we have been contending.

According to our view of the question, all the departments of the government move on in harmonious concert, in the full possession of all their rightful powers. Their beneficent action is not subject to be interrupted and cast into confusion by the mere omissions of a ministerial officer. Time is allowed, without serious inconvenience to the sovereign State, by proper and prescribed means, to call delinquents to justice.

But as we conceive, the power thus contended for by the Executive, being granted, disturbs the whole balance of our political system—breaks down all the guards and checks which were thrown around it by the wisdom of its framers, and introduces into one of the departments a Sampson, who would shake the pillars of the temple and bear away its gates on his shoulders.

In the celebrated debate of 1789, on the establishment of the office of Secretary of Foreign Affairs, (now of State,) it was asserted by many of the speakers, and controverted by none, that the power of removal of officers by the Executive, was unknown in the constitutions of the States.

Mr. Clay, in his speech on Executive powers, delivered in the United States Senate, in 1835, says: "In Kentucky and in other States, the Governor has no power to remove Sheriffs, Collectors of the revenue, Clerks of Courts, or any one officer employed in administration."

The arguments of the message, drawn from the intimate connection between the Secretary and Governor, would tend, with equal force, to confer on Circuit Judges the power of removing Sheriffs, Clerks, and Commonwealth's Attorneys. And all the evils which are pointed to as arising from the neglect of the Secretary, would, with full force, apply to the failure and neglect of those officers, (especially the Attorneys,) to discharge their legal duties. If the Legislature were to refuse to assemble; the judges to hold courts, or the Governor to issue commissions, anarchy would ensue. But whilst all government is founded on suspicion of human integrity, it is also founded on confidence.
The question of executive power, involved in the subject submitted by the Senate to this committee, can only, to a very limited extent, be elucidated by reference to direct judicial decisions—for the reason, as we believe, that but few, if any, of the chief executive magistrates of the States have ever attempted to exercise the power in question. We can, however, refer to an able and pointed authority against the power. The constitution of Illinois is, in the division of powers into departments, the grant of power to those departments, the creation of Secretary and the prescription of his duties, and the condition of his tenure, in almost the same language as ours.—The tenure of the Secretary, as to duration, is not limited in that constitution.

Field had been the Secretary during several gubernatorial terms. When Gov. Carlin came into office, he appointed M'Clenand. The nomination came before the Senate, and it decided that the office was not vacant. The case was brought before the Supreme Court, and the powers of the departments were discussed with almost unequalled ability and learning; and the decision was, that the Governor had no power to remove the Secretary.—2d Scammon, p. 80.

Whilst this committee entertain the highest possible respect for the Chief Magistrate; whilst they accord to him the purest and most patriotic motives; whilst they consider his opinions, as a jurist, entitled to great weight and consideration, they are constrained to come to the conclusion, that in attempting to remove from office, Benjamin Hardin, the Secretary, he assumed a power which is neither expressly, nor by fair implication, by the Constitution, vested in the Governor of Kentucky.

P. BUTLER,
W. K. WALL,
JOHN DRAFFIN.

Resolved, That although the Senate considers the nominee, Geo. B. Kinkead, well qualified to discharge the duties of Secretary, that it does not advise and consent to his nomination, because the said office of Secretary is not vacant.

Coming to the same conclusion of this report, but there are things stated therein to which the undersigned cannot subscribe, and begs leave to present the facts and arguments in his own way.

HENRY C. HARRIS.

Mr. Harris, from the same committee, presented his own report, which is as follows, to-wit:

The undersigned, one of the committee on Executive Affairs, to whom was referred the nomination of George B. Kinkead, as Secretary of State, has had the same under consideration, and begs leave to make the following report:

It appears, from the evidence, that Benjamin Hardin was duly appointed by the Governor, Secretary of State for the Commonwealth of Kentucky, on the 5th day of September, 1844, who, thereupon, accepted said office, by taking the oaths prescribed by law and the constitution, and entering on the duties pertaining to said office. And that, on the 5th day of January, 1845, the Governor nominated to the Senate, for their advice and consent, Mr.
Hardin to be Secretary of State for the Commonwealth of Kentucky, for
and during the term for which the Governor had been chosen, and that on
the same day the Senate advised and consented to said nomination. It also
appears, from the communication of the Executive, accompanying the nomi-
nation of Mr. Kinkead, that the Governor, on the Ist day of September
last, declared that the office of Secretary of State had become vacant, in
consequence of the failure and refusal of Mr. Hardin to reside at the seat of
government and discharge the duties of said office, and that, in consequence
of which, he caused an entry to be made on the Executive Journal to that
effect, and, thereupon, he commissioned George B. Kinkead to be Secretary
of State until the end of the next General Assembly.

With the message of the Governor, and the nomination of Mr. Kinkead,
there was also referred to the committee, the memorial of Benjamin Hardin,
controverting the right of Mr. Kinkead to be Secretary of State, and claim-
ing to be the rightful and constitutional Secretary.

The committee has been, as the whole country seems to have been, deeply
impressed with the grave and important constitutional question involved in
this executive proceeding. It awakened in the minds of every member of
the committee, an earnest desire to probe the question to the bottom, and to
come to such conclusions as would vindicate the constitution and settle the
question satisfactorily. It is needless to say that the question is a novel one,
and for the first time presented in Kentucky; and the committee has been,
therefore, compelled to examine with care the various powers of the Execu-
tive, and the functions of the Senate in regard to appointment of civil
officers under the constitution and laws of Kentucky.

It would also seem an unnecessary task for the undersigned to elaborate
a principle recognized in the constitution of this State, and asserted, with-
out exception, in every constitution of each State in the American confed-
eracy, that the legislative, judicial, and executive departments, are separate
and distinct, and are perfectly independent of each other, and that neither
can exercise any of the powers properly belonging to the others. But it
may be proper, however, to consider those powers, with a view of ascer-
taining the checks that each department of the government holds over the
other; and it becomes the more necessary, in the present case, as the ques-
tion was raised by Mr. Kinkead, at the first meeting of the committee, and
pressed with much earnestness, as to the rights of the Senate in advising
and consenting to a nomination made by the Governor. It was urged, that
the enquiries and investigations of the Senate, and by consequence, its com-
mittee, was limited to a mere enquiry into the personal, moral, and intel-
lectual fitness of the nominee; that beyond that the Senate could not go, with-
out an encroachment on the powers of the Governor, and erecting the Sen-
ate into a high court, and assuming powers which alone belonged to the ju-
diciary department. As this plea to the jurisdiction was presented, it be-
comes necessary to examine that question first. The undersigned was una-
ble to arrive at the conclusion that the Senate, in passing on a nomination,
is limited in its enquiries to the personal qualifications of the nominee; but
on the contrary, I was of the opinion that the whole question was open to
the investigation of the committee, including the moral, intellectual, consti-
tutional, and legal qualifications of the nominee.

In looking into the constitution of Kentucky, I can find no such restric-
tion, nor does any interpretation I can fairly deduce from any of its provi-
ions, warrant such a conclusion. It is most assuredly a principle, to which there is to be found no exception, that where a duty is enjoined in general terms on any one of the departments of the government, that duty must be discharged by a strict adherence to constitutional injunctions, and, as a necessary consequence, be discharged fully, unless there is in the organic law a direction in what particular way it is to be accomplished.

The constitution of Kentucky has invested the Executive with the power, in the recess of the Senate, and enjoined on him the duty of filing all vacancies which may occur; and the same instrument limits the tenure of an officer, so appointed, to the end of the next session of the General Assembly; but an appointment, to become permanent, must be transmitted to the Senate for its confirmation; and the question arises at once—What is the Senate called on to decide on such a nomination? I am of the opinion that the first question to be considered is, is there such an office established by the constitution and laws? Secondly, is the nominee morally, intellectually, and constitutionally qualified for the office? and if such a nomination is placed on the ground of a vacancy—the third question comes up—is there a vacancy?

The undersigned had no difficulty in ascertaining, in the present case, that there is such an office in Kentucky as that of Secretary of State, and would have had as little difficulty, if there had existed any vacancy, in coming to a conclusion on the second proposition, as he is fully persuaded that Mr. Kinkead is well qualified to discharge the duties of the office of Secretary of State. But on the third proposition, notwithstanding my high regard for the opinion of the Governor, I have not been able to come to the conclusion that there existed any vacancy in the office of Secretary of State, on the 1st of September, 1846, at which time the vacancy was declared by him and entered on the Executive Journal, and the appointment of Mr. Kinkead was made. Conceding that the Executive has the right to judge, in the recess of the Senate, or during its session, that a vacancy has occurred, in the first instance; and his duty to fill that vacancy, in the first case, by an appointment subject to the restrictions of the constitution; but still I am of the opinion, that he is not the sole judge of whether such a vacancy exists or not. By a strict analysis of the functions of the Executive and the Senate, it must evidently appear that, in all cases where an office is to be filled, and the duty of the Governor is to nominate that officer to the Senate for its "advice and consent," the Senate has the same right to settle the question of vacancy, and every other question, that the Governor has. In all such cases the Senate acts with the Governor executively; forms a part of the appointing power, and exercises the same functions with the Executive in making appointments. It is respectfully submitted, whether the Governor is limited, in making a nomination to the Senate, to a consideration of personal qualifications alone? and, if so, where is that restriction expressed in the constitution, if the Governor should, as he would be bound to do, in the wide range of selection, consider every question of the moral, intellectual, and constitutional fitness of an individual who he is about to nominate to an important office in this State? Then where is the restriction on the Senate, which exempts that body from a participation in the same considerations, or precludes it from deciding every question the Executive has decided, more especially as it is alone by its consent and advice the appointment can be made?
The constitution of Kentucky must alone be looked to, and the laws enacted in pursuance thereof, in determining the powers and duties of the Executive. The Legislature, too, is restrained by that instrument; and, also, by a surrender to the general Government of many powers and attributes of sovereignty. But the undersigned is deeply impressed with the belief that the Executive can exercise no authority, by intendment or construction; and if he exercises powers not expressed in the constitution or the laws, his acts, in all such cases, are unwarranted. To illustrate. Suppose the Governor should nominate, for the advice and consent of the Senate, an individual for the office of Grand Chamberlain, and another as Vice Chancellor? Would the Senate be bound to acknowledge that such offices were in existence in Kentucky? The answer would be, surely not; and would it not be a direct recognition, on the part of the Senate, that such offices did exist, if consented and advised to by the Senate?

Again: it is contended that the Governor is supreme in his constitutional sphere, and that if he adjudges a vacancy to have happened, the Senate has no right to examine that question, and that such an interference is an encroachment on his rights, and an unwarrantable assumption of power on the part of the Senate. Suppose that the Executive should nominate for the advice and consent of the Senate, three Judges of the Court of Appeals of Kentucky, in the places of the present Judges of that Court, in consequence of the supposed death, or removal, or resignation of these gentlemen; would it not be competent for the Senate to enquire whether the vacancy had occurred or not? Suppose that he should transmit to the Senate a message nominating a successor to the present Chief Justice, to fill a vacancy occasioned by his death, and the Chief Justice was to make his appearance before the committee and Senate, would any one suppose that the Senate would not have a right—nay, would it not be its duty—to determine the question of vacancy. Any other conclusion and hypothesis would make the Senate, in some respects, the registers of the will of the Governor, and would force it to declare a falsehood in the most solemn form on its Journal. He might impose on the Senate an alien enemy—a citizen of another State—if he possessed personal qualifications for the office; and still the Senate would be bound to shut its eyes to such constitutional disqualifications.

I am not disposed to carry examples and extreme cases too far, nor multiply them unnecessarily; but if such be the true doctrine, it then follows, that the Governor might dismiss every civil and military officer in the State, by simply declaring that they had all become vacant, if he is to be sole judge, and there be no check to his judgments. He might declare that each Senator and Representative in the Legislature, after the general election, had resigned or removed, and issue new writs of election and have a new House of Representatives and Senate. He might have his own Court of Appeals; his own Circuit Judges; his own County Courts; and, in a word, he could, by this doctrine of judging of vacancies as contended for, establish a new Government, with the exception of the Executive department, and lay the constitution in captivity at his feet. And where, it is respectfully asked, is the check on the Executive for such abuse of power? It is said that the great and only remedy is to be found in the Courts. It is true, the Courts can incidentally settle the question of title to a franchise, or office in some form of proceeding, and that, in some cases, they can determine it directly. Admitting this to be true, does that oust the Senate of its rights and duties? I apprehend it does not.
In order to show that the Senate has nothing to do with the question of vacancy, it has been urged with unaccustomed zeal and confidence, that the Senate is powerless; that no power is given to enforce its decisions in this particular case; and that the declaration and decision, that there is no vacancy in the office of Secretary of State, would be but an idle, impotent determination on its part, for the Governor might still adhere to his opinion that there was a vacancy, and that the Senate has no power to force obedience. I cannot see how this can at all alter the case, and have been unable to discover what bearing such an argument has on the question before the committee. No one contends that the Senate has any such power; and after that body has discharged its duty, which is a plain and simple one in the case in question, it will be for others to do theirs.

The undersigned cannot contemplate, however, that the decision of the Senate can have no weight, or meet with no respect from the Executive; nor will it be here discussed, as to the consequence that might follow, should the Executive maintain the ground assumed by him.

Although this whole case is new and unprecedented with us, yet in regard to the immediate question now under discussion, it is not new in this State. I have been led, necessarily, into a review of the action of the Senate of Kentucky on former occasions, in regard to Executive nominations, and feel rejoiced that the committee, in the views here taken, are not treading on new and unoccupied ground. I find that the Senate has heretofore, in numerous instances, decided that it had the power here claimed, of judging whether there was an office to be filled, and whether there was a vacancy or not. In 1828, Governor Desha nominated, for the advice and consent of the Senate, Preston S. Loughborough, to be Adjutant General of the State of Kentucky. The message is in these words: "Gentlemen of the Senate: In consequence of the removal of Oliver G. Waggner from this State to the State of Tennessee, as I am informed and believe, I nominate for your advice and consent, Preston S. Loughborough, to be commissioned Adjutant General of the State of Kentucky. JOS. DESHA."

"January 29, 1828."

The nomination was referred, on the same day, to a select committee, who reported the nomination to the Senate, "advising and consenting to said appointment." The Senate amended the resolution of the committee, by a vote of 19 to 6, by adopting the following resolution in lieu thereof: "Resolved, That the Senate do not advise and consent to the nomination of P. S. Loughborough, as Adjutant General of Kentucky, in the room of O. G. Waggner, because they believe there is no vacancy." See Senate Journal of 1827, page 356, and 441.

It will be seen by a reference to the Journal that the question pending before the Senate in regard to the nomination of Mr. Loughborough was, whether there was any vacancy or not. In this case, the Senate unquestionably went behind the question of personal qualifications.

Again: the Senate, in the same year, decided the same question by rejecting the nomination of Arthur Lee Campbell, as Surveyor of the military lands belonging to the Virginia State line, on the continental establishment, in the place of Col. Anderson, deceased. The committee states in that report, "The first question now presented for the consideration of the Senate is, is there a vacancy in office." And the committee further said, in the same report, that "there is no such office known to the constitution and laws of
Kentucky.” See Senate Journal of 1827, page 330. Now it is clear that, in this case, the Senate went behind the question as to the “personal qualifications” of Mr. Campbell, and decided two questions, one of law and one of fact: first, that there was no vacancy to fill; and, secondly, that there was no such office known to the laws of the State.

Again, this question was raised in the Senate of Kentucky in the session of 1832-3, during the administration of Gov. Breathitt. The law authorizing the appointment of Commonwealth’s Attorneys being about to expire, the Legislature, in December of that year, passed a law continuing the law of January, 1831, for two years thereafter. Gov. Breathitt conceiving that he had the right to fill the offices in each of the districts, transmitted a message to the Senate, nominating some twelve gentlemen to be Commonwealth’s Attorneys for the districts named; their commissions to take effect at the end of two years from and after the 15th day of January, 1831. The nominations of the Governor were referred, and the Senate decided again that there was no vacancy; and it is a singular fact, that four of the gentlemen interested in the nominations made by new members of the Senate. Gov. Breathitt, on the 4th of February, 1833, commissioned Horatio Bruce to be Commonwealth’s Attorney for the twelfth Judicial District. Mr. Bruce presented his commission at the Lincoln Circuit Court in February, 1834, and moved the Court to admit him to take the oaths prescribed by law as Commonwealth’s Attorney. The Circuit Court overruled the motion, and Mr. Bruce prosecuted a writ of error to the Court of Appeals, with a view of testing the question, whether the act of the Governor was constitutional or not? The Appellate Court remarked, that the nomination of Mr. Bruce had been rejected by the Senate of Kentucky, “on the ground that, in the opinion of the Senate, there was no vacancy.” See the case of Bruce v Fox, 1 Dana’s reports.

Fortified as I am by the usages of the government since its foundation; by the precedents to be found in the Journals, and by a fair and just interpretation of the powers of the Senate, no doubt is entertained by myself, or any member of the committee, that the Senate has the constitutional right to go behind the consideration of the personal qualifications of Mr. Kinkead, and to decide whether or not there is any vacancy in the office to which he is nominated by the Governor.

But it has been contended that the Governor has the power to remove the Secretary of State at pleasure; that such must be the case, or the intention and objects which the framers of the constitution had in view in constituting the executive department a unit, is defeated. It, therefore, becomes proper to examine the nature of the office of Secretary of State; the duties that appertain to it, and the responsibility that attaches to the incumbent. The Secretary of State is an officer for the State, and not the mere Clerk or Secretary of the Executive alone. His duties are plainly described by the constitution and laws. He stands as a sentinel between the Executive and the Legislature, and is perfectly independent of the Executive, as the Executive is of him, where he acts under the law. He is the keeper of the Executive Journal and the Public Archives, over which the Executive has no control, and is bound to make such reports of the Executive proceedings, as may be from time to time, required by the General Assembly. The 3d article, 24th section of the constitution of Kentucky is in the following words: “A Secretary shall be appointed and commissioned during the term for which the

Governor shall keep a register and record, of all acts and doings done in the Governor, and the General Assembly; and the Governor shall not be excused from any duty enjoined upon him by law.”

The view of the Senate of Kentucky was referred to the consideration of the question to the Governor, and the Executive, and the Senate of Kentucky.

It is thought by the Senate of Kentucky, that the Governor has no right to remove the Secretary of State; besides the duties which the Secretary of State has in his department, he has the power to remove the Secretary of State from the control of the Governor. The Governor without the consent of the Senate, may remove the Secretary of State, and there was no vacancy to fill; and, secondly, that there was no vacancy in the office of Secretary of the Senate. The Senate of Kentucky, on the 4th of February, 1833, commissioned Horatio Bruce to be Commonwealth’s Attorney for the twelfth Judicial District. Mr. Bruce presented his commission at the Lincoln Circuit Court in February, 1834, and moved the Court to admit him to take the oaths prescribed by law as Commonwealth’s Attorney. The Circuit Court overruled the motion, and Mr. Bruce prosecuted a writ of error to the Court of Appeals, with a view of testing the question, whether the act of the Governor was constitutional or not? The Appellate Court remarked, that the nomination of Mr. Bruce had been rejected by the Senate of Kentucky, “on the ground that, in the opinion of the Senate, there was no vacancy.” See the case of Bruce v Fox, 1 Dana’s reports.

Fortified as I am by the usages of the government since its foundation; by the precedents to be found in the Journals, and by a fair and just interpretation of the powers of the Senate, no doubt is entertained by myself, or any member of the committee, that the Senate has the constitutional right to go behind the consideration of the personal qualifications of Mr. Kinkead, and to decide whether or not there is any vacancy in the office to which he is nominated by the Governor.

But it has been contended that the Governor has the power to remove the Secretary of State at pleasure; that such must be the case, or the intention and objects which the framers of the constitution had in view in constituting the executive department a unit, is defeated. It, therefore, becomes proper to examine the nature of the office of Secretary of State; the duties that appertain to it, and the responsibility that attaches to the incumbent. The Secretary of State is an officer for the State, and not the mere Clerk or Secretary of the Executive alone. His duties are plainly described by the constitution and laws. He stands as a sentinel between the Executive and the Legislature, and is perfectly independent of the Executive, as the Executive is of him, where he acts under the law. He is the keeper of the Executive Journal and the Public Archives, over which the Executive has no control, and is bound to make such reports of the Executive proceedings, as may be from time to time, required by the General Assembly. The 3d article, 24th section of the constitution of Kentucky is in the following words: “A Secretary shall be appointed and commissioned during the term for which the

Governor shall keep a register and record, of all acts and doings done in the Governor, and the General Assembly; and the Governor shall not be excused from any duty enjoined upon him by law.”

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Governor shall have been elected, if he so long behave himself well. He shall keep a fair register, and attest all the official acts and proceedings of the Governor; and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before either house of the General Assembly; and shall perform such other duties as may be enjoined upon him by law.

The various acts of Assembly, imposing duties on the Secretary, are referred to, to prove that the Secretary is independant in his action, in relation to the duties he is to perform; and which duties are disconnected with the Executive department entirely.

It is then manifest, that the Secretary is an officer whose duties are partly declared by the constitution and partly by law. It would be competent for the Legislature to require of him the performance of many other duties besides those described in the constitution; and in the performance of those duties, he must necessarily act in obedience to the law, and not under the control of the Executive. He is bound "to keep a fair register," whether the Governor is willing or unwilling. Surely it was never designed by the framers of the constitution that the Secretary was bound "to keep a fair register," and be subject still to the will of the Executive. Nor could it, from the very nature of the delicate and important duties he is bound to perform, have been intended that this indispensable and important functionary should be a tenant at the pleasure of the Executive will. Such a construction of the constitution, would make the Secretary of State the Clerk and Secretary of the Governor, instead of his being, as unquestionably he is, the Secretary of State.

In the celebrated case decided in the Supreme Court of the United States, near the commencement of the administration of Mr. Jefferson, in the application to the Court to show cause why a mandamus should not go against Mr. Madison, the Secretary of State, for withholding a commission, issued by Mr. Adams during the last hours of his administration, the Supreme Court sustains this view of the undersigned, by deciding that, where a duty is prescribed by law, the officer is to execute it and conform to its provisions, and is not to be guided or controlled by the will of the President; and, acting under the provisions of a law, he must be governed solely by its directions, and not under that of the Executive. The case of Marberry vs Madison, Peters' Condensed Reports, is referred to as high authority on this point, and upon which I might repose with the most perfect security.

In furtherance, however, of this view, I beg leave to follow this proposition somewhat further. It will be admitted, beyond all question, that the Secretary of State, for high crimes and misdemeanors committed in his office, and for offences of a less magnitude, can be reached by impeachment. Suppose, then, that the Executive should determine that the Secretary of State should keep no Executive Journal at all, and that he should not give such information as either the Senate or House of Representatives might desire; nay, that he had kept an unfair Executive Journal, by orders of the Governor; and for these offences he should be impeached; could he plead, as a justification, that he acted under the control of the Executive? No man of ordinary intelligence in the State would admit such a defence as legal or valid: and it must be borne in mind, that on the trials of all impeachments, the strict forms of law must be observed; pleadings are instituted and carried on as in the trial of an ordinary criminal cause, with the exception
that the response and replication, as well as the articles of impeachment, must be in writing. Judge Story says, "The doctrine, indeed, would be truly alarming, that the common law did not regulate, interpret, and control the powers and duties of the court of impeachment." It would be equally as valid a defence, for a Sheriff to plead that the judge of his court had directed him to withhold all the moneys collected by him, from the persons entitled thereto, as for the Secretary of State, on his trial, to plead, that he had failed to keep a fair register of Executive proceedings, because the Executive had forbidden him to do so; for the duty, in the case of the Sheriff is declared by law, and the duty of the Secretary is appointed by the constitution.

The power of removal is a high and fearful power to be lodged in the hands of any Executive, and the constitution of Kentucky has committed no such power to him in relation to judicial or civil officers; but has appointed the Senate, in the case of impeachment, as the appropriate tribunal, and the House of Representatives and the Senate, in the case of a removal of a judicial officer by address. The undersigned cannot be persuaded that it was the design of the framers of the constitution to place constructive powers in the hands of the Executive. I regard him as the executive of the State, to see the laws enforced, in the cases of insurrection or rebellion; and, when called on by the judiciary, to enforce its judgments and decrees. I must look to the constitution and the laws for the powers of the Governor. If they are not there to be found, he cannot rightfully exercise any other. He has no power, derived from the English common law; all he possesses are plainly expressed in the organic structure of our government, and written in our laws.

I have said, in a former part of this report, that this was a new question in Kentucky, and I am not aware that such a question was ever made before, except in the State of Illinois, where this question (the power of removal of a Secretary of State by a Governor,) was decided by the Senate, and the Supreme Court of that State, against the power of the Governor to remove a Secretary of State. It will be seen, by a reference to the constitution of the State of Illinois, in relation to the appointment of a Secretary of State, that it is very similar to our own. He is appointed in the same way our Secretary is; but there is a difference in this, that our constitution fixes the tenure and affixes a condition to the enjoyment of the office of Secretary of State, for the term "for which the Governor has been chosen, if so long he (the Secretary,) behaves himself well." Whereas, the constitution of Illinois has no such limitation as to time; but he is liable, in Illinois, as in this State, to be removed by impeachment. It seems, from the Illinois case, that Mr. Field had been duly commissioned Secretary of State for the State of Illinois, in 1829; and that Gov. Carlin, who was elected in August, 1838, in the month of April, 1839, determined to remove Mr. Field from office, and appointed John A. McClernand in his stead, and nominated him to the Senate of Illinois for confirmation. The Senate there decided that the Governor had no power to remove a Secretary of State. "The question came directly before it, (the Senate,) and was decided under official responsibility, and the solemn obligations of an oath." Mr. McClernand filed his information in the nature of a quo warranto against Mr. Field, at the Spring Term of the Supreme Court of Illinois, 1839, to show cause by what authority he exercised the office of Secretary of State. The object of this pro-
ceeding was to try the same question, now under consideration—the power of removal. The court decided, after an elaborate argument, against the power claimed by Gov. Carlin. The opinion of the court in this case is especially commended to the consideration of the Senate, as an able and eloquent decision on the constitutional powers of the Executive Department of Illinois, and applies with almost equal force to the powers of the Governor of Kentucky, and especially so in reference to the question now being considered. I agree with the sentiment expressed in that opinion, "that as the Governor, therefore, has no right to direct how the duty shall be performed, it would seem preposterous to give him the power to dismiss the officer for not conforming to directions which he has no authority to give." It is asked, as it was aptly propounded by the court in that case, "what security, or even prospect, would there be for the representatives of the people obtaining the record evidence of executive abuse or usurpation of power, when, by giving him absolute control over the officer who is to make and keep the record, you put it into his power, by a word or look, to suppress it? If he (the Governor,) could be guilty of acts that would merit impeachment, can it be supposed that he would suffer the evidence of them to be placed upon record and laid before the Legislature, as a means of his conviction, by an officer whose official conduct he has the means of controlling?"

Nor is it believed that any just argument can be maintained in favor of this power, because the President of the United States possesses it in reference to all the officers aiding him in the administration of the general Government; except the Judges of the Supreme Court, and the District Judges. It is sufficient, without discussing the propriety of the lodgment of this high power in the hands of the President, to say that the law creating the offices, gives, by express enactment, that power to him; and every commission contains the tenure of the officer, which is during the pleasure and will of the President. They are officers created by law, and are tenants at will by the tenure of their offices. The President can originate a new embassy too, and determine the grade of the representative he appoints, without the consent of Congress, in the recess of the Senate of the United States, if any diplomatic relations of a similar character has been established between the foreign State and our country; the check on him is to be found in the Senate, who may refuse to advise and consent to the appointment of a Charge de Affairs, or a Minister Plenipotentiary and Envoy Extraordinary, so appointed. The House of Representatives may operate as a check on the President, by refusing to vote the salary for the Charge or Envoy. He has the power to recall the foreign Ministers and appoint others. He can remove his Secretaries, in the several departments, according to his caprice and pleasure; but all this proves nothing more or less than the President has the power to do this, because it is expressly given by law. It does not establish the fact that the Governor of this State has the power to remove the Secretary of State. As it has been remarked, in the cases where the President has the power of removal, it is conferred on him by law, and in the case of the Secretary of State, the Governor has no such power, either by the law or the constitution. It has been contended that the Governor must have the power of removal, from the necessity of the case, or by the failure of the Secretary to co-operate with him, the government would be brought to a stand-still; and the Governor has given the cases of rebellion, and pardon, as instances to show that the exercise of this power is practi-
cally just and rightful. Suppositions of this kind might, if not critically ex-
amined, mislead, and have thereby considerable weight. And, with equal
propriety, it might be said, if the Governor should refuse to perform his duty,
the action of the Government might be arrested and utter confusion prevail.
Indeed, upon the faithful discharge by every officer in the State, con-
ected with its administration, depends the safety and security of the interests
of all. If no person would accept and discharge the duties of the various
offices in the State, and no person would attend as Senator or Representa-
tive, then the Government would not only come to a "stand still," but
would be in fact dissolved. But the answer to this argument is, that in the
case of granting pardons, that could be done by the Executive and the Secre-
tary's assistant, as it has been done but a short time since; and so could
every military order be issued to the Adjutant General, and the different
Commanders of divisions, brigades, regiments, and companies, in the same
manner.
The undersigned would beg leave to remark, in response to the Governor's
communication, in relation to the personal relations between him and Mr.
Hardin, that it is a source of regret that any misunderstanding, of a personal
or official character, should have existed between them; which is, he is
aware, extremely unpleasant, circumstance as they are in such close con-
nection in the administration of the affairs of the State. But I am not
aware that this misfortune can, in any wise, be remedied; nor can the Gov-
erorn, in his opinion, remove the Secretary for such causes and differences.
In closing this branch of the report, the undersigned would beg leave to say,
that in his opinion, the Governor of this State, for the reasons assigned, and
many more which could have been furnished, has no right, under the con-
stitution, to remove a Secretary of State; and that he can only be reached
and removed for high crimes and misdemeanors, and a wilful neglect of duty,
by regular impeachment by the House of Representatives, and the judg-
ment of the Senate against him on that impeachment.
The next question which arises is, did the office of Secretary become va-
cant by the acts of Mr. Hardin, either by forfeiture, resignation, removal,
or otherwise? This brings me to a consideration of the evidence which has
been taken down, and will accompany this report. Upon the subject of
forfeiture of an office in Kentucky; it is worthy of remark, that there exists
none but that which is plainly described in the constitution and laws. The
legal and popular signification of a forfeiture, includes the idea, that by do-
ing some act prohibited by the municipal laws or forbid by the sovereign
power, or omitting to do some special or general duty imposed on an official
incumbent, or citizen or subject, he forfeits certain rights, goods and chattels,
lands, tenements, offices and franchises. It is laid down in Bacon's Abridge-
ment, 5th vol., under the head of "forfeiture of office"—"That if an office
acts contrary to the nature and duty of his office, or if he refuses to act at
all, that in these cases the office is forfeited."—And Lord Coke lays it down,
that there are three ways an office may be forfeited: first, by ab-user; se-
condly, by non-user; thirdly, by refusal. It will, nevertheless, be seen, that
there is no instance in which such a forfeiture has ever been declared in
England, unless it has been by information filed, and a sci. fa. to repeal let-
ters patent, and a judgment of forfeiture found in the Court of King's Bench.
Forfeiture in England has ever been the subject of judicial enquiry. It was
never claimed since the reign of William and Mary, or indeed after the Rev.
olution in England in 1688. Even in the case of treason, which forfeited life, lands, titles, and worked corruption of blood, there was always a judicial proceeding in the Courts, or in the Parliament. And even so far back as the reign of Charles the 2d, in 1682, this has been the universal doctrine in England, up to this time. At that period it was then thought necessary, in order to deprive an individual or corporation of a vested right, created by letters patent, to institute legal proceedings in the Courts. In 1683, the city of London was proceeded against, as a corporation, by a writ of quo warranto, in order to enquire into the validity of its charter, on the ground that the city had forfeited it, by claiming to exercise its rights in the election of Sheriffs; and the undersigned feels confident that there is no instance to be found, where an office or franchise has been forfeited, where the common law prevails as the rule of action in Courts, unless that forfeiture has been the subject of judicial enquiry. This is most certainly so, in all cases, where a person is to be deprived of any investure of office, privilege, or things; and such is the case in Kentucky in relation to forfeitures denounced by the statutes, on the subject of gaming, racing, card playing, tippling, illegal voting and official delinquencies and misconduct. The Legislature has imposed pains, penalties, and forfeitures, by various statutes; but it will be seen that such forfeitures can never operate until there has been a judicial proceeding and a judgment of forfeiture.

It is, therefore, my opinion, that if Mr. Hardin had done any act which forfeited the office, the Executive had no right to declare it. It is, also, evident Mr. Hardin had not resigned, either directly or indirectly, when the vacancy was declared; and there was no vacancy in consequence of resignation. And although the undersigned might be disposed to think, that the evidence shows that Mr. Hardin was absent more than he should have been from Frankfort, still I am not of the opinion that such absence amounts either to an abandonment of the office, or such a non-user as would vacate said office. Indeed, from the evidence, the business of the office was faithfully and efficiently discharged during the whole time, by the assistant of Mr. Hardin.

The last question which remains to be considered is, whether Mr. Hardin forfeited or vacated his office by failing to reside at Frankfort? It will be sufficient to remark, that the act of Assembly of 1795, which requires the Secretary to reside at Frankfort, was enacted prior to the existence of the present constitution, and its provisions in this respect, may be the foundation of a well founded doubt whether it is or not, repugnant to the constitution. The act of Assembly of 1795, first Digest, is in these words: "That the Auditor, Treasurer, and Secretary, shall reside at and keep their offices in Frankfort, from and after the first day of April next." This act of Assembly, by a change of the seat of Government from Frankfort, would be effectually repealed.

The 6th Article of the constitution, and the 11th section of that instrument declares—"That all civil officers for the Commonwealth at large, shall reside in the State, and all District, County, or Town officers, within their respective districts, counties, towns, (Trustees of towns excepted,) and shall keep their respective offices at such places therein as may be required by law."

The constitution, also, declares—"That all laws of this Commonwealth, in force at the time of the making of the said alterations and amendments,
and not inconsistent therewith, shall continue, as if the said alterations had not been made.”

Now, by the act of 1795, the Secretary of State was required to keep his office, and reside at the seat of Government. So much of this act as was consistent with the constitution was evidently adopted, and is still in force; but if the Secretary is an officer for the State at large, it is evident that it may be well doubted whether, that so much of the act as requires him to reside at the seat of Government, is not repugnant to the constitution.

I cannot regard it as obligatory. Besides which, it has been repeatedly held by the Courts, that the Legislature cannot incorporate additional qualifications to an officer created by the constitution, or impose any new condition as to the tenure of an office, where the condition and tenure of the office are declared in the constitution. That this has been the construction heretofore given to the act of Assembly of 1795, the undersigned cannot doubt, as a great majority of the Secretaries of State have not resided at the seat of Government since the year 1805, up to this period. In conclusion, I will only remark, that it has not been considered a duty falling within the scope of the labors devolving on the committee, to discuss whether the acts of Mr. Kinkade, as Secretary of State, are valid or invalid; or whether he is or is not a Secretary, de facto; and I have not done so. Such questions belong to the Courts. When a case shall be presented which shall call in question the legality of his acts, it will be for that department of the Government to settle that question.

All of which is respectfully submitted, as the particular views of the undersigned, to which no one is committed but himself.

HENRY C. HARRIS.

Mr. Harris, from the same committee, presented the dissent of Mr. Thornton, another member of said committee, which is as follows, to-wit:

D. Thornton does not concur in many of the positions and arguments of the foregoing reports, and especially in the conclusions to which the committee have arrived, viz:—That the Governor has exercised powers not granted (either in express terms or by fair implication,) in the constitution and laws of Kentucky,—and would respectfully make reference to the considerations presented in his message accompanying the nomination referred to in said report.

TESTIMONY TAKEN BEFORE THE COMMITTEE ON EXECUTIVE AFFAIRS.

JANUARY 6th, 1847.

The Executive Committee convened in the Senate Chamber, on the nomination of Geo. B. Kinkead to be Secretary of State, and the memorial of Benjamin Hardin, Esq.

RICK MAXBY is appointed Clerk to the Committee during the investigation of the said nomination and memorial, and was duly sworn by the Chairman.

Mr. Kinkead moved that the Committee postpone the further investigation of said case until to-morrow evening; which motion was overruled.
Mr. Kinkead then moved that the Committee limit its investigations to the qualifications of the nomination made by the Governor. And upon the said motion, Mr. Kinkead addressed the Committee at length, and Mr. Hardin replied, and Mr. Kinkead rejoined, and the Committee took time to consider said motion until to-morrow evening; but in the mean time proceeded with the testimony.

Mr. Hardin introduced John Morton as a witness, who being duly sworn, states, that he has been living with Mr. Hardin for the last twenty years; that he had been much about Mr. Hardin's house; thinks he has not been absent from there more than a week at a time during the whole time. Witness says Mr. Hardin kept his law office in Bardstown, and in March, 1845, he, by Mr. Hardin's directions, sent his books to Frankfort; there were four heavy boxes of them. Mr. Hardin had no white family but himself and his wife, and said he was going to move to Frankfort. Mrs. Hardin did not go to Frankfort, because her daughter, Mrs. Palmer, was taken ill in the spring of 1845, and she went to Washington county to see her. Mrs. Palmer was removed to her father's, and died in the fall of 1845; before her death she requested her mother to raise her children, the eldest of whom is about 15 years old. Mrs. Hardin took the children to raise, and on that account did not move to Frankfort. Witness does not think Mr. Hardin was at home, after his appointment, as much as three weeks during the year, except when he was attending Court. Witness says Rowan Hardin, as he understands, is in the army in Mexico; his seven children are left upon Mrs. Hardin to take care of. Witness says, that in June last, two of Mr. Hardin's negroes fell out and one stabbed the other; stole a horse and run away. Mr. Hardin employed Mr. Dixon to go in pursuit of the negro, and also went in pursuit himself; was gone about three weeks, and returned without the negro; he has not been recovered. Soon after his return, witness heard that the Governor had removed Mr. Hardin.

George Dixon being sworn, states, that last summer one of Mr. Hardin's negro men stabbed another of his negroes and run away. Witness, at the request of Mr. Hardin, had some hand-bills struck and went in pursuit of the negro. He states that Dr. Palmer has five children at Mr. Hardin's; the eldest of whom is about 15 years old. Rowan Hardin, also, has seven children who are under the care of Mrs. Hardin. Witness has seen letters from Rowan Hardin, written at Monterey, Mexico; he is in the army. Witness saw him in Texas, and heard him say he never intended to return.

John L. Helm being sworn, says, I was sick when Mr. Hardin came to my house in pursuit of his run-away negro, as he said, and he left with the avowed object of prosecuting his search. He said he had heard of the negro down about Churchill's furnace; this was in August last.

Mr. Hardin offered his commission as Secretary of State, in evidence, and filed the same with the Clerk.

Mr. Stealley being sworn, says, in April, 1845, he took possession of the Mansion House. In May, 1845, Mr. Hardin applied to him for a room and boarding for himself and family. Witness agreed to furnish Mr. Hardin a room and boarding, and Mr. Hardin afterwards informed witness that the reason Mrs. Hardin did not come to Frankfort was, that her daughter, Mrs. Palmer, had died, and she had to keep her children.

The Committee then adjourned until 2 o'clock to-morrow evening.
The Committee met in the Senate Chamber, pursuant to adjournment, and proceeded with its investigation. And the Committee being fully advised, on the motion submitted by Mr. Kinkead on yesterday, for the Committee to limit its investigations to the qualifications of the nominee of the Executive, was unanimously overruled; and, thereupon, Mr. Kinkead notified the Committee that he should not cross-examine, or introduce testimony touching anything in controversy, except as to the qualifications of the nominee.

JOHN BOMAR being sworn, states, that he saw Mr. Hardin at a protracted meeting in Hart county, after the election in August last; he came, as he said, from the furnace, in search of a run-away negro.

COL. DAVIDSON being sworn, states, that he has been living in Frankfort for about twenty one years; that for eighteen years of that time Mr. Hardin has boarded with him, when he was in Frankfort. That Mr. Hardin engaged him (witness) to fit up a law office for him in Frankfort after his appointment to the office of Secretary; and he engaged boarding for himself until his wife should come to Frankfort. Witness states, that in March, 1845, Mr. Hardin's library arrived here, and was put up in the office which he had fitted up for him. Mr. Hardin said he would bring his wife here. He was attentive in the office when here, and whenever he was about to leave he would say he was compelled to go. Witness very seldom saw the Governor and Mr. Hardin together; generally saw Mr. Hardin in his room and the Governor in his. Has heard persons who were about to apply for Executive favor, advised not to converse with Mr. Hardin about it, because it would set the Governor against the applicant. Witness has heard Mr. Hardin say, the reason his wife did not come to Frankfort was that her daughter, Mrs. Palmer, had died, and she had her children to raise. At an election in Frankfort Mr. Hardin refused to vote, upon the ground that if he voted in Frankfort or Nelson either, they might indict him. Mr. Hardin left Frankfort about the 7th of August last. In the spring of 1845, Mr. Hardin called on witness for the law under which large sums were expended at the Palace. Upon cross examination by Mr. Butler, witness stated that Mr. Hardin was absent a good deal; he supposes Mr. Hardin was here as much as five months in the year. It has been the practice of the Secretaries, who were lawyers, to practice law; all done it. Mr. Bullock was gone a good deal in the north to sell State bonds. Martin D. Hardin was absent in the north western army. Mr. Rowan, Mr. Harlan and Mr. Robertson practised law. Mr. Robertson lived in Lancaster and never moved to Frankfort. Witness does not know whether all the Secretaries, except Robertson, lived in Frankfort.

E. A. MACurdy being sworn, states, that John Rowan was Secretary of State from March, 1804, until 1807. Mr. Hardin signed patents in July, and one on the 1st day of August last. At the time Mr. Kinkead came into office there were about sixty patents not signed. Witness heard that Mr. Kinkead was appointed Secretary, and he went into the Secretary's office; these patents were dated previous to the 2d day of September; and there was some conversation as to who they should be signed by; and the Governor suggested the propriety of changing the dates; when witness...
suggested that the rights of the patentees might be endangered, and he supposes it was concluded that, as the patents were dated during the time that Mr. Hardin was in office, Mr. Mitchell should sign the name of Mr. Hardin, by himself as his deputy, and they were accordingly so signed; this was on the 1st or 2d day of September, but witness thinks it was the 2d. Witness did not see Mr. Mitchell sign the patents, but he thinks Mr. Hardin's name is in the handwriting of Mr. Mitchell. When Mr. Hardin was in Frankfort he was generally to be found in the Secretary's office. The first patents which Mr. Kinkead signed, are dated the 2d day of September. Witness is not positive whether the patents, to which Mr. Mitchell signed the name of Mr. Hardin, was signed the 1st or 2d day of September. Mr. Mitchell lived in Frankfort and acted as Mr. Hardin's clerk, and kept up the business of the office well, until Mr. Kinkead appointed him his clerk. Mr. Hardin was in Frankfort generally during the session of the Legislature. Witness heard Mr. Hardin say he gave Mr. Mitchell the fees of the office. Witness has lived in Frankfort about forty years.

Mr. Hardin filed exhibits A. B. C. D. E. and read from the Executive Journal pages 93, 94 and 95. And being interrogated, Mr. Kinkead stated that Mr. Mitchell signed his name to exhibit A. a pardon.

Dr. Sharp being sworn, states, that his best recollection is, that while Lewis Sanders was Secretary, he lived in the country where Lockwood now lives, and practiced law in a many Courts, principally in the Circuit Courts.

Thomas D. Tilford being duly sworn, says, that he was employed a few weeks in the Secretary's office as clerk, and received the fees. He had also written in the office when Mr. Harlan was Secretary, and got the fees.

Mr. Graves being sworn, states, that in May last he raised a company of volunteers for the Mexican war; he came to Frankfort for the purpose of tendering his company to the Governor; he found Mr. Hardin here, and was informed that if none but full companies were received he could get his company in. The Governor and some two or three gentlemen were in his room; and some remark was made in the Secretary's room that the Governor had locked his door.

James Harlan being sworn, states, that he acted as Secretary four years, and practiced law in Jessamine, Mercer, Franklin, Anderson, Boyle, the General Court, Court of Appeals and the Federal Court. He had a clerk in his office, and sometimes two, who signed his name in his absence. When Mr. Robertson was Secretary he lived in Lancaster. When Mr. Owsley was Secretary he lived in Frankfort. Mr. Crittenden was Secretary in 1834 and 1835 and he practiced law. According to the records, Mr. Bullock went to New York to sell State bonds. Witness saw him in Washington on his way. Mr. Harlan was appointed Secretary in September, 1840, and moved to Frankfort in February, 1841. Cannot say how long he was absent attending Courts. Witness was also Secretary of the Sinking Fund, which was very laborious. The Board of the Sinking Fund gave him $250 for signing State bonds.

William R. McFerran being sworn, states, that he is Attorney for the Commonwealth, and practices law in the Grayson court. Mr. Hardin also practices law in that court. Witness has not seen Mr. Hardin in Grayson
since October, 1844, when he made a political speech as a Whig electoral candidate for the State at large, and from there he went to Indiana to speak.

Joseph Smith being sworn, states, that Mr. Hardin has practiced law in the county of Breckinridge ever since he can recollect, until Gov. Owsley was elected. Since that time he has only seen Mr. Hardin there once or twice.

John L. Helm again called, states, that Mr. Hardin practiced law in Grayson and Breckinridge since his first recollection. During the March term of the Hardin Circuit Court, 1845, Mr. Hardin received a letter from the Governor, and left for Frankfort to sign State bonds. From information received from Mr. Hardin, he was in the habit, before his appointment as Secretary, of going to the State of Mississippi, during the winter, to practice law, and does not know of his going there since his appointment. Witness never heard any personal communication between Mr. Hardin and the Governor. Mr. Hardin was an electoral candidate for the State at large, and he continued to the end of the canvass, he thinks, with the assent of the Governor. Witness states, that he was at the house of Benjamin Hardin about the last of August or first of September, 1844. That William Anderson, the grand son of Governor Owsley, delivered to Mr. Hardin a letter written by Gov. Owsley to Benjamin Hardin. The purport of that letter was, to the best of my recollection, that he, the Governor, had changed his determination to appoint Mr. Hardin as Secretary, having previously, by letter, informed Mr. Hardin that such was his determination. Upon consultation, Mr. Hardin determined to make no reply. Before I left court at Bardstown, another letter from Gov. Owsley was received by Mr. Hardin, through the mail. This letter was also shown to me. The contents of that letter was, in substance, to the best of my recollection, of the following import: reference was made to the letter favored by Mr. Anderson, and the reasons assigned for reversing; it was, that upon consultation with many friends, it was thought his appointment would have the effect to withdraw him from the political campaign of 1844. Other suggestions may have been made which I cannot repeat. The letter then went on to say, he had, upon further consideration, determined to forego the objections, expressing his great desire to see Whig principles prevail, and concluded by requesting Mr. Hardin to repair to Frankfort at his earliest convenience to qualify as Secretary of State. A consultation was held by Mr. Hardin with his family, and some of his friends, when Mr. Hardin determined to go to Frankfort, qualify as Secretary, and return and pursue the political campaign, which he done.

A member of the committee enquired of Mr. Kinkead whether or not Mr. Mitchell signed the name of Mr. Hardin to patents before he, Mr. Kinkead, was appointed Secretary; and he said the name of Mr. Hardin was signed to the patents by Mr. Mitchell after he (Mr. Kinkead) was appointed Secretary, but on the same day.

Alexander Robertson being sworn, states, that he was the 2d Clerk in the Land Office. Mr. Macurdy went to see the Governor about the patents which were to be signed. There was some talk about changing the dates. Understood that Mr. Kinkead was commissioned Secretary. Witness has resided in Frankfort some 16 or 18 years. In October last witness received a letter from Mr. Hardin, enclosing a commission to himself as Mr. Hardin's
deputy, and desiring him to offer his services to the Governor; he did so, and
the Governor refused to accept him; saying he had assistants enough.
And then the committee adjourned until 2 o'clock to-morrow evening.

JANUARY 8th, 1847.

The committee met in the Senate Chamber pursuant to adjournment.

JEPHTHA DUDLEY was sworn, and states, that he has lived in Frankfort
near 43 years; was here during Gov. Greenup's administration. John Row-

an was his Secretary; he moved to Bardstown in the Spring of 1805, and
got to Congress in 1806. Mr. Grayson was Governor Greenup's next Sec-

retary; he lived in Fayette county, and never moved to Frankfort; but
brought his family here during the sessions of the Legislature. Greenup
was Governor in 1804. Gov. Scott succeeded Greenup. Jesse Bledsoe was
his Secretary, and resided out of Frankfort the greater part of the time.
Gov. Shelby succeeded Scott. Gen. Hardin was his Secretary: he left here
in August for the North Western Army and returned in February or March;
he was a lawyer and had a full practice. Lieut.Governor Slaughter was
Shelby's successor. John Pope was his Secretary; he practiced law. Gov.
Adair came into office next. J. C. Breckinridge was his Secretary; he lived
on the other side of the river. Gov. Metcalfe appointed Mr. Barry his Sec-

retary; he never moved to Frankfort; but brought his family here during the
sessions of the Legislature. Gov. Metcalfe appointed Mr. Robertson his
Secretary; he never moved to Frankfort. Gov. Breathitt appointed Lewis
Sanders his Secretary; he lived out of Frankfort. Lieut. Gov. Morehead
appointed Mr. Crittenden, and then Mr. Owsley his Secretaries; they were
lawyers and practiced. Witness says he was in the habit of quizzing Mr.
Hardin, and he had a conversation with the Governor, in which he (wit-
test) told him that he had heard out of doors that Mr. Hardin would not speak to
him (the Governor.) The Governor remarked that he did not blame Mr.
Hardin, for he (the Governor) would not speak to him. Witness says it used

to be the practice with the Secretaries, when they were about to leave
Frankfort, to be gone some time, to sign blanks and leave them to be filled
up by the young men in the office, when needed. The absence of the Sec-

retaries, except Sanders, was principally on account of the practice of the
law. Sanders was absent on his own account, speculating.

Dr. PALMER being sworn, states, that he lives in Washington county, near
Springfield; has resided there for twenty years. He married Mr. Hardin's
daughter 16 years ago. She died last October was a year. She had been
sick from March, and before her death, she requested her mother (Mrs. Har-
din) to raise her children; and they have been with her pretty much ever
since. Mr. Hardin practiced law in Marion and Washington regularly, un-
til he was appointed Secretary; since that time he has frequently been ab-
sent from the courts in said counties. On two or three occasions he left court
to go to Frankfort about the business of his office.

JOHN L. HELM called again, and states, that he and Mr. Hardin were op-
posing lawyers in an important will case, that had taken about 10 days. Mr.
Hardin made his speech and left for Frankfort before the argument was con-
cluded, in order to qualify as Secretary.

P. C. HARDIN being sworn, states, that he has been practicing law in Ma-
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was appointed Secretary; since then he has lost at least half his time from that court.

A. S. Mitchell sworn, at the instance of a member of the Committee, and states, that he was appointed Assistant Secretary by Mr. Hardin, by and with the advice and consent of the Governor, and has been in the office ever since, except for a time when he was absent on account of sickness and on leave. The chief duties of Mr. Hardin, as performed, were signing State bonds, coupons, and commissions. Witness says the statements of the Governor, in his special message, are as near true as he and the Governor could arrive at it, by comparing their recollections; does not know that there was any other data, which he would be willing to give. He does not know at what time Mr. Hardin came to Frankfort after the November election. Mr. Hardin was at Frankfort during the sessions of the Legislature. The second session, Mr. Hardin came about the middle of November, and did not leave until after the close of the session. Witness says the Governor never locked his door upon any one, and never locked for consultation but twice; once in the Baker case, and once when the volunteers were being fitted out. Mr. Hardin gave the fees of the office to the Clerks who performed the service. He was at Frankfort a little before Christmas at the session of 1844. He came here in September, qualified to his commission, appointed witness his deputy, and then went away. Mr. Hardin left here in a week or ten days after the close of the session of 1845. Witness kept no memorandum of Mr. Hardin's arrivals and departures, but he knows the statement in the message is true. The time Mr. Hardin spent in Frankfort was estimated from a paper made by Mr. Hardin and left in a drawer in the Secretary's office, and from the joint recollection of witness and the Governor; and the time is correctly stated in the message. Upon being interrogated, witness cannot say whether the message charges that Mr. Hardin has been at the seat of government five months only, since his appointment. Witness says Mr. Hardin was always here at some time during the sitting of the Court of Appeals, and always during the sessions of the Legislature. The memorandum, from which the estimate was made, was examined for the first time the day Mr. Kinkaid was appointed Secretary. Witness had previously seen it in a drawer. It was found in a drawer in the Secretary's office, used in common by Mr. Hardin, Mr. Anderson, and the witness. The paper was a private one; or not, according to the sense in which the word is used, if used in the sense of confidential, which a man could not look at without a breach of good conduct, then it was not a private paper. It purported to be a memorandum of Mr. Hardin's boarding at Col. Davidson's. It showed nothing else than what I supposed Col. Davidson's account books would show; and besides, it was no secret at what times Mr. Hardin came to and left Frankfort, as set down in the memorandum. These things were public, and therefore I did not consider the memorandum improper to be examined. I would consider a paper confidential, or not, according to its contents; and I looked on this memorandum of board as I would on any other bill or account. It bore no marks of privacy; it was in a public drawer in the Secretary's office, and not with Mr. Hardin's private papers and letters, which were kept by me in a side press; and the last time the memorandum was examined was on Mr. Hardin's first visit to Frankfort after Mr. Kinkaid's appointment. He met me one day out of the office, and asked me to get the memorandum and bring it to him, and I did so. Wit-
ness feels certain that Mr. Hardin has been here in all, since his appointment, more than five months. Being interrogated, he says, the Governor prepared a paper at the last session, to be sent to the Senate, in relation to Mr. Hardin, but which was not sent. He (witness) has not shown that paper to any one since Mr. Hardin and the Governor became reconciled. In answer to a question by Mr. Hardin, witness says, he did not make a list of Senators last winter who would vote to remove Mr. Hardin; he remembers a conversation he had with Mr. Stonestreet in relation to the controversy between Mr. Hardin and the Governor. Witness is not certain he ever read the paper prepared by the Governor on the subject last winter. Witness signed the name of Mr. Hardin to commissions, patents, pardons, &c. There is always a press of business during the session, and there was a great deal to do during the time the volunteers were being raised. Mr. Hardin was here while that was going on. Witness thinks that except the business to be done during the session, and other times when there is a press of business, one Clerk could keep up the business of the office by employing his time one hour in each day. There is nothing in the office which would show the relative labor performed by the several secretaries. Upon interrogation, witness thinks it most likely that he told the Governor that the memorandum of Mr. Hardin was in a drawer in the office. The Governor has a copy of it, taken by witness at the request of the Governor. The name of Mr. Hardin was signed to patents, by witness, after Mr. Kinkead was appointed, which was done against the advice of the Governor. Witness was induced to do so because he was Mr. Hardin's assistant at the time the patents bore date. Mr. Macurdy desired him to sign the patents. In August last the roof of the room occupied by Mr. Hardin was undergoing repairs, and Mr. Hardin went into the room occupied by the Governor, each occupied a separate table, and when the Governor would sign papers they would be passed over to Mr. Hardin. Witness says Mr. Hardin has given him notice of his dismissal; but if the Governor cannot get clear of Mr. Hardin without the consent of the Senate, witness questions the power of Mr. Hardin to get clear of him without the consent of the Governor.

Col. Davidson called again, says the negro house which has been built at the palace, makes the palace expenses more than the palace expenses of any administration except Governor Clarke's. Mrs. Owsley has decorated the palace grounds a great deal, without charge, and the negro house built by the Governor was necessary. Gov. Letcher's palace expenses were less than that of any other administration. Witness says, Mr. Hardin only enquired of him for the law under which the appropriation was made, and witness never mentioned the enquiry to the Governor.

Mr. Farrar being sworn, says, Mr. Hardin called on him to assist in finding (in an old Journal) when Worden Pope was appointed Notary Public, and wished witness to refer him to some competent man whom he could employ to make indexes, and said he would give $200.

The committee adjourned until Tuesday evening 2 o'clock.

The committee met pursuant to adjournment.

Mr. Brown, of the House of Representatives, was sworn, and upon his oath states, that he never had a conversation with Mr. Hardin about the
office of Secretary; he heard Mr. Hardin converse with others about it, and heard him say that he cared little or nothing about the office, but he intended to have the salary. Witness cannot say when it was, or what gave rise to the conversation, but he was present and heard it, and he thinks it was about a year ago at one of the Courts in Hardin county.

Thos. S. Page never had any conversation with Mr. Hardin about palace expenses, nor did he communicate any thing of the sort to the Governor.

A. S. Mitchell again called, states, that since he gave his evidence he has been thinking about it, and has refreshed his recollection as to some facts; having examined the copy of the memorandum as to one date. Witness says, that shortly after the August election in 1844, Mr. Hardin wrote to the Governor that enough was ascertained to make it certain that he was elected; and that he Mr. H. would like to have the appointment of Secretary, which the Governor wrote to him he could have. Afterwards, Mr. J. T. Boyle wrote to Mr. Hardin, recommending witness to him as Assistant Secretary. Witness afterwards received a letter from Mr. Hardin, proposing to witness to appoint him Assistant Secretary, and requesting witness to meet him at Frankfort on a given day. Witness met Mr. Hardin and received the appointment. Soon after the meeting of the Legislature, the Governor complained to some of his friends that Mr. Hardin took fees to attend to cases depending before the Legislature, and thereby neglected the duties of his office; but the Governor said nothing publicly about it. Mr. Hardin was ready enough to show the law to persons, but he did not make himself acquainted with the records of the office, so as to find what was wanted, except the Executive Journal; with that he was pretty familiar. The Governor wrote to Mr. Hardin that the business of the office was accumulating, and desired him to move to Frankfort. Mr. Hardin came on and signed State bonds in March, went away in April and went to Mississippi, and returned in June, towards the last of the month, and stayed until after the 4th of July, and went away and returned the last of July, and stayed until after the election. Mr. Hardin said he would not vote here, for he would not give up his residence in Nelson. That about the time of the August election, 1845, there was a mob in Frankfort, of which he knows nothing, as he was absent. He was written to, to return to Frankfort, as Mr. Hardin was gone, and there was no one here to attend to business. On his (witness') return, Governor Owsley related to him what had occurred between Mr. Hardin and himself after the mob. He had advised Mr. Hardin to resign, but Mr. Hardin had replied that that was not the time to do it. Governor Owsley told him to consult his own feelings as to the time, and they separated—Mr. Hardin apparently friendly and in a good humor. Soon after this Governor Owsley was informed by most respectable gentlemen that Mr. Hardin was in the county of Marion, and elsewhere, speaking most harshly of the Governor, and saying that he and Governor Owsley had had a violent quarrel, and did not speak. Sometime late in September, Mr. Hardin again visited Frankfort, for the first time after the August election. He did not call on the Governor, but kept aloof. And from this time he continued to stand aloof from the Governor and held no communication with him. Things continued thus until the commencement of the last Legislature, when everybody expected an open rupture and contest before the Senate. Governor Owsley was satisfied he had the power of removal of a Secretary who
would have no communication with him, but he disliked to take any step that would wound the feelings of Mr. Hardin's family and friends, whom Governor Owsley liked very much; but the breach was deemed inevitable and Governor Owsley had prepared a written argument claiming this power over the Secretary. At this stage of the controversy, it was understood from Mr. Hardin's friends, that Mr. Hardin could not go out "under a fire," but that if no proceedings should be taken against him, he would voluntarily resign, and end the controversy between the Governor and himself by resignation. Witness believed this; and, accordingly, one day he opened a conversation with Mr. Hardin and spoke of the general regret of their friends at the pending controversy, and told him, he, witness, thought every one would applaud him and the Governor if they would, of themselves, settle it. Mr. Hardin seemed pleased with the suggestion; said he wished to leave Frankfort; that he was sick of excitement and confinement, and would die if he remained here; and that he would meet the Governor half way and settle their difficulty. Witness then went to the Governor; reported this conversation, and found him equally willing to settle the matter with Mr. Hardin. They met, and every thing seemed to be reconciled. Immediately after the reconciliation, Mr. Hardin told witness he would resign at the end of the session. Circumstances very soon occurred which led the Governor to believe that Mr. Hardin was not at heart reconciled, but was secretly hostile to him, and would hold on to the office to harass him. Mr. Hardin left Frankfort immediately after the Legislature adjourned. He visited Frankfort two or three times afterwards, during the spring and summer, but stayed only a very short time, and did very little business in the office. Mr. Hardin was in Frankfort less than four weeks altogether between the adjournment of the last Legislature and the 1st of September, 1846, on which day, in consequence of his neglect of his office, Governor Owsley declared it vacant, and appointed Mr. Kinkead to fill it. From the end of the Legislature to the 1st of September, Governor Owsley and Mr. Hardin had very little intercourse; not at all cordial; but witness does not know that there was any actual suspension of intercourse. Mr. Hardin was hostile to some of the Governor's nominations.

John L. Helm was again called, and says, he has had repeated conversations with Mr. Hardin, and that he, Mr. Hardin, had intended to resign; but the friends of the Governor were saying he, Mr. Hardin, had bought his peace, and Mr. Hardin said he could not resign with dishonor.

Parker C. Hardin again called, says, that during the session he usually found Mr. Hardin in the office of mornings, when he would go there, and he (witness) was frequently there of mornings.

Mr. L. M. Cox being sworn, says, he was a member of the House of Representatives last winter, and whenever he went to the Secretary's office he found Mr. Hardin ready to show him any books, &c., in the office.

Wm. Anderson being sworn, states, that the drawer of the table at which Mr. Hardin wrote, was the drawer used by Mr. Hardin, Mr. Mitchell, and witness, in common. It was as much the private drawer of Mr. Mitchell or himself as of Mr. Hardin. Witness and Mr. Hardin both had letters in the drawer. In Mr. Hardin's absence, his letters were put in a press. Witness would not consider an open piece of paper in that drawer of such a character as to have made it improper in him to look at it.

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Charles G. Wintersmith stated, that in September, after the election, or perhaps in August, he was in Lexington, attending the Grand Lodge of Kentucky; that Wm. B. Kinkead was, also, in attendance; that he asked leave of absence from the lodge; and witnessed the next day, in a direction of home; he passed through Danville; at which place he saw Wm. B. Kinkead and Harry I. Bodley; he saw them go into the office of Jere Boyle together; he also saw Gov. Owlsley in Danville, in about one hour or a half afterwards; but did not see him in company with Mr. Kinkead or Bodley; that he went on to Bardstown some two days afterwards, and then learned that a messenger had been sent from Danville to Mr. Hardin, with a letter to Mr. Hardin, informing him that Gov. Owlsley had declined appointing Mr. Hardin Secretary of State; and he held a conversation with Mr. Hardin on the subject, and detailed what he had seen at Danville, as above detailed.

The foregoing statement was given by Mr. Wintersmith, prior to the appointment of the clerk, and taken down by the Chairman, (Henry C. Harris.)

Mr. Hardin then addressed the committee, and it adjourned until 2 o'clock to-morrow evening.

Wednesday evening, 13th January, 1847.

The committee met pursuant to adjournment, when Mr. Hardin concluded his argument, and the committee adjourned until 2 o'clock to-morrow evening.

Thursday, 14th January, 1847.

The committee met pursuant to adjournment, and Mr. Kinkead addressed the committee. Adjourned until 2 o'clock to-morrow evening.

Friday evening, 15th January, 1847.

The committee met, and Mr. Kinkead concluded his argument, and the committee adjourned until 2 o'clock to-morrow evening.

Saturday evening, January 16th, 1847.

The committee met, and Mr. Hardin made his concluding argument.

On the motion of Mr. Harris, he was excused from serving as a member of the committee on Executive Affairs.

After some time spent in considering said reports,

A message was received from the House of Representatives, by Mr. Stevenson, announcing that they were now ready, in pursuance of the joint resolution, to proceed to the election of a Senator in the Congress of the United States to serve for six years, from and after the 4th day of March next.

Ordered, That Mr. Harris inform the House of Representatives that the Senate is now ready to proceed to said election.

Mr. Walker nominated Mr. Joseph R. Underwood as a proper person to fill the said office of Senator.
Mr. Wall nominated Mr. Thomas Metcalfe.
Mr. James nominated Mr. Albert G. Hawes.
Mr. Patterson nominated Mr. Robert P. Letcher.

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

A message was received from the House of Representatives, by Mr. Meriwether, announcing that the same gentlemen stood in nomination before that body.

The Senate proceeded to take the vote, which stood thus:

<table>
<thead>
<tr>
<th>Those who voted for Mr. Underwood, were—</th>
<th>Those who voted for Mr. Metcalfe, were—</th>
<th>Those who voted for Mr. Hawes, were—</th>
<th>Those who voted for Mr. Letcher, were—</th>
</tr>
</thead>
</table>

Messrs. Peyton and James were appointed a committee on the part of the Senate, to compare the joint vote of both houses, and report the result.

After a short time Mr. Peyton reported that the joint vote stood thus:

- For Joseph R. Underwood, — — — — — — 44
- For Thomas Metcalfe, — — — — — — 12
- For Albert G. Hawes, — — — — — — 46
- For Robert P. Letcher, — — — — — — 35

No person having received a majority of all the votes given, the Senate proceeded to vote a second time, and it stood thus:

<table>
<thead>
<tr>
<th>Those who voted for Mr. Underwood, were—</th>
<th>Those who voted for Mr. Metcalfe, were—</th>
</tr>
</thead>
</table>
Those who voted for Mr. Hawes, were—
Messrs. Ballard, James, Swope, 
Bradley, Marshall, Thomas, 
Brien, Rice, Thurman—10. 
Harris, 

Those who voted for Mr. Letcher, were—
Messrs. Draffin, Key, South, 
Fox, Patterson, Taylor, 
Hawkins, Russell, Thornton, 
Heady, Slaughter, Todd—14. 
Holloway, Speed Smith, 

The same committee was appointed to compare and report the joint vote, and Mr. Peyton reported that the joint vote stood thus:
For Joseph R. Underwood, - - - - - - - 44 
For Thomas Metcalfe, - - - - - - - 12 
For Albert G. Hawes, - - - - - - - 45 
For Robert P. Letcher, - - - - - - - 36 

No person having received a majority of all the votes given, the Senate voted a third time, as follows, to-wit:

Those who voted for Mr. Underwood, were—
Messrs. Bramlette, Crenshaw, McNary, 
Bristow, Evans, Peyton, 

Those who voted for Mr. Metcalfe, were—
Helin, 

Those who voted for Mr. Hawes, were—
Messrs. Ballard, James, Swope, 
Bradley, Marshall, Thomas, 
Brien, Rice, Thurman—11. 
Harris, South, 

Those who voted for Mr. Letcher, were—
Messrs. Draffin, Holloway, Speed Smith, 
Fox, Key, Taylor, 
Hardin, Patterson, Thornton, 
Heady, Slaughter, 

The same committee were appointed to compare and report the joint vote. Mr. Peyton reported that the joint vote stood thus:
For Joseph R. Underwood, - - - - - - - 44 
For Thomas Metcalfe, - - - - - - - 11 
For Albert G. Hawes, - - - - - - - 46 
For Robert P. Letcher, - - - - - - - 36 

No person having received a majority of all the votes given, 
The Senate adjourned.
WEDNESDAY, JANUARY 27, 1847.

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 an enrolled resolution, which originated in that House, of the following titles, viz:

An act to amend the patrol law of Clarke county.
An act to regulate the tare on sugar barrels.
An act to amend an act, entitled, an act for the benefit of John Duer.
An act to allow an additional Constable to the county of Casey.
An act for the benefit of Pamela Redman.
An act to change the name of Harry Wicks to that of Harry Ferguson.
An act for the benefit of the Jailers of Madison, Anderson, Boyle and Calloway counties.
An act authorizing the surveyor's books of Barren county to be transcribed.
An act authorizing the taking of depositions of certain officers of the Lunatic Asylum.
An act to amend an act incorporating the town of Flemingsburg.

Approved January 22, 1847.

A joint resolution, entitled, a resolution fixing a day for the election of a Senator in Congress.
Approved January 26, 1847.

That they had passed a bill from the Senate, entitled, an act to amend an act, entitled, an act for the benefit of David A. Sayre.

That they had passed bills of the following titles, to-wit:

An act to amend the charter of the turnpike road leading from the city of Louisville, by the mouth of Salt river and Elizabethtown, to the State line, and for other purposes.
An act to extend the Constable’s District around the town of Murray, in Calloway 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 Internal Improvement, and the 2d to the committee on Propositions and Grievances.

A message was received from the Governor, by Mr. Kinkead, 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 the infant heirs of William McKitrick, deceased,
An act for the benefit of John McAfee, of Mercer county.

An act for the benefit of William Wadlington, of Caldwell county.

An act for the benefit of John Hoy, of Simpson county.

An act for the benefit of Nathaniel S. Robertson.

An act for the benefit of Joseph Crow, of Allen county.

An act for the benefit of the children of Dr. William D. S. Taylor.

An act for the benefit of the heirs of Mabry T. Cox.

An act for the benefit of Isaac Ayres.

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, approved January 21, 1846.

An act for the benefit of John W. Hughes, Nancy N. Hughes and Henry Hughes, of Hancock county.

Approved January 23, 1847.

1. Mr. Butler presented the petition of the Mayor and Council of the city of Louisville, praying an amendment to the city charter.

2. Mr. Evans presented the petition of John D. Blackford, praying for the passage of a law allowing him compensation for conveying a lunatic to the Asylum.

3. Mr. Walker presented the petition of sundry citizens of the town of Russellville, in relation to the location of a Lunatic Asylum in the southern portion of the State.

4. Mr. Thornton presented the petition of George Cleveland and Mason Singleton, praying for the passage of a law authorizing a confirmation and ratification of a contract made between said Cleveland and Singleton, for a tract of land previous to the death of the wife of said Cleveland.

Which petitions were received and referred: the 1st and 4th to the committee on the Judiciary; the 2d to the committee on Finance; and the 3d to the select committee appointed to prepare and bring in a bill for the erection of a Lunatic Asylum in the southern part of the State.

The Senate resumed the consideration of the reports from the committee on Executive Affairs, on the nomination of George B. Kinkead to be Secretary of State.

On the motion of Mr. Crenshaw, the said reports were made the special order of the day, in committee of the whole, for Wednesday next, the 3d of February.

Ordered, That the Public Printer print 1000 copies of each of said reports, and 150 copies of the testimony taken by said committee, for the use of the General Assembly.

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

On the motion of Mr. Todd—I. A bill to amend an act, entitled, an act
to amend and reduce into one the several acts incorporating a company to turnpike a road from Frankfort to Lexington by way of Versailles.


On the motion of Mr. Bristow—3. A bill to legalize the August term of the Christian County Court, and for other purposes.

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

Mr. J. Speed Smith presented the memorial of sundry citizens of Madison county, remonstrating against the repeal of the law of 1833, to prohibit the importation of slaves into this State.

The Speaker laid before the Senate the annual report of the Directors of the Lunatic Asylum, which is as follows, to-wit:

[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.

On the motion of Mr. Evans, leave was given to bring in a bill for the benefit of James Jenkins, of Warren county, and Messrs. Evans, Draffin and Bristow were appointed a committee to prepare and bring in said bill. After a short time Mr. Evans 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 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. Bradley, from the joint 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 James S. Chrisman and wife.

An act for the benefit of Louisa M. Garesche and others.

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. Bradley reported that the committee had performed that duty.

A message was received from the House of Representatives, by Mr. Meriwether, announcing that they are now ready to proceed to the election of a Senator in Congress.
Ordered, That Mr. James inform the House of Representatives that the Senate is now ready to proceed to the said election.

A message was received from the House of Representatives, by Mr. Meriwether, announcing that the same persons stood in nomination before that House as on yesterday.

Ordered, That Mr. Wall inform the House of Representatives that the same persons are in nomination before the Senate.

The Senate then voted a fourth time as follows, to-wit:

Those who voted for Mr. Underwood, were—

Messrs. Bramlette, Crenshaw, McNary,
Bristow, Evans, Peyton,

Those who voted Mr. Metcalfe, were—

Hardin, Wall,

Those who voted for Mr. Hawes, were—

Messrs. Ballard, James, South,
Bradley, Marshall, Thomas,
Brien, Rice, Thurman—10.
Harris,

Those who voted for Mr. Letcher, were—

Messrs. Draffin, Key, Speed Smith,
Fox, Patterson, Taylor,
Hawkins, Russell, Thornton,
Heady, Slaughter, Todd—13.
Holloway,

Messrs. Peyton and James were appointed a committee on the part of the Senate to compare and report the joint vote.

After a short time Mr. Peyton reported that the joint vote stood thus:

For Joseph R. Underwood,— 44
For Thomas Metcalfe,— 14
For Albert G. Hawes,— 44
For Robert P. Letcher,— 34

No person having received a majority of all the votes given, the Senate voted the fifth time as follows, to-wit:

Those who voted for Mr. Underwood, were—

Messrs. Bramlette, Evans, McNary,
Bristow, Henderson, Peyton,
Crenshaw,

Those who voted for Mr. Metcalfe, were—

Messrs. Boyd, Helm, Wall,
Hardin, Rice, Williams—6.
Those who voted for Mr. Hawes, were—
Messrs. Ballard, Bradley, Harris, Thomas, Thurman—5.

Those who voted for Mr. Letcher, were—
Messrs. Brien, Draffin, Fox, Hawkins, Headway, James, Key, Patterson, Russell, Slaughter, Speed Smith, South, Taylor, Thornton, Todd—16.

The same committee were appointed to compare and report the joint vote. Mr. Peyton reported that it stood thus:
For Joseph R. Underwood, For Thomas Metcalfe, For Albert G. Hawes, For Robert P. Letcher,
No person having received a majority of all the votes given, the Senate voted the sixth time as follows, to-wit:
Those who voted for Mr. Underwood, were—

Those who voted for Mr. Metcalfe, were—
Messrs. Boyd, Helm, Wall, James, Williams—5.

Those who voted for Mr. Hawes, were—
Messrs. Ballard, Bradley, Harris, Thomas, Thurman—5.

Those who voted for Mr. Letcher, were—
Messrs. Brien, Draffin, Fox, Hardin, Hawkins, Headay, Holloway, Key, Patterson, Rice, Russell, Slaughter, Speed Smith, South, Taylor, Thornton, Todd—17.

The same committee was appointed to compare and report the joint vote. Mr. Peyton reported that the joint vote stood thus:
For Joseph R. Underwood, For Thomas Metcalfe, For Albert G. Hawes, For Robert P. Letcher,
- 43 - 14 - 40 - 40
No person having received a majority of all the votes given, the Senate voted a seventh time, as follows, to-wit:

Those who voted for Mr. Underwood, were—


Those who voted Mr. Metcalfe, were—


Those who voted for Mr. Hawes, were—

Messrs. Ballard, Bradley, Harris, James, Rice, Thomas, Thurman—7.

Those who voted for Mr. Letcher, were—

Messrs. Brien, Draffin, Fox, Hardin, Hawkins, Headly, Holloway, Key, McNary, Patterson, Russell, Slaughter, Speed Smith, South, Taylor, Thornton, Todd—17.

The same committee were appointed to compare and report the joint vote.

Mr. Peyton reported that the joint vote stood thus:

For Joseph R. Underwood, - - - - - - - - - 42
For Thomas Metcalfe, - - - - - - - - - - 12
For Albert G. Hawes, - - - - - - - - - - 41
For Robert P. Letcher, - - - - - - - - - - 40

No person having received a majority of all the votes given,

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

Resolved by the Senate and House of Representatives, That they will suspend voting for a Senator of the United States, until to-morrow, 12 o'clock, M.

Which was twice read and adopted.

After a short time a message was received from the House of Representatives announcing that they had concurred in said resolution.

And then the Senate adjourned.
THURSDAY, JANUARY 28, 1847.

1. Mr. Todd presented the petition of Henry C. Payne, of Fayette county, praying for compensation for injuries sustained by reason of running the railroad so near to a mill owned by said petitioner.

2. Mr. Crenshaw presented the petition of sundry citizens of the town of Glasgow, praying for the passage of a law establishing a Police Court in said town.

3. Mr. Heady presented the petition of sundry citizens of the town of Shepherdsville, praying for the passage of a law to enlarge the boundaries of said town.

Which petitions were received and referred: the 1st to the committee on Internal Improvement; the 2d to the committee on Propositions and Grievances; and the 3d to the committee on the Judiciary.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate, to a bill from that House, entitled, an act to change the time of holding the spring term of the Jessamine Circuit Court.

That they had passed bills from the Senate, of the following titles, to-wit:

An act for the benefit of the trustees and citizens of the town of Princeton, in Caldwell county.

An act for the benefit of the Surveyor of Marshall county.

An act allowing a special term of the Green county Court.

An act to add a part of the county of Hopkins to the county of Caldwell. With an amendment to the last named bill, which amendment was concurred.

That they had passed bills of the following titles, to-wit:

1. An act to allow additional Justices of the Peace to the counties of Pendleton and Hart.

2. An act for the benefit of the trustees of Williamstown.

3. An act for the benefit of the trustees of the town of Russellville.

4. An act concerning the jail of Shelby 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, said bills were referred to the committee on Propositions and Grievances.

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

A bill to legalize the proceedings of the Christian County Court.

A bill for the benefit of the heirs of Daniel Barksdale, deceased.
A bill to change the time of holding the Washington County Court.
A bill to change the time of holding the Pulaski Circuit Court, and for other purposes.
A bill to incorporate "The Kentucky Female Orphan School."

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, to-wit:

An act to change the time of holding the Garrard and Boyle Circuit Courts, and the Madison Chancery Court.
An act for the benefit of Charles W. Dean.
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, to whom was referred a bill from the House of Representatives, entitled, an act to extend the Constable's District around the town of Murray, in Calloway 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.

Leave was given to Mr. J. Speed Smith to withdraw, from the files of the Senate, the memorial of sundry citizens of Madison county, against the repeal of the law of 1833, prohibiting the importation of slaves into this State.

Mr. J. Speed Smith, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Wolery Eversole, reported the same without amendment.

Ordered, That said bill be read a third time.

Mr. J. Speed Smith, from the same committee, to whom was referred a bill to incorporate the Louisville and Frankfort Railroad Company, reported the same with an amendment.

Ordered, That said bill and amendment be referred to a committee of the whole house, on the state of the Commonwealth, and made the special order of the day for Thursday, the 4th day of February next.
Mr. J. Speed Smith, from the same committee, reported the following bills, to-wit:

A bill to permit flat boats and other crafts, descending the navigable streams in this Commonwealth, from a point above the influence of slack-water, to pass over the dams free of toll.

A bill to amend an act, entitled, an act to amend and reduce into one the several acts incorporating a company to turnpike a road from Frankfort to Lexington by way of Versailles.

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.

Mr. J. Speed Smith, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for removing obstructions in Little Sandy river, and to extend the navigation thereof, 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. James, from the committee on Finance, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act for the benefit of Conrod Havens.

An act for the benefit of Lois Smallwood.

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. Fox, from the committee on Education, presented to the Senate a supplemental report of the Superintendent of Public Instruction, which is as follows, to-wit:

The Superintendent of Public Instruction, begs leave to make to the Senate and House of Representatives, the following supplemental report.

R. T. DILLARD,
Superintendent of Public Instruction.
Mr. Heady, from the committee on Military Affairs, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act for the benefit of James M. McMillen.
An act for the benefit of James McKenzie 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 afore-said.
Mr. Evans presented the petition of sundry citizens of Allen county, praying the establishment of a tobacco warehouse at Paducah, which was received and referred to a committee of the whole having that subject under consideration.

On the motion of Mr. Swope, leave is given to bring in a bill to establish a town on the land of George C. Branham, in the county of Owen, and the committee on the Judiciary was directed to prepare and bring in said bill.

Mr. Bradley, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, to-wit:

- An act for the benefit of the Surveyor of Marshall county.
- An act allowing a special term of the Green County Court.
- An enrolled bill which originated in the House of Representatives, entitled, an act to change the time of holding the Garrard and Boyle Circuit Courts, and the Madison Chancery Court.

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. Bradley reported that the committee had performed that duty.

A message was received from the House of Representatives, by Mr. Meriwether, announcing that they are now ready to proceed to the election of a Senator in Congress, and that the same persons stood in nomination before that House as on yesterday.

Ordered, That Mr. James inform the House of Representatives that the Senate is now ready to proceed to said election, and that the same persons are in nomination before the Senate as on yesterday.

The Senate then voted the eighth time as follows, to-wit:

Those who voted for Mr. Underwood, were—


Those who voted for Mr. Metcalfe, were—

Messrs. Boyd, Wall, Williams—4. Helm,

Those who voted for Mr. Hawes, were—

Messrs. Bradley, James, Swope, Brien, Marshall, Thomas, Harris, Rice, Thurman—9.

Those who voted for Mr. Letcher, were—

Messrs. Draffin, Holloway, Speed Smith, Fox, Key, South.
Messrs. Peyton and James were appointed a committee on the part of the Senate to compare and report the joint vote.

After a short time Mr. Peyton reported that the joint vote stood thus:

For Joseph R. Underwood, 44
For Thomas Metcalfe, 15
For Albert G. Hawes, 44
For Robert P. Letcher, 34

No person having received a majority of all the votes given, the Senate voted the ninth time as follows, to-wit:

Those who voted for Mr. Underwood, were—

Bristow, Evans, Henderson, Wall—4.
Butler, Helion, Williams—4.

Those who voted for Mr. Metcalfe, were—

Helm, Swope—6.

Those who voted for Mr. Hawes, were—

Harris, James, Key, Patterson, Rice, Russell—18.

Those who voted for Mr. Letcher, were—

The same committee were appointed to compare and report the joint vote. Mr. Peyton reported that it stood thus:

For Joseph R. Underwood, 43
For Thomas Metcalfe, 16
For Albert G. Hawes, 39
For Robert P. Letcher, 39

No person having received a majority of all the votes given, the Senate voted a tenth time as follows, to-wit:

Those who voted for Mr. Underwood, were—

Bristow, Evans, Henderson, Wall—4.
Those who voted for Mr. Metcalfe, were—


Those who voted for Mr. Hawes, were—


Those who voted for Mr. Letcher, were—

Messrs. Draffin, Fox, Hawkins, Heady, Holloway, James, Key, Patterson, Rice, Russell, Slaughter, Speed Smith, Taylor, Thornton, Todd—15.

The same committee were appointed to compare and report the joint vote. Mr. Peyton reported that it stood thus:

For Joseph R. Underwood, - - - - - - - 44
For Thomas Metcalfe, - - - - - - - 18
For Albert G. Hawes, - - - - - - - 39
For Robert P. Letcher, - - - - - - - 36

No person having received a majority of all the votes given, the Senate voted the eleventh time as follows, to-wit:

Those who voted for Mr. Underwood, were—


Those who voted for Mr. Metcalfe, were—

Messrs. Boyd, Hardin, Helm, South, Wall—5.

Those who voted for Mr. Hawes, were—

Messrs. Bradley, Harris, Marshall, Thomas, Rice, Swope, Thurman—8.

Those who voted for Mr. Letcher, were—

Messrs. Brien, Draffin, Fox, Hawkins, Heady, Holloway, Speed Smith, Key, Patterson, Russell, Slaughter, Todd, Williams—15.

The same committee was appointed to compare and report the joint vote.

Mr. Peyton reported that it stood thus:

For Joseph R. Underwood, - - - - - - - 43
For Thomas Metcalfe, - - - - - - - 15
FRIDAY, JANUARY 29, 1847.

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

1. An act to remove the Seat of Justice of the county of Mason from the town of Washington to the city of Maysville.
2. An act to establish the town of Dycusburg, in the county of Crittenden.
3. An act authorizing John Woodburn to import a slave into this Commonwealth.
4. An act to change the place of voting in Hart county from the house of James Simpson to John H. Lively's.
5. An act for the benefit of the citizens residing on the middle fork of the Kentucky river, in Clay county.
6. An act for the benefit of Richard Myers, and to legalize the proceedings of the 17th Regiment Kentucky Militia.
7. An act to change the county line between the counties of Floyd and Pike.

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 7th to the committee on Propositions and Grievances; the 4th to the committee on Privileges and Elections; the 5th to the committee on Internal Improvement; and the 6th to the committee on Military Affairs.

1. Mr. Marshall presented the petition of sundry citizens of Green county, praying for the passage of a law allowing an additional Justice of the Peace to said county.
2. Mr. Thornton presented the petition of John B. Meredith and sundry citizens of Woodford county, praying for the passage of a law allowing said Meredith to peddle goods in Woodford and the adjoining counties, without obtaining a license.

3. Mr. Fox presented the petition of sundry citizens of Pulaski county, praying for the passage of a law making an appropriation to build a bridge across Buck creek, in said county.

3. Mr. James presented the petition of James Fike, of Graves county, praying for the passage of a law authorizing the Register of the Land Office to issue a patent for an entry made by him of lands west of the Tennessee river, the certificate of which entry has been lost.

5. Mr. Patterson presented the petition of sundry citizens of Caldwell county, praying for the establishment of a public warehouse at Paducah, for the inspection of tobacco.

6. Mr. Patterson also presented a statement of John K. Dillingham, in relation to the harbour at Paducah.

7. Mr. James presented the petition of sundry citizens of Graves county, praying for the establishment of a public warehouse and State inspection at Paducah.

Which petitions were received and referred: the 1st to the committee on Propositions and Grievances; the 2d to the committee on Finance; the 3d to the committee on Internal Improvement; the 4th to a committee of Messrs. James, Brien and Patterson; and the 5th, 6th and 7th to a committee of the whole having under consideration the bill for the establishment of a public warehouse.

The following bills were reported to-wit:

By Mr. Hardin, from the committee on the Judiciary, a bill for the benefit of the heirs of Thomas Anderson, deceased.

By Mr. J. Speed Smith, from the committee on Internal Improvement:
A bill for the benefit of the Lexington, Harrodsburg and Perryville Turnpike Company.

By Mr. Walker, from the committee on Propositions and Grievances:
A bill for the benefit of Alfred Payne.
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 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. Hawkins, from the committee on Propositions and Grievances, reported a bill changing the line in part between the counties of Boone and Kenton, which was read the first time, and ordered to be read a second time.

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

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, Helm, Speed Smith,
Bramlette, Henderson, Taylor,
Bristow, Holloway, Thornton,
Butler, Patterson, Todd,
Crenshaw, Peyton, Wall,
Draffin, Russell, Williams—19.

Those who voted in the negative, were—

Messrs. Bradley, James, Rice,
Brien, Key, Swope,
Harris, Marshall, Thomas,
Heady, McNary, Thurman—12.

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. J. Speed Smith, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Uriah Pool, 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. J. Speed Smith, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Fielding McDuffie, reported the same, with the opinion of the committee that it ought not to pass.

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

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. J. Speed Smith, from the same committee, to whom was referred the petition of Henry C. Payne, reported the following resolution thereon, to-wit:

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

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives, of the following titles, to-wit:
An act concerning the jail of Shelby county, and for other purposes.
An act for the benefit of the trustees of the town of Russellville.
An act for the benefit of the trustees of Williamstown.
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. Fox, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act providing for the support of an additional number of pupils in the Deaf and Dumb Asylum at Danville, 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.

On the motion of Mr. Thurman, the vote was reconsidered by which a bill to amend an act, entitled, an act to amend and reduce into one the several acts incorporating a company to turnpike a road from Frankfort to Lexington by the way of Versailles was passed, and said bill was referred to the committee on the Sinking Fund.

Mr. James read and laid on the table the following preamble and resolution, to-wit:

WHEREAS, it is regarded expedient, at all times, in legislation, to dispose of all exciting questions, after the same have been duly considered, at the earliest possible period: and whereas, the Legislature has been engaged the greater portion of the last three days in balloting for a United States Senator without having made any choice, and said election having greatly retarded our progress in legislation, and is calculated, if not speedily settled, to greatly protract the length of the session of the Legislature, and thereby make an unnecessary draught upon the Public Treasury, and consequently a burden upon the people—for remedy whereof,

Resolved by the Senate and House of Representatives, That if, upon the next ballot for United States Senator, no one of those then in nomination for that office, should receive a majority of all the votes given, then, upon each successive ballot, the individual having the smallest number of votes, shall be dropped until a choice is made.

A message in writing, was received from the Governor, by Mr. Kinkead, Secretary of State.
The rule of the Senate being dispensed with, the said message was taken up, and read as follows, viz:

\textit{Gentlemen of the Senate:}

I nominate for your advice and consent, James D. Alcorn to be Police Judge of the town of Somerset, in the place of John Crawford, whose term of office has expired.

\textit{Resolved}, That the Senate advise and consent to the said appointment.

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

On the motion of Mr. Draffin—1. A bill to allow an additional Constable in Anderson county.


On the motion of Mr. Harris—3. A bill for the benefit of James C. Bruer, Commissioner of Tax of Perry county.

On the motion of Mr. Bristow—4. A bill for the benefit of the widow and heirs of Lewis Butler, deceased.

On the motion of Mr. McNary—5. A bill to establish an election precinct at South Carrollton, in Muhlenburg county.

On the motion of Mr. Fox—6. A bill to authorize the trustees of Crab Orchard to erect a jail in said town.

Messrs. Draffin, Evans and Hawkins were appointed a committee to prepare and bring in the 1st; Messrs. Fox, Bramlette and Butler the 6th; the committee on the Judiciary was directed to prepare and bring in the 2d and 4th; the committee on Finance the 3d; and the committee on Privileges and Elections the 5th.

A bill to amend the common school laws of this State was ordered to be engrossed and read a third time.

A message was received from the House of Representatives, by Mr. Meriwether, announcing that they are now ready to proceed to the election of a Senator in Congress, and that the same persons stood in nomination before that House as heretofore.

\textit{Ordered}, That Mr. James inform the House of Representatives that the Senate is now ready to proceed to said election, and that the same persons are in nomination as heretofore.

The Senate then voted the twelfth time as follows, to-wit:

Those who voted for Mr. Underwood, were—


Bristow, Evans, Walker,

Butler, Henderson,

Those who voted for Mr. Metcalfe, were—


Helm, Todd,

Holloway,
Those who voted for Mr. Hawes, were—

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<th>Names</th>
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<td>Messrs. Bradley, Brien, Harris, James</td>
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<td>Marshall, Rice, South</td>
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<td>Swope, Thomas, Thurman</td>
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Those who voted for Mr. Letcher, were—

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<tr>
<td>Messrs. Draffin, Fox, Hardin, Hawkins</td>
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<td>Heady, Key, Patterson, Russell</td>
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<td>Slaughter, Speed Smith, Taylor, Thornton</td>
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Messrs. Peyton and James were appointed a committee on the part of the Senate to compare and report the joint vote.

After a short time Mr. Peyton reported that the joint vote stood thus:

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<th>Votes</th>
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<tr>
<td>39</td>
<td>For Joseph R. Underwood</td>
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<td>23</td>
<td>For Thomas Metcalfe</td>
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<td>43</td>
<td>For Albert G. Hawes</td>
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<td>29</td>
<td>For Robert P. Letcher</td>
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No person having received a majority of all the votes given, the name of Thomas Metcalfe was withdrawn.

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

A message was received from the House of Representatives, announcing that the name of Thomas Metcalfe was withdrawn in that House.

The Senate then voted the thirteenth time as follows, to-wit:

Those who voted for Mr. Underwood, were—

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<th>Names</th>
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<tr>
<td>Messrs. Boyd, Bramlette, Bristow, Butler</td>
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<td>Crenshaw, Evans, Helm, Henderson</td>
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<td>McNary, Peyton, Walker</td>
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Those who voted for Mr. Hawes, were—

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<th>Votes</th>
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<tr>
<td>Messrs. Bradley, Harris</td>
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<td>Marshall, Swope, Thomas, Thurman</td>
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Those who voted for Mr. Letcher, were—

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<th>Names</th>
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<tbody>
<tr>
<td>Messrs. Brien, Draffin, Fox, Hardin, Hawkins, Heady, Holloway</td>
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<tr>
<td>James, Key, Patterson, Rice, Russell, Slaughter, Speed Smith</td>
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<tr>
<td>South, Taylor, Thornton, Todd, Wall, Williams</td>
<td>20</td>
</tr>
</tbody>
</table>

The same committee were appointed to compare and report the joint vote. Mr. Peyton reported that it stood thus:

<table>
<thead>
<tr>
<th>Votes</th>
<th>Name</th>
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</thead>
<tbody>
<tr>
<td>50</td>
<td>For Joseph R. Underwood</td>
</tr>
<tr>
<td>35</td>
<td>For Albert G. Hawes</td>
</tr>
<tr>
<td>49</td>
<td>For Robert P. Letcher</td>
</tr>
</tbody>
</table>
No person having received a majority of all the votes given, the Senate voted a fourteenth time, as follows, to-wit:

Those who voted for Mr. Underwood, were—

Messrs. Boyd, Crenshaw, McNary,
Bramlette, Evans, Peyton,
Bristow, Helm, Walker—11.
Butler, Henderson,

Those who voted for Mr. Hawes, were—

Messrs. Bradley, Marshall, Thomas,
Harris, Swope, Thurman—6.

Those who voted for Mr. Letcher, were—

Messrs. Brien, James, South,
Draffin, Key, Taylor,
Fox, Patterson, Thornton,
Hardin, Rice, Todd,
Hawkins, Russell, Wall,
Heady, Slaughter, Williams—20.
Holloway, Speed Smith,

The same committee were appointed to compare and report the joint vote.

Mr. Peyton reported that the joint vote stood thus:

For Joseph R. Underwood, 49
For Albert G. Hawes, 35
For Robert P. Letcher, 50

No person having received a majority of all the votes given, the Senate voted a fifteenth time as follows, to-wit:

Those who voted for Mr. Underwood, were—

Messrs. Boyd, Crenshaw, Marshall,
Bramlette, Evans, McNary,
Bristow, Helm, Peyton,
Butler, Henderson, Walker—12.

Those who voted Mr. Hawes, were—

Messrs. Bradley, Swope, Thurman—5.
Rice, Thomas,

Those who voted for Mr. Letcher, were—

Messrs. Brien, Holloway, South,
Draffin, James, Taylor,
Fox, Key, Thornton,
Hardin, Patterson, Todd,
Harris, Russell, Wall,
Hawkins, Slaughter, Williams—20.
Heady, Speed Smith,

The same committee were appointed to compare and report the joint vote.

Mr. Peyton reported that it stood thus:
For Joseph R. Underwood, - - - - - 52
For Albert G. Hawes, - - - - - 35
For Robert P. Letcher, - - - - - 48

No person having received a majority of all the votes given, the Senate voted a sixteenth time as follows, to-wit:

<table>
<thead>
<tr>
<th align="left">Those who voted for Mr. Underwood, were—</th>
<th align="left">Messrs. Boyd, Crenshaw, McNary,</th>
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<tbody>
<tr>
<td align="left">12</td>
<td align="left">Beverly, Evans, Helm, Peyton,</td>
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<td align="left">12</td>
<td align="left">Bramlette, Butler, Walker,</td>
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<tr>
<td align="left">12</td>
<td align="left">Buter, Henderson, Williams—12.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th align="left">Those who voted for Mr. Letcher, were—</th>
<th align="left">Messrs. Brien, Draffin, Fox,</th>
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<tbody>
<tr>
<td align="left">19</td>
<td align="left">James, Patterson, Rice,</td>
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<tr>
<td align="left">19</td>
<td align="left">Hardin, Hawkins, Russell,</td>
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<td align="left">19</td>
<td align="left">Hendy, Slaughter, Speed Smith,</td>
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<tr>
<td align="left">19</td>
<td align="left">Holloway, South, Tharpe,</td>
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<td align="left">19</td>
<td align="left">Taylor, Thornton, Todd,</td>
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<tr>
<td align="left">19</td>
<td align="left">Wall—19.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th align="left">Those who voted Mr. Hawes, were—</th>
<th align="left">Messrs. Bradley, Marshall, Thomas,</th>
</tr>
</thead>
<tbody>
<tr>
<td align="left">6</td>
<td align="left">Harris, Swope, Thurman—6.</td>
</tr>
</tbody>
</table>

The same committee were appointed to compare and report the joint vote.

Mr. Peyton reported that it stood thus:

For Joseph R. Underwood, - - - - - 49
For Albert G. Hawes, - - - - - 35
For Robert P. Letcher, - - - - - 49

No person having received a majority of all the votes given,

Mr. Butler read and laid on the table the following preamble and resolution, to-wit:

WHEREAS, a number of members of the Legislature will be absent for several days after to-day.

Resolved by the Senate and House of Representatives, That the balloting for United States Senator be suspended until Wednesday, the 3d of February next.

A message was received from the House of Representatives announcing that they had suspended the election of a Senator in Congress until tomorrow at 12 o'clock.

And then the Senate adjourned.

27
SATURDAY, JANUARY 30, 1847.

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 Levi Pendley, of Hopkins county.

That they had passed bills of the following titles, to-wit:
1. An act for the benefit of Augustine B. Offutt.
2. An act allowing an additional Justice of the Peace to the county of Bath.
3. An act to reduce the price of vacant lands in Casey county.
4. An act to change the district of Wesley Orear, a Constable of Montgomery county.
5. An act for the benefit of the Sheriff of Calloway county.
6. An act to extend the mechanics lien law of the city of Louisville, to the counties of Bourbon, Christian, Madison, Livingston, Shelby, Scott and Carroll.

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 5th to the committee on Finance; the 2d and 4th to the committee on Propositions and Grievances; and the 3d and 6th to the committee on the Judiciary.

1. Mr. McNary presented the petition of Isaac Wood and others, praying for the passage of a law allowing John Fletcher and others to build a fish trap on Pond river.
2. Mr. Hardin presented the petition of Elizabeth Bault, praying for the passage of a law to authorize the County Court of Adair County to make an allowance for her support.
3. Mr. Boyd presented the petition of sundry citizens of Fleming county, praying for the establishment of a town at Sherburne Mills,

Which petitions were received and referred: the 1st to the committee on Internal Improvement; the 2d to the committee on the Judiciary; and the 3d to a committee of Messrs. Boyd, Hardin and Hawkins.

Mr. Hardin, from the committee on the Judiciary, reported the following bills, viz:
A bill to incorporate the Kentucky State Colonization Society.
A bill for the benefit of Martha Elizabeth Cleveland.
A bill to establish the town of Monterey, in Owen county.

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 afore-said.

Mr. Hardin, from the same committee, reported a bill limiting certain actions, 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, said bill was committed a committee of the whole house, on the state of the Commonwealth, and made the special order of the day for Thursday, the 4th day of February next.

Ordered, That the Public Printer print 150 copies of said 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, to-wit:

An act to establish the town of Dycusburg, in the county of Crittenden.
An act to allow additional Justices of the Peace to the counties of Pendleton and Hart.

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 afore-said.

Mr. Boyd, from the committee on Religion, to whom was referred the petition of Maria J. Shelby, for a divorce, reported the same to the Senate.

On the motion of Mr. Bradley, the said petition was re-committed to the committee on Religion, with instructions to report a bill pursuant to said petition.

And thereupon Mr. Boyd reported a bill to divorce Maria J. Shelby, 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. J. Speed Smith, from the committee on Internal Improvement, to whom was referred the petition of Henry J. Eastin, reported the following resolution thereon, to-wit:

Resolved, That said petition is unreasonable and be rejected.

Which was twice read and 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 the
Sheriff of Estill county, 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. Heady, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled an act for the benefit of Richard Myers, and to legalize the proceedings of the 17th Regiment of Kentucky Militia, 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. Bradley, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, to-wit:

An act to add a part of the county of Hopkins to the county of Caldwell.

An act authorizing the Board of Internal Improvement to compromise and settle with Simpson Stout.

An act to incorporate the Paris Cemetery Company.

An act authorizing a settlement with the Board of Internal Improvement.

An act to organize the Flemingsburg Fire Engine and Hose Company.

An act to incorporate the Grand Division of Sons of Temperance of Kentucky.

An act for the benefit of the trustees and citizens of the town of Princeton, in Caldwell county.

An act for the benefit of State Historical Societies in the United States.

An act to amend an act, entitled, an act for the benefit of David A. Sayre.

An act to incorporate the Trustees of the Clinton County Academy.

And enrolled bills which originated in the House of Representatives, of the following titles to-wit:

An act to change the time of holding the spring term of the Jessamine Circuit Court.

An act to amend the law in relation to the trustees of towns.

An act to amend the road laws of Clarke county.

An act for the benefit of Morgan Myers and wife.

An act for the benefit of Thomas Woodford.

An act for the benefit of the heirs of David Mize, deceased.

An act to provide for the running and marking the dividing line between the counties of Campbell and Pendleton.

An act to change the place of voting at an election precinct in Hopkins county.
An act for the benefit of George W. Cox.
An act for the benefit of the Crittenden County Court.
An act to amend an act, entitled, an act to amend the road law of Kenton.
An act to amend an act, entitled, an act for the benefit of Susan Ann D. Young, approved January 21, 1846.
An act to amend in part, and repeal in part, the act establishing a road from the mouth of Laurel river, through London, to Bates' salt well, in Clay county.
An act for the benefit of John Crice.
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. Bradley reported that the committee had performed that duty.
Mr. Slaughter, from the committee on Agriculture and Manufactures, reported a bill authorizing Robert Triplett and Alexander B. Barrett to bring certain slaves into this Commonwealth, 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 said bill, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Boyd and Draffin, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bradley, Heady, Rice, 
Bramlette, Helm, Russell, 
Brien, Holloway, Slaughter, 
Bristow, James, Speed Smith, 
Crenshaw, Key, South, 
Evans, McNary, Thurman, 
Harris, Patterson, Walker—23. 
Hawkins, Peyton,

Those who voted in the negative, were—

Messrs. Boyd, Marshall, Thornton, 
Draffin, Swope, Todd, 
Hardin, Taylor, Wall, 
Henderson, Thomas, Williams—12.

Resolved, That the title of the said bill be as aforesaid.
A message was received from the House of Representatives, by Mr. Meriwether, announcing that they are now ready to proceed to the election
of a Senator in Congress, and that the same persons stood in nomination
before that House as on yesterday.

Ordered, That Mr. James inform the House of Representatives that the
Senate is now ready to proceed to said election, and that the same persons
are in nomination as on yesterday.

The Senate then voted the seventeenth time as follows, to-wit:

Those who voted for Mr. Underwood, were—

Bramlette, Helm, Peyton,
Bristow, Henderson,
Crenshaw, Walker—10.

Those who voted for Mr. Hawes, were—

Messrs. Bradley, Rice, Thomas,
Harris, Swope, Thurman—7.
Marshall,

Those who voted for Mr. Letcher, were—

Messrs. Brien, James, South,
Draffin, Key, Taylor,
Fox, Patterson, Thornton,
Hardin, Russell, Todd,
Hawkins, Slaughter, Wall,
Heady, Speed Smith, Williams—19.
Holloway,

Messrs. Peyton and James were appointed a committee to compare and
report the joint vote.

Mr. Peyton reported that the vote stood thus:
For Joseph R. Underwood, - - - - - - - 50
For Albert G. Hawes, - - - - - - - 39
For Robert P. Letcher, - - - - - - - 45

No person having received a majority of all the votes given.

Mr. Wall nominated Thomas Metcalfe as a suitable person for that office.

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

A message was received from the House of Representatives, announcing
that Thomas Metcalfe stood in nomination before that House, as a proper
person to fill the office of Senator in Congress.

The Senate then voted the eighteenth time as follows, to-wit:

Those who voted for Mr. Underwood, were—

Messrs. Bramlette, Evans, McNary,
Bristow, Henderson, Peyton,

Those who voted for Mr. Hawes, were—

Harris,
Those who voted for Mr. Letcher, were—
Messrs. Brien, Helm, Speed Smith, 39
Draffin, Holloway, South, 45
Fox, James, Taylor, 32
Hardin, Key, Thornton, 38
Hawkins, Russell, Thurman, 19
Heady, Slaughter, Todd—18.

Those who voted for Mr. Metcalfe, were—
Boyd, Patterson, Wall,
Rice, Wall,

The same committee were appointed to compare and report the joint vote. Mr. Peyton reported that it stood thus:
For Joseph R. Underwood, — 45
For Albert G. Hawes, — 32
For Robert P. Letcher, — 38
For Thomas Metcalfe, — 19

No person having received a majority of all the votes given,
Mr. James moved to take up for consideration the preamble and resolution read and laid on the table by him on yesterday, in relation to the election of a Senator in Congress.
The question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. James and Bradley, were as follows, to-wit:

Those who voted in the affirmative, were—
Messrs. Bramlette, Marshall, Slaughter,
Brien, McNary, Taylor,
Draffin, Patterson, Thornton,
Henderson, Rice, Thurman,
Holloway, Russell, Todd—16.
James,

Those who voted in the negative, were—
Messrs. Boyd, Harris, South,
Bradley, Heady, Swope,
Bristow, Helm, Thomas,
Crenshaw, Key, Walker,
Evans, Peyton, Wall,
Fox, Speed Smith, Williams—19.
Hardin,

The Senate then voted the nineteenth time for Senator as follows, to-wit:

Those who voted for Mr. Underwood, were—
Messrs. Bramlette, Evans, Peyton,
Bristow, Henderson, Walker—8.
Crenshaw, McNary,
Those who voted for Mr. Hawes, were—


Those who voted for Mr. Letcher, were—

Messrs. Brien, Holloway, Speed Smith,
Draffin, James, South,
Fox, Key, Taylor,
Hardin, Patterson, Thornton,
Hawkins, Rice, Thurman,
Heady, Russell, Todd—20.
Helm, Slaughter,

Those who voted for Mr. Metcalfe, were—

Marshall,

The same committee was appointed to compare and report the joint vote.

Mr. Peyton reported that it stood thus:

For Joseph R. Underwood, 42
For Albert G. Hawes, 31
For Robert P. Letcher, 43
For Thomas Metcalfe, 18

No person having received a majority of all the votes given,

Mr. Walker moved to take up the preamble and resolution read and laid on the table by Mr. Butler on yesterday, proposing to postpone the election of a Senator in Congress till the 3d day of February.

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, Crenshaw, Peyton,
Bradley, Evans, Rice,
Bramlette, Helm, Speed Smith,
Brien, Henderson, Swope,
Bristow, McNary, Walker—15.

Those who voted in the negative, were—

Messrs. Draffin, James, Taylor,
Fox, Key, Thomas,
Hardin, Marshall, Thornton,
Harris, Patterson, Thurman,
Hawkins, Russell, Todd,
Heady, Slaughter, Wall,
Holloway, South, Williams—21.

The Senate then voted the twentieth time for Senator, as follows:
Those who voted for Mr. Underwood, were—

Messrs. Bramlette, Evans, McNary,
Bristow, Henderson, Peyton,

Those who voted for Mr. Hawes, were—

Messrs. Bradley, Harris, Swope—3.

Those who voted for Mr. Letcher, were—

Messrs. Brien, Holloway, Speed Smith,
Draffin, James, South,
Fox, Key, Taylor,
Hardin, Patterson, Thornton,
Hawkins, Rice, Thurman,
Heady, Russell, Todd—20.

Those who voted for Mr. Metcalfe, were—


The same committee were appointed to compare and report the joint vote.

Mr. Peyton reported that the joint vote stood thus:

For Joseph R. Underwood, - - - - - - 48
For Albert G. Hawes, - - - - - - 30
For Robert P. Letcher, - - - - - - 43
For Thomas Metcalfe, - - - - - - 12

No person having received a majority of all the votes given,

A message was received from the House of Representatives, by Mr. Meriwether, announcing that they had suspended balloting for a Senator in Congress till Monday next, at 12 o'clock.

And then the Senate adjourned.

MONDAY, FEBRUARY 1, 1847.

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, to-wit:

An act to change the Spring and Fall terms of the Warren Circuit Court.

28
An act to amend the penal laws.
An act to amend an act to incorporate the Bank-Lick Turnpike Road Company.
An act to amend an act, entitled, an act for the benefit of the trustees of the town of Bowlinggreen.
An act for the benefit of the Sheriff and late Clerk of the county of Clay.
An act to authorize the Chancellor of the Louisville Chancery Court to sign law license.
An act for the benefit of Fielding McDuffie.
That they had passed bills from the Senate, of the following titles, to wit:
An act for the benefit of the Anderson Infantry.
An act to establish a road from Rochester, at the mouth of Muddy river, to Russellville.
An act to legalize the proceedings of the Henderson County Court, held the 4th Monday in June, 1846.
An act for the benefit of Bernard Simpson and wife, and William Bailey of Adair county.
An act for the benefit of the heirs of David Ramsey, deceased, of Hickman county.
An act for the benefit of William G. Connell, Surveyor of Trimble county.
An act to legalize the proceedings of the Christian County Court.
An act to change the time of holding the Pulaski Circuit Court, and for other purposes.
An act allowing an additional Justice of the Peace to Henry county.
An act to change the time of holding the Washington County Court.
With amendments to the two last named bills, which amendments were concurred.
That they had passed a bill, entitled, an act allowing additional Justices of the Peace to Knox, Cumberland, Green and Spencer counties.
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, said bill was referred to the committee on Propositions and Grievances.
1. Mr. Russell presented the petition of Harriet Murray, praying for a divorce from her husband.
2. Mr. Bramlette presented the petition of Jonathan Williams, praying for a divorce from his wife, Jane Williams.
3. Mr. Boyd presented the petition of sundry citizens of the town of Popular Plains, praying for the passage of a law authorizing the trustees of said town to sell and convey a small lot of ground in said town.
4. Mr. Boyd presented the petition of Elijah Looman, of Fleming county, praying for the passage of a law permitting him to keep two of his children who have been found, by inquest, to be lunatics, at his home without conveying them to the Lunatic Asylum, and that he be allowed compensation for taking care of said children.

5. Mr. Harris presented the petition of sundry citizens of Wyoming, in Bath county, praying for the establishment of an election precinct at said place.

6. Mr. Harris also presented the petition of sundry citizens of Wyoming, in Bath county, praying for the passage of a law allowing an additional Justice of the Peace to said county.

7. Mr. Harris also presented the petition of Thomas D. Honaker, praying for the passage of a law allowing him compensation for pursuing and bringing to Pikeville, Ed, a slave, and Harbert, a free man of colour, fugitives from justice.

8. Mr. James presented the petition of W. H. Husbands, on behalf of the citizens of the town of Clinton, praying for the passage of a law giving to the trustees of said town power to sell and convey any or all of the vacant and unoccupied lots in said town for the non-payment of the town tax.

Which petitions were received and referred: the 1st and 2d to the committee on Religion; the 3d and 6th to the committee on Propositions and Grievances; the 4th and 7th to the committee on Finance; the 5th to the committee on Privileges and Elections; and the 8th to the committee on the Judiciary.

Mr. Patterson presented to the Senate a statement of S. H. Long, in relation to the harbor at Paducah, which was received and referred to a committee of the whole house, having under consideration a bill to establish a tobacco warehouse at ——.

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

A bill to take from the General Court jurisdiction in certain cases.
A bill to give further time to make surveys and return plats and certificates on Kentucky land warrants to the Register's office.
A bill to provide for a change of venue in the prosecution against Joseph H. Coleman.
A bill for the benefit of Elizabeth Bault, of Adair county.

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.
Mr. Hardin, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, to-wit:
An act to reduce the price of vacant lands in Casey county.
An act for the benefit of Sophia Catharine Backman.
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, reported a bill for the benefit of John D. Blackford, 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. Fox, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Covington Collegiate Institute, 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. Fox, from the same committee, reported a bill to authorize the trustees of the New Athens Seminary, in Greensburg, to convey the same to the trustees of 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. Slaughter, from the committee on Agriculture and Manufactures, to whom was referred a bill from the House of Representatives, entitled, an act to further protect the interests of wool growers, reported the same without amendment, and said bill was referred to the committee on Finance.
An engrossed bill, entitled, an act to amend the common school law, was read the third time.
Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:
On the motion of Mr. Williams—I. A bill requiring Justices of the Peace to keep a docket, and for other purposes.
On the motion of Mr. Crenshaw—2. A bill for the benefit of David Bell Fry and Mary Jane Fry.

On the motion of Mr. Hawkins—3. A bill to incorporate and establish the town of East Maysville, Mason county.

On the motion of Mr. Hawkins—4. A bill to allow an additional Constable in the county of Boone.

On the motion of Mr. South—5. A bill to declare Sturgeon creek a navigable stream up to Milton Mize's mill, in Owsley county.

The committee on the Judiciary was directed to prepare and bring in the 1st and 2d; the committee on Internal Improvement the 5th; and Messrs. Hawkins, Draffin and Boyd were appointed a committee to prepare and bring in the 3d and 4th.

A message was received from the Governor, by Mr. Kinkead, 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 allowing a special term of the Green County Court.
An act for the benefit of the Surveyor of Marshall county.

Approved January 28, 1847.

An act to incorporate the Trustees of the Clinton County Academy.
An act to incorporate the Grand Division of Sons of Temperance of Kentucky.
An act to organize the Flemingsburg Fire Engine and Hose Company.
An act to amend an act, entitled, an act for the benefit of David A. Sayre.
An act authorizing the Board of Internal Improvement to compromise and settle with Simpson Stout.
An act authorizing a settlement with the Board of Internal Improvement.
An act to incorporate the Paris Cemetery Company.
An act for the benefit of the trustees and citizens of the town of Princeton, in Caldwell county.
An act to add a part of the county of Hopkins to the county of Caldwell.

Approved January 30, 1847.

Mr. Draffin, from a select committee, reported a bill to allow an additional Constable to Anderson 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.

The preamble and resolution read and laid on the table by Mr. James, on the 29th of January, proposing, in the future balloting for United States Senator, to drop the hindmost candidate, were taken up.
The preamble was amended by striking out the words "the greater portion of the last three days," printed in italics, and inserting in lieu thereof the words "for about two hours each day, for the last three days," and the said preamble and resolution were laid on the table.

Mr. Harris moved to print 2000 additional copies of the reports of the committee on Executive Affairs, on the nomination of George B. Kinkead to be Secretary of State.

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

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

Those who voted in the affirmative, were:

Messrs. Boyd, Hawkins, Slaughter,
Bramlette, Heady, Speed Smith,
Draffin, Helf, Thomas,
Fox, Patterson, Thurman,
Hardin, Rice, Todd—17.
Harris, Russell,

Those who voted in the negative, were:

Messrs. Bradley, Holloway, Swope,
Brien, James, Taylor,
Bristow, Marshall, Thornton,
Crenshaw, McNary, Walker,
Evans, Peyton, Wall,
Henderson, South, Williams—18.

On the motion of Mr. Peyton,

Ordered, That a message be sent to the House of Representatives informing them that the Senate are now ready to proceed to the election of a Senator in Congress, and that the same persons stand in nomination as heretofore, and Mr. Peyton was directed to carry the said message.

A message was received from the House of Representatives, by Mr. Meriwether, announcing that they are now ready to proceed to said election, and that the same persons stood in nomination before that House as heretofore.

The Senate then voted the twenty first time as follows, to-wit:

Those who voted for Mr. Underwood, were:

Messrs. Bramlette, Evans, Peyton,
Bristow, Henderson, Walker—8.
Crenshaw, McNary,

Those who voted for Mr. Hawes, were:

Messrs. Ballard, James, Swope,
Bradley, Marshall, Thomas,
Harris, Rice, Thurman—9.
Those who voted for Mr. Letcher, were—

Messrs. Brien, Helm, Speed Smith, Speed Smith,
Draffin, Holloway, South, South,
Fox, Key, Taylor, Taylor,
Hardin, Patterson, Thornton, Thornton,
Hawkins, Russell, Todd—17.
Heady, Slaughter,

Those who voted for Mr. Metcalfe, were—


Messrs. Peyton and James were appointed a committee to compare and report the joint vote.

After a short time Mr. Peyton reported that the vote stood thus:

For Joseph R. Underwood, For Albert G. Hawes, For Robert P. Letcher, For Thomas Metcalfe,

No person having received a majority of all the votes given,

A message was received from the House of Representatives, announcing that they desired, after taking a second ballot, to suspend the election of a Senator in Congress until to-morrow at 12 o'clock.

The Senate then voted the twenty second time as follows, to-wit:

Those who voted for Mr. Underwood, were—

Messrs. Bramlette, Henderson, Peyton, Peyton,
Bristow, Marshall, Walker, Walker,
Crenshaw, McNary, Williams—10.
Evans,

Those who voted for Mr. Hawes, were—

Messrs. Bradley, Harris, Thomas—3.

Those who voted for Mr. Letcher, were—

Messrs. Ballard, Holloway, Speed Smith, Speed Smith,
Brien, James, South, South,
Draffin, Key, Taylor, Taylor,
Fox, Patterson, Thornton, Thornton,
Hardin, Rice, Thurman, Thurman,
Hawkins, Russell, Todd—20.
Heady, Slaughter,

Those who voted for Mr. Metcalfe, were—

Helm, Wall,

The same committee was appointed to compare and report the joint vote.

Mr. Peyton reported that it stood thus:

For Joseph R. Underwood, For Robert P. Letcher, 

- - - - - - - - - - - - - - - - - - - - - 46
- - - - - - - - - - - - - - - - - - - - - 45
For Albert G. Hawes, 33
For Thomas Metcalfe, 10

No person having received a majority of all the votes given,
The Senate adjourned.

TUESDAY, FEBRUARY 2, 1847.

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 Louisa M. Garesche and others.

An act for the benefit of James S. Chrisman.

Approved January 27, 1847.

An act to change the time of holding the Garrard and Boyle Circuit Courts, and the Madison Chancery Court.

Approved January 28, 1847.

An act to change the time of holding the spring term of the Jessamine Circuit Court.

An act to amend an act, entitled, an act for the benefit of Susan Ann D. Young, approved January 21, 1846.

An act for the benefit of John Crice.

An act to amend in part, and repeal in part, the act establishing a road from the mouth of Laurel river, through London, to Bates' salt well, in Clay county.

An act for the benefit of Morgan Myers and wife.
An act for the benefit of Thomas Woodford.
An act to amend the law in relation to the trustees of towns.
An act to amend the road laws of Clarke county.
An act for the benefit of the Crittenden County Court.
An act to amend an act, entitled, an act to amend the road law of Kenton.
An act to change the place of voting at an election precinct in Hopkins county.
An act for the benefit of George W. Cox.
An act for the benefit of the heirs of David Mize, deceased.
An act to provide for the running and marking the dividing line between the counties of Campbell and Pendleton. Approved January 30, 1847.

That they had disagreed to bills from the Senate, of the following titles, to-wit:

An act to simplify the authentication of foreign deeds and other instruments.

An act regulating judgments for costs in actions brought by executors and administrators.

An act for the benefit of Mrs. Louisa V. Newman.

That they had passed bills from the Senate, of the following titles, to-wit:

An act for the benefit of Rebecca Morrison, and the heirs of Joseph A. Morrison, deceased.

An act to amend an act, entitled, an act to incorporate the Grand Lodge of the Independent Order of Odd Fellows, of the State of Kentucky, approved February 16, 1838.

An act for the benefit of Zattee Cushing.

An act better to define the duties of Surveyors in this Commonwealth.

With amendments to the bill last named, which amendments were concurred in.

That they had passed bills of the following titles, to-wit:

An act to amend the law in reference to guardians and wards.

An act to incorporate a company to be called “The Ohio Line.”

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, said bills were referred to the committee on the Judiciary.

1. Mr. Patterson presented the petition of Elijah Smith, guardian of Elizabeth Smith, praying for the passage of a law authorizing him to make sale of the individual interest of said Elizabeth in and to town lots Nos. 46 and 51, in the town of Paducah.

2. Mr. Thornton presented the petition of Elias White and others, praying for the passage of a law authorizing the Woodford Circuit Court to decree a sale of a tract of land in said county.

3. Mr. Brien presented the remonstrance of C. D. Bradley and others, members of the bar of Trigg county, against adding said county to the 7th Judicial District.

Which petitions and remonstrance were received and referred to the committee on the Judiciary.

Mr. Todd presented the memorial and response of the lessees of the Lexington and Ohio Railroad, to the report of the President of the Board of Ind-
ternal Improvement, which was received and referred to the committee on the Sinking Fund.

Ordered, That the Public Printer print 150 copies of said memorial 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, to-wit:

An act to change the district of Wesley Orear, a Constable of Montgomery county.

An act for the benefit of the Coroner and Surveyor of Owen 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, to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional Justice of the Peace to the county of Bath, reported the same without amendment.

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 amended to read, an act allowing additional Justices of the Peace to the counties of Bath and Henry.

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 to Knox, Cumberland, Green and Spencer counties, 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 do pass, and that the title thereof be amended by striking out Spencer.

Mr. J. Speed Smith, from the committee on Internal Improvement, to whom was referred the petition of John Wood and others, for a fish trap on Pond river, reported the following resolution thereon, to-wit:

Resolved, That the petition is unreasonable and be rejected.

Which was twice read and concurred in.

Mr. J. Speed Smith, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the turnpike road leading from the city of Louisville, by the mouth of Salt river and Elizabethtown, to the State line, and for other purposes, reported the same.
On the motion of Mr. Helm, the said bill was laid on the table for the present.

Mr. Boyd, from a select committee, reported a bill to establish and incorporate the town of Sherburne, in Fleming 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 committee on Propositions and Grievances, reported a bill for the benefit of the trustees of the town of Poplar Plains, 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 moved to take up from the table the preamble and resolution moved by him on the 29th January, in relation to the further balloting for a United States Senator.

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

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

Those who voted in the affirmative, were—

Messrs. Ballard, Brien, Key, Slaughter, Speed Smith, James, Slaughter, Speed Smith, Harris, Thomas, Walker, Wall, Speed Smith, Swope, Williams—13.

Mr. James moved the previous question.

And the question being taken, shall the main question be now put? it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Brien, Fox, Key, Taylor,
The question was then taken on the adoption of said preamble and resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. James and Holloway, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Brien, Fox, Hardin, Hawkins, Heady, Holloway, James,

Key, Marshall, McNary, Patterson, Rice, Russell, Slaughter,

Speed Smith, South, Taylor, Thornton, Thurman, Todd—20.

Those who voted in the negative, were—

Messrs. Ballard, Boyd, Bradley, Bramlette, Crenshaw, Evans,

Harris, Helm, Henderson, Rice, South,

Swope, Thomas, Walker, Wall, Williams—16.

On the motion of Mr. Harris,

Ordered, That a message be sent to the House of Representatives informing them that the Senate are now ready to proceed to the election of a Senator in Congress, and that the same persons are in nomination before the Senate as heretofore, and Mr. James was directed to carry the said message.

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

On the motion of Mr. Swope—1. A bill to repeal in part, the act, entitled, an act declaring certain deeds valid, approved March 2. 1844.

Also—2. A bill to amend the law in relation to conveyances made by Sheriffs.

On the motion of Mr. Thurman—3. A bill for the benefit of Edwin Trimble, Clerk of the County and Circuit Courts of Floyd county.

On the motion of Mr. Williams—4. A bill to authorize a toll gate No. 3, on the Georgetown and Williamstown Turnpike road, and for other purposes.
On the motion of Mr. Bradley—5. A bill to regulate the terms of certain Circuit Courts in the 7th Judicial District.

On the motion of Mr. J. Speed Smith—6. A bill to prevent the wanton destruction of fish.

The committee on the Judiciary was directed to prepare and bring in the 1st, 2d, 3d and 5th; the committee on Internal Improvement the 4th; and Messrs. J. Speed Smith, Taylor and Slaughter were appointed a committee to prepare and bring in the 6th.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 3, 1847.

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 Moss, of Hickman county.

That they had passed bills of the following titles, to-wit:

1. An act to incorporate an additional fire company in the town of Frankfort.
3. An act to amend the road law in Greenup county.
5. An act for the benefit of William Elliott, of Ballard county.
6. An act for the benefit of James W. Cruce, of Crittenden county.
7. An act to allow a change of venue to Milton Martin.
8. An act providing for a change of venue in the prosecution against William Darneill.
9. An act to allow two additional Justices of the Peace to the county of Wayne.
10. An act to change a Constable’s District in the county of Union.
11. An act for the benefit of Paschal D. Craddock.
12. An act legalizing transcript of Minute Book B, of the County Court of Cumberland county.
13. An act to amend the law on the subject of apprehending runaway slaves.
14. An act for the benefit of the Baptist Church and Church of Christ, in Simpsonville.
15. An act for the benefit of Shiloh and Olivet churches, in Shelby county.
16. An act for the benefit of Lovey Wharton and Sarah Graham.
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, 4th, 5th, 7th, 8th, 11th, 12th, 13th and 16th to the committee on the Judiciary; the 3d to the committee on Internal Improvement; the 6th, 9th and 10th to the committee on Propositions and Grievances; and the 14th and 15th to the committee on Religion.

1. Mr. Todd presented the petition of the Mayor and Council of the city of Lexington, praying an amendment to the city charter.
2. Mr. Evans presented the petition of sundry citizens of Lawrenceburg, in Anderson county, praying for the passage of a law to establish a Police Court in said town.
3. Mr. South presented the petition of Ann Right, praying for the passage of a law legalizing her marriage with her husband, John Right.
4. Mr. South also presented the petition of John Hall, praying for the passage of a law allowing him compensation for taking care of his idiot son, Preston Hall.

Which petitions were received and referred: the 1st to the committee on the Judiciary; the 2d to a select committee of Messrs. Draffin, Hawkins and Evans; the 3d to the committee on Religion; and the 4th to the committee on Finance.

Mr. James presented the proceedings of a public meeting and memorial of the citizens of Fulton county, in relation to the establishment of a tobacco warehouse and State inspection, at the town of Hickman, in Fulton county, which was read and referred to the committee of the whole house, having under consideration the bill to establish a public warehouse at

On the motion of Mr. James, leave was given him to withdraw, from the files of the Senate, two deeds presented and referred to the committee on the Judiciary, to whom was referred the leave to bring in a bill for the benefit of the heirs of David Ramsey, deceased, of Hickman county.

The Speaker laid before the Senate a report from the Board of Internal Improvement on the claim of George W. King, which reads as follows, to-wit:

Office of Board of Internal Improvement, February 3, 1847.
The Honorable Senate and House of Representatives;
In pursuance of an act, entitled, "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 the 10th February, 1845," approved February 23, 1846, the Board of Internal Improvement, having re-investigated the claim of G. W. King for damages done by the slackwater from Pool No. 1, on Green river, have the honor to report:

That from the additional testimony adduced by the claimant, all of which is on file in this office for the inspection of members, it would appear that the claimant had sustained damages to the amount of $500 per annum, or say at least $2,000 in all, &c., &c.

In their report of the last year, the Board rejected the claim on the ground that "the mill had been built some years after the commencement of the works upon Green river, and when they were in rapid progress to completion." It might have been added that Mr. King purchased the land after the commencement of the works, and therefore he is not entitled to indemnity from the State, if damages he has sustained. To this the claimant replies, that the dam below had been built somewhat taller than it was to have been built according to the original plan, and he claims on account of the increased height of the dam.

The Board can attach but little importance to this ingenious afterthought of the claimant and his advisers, and they doubt whether he ever made an experiment, by leveling, to ascertain what would have been the height of the water at that point had the dam been raised no higher than according to the original plan; neither are they convinced that the dam has been raised higher than was originally intended. It is clear that it was intended that the pool should be raised to its present height so as to enable the steamers to pass over the mitre sill of the Lock above; and to effect that object it was indispensable that the pool should be as high at that point as at present, and so likewise the dam.

But aside from all this, it appears from the testimony of a member of this Board, (he being the superintendent of that work,) and of H. J. Eastin, an Engineer of long experience in his profession, that they, (Mr. Dyer and H. J. Eastin, Esq.) having leveled from the river, at the mouth of Spotsman creek, to the mill, find the lower part of the mill wheel to be six feet five inches above the level of the water in the pool, when the water was running over the dam below from one end to the other. The mill is built about a mile from the river, at the mouth of the creek, and about three or four miles from the head branches of said creek; and the creek having no water in it at the time of the leveling process, has probably done much more damage to the claimant, by its failure to convey water to the mill, than has been done by the frequent overflowing from the slackwater, especially when it is considered that the overflowing from the river would have taken place nearly if not quite as often, (as the Board believe,) in the absence of the dams, as it has done since their construction.

The bottom of the mill wheel, at Lock No. 4, on the Kentucky river, is, say, from one and a half to two feet above the level of the water—at the same stage—when the water is barely running over the dam; and this mill has but recently been built, and is a first rate one; not seriously injured by high water.

The Board are informed that Mr. King is an honest man, and would not therefore recommend the enforcement of the laws against him in regard to the costs of the investigation, his efforts having probably resulted from the advice of his able, ingenious and indefatigable counsellor.

I have the honor to be, with great respect,

THOMAS METCALFE, P. B. I. I.
Ordered, That said report be referred to the committee on Internal Improvement.

Mr. Bramlette, from the committee on Religion, reported a bill for the benefit of Jonathan Williams, 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. J. Speed Smith, from the committee on Internal Improvement, to whom was referred the petition of William Jago, to build a fish trap on Pond river, reported the following resolution thereon, to-wit:

Resolved, That said petition is unreasonable and be rejected.

Which was twice read and concurred in.

Mr. J. Speed Smith, from the same committee, reported the following bills, to-wit:

A bill to prevent the wanton destruction of fish.
A bill to authorize toll gate No. 3, on the Georgetown and Williamstown turnpike road, and for other purposes.

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

The first bill was amended.

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.

On the motion of Mr. Thornton,

Ordered, That the Public Printer print 1000 copies of the special message of the Governor, nominating George B. Kinkaid to be Secretary of State, for the use of the Senate.

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

On the motion of Mr. Patterson—1. A bill for the benefit of Benjamin and Sterling Barner, of the county of Livingston.

On the motion of Mr. Evans—2. A bill to provide for the construction and protection of Morse’s Magnetic Telegraph in Kentucky.

The committee on the Judiciary was directed to prepare and bring in said bills.

Mr. James, from a select committee, reported a bill for the benefit of James Fike, of Graves county, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of 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. Bradley, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, to-wit:

An act for the benefit of Levi Pendley, of Hopkins county.
An act for the benefit of the Anderson Infantry.
An act allowing an additional Justice of the Peace and Constable to Henry county.
An act to establish a road from Rochester, at the mouth of Muddy river, to Russellville.
An act to legalize the proceedings of the Henderson County Court, held the 4th Monday in June, 1846.
An act for the benefit of Bernard Simpson and wife, and William Bailey of Adair county.
An act for the benefit of the heirs of David Ramsey, deceased, of Hickman county.
An act for the benefit of William G. Connell, Surveyor of Trimble county.
An act to legalize the proceedings of the Christian County Court.
An act to change the time of holding the Washington County Court.
An act to change the time of holding the Pulaski Circuit Court, and for other purposes.

And enrolled bills which originated in the House of Representatives, of the following titles to-wit:

An act to change the Spring and Fall terms of the Warren Circuit Court.
An act to amend the penal laws.
An act to amend the act incorporating the towns of Blanville, in Ballard county; Clarksburg, in Lewis county; and Hawesville, in Hancock county.
An act to amend an act to incorporate the Bank Lick Turnpike Road Company.
An act to amend an act, entitled, an act for the benefit of the trustees of the town of Bowlinggreen.
An act to authorize the Chancellor of the Louisville Chancery Court to sign law license.
An act for the benefit of certain Sheriffs and the late Clerk of the county of Clay.
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 Fielding McDuffie.
An act for the benefit of Uriah Pool.
An act for the benefit of the trustees of the town of Russellville.
An act for the benefit of Morgan Myers and wife.
An act for the benefit of Conrod Havens.
An act for the benefit of Charles W. Dean.
An act for the benefit of James M. McMillen.
An act for the benefit of James McKenzie and others.
An act for the benefit of Lois Smallwood.
An act for removing obstructions in Little Sandy river, and to extend the navigation thereof.
An act for the benefit of the trustees of Williamstown.
An act to allow additional Justices of the Peace to the counties of Pendleton and Hart.
An act to extend the Constable's District around the town of Murray, in Calloway county.
An act concerning the jail of Shelby county, and for other purposes.
An act to establish the town of Dycusburg, in the county of Crittenden.
An act for the benefit of Richard Myers, and to legalize the proceedings of the 17th Regiment Kentucky Militia.
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. Bradley reported that the committee had performed that duty.
The report of the committee on Executive Affairs, on the nomination of George B. Kinkead to be Secretary of State, came up in the orders of the day, and the consideration of said report was postponed until to-morrow.
Mr. Hawkins, from a select committee, reported a bill to incorporate the town of East Maysville, 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, said bill was referred to the committee on the Judiciary, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.
On the motion of Mr. Harris,
Ordered, That a message be sent to the House of Representatives informing them that the Senate are now ready to proceed to the election of a Senator in Congress, and that the same persons are in nomination before the Senate as on yesterday. And Mr. Harris was directed to carry said message.
A message was received from the House of Representatives, by Mr. Meriwether, announcing that they are now ready to proceed to the election
of a Senator in Congress, and that the same persons are in nomination before that House as on yesterday, and that the House of Representatives desired, if no choice was made on the next ballot, to suspend the further ballottings until to-morrow at 12 o'clock.

The Senate then proceeded to vote the twenty third time for Senator as follows, to-wit:

Those who voted for Mr. Underwood, were—

Messrs. Bramlette, Crenshaw, Evans,


Those who voted for Mr. Letcher, were—

Messrs. Ballard, Brien, Fox, Hardin, Hawkins, Heady, Holloway,

James, Key, Patterson, Rice, Russell, Slaughter,

Speed Smith, South, Taylor, Thornton, Thurman, Todd—19.

Those who voted for Mr. Hawes, were—

Messrs. Bradley, Swope, Harris,

Thomas—4.

Those who voted for Mr. Metcalfe, were—

Messrs. Boyd, Wall, Helm,

Williams—4.

Messrs. James and Evans were appointed a committee to compare and report the joint vote. Mr. James reported that the vote stood thus:

For Joseph R. Underwood, - - - - - - 40
For Robert P. Letcher, - - - - - - 42
For Albert G. Hawes, - - - - - - 37
For Thomas Metcalfe, - - - - - - 9
For John L. Helm, - - - - - - 1

No person having received a majority of all the votes given, the Senate adjourned.
THURSDAY, FEBRUARY 4, 1847.

A message was received from the House of Representatives announcing that they had passed a bill from the Senate, entitled, an act to repeal the law authorizing deeds to be recorded in the office of the Court of Appeals and General Court.

With an amendment.

That they had passed bills of the following titles, to-wit:

An act to amend an act, entitled, an act to reduce into one the several acts in relation to the town of Danville, and for other purposes, approved 16th February, 1846.

An act directing special terms of the Circuit Courts of Bath, Estill and Lewis counties.

An act to amend an act, entitled, an act to incorporate the Cumberland Female Academy, and for other purposes, approved February 1, 1837.

An act for the benefit of Elizabeth Bowren and children.

That they had adopted a resolution for the suspension of the balloting for a United States Senator.

1. Mr. Holloway presented the petition of John Greene, late Sheriff of Henderson county, praying for the passage of a law allowing him further time to collect his dues as Sheriff.

2. Mr. South presented the petition of sundry citizens of Perry county, praying for the passage of a law adding them to the county of Letcher.

3. Mr. Henderson presented the petition of John Quinn, praying for the passage of a law allowing him to peddle goods without obtaining a license.

Which petitions were received and referred: the 1st and 3d to the committee on Finance, and the 2d to the committee on Propositions and Grievances.

Mr. Cresshaw presented the memorial of sundry citizens of Barren county, praying for the establishment of a tobacco warehouse and State inspection at the town of Paducah, which was received and referred to the committee of the whole house, on the state of the Commonwealth, having under consideration the bill to establish a public warehouse, for the sale and inspection of tobacco, at ——.

The report of the committee on Executive Affairs, on the nomination of George B. Kinkead, to be Secretary of State, was taken up.

Mr. Swope moved to postpone the consideration of said report until to­morrow.

The question being taken thereon, it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Helm and Swope, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard, Holloway, Boyd, James, Bristow, Key, Crenshaw, Rice, Evans, South, Henderson, Taylor, Thomas, Thornton, Todd, Wall—17.

Those who voted in the negative, were—


Mr. Hardin, from the committee on the Judiciary, reported the following bills, to-wit:

A bill to repeal the 2d section of an act, entitled, an act declaring certain deeds valid, approved March 2, 1844.

A bill providing for the construction and protection of Morse's Magnetic Telegraph in Kentucky.

A bill authorizing a survey of the town of Mount Washington, 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 same committee, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act to amend an act, entitled, an act for the benefit of Harrison Rankins and wife and children.

An act legalizing transcript of Minute Book B, of the County Court of Cumberland county.

An act for the benefit of Lovey Wharton and Sarah Graham.

An act for the benefit of William F. Scanland, Surveyor of Marion county.

An act to incorporate an additional fire company in the town of Frankfort.

An act to incorporate the Shepherdsville Iron Manufacturing Company.

An act for the benefit of Paschal D. Craddock.

An act for the benefit of William Elliott, of Ballard county.
An act providing for a change of venue in the prosecution against William Darneall.

An act to allow a change of venue to Milton Martin.
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 to extend the mechanics lien law of the city of Louisville to the counties of Bourbon, Christian, Madison, Livingston, Shelby, Scott and Carroll, reported the same without amendment.

The said bill was amended and placed in the orders of the day.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law on the subject of apprehending runaway slaves, 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. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to allow two additional Justices of the Peace to the county of Wayne, 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 amended by adding, “and one to the county of Bath.”

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to change a Constable’s District in Union 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. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to remove the Seat of Justice of the county of Mason from the town of Washington to the city of Maysville, reported the same with an amendment.

The said bill and amendment were postponed, and made the special order of the day for Tuesday, the 9th inst.
Ordered, That the Public Printer print 150 copies of said bill and amendment 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 change the place of comparing the polls in the counties of Mogan and Breathitt, 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. Swope, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to change the place of voting in Hart county, from the house of James Simpson to John H. Lively's, 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 amended by adding, "and for other purposes."

Mr. Boyd, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Shiloh and Olivet churches, in Shelby 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.

A message was received from the House of Representatives, by Mr. Young, asking leave to withdraw the report of the adoption of a resolution for the suspension of the ballotings for a United States Senator.

The question being taken on granting the leave to withdraw said report, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Those who voted in the negative, were—

Messrs. Ballard,  
Brien,  
Draffin,  
Fox,  
Hardin,  
Harris,  
Hawkins,  
Heady,  
Helm,  
James,  
McNary,  
Russell,  
Slaughter,  
Speed Smith,  
South,  
Thomas—16.

Mr. J. Speed Smith read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky,  
That the election of Senator to the Congress of the United States be postponed to Tuesday, the 9th inst.

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

Mr. Harris moved to amend the said resolution by striking out the words Tuesday, the 9th inst., printed in italics, and inserting in lieu thereof “Thursday, the 11th inst.”

The question being taken on the adoption of said amendment, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Ballard,  
Bradley,  
Brien,  
Draffin,  
Fox,  
Hardin,  
Harris,  
Heady,  
James,  
Marshall,  
Rice,  
Slaughter,  
Speed Smith,  
South,  
Swope,  
Thomas,  
Thornton,  
Thurman—18.

Those who voted in the negative, were—

Messrs. Boyd,  
Bramlette,  
Bristow,  
Crenshaw,  
Evans,  
Hawkins,  
Helm,  
Henderson,  
Holloway,  
Key,  
McNary,  
Russell,  
Taylor,  
Todd,  
Walker,  
Wall,  
Williams—17.

The said resolution as amended was adopted.

After a short time a message was received from the House of Representatives announcing that they had concurred in the adoption of said resolution.

Leave of absence was granted to Mr. Fox until Tuesday, the 9th inst.

Ordered, That the report and resolution of the committee on Executive Affairs, on the nomination of George B. Kinkead, to be Secretary of State, be postponed, and made the special order of the day for Wednesday next, the 10th inst., at 10½ o'clock in the morning.

A message in writing, was received from the Governor, by Mr. Kinkead, 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, Abraham Hunter as gate keeper to the Wilderness turnpike road.

WM. OWSLEY.

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

After proceedings as the High Court of Impeachment, as stated in the record,

The Senate adjourned.

FRIDAY, FEBRUARY 5, 1847.

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

1. An act to reduce the number of Justices of the Peace of Anderson county.
2. An act to extend the Constable's District including Williamstown, in Grant county, and the District of Robert C. Sweeney, a Constable of Russell county.
3. An act for the benefit of the Sheriff of Bullitt county.
4. An act to allow an additional Justice of the Peace to the county of Casey.
5. An act for the benefit of Martin Fugate, late Sheriff of Pendleton county.
6. An act for the benefit of James Purvis and others, of Green county.
7. An act for the benefit of George W. Jones and others.
8. An act for the benefit of Clinton Nash.
9. An act to incorporate the towns of Pikeville and Paintsville.
10. An act to amend the charter of the city of Louisville, 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, 4th and 9th to the committee on Propositions and Grievances; the 3d and 6th to the committee on Finance; and the 6th, 7th, 8th and 10th to the committee on the Judiciary.
1. Mr. Todd presented the petition of the fire companies of the city of Lexington, praying for the passage of a law to charter the Fireman's Insurance Company of said city.

2. Mr. Evans presented the petition of John Dobbs and Harrison Dobbs, praying for the passage of a law allowing them to bring into this State a negro slave named Joseph.

3. Mr. Bradley presented the petition of George Whitesell, praying for the passage of a law divorcing him from his wife, Huldah Whitesell.

4. Mr. Heady presented the petition of John McDonald, praying for the passage of a law allowing him to peddle goods without obtaining a license.

5. Mr. Crenshaw presented the memorial of the citizens of Glasgow and its vicinity, praying that the Lunatic Asylum, for the southern portion of the State, may be located at said town.

Which were received and referred: the 1st to the committee on the Judiciary; the 2d to the committee on Propositions and Grievances; the 3d to the committee on Religion; the 4th to the committee on Finance; and the 5th to the select committee to whom was referred the leave to bring in a bill for building a Lunatic Asylum in the southern portion of the State.

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 benefit of James W. Cruce, of Crittenden county, reported the same with the opinion of the committee that it ought not to pass.

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

On the motion of Mr. J. Speed Smith, leave was given to bring in a bill for the benefit of Hall Anderson, and the committee on Propositions and Grievances was directed to prepare and bring in said bill.

Bills from the House of Representatives, of the following titles, were severally read the first time, to-wit:

An act to amend an act, entitled, an act to reduce into one the several acts in relation to the town of Danville, and for other purposes, approved 16th February, 1846.

An act directing special terms of the Circuit Courts of Bath, Estill and Lewis counties.

An act for the benefit of Elizabeth Bowren and children.

An act to amend an act, entitled, an act to incorporate the Cumberland Female Academy, and for other purposes, approved February 1, 1837.

Ordered, That said bills be read a second time.

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

Leave of absence was granted to Mr. Heady for three days.
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After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned.

SATURDAY, FEBRUARY 6, 1847.

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

An act to change the time of holding the terms of the Court of Appeals.
An act to change the name of Pinchico to that of Rogersville, and for other purposes.
An act for the benefit of Winston Mayo, Clerk of the Johnson Circuit Court, and for other purposes.
An act to change the names of Thomas and Jane Holder, John and Lucy M. Bradley, John S. Cocks, Polly Bowles, Rebecca A. Chevalier and her children.
An act for the benefit of Joseph C. Linn.

1. Mr. Bristow presented the petition of Z. Glass, administrator of Henry Durrett, deceased, praying for the passage of a law authorizing the sale of a tract of twenty acres of land belonging to the estate of said decedent, and lying in the county of Christian.
2. Mr. Patterson presented the petition of sundry citizens of Caldwell county, praying for the passage of a law allowing an additional Justice of the Peace to said county.
3. Mr. Wall presented the petition of sundry citizens of Harrison county, praying for the passage of a law to charter a company to turnpike a road from Cynthiana, to intersect the Maysville and Lexington turnpike at or near Millersburg.

Which petitions were received and referred: the 1st to the committee on the Judiciary; the 2d to the committee on Propositions and Grievances; and the 3d to the committee on Internal Improvement.

Mr. Boyd, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Baptist Church and Church of Christ, in Simpsonville, 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. J. Speed Smith, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend the road law in Greenup county, reported the same.
Ordered, That said bill be referred to a committee of Messrs. Rice, Bristow and Evans.

Mr. J. Speed Smith, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the road law in Greenup county, reported the same.

Ordered, That said bill be referred to a committee of Messrs. Rice, Bristow and Evans.

Mr. J. Speed Smith, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the citizens residing on the middle fork of the Kentucky river, in Clay county, reported the same without amendment.
Ordered, That said bill be read a third time.

Mr. J. Speed Smith, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Elias P. Davis and others, 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 striking out the words, "and others."

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 Calloway 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 thereof be amended by adding, "and Breathitt 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 John R. Ringo, 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, reported a bill for the benefit of James C. Brewer, Commissioner of Tax for Perry 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,
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 afore-said.

Mr. James, from the same committee, to whom was referred the petition of John B. Meredith, reported the following resolution thereon, viz:

Resolved, That said petition be rejected.

Which was twice read and disagreed to.

Ordered, That said committee prepare and report a bill pursuant to said petition.

A message was received from the Governor, by Mr. Kinkead, 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 time of holding the Washington County Court.
An act to legalize the proceedings of the Christian County Court.
An act for the benefit of William G. Connell, Surveyor of Trimble county.
An act for the benefit of Levi Pendley, of Hopkins county.
An act to change the time of holding the Pulaski Circuit Court, and for other purposes.
An act to legalize the proceedings of the Henderson County Court, held the 4th Monday in June, 1846.
An act for the benefit of Bernard Simpson and wife, and William Bailey of Adair county.
An act allowing an additional Justice of the Peace and Constable to Henry county.
An act for the benefit of the Anderson Infantry.
An act to establish a road from Rochester, at the mouth of Muddy river, to Russellville.
An act for the benefit of the heirs of David Ramsey, deceased, of Hickman county. Approved February 4, 1847.

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

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

Gentlemen of the Senate:

I nominate for your advice and consent, Samuel M. Wallace to be Sheriff of Woodford county, in place of Goodloe Carter, whose time is about to expire, the County Court of said county having failed to recommend according to law.

WM. OWSLEY.

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

Mr. Evans, from a select committee, reported a bill declaring seduction a felony; and punishing the same with confinement in the Penitentiary, 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, said bill was referred to the committee on the Judiciary, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

Mr. Hawkins, from a select committee, reported a bill to allow an additional Constable to Boone 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.

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

On the motion of Mr. Peyton—1. A bill to amend the law so as to make copies of water leases of record, evidence in Court, &c.

On the motion of Mr. James—2. A bill for the benefit of the widow and heirs of Daniel Stewart, deceased, late of Hickman county.

Messrs. Peyton, Boyd and Hardin 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.

On the motion of Mr. McNary,

Resolved, That the committee on Internal Improvement enquire into the propriety of paying Hines and Carson for cutting the race for water power at Lock and Dam No 4, on Green river, and putting their powers under rent, according to the terms of their lease from the Commonwealth; and report by bill or otherwise.

Mr. Peyton, from a select committee, reported a bill making copies of water leases, which have been recorded, evidence, 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.

After the proceedings as the High Court of Impeachment, as stated on the record,

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

- An act for the benefit of the trustees of the town of Russellville.
- An act to amend an act to incorporate the Bank Lick Turnpike Road Company.
- An act concerning the jail of Shelby county, and for other purposes.
- An act for the benefit of the trustees of Williamstown.
- An act for the benefit of Richard Myers, and to legalize the proceedings of the 17th Regiment Kentucky Militia.
- An act to allow additional Justices of the Peace to the counties of Pendleton and Hart.
- An act for the benefit of Lois Smallwood.
- An act for the benefit of James M. McMillen.
- An act for the benefit of Conrod Havens.
- 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 Uriah Pool.
- An act to change the Spring and Fall terms of the Warren Circuit Court.
- An act to amend an act, entitled, an act for the benefit of the trustees of the town of Bowlinggreen.
- An act to establish the town of Dycusburg, in the county of Crittenden.
- An act to amend the penal laws.
- An act to authorize the Chancellor of the Louisville Chancery Court to sign law license.
- An act for removing obstructions in Little Sandy river, and to extend the navigation thereof.
- An act for the benefit of James McKenzie and others.
- An act to extend the Constable's District around the town of Murray, in Calloway county.
- An act for the benefit of Charles W. Dean.
- An act for the benefit of Hugh Lynn Gilkerson.
- An act to amend the act incorporating the towns of Blanville, in Ballard county; Clarksburg, in Lewis county; and Hawesville, in Hancock county.
- An act for the benefit of certain Sheriffs and the late Clerk of the county of Clay.
An act for the benefit of Fielding McDuffie.

Approved February 3, 1847.

That they had passed bills of the following titles, to-wit:
1. An act to change the State road from Hopkinsville to Gray's ferry.
2. An act to change the time of holding the spring term of the Whitley Circuit Court.
3. An act for the benefit of A. M., Clifford N., Henry B., and Sidney T. Fontaine.
4. An act for the benefit of Ann Neale and others.
5. An act to allow an additional Constable to Pulaski county.
6. An act for the benefit of John Tanner.
7. An act for the benefit of William T. Samuels.
8. An act for the benefit of John William Holtzclaw.
9. An act to incorporate the First Universalist Society of the city of Louisville.
10. An act to change the name of Noah Sowders, William DeCourcey, David S. Lusk, and Sally Muncy.
11. An act to amend an act, entitled, an act to establish a Library Association at Louisville, approved February 5, 1842.
12. An act for the benefit of David and Opie J. Lindsey, trustees under the will of Thomas Lindsey, deceased.
13. An act for the benefit of the town of Portland.

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 Internal Improvement; the 2d, 3d, 4th, 6th, 7th, 8th, 12th and 13th to the committee on the Judiciary; the 5th and 10th to the committee on Propositions and Grievances; the 9th to the committee on Education; and the 11th to the committee on the Library.

1. Mr. Patterson presented the petition of A. Reynolds, of Caldwell county, praying for the passage of a law releasing him and his securities from the payment of a bond executed to the Commonwealth of Kentucky for the purchase of a runaway slave sold by order of the Caldwell County Court.
2. Mr. J. Speed Smith presented the petition of sundry citizens of Madison county, praying for the passage of a law to extend the Wilderness turnpike road in the Madison fork, for a distance of three miles.
3. Mr. Russell presented the petition of Robert Foster, of Pennsylvania, praying relief for the loss of a Kentucky State Bond.

Which petitions were received and referred: the 1st to the committee on Finance; the 2d to the committee on Internal Improvement; and the 3d to the committee on the Sinking Fund.
Mr. Hardin, from the committee on the Judiciary, reported the following bills, viz:  
A bill requiring the Clerk of the Green County Court to qualify William B. Carlise as Sheriff of said county.  
A bill to legalize the proceedings of the Green County Court in appointing William B. Allen, administrator of John H. Akin, deceased.  
A bill for the benefit of the town of Smithland.  
Mr. Peyton, from the same committee, reported a bill for the benefit of the trustees of the town of Shepherdsville, in Bullitt 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. Helm, from the committee on the Sinking Fund, reported a bill authorizing the issue of State bonds for certain 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, said bill was made the special order of the day for Wednesday next, the 10th inst.  

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

Mr. McNary, from a select committee, 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 reading being dispensed with, said bill was referred to the committee on Privileges and Elections.

On the motion of Mr. Hawkins, leave was given to bring in a bill to establish a turnpike road to commence at some point on the Ohio, at or between the towns of Hamilton, Boone county, and Rising Sun, Indiana, and to terminate at or in the vicinity of Florence, on the Lexington and Cincinnati turnpike road, and the committee on Internal Improvement was directed to prepare and bring in said bill.  

Resolved, That the Senate concur in the amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act to repeal the law authorizing deeds to be recorded in the office of the Court of Appeals and General Court.

On the motion of Mr. J. Speed Smith,  
Resolved, That the President of the Board of Internal Improvement inform the Senate whether the President and Directors or Managers, of the several turnpike roads in which the Commonwealth is a joint stockholder,
charge and receive tolls according to the rates of tolls fixed by the act approved 25th February, 1842; and whether the Board of Internal Improvement has made any alteration in the rate of tolls, as prescribed by said act, on any turnpike road; if so, state the alteration, and on which road; also, whether any road charges a less rate of toll than that prescribed by said act; if so, state the difference in the charges from those required by said act; that he give to the Senate all the information he has in relation to the rates charged in which the State is a joint stockholder.

Bills from the House of Representatives, of the following titles, were severally read the first time, to-wit:

1. An act to change the time of holding the terms of the Court of Appeals.
2. An act to change the name of Pinchico to that of Rogersville, and for other purposes.
3. An act for the benefit of Winston Mayo, Clerk of the Johnson Circuit Court, and for other purposes.
4. An act to change the names of Thomas and Jane Holder, John and Lucy M. Bradley, John S. Cocks, Polly Bowles, Rebecca A. Chevalier and her children.
5. An act for the benefit of Joseph C. Linn.

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 and 3d to the committee on the Judiciary; and the 2d, 4th and 5th to the committee on Propositions and Grievances.

On the motion of Mr. James, the committee of the whole was discharged from the further consideration of a bill to amend the revenue laws.

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.

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. James in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. James reported that the committee had, according to order, had under consideration a bill to amend the laws in relation to chancery proceedings, and had made some progress therein, but not having time to go through with the same, had directed him to ask leave to sit again, which was granted.

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. James in the Chair. After some time spent in committee, the Speaker
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resumed the Chair, when Mr. James reported that the committee had, according to order, had under consideration a bill limiting certain actions, and had made some progress therein, but not having time to go through with the same, had directed him to ask leave to sit again, which was granted.

And then the Senate adjourned.

TUESDAY, FEBRUARY 9, 1847.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:
1. An act to regulate the terms of the Scott Circuit Court, and for other purposes.
2. An act further increasing the liabilities of Sheriffs and Coroners and their securities.
3. An act for the benefit of D. J. Dodge.
4. An act for the benefit of the town of Madisonville, in Hopkins county.
5. An act for the benefit of John Cottingham and wife.
6. An act for the relief of emigrants.
7. An act for the benefit of Taylor Pember.
8. An act to change the name of James Thomas to that of James Thomas Irvine.
9. An act to divorce Cyrus Pharis from his wife, Mary Pharis.

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, 4th and 5th to the committee on the Judiciary; 3d, 6th, 7th and 8th to the committee on Propositions and Grievances; and the 9th to the committee on Religion.

1. Mr. Ballard presented the petition of sundry citizens of Westport, in Oldham county, praying for the passage of a law prohibiting the sale of spirituous liquors in said town, and within one mile of its vicinity.
2. Mr. Thurman presented the petition of sundry citizens of Washington county, praying for the passage of a law to revive the charter of the company to turnpike the road leading from Springfield, through Perryville, to Danville.
3. Mr. Bristow presented the petition of the trustees of the town of La-Fayette, praying for the passage of a law to incorporate said town. Which petitions were received and referred: the 1st and 3d to the committee on Propositions and Grievances; and the 2d to the committee on Internal Improvement.

Mr. Bradley, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, to-wit:

An act for the benefit of Rebecca Morrison, and the heirs of Joseph A. Morrison, deceased.

An act to amend an act, entitled, an act to incorporate the Grand Lodge of the Independent Order of Odd Fellows, of the State of Kentucky, approved February 16, 1888.

An act for the benefit of John Moss, of Hickman county.

An act to define the duties of Surveyors in this Commonwealth.

An act for the benefit of Zattee Cushing.

And enrolled bills which originated in the House of Representatives, of the following titles to-wit:

An act for the benefit of Lovey Wharton and Sarah Graham.

An act legalizing transcript of Minute Book B, of the County Court of Cumberland county.

An act for the benefit of Paschal D. Craddock.

An act to change a Constable's District in the county of Union.

An act providing for a change of venue in the prosecution against William Darnell.

An act to allow a change of venue to Milton Martin.

An act for the benefit of William Elliott, of Ballard county.

An act to incorporate the Shepherdsville Iron Manufacturing Company.

An act for the benefit of William F. Scanland, Surveyor of Marion county.

An act to change the district of Wesley Orear, a Constable of Montgomery county.

An act to reduce the price of vacant lands in Casey county.

An act for the benefit of Sophia Catharine Backman.

An act to incorporate the Covington Collegiate Institute.

An act for the benefit of Shiloh and Olivet churches, in Shelby county.

An act to incorporate an additional fire company in the town of Frankfort.

An act for the benefit of the Coroner and Surveyor of Owen county.

An act to change the place of comparing the polls in the counties of Morgan and Breathitt.

An act to amend an act, entitled, an act for the benefit of Harrison Rankins and wife and children.
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. Bradley reported that the committee had performed that duty.

Mr. Hardin, from the committee on the Judiciary, reported the following bills, to-wit:

A bill for the benefit of Elizabeth Jane Smith and others.
A bill to incorporate the Fireman’s Insurance Company of Lexington.

Mr. Crenshaw, from the same committee, reported a bill for the benefit of David Bell Fry and Mary Jane Fry.

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, to-wit:

An act to amend the law in reference to guardians and wards.
An act to amend an act, entitled, an act to reduce into one the several acts in relation to the town of Danville, and for other purposes, approved 16th February, 1846.
An act for the benefit of Ann Neale and others.
An act for the benefit of James Purvis and others, of Green county.
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.

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

An act to amend the charter of the city of Louisville, and for other purposes.
An act for the benefit of John William Holtzclaw.
An act for the benefit of Elizabeth Bowren and children.
An act to change the time of holding the Whitley Circuit Court.
An act for the benefit of Winston Mayo, Clerk of the Johnson Circuit Court, and for other purposes.
An act for the benefit of George W. Jones and others.
An act directing special terms of the Circuit Courts of Bath, Estill and Lewis counties.
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 A. M., Clifford N., Henry B., and Sidney T. Fontaine, 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 the town of Portland, 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. Walker, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives, of the following titles, to wit:

An act to extend the Constable's District including Williamstown, in Grant county, and the District of Robert C. Sweeney, a Constable of Russell county.

An act to reduce the number of Justices of the Peace of Anderson county.

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

An act to change the name of Pinchico to that of Rogersville, and for other purposes.

An act for the benefit of Joseph C. Linn.

An act to allow an additional Constable to Pulaski county.

An act to change the names of Noah Sowders, William DeCourcy, David S. Lusk, and Sally Muncy.

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 a bill allowing an additional Justice of the Peace to Caldwell 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. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the towns of Pikeville and Paintsville, reported the same.
Ordered, That said bill be referred to the committee on the Judiciary.

Mr. Hawkins, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act authorizing John Woodburn to import a slave into this Commonwealth, 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.

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

Mr. J. Speed Smith, from the committee on Internal Improvement, to whom was referred the petition of sundry citizens of Madison county, praying for an extension of the Wilderness turnpike, reported the following resolution thereon, to-wit:
Resolved, That said petition is unreasonable and should be rejected.
Which was twice read and concurred in.

Mr. J. Speed Smith, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to change the State road from Hopkinsville to Gray's ferry, 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 the same committee, reported a bill declaring a forfeiture of the charter of the Licking River Navigation 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, said bill was placed in the orders of the day.

Mr. James, from the committee on Finance, reported the following bills, to-wit:
1. A bill in relation to the duties of the Circuit and County Court Clerks of this Commonwealth.
2. A bill to authorize the several County Courts to grant licenses to wharf boats.

3. A bill for the benefit of the Sheriff of Hopkins county.

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

The constitutional rule as to the second reading being dispensed with, Said bills were ordered to be engrossed and read a third time.

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

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

Mr. Bramlette read and laid on the table the following joint resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on the 15th day of February, 1847, proceed, by joint vote of both houses, to the election of the public officers of the State.

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

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

On the motion of Mr. South—1. A bill to legalize the acts of Jackson Combs, Surveyor of Perry county.

On the motion of Mr. Russell—2. A bill to amend the charter of the Frankfort Bridge Company.

The committee on the Judiciary was directed to prepare and bring in the 1st, and the committee on Internal Improvement 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. Williams in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Williams reported that the committee had, according to order, had under consideration a bill limiting certain actions, and had gone through the same, and made amendments thereto, which he handed in at the Clerk's table.

The said bill reads as follows, to-wit:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That every action of debt, or covenant, for rent, or arrearages of rent, founded upon any lease or deed, whether under seal or not; and every action of debt, or covenant, upon any single or penal bill or note, or upon any obligation whatever for the payment of money only, or upon any award made by arbitrators for the payment of money only, shall be commenced and sued within six years next after such cause of action shall have accrued, and not after: Provided, always, that the time during which the person or persons, who is or shall be entitled to any of the actions specified in this act, shall have been within the age of twenty one years, feme covert, or insane, shall not be taken or computed as part of the said limited period of six years.
Sec. 2. That the provisions of this act shall not apply to obligations here-fore executed, until three years after the passage of this act.

The first amendment proposed by the committee was concurred in, and is follows, to-wit:

*Be it further enacted,* That the provisions of this act shall not apply to, and run in favor of non-resident debtors, nor against non-resident creditors, absent in the service of their country.

The second amendment is as follows, to-wit:

*Provided,* That each defendant who shall take advantage of this act, by plea of limitation, shall file, with such plea, his or her affidavit, in writing, stating that the debt, the foundation of the action, has been paid, or is wholly unjust; unless such defendant shall be sued in his representative character, he shall be required to state, in said affidavit, that he verily believes said debt is wholly unjust, or has been paid. No proof shall be required of the truth of said affidavit.

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

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

Those who voted in the affirmative, were—

Messrs. Ballard, Evans, Thomas,
Boyd, Holloway, Thornton,
Bradley, James, Thurman,
Bramlette, Rice, Todd,
Brien, Russel, Walker,
Bristow, Slaughter, Wall,
Crenshaw, Taylor, Williams—21.

Those who voted in the negative, were—

Messrs. Hardin, McNary, Speed Smith,
Hawkins, Patterson, South,
Helm, Peyton, Swope—10.

On the motion of Mr. Peyton, the said bill was laid on the table.

The preamble and resolutions in relation to the war with Mexico, came up in the orders of the day, and the further consideration of the same was postponed until Friday next, the 12th inst.

A bill from the House of Representatives, entitled, an act to remove the Seat of Justice of the county of Mason from the town of Washington to the city of Maysville, came up in the orders of the day.

The further consideration of said bill was postponed until to-morrow at 11 o'clock.

And then the Senate adjourned.
WEDNESDAY, FEBRUARY 10, 1847.

A message was received from the House of Representatives, announcing that they had disagreed to a bill from the Senate, entitled, an act to divorce John S. Petty.

That they had passed bills from the Senate, of the following titles, to-wit:

An act divorcing Catharine W. Hutchison from her husband, Parker N. Hutchison.

An to divorce Letitia Ann Casey, and restore her to her maiden name.

1. Mr. Heady presented the petition of Matilda A. Simmons, widow and executrix of William W. Simmons, deceased, praying for the passage of a law authorizing her to make sale of certain parcels of land lying in Bullitt county, and also empowering her, as executrix aforesaid, to convey to Darius W. Turner a tract of land purchased by him of her deceased husband, during his lifetime.

2. Mr. Fox presented the petition of J. M. Duck, praying for the passage of a law giving him further time to return to the Register's office the plat and certificate of a survey of thirty-five acres of land, made in the name of Enoch McDaniel.

3. Mr. Fox also presented the petition of Joseph M. James, praying for the passage of a law divorcing him from his wife, Permelia James.

4. Mr. Fox also presented the petition of Thomas Gibson, Jr., of Pulaski county, praying for the passage of a law to allow him to peddle goods without obtaining a license.

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

The report and resolution of the committee on Executive Affairs, on the nomination of George B. Kinkead to be Secretary of State, came up in the orders of the day, and the consideration of said report was postponed until to-morrow at 11 o'clock.

Mr. James, from the committee on Finance, reported the following bills, to-wit:

A bill for the benefit of Isaac Gray, deputy Sheriff of Caldwell county.

A bill for the benefit of James Stinson, of Pulaski county.

A bill for the benefit of Hannah Caldwell, of Livingston 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. Fox, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the First Universalist Society of the city of Louisville, 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. Slaughter, from the same committee, reported a bill to appoint a commissioner to settle the accounts of the Superintendent of Public Instructions, 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.

On the motion of Mr. Wall, 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 for the benefit of A. M., Clifford N., Henry B., and Sidney T. Fontaine, and Mr. Wall was directed to carry said message.

The said bill having been returned to the Senate, on the motion of Mr. Wall, the votes by which the said bill was ordered to be read a third time and passed, were re-considered, and said bill was referred to the committee on the Judiciary.

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

On the motion of Mr. Evans—1. A bill to add an additional Constable in Mercer county.

On the motion of Mr. Taylor—2. A bill for the benefit of Napoleon B. Burks and Eliza Jane Burks, his wife.

On the motion of Mr. Williams—3. A bill for the benefit of the Sheriff of Scott county.

On the motion of Mr. Fox—4. A bill for the benefit of the Sheriff of Lincoln county.

On the motion of Mr. Williams—5. A bill to incorporate “The Faculty of the Western Military Institute.”

Messrs. Evans, Hawkins and Draffin were appointed a committee to prepare and bring in the 1st; Messrs. Fox, Bramlette and Swope the 4th; Messrs. Williams, Hardin and Wall the 5th; the committee on the Judiciary
was directed to prepare and bring the 2d; and the committee on Finance the 3d.

On the motion of Mr. Brien,
Resolved, That the committee on Finance enquire into the expediency and propriety of providing, by law, for furnishing James M. Shelly and Thomas L. Goheen, Justices of the Peace for Calloway and Marshall counties, with the 3d volume of the Digest.

The Senate proceeded to the consideration of the special order of the day.
A bill from the House of Representatives, entitled, an act to remove the Seat of Justice of the county of Mason from the town of Washington to the city of Maysville.

The amendment reported by the committee was concurred in.
Mr. Key moved an amendment to the said bill, which was discussed for some time.

And then the Senate adjourned.

THURSDAY, FEBRUARY 11, 1847.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, to-wit: An act for the benefit of James Miller, of Adair county.
An act for the benefit of Jonathan Williams.
An act for the benefit of the town of Winchester.
With an amendment to the last bill.
That they had concurred in the adoption of a resolution from the Senate, fixing a day for the election of Public Officers.
That they had passed bills of the following titles, to-wit: An act for the benefit of Charles Caines.
An act to change names of Mary Elizabeth McFall and others.
An act giving to Livingston County Court power to change the State road in said county, and for other purposes.
An act for the divorce of Louisa Hagin.
An act authorizing the sale of the Upper White Oak Church, in Bath county.
An act for the benefit of William S. Patterson.
An act for the benefit of Christopher C. Lillard and others, Sheriffs of Anderson county.
An act for the benefit of the Sheriff of Owsley county.

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

Mr. Bradley, 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 for the benefit of the Baptist Church and Church of Christ, in Simpsonville.

And had found the same truly enrolled.

The said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approbation and signature. After a short time, Mr. Bradley reported that the committee had performed that duty.

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

Resolved by the Senate and House of Representatives, That when they adjourn on the 22d instant, they will adjourn sine die.

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

Mr. Taylor, from the committee on Library, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to establish a Library Association at Louisville, approved February 5, 1842, 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 was received from the Governor, by Mr. Kinkead, 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 Rebecca Morrison, and the heirs of Joseph A. Morrison, deceased.

An act better to define the duties of Surveyors in this Commonwealth.

An act for the benefit of Zattee Cushing.

An act to amend an act, entitled, an act to incorporate the Grand Lodge of the Independent Order of Odd Fellows, of the State of Kentucky, approved February 16, 1838.

An act for the benefit of John Moss, of Hickman county.

Approved February 9, 1847.

Mr. Thomas presented the petition of Jonathan Hathaway and B. T. Huffman, praying for compensation for the arrest of Henry Hall, charged with counterfeiting, which was received and referred to the committee on Finance.

Mr. Walker, from the committee on Proposotions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of D. J. Dodge, 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.

The following bills were reported from select committees, to-wit:
By Mr. Williams—A bill to incorporate "The Faculty of the Western Military Institute."
By Mr. Fox—A bill to incorporate the Independent Temperance Society of Pulaski 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. Patterson moved the following resolution, to-wit:
Resolved, That hereafter the Senate meet at 10 o'clock in the morning, sit until 1 o'clock, P. M., then take a recess until 2½ o'clock, during the remainder of the session.
The said resolution was laid on the table.

Mr. Hardin, from the committee on the Judiciary, reported the following bills, viz:
A bill to incorporate the town of Neetsville, in Adair county.
A bill for the benefit of Ann L. Clements.
A bill for the benefit of the administrator and heirs of Henry Durrett, deceased.
A bill for the benefit of John U. Watson and Pemberton Cave.
A bill for the benefit of the devisees of Lewis Butler, deceased.
A bill to incorporate the town of Springfield, in Washington county.
Which bills were severally read the first time, and ordered to be read a second time.
The constitutional rule as to the second 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, reported a bill to incorporate the North Kentucky Mutual Insurance Company.
The Senate proceeded to the consideration of the orders of the day.
The committee of the whole was discharged from the further consideration of the report of the committee on Executive Affairs, on the nomination of George B. Kinkead, to be Secretary of State.
Mr. Crenshaw moved a substitute for the resolution reported by said committee, which was discussed for some time.
A message was received from the House of Representatives, by Mr. Meriwether, announcing that they were ready to proceed to the election of a Senator in Congress, and that the same persons stood in nomination before that House as at the last ballot.

Ordered, That Mr. Fox inform the House of Representatives that the Senate is now ready to proceed to said election.

The Senate then voted the twenty fourth time for Senator as follows, viz:

Those who voted for Mr. Underwood, were—


Those who voted for Mr. Letcher, were—

Messrs. Brien, Helm, Russell, Draffin, Holloway, Slaughter, Fox, James, Hardin, Taylor, Crenshaw, Key, Hawkins, Patterson, South, Head, Rice, Taylor, Hunley, Todd—18.

Those who voted for Mr. Hawes, were—

Messrs. Ballard, Harris, Thomas, Bradley, Swope, Thurman, Swope, South, Swope, Thurman—6.

Those who voted for Mr. Metcalfe, were—


Messrs. Peyton and James were appointed a committee to compare and report the joint vote. After a short time Mr. Peyton reported that the vote stood thus:

For Joseph R. Underwood, 43
For Robert P. Letcher, 38
For Albert G. Hawes, 39
For Thomas Metcalfe, 9
Scattering, 4

No person having received a majority of all the votes given, the Senate voted the twenty fifth time for Senator as follows, to-wit:

Those who voted for Mr. Underwood, were—


Those who voted for Mr. Letcher, were—

Messrs. Ballard, Holloway, South, Brien, James, Taylor,
Those who voted for Mr. Hawes, were—
Messrs. Bradley, Swope, Harris,

Those who voted for Mr. Metcalfe, were—

For Francis M. Bristow—J. Speed Smith.

The same committee was appointed to compare and report the joint vote.

Mr. Peyton reported that it stood thus:
For Joseph R. Underwood, For Robert P. Letcher, For Albert G. Hawes, For Thomas Metcalfe, Scattering,

No person having received a majority of all the votes given,

Mr. Williams read and laid on the table the following resolution, to-wit:
Resolved by the Senate and House of Representatives, That after one more ballot is cast for United States Senator, the candidate having the smallest number of votes shall be dropped on each succeeding ballot, until an election takes place.

Mr. Williams moved to dispense with the rule of the Senate requiring said resolution to lie one day on the table.

The question being taken thereon, it was decided in the negative, two-thirds not having voted in the affirmative.

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

Those who voted in the affirmative, were—

Those who voted in the negative, were—
Messrs. Ballard, Bradley, Bramlette, Butler, Crenshaw, Evans, Speed Smith, Thomas, Walker,
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 William F. Scanland, Surveyor of Marion county.
- An act for the benefit of Shiloh and Olivet churches, in Shelby county.
- An act providing for a change of venue in the prosecution against William Darneall.
- An act to allow a change of venue to Milton Martin.
- An act to change the place of comparing the polls in the counties of Morgan and Breathitt.
- An act to amend an act, entitled, an act for the benefit of Harrison Rankins and wife and children.
- An act to incorporate the Covington Collegiate Institute.
- An act for the benefit of the Coroner and Surveyor of Owen county.
- An act to change the district of Wesley Orear, a Constable of Montgomery county.
- An act to incorporate the Shepherdsville Iron Manufacturing Company.
- An act for the benefit of Sophia Catharine Backman.
- An act to reduce the price of vacant lands in Casey county.
- An act for the benefit of Lovey Wharton and Sarah Graham.
- An act to change a Constable's District in the county of Union.
- An act to incorporate an additional fire company in the town of Frankfort.
An act legalizing transcript of Minute Book B, of the County Court of Cumberland county.

An act for the benefit of William Elliott, of Ballard county.

An act for the benefit of Paschal D. Craddock.

Approved February 9, 1847.

That they had passed bills from the Senate, of the following titles, to-wit:

An act to give further time to make surveys and return plats and certificates on Kentucky land office warrants to the Register's office.

An act to provide for a change of venue in the prosecution against Joseph H. Coleman.

An act for the benefit of Elizabeth Bault, of Adair county.

An act to establish and incorporate the town of Sherburne, in Fleming county.

An act for the benefit of the trustees of the town of Poplar Plains.

An act to authorize a survey of the town of Mount Washington, and for other purposes.

An act to allow an additional Constable to Boone county.

An act to legalize the proceedings of the Green County Court in appointing William B. Allen, administrator of John H. Akin, deceased.

An act for the benefit of the town of Smithland.

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

An act allowing an additional Justice of the Peace in Caldwell county.

An act to allow an additional Constable to Anderson county.

With amendments to the two bills last named.

That they had passed a bill, entitled, an act to allow an additional Justice of the Peace to the county of Spencer.

1. Mr. James presented the petition of W. H. H. Taylor, Clerk of the Hickman County Court, praying for the passage of a law to refund him the sum of ten dollars, paid by him in his settlement with the Auditor, for issuing a license to peddle clocks for the sum of ten dollars, instead of the price required by law.

2. Mr. Draffin presented the petition of A. G. Kyle, guardian for W. H. Taylor, praying for the passage of a law to refund him the sum of seven dollars and fifty cents, over paid by him as tax in his settlement with the Sheriff of Mercer county.

3. Mr. Thurman presented the petition of sundry citizens of Washington county, praying for the passage of a law to change the place of voting in an election precinct in said county.

4. Mr. Thurman also presented the remonstrance of sundry citizens of Washington county, against changing the place of voting in said election precinct.

Which petitions and remonstrance were received and referred: the 1st
Mr. Brien presented the petition of sundry citizens of Trigg county, praying for the establishment of a tobacco warehouse and State inspection at Paducah, which was received and referred to the committee of the whole House, having under consideration a bill to establish a public warehouse at Paducah.

A bill to incorporate the North Kentucky Mutual Insurance Company, 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 committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act incorporating the town of Burksville, reported the same without amendment.

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

The message of the Governor, received on the 9th inst., was taken up and read as follows, to-wit:

Gentlemen of the Senate:
I nominate for your advice and consent, Aquilla Jacobs to be Lieutenant Colonel of 51st Regiment, 21st Brigade, Kentucky Militia.
Jackson R. Shipp to be Major of the same.
Jeremiah Crabb to be Major of 38th Regiment, 21st Brigade.
James Dale to be Lieutenant Colonel, and Alney M. Scott, Major of 117th Regiment, 21st Brigade.
John L. Douglas to be Lieutenant Colonel, and Albert Anderson, Major of 45th Regiment, 20th Brigade.
Samuel Harris to be Major of 30th Regiment, 25th Brigade.
Nathan Lawson to be Colonel, James Maves, Lieutenant Colonel, and Azariah Robertson, Major of 133d Regiment, 8th Brigade.
John Leonard to be Major of 82d Regiment, 8th Brigade.
Curtis J. Park to be Lieutenant Colonel, and Bartleson Taylor, Major of 7th Regiment, 13th Brigade.
Warren Purcell to be Colonel, Henry Kerr, Lieutenant Colonel, and John G. Clagett, Major of 57th Regiment, 12th Brigade.
Thomas Johnson to be Major General of 3d Division, Kentucky Militia.
David Mannen to be Major of 15th Regiment, 7th Brigade.
John Friend to be Brigadier General of 14th Brigade.
George P. Brown to be Colonel, and Caleb Catching, Major of 75th Regiment, 24th Brigade.
Peter M. Rives to be Colonel of 61st Regiment, 20th Brigade.
Preston H. McMurray to be Lieutenant Colonel, and George Wright, Major of the same.
Alexander M. Barnett to be Major of 49th Regiment, 12th Brigade.
WM. OWSLEY.

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

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

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

Gentlemen of the Senate:

On the 16th of July last, in conformity to the recommendation of the Brigadier General of the 19th Brigade, of the Kentucky Militia, I commissioned F. McKesson Colonel of the 24th Regiment, of said Brigade, to have and hold the office until the end of the present session of the General Assembly. Since then I have received a remonstrance against said McKesson's appointment, founded upon objections to his fitness for the office, which is herewith transmitted, together with a notice which has been executed upon him. As the objections are altogether personal, I have deemed it due to him to present the case to the Senate, that they may act understandingly upon his nomination.

I therefore nominate for the advice and consent of the Senate, F. McKesson to be Colonel of the 24th Regiment, 19th Brigade, of the Kentucky Militia, from and after the end of the present session of the General Assembly.

In pursuance of an act of the General Assembly, entitled, "an act to incorporate the Kentucky Military Institute," approved January 20th, 1847, the Board of Visitors have recommended to me R. T. P. Allen, A. M., Superintendent, to be Colonel of said Institute; F. A. Hall, A. M., to be Lieutenant Colonel; M. S. Harmon, A. M., to be 1st Major; R. N. Allen, A. M., to be 2d Major; Thomas O. Anderson to be Captain; and J. T. Dickinson, M. D., to be Surgeon.

I therefore nominate for your advice and consent, R. T. P. Allen, A. M., Superintendent, to be Colonel; F. A. Hall, A. M., to be Lieutenant Colonel; H. S. Harmon, A. M., to be 1st Major; R. N. Allen, A. M., to be 2d Major; Thomas O. Anderson to be Captain; and J. T. Dickinson, M. D., to be Surgeon of the "Kentucky Military Institute." WM. OWSLEY.

Resolved, That the Senate advise and consent to the said appointments, except the appointment of F. McKesson, which was referred to the committee on Military Affairs.

Mr. Hardin, from the committee on the Judiciary, reported a bill for the benefit of Edwin Trimble, Clerk of the Floyd County and Circuit Courts, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of 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 a bill from the House of Representatives, entitled, an act to change the name of James Thomas to that of James Thomas Irvin, 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. Walker, from the same committee, reported a bill for the benefit of John and Harrison Dobbs, which was read the first time.

The Senate then proceeded to the consideration of the report of the committee on Executive Affairs, on the nomination of George B. Kinkead, to be Secretary of State, which was discussed for some time, and the hour of 12 o'clock having arrived,

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

On the motion of Mr. Harris, Ordered, That a message be sent to the House of Representatives informing them that the Senate is now ready to proceed to the election of a Senator in Congress, and that the same persons stand in nomination before the Senate as on yesterday. And Mr. Harris was directed to carry said message.

The resolution read and laid on the table on yesterday, by Mr. Williams, proposing that after the next ballot for United States Senator, the person having the smallest number of votes shall be dropped, until an election is made, was taken up.

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

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

Those who voted in the affirmative, were—

Messrs. Boyd, Helm, Slaughter,
Bramlette, Henderson, Speed Smith,
Brien, Henderson, Taylor,
Bristow, Holloway, Thornton,
Butler, Key, Thurman,
Crenshaw, Marshall, Todd,
Draffin, McNary, Walker,
Fox, Patterson, Wall,
Hardin, Rice, Williams—30.
Hawkings, Russell,

Those who voted in the negative, were—

Messrs. Ballard, Harris, South,
Bradley, Heady, Thomas—8,
Evans, Peyton,

Mr. Wall withdrew the nomination of Thomas Metcalfe.
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 the town of Winchester.
An act to allow an additional Constable to Anderson county.
An act allowing an additional Justice of the Peace to Caldwell county, and for other purposes.

Bills from the House of Representatives, of the following titles, were severally read the first time, to-wit:

1. An act for the benefit of Charles Caines.
2. An act to change names of Mary Elizabeth McFall and others.
3. An act giving to Livingston County Court power to change the State road in said county, and for other purposes.
4. An act for the divorce of Louisa Hagin.
5. An act authorizing the sale of the Upper White Oak Church, in Bath county.
6. An act for the benefit of William S. Patterson.
7. An act for the benefit of Christopher C. Lillard and others, Sheriffs of Anderson county.
8. An act for the benefit of the Sheriff of Owsley county.
9. An act for the benefit of the Sheriff of Union county.
10. An act to allow an additional Justice of the Peace to Spencer county.

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, 6th, 7th, 8th and 9th to the committee on Finance; the 2d and 10th to the committee on Propositions and Grievances; the 3d to the committee on Internal Improvements; the 4th to the committee on Religion; and the 5th to the committee on the Judiciary.

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

On the motion of Mr. Helm—I. A bill to prevent the sale of ardent spirits to slaves.
Also—2. A bill for the benefit of Morrison Lodge, No. 76.
On the motion of Mr. Thomas—3. A bill to amend an act, entitled, an act for the benefit of Joseph S. N. and James M. Dicken, approved February 17, 1846.
On the motion of Mr. Draffin—4. A bill for the benefit of the Sheriff of Mercer county.

The committee on Propositions and Grievances was directed to prepare and bring in the 1st; the committee on the Judiciary the 3d; Messrs. Helm, Slaughter and J. Speed Smith were appointed a committee to prepare and bring in the 2d; and Messrs. Evans, Hawkins and Draffin the 4th.

The Speaker laid before the Senate the report of the Board of Internal Improvement, in reply to a resolution of the Senate, on the subject of tolls on the turnpike roads, which is as follows, to-wit:
OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
February 12, 1847.

THE HON. A. DIXON, Lieut. Governor and Speaker of the Senate.

Sir:—In obedience to a resolution of the Senate, of the 8th February, 1847, I have respectfully to report—

The accompanying table, marked A, will exhibit, in the same column, the different charges upon the same item made by various Turnpikes in which the State is a stockholder.

The first line in the table contains the legal rates of toll, as provided by the act approved the 25th February, 1842. The second line contains the present reduced rates upon the Maysville and Lexington road. According to the act of 1842, the rates upon the nine passenger mail stages, requires an additional charge of two cents upon each passenger over four, which had been computed at 62½ cents for stage and passengers. It will be seen, that upon the stage coaches and upon the larger class of wagons, the tolls have been reduced from one third to nearly one half off.

It will be seen that some of the Turnpike Companies comply with the provisions of the law, and that others do not. There are, as recollected, some two or three of the turnpikes that have made slight alterations upon some particular items upon which tolls are collected, by and with the assent of the Board of Internal Improvement; and the Board, for good reasons, would sanction other slight changes. According to their recollection, they yielded their assent, some years ago, to some inconsiderable changes upon the Shelbyville turnpike, on condition that the private company, from the terminus of their road to Louisville, would make similar alterations. It is believed, however, that some other changes have been made on this road, which have not been submitted to the Board for its approbation—especially in regard to the mail stages.

It will be seen, by reference to the accompanying rates of toll upon the Frankfort and Hardinsville turnpike, in 1839, and by comparison with those of 1835, that one of the gates have been dispensed with, and the rates as fixed upon at one gate for the whole eight and a half miles of road, somewhat reduced from the former rates. The mail stages upon this road are permitted to pass at the rate of $500 per annum. The legal rates upon the twelve passenger mail stage, independent of the extras, which frequently run upon the same, and without charging for the number of passengers over four, would amount to $390.75.

In various instances, the mail contractors are credited by the companies, and never pay.

Many of the returns received by the Board from the companies are defective. But enough will be seen, by the accompanying table, to satisfy the Senate of the irregularity existing in the rates of toll upon the different turnpikes in which the State is a stockholder; and of the injustice resulting to the sections of country where the laws are properly regarded by the companies, as well as of the injustice done to the State, as a stockholder. In making this expose, the Board would regret to excite any, the slightest suspicion, of the integrity or honor of those of whom this complaint is made. They are, all of them, gentlemen above suspicion—far beyond the reach of just reproach. Their inattention to the law, and neglect to pursue it, results, doubtless, from a misconstruction of its provisions; and from the fact, that the remedy is not as plainly and distinctly provided as it should be.

Most respectfully,

THOMAS METCALFE, P. B. I. I.
TABLE A.

ROADS.

<table>
<thead>
<tr>
<th></th>
<th>Horse or Mule and rider</th>
<th>Horse, Jack or Mule led or driven</th>
<th>Each head of cattle</th>
<th>Each head of sheep</th>
<th>Cart, Wagon, Gig, or Carriage by 1 horse</th>
<th>Cart, Wagon, or Carrousel by 2 horses</th>
<th>Same as last lines except for 4 passengers</th>
<th>Each sleigh by 1 or 2 horses</th>
<th>Each wagon by 3 horses</th>
<th>Each wagon by 4 horses</th>
<th>Each wagon by 5 horses</th>
<th>Each wagon by 6 horses</th>
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</thead>
<tbody>
<tr>
<td>Logan, Todd and Christian,</td>
<td>061</td>
<td>03</td>
<td>02</td>
<td>004</td>
<td>004</td>
<td>124</td>
<td>20</td>
<td>25</td>
<td>314</td>
<td>124</td>
<td>314</td>
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<td>Versailles and Lexington,</td>
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<td>Maysville and Lexington,</td>
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<td>03</td>
<td>02</td>
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<td>124</td>
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<td>25</td>
<td>314</td>
<td>124</td>
<td>314</td>
<td>50</td>
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<td>Dunville, Lancaster and Nicholasville,</td>
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<td>Frankfort and Georgetown,</td>
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<td>Bardstown and Green River,</td>
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<td>Glasgow and Scottsville,</td>
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<td>Elizabethtown and Bell's Tavern,</td>
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<td>Maysville and Mount Sterling,</td>
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<td>Franklin portion of Georgetown,</td>
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<td>Bardstown and Springfield,</td>
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<tr>
<td>Frankfort and Harlinsville,</td>
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</table>

*Length of road, 6 miles 203 poles.
†There is now but one gate on this road, which is 84 miles long. Instead of the $500 per annum, this road ought to pay for the 12 passenger stages, besides the extras that run upon it, at least $930 75 cents. The extras, it is supposed, would amount at least to $1000, which is double the amount received by the State.
### TABLE A.—Continued.

<table>
<thead>
<tr>
<th>ROADS.</th>
<th>BROAD TIRE, OF 4 INCHES OR OVER</th>
<th>NEIGHBORHOOD HAULING WITH COMMON TIRE</th>
<th>NEIGHBORHOOD HAULING WITH BROAD TIRE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Each wagon by 4 horses.</td>
<td>Each wagon by 5 horses.</td>
<td>Each wagon by 6 horses.</td>
</tr>
<tr>
<td>Logan, Todd and Christian,</td>
<td>37½</td>
<td>60</td>
<td>62½</td>
</tr>
<tr>
<td>Versailles and Lexington,</td>
<td>Charges according to law.</td>
<td>25</td>
<td>30</td>
</tr>
<tr>
<td>Maysville and Lexington,</td>
<td>37½</td>
<td>50</td>
<td>62½</td>
</tr>
<tr>
<td>Danville, Lancaster and Nicholasville,</td>
<td>25</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>Frankfort and Georgetown,</td>
<td>37½</td>
<td>50</td>
<td>62½</td>
</tr>
<tr>
<td>Harlinsville and Lawrenceburg,</td>
<td>25</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>Shelby county road,†</td>
<td>Charges according to law.</td>
<td>25</td>
<td>30</td>
</tr>
<tr>
<td>Bardstown and Green River,</td>
<td>Charges according to law.</td>
<td>25</td>
<td>30</td>
</tr>
<tr>
<td>Glasgow and Scottsville,</td>
<td>Stages pay $35 per qr. in advance.</td>
<td>25</td>
<td>30</td>
</tr>
<tr>
<td>Elizabethtown and Bell’s Tavern,</td>
<td>30</td>
<td>30</td>
<td>60</td>
</tr>
<tr>
<td>Maysville and Mount Sterling,</td>
<td>31</td>
<td>37</td>
<td>43</td>
</tr>
<tr>
<td>Franklin portion of Georgetown,</td>
<td>17</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>Georgetown and Lexington,</td>
<td>17</td>
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</tr>
<tr>
<td>Bardstown and Louisville,</td>
<td>17</td>
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<td>25</td>
</tr>
<tr>
<td>Bardstown and Springfield,</td>
<td>17</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>Frankfort and Harlinsville,</td>
<td>Charges according to law.</td>
<td>25</td>
<td>30</td>
</tr>
</tbody>
</table>

*Charges according to law except the Stage coaches, which run for $30 per month through the county of Anderson, 13 miles 260 poles.

†Charges according to law except Stages, which are reduced as follows: each Stage having seats for 6 passengers, 25 cents; same having 12 seats by four horses, 30 cents.
RATES OF TOLL ON THE BARDSTOWN AND GREEN RIVER TURNPIKE ROAD.

For every Horse or Mule, with a rider, - 6½ cents.
all led Horses, or droves of Horses, Jacks, Mules, or Jennies, - 5 cents.
every 20 head of Sheep or Hogs, - 6½ cents.
every head of Cattle, - 1 cent.

For every Pleasure Carriage, with 2 wheels, and 1 horse, or Mule, - 12½ cents.
every Pleasure Carriage, with 4 wheels, and 1 horse, or Mule, - 15 cents.
every Pleasure Carriage, with 4 wheels, and 2 horses, or Mules, - 18½ cents.
every Pleasure Carriage, with 4 wheels, and 4 horses, or Mules, - 25 cents.

For every Stage, Hack or other Carriage for the transportation of Passengers, and Baggage, with 4 Horses or Mules, - 25 cents.

For every Wagon, Cart, Sleigh, &c., the following rates of toll, to-wit: -
For every Cart with 2 wheels and 1 Horse, or Mule, - 10 cents.
every Cart with 2 wheels and 2 Horses, or Mules, - 13½ cents.
every Wagon with 4 wheels and 2 Horses, or Mules, - 17 cents.
every Wagon with 4 wheels and 3 Horses, or Mules, - 20 cents.
every Wagon with 4 wheels and 4 Horses, or Mules, - 25 cents.
every Wagon with 4 wheels and 5 Horses, or Mules, - 31½ cents.
every Wagon with 4 wheels and 6 Horses, or Mules, - 37½ cents.

Two oxen drawing in any of the above vehicles, will be charged as 1 Horse.

For every Sled or Slide, with 1 Horse or Mule, - 6½ cents.
every Sled or Slide, with 2 Horses or Mules, - 10 cents.
every Sleigh with 1 Horse, or Mule, - 6½ cents.
every Sleigh with 2 Horses or Mules, - 10½ cents.

WIDE TIRE.—For every Wagon or Cart of burden, the wheels of which shall exceed 4 inches in width:
For every Wagon, with 2 Horses or Mules, - 5 cents.
every Wagon, with 3 Horses or Mules, - 7½ cents.
every Wagon, with 4 Horses or Mules, - 9½ cents.
every Wagon, with 5 Horses or Mules, - 12½ cents.
every Wagon, with 6 Horses or Mules, - 15½ cents.
every Cart, with 1 Horse or Mule, - 6½ cents.
every Cart, with 2 Horses or Mules, - 8½ cents.

(27) Double the above rates is to be charged at the Gates nearest to each Bridge—Beech-Fork, Rolling-Fork, and Green river. The above rates are fixed for every five miles on the road, and those persons who shall travel a shorter distance on said road, will be charged in proportion to the distance they may travel on the same.

S. WILLIS, Secretary.
February, 1840.

B.

RATES OF TOLL OF THE BARDSTOWN AND LOUISVILLE TURNPIKE CO.

Summer rates of toll, from the 1st of April to the 1st of November, on the Bardstown and Louisville turnpike road, at gates Nos. 3 and 7, now kept by S. Hardman and J. Anderson.

For every Horse, Mule, Jack or Jenny, with a rider, - 5 cents.
For every Horse, Mule, Jack or Jenny, led or driven, - 3 cents.
For every Sheep, - 4 cent.
For every Hog, - 1 cent.
For every head of Cattle, - 1 cent.
For every Cart, Wagon, Barouche, Dearbon, Gig or other vehicle, drawn by one Horse, Mule or Oxen, - 10 cents.
Same as last above, when drawn by two Horses, Mules or Oxen, - 15 cents.
For each family Carriage or Hackney Coach, employed in the transportation of persons, drawn by 2 Horses or Mules, - 20 cents.
For each Stage Coach, when drawn by 4 Horses or Mules, - 37½ cents.
For each Wagon, with common tire, drawn by 3 Horses, Mules or Oxen, - 30 cents.
For each Wagon, with common tire, drawn by 4 Horses, Mules or Oxen, - 25 cents.
JOURNAL OF THE SENATE.

For each Wagon, with common tire, drawn by 5 Horses, Mules, or Oxen, 35 cents.
For each Wagon, with common tire, drawn by 6 Horses, Mules, or Oxen, 50 cents.
For each Wagon, with common tire, drawn by 7 Horses, Mules, or Oxen, 75 cents.
For each Wagon, with common tire, drawn by 8 Horses, Mules, or Oxen, 100 cents.

Breadth, or tire of 4 inches or over, for each Wagon, with 2 Horses, Mules, or Oxen, 10 cents.
For each Wagon, with 3 Horses, Mules, or Oxen, 15 cents.
For each Wagon, with 4 Horses, Mules, or Oxen, 20 cents.
For each Wagon, with 5 Horses, Mules, or Oxen, 30 cents.
For each Wagon, with 6 Horses, Mules, or Oxen, 40 cents.

Winter rates of toll, from the 1st of November to the 1st of April in each year.

For every Wagon or Cart of burden, of common tire, which are not 4 inches in breadth:
For 4 wheels and 2 Horses, Mules or Oxen, 15 cents.
For 4 wheels and 3 Horses, Mules or Oxen, 20 cents.
For 4 wheels and 4 Horses, Mules or Oxen, 35 cents.
For 4 wheels and 5 Horses, Mules or Oxen, 45 cents.
For 4 wheels and 6 Horses, Mules or Oxen, 60 cents.
For 4 wheels and 7 Horses, Mules or Oxen, 100 cents.
For 4 wheels and 8 Horses, Mules or Oxen, 135 cents.

For every Wagon or Cart of burden, the wheels of which do exceed four inches in breadth, as follows, to wit:
For every Wagon, with 4 wheels and 2 Horses, Mules or Oxen, 10 cents.
For every Wagon, with 4 wheels and 3 Horses, Mules or Oxen, 15 cents.
For every Wagon, with 4 wheels and 4 Horses, Mules or Oxen, 25 cents.
For every Wagon, with 4 wheels and 5 Horses, Mules or Oxen, 35 cents.
For every Wagon, with 4 wheels and 6 Horses, Mules or Oxen, 50 cents.
For every Wagon, with 4 wheels and 7 Horses, Mules or Oxen, 75 cents.
For every Wagon, with 4 wheels and 8 Horses, Mules or Oxen, 100 cents.
For each Sled or Sleigh, drawn by 2 Horses, Mules or Oxen, 10 cents.
Empty Wagons, or Wagons having no other loading than provender for the team, pay at single Gates:
When drawn by 2 Horses, Mules or Oxen, 10 cents.
When drawn by 3 Horses, Mules or Oxen, 15 cents.
When drawn by 4 Horses, Mules or Oxen, 25 cents.
When drawn by 5 Horses, Mules or Oxen, 30 cents.
When drawn by 6 Horses, Mules or Oxen, 37½ cents.

Summer rates of toll, from the 1st of April to the 1st of November, on the Bardstown and Louisville turnpike road, at gates No. 4, 5 and 6, now kept by T. Allen, Joseph Hardman and J. C. Dillehay.

For every Horse, Mule, Jack or Jenny, with a rider, 10 cents.
For every Horse, Mule, Jack or Jenny, led or driven, 6 cents.
For every Sheep, 1 cent.
For every Hog, 2 cents.
For every head of Cattle, 2½ cents.
For every Cart, Wagon, Barouche, Bonnet, Gig or other vehicle drawn by 1 horse, 20 cents.
Same as last above, when drawn by 2 Horses, Mules or Oxen, 30 cents.
For each family Carriage, or Hackney Coach, employed in the transportation of persons, drawn by 2 Horses, Mules or Oxen, 40 cents.
For each Stage Coach, when drawn by 4 Horses or Mules, 75 cents.
For each Wagon, with common tire, drawn by 2 Horses or Mules, 40 cents.
For each Wagon, with common tire, drawn by 4 Horses or Mules, 50 cents.
For each Wagon, with common tire, drawn by 5 Horses or Mules, 70 cents.
For each Wagon, with common tire, drawn by 6 Horses or Mules, 100 cents.
For each Wagon, with common tire, drawn by 7 Horses or Mules, 150 cents.
For each Wagon, with common tire, drawn by 8 Horses or Mules, 200 cents.

WINTER RATES.

Winter rates of Toll, from the 1st of November to the 1st of April in each year.

For every Wagon or Cart of burden, or common tire, which are not 4 inches in breadth:
- For 4 wheels and 2 Horses, Mules or Oxen, 30 cents.
- For 4 wheels and 3 Horses, Mules or Oxen, 50 cents.
- For 4 wheels and 4 Horses, Mules or Oxen, 75 cents.
- For 4 wheels and 5 Horses, Mules or Oxen, 90 cents.
- For 4 wheels and 6 Horses, Mules or Oxen, 120 cents.
- For 4 wheels and 7 Horses, Mules or Oxen, 200 cents.
- For 4 wheels and 8 Horses, Mules or Oxen, 250 cents.

For every Wagon, or Cart of burden, the wheels of which do exceed 4 inches in breadth, as follows, to-wit:
- For every Wagon, with 4 wheels and 2 Horses or Mules, 20 cents.
- For every Wagon, with 4 wheels and 3 Horses or Mules, 30 cents.
- For every Wagon, with 4 wheels and 4 Horses or Mules, 50 cents.
- For every Wagon, with 4 wheels and 5 Horses or Mules, 70 cents.
- For every Wagon, with 4 wheels and 6 Horses or Mules, 100 cents.
- For every Wagon, with 4 wheels and 7 Horses or Mules, 150 cents.
- For every Wagon, with 4 wheels and 8 Horses or Mules, 200 cents.
- For each Sled or Sleigh drawn by 2 Horses, Mules or Oxen, 25 cents.

Empty Wagons, or Wagons having no other loading than provender for the team, pay at double gates:
- When drawn by two Horses, Mules or Oxen, 20 cents.
- When drawn by 3 Horses, Mules or Oxen, 30 cents.
- When drawn by 4 Horses, Mules or Oxen, 50 cents.
- When drawn by 5 Horses, Mules or Oxen, 75 cents.

A strict observance of the foregoing rates is requested of the Gate-keepers—by order of the Board, June 14th, 1845.

T. P. LINTHICUM, Secretary.
D. S. HOWELL, President.

RATES OF TOLL ON THE FRANKFORT AND HARDINSVILLE TURNPIKE ROAD.

For every 20 head of Sheep or Hogs, 12½ cents.
For every 10 head of Cattle, 12½ cents.
For every Horse, Mule, or Ass, laden or unladen, with rider or leader, 12½ cents.
For every person (residing in the county) riding, 64 cents.
For every Sulky, Chair, or Chaise, with 2 wheels and 1 Horse, 12½ cents.
Carriages of the same kind, if drawn by two Horses, 18½ cents.
### RATES OF TOLL ON THE FRANKFORT AND HARDINSVILLE TURNPIKE ROAD

<table>
<thead>
<tr>
<th>Carriage Type</th>
<th>Per Trip Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Every Coach, Chair, Phaeton, Chaise, Stage, Wagon, Coachee, or light Wagon with four wheels, and drawn by two horses</td>
<td>25 cents, 18¾ cents</td>
</tr>
<tr>
<td>Carriages of the same kind, if drawn by four horses</td>
<td>50 cents, 37½ cents</td>
</tr>
<tr>
<td>Every Wagon, with four wheels and two Horses</td>
<td>25 cents, 18¾ cents</td>
</tr>
<tr>
<td>Every Wagon, with four wheels and three Horses</td>
<td>37½ cents, 25 cents</td>
</tr>
<tr>
<td>Every Wagon, with four wheels and four Horses</td>
<td>50 cents, 37½ cents</td>
</tr>
<tr>
<td>Every Wagon, with four wheels and five Horses</td>
<td>62½ cents, 50 cents</td>
</tr>
<tr>
<td>Every Wagon, with four wheels and six horses</td>
<td>75 cents, 62½ cents</td>
</tr>
<tr>
<td>For every Horse, drawing a Cart, Wagon, or other Carriage of burden, the wheels of which, exceed in breadth 4 inches, same, where the wheels exceed 5 inches</td>
<td>64½ cents, 4 cents</td>
</tr>
</tbody>
</table>

And whenever any such Carriage, as aforesaid, shall be drawn by Oxen or Mules, in whole or in part, every Ox and every Mule shall be estimated as one Horse, in charging the aforesaid tolls.

By order of the Board,

PHILIP SWIGERT, Chairman.

January 8, 1839.

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### Ordered

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

Mr. J. Speed Smith, from the committee on Internal Improvement, to whom was referred the memorial of George W. King, reported the same, and leave was given to withdraw the said memorial.

Mr. J. Speed Smith, from the same committee, reported the following bills, to wit:

1. A bill to amend an act, entitled, an act for the benefit of C. J. Blackburn, approved February 7, 1845.

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2. A bill to revive and continue in force an act, entitled, an act to amend an act, entitled, an act for the benefit of the owners of mills and other property, injured by slackwater, approved 10th February, 1845.

3. A bill for the benefit of William Rowlett, of Owen county.

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

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

Mr. J. Speed Smith, from the same committee, reported a bill to amend the charter of the Frankfort Bridge 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 question was 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. J. Speed Smith, from the same committee, reported a bill to construct a bridge over Buck creek, in Pulaski 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,

Amendments were offered to said bill, and the Senate proceeded to the execution of the special order of the day, being the election of a Senator in Congress.

A message was received from the House of Representatives, by Mr. Crockett, announcing that they are now ready to proceed to said election, and that they had adopted the rule that, in the future ballotings for Senator, they would drop the hindmost until an election was made.

Ordered, That Mr. Patterson inform the House of Representatives that the nomination of Thomas Metcalfe has been withdrawn, and that the Senate had concurred in the adoption of the rule to drop the hindmost.

A message was received from the House of Representatives, by Mr. Meriwether, announcing that the nomination of Thomas Metcalfe had been withdrawn from before that House.

The Senate then voted the twenty sixth time for Senator as follows, viz:

Those who voted for Mr. Underwood, were—

Messrs. Bramlette, Evans, McNary,
Bristow, Henderson, Peyton,
Crenshaw,
Those who voted for Mr. Letcher, were—

Messrs. Ballard, Brien, Draffin, Fox, Hardin, Hawkins, Heady, Holloway, James, Key, Patterson, Rice, Russell, Slaughter, South, Taylor, Thornton, Thurman, Todd, Wall, Williams—22.

Those who voted for Mr. Hawes, were—

Messrs. Bradley, Swope, Harris, For Chilton Allan—Mr. Boyd. For James R. Hawkins—Mr. J. Speed Smith.

Messrs. Peyton and James were appointed a committee to compare and report the joint vote. Mr. Peyton reported that it stood thus:

For Joseph R. Underwood, 55
For Robert P. Letcher, 50
For Albert G. Hawes, 31
Scattering, 2

No person having received a majority of all the votes given,

A message was received from the House of Representatives, by Mr. Meriwether, announcing that the nomination of Albert G. Hawes had been withdrawn, and that Mr. Lynn Boyd stood in nomination before that House as a proper person to fill the office of Senator in Congress.

Mr. Bradley nominated Mr. Lynn Boyd.

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

The Senate voted the twenty seventh time for Senator as follows, to-wit:

Those who voted for Mr. Underwood, were—


Those who voted for Mr. Letcher, were—

Messrs. Ballard, Brien, Draffin, Fox, Hardin, Hawkins, Heady, Holloway, James, Key, Patterson, Rice, Russell, Slaughter, Speed Smith, South, Taylor, Thornton, Thurman, Todd, Wall, Williams—22.
Those who voted for Mr. Boyd, were—

Messrs. Bradley, Harris, Thomas—3.
For William O. Butler—Mr. Swope.

The same committee was appointed to compare and report the joint vote.

Mr. Peyton reported that it stood thus:
For Joseph R. Underwood, - 59
For Robert P. Letcher, - 51
For Lynn Boyd, - 26
Scattering, - 1

No person having received a majority of all the votes given,

A message was received from the House of Representatives, by Mr. Waller, announcing that the name of Lynn Boyd had been withdrawn, and that James Guthrie stood in nomination before that House.

Mr. Bradley nominated James Guthrie as a proper person to fill the office of Senator in Congress.

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

The Senate then voted the twenty eighth time for Senator as follows, viz:

Those who voted for Mr. Underwood, were—

Messrs. Boyd, Crenshaw, Marshall,
Bramlette, Evans, McNary,
Bristow, Helm, Peyton,
Butler, Henderson, Walker—12.

Those who voted for Mr. Letcher, were—

Messrs. Ballard, James, South,
Brien, Key, Taylor,
Draffin, Patterson, Thornton,
Fox, Rice, Thurman,
Hardin, Russell, Todd,
Hawkins, Slaughter, Wall,
Heady, Speed Smith, Williams—22.

Those who voted for Mr. Guthrie, were—

Harris,

The same committee were appointed to compare and report the joint vote.

Mr. Peyton reported that it stood thus:
For Joseph R. Underwood, - 67
For Robert P. Letcher, - 40
For James Guthrie, - 31

No person having received a majority of all the votes given,

A message was received from the House of Representatives, by Mr. Meriwether, announcing that the name of James Guthrie and Robert P. Letcher were withdrawn, and that Thomas Metcalfe and Robert B. McAfee stood in nomination before that House.
Mr. Patterson withdrew the nomination of Robert P. Letcher.

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

Mr. Boyd nominated Thomas Metcalfe as a proper person to fill the office of Senator in Congress.

Mr. Harris nominated Robert B. McAfee.

Ordered, That Mr. Harris inform the House of Representatives of said nominations.

The Senate then voted the twenty ninth time for Senator as follows, viz:

Those who voted for Mr. Underwood, were—

Messrs. Bramlette, Helm, Speed Smith,
Bristow, Henderson, Taylor,
Butler, Holloway, Thornton,
Crenshaw, Marshall, Todd,
Draffin, McNary, Walker,
Evans, Peyton, Williams—19.

Hawkins,

Those who voted for Mr. Metcalfe, were—

Messrs. Boyd, Key, Slaughter,
Brien, Patterson, South,
Fox, Rice, Wall—11.

Hardin,

Those who voted for Mr. McAfee, were—

Messrs. Ballard, Heady, Thomas,
Bradley, James, Thurman—8.

Harris, Swope,

The same committee were appointed to compare and report the joint vote. Mr. Peyton reported that it stood thus:

For Joseph R. Underwood, — — — — — — 84
For Thomas Metcalfe, — — — — — — 15
For Robert B. McAfee, — — — — — — 39

Whereupon Mr. Joseph R. Underwood having received a majority of all the votes given, was declared duly elected a Senator in Congress, for the State of Kentucky, for six years, from and after the 4th day of March next.

And then the Senate adjourned.
SATURDAY, FEBRUARY 13, 1847.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act requiring the Clerk of the Green County Court to qualify William B. Carlisle as Sheriff of said county.

That they had passed a bill, entitled, an act for the benefit of A. P. Churchill and others.

The Speaker laid before the Senate a letter from John M. Helms, announcing himself a candidate for the office of Public Printer, and proposing to do the public printing for fifteen per cent. less than the prices allowed by law.

Mr. Heady moved that the Public Printer print 150 copies of said letter, and also the same number of copies of the letter of Monsarrat & Co., on the same subject, for the use of the General Assembly.

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

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

Those who voted in the affirmative, were—

Messrs. Bradley, Harris, South,
   Bramlette, Heady, Thomas,
   Brien, Henderson, Thornton,
   Bristow, Holloway, Thornton,
   Butler, James, Thurman,
   Evans, Key, Todd,
   Fox, McNary, Walker,
   Hardin, Rice, Wall,
   McNary, Williams—24.

Those who voted in the negative, were—

   Draffin,

On the motion of Mr. Peyton, said letters were referred to a select committee of Messrs. Peyton, Swope, James, Todd, Crenshaw, Heady and Hardin, with instructions to report on Monday at 10 o'clock.

Mr. Bradley, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives, of the following titles, to-wit:

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

An act for the benefit of John William Holtzclaw.

An act for the benefit of Joseph C. Linn.

An act authorizing John Woodburn to import a slave into this Commonwealth.
An act to change the names of Noah Sowders, William DeCourcey, David S. Lusk, and Sally Muncy.

An act to change the State road from Hopkinsville to Gray's ferry.

An act to change the name of Pinchico to that of Rogersville, and for other purposes.

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

An act for the benefit of Elizabeth Bowren and children.

An act for the benefit of Winston Mayo, Clerk of the Johnson Circuit Court, and for other purposes.

An act to reduce the number of Justices of the Peace of Anderson county.

An act for the benefit of George W. Jones and others.

An act to amend an act, entitled, an act to establish a Library Association at Louisville, approved February 5, 1842.

An act directing special terms of the Circuit Courts of Bath, Estill and Lewis counties.

An act to extend the Constable's District including Williamstown, in Grant county, and the District of Robert C. Sweeney, a Constable of Russell county.

An act to incorporate the First Universalist Society of the city of Louisville.

An act for the benefit of D. J. Dodge.

An act to divorce Letitia Ann Casey, and restore her to her maiden name.

An act to repeal the law authorizing deeds to be recorded in the office of the Court of Appeals and General Court.

An act for the benefit of James Miller, of Adair county.

An act to give further time to make surveys and return plats and certificates on Kentucky land office warrants to the Register's office.

An act to provide for a change of venue in the prosecution against Joseph H. Coleman.

An act for the benefit of Elizabeth Bault, of Adair county.

An act allowing additional Constables to certain counties.

An act for the benefit of the trustees of the town of Poplar Plains.

An act for the benefit of Jonathan Williams.

An act to allow an additional Constable to Boone county.

An act requiring the Clerk of the Green County Court to qualify William B. Carlise as Sheriff of said county.
An act to legalize the proceedings of the Green County Court in appointing William B. Allen, administrator of John H. Akin, deceased.

An act for the benefit of the town of Smithland.

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

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

A resolution fixing a day for the election of Public Officers.

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. Bradley reported that the committee had performed that duty.

On the motion of Mr. Henderson,

Ordered, That a message be sent to the House of Representatives asking leave to withdraw the report of the passage, by the Senate, of a bill from that House, entitled, an act to change the spring term of the Whitley Circuit Court, and Mr. Henderson was directed to carry said message.

The said bill having been returned to the Senate, the votes by which it was passed and ordered to a third reading, were re-considered, and said bill was referred to the committee on the Judiciary.

1. Mr. Todd presented the petition of a portion of the citizens of the city of Lexington, and also of the Mayor and Council of said city, for the passage of a law to prevent persons from other States from bringing idiots and lunatics into this State, and leaving them here without protection or control; and also to prevent persons from allowing idiots and lunatics to go at large without protection or control.

2. Mr. Brien presented the petition of Phebe Wilkerson, praying for the passage of a law to divorce her from her husband, H. H. Wilkerson.

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

On the motion of Mr. Butler, leave was given to bring in a bill to change the name of the Mechanics Savings Institution of Louisville, and Messrs. Butler, Peyton and Harris were appointed a committee to prepare and bring in said bill.

The Senate proceeded to the consideration of the unfinished order of yesterday.

A bill for the benefit of John and Harrison Dobbs.

Ordered, That said bill 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.
FEB. 15.] JOURNAL OF THE SENATE. 285

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

A message was received from the House of Representatives, announcing that they had adopted a resolution rescinding the resolution for the election of Public Officers, and fixing another day for such election.

The Senate resumed the consideration of the report of the committee on Executive Affairs, on the nomination of George B. Kinkead, to be Secretary of State, which was discussed for some time.

And then the Senate adjourned.

MONDAY, FEBRUARY 15, 1847.

A message was received from the House of Representatives, announcing that they had disagreed to the amendment proposed by the Senate to a bill from that House, entitled, an act for the benefit of the town of Portland.

That they had concurred in the amendments proposed by the Senate, to bills from that House, of the following titles, to-wit:

- An act for the benefit of the Sheriff of Estill county.
- An act for the benefit of John R. Ringo.
- An act for the benefit of Elias P. Davis and others.
- An act to change the place of voting in Hart county from the house of James Simpson to John H. Lively's.
- An act allowing an additional Justice of the Peace to the county of Bath.
- An act for the benefit of the Sheriff of Calloway county.
- An act allowing additional Justices of the Peace to Knox, Cumberland, Green and Spencer counties.
- An act to amend the law in reference to guardians and wards.
- An act to allow two additional Justices of the Peace to the county of Wayne.
- An act to amend an act, entitled, an act to reduce into one the several acts in relation to the town of Danville, and for other purposes, approved 16th February, 1846.

An act for the benefit of James Purvis and others, of Green county.

An act for the benefit of Ann Neale and others.

That they had passed bills from the Senate, of the following titles, to-wit:
An act for the benefit of Philip Lightfoot and Isaiah Heston, late Sheriffs of Breckinridge county.

An act for the benefit of James Davidson, Treasurer.

That they had passed bills of the following titles, to-wit:


An act for the benefit of the Clerk of the Cumberland County Court.

An act to regulate the appointment of trustees of the Knox County Seminary, and for other purposes.

An act for the benefit of the Baptist Church at Fish Pools, in Jefferson county.

An act to regulate the time of holding the Circuit Courts in the 2d and 7th Judicial Districts, and for other purposes.

The message received from the Governor on the 13th inst., was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, B. W. Finnell to be Sheriff of Scott county, in the place of Henry Haun, resigned.

WM. OWSLEY.

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

On the motion of Mr. Heady,

Ordered, That the letters of G. H. Monsarrat & Co., and John M. Helms, in relation to the public printing, be spread upon the Journal of the Senate.

The said letters are as follows, to-wit:

FRANKFORT, January 16, 1847.

To the honorable Speaker and members of the Senate of the Commonwealth of Kentucky.

Gentlemen:

The undersigned, printers of the city of Louisville, propose to do the State Printing for fifteen per cent. less than the prices now paid by the State.

They respectfully represent that their establishment is one of the most extensive in Kentucky, and that they are supplied with all the recent improvements in material and presses, and are thereby enabled to do the work at a low price, and as faithfully and as well as any Printers in the State. They also state, that if elected to the office of State Printers, that they will immediately move their establishment to Frankfort.

They are willing to give such security for the faithful performance of the work, as the Legislature may, in their wisdom, think proper to require. They further state, that they will also bind themselves, if succeeding Legislatures think proper to elect them, to perform the work at the above reduction from present prices.

Respectfully,

G. H. MONSARRAT & Co.
Hon. A. Dixon, 
Lieut. Governor, and Speaker of the Senate:

SIR:—I beg leave to inform you, and through you, the Senate of Kentucky, that I am a candidate for the office of Public Printer of Kentucky. I propose to execute the public printing for fifteen per cent. less than the price now allowed by law, and paid the Public Printer, for all the printing done for the State. I am a practical printer, and have worked several years in the office of the Public Printer in this State. I will give unquestionable security, if elected, to perform in due time, and in a workmanlike manner, all printing which may be required by the Legislature.

Yours, respectfully,

JOHN M. HELMS.

On the motion of Mr. James, he was excused from serving as a member of the select committee to whom was referred the letters of G. H. Monsarrat & Co., and John M. Helms, in relation to the public printing.

Leave of absence was granted to Mr. Taylor until Wednesday next, and to Mr. Marshall until Saturday next.

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

On the motion of Mr. Patterson—1. A bill to run and establish the line between the counties of Livingston and Caldwell.

On the motion of Mr. J. Speed Smith—2. A bill to authorize a special chancery term of the Garrard Circuit Court.

The committee on the Judiciary was directed to prepare and bring in the 1st, and Messrs. J. Speed Smith, Fox and Russell was appointed a committee to prepare and bring in the 2d.

Mr. Peyton, from the select committee to whom was referred the letters of G. H. Monsarrat & Co., and John M. Helms, in relation to the public printing, made the following report, to-wit:

The select committee to whom was referred the communication of John M. Helms and G. H. Monsarrat & Co., beg leave to report: That they have examined with care the full report and investigation had by a joint committee of the Senate and House of Representatives, at the last session of the Legislature, and the testimony taken before said committee, and have prepared a probable estimate of the actual profit of the Public Printer under his contract with the State for the last year, agreeably to the prices established by the law of the last session, which is herewith exhibited, and is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price of public printing, say</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Cost of journeymen's wages, &amp;c.</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>House rent, fuel, &amp;c.</td>
<td>700.00</td>
</tr>
<tr>
<td>Interest on $8,600.00</td>
<td>480.00</td>
</tr>
<tr>
<td>Wear and tear of materials, ink, &amp;c.</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Tax and insurance</td>
<td>191.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4,601.00</strong></td>
</tr>
</tbody>
</table>

Profits on the public printing at present prices:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Profit on the public printing at present prices</td>
<td>$1,199.00</td>
</tr>
<tr>
<td>15 per cent. on $6,000.00 off</td>
<td>900.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,099.00</strong></td>
</tr>
</tbody>
</table>
From an attentive examination of the whole subject, the committee are of opinion that the public printing is now required to be done at a price which furnishes the Public Printer a fair and reasonable profit and no more, and is greatly below the ordinary charges, for the same description of work, done for private individuals. The true policy of the State, in the opinion of the committee, is to insure the prompt and faithful execution of the work in the best manner, at a reasonable price, and not trust to the uncertainty of experiments, which may result disastrously to the State, and which must produce loss and perhaps ruin to the undertaker. A delay of the session of the Legislature for two weeks only, would amount to as much as the whole cost of the public printing, and of a single day to one twelfth part of the amount.

The committee are also of the opinion that a practice of underbidding, to an extent greatly less than the work can be properly done for, independent of the certainty of a failure in its performance, is a practice disreputable in itself and beneath the dignity and self respect of this body to encourage or permit. The interest of the State, and a just regard to honesty and fairness, requires that we should allow a moderate price to all who labor for the public, and require of them a strict and full compliance with their contracts.

In view of the whole subject, the committee are decidedly of the opinion that no further legislation is necessary or required on this subject.

1. Mr. Bristow presented the petition of Wm. M. Beall, a Justice of the Peace for Christian county, praying for the passage of a law allowing him a copy of the Digest of the Statutes.

2. Mr. Bristow also presented the petition of the trustees and others, members of the Methodist Episcopal Church, South, at LaFayette, praying for the passage of a law authorizing them to convey to the purchaser the title of a one acre lot sold by them as trustees as aforesaid.

3. Mr. Todd presented the petition of sundry citizens of the city of Lexington, praying for the passage of a law to amend an act to establish the Mechanics Institute and Savings Institution, of the city of the Lexington, approved February 20, 1840.

4. Mr. Russell presented the petition of Anderson R. Murray, praying for the passage of a law divorcing him from his wife, Harriet L. Murray.

5. Mr. Peyton presented the petition of sundry citizens of Big Spring, in Breckinridge county, praying for the passage of a law allowing an additional Justice of the Peace to said county.

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

Mr. J. Speed Smith, from a select committee, reported a bill authorizing a special chancery term to the Garrard 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.

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

The unfinished order of Saturday was taken up.

A bill to construct a bridge over Buck creek, in Pulaski county.

Mr. Fox moved the previous question, which was decided in the affirmative.

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

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

Those who voted in the affirmative, were—

Messrs. Bramlette, Helm, Slaughter,
Draffin, Henderson, Speed Smith,
Evans, Holloway, Thornton,
Fox, Key, Thurman,
Harris, Patterson, Todd,
Hawkins, Russell,

Those who voted in the negative, were—

Messrs. Ballard, Crenshaw, Rice,
Boyd, Hardin, South,
Bradley, Heady, Swope,
Brien, McNary, Wall,
Bristow, Peyton, Bristow
Butler, Peyton, Butler

Mr. J. Speed Smith, from the committee on Internal Improvement, to whom was referred a bill to provide for the completion of the Kentucky River Navigation, reported the same with an amendment, as a substitute for said bill.

Ordered, That said bill and amendment be made the special order of the day for Wednesday, the 17th instant, and that the Public Printer print 150 copies of said amendment for the use of the General Assembly.

Mr. J. Speed Smith, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act giving to Livingston County Court power to change the State road in said county, 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. J. Speed Smith, from the same committee, reported a bill to in-
corporate the Cynthiana and Millersburg Turnpike Road Company, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of 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. J. Speed Smith, the committee on Internal Improvement was discharged from the further consideration of a resolution to them referred, to enquire into the propriety of paying Hines and Carson for cutting the race for water power at Lock and Dam No. 4 on Green river.

The resolution from the House of Representatives, rescinding the resolution for the election of Public Officers, and fixing another day for such election, was taken up, twice read, and concurred in.

Mr. Bradley, from the joint committee on Enrollments, reported that the committee had examined an enrolled bill which originated in the Senate, entitled, an act authorizing a special chancery term of the Garrard Circuit Court.

And had found the same truly enrolled.

The said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approbation and signature. After a short time, Mr. Bradley reported that the committee had performed that duty.

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

The Senate resumed the consideration of the report of the committee on Executive Affairs, on the nomination of George B. Kinkead, to be Secretary of State, which was discussed for some time.

The resolution moved by Mr. Patterson, on the 11th inst., was taken up and amended to read as follows, to wit:

Resolved, That hereafter the Senate meet at 9½ o'clock in the morning.

And then the Senate adjourned.
TUESDAY, FEBRUARY 16, 1847.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, to-wit:

1. An act to permit flat boats and other crafts, descending the navigable streams in this Commonwealth, from a point above the influence of slack-water, to pass over the dams free of toll.

2. An act for the benefit of James Jenkins, of Warren county.

3. That they had concurred in the adoption of a resolution from the Senate in relation to a modification of the tariff laws, so as to admit, duty free, books, &c., imported for the use of colleges and schools.

4. That they had passed bills of the following titles, to-wit:
   1. An act to revive and amend the Shepherdsville and Louisville Turnpike Company.
   2. An act to settle and adjust the claim of John Bussing.
   3. An act to amend the charter of the Nashville and Louisville Turnpike Road Company.
   4. An act for the establishment of fish traps.
   5. An act for the benefit of Jacob Corbett.

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 Internal Improvement, and the 5th to the committee on Finance.

1. Mr. Holloway presented the petition of William S. Pew, who stands indicted in the Daviess Circuit Court for murder, praying for the passage of a law granting him a change of venue.

2. Mr. Todd presented the petition of Independent Gist, praying for the passage of a law divorcing him from his wife, Elizabeth P. Gist.

Which petitions were received and referred to the committee on the Judiciary.

Mr. Bramlette, from the committee on Religion, reported the following bills, to-wit:

1. A bill for the benefit of James Jackman.

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. Patterson, from the committee on the Judiciary, reported a bill to run and establish the line between the counties of Livingston and Caldwell, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings 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. Butler having obtained leave, reported a bill to incorporate the Louisville Rolling Mill Company, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of 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 message received from the Governor, on yesterday, was taken up and read as follows, to-wit:

Gentlemen of the Senate and House of Representatives:

It has been communicated to me, in a manner not to be doubted, that since the commencement of the present session of the General Assembly, William Henry, who, and N. Craig, Esq., were elected Keepers of the Penitentiary until the 1st of March, 1849, has departed this life. If the principle applicable to officers at common law, govern the case, the death of Mr. Henry terminated the authority of both Keepers, and the Institution is at present without any legally authorized agent and manager. I have therefore deemed it proper to present the case to the General Assembly, that such action may be had as in their wisdom may be proper.

WM. OWSLEY.

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

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

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

Gentlemen of the Senate and House of Representatives:

I herewith transmit joint resolutions of the General Assembly of the State of Ohio, which have been forwarded to me by the Governor of that State, with a request that they should be laid before the Legislature of Kentucky.

I also transmit the inaugural address of the Governor, which was also forwarded by him, and which contains a recommendation upon which, I am informed, the resolutions are based.

The letter of the Governor of Ohio, which accompanied the resolutions, is also transmitted for your inspection.

WM. OWSLEY.
To the Governor of Kentucky:

Sir: I have the honor to forward the inclosed joint resolutions of the General Assembly of the State of Ohio, with a request that you will lay them before the Legislature of your State.

You will also find inclosed, a copy of the inaugural, containing a recommendation upon which these resolutions are based.

Should the proposition meet the approbation of Kentucky, Commissioners will at once be appointed to carry the negotiation into effect.

In witness whereof, I have hereunto set my hand, and the great [seal.]

Seal of the State of Ohio, this 10th day of February, one thousand eight hundred and forty seven.

WILLIAM BEBB.

Joint Resolutions relative to the boundaries of the States of Virginia, Kentucky and Ohio.

Resolved by the General Assembly of the State of Ohio, That a Board, to consist of three Commissioners, citizens of Ohio, be appointed by the Governor of this State, who shall be authorized to meet a like Board to be appointed by the State of Kentucky, at such time and place as may be agreed upon, and to enter into a compact with such Kentucky Commissioners, settling the jurisdiction, or boundary, or both, upon that part of the Ohio river which divides the States of Ohio and Kentucky: Provided, that such compact shall not be considered as binding until the same be ratified by the said States, respectively, and by the Congress of the United States.

Resolved, That the same Board of Ohio Commissioners be also authorized to meet a like Board, to be appointed by the State of Virginia, at such time and place as may be agreed upon, and to enter into a compact with such Virginia Commissioners, settling the jurisdiction, or boundary, or both, upon that part of the Ohio river which divides the States of Ohio and Virginia: Provided, that such compact shall not be considered as binding until the same be ratified by the said States of Virginia and Ohio, respectively, and by the Congress of the United States.

Resolved, That the Governor be authorized to supply any vacancy which may happen in the Board of Ohio Commissioners, and that said Board report their proceedings, under these resolutions, to the General Assembly of Ohio at the next session, and that they be allowed the sum of three dollars per day for each day they may be occupied in the business of their commission, and three dollars for every twenty five miles of travel, to be paid out of any moneys in the Treasury not otherwise appropriated, on the warrant of the Auditor of State, who shall adjust their accounts.

Resolved, That the Governor of this State forward a copy of these resolutions to the Governors of the States of Kentucky and Virginia, respectively, with a request that they be laid before the Legislatures of said States.  

WILLIAM P. CUTLER,  
Speaker of the House of Representatives.  
EDSON B. OLDS,  
Speaker of the Senate.
Inaugural address of William Bebb, upon taking the oath of office as Governor of the State of Ohio, in presence of both branches of the forty-fifth General Assembly.

Gentlemen of the Senate and House of Representatives:

The past history and present condition of the State of Ohio, present interesting subjects for the contemplation and instruction of her legislators and statesmen. Half a century has but just elapsed since the victory of Wayne over the Indians on the Maumee, and the consequent treaty of Greeneville gave to the North Western Territory peace, and to the tenants of its rustick abodes assurance of safety.

This great central valley of the west was then in all its primeval grandeur—it's mountains, lakes and gulf, its rivers gliding over cataracts or meandering through vast alluvial plains—its boundless prairies and herds of buffaloes—its forests, unrivalled in extent and variety, and its great tribes of aborigines who, from time unknown, had been the lords of this vast domain. The bold outlines of the scene remain unchanged and unchangeable. The mountains are here and the lakes, the rivers still flow in their channels, but the buffalo have been hunted from the prairies and the deer from the forest, Logan and Tecumseh are no more. The spirit of their race is broken. Their children have sullenly retired beyond the "Father of Waters," and buried the red scalping knife in the ashes of despair. The yells of the war dance, the eloquence of the council, and the incantations of the prophet, are seen and heard no more; but in their stead, halls of legislation, courts of justice, and temples consecrated to Christianity. The annals of man present no example where the triumphs of civilization, in so brief a period, have been so brilliant and complete.

Our own State of Ohio, embracing a very favored portion of this great valley, stands out before the eyes of all men a wonder, for her progress in population, wealth and power; for her metropolis of near a hundred thousand souls; her agricultural and mechanical productions, her public works, her colleges, asylums and schools; and her population of two millions of people, enjoying more of the necessaries and comforts of life, and enduring fewer of its privations, miseries and wants, than any equal number of men in any age of the world.

Compared with the great resources of the State, present and prospective, even her large debt of nineteen millions of dollars is seen, at a glance, to be entirely under her control. She owns eight hundred miles of navigable canals, and is largely interested in twelve hundred miles of Macadamized roads, besides her stocks in the chains of railroads which will ere long be completed from Lake Erie to the Ohio river. The valuation returned under her new revenue law, shows that she has over four hundred millions of dollars worth of taxable property.

And no man, born within the limits of the State of Ohio, at the period of the formation of her constitution, who has marked with filial affection and pride her every step from that hour until the present—no man who has ever been out upon her lakes and rivers, up and down her beautiful valleys, over her hills and plains, in her mines, workshops and farm houses, meeting, every where, a population whose spirit of enterprise and industry "endureth all things and never faileth," can avoid the realization that she has but just entered upon the threshold of her future greatness and prosperity, or fail to see that her population have, as yet, cleared but here and there a spot
in her forests, occupied but a few sites of her immense water power, and but just begun to open her inexhaustible mines of iron and fields of coal. Before the lapse of twenty years her population will have increased, from two to four millions, and her taxable property from four hundred millions to a thousand millions of dollars.

The cause of this unexampled prosperity, is as much without a parallel in history as the effect. It will be found in the natural resources of the State, in the security of titles to land, in the early protection and liberal policy of the general government. It will be found in the character of her population, who, instead of emerging through long ages from barbarism to civilization, brought with them freedom, law, Christianity, and the arts of civilized life. It will be found in her free constitution, conferring on her Executive neither patronage nor the veto power; and in her legislation, which, in the main, has been liberal and wise. It will be found in the Ordinance of 1787. That great charter of North Western liberty was here before our fathers. It had guarantied to every emigrant the liberty of conscience—the right of trial by jury—the right of equal representation—and the inviolability of private property. It had declared that “no law impairing the validity of contracts, previously made without fraud, should ever have any binding authority within the territory.” And it had proclaimed, that “schools, and the means of education, should forever be encouraged; for the plain reason, that religion, morality, and knowledge, are necessary to good government and the happiness of mankind.”

But, of all the provisions of that ordinance, the most important to the cause of humanity, and the most beneficial in its operation upon the morals, the rights, the happiness, and the prosperity of the millions, who, in all time to come, will inhabit these States, is that which makes the soil north west of the river Ohio, forever incapable of sustaining a slave.

With African servitude, as the framers of our government found it within the limits of the original slave holding States, the people of Ohio have no desire to meddle. Not that we look upon the subject with cold indifference, or ever cease to contemplate with earnest solicitude as men and as Americans, the course which our brethren of those States, united with us in the same great bond of union, may feel it to be their duty no less than their true interest, to pursue towards that oppressed and downtrodden race; nor, much less, that we countenance the doctrine broached by some, that human slavery is not in itself an evil, but because we look upon it as an institution beyond our jurisdiction, subject to the control alone, of the legislatures and people of the several States wherein it exists. There the convention which framed our Federal Constitution found it, and there they were compelled reluctantly to leave it. But surely it is matter of rejoicing to us no less than of honor to our fathers, that, in laying the foundations of the social system here, where slavery had never existed, they in great wisdom and humanity hedged it out, by a perpetual interdict, and consecrated the land to freedom.

In contemplating the history of that period, and dwelling upon the difficulties which beset our fathers, in compromising the conflicting interests of the several sections of the Union, how cheering it is, thus to witness the ever living doctrines of the Declaration of American Independence bursting forth into practical operation wherever it was possible to give them immediate efficacy!
And how should a sense of deep humiliation and guilt fall upon us, the descendants of such men, when with the prosperous career of Ohio and of the other free States of the North Western Territory before our eyes, and with all the lights of this age of Christianity and freedom beaming upon us, we compare or rather contrast the ordinance of 1787 with the constitution of Texas, the one perpetually prohibiting slavery, and the other perpetually prohibiting freedom! How can we reflect upon the motives and means which brought about the annexation of that province with such a constitution—a constitution fastening slavery forever upon a vast region wherein a neighboring republic had already 'broken every yoke and let the oppressed go free.' And how, with the constitution of the United States in our hands, proclaiming that Congress alone shall have power to declare war, can we behold a President of the United States trample that sacred instrument in the dust, deliberately, and without the advice of Congress then in session, involve the country in a foreign war of conquest, and yet not dare give utterance to our indignant condemnation of his unconstitutional acts! Where is the man who does not know and feel that this Mexican war is a presidential war! A war which before its commencement Congress would not have declared! A war begun without adequate cause, and without any justifiable and commensurate object, compatible with the interests and integrity of the Union. A war conducted without wisdom of design at Washington, and relieved from utter disaster and public odium only by the prudence, bravery and brilliant exploits of General Taylor and his gallant army of regulars and volunteers, who have triumphantly upheld our national banner, and won for themselves imperishable renown, and the gratitude of their country.

In conclusion of this subject, let it never be forgotten, that whilst the freemen of Ohio will in all time to come, as they have in all times past, cheerfully march to the field of battle at the call of the constituted authorities of the country, they will not fail, by word and deed, by the ballot-box, and all other constitutional means in their power, to hold those functionaries to a strict accountability for every violation of the trust committed to their hands, and especially for every infraction of that great constitution, to which we are indebted, not merely for liberty, but for our national existence, and which is worth infinitely more to us than the conquest of the continent.

It may be thought that these are subjects belonging exclusively to the General Government, and that Ohio has no right, either through the messages of her Executive, or the resolutions of her Legislature, to express her opinions concerning them. But Ohio is not an isolated State; she is one of a great confederacy of sister States. As such, she has passed her solemn judgment upon these and other great questions of national policy, and it is for that reason that I have referred to them.

It is for that reason that I feel called upon, in her name, to protest against the repeated exercise of the veto power, which sees nothing in all the West constitutional or worthy of its regard but snags and sand-bars, and which for years has been obstructing the healthful channels of legislation, and swallowing up, one by one, all the powers of the government, just as these favorite objects of its protection have been choking up our rivers, and engulfing our steamboats, our commerce, and our lives.

She has also entered and proclaims her protest against that odious and rejected sub-treasury system re-enacted at the last session of Congress,
not only because it deranges the currency—renders the public treasury insecure, and magnifies the power of the self-constituted Monarch of the United States, but because it inevitably tends to drain the specie of the country from Ohio and all the interior States of the Union, to the great seaports, where the revenues of the nation are collected, and where, according to the constitutional veto system of administering the government, they are to be disbursed also.

Ohio furthermore claims the right to declare that by reason of her great natural resources for manufacturing, her superabundance of food, and her scarcity of fabrics, her inland position, where the cost of the importation of foreign goods, and especially of the exportation of her own agricultural productions, must, if continued, prove forever a heavy tax upon her labor, she has been induced to invest large sums in manufacturing and mechanical pursuits. That unlike the older establishments of some of her sister States, these branches of industry are in that infant state requiring protection. That she has no confidence in a foreign market for her great staples except in seasons of starvation abroad, like the present. That she must have home manufactures and a home market. That she never will submit to free trade and direct taxation. That the people were prosperous under the Tariff of 1842; and that she believes that not only the revenues of the country but all her industrial interests demand its immediate restoration.

Deriving what lessons of experience we may from the present condition and past history of the State of Ohio, her true policy seems to be sufficiently obvious. She requires no important measures of legislation at the present session of her General Assembly.

Let her great currency and revenue laws, deliberately sanctioned, as they have been, by the voice of her people, stand, with such indispensable amendments, if any, as experience has shown to be just and necessary.

Let her Colleges, Asylums and Schools continue to receive at your hands such consideration and support as their great importance demands, and I especially recommend the appointment of a superintendent of common schools.

Let her plighted faith be maintained inviolate. By upholding the laws already enacted, providing the means for the payment not only of the interest but the principal of her debt. By refraining from all further works of internal improvement by the State, until the debt be paid. By strict economy in the administration of all the departments of the government.

By offering to actual settlers such reasonable reduction in the price of the canal lands, and giving to them, on payment of the annual interest, such time for the liquidation of the principal as will bring about their sale and improvement, that the region five miles wide on each side of your northwestern canals may no longer be a wilderness. By short sessions of the General Assembly, and restraining within reasonable bounds the desire for innovation upon legislation, both general and local.

Let those enactments, very properly by universal consent denominated the "black laws of Ohio," be repealed. They are impolitic, unjust and inhuman; at war with the genius of our free institutions and spirit of the age in which we live.

There is one other subject which I would recommend to the special consideration of the Legislature. It is a fact well known, that a question of jurisdiction has arisen between Ohio and Virginia; the latter claiming to the
top of the bank on the Ohio side of the river—a claim wholly inadmissible and which can never be acceded to by this State. The question is still undecided. There is danger that other collisions will arise between the authorities and people of the State of Ohio and those of the States possessing the opposite shore of the river, which may disturb the harmony so desirable to maintain with our sister, and especially our border States. The question of jurisdiction and boundary, if not otherwise amicably adjusted, must sooner or later be determined by a resort to the Supreme Court of the United States, in the mode prescribed by the Constitution for the settlement of controversies between different States. It is much better, if it can be done, to settle these questions amicably and in such a manner as best to promote the convenience of the people on both sides of the river than to resort to litigation.

I, therefore, recommend that the General Assembly of Ohio propose the appointment of Commissioners, with full power to make settlement both with Virginia and Kentucky, by separate compacts, of the questions of boundary, and also of the use, navigation and jurisdiction of and over the Ohio river, or the settlement of either of these questions. The compacts thus entered into would no doubt readily receive the assent of Congress, in conformity with the 10th section of the 1st article of the Constitution of the United States, and thus become binding.

I am induced the more cheerfully to propose this amicable mode of putting forever at rest these complicated and delicate questions, from the assurance which I feel, founded upon the known patriotism of both Virginia and Kentucky, and their dispositions, as manifested on many occasions, to promote the harmony of the States and of the Union, that the offer will, by them, be met in the same cordial spirit of amity in which originates.

The able and detailed statement of our affairs already given to you at the present session by my immediate predecessor, who, during a period of far more than ordinary difficulty, has discharged his high duties with so much fidelity and patriotism, renders it unnecessary that I should, on the present occasion, say more.

With these very brief and general recommendations, therefore, I confidently commend the interests of Ohio to the wisdom of her Legislature, praying that Almighty Being who rules in the armies of Heaven and amongst the inhabitants of the earth, who guided our fathers to the shores of the new world, who made bare his arm in our defence on the battle-fields of the Revolution, and went out before our pioneer ancestors into this western wilderness as a cloud by day and a pillar of fire by night, that he will not visit upon us our manifold national transgressions; that he will give to our rulers wisdom and our people peace; and that in all time to come he will be the God of our children as in the days of old he was the God of our fathers.

WILLIAM BEBB.

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

Mr. James, from the committee on Finance, reported a bill to regulate the Clerks and Trustees fees for services rendered under the jury laws, 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,
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The Senate then proceeded to the consideration of the report of the committee on Executive Affairs, on the nomination of George B. Kinkead, to be Secretary of State.

The resolution reported by the committee is as follows, to-wit:

Resolved, That, although the Senate considers the nominee, George B. Kinkead, well qualified to discharge the duties of Secretary, that it does not advise and consent to his nomination because the said office of Secretary is not vacant.

The substitute proposed by Mr. Crenshaw reads as follows, to-wit:

Resolved, That the Senate advise and consent to the nomination of Geo. B. Kinkead, to be Secretary, from and after the end of the present General Assembly.

The question being taken on concurring in the substitute, it was decided in the negative.

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, Crenshaw, Evans, Henderson, Peyton, Swope, Taylor, Thornton—8

Those who voted in the negative, were—

Messrs. Ballard, Bradley, Bramlette, Brien, Bristow, Butler, Draffin, Fox, Hardin, Harris, Hawkins, Heady, Helm, Holloway, James, Key, Marshall, McNary, Patterson, Rice, Russell, Slaughter, Speed Smith, South, Thomas, Thurman, Todd, Walker, Wall, Williams—30.

The question was then taken on the adoption of the resolution reported by the committee, and 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. Ballard, Bradley, Bramlette, Brien, Bristow, Butler, Draffin, Fox, Hardin, Harris, Hawkins, Heady, Helm, Holloway, James, Key, Marshall, McNary, Patterson, Rice, Russell, Slaughter, Speed Smith, South, Thomas, Thurman, Todd, Walker, Wall, Williams—30.
Those who voted in the negative, were—


On the motion of Mr. James,

Resolved, That the First and Second Auditors report to the Senate the amount of money expended by the Board of Internal Improvement, during the year 1846, stating the amount of each item, to-wit: Salaries of the President, Secretary, Collector, Superintendent, and other persons employed by the Board; also, the amount paid for fuel, stationery, &c., specifying each item separately.

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

On the motion of Mr. Boyd—1. A bill to amend an act establishing the Flemingsburg Fire Engine and Hose Company.

On the motion of Mr. Wall—2. A bill to add an additional term to the Bracken Circuit Court.

On the motion of Mr. Todd—3. A bill to amend the several acts in relation to the Lexington, Nicholasville, Danville and Lancaster Turnpike Road Company.

On the motion of Mr. Williams—4. A bill to amend and reduce into one the several acts relating to the town of Georgetown.

On the motion of Mr. Harris—5. A bill to change the time of holding the Morgan County Court, and to alter the time of holding the Courts in the 19th Judicial District.

Messrs. Boyd, Hawkins and Hardin 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; the committee on Internal Improvement the 3d; Messrs. Williams, Todd and Holloway were appointed a committee to prepare and bring in the 4th; and Messrs. Harris, South and Rice the 5th.

Bills from the House of Representatives, of the following titles, were severally read the first time, to-wit:
2. An act for the benefit of the Clerk of the Cumberland County Court.
3. An act to regulate the appointment of trustees of the Knox County Seminary, and for other purposes.
4. An act for the benefit of the Baptist Church at Fish Pools, in Jefferson county.
5. An act for the benefit of A. P. Churchill and others.
6. An act to regulate the time of holding the Circuit Courts in the 2d and 7th Judicial Districts, and for other purposes.

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 2d to the committee on Finance; the 3d to the committee on Education; the 4th to the committee on Religion; the 5th to the committee on Military Affairs; and the 6th to the committee on the Judiciary.

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

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

*Gentlemen of the Senate:*

I nominate for your advice and consent, Thomas J. Joice to be Sheriff of Bullitt county, in place of James Samuel, who was commissioned Sheriff of said county, and took the oaths of office in November, 1846, but has vacated his office by failing to give bond for the collection of the county levy and revenue tax, &c., as required by law.

WM. OWSLEY.

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

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 Bullitt county, reported the same without amendment.

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

A message in writing, was received from the Governor, by Mr. Kinkead, 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:*

I herewith transmit a copy of resolutions adopted by the General Assembly of the State of Missouri, forwarded to me by the Secretary of State of that State, with a request that the same be laid before the Legislature of Kentucky.

WM. OWSLEY.

*Joint Resolutions introduced by Gen. E. L. Edwards, of the House of Representatives, and adopted by the General Assembly of the State of Missouri:*

**WHEREAS,** The policy of the government of the United States is, to rely mainly on the citizen soldier for protection of her national honor and national rights; and whereas, the equality of man is a fundamental principle in our government, and it is against the spirit of our free institutions to build up a system of privileged aristocracy, by the fostering care of government, among any class of her citizens, and at the expense of the people thereof; and whereas, by law and the regulations of the army of the United States, an invidious distinction is made between the officers of the army and soldier thereof, inconsistent with our republican form of government, therefore:

Resolved by the General Assembly of the State of Missouri, as follows:

1st. That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure such alteration and modification in the laws and regulations of the army of the United States as will abolish the great distinction now existing between the officers and sol-

diers thereof, and place them on an equality consistent with our free institutions, as far as practicable.

2d. That, as one means of producing such equality, they use their best exertions to increase the pay of the soldier to a fair and reasonable compensation for their services; and that the pay of the officers of the army be reduced to a fair and reasonable compensation for their services.

3d. That such other alterations and modifications be made, as will place the officer and soldier as near upon an equality as is consistent with military duty in time of war.

4th. That permanent provision be made by law for the widow and children of such officers and soldiers as die or are killed while in service in the army of the United States, during the war: Provided, That no preference shall be given, or distinction made between the widow and orphan of the officer and those of the common soldier.

5th. That the Secretary of State be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress, and to the Executive of each State, with the request that the same be laid before their respective Legislatures.

Approved February 2, 1847.

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

A bill from the House of Representatives, entitled, an act to remove the Seat of Justice of the county of Mason from the town of Washington to the city of Maysville, came up in the orders of the day.

The 4th, 5th and 6th sections of said bill reads as follows, to-wit:

SEC. 4. The said board of commissioners, or any three of them, shall meet in the town of Washington within thirty days after the annual election, and then and there proceed to ascertain the number of the votes found on said commissioners' books, thus corrected, who have voted for Maysville, as well as those who have voted for Washington; and if it shall appear that Maysville has received one hundred and seventy five votes more than Washington, as above, then the said county seat shall be removed to the city of Maysville.

SEC. 5. The said board of commissioners, or any three of them, shall make a report to the County Court of Mason, at its September or October term next ensuing, of the number of votes cast for Maysville, of those on the commissioners' list, as aforesaid, and also, of the number of votes cast for Washington of those on said list; and the said County Court shall examine said report, and the same shall be conclusive with said court as to the numbers respectively voting for Maysville and Washington, at the August election; and if it shall appear from said report that Maysville has received a majority of one hundred and seventy five, as aforesaid, the said County Court shall immediately cause an order to be entered up, removing the seat of justice to Maysville: Provided, however, that the City Council of Maysville, through its President, or a member authorized by an order of said City Council, shall execute, and present to said court, a deed conveying the building called the City Hall, to the county of Mason, to be used as a Court House, and for other purposes, reserving only the present council chamber, for the use of the City Council and Mayor's Court, and the control of the clock in said build-
ing: And provided further, that said City Council shall, through its President, or agent, as aforesaid, execute a bond, in the penalty of five thousand dollars, with good security, conditioned for the erection of a sufficient county jail and stray pen in said city, within six months from the first term of the Circuit Court holden in Maysville; and the present jail of said county shall continue to be used as the jail thereof until the erection of the new one in the city of Maysville.

Sec. 6. Immediately upon the entry of the order of the County Court, removing the seat of justice to Maysville, it shall be the duty of the Clerk of the Circuit and County Courts to remove, without unnecessary delay, the papers and records belonging to said offices, to the rooms he may select, or the County Court may determine as suitable, in the said City Hall, in Maysville; and regularly, thereafter, the Circuit and County Courts shall hold their respective terms, as fixed and regulated by law, in said building, in the said city of Maysville.

Mr. Key moved to amend the said bill, by striking out all of the 4th section of said bill, after the word "received," printed in italics; and all of the 5th and 6th sections of said bill, and inserting in lieu thereof, the following:

A majority at the polls, of votes over one half of all the legal voters of said county, as ascertained in conformity to the 2d and 3d sections of the act: the said commissioners shall certify the same to the Clerk of the County Court of Mason, whose duty it shall be to make out a copy thereof, and forward the same to the Secretary of State, to be laid before the next General Assembly, for the purpose of passing such laws as may be necessary for carrying into effect the proposition made by the City Council of the city of Maysville, for the removal of the seat of justice from Washington to Maysville, as set forth in the preamble to the 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: Provided, that if said commissioners shall ascertain there is not a majority of votes over one half of all the legal voters of said county in favor of removal, they shall certify the same to the Clerk of the County Court of Mason, who shall file the same in his office.

Mr. Boyd moved to amend the amendment proposed by Mr. Key, by striking out all after the word "majority," printed in italics, and inserting in lieu thereof, the following:

Of all the votes of the county, as ascertained in the said commissioners' corrected list, the said seat of justice shall be removed: Provided, however, that all those voters thus ascertained, and who may not attend the polls and vote at the next August election, shall have the right, between the close of the said election and the regular October term next of the Mason County Court, without giving notice, to petition said Court for or against the removal of the said seat of justice; and said petitioners shall be added to the respective polls for Maysville and Washington by the said Court, at its October term aforesaid; and if, upon such addition, it appears that there is a majority of all the voters on said corrected list in favor of Maysville, then the County Court of Mason county, at the said October term, shall cause to be entered up an order of removal, and the seat of justice shall be thenceforth at Maysville.
Sec. 5. The said board of commissioners, or any three of them, shall make a report to the County Court of Mason, at its September or October term next ensuing, of the number of votes cast for Maysville, of those on the commissioners' list, as aforesaid, and also of the number of votes cast for Washington of those on said list; and the said County Court shall examine said report, and the same shall be conclusive with said Court as to the numbers respectively voting for Maysville and Washington, at the August election; and if it shall appear from said report, and from the petitions provided for in the 4th section, that Maysville, by vote and petition, or by vote alone, has received a majority of all the voters on the said commissioners' corrected list; the said County Court shall immediately cause an order to be entered up, removing the seat of justice to Maysville: Provided, however, that the City Council of Maysville, through its President, or a member authorized by an order of said City Council, shall execute, and present to said Court, a deed, conveying the building called the City Hall, to the county of Mason, to be used as a Court House, and for other purposes, reserving only the present council chamber, for the use of the City Council and Mayor's Court, and the control of the clock in said building: And provided further, that said City Council shall, through its President, or agent, as aforesaid, execute a bond in the penalty of five thousand dollars, with good security, conditioned for the erection of a sufficient county jail and stray pen in said city, within six months from the first term of the Circuit Court held in Maysville; and the present jail of said county shall continue to be used as the jail thereof until the erection of the new one in the city of Maysville.

Sec. 6. Immediately upon the entry of the order of the County Court, removing the seat of justice to Maysville, it shall be the duty of the Clerk of the Circuit and County Courts to remove, without unnecessary delay, the papers and records belonging to said offices, to the rooms he may select, or the County Court may determine as suitable, in the said City Hall, in Maysville; and regularly, thereafter, the Circuit and County Courts shall hold their respective terms, as fixed and regulated by law, in said building, in the said city of Maysville.

Mr. James moved the following preamble and resolution in relation to said bill and amendment, to-wit:

WHEREAS, the Legislature of this State has heretofore authorized, by law, the qualified voters of Mason county to take a vote between Washington, the present seat of justice of said county, and the town of Maysville, which is situated upon the Ohio river, and about four miles distant from Washington, which has been the seat of justice for said county for upwards of fifty years; the first vote alluded to, was taken in August, 1845, and the other in the year 1846: and whereas, the bill now under consideration in the Senate, provides for taking a vote the third time, in August of the present year, which, if passed, would tend much to increase, instead of allaying, the excitement which has existed in said county, for several years, in relation to their seat of justice: therefore,

Resolved, That said bill and amendments be laid upon the table.

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

The yeas and nays being required thereon by Messrs. Helm and Evans, were as follows, to-wit:
 Those who voted in the affirmative, were—

Messrs. Ballard, Hardin, McNary,
Bradley, Harris, Patterson,
Brien, Heady, Rice,
Butler, Henderson, Thomas,
Draffin, James, Thurman,
Fox, Key, Wall—18.

Those who voted in the negative, were—

Messrs. Boyd, Hawkins, Swope,
Bramlette, Helm, Thornton,
Bristow, Holloway, Todd,
Crenshaw, Peyton, Walker,
Evans, Slaughter, Williams—15.

So the said bill and amendments were laid on the table.

A bill from the House of Representatives, entitled, an act for the benefit of the town of Portland, together with the amendment proposed thereto by the Senate, was taken up.

Resolved, That the Senate insist on the amendment proposed by them to said bill.

On the motion of Mr. Peyton,

Ordered, That a committee of conference be appointed on the part of Senate, on the said bill and amendment; and Messrs. Peyton, Hardin and Butler were appointed said committee.

An engrossed bill, entitled, an act to authorize the several County Courts to grant licenses to wharf boats, was read the third time, and laid on the table.

An engrossed bill, entitled, an act to construct a bridge over Buck creek, in Pulaski county, was read the third time, and amended by way of engrossed ryder.

The said bill reads as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of one thousand dollars be, and the same is hereby appropriated, for the purpose of building and constructing a bridge over Buck creek, in Pulaski county, at or near where the road leading from Somerset to the Coal Mines, on Cumberland river, crosses said creek; and if the said sum thus appropriated should be insufficient to build said bridge, and complete the same, the balance necessary to build and complete said bridge, shall be raised by individual subscription and donation.

Be it further enacted, That the County Court of Pulaski county, a majority of all the Justices of said Court concurring, shall designate and locate the site of said bridge, and adopt the plan of the same, and shall have power to appoint three fit persons as Commissioners to contract for the building and construction of said bridge, who shall let out said contract to the lowest bidder, at public outcry, giving previous public notice, in writing, of the time and place of letting said contract, at three or more of the most publi
places in said county, for at least thirty days; and said Commissioners, so appointed by said Court, shall take from the person or persons to whom the contract is let, bond, with good security, in an adequate penalty, payable to the said County Court, conditioned faithfully to comply with and perform said contract.

Be it further enacted, That to enable the said County Court to raise the additional sum necessary to complete said bridge, if the sum herein appropriated should be insufficient, they shall have power to appoint three or more persons Commissioners to receive subscriptions and donations for that purpose, and shall have power to receive the note or notes of any person who may choose to contribute in that way, payable to said Court, and said notes shall be good and valid in law, and collectable by them.

Be it further enacted, That the sum herein appropriated shall be paid to the County Court of Pulaski county, or their authorized agent, for the purposes aforesaid. Whenever the said County Court shall certify to the Second Auditor that the sum necessary to complete said bridge is raised, if the sum herein appropriated shall be insufficient, and whenever said sum is raised, if the sum appropriated is insufficient, the Second Auditor shall draw his warrant on the Treasury for said sum of one thousand dollars, in favor of said Court, or their agent, to be paid out of any money in the Treasury not otherwise appropriated; and if said sum of one thousand dollars, or less, shall be sufficient to build and complete said bridge, the County Court aforesaid shall certify the same to the Second Auditor, and he shall draw his warrant on the Treasurer for said sum.

Be it further enacted, That the sum of one thousand dollars, herein appropriated, shall not be drawn from the Treasury until the building of said bridge shall be contracted for, and the bonds executed by the contractor or contractors, as herein provided for, and the same certified to the Second Auditor by the said County Court.

Be it further enacted, That the sum of nine hundred and fifty dollars be, and the same is hereby appropriated, in aid of constructing the State road from the mouth of Muddy river, on Green river, to Russellville, and that the same be paid over to M. B. Morton, S. McReynolds and Osborn Roberts or their order, upon their first executing bond, in the Logan County Court, with good security, conditioned for the due appropriation of said money to the construction of said road.

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

The yeas and nays being required thereon by Messrs. South and Heady, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bramlette, Holloway, Speed Smith, Evans, Key, Thornton, Fox, McNary, Todd, Hawkins, Patterson, Walker—14, Helm, Slaughter,

Those who voted in the negative, were—

Messrs. Ballard, Draffin, Rice, Boyd, Hardin, South,
Bradley, Harris, Swope, Brien, Heady, Thomas, Bristow, Henderson, Thurman, Butler, James, Wall, Crenshaw, Peyton, Williams - 21.

A bill declaring a forfeiture of the Charter of the Licking River Navigation Company, 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,

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

An engrossed bill, entitled, an act for the benefit of William Rowlett, of Owen county, was read the third time.

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

The Speaker laid before the Senate the following communications from the First and Second Auditors, in answer to a resolution adopted this day, to-wit:

REVENUE DEPARTMENT,
Auditor's Office, Ky.,
Frankfort, February 16, 1847.

Hon. Archibald Dixon, Speaker of the Senate:

In answer to the resolution adopted by the Senate this day, relating to the expenses of the Board of Internal Improvement and its officers, I would respectfully report, that the salaries of the officers are as follows:

President of the Board, per annum, $1,000
Secretary of the Board, per annum, 500

And during the fiscal year ending 10th October, 1846, there was paid for contingent expenses, as follows, viz:

For expenses of the President of the Board, $157.00
For fuel furnished Internal Improvement Office, 47.00
For stationery for do. do. 6.54
For printing for do. do. 87.00

Total contingent expenses, $297.60

Very respectfully,
THO. S. PAGE,
Second Auditor.

AUDITOR'S OFFICE,
February 16, 1847.

In obedience to a resolution of the Senate, adopted this day, I have the honor to report, that from the accounts on file in my office, it appears that the following officers receive the salaries attached to them respectively, viz:
Thomas Conn, Engineer, per annum, $600
Collector, 1½ per cent., not exceeding, per annum, 500
Gate-keeper No. 1, on Kentucky River, 300
  No. 2, " 
  No. 3, " 
  No. 4, " 
  No. 5, "
I also report, that the following incidental expenses were paid in the fiscal year ending 10th October, 1846, viz:
Stationery for Board of Internal Improvement, $28 45
Printing for do. do. 8 25
Coal for do. do. 14 50
Expenses of President of Board for traveling, &c., exclusive of travel on steamboats, 220 77
Steamboat charges for President, Engineer and Secretary, 109 50
Grate for office, 16 00
A. P. Cox, 2 years contingent expenses, 96 13
Paid steamboats passage of hands, 9 00

$ 492 60

Printing for Collector, $17 05
Fuel and lights for Collector, 10 00

27 05

$ 519 65

I cannot give the expenses and salaries paid on the Green and Barren River navigation, as no report has been made to this Department by the Board of Internal Improvement, and the accounts in relation to said navigation have not been settled.
Respectfully submitted,
H. I. BODLEY, Auditor.
Hon. ARCHIBALD DIXON, Lieut. Governor.
Ordered, That said communications be referred to the committee on Finance, and that the Public Printer print 150 copies of each of said communications for the use of the General Assembly.
The following bills were reported from select committees, to wit:
By Mr. Draffin—A bill for the benefit of the Sheriff of Mercer county.
By Mr. Butler—A bill to change the name of the Mechanics Savings Institution of Louisville.
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.
And then the Senate adjourned.
WEDNESDAY, FEBRUARY 17, 1847.

A message was received from the House of Representatives, announcing that they insist on their disagreement to the amendment proposed by the Senate to a bill from that House, entitled, an act for the benefit of the town of Portland, and that they had appointed a committee on their part on the disagreement to said bill and amendments.

That they had passed bills from the Senate, of the following titles, to-wit:
An act for the benefit Isham Thomas.
An act to authorize toll gate No. 3, on the Georgetown and Williams-town turnpike road, and for other purposes.
An act to appoint a commissioner to settle the accounts of the Superintendent of Public Instruction.
An act to incorporate the town of Neetsville, in Adair county.
An act for the benefit of Ann L. Clements.
An act for the benefit of the administrator and heirs of Henry Durrett, deceased.
An act for the benefit of John U. Watson and Pemberton Cave.
An act for the benefit of the devisees of Lewis Butler, deceased.
An act to incorporate the Louisville Rolling Mill Company.
An act for the benefit of Thomas Merimee and Prudence Shadburn.
An act for the benefit of the Lexington, Harrodsburg and Perryville Turnpike Company.

With amendments to the two bills last named, which amendments were concurred in.

That they had adopted a resolution for firing two national salutes on the 22d of February.

And preamble and resolutions complimentary to General Taylor and the officers and soldiers under his command.

That they had passed bills of the following titles, to-wit:
1. An act to incorporate the Licking and Lexington Railroad Company.
2. An act to amend the laws regulating the Wilderness road.
4. An act to incorporate the Georgetown and Paris Turnpike Road Company.
5. An act to incorporate the Carlisle and Sharpsburg Turnpike Company.
6. An act authorizing the County Court of Nicholas to change or discontinue a State road.
7. An act to authorize the County Court of Grayson to change the State roads in said county.
8. An act to repeal the 5th section of an act to establish a Marine Railway, in the town of Hickman.
10. An act to establish the town of Cornishville.
11. An act to incorporate the Globe Manufacturing Company.
12. An act for the benefit of Elizabeth Shoemaker.
13. An act to repeal in part an act, entitled, an act declaring the Bayou de Chien, in Hickman county, a navigable stream, and for other purposes.
14. An act to amend an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, and for other purposes.
15. An act to amend an act, entitled, an act to incorporate the town of Independence.
17. An act authorizing Greenberry Reynold to erect a mill dam on Salt river.
18. An act for the benefit of Thomas May and George B. Adams.

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, 4th, 5th, 6th, 7th, 8th, 13th, 14th, 16th, 17th and 18th to the committee on Internal Improvement; the 9th to the committee on the Judiciary; the 10th, 12th and 15th to the committee on Propositions and Grievances; and the 11th to the committee on Agriculture and Manufactures.

The Senate resumed the consideration of the unfinished business of yesterday.

A bill to regulate the Clerks and Trustees fees for services rendered under the jury laws.

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. James and Hardin, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bradley, Bramlette, Brien, Bristow, Fox, Hardin, Harris, Heady,
Helm, Henderson, Holloway, James, Rice, Speed Smith, South,
Those who voted in the negative, were—

Messrs. Butler, Key, Russell,
Crenshaw, Patterson, Slaughter,

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 committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Union county, 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 thereof be amended by adding, “and for other purposes.”

Mr. James, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act for the benefit of the Sheriff of Owsley county.
An act for the benefit of Christopher C. Lillard and others, Sheriffs of Anderson county.
An act for the benefit of Martin Fugate, late Sheriff of Pendleton county.
An act for the benefit of W. G. Simpson, H. Todd, H. H. Calvert, 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. James, from the same committee, reported the following bills, viz:
1. A bill for the benefit of John Green, former Sheriff of Henderson county, and for other purposes.
2. A bill for the benefit of the Clerk of the Hickman County Court.
3. A bill to amend an act to reduce into one the several act concerning strays, approved February 10th, 1798.
4. A bill for the benefit of John B. Meredith, of Woodford county.

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

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

Mr. Peyton, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to regulate the time of holding the Circuit Courts in the 2d and 7th Judicial Districts, and for other purposes, reported the same with amendments, which were concurred in.

Ordered, That said bill be read a third time.

Mr. Patterson moved to dispense with the third reading of said bill.

The question being taken thereon, it was decided in the negative, four-fifths not having voted in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Boyd, Hawkins, Rice,
Bramlette, Helm, Russell,
Brien, Henderson, Speed Smith,
Butler, Holloway, South,
Crenshaw, James, Taylor,
Draffin, Key, Todd,
Fox, Patterson, Wall,
Hardin, Peyton, Williams—24.

Those who voted in the negative, were—

Messrs. Bradley, Heady, Thurman,
Evans, McNary, Walker—8,
Harris, Thomas,

On the motion of Mr. Peyton,

Ordered, That said bill have its third reading on to-morrow, at half past ten o'clock.

The resolution from the House of Representatives for firing two national salutes on the 22d of February, was taken up, twice read, and concurred in.

Preamble and resolutions from the House of Representatives complimentary to General Taylor and the officers and soldiers under his command, were taken up.

Amendments were proposed to said resolutions by Messrs. Butler, Fox, and Harris.

On the motion of Mr. J. Speed Smith, said preamble and resolutions and amendments were referred to a select committee of Messrs. J. Speed Smith, Harris and Helm.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives, to bills from the Senate, of the following titles, viz:

To his Excellency, Governor M. B. Taylor,
Kentucky, pray:

To the Senate of the State of Kentucky:

Mr. A. M. Wall, secretary of the Senate, to whom the resolutions from the House of Representatives, congratulating and expressing the thanks of the Senate, were referred, reports:

To the Senate:

A Communication from the Governor of Kentucky, transmitted by Mr. Wall, with the resolutions of the House of Representatives, complimentary to General Taylor and the officers and soldiers under his command, with amendments, which were concurred in by the Senate.

Ordered, That the resolution from the House of Representatives for firing two national salutes on the 22d of February, be read a third time.

Ordered, That said resolution be referred to a select committee of Messrs. J. Speed Smith, J. Patterson, and J. Speed, to which the amendments were referred.

Ordered, That said resolution be read a third time, to-morrow, at half past ten o'clock.
THURSDAY, FEBRUARY 18, 1847.

Mr. Slaughter presented to the Speaker a communication from Benjamin Hardin, Esq., which communication, was, by the Speaker, laid before the Senate, and is as follows, to-wit:

**SENATE CHAMBER, February 15, 1847.**

To the Honorable the Senate of Kentucky:

GENTLEMEN: I announce to you that I have, on this day, resigned my office of Secretary for the State of Kentucky. Inclosed is a copy of my resignation which I sent to the Governor.

In am, with sentiments of the highest respect, gentlemen,

Your most obedient, humble servant,

BEN. HARDIN.

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**SENATE CHAMBER, February 15, 1847.**

To his Excellency, William Owsley, Governor of the State of Kentucky:

Sir: I, by these presents, resign my office of Secretary for the State of Kentucky.

I am, &c.,

BEN. HARDIN.

1. Mr. Wall presented the petition of sundry citizens of Harrison county, praying for a charter for a railroad from Covington, up the valley of Licking, to Cynthiana.

2. Mr. Walker presented the petition of Edmund R. Sumpter and Elizabeth Sumpter, praying to be divorced from each other.

3. Mr. Patterson presented a statement from S. H. Long, in relation to the harbor at Paducah.

Which were received and referred: the 1st to the committee on Internal Improvement; the 2d to the committee on Religion; and the 3d to a committee of the whole having under consideration the bill to establish a public warehouse at paducah.

On the motion of Mr. J. Speed Smith, leave was given to bring in a bill declaring the “Plough Boy,” a newspaper printed in the town of Richmond, a public authorized newspaper of this State, and Messrs. J. Speed Smith, Peyton and Patterson were appointed a committee to prepare and bring in said bill.

After a short time Mr. J. Speed Smith 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 afore-
A bill from the House of Representatives, entitled, an act to regulate the time of holding the Circuit Courts in the 2d and 7th Judicial Districts, and for other purposes, was read the third time as amended.

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 concurred in the amendments proposed by the Senate to said bill.

Mr. Fox, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to regulate the appointment of Trustees for the Knox County Seminary, 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. Fox, from a select committee, reported a bill to authorize the trustees of the town of Crab Orchard to erect a jail in 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.

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

That they had passed a bill, entitled, an act to amend the charter of the Louisville Turnpike Road Company.

Mr. Heady, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of A. P. Churchill and others, 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, to whom was referred the petition of Robert Foster, reported the following resolution thereon, to-wit:

Resolved, That said petition be rejected.

Which was concurred in.
An act for the benefit of Thomas Merimee and Prudence Shadbourn.

An act for the benefit of the Lexington, Harrodsburg and Perryville Turnpike Company.

Mr. Peyton, from the committee of conference on the part of the Senate, in the disagreement of the two houses to the amendments proposed by the Senate, to a bill from the House of Representatives, entitled, an act for the benefit of the town of Portland, made the following report:

"The committee of conference have agreed to strike out of the original bill all after the word "town," in the sixth line. The Senate recede from their amendment."

Which report was concurred in.

Mr. Bradley, from the joint 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, to-wit:

An act for the benefit of the Sheriff of Calloway county, and Breathitt county.

An act for the benefit of James Purvis and others, of Green county.

An act for the benefit of Elias P. Davis.

An act to amend the law in reference to guardians and wards.

An act for the benefit of Ann Neale and others.

An act for the benefit of John R. Ringo.

An act to allow two additional Justices of the Peace to the county of Wayne, and one to the county of Bath.

An act to change the place of voting in Hart county from the house of James Simpson to John H. Lively's, and for other purposes.

An act allowing additional Justices of the Peace to the counties of Bath and Henry.

An act allowing additional Justices of the Peace to Knox, Cumberland, and Green counties.

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

An act to amend an act incorporating the town of Burksville.

An act to amend an act, entitled, an act to reduce into one the several acts in relation to the town of Danville, and for other purposes, approved 16th February, 1846.

An act giving to Livingston County Court power to change the State road in said county, and for other purposes.

An act to change the name of James Thomas to that of James Thomas Irvine.

A resolution rescinding the resolution for the election of Public Officers, and fixing another day for such election.

And enrolled bills and an enrolled resolution, which originated in the Senate, of the following titles, viz:
An act for the benefit of Philip Lightfoot and Isaiah Heston, late Sheriffs of Breckinridge county.

An act for the benefit of James Davidson, Treasurer.

An act for the benefit Isham Thomas.

An act for the benefit of the town of Winchester.

An act for the benefit of James Jenkins, of Warren county.

An act to permit flat boats and other crafts, descending the navigable streams in this Commonwealth, from a point above the influence of slack water, to pass over the dams free of toll.

An act to establish and incorporate the town of Sherburne, in Fleming county.

An act to authorize toll gate No. 3, on the Georgetown and Williams-town turnpike road, and for other purposes.

An act to authorize a survey of the town of Mount Washington, and for other purposes.

An act to appoint a commissioner to settle the accounts of the Superintendent of Public Instruction.

An act for the benefit of Ann L. Clements.

An act for the benefit of John U. Watson and Pemberton Cave.

An act for the benefit of the devisees of Lewis Butler, deceased.

Resolutions in relation to a modification of the tariff laws, so as to admit, duty free, books, &c., imported for the use of colleges and schools.

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. Bradley reported that the committee had performed that duty.

On the motion of Mr. Draffin, leave was given to bring in a bill to amend the law incorporating the town of Harrodsburg, and Messrs. Draffin, Hawkins and Evans were appointed a committee to prepare and bring in said bill.

After a short time Mr. Draffin 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 afore-said.

And then the Senate adjourned.
An act to amend an act, entitled, an act to incorporate the Cumberland Female Academy, and for other purposes, approved February 1, 1837.

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 for the benefit of Clinton Nash, reported the same.

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 John Hall, reported the following resolution thereon, to-wit:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Bradley, 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 to regulate the time of holding the Circuit Courts in the 2d and 7th Judicial Districts, and for other purposes.

And had found the same truly enrolled.

The said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approbation and signature. After a short time, Mr. Bradley reported that the committee had performed that duty.

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

An act to change names of Mary Elizabeth McFall and others.
An act for the relief of emigrants.
An act to amend an act, entitled, an act to incorporate the town of Independence.
An act to establish the town of Cornishville.
An act for the benefit of Taylor Pember.
An act for the benefit of Elizabeth Shoemaker.
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 to change the names of Thomas and Jane Holder, John and Lucy M. Bradley, John S. Cocks, Polly Bowles, Rebecca A. Chevalier and her children, 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. Walker, from the same committee, reported the following bills, viz:

A bill for the benefit of M. M. Wall, of Logan county.

A bill concerning the town of La Fayette, in Christian county.

A bill to establish a town on the lands of George Bowling, of Breathitt county.

A bill allowing an additional Justice of the Peace to Breckinridge county.

A bill to amend an act, entitled, an act for the benefit of Louisa Ann Coleman and Charles H. Kenner and Marcus M. Kenner, approved January 29, 1846.

A bill authorizing the trustees of McKendree Chapel to sell the same.

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, reported a bill for the benefit of Hall Anderson, 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 said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. Speed Smith and Peyton, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bradley, Heady, Slaughter,
Brien, Helm, Speed Smith,
Bristow, James, Thomas,
Evans, Key, Thurman,
Mr. Slaughter, from the committee on Agriculture and Manufactures, presented to the Senate a communication from Lewis Sanders, hemp agent for the State of Kentucky, which is as follows, to-wit:

To Mr. Slaughter,

Chairman of the committee on Agriculture and Manufactures:

"Sir: I beg leave to call your attention, and through you, the attention of the people of Kentucky, particularly those interested in the cultivation of hemp, to a hemp brake, recently constructed and put in operation by James Anderson and others, associated with him in Louisville.

Mr. Anderson has been engaged for some years in the preparation of American hemp, with a view to render it more durable and of greater strength than foreign hemp; he thinks he has at length succeeded, and now entertains no doubt of being able to supply the government with as much hemp as may be required, and of a quality superior to any heretofore in use.

I annex an extract of a letter from Mr. Anderson to me, dated 7th inst:

"We have now in operation a machine for breaking and cleaning hemp in its unrotted state. The machine performs admirably. By the process we preserve the original strength of the hemp, and by the application of a volatile oil, anti-septic in its character, fermentation is prevented, thereby giving great durability. Every test we have made in comparison, between our hemp and Russia hemp, proves the former less liable to decay, and of greater strength, and no effort to produce fermentation has been successful."

Accompanying this letter is a bundle of hemp, of a fair and bright color, prepared by Mr. Anderson.

Very respectfully,

Your obedient servant,

LEWIS SANDERS.

Frankfort, January 14, 1847.

Mr. Hardin, from the committee on the Judiciary, reported the following bills, to-wit:

A bill to divorce Independent Gist and Elizabeth Porcher Gist.

A bill to amend an act, entitled, an act for the benefit of Joseph S. N. and James N. Dicken, approved February 17, 1846.

A bill to amend the several acts regulating civil proceedings in this Commonwealth.

A bill for the benefit of Richard Fisher and his securities.

A bill to amend an act, entitled, an act to establish the Mechanics Institute and Savings Institution of the city of Lexington, approved February 20, 1840.

A bill to amend the charter of the city of Lexington.

A bill to legalize the official acts of Jackson Combs, Surveyor of Perry 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.

On the motion of Mr. Hardin, the committee on the Judiciary was discharged from the further consideration of the petition of J. M. Duck, asking further time to return plats, &c., to the Register's Office.

Mr. Hardin, from the same committee, to whom was referred the petitions of H. S. Pew and W. H. Ewing and wife, reported the following resolution thereon, to-wit:

Resolved, That said petitions be rejected.

Which was concurred in.

Mr. Hardin, from the same committee, to whom was referred the petitions of H. S. Pew and W. H. Ewing and wife, reported the following resolution thereon, to-wit:

Resolved, That said petitions be rejected.

Which was concurred in.

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

An act to incorporate the towns of Pikeville and Paintsville.

An act for the benefit of John Cottingham and wife.

An act to incorporate a company to be called "The Ohio Line."

An act for the benefit of David and Opie J. Lindsey, trustees under the will of Thomas Lindsey, deceased.

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 the petition of sundry citizens of the town of Cadiz, reported the following resolution thereon, to-wit:

Resolved, That said petition be rejected.

Which was concurred in.

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

An act for the benefit of William T. Samuels.

An act for the benefit of John Tanner.

Reported the same.

Ordered, That said bills be laid on the table.

Mr. Peyton, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act further increasing the liabilities of Sheriffs and Coroners and their securities, reported the same without amendment.

Ordered, That said bill be read a third time.

Mr. Peyton, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act authorizing the sale of the Upper White Oak Church, in Bath county.
Fox, Patterson, Todd,
Harris, Rice, Walker,

Those who voted in the negative, were—
Messrs. Boyd, McNary, Taylor,
Butler, Peyton, Thornton,
Draffin, Swope, Williams—10.

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

Mr. Walker, from the same committee, reported a bill in relation to selling spirituous liquors to slaves, 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. Evans moved an amendment to said bill.

Mr. Draffin moved to lay 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. Wall and Patterson, were as follows, viz:

Those who voted in the affirmative, were—
Messrs. Brien, Henderson, Speed Smith,
Butler, Key, Thomas,
Draffin, Slaughter, Walker—9.

Those who voted in the negative, were—
Messrs. Boyd, Helm, South,
Bradley, Holloway, Swope,
Bristow, James, Taylor,
Evans, McNary, Thornton,
Fox, Patterson, Thurman,
Hardin, Peyton, Todd,
Harris, Rice, Wall,
Heady, Russell, Williams—24.

On the motion of Mr. Butler, the votes by which an engrossed bill, entitled, an act to construct a bridge over Buck creek, in Pulaski county, was rejected and amended by way of engrossed ryder, were reconsidered.

Mr. James moved the following preamble and resolution, which was adopted, to-wit:

WHEREAS, all nations delight to honor the memory of those who have advanced the interest and sustained the honor and glory of their country: and whereas, the statesman at home, and the soldier in war, look for their chief reward on earth to the grateful recollection of their countrymen: now, for the purpose of giving encouragement to a feeling so well calculated to encourage the statesman to persevere in his toil and labor, and to strengthen the nerve of the soldier in the hour of privation, peril and danger,

Resolved by the Senate, That a committee of five be appointed to enquire into the policy and expediency of causing a suitable monument to be erec-
The following bills were reported from select committees, to-wit:
By Mr. Harris—1. A bill to change the time of holding the spring Courts in Pike and Floyd, and to change the time of holding the Lawrence and Morgan County Courts.
By Mr. Williams—2. A bill to amend and reduce into one the several acts relating to the town of Georgetown.

The said 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 ordered to be engrossed and read a third time, and the 2d was referred to the committee on the Judiciary.

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.

The resolution fixing a day for the final adjournment of the General Assembly, as amended, was taken up.

The amendment of the House of Representatives proposed to strike out the 22d of February and insert the 1st day of March, as the day of adjournment.

Mr. Patterson moved to amend the amendment proposed by the House of Representatives by striking out the 1st day of March, and inserting in lieu thereof the 27th February.

And then the Senate adjourned.

FRIDAY, FEBRUARY 19, 1847.

A message was received from the House of Representatives, announcing that they had concurred in the report of the committee of conference on the disagreement of the two houses, to an amendment proposed by the Sen-
ate, to a bill from the House of Representatives, entitled, an act for the benefit of the town of Portland.

That they had passed a bill from the Senate, entitled, an act for the benefit of Henry G. Mitchell, Leander A. Mitchell and John Mitchell.

That they had passed bills of the following titles, to-wit:
1. An act to reduce the salaries of Circuit Judges, and other officers of this Commonwealth.
2. An act for the benefit of James Renfro, of Knox county.
3. An act to amend an act in relation to dams and other obstructions in water courses.
4. An act to amend the road law in the county of Bracken.
5. An act to allow an additional Justice of the Peace and Constable to the county of Harlan, and additional Justices of the Peace to Owen and Trimble counties.
7. An act to authorize the County Court of Campbell to change a State road.
8. An act to amend the several acts incorporating the city of Maysville.
9. An act to change the place of voting in the Fox precinct, in the county of Fleming, and the Chestnut Grove precinct, in Shelby county.
10. An act authorizing the County Court of Morgan to sell public grounds.

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 Finance; the 2d, 3d, 4th, 6th and 7th to the committee on Internal Improvement; the 5th to the committee on Propositions and Grievances; the 9th to the committee on Privileges and Elections, and the 10th to the committee on the Judiciary.

On the motion of Mr. Henderson, leave was given to bring in a bill to change the terms of the Clay Circuit Court, and Messrs. Henderson, Holloway and Todd were appointed a committee to prepare and bring in said bill.

After a short time Mr. Henderson 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 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 selling spirituous liquor to slaves, was taken up.

The amendment proposed by Mr. Evans to said bill was adopted.
The said bill was further amended.

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. Patterson and Helm, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bradley, Bristow, Evans, Hardin, Harris, Hawkins, Heady,

Messrs. Helm, Holloway, Key, Patterson, Peyton, Rice, South,


Those who voted in the negative, were—

Messrs. Boyd, Bramlette, Brien, Butler, Crenshaw,

Messrs. Draffin, Henderson, James, McNary,


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 Public Printer, to-wit:

FRANKFORT, February 19, 1847.

Hon. A. Dixon,
Lieutenant Governor and Speaker of the Senate.

Sir: As the propositions of Messrs. Monsarrat & Co., of Louisville, and Mr. John M. Helms, in relation to the Public Printing, have been directed to be printed in the Journal of the Senate, I respectfully ask that my response to their propositions, (herewith inclosed,) may also be printed in the Journal, that the country may be in possession of both sides of the question.

Very respectfully,
Your obedient servant,
A. G. HODGES,
Public Printer.

Ordered, That said response be spread upon the Journal of the Senate, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The said response is as follows, to-wit:

To the members of the General Assembly:

GENTLEMEN: I am a candidate for re-election to the office of Public Printer. Cards have been laid on your tables, from Messrs. Monsarrat & Co., of Louisville, and Mr. John M. Helms, of the Kentucky Yeoman Office, an-
nouncing a willingness to do the work at 15 per cent, below the price now fixed by law! Are those propositions made in good faith, or are they made with a view of embarrassing my friends? and if made in good faith, can the work be done for the price bid by them?

During the last session of the Legislature the subject of the Printing for the State underwent a long and laborious investigation, before an intelligent committee of that body, and that investigation resulted in the adoption of the present law. The law of 1842, was about 33 per cent. higher than the present. The committee, last winter, consisted of both whigs and democrats. They disagreed in their report. The majority reported a bill much higher than the law now is; but the minority, at the head of which stood Judge James, who has been laboriously investigating the subject of Public Printing for several years, reported a bill which was, in substance, adopted, and is now the law. Is it believed that Messrs. James, Glenn, Clarke and Swope, who constituted the minority of the committee, gave the Public Printer, in their law, 15 per cent. more than a fair price? Their bill was, in fact, based upon the bids of Mr. Tanner, and Buck & Monsarrat, as made by them last winter; so that in fact Mr. Monsarrat is now really underbidding his own bid!

In the course of the investigation last winter, Mr. Peyton, the Chairman of the committee, addressed a note to Mr. J. H. Holeman, formerly Public Printer, and to Mr. J. Cunningham, editor of the Kentucky Gazette, both of whom are old practical printers, one being a whig and the other a democrat, requesting them to prepare for the committee a Bill of Prices, such as should be allowed the Public Printer. Those gentlemen prepared a bill and submitted it to the committee. That bill, in nearly all of its items, is 20 per cent. higher than the present law! Indeed, the present law was prepared by those determined to bring the printing to the lowest possible price, as will be seen by an examination of the following facts, which are shown by the report of the committee of last year:

1. Setting Type for Acts, Journals, &c.—plain matter.

<table>
<thead>
<tr>
<th>Item</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Messrs. Holeman and Cunningham fixed the price for 1,000 ems of plain matter, at</td>
<td>60 cents</td>
</tr>
<tr>
<td>John M. Helms, (who is now bidding for the work,) upon his oath, fixed as a fair price for setting 1,000 ems of plain matter,</td>
<td>50 cents</td>
</tr>
<tr>
<td>Buck &amp; Monsarrat proposes to do it for</td>
<td>50 cents</td>
</tr>
<tr>
<td>The minority of the committee—Messrs. James, Glenn, Clarke and Swope, fixed it at</td>
<td>50 cents</td>
</tr>
<tr>
<td>The Legislature, in the law passed at the last session, fixed it at</td>
<td>50 cents</td>
</tr>
</tbody>
</table>

2. Rule and Figure Work.

<table>
<thead>
<tr>
<th>Item</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Messrs. Holeman and Cunningham fixed the price for 1,000 ems of rule and figure work, at</td>
<td>$1 20</td>
</tr>
<tr>
<td>John M. Helms, upon his oath, fixed as a fair price for 1,000 ems of rule and figure work,</td>
<td>1 00</td>
</tr>
<tr>
<td>Buck &amp; Monsarrat proposes to do it for</td>
<td>1 00</td>
</tr>
<tr>
<td>The minority of the committee—Messrs. James, Glenn, Clarke and Swope, fixed it at</td>
<td>1 00</td>
</tr>
<tr>
<td>The Legislature, in the law passed at the last session, fixed it at</td>
<td>1 00</td>
</tr>
</tbody>
</table>

3. Plain Rule Work, or Plain Figure Work.

<table>
<thead>
<tr>
<th>Item</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Messrs. Holeman and Cunningham fixed the price for 1,000 ems of this class of work, at</td>
<td>90 cents</td>
</tr>
<tr>
<td>Buck &amp; Monsarrat proposes to do it for</td>
<td>75 cents</td>
</tr>
<tr>
<td>The minority of the committee—Messrs. James, Glenn, Clarke and Swope fixed it at</td>
<td>75 cents</td>
</tr>
<tr>
<td>The Legislature, in the law passed at the last session, fixed it at</td>
<td>75 cents</td>
</tr>
</tbody>
</table>
4. Bills, Reports or Resolutions, required to be printed on Cap Paper, or in folio form.

Messrs. Holeman and Cunningham fixed the price for 1,000 sets of this class of work at $1.00. Buck & Monsarrat proposed to do it for 1.00. The minority of the committee—Messrs. James, Glenn, Clarke and Swope, fixed it at 1.00. The Legislature, in the law passed at the last session, fixed it at 1.00.

5. Plain Blanks, per quire—on Cap or Letter Paper.

Messrs. Holeman and Cunningham fixed the price, per quire, at 50 cents. Buck & Monsarrat proposed to do it for 1.00. The minority of the committee—Messrs. James, Glenn, Clarke and Swope, fixed it at 50 cents. The Legislature, in the law passed at the last session, fixed it at 50 cents.

6. Ruled Blanks, per quire—on Cap or Letter Paper.

Messrs. Holeman and Cunningham fixed the price, per quire, at $1.25. Buck & Monsarrat proposed to do it for 1.00. The minority of the committee—Messrs. James, Glenn, Clarke and Swope, fixed it at 1.00. The Legislature, in the law passed at the last session, fixed it at 1.00.

7. Plain Blanks, on Post, and similar sized Paper, per quire.

Messrs. Holman and Cunningham appear to have omitted this item in their bill. Buck & Monsarrat proposed to do this work for 75 cents. The minority of the committee—Messrs. James, Glenn, Clarke and Swope, fixed it at 75 cents. The Legislature, in the law passed last session, fixed it at 75 cents.

8. Ruled Blanks, on Post, and similar sized paper, per quire.

Buck & Monsarrat proposed to do this work for $1.50. The minority of the committee—Messrs. James, Glenn, Clarke and Swope, fixed it at 1.50. The Legislature, in the law passed at the last session, fixed it at 1.50.

9. Press-work, per token, (or 240 impressions.)

Messrs. Holeman and Cunningham fixed the price, per token, at 75 cents. Buck & Monsarrat proposed to do it for 60 cents. The minority of the committee—Messrs. James, Glenn, Clarke and Swope, fixed it at 50 cents, And for Bills, Reports and Resolutions, other than book work, at 75 cents. The Legislature, in the law passed at the last session, have the same price fixed for every description of work, fixed it at 75 cents.

10. Transferring Type already set up.

Buck & Monsarrat proposed to do this work for 10 cents. The minority of the committee—Messrs. James, Glenn, Clarke and Swope, fixed it as a fair price for this work, per 1,000 ems, 10 cents. The Legislature, in the act passed at the last session, fixed the price at 10 cents.

Thus it will be seen that the law fixes the price for every class of work, except press work, as low as the lowest bid last winter; the whole being much lower than the bill fixed by Messrs. Holeman and Cunningham, gentlemen familiar with the business, perfectly disinterested and acting under oath! The price of the main body of the work being fixed at what Mr. John M. Helms, (who is now bidding,) when on oath before the committee last winter, declared, a fair price! It is for the Legislature to determine whether a new law shall be passed, and the prices further reduced. The truth is the
present law does not yield a fair profit, taking into consideration the character of the labor, and the amount of capital invested, and I am sustained in this, not only by experience, but by the testimony of nearly every witness examined before the committee last winter—(see letters of Prentice & Weissinger, N. L. Finnell, J. Cunningham, and the testimony of Cunningham, Meriwether, W. B. Holeman, J. H. Holeman, F. D. Pettit, &c.)

Furthermore, I declare solemnly, that if I did not own the Types, Presses, &c., necessary to execute the Public Printing at the present Bill of Prices, I would not, with my knowledge of the labor and expense of doing it, invest my capital for that purpose at the prices now fixed by law.

I challenge a comparison of the public work done by me with that executed for any other State in the Union, or for Congress; and, as far as I can recollect, the legislative business has never been delayed one hour in consequence of a failure on my part to execute the orders of either branch of the Legislature.

The propositions of Messrs. Monsarrat & Co., and Mr. John M. Helms, were referred in the Senate, a few days since, to a committee of that body. That committee was composed, in part, of the committee of last winter; perfectly familiar with the subject. They reported that “the Public Printing is now required to be done at a price which furnished the Public Printer a fair and reasonable profit, and no more.” An estimate of the probable bill of the Public Printer, and the cost of executing the public work, accompanies the report, and is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price of public printing, say</td>
<td>$6,000 00</td>
</tr>
<tr>
<td>Cost of journeymen’s wages, &amp;c.</td>
<td>$2,500 00</td>
</tr>
<tr>
<td>House rent, fuel, &amp;c.</td>
<td>720 00</td>
</tr>
<tr>
<td>Interest on $8,000 00</td>
<td>700 00</td>
</tr>
<tr>
<td>Wear and tear of materials, ink, &amp;c.</td>
<td>480 00</td>
</tr>
<tr>
<td>Tax and insurance</td>
<td>1,000 00</td>
</tr>
<tr>
<td></td>
<td>4,801 00</td>
</tr>
<tr>
<td>Profits on the public printing at present prices</td>
<td>$1,199 00</td>
</tr>
<tr>
<td>15 per cent. on $8,000 00 off</td>
<td>900 00</td>
</tr>
<tr>
<td>Profits according to proposed rates</td>
<td>$599 00</td>
</tr>
</tbody>
</table>

The estimates of this committee having been assailed by a counter estimate from the temporary editor of the Yeoman. I beg leave to submit the following letters from gentlemen, practical printers, not engaged at either of the offices, but who have worked with me, and know the prices paid to journeymen, and know something of the expenditure necessary to execute the public work.

Frankfort, February 18, 1847.

Col. A. G. Hodges:
In answer to your inquiry, in your note of this date, as to “What would be the Journeymen’s wages alone, for executing $6,000 worth of Printing—composition and press work—I would state, that from the most accurate calculation, I believe it would not be less than $2,500.

Yours, &c.,
W. M. TODD.

Frankfort, February 18, 1847.

Col. A. G. Hodges:
In answer to your inquiry, “What would be the Journeymen’s wages alone, for executing $6,000 worth of printing,”—press work and composition—I would respectfully answer, that I have made an estimate from a fair examination, and would state, that my estimate fixes it at from $2,200 to $2,500, and which I believe to be as near correct as it is possible to estimate it. I feel confident that it cannot be less than $2,300.

Respectfully,
JAMES R. WATSON.
Col. A. G. Hodges:

Sir—In reply to your inquiry “What would be the Journeymen's wages alone, for executing $6,000 worth of printing”—composition and press work, I would state, without going into a minute calculation on the subject, that the law of last session, regulating the price of Public Printing, allows the Public Printer to charge 50 cents per 1,000 ems composition. The Journeymen's wages for setting up 1,000 ems is 25 cents, consequently, if the whole composition on the Public Printing amounts to $4,000, the Journeymen's wages for executing the same work would be $2,000; and in the same proportion according to the amount of work done. The press work is pretty much in the same proportion as the composition, every thing considered.

Very respectfully,

D. MERIWETHER.

In addition, however, I will state a fact in connection with this matter, which places the estimate beyond cavil. At the close of the last session of the Kentucky Legislature, the prices of Public Printing having been very greatly reduced, I proposed to my Journeymen to pay them for their services as type setters, precisely one half of what the law allowed me, in lieu of the prices I was then paying them. They held a meeting, and refused to accede to my proposition.

I submit this matter to the superior wisdom of the Legislature. I have endeavored faithfully and honestly to discharge my duty as a public officer. I desire for my services, if elected, no more than a fair living price. That I feel satisfied will not be denied me.

Respectfully,

A. G. HODGES.

The resolution fixing a day for the final adjournment of the General Assembly, was taken up.

Mr. Patterson withdrew the amendment proposed by him, to the amendment of the House of Representatives, to said resolution.

The amendment proposed by the House of Representatives to said resolution was then concurred in.

Mr. Swope, from the committee on Privileges and Elections, made the following report, to-wit:

The committee on Privileges and Elections have had under consideration the returns from the several Senatorial Districts, and report the following Senators elected, to-wit:

From the first Senatorial District, Thomas James; from the second, William Bradley; from the third, Francis M. Bristow; 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 O. Hardin; from the eleventh, Robert A. Patterson; from the twelfth, Francis Peyton; for the thirteenth, William C. McNary; from the fourteenth, John L. Helm; from the fifteenth, Percival Butler; from the sixteenth, Camden M. Ballard; from the seventeenth, John W. Russell; from the eighteenth, G. Clayton Slaughter; from the nineteenth, George C. Thurman; from the twentieth, John Draffin; from the twenty-first, James Brien; from the twenty-second, Franklin T. Fox; from the twenty third, John Speed Smith; from the twenty-fourth, James S. Henderson; from the twenty-fifth, James R. Hawkins; from the twenty-sixth, John J. Thomas; from the twenty-seventh, George W. Williams; from the twenty-eighth, Samuel F. Swope; from the twenty-ninth, Wm. K. Wall; from the thirtieth, Stilwell Heady; from the thirty-first, Robert S. Todd; from the thirty-second, David Thornton;
from the thirty third, Samuel M. Taylor; from the thirty fourth, James M. Rice; from the thirty fifth, Wilson P. Boyd; from the thirty sixth, Marshall Key; from the thirty seventh, Henry C. Harris; from the thirty eighth, Jeremiah W. South.

The term of service of the following named Senators will expire the present year, (1847,) viz: Francis M. Bristow, Francis Peyton, Pierce Butler, Camden M. Ballard, G. Clayton Slaughter, Wilson P. Boyd, Marshall Key, Henry C. Harris and Jeremiah W. South.

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.


And the term of service of James Brien, James R. Hawkins, William C. McNary, James M. Rice, John W. Russell, John Speed Smith, David Thornton, James V. Walker, William K. Wall and George W. Williams, will expire in the year 1850.

All of which is respectfully submitted.

SAMUEL F. SWOPE, Chairman.

Mr. Swope, from the same committee, to whom was referred the petition of sundry citizens of Washington county, reported the following resolution thereon, to-wit:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Swope, from the same committee, to whom was referred a bill to amend the election laws, reported the same.

The said bill is as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, it shal not be required of the County Courts, in this Commonwealth, to appoint Judges of elections differing in politics, and the Sheriff and Clerk to differ in their views in regard to either State or national policy; and so much of the 14th and 15th sections of an act, approved March 1st, 1842, requiring the same, be, and the same is hereby repealed.

Mr. Heady moved to lay 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. Evans and Harris were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, Heady, Taylor,
Bradley, Helm, Thomas,
Bramlette, Holloway, Thornton,
Brien, James, Thurman,
Draffen, Rice, Todd,
Hardin, Slaughter, Wall,
Harris, South, Williams—22.
Hawkins, Those who voted in the negative, were—

Messrs. Bristow, Henderson, Peyton,
Butler, Key, Speed Smith,
Crenshaw, McNary, Swope,
Evans, Patterson, Walker—12.

Mr. Boyd, from the committee on Religion, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act for the benefit of the Baptist Church at Fish Pools, in Jefferson county.
An act to divorce Cyrus Pharis from his wife, Mary Pharis.
An act for the divorce of Louisa Hagin.

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. Boyd, from the same committee, to whom was referred the petition of Phoebe Wilkerson, praying for a divorce, reported the following resolution thereon, to-wit: Resolved, That said petition be rejected.
The question being taken on the adoption of said resolution, it was decided in the negative.

Ordered, That said committee prepare and report a bill pursuant to said petition.

Thereupon Mr. Boyd reported a bill for the benefit of Phoebe Wilkerson, 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. Boyd, from the same committee, to whom was referred the petitions of Joseph M. James and Nelson Bennet, reported the following resolution thereon, to-wit: Resolved, That said petitions be rejected.
Which was concurred in.

Mr. Boyd, from the same committee, to whom was referred the petition of Edmund R. Sumpter and Elizabeth Sumpter, reported the following resolution thereon, to-wit: Resolved, That said petition be rejected.
Mr. Walker moved to reverse the report of said committee.
The question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs. Taylor and Evans, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bradley, Brien, Bristow, Evans, Harris, Hawkins, Heady, James, Patterson, Rice,

Those who voted in the negative, were—


Leave was given to withdraw the said petition.

Mr. Boyd, from the same committee, to whom was referred the petition of Tamsey Chadwell, reported the following resolution thereon, to-wit:

Resolved, That said petition be rejected.

The question being taken on concurring in the said resolution, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Taylor and Rice, were as follows, to-wit:

Those who voted in the affirmative were—


Those who voted in the negative, were—

Messrs. Bradley, Brien, Bristow, Crenshaw, Draffin, Evans, Harris, Hawkins, Heady, James, Key, McNary, Patterson, Rice, Thomas, Thurman, Walker, Wall, Williams—19.

Ordered, That said committee prepare and report a bill pursuant to said petition.

Thereupon Mr. Boyd reported a bill to divorce Tamsey Chadwell, 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. Boyd, from the same committee, to whom was referred the petition of George Whitsett, reported the following resolution thereon, to-wit:

Resolved, That said petition be rejected.

The question being taken on concurring in the said resolution, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Boyd, Bramlette, Bristow, Butler, Crenshaw, Draffin, Hardin,

Hawkins, Helm, Henderson, Key, McNary, Patterson, Russell, Speed Smith, Swope, Taylor, Thornton, Todd—19.

Those who voted in the negative, were—


Mr. J. Speed Smith, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act to authorize the County Court of Grayson to change the State roads in said county.
An act for the benefit of Henry G. Mitchell, of Warren county.
An act for the benefit of Thomas May and George B. Adams.

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. J. Speed Smith, from the same committee, reported a bill to amend the several acts in relation to the Lexington, Nicholasville, Danville and Lancaster Turnpike Road Company, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of 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 amend the
charter of the Louisville Turnpike Road Company, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of 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 committee on the Judiciary, reported a bill for the benefit of Jane S. Stuart, William J. Walker and his wife, Susan B. Walker, and the infant heirs of Daniel Stuart, deceased, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of 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. J. Speed Smith, from the select committee to whom was referred preamble and resolutions from the House of Representatives, complimentary to General Taylor and the officers and soldiers under his command, reported the same, with an amendment as a substitute, which was concurred in.

The said preamble and resolutions, as amended, was then concurred in unanimously.

The title was amended to read, “Resolutions complimentary to General Taylor and the officers and soldiers under his command, and for other purposes.”

Mr. J. Speed Smith, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to revive and amend the Shepherdsville and Louisville Turnpike Company, reported the same without amendment.

The said bill is as follows, to-wit:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the charter, and amendments thereto, of the Shepherdsville and Louisville Turnpike Company, be, and the same are hereby revived, and so amended and modified as to authorize the Commissioners hereinafter named, or any three of them, to organize the said Company, under the provisions of an act to incorporate the Bardstown and Green River Turnpike Road Company, passed and approved February 25th, 1835, and the several amendments thereto, and that the general provisions of said act shall apply to this Company, and are made parts hereof, except so much of them as may be inconsistent with this act; and when twenty thousand dollars shall be subscribed by individuals, companies or corporations, as stock in this Company, the said Commissioners, or any three of them, may call a meeting of the stockholders in the city of Louisville, and proceed to elect a President and six Managers of said Company, and then proceed to the location and construction of said road, as hereby authorized.

Sec. 2. That Abraham Field, Charles Quirey, John Anderson and Noah C. Summers, of Bullitt county, and Samuel Forwood, James Guthrie, Levi
Tyler and James Speed, of Jefferson county, be, and they are hereby appointed Commissioners for the purpose of obtaining subscriptions for stock, and organizing said Company, as hereby authorized.

Sec. 3. That it shall be lawful for the County Courts of Bullitt and Jefferson counties to subscribe for, and take stock in said Company, and to pay therefor out of the county levy of said county: Provided, however, that three-fourths of all the Justices in commission shall be present on the bench, and shall concur in said subscription of stock, and in laying the county levy for raising the same in each of the counties where said subscription shall be made.

Sec. 4. That the Commonwealth of Kentucky is released from all obligation and liability to subscribe for stock in the Shepherdsville and Louisville Turnpike Company, as provided for in the original charter, and which is proposed to be revived and amended by this act: Provided, that no toll gate shall be fixed nearer to the city limits of the city of Louisville than one half mile.

Mr. Heady moved to amend the said bill by adding thereto the following sections:

And be it further enacted, That said Company shall have the right to charge half toll on the graded road for five years, from the time the first gate is put up, and shall have full power to charge full tolls on every five miles that is completed with mettle; and should said Company fail or refuse to put on the mettle within five years from the time the first gate is put up, then said gates shall be thrown open, and all persons whatsoever, hauling with their produce, or in any way, shall pass free from tolls.

And be it further enacted, That at any time the said Company shall complete the road with mettle, they shall have the right to charge full tolls.

The question being taken on the adoption of said amendment, it was decided in the negative, the Senate being equally divided, the Speaker was excused from voting.

The yeas and nays being required thereon by Messrs. Heady and Butler, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bradley, Bramlette, Bristow, Draffin, Hardin, Harris, Heady, James, Rice, Russell, Slaughter, South, Thomas, Thurman, Williams—15.

Those who voted in the negative, were—


The said bill was amended by adding the following sections, to-wit:

And be it further enacted, That, provided said road shall not be mettled within five years from the passage of this act, the Legislature reserves the
right to amend the charter by requiring the same to be done within such further period as they may appoint, and to repeal said charter if the same shall not be done.

And be it further enacted, That whenever the dividends upon said road shall exceed six per cent. per annum, on the amount expended, the tolls shall be so reduced as to make the dividends not exceed six per cent.

Mr. Heady moved further to amend the said bill by adding thereto the following proviso, to-wit:

Provided, the people of Bullitt county, through their County Court, a majority of all the members concurring therein, shall consent to said road; and if they should not agree to said charter, in that case this charter shall be null and void; which consent shall be entered on the records of the Bullitt County Court.

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

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

Those who voted in the affirmative, were—
Messrs. Bramlette, Harris, South,
Brien, Headly, Swope,
Hardin, James, Wall—9.

Those who voted in the negative, were—
Messrs. Boyd, Henderson, Taylor,
Bristol, Key, Thornton,
Butler, McNary, Todd,
Evans, Patterson, Walker,
Hawkins, Peyton, Williams—17,
Helm, Speed Smith,

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, and it was decided in the negative, and so the said bill was disagreed to.

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

Those who voted in the affirmative, were—
Messrs. Boyd, Holloway, Swope,
Butler, McNary, Taylor,
Evans, Patterson, Thornton,
Hawkins, Peyton, Todd—14,
Henderson, Speed Smith,

Those who voted in the negative, were—
Messrs. Bradley, Heady, South,
Bramlette, Helm, Thomas,
Brien, James, Thurman,
Mr. J. Speed Smith, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Georgetown and Paris Turnpike Road Company, reported the same without amendment.

And then the Senate adjourned.

SATURDAY, FEBRUARY 20, 1847.

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

An act for the benefit of the Baptist Church, and Church of Christ, in Simpsonville. Approved February 11, 1847.

An act for the benefit of Joseph C. Linn.

An act authorizing John Woodburn to import a slave into this Commonwealth.

An act for the benefit of Elizabeth Bowren and children.

An act for the benefit of Winston Mayo, Clerk of the Johnson Circuit Court, and for other purposes.

An act to reduce the number of Justices of the Peace of Anderson county.

An act for the benefit of George W. Jones and others.

An act to incorporate the First Universalist Society of the city of Louisville.

An act for the benefit of D. J. Dodge.

An act to amend an act, entitled, an act to establish a Library Association at Louisville, approved February 5, 1842.

An act to extend the Constable's District including Williamstown, in Grant county, and the District of Robert C. Sweeney, a Constable of Russell county.

An act to amend the charter of the city of Louisville, and for other purposes.
An act to change the name of Pinchico to that of Rogersville, and for other purposes.

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

An act for the benefit of John William Holtzclaw.

An act to change the State road from Hopkinsville to Gray's ferry.

An act to change the names of Noah Sowders, William DeCourcey, David S. Lusk, and Sally Muncy.

An act directing special terms of the Circuit Courts of Bath, Estill and Lewis counties. Approved February 12, 1847.

That they had concurred in the amendments proposed by the Senate, to bills from that House, of the following titles, to-wit:

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

An act to change the names of Thomas and Jane Holder, John and Lucy M. Bradley, John S. Cocks, Polly Bowles, Rebecca A. Chevalier and her children.

That they had disagreed to bill from the Senate, entitled, an act for the benefit of James Jackman.

That they had passed bills from the Senate, of the following titles, to-wit:


An act to run and establish the line between the counties of Livingston and Caldwell.

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

An act to change the name of the Mechanics' Savings Institution, of Louisville.

An act for the benefit of John Green, former Sheriff of Henderson county, and for other purposes.

An act for the benefit of the Clerk of the Hickman County Court.

An act to amend the charter of the town of Harrodsburg.

An act declaring "The Plough Boy," a paper printed in the town of Richmond, a public authorized newspaper of this State.

An act to authorize the Trustees of the town of Crab Orchard to erect a jail in said town.

An act to amend an act, entitled, an act to establish the Mechanics' Institute and Savings Institution of the city of Lexington, approved February 20, 1840.

An act to legalize the official acts of Jackson Combs, Surveyor of Perry county.

An act for the benefit of M. M. Wall, of Logan county.

An act concerning the town of La Fayette, in Christian county.
An act to establish a town on the lands of George Bowling, of Breathitt county.
An act allowing an additional Justice of the Peace to Breckinridge county.
An act for the benefit of Hall Anderson.
An act to amend an act, entitled, an act for the benefit of Louisa Ann Coleman and Charles H. Kenner and Marcus M. Kenner, approved January 29, 1846.
An act authorizing the trustees of McKendree Chapel to sell the same.
An act to change the time of holding the Clay Circuit Court.
An act to change the time of holding the Spring Courts in Pike and Floyd, and to change the time of holding the Lawrence and Morgan County Courts.
With an amendment to the last named bill, which amendment was concurred in.
That they had adopted preamble and resolutions in relation to the Mexican war.
That they had passed bills of the following titles, to wit:
An act allowing flat boats and other water crafts, laden with the products of Carroll county, to pass over dam at Lock No. 1, on the Kentucky river, free of toll, in time of high water.
An act to amend the rules of chancery practice.
An act incorporating the Union Seminary, in Owen county.
Mr. Draffin presented the petition of sundry citizens of Mercer county, praying for the passage of a law to change the place of voting in Simms' precinct, in said county, which was received and referred to a committee of Messrs. Draffin, Hawkins and Evans.
On the motion of Mr. Henderson, leave was given to bring in a bill for the benefit of Isaac King, of Whitley county, and the committee on the Judiciary was directed to prepare and bring in said bill.
The following bills were reported from select committees, to wit:
By Mr. Draffin—1. A bill to change the place of voting in Simms' precinct, in Mercer county, to Cornishville.
By Mr. Hawkins—2. A bill to incorporate the Warsaw and Williams-town Turnpike Road Company.
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 ordered to be engrossed and read a third time, and the 2d was referred 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.
Mr. Rice, from a select committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the road law of Greenup county, reported the same.

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 Senate proceeded to the consideration of the unfinished order of yesterday.

A bill from the House of Representatives, entitled, an act to incorporate the Georgetown and Paris Turnpike Road Company.

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. Swope, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate a company to construct a turnpike road from Burlington to Florence, in Boone 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 as aforesaid.

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

An act authorizing the County Court of Nicholas to change or discontinue a State road.

An act for the benefit of the Lexington and Covington Turnpike 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. Swope, from the same committee, reported the following bills, viz:

A bill to incorporate the Dry Run and Covington Turnpike Road Company.

A bill to incorporate the Boone Turnpike Road Company.

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. Swope, from the same committee, to whom was referred a bill to incorporate the Warsaw and Williamstown Turnpike Road Company, 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. Bristow, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to settle and adjust the claim of John Bussing, reported the same with amendments.

Mr. Peyton 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 by Messrs. Draffin and Patterson, were as follows, to-wit:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Bristow, Butler, Draffin, Fox, Harris, Hawkins, Helm, Key, Rice, Slaughter, Speed Smith, Swope, Thornton, Thurman, Todd, Walker, Wall, Williams—18.

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

Resolved, That the bill be re-committed to the committee on Internal Improvement, with instructions to examine into the justice of the claim, and to report by bill if they regard the claim a just one.

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

A message was received from the House of Representatives, by Mr. Stevenson, announcing that they are now ready to proceed to the election of Public Officers.

Ordered, That Mr. Peyton inform the House of Representatives that the Senate is now ready to proceed to said election.

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.
Mr. Harris nominated Mr. John M. Helms for the office of Public Printer.
Mr. Fox nominated Mr. Albert G. Hodges.

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

A message was received from the House of Representatives, by Mr. McHenry, announcing that G. H. Monsarrat, John M. Helms and Albert G. Hodges stood in nomination before that House for Public Printer.

Mr. Harris nominated Mr. G. H. Monsarrat.

Upon taking the vote it stood thus:

Those who voted for Mr. Hodges, were—

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<tr>
<th>Messrs.</th>
<th>Boyd,</th>
<th>Bramlette,</th>
<th>Bristow,</th>
<th>Butler,</th>
<th>Crenshaw,</th>
<th>Draffin,</th>
<th>Evans,</th>
<th>Fox,</th>
<th>Hardin,</th>
<th>Hawkins,</th>
<th>Helm,</th>
<th>Henderson,</th>
<th>Holloway,</th>
<th>Key,</th>
<th>McNary,</th>
<th>Patterson,</th>
<th>Peyton,</th>
<th>Russell,</th>
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<td>26</td>
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For Mr. Monsarrat—None.

Messrs. Helm, Evans and Patterson were appointed a committee to compare and report the joint vote. Mr. Helm reported that it stood thus:

For Albert G. Hodges, 72
For John M. Helms, 46
For G. H. Monsarrat, 15

Mr. Albert G. Hodges having received a majority of all the votes given, was declared duly elected Public Printer for the ensuing year.

Mr. Helm nominated Mr. George A. Robertson for the office of Public Librarian.

Mr. Bramlette nominated Mr. Richard Long.

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

A message was received from the House of Representatives, by Mr. McHenry, announcing that Mr. George A. Robertson and Richard Long stood in nomination before that House for the office of Public Librarian.

Upon taking the vote it stood thus:

Those who voted for Mr. Robertson, were—

<table>
<thead>
<tr>
<th>Messrs.</th>
<th>Boyd,</th>
<th>Bradley,</th>
<th>Bristow,</th>
<th>Heady,</th>
<th>Slaughter,</th>
<th>Speed Smith,</th>
<th>South,</th>
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For Mr. Long—None.
Those who voted for Mr. Long, were—


The same committee were appointed to compare and report the joint vote. Mr. Helm reported that it stood thus:

For George A. Robertson, 95
For Richard Long, 39

Mr. G. A. Robertson having received a majority of all the votes given, was declared duly elected Public Librarian for the ensuing year.

Mr. Todd nominated Mr. George B. Kinkead for the office of Commissioner of the Lunatic Asylum.

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

A message was received from the House of Representatives, by Mr. McHenry, announcing that Mr. George B. Kinkead and Mr. Thomas Grant stood in nomination before that House for the office of Commissioner of the Lunatic Asylum.

Mr. Swope nominated Mr. Grant.

Upon taking the vote it stood thus:

Those who voted for Mr. Kinkead, were—

Messrs. Boyd, Hawkins, Speed Smith, South, Taylor, James, South, Taylor, Helm, Thomas, James, Thomas, Key, Thornton, McNary, Thunman, Patterson, Todd, Peyton, Wall, Rice, Williams—29.

Those who voted for Mr. Grant, were—


The same committee were appointed to compare and report the joint vote. Mr. Helm reported that it stood thus:

For George B. Kinkead, 100
For Thomas Grant, 16
Scattering, 1
Mr. George B. Kinkead having received a majority of all the votes given, was declared duly elected a Commissioner of the Lunatic Asylum for five years, in the place of William B. Kinkead, who, by the original act, was appointed a Commissioner of said Asylum for three years.

A message, in writing, was received from the Governor, by Mr. Kinkead.

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

*Gentlemen of the Senate:*

Being of opinion that the office of Secretary was vacant, on the 1st of September last, I commissioned George B. Kinkead, Esq. to fill the vacancy until the end of the present session of the General Assembly. Since the commencement of the session I nominated for your advice and consent Mr. Kinkead, to be Secretary, from and after the end of the present session. The nomination was rejected, because, as you say, there is no vacancy in the office of Secretary. The opinion so expressed is directly opposed to the opinion which I had at the time Mr. Kinkead was commissioned, and which I still entertain. I did not act hastily, and after the most mature reflection, I feel a thorough conviction that nothing has been done by me, in reference to the Secretary, which is not in perfect conformity with the Constitution, and that as Governor I could not, upon any other construction of that instrument, have fulfilled the duties of my office.

But the conflict of opinion between the Senate and myself has placed Mr. Kinkead in a delicate position. I am sure, that in accepting the commission which was tendered to him by me, without his solicitation, he was influenced only by patriotic motives, actuated by like exalted feelings, while he fully concurs with me in opinion, he has yet expressed an unwillingness to hold the office until the expiration of his commission, whilst the opinion of the Senate stands opposed to him; he has therefore resigned his commission—wherefore,

I again nominate for the advice and consent of the Senate, George B. Kinkead to be Secretary.

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

A bill to provide for the completion of the Kentucky River Navigation, was made the special order of the day for Monday next, at 12 o'clock.

Mr. James, from a select committee, made the following report, to-wit:

The select committee appointed for the purpose of “inquiring into the policy and expediency of causing a suitable monument to be erected at the most eligible point in Kentucky, in honor of the officers and soldiers who have heretofore, and who may hereafter, fall in the defence of their country, and to mark the resting place of her illustrious statesmen; that said committee also report the most suitable place to be selected, in which Kentucky may deposit the ashes of her illustrious dead”—your committee would most respectfully report:

That in discharge of those duties, they visited the grounds of the Frankfort Cemetery, recently laid out and improved, on the hill immediately above the Capitol, known formerly as Hunter’s Garden; they found it to be a spot of great beauty, and remarkable for its commanding situation and romantic and pictur-
esque scenery. The grounds embrace thirty two acres, enclosed by a secure and excellent fence of walnut and cedar, which affords perfect security to the place. Good buildings are provided within the enclosure, for the Superintendent, who constantly resides there, and whose duty it is to take care of the improvements that have already been made, and to superintend such as the company may think proper hereafter to make: to keep the grounds in neat and complete order, and protect the same from the slightest injury or trespass.

Its high and elevated situation, being about three hundred feet above the Kentucky river, the fine and commanding view of that stream, which winds at the base of the hill or bluff. From a portion of this ground you have a view of the Capitol, and the greater portion of that part of the City of Frankfort situate north of the river; the whole of South Frankfort, the Bridge across the Kentucky river, and for many miles over the surrounding country. The elevated situation of this point, the purposes for which it has been set apart, consecrated, and forever devoted and dedicated, the neat and tasteful manner in which it has been improved, point it out, in the opinion of your committee, as the most eligi­ble point that could be selected for the erection of a grand and splendid monument for the purposes contemplated in the preamble and resolutions; also, the most suitable place to be selected as a public burying ground for Kentucky.

Your committee would further state, by the charter of the company, it is forever set apart as a Cemetery; no road can pass through it; it is not subject to execution or sale; it can never be used for other purposes. It has been handsomely laid off into small lots, for the use of families, a portion of which have been sold and handsomely enclosed. The proceeds arising from the sale of the lots are forever to be applied to the improvement and ornament of the grounds. The individuals who advanced the necessary funds to establish it, are authorized to retain, out of the sales of the lots, their actual advancement, and no more; all above this is, by the charter, forever to be applied to the improvement of the grounds.

In reply to a communication addressed to the Chairman of the Frankfort Cemetery Company, by your committee, requesting him to inform them upon what terms the company would grant to the State such grounds as might be necessary for the purposes indicated by your resolutions, the committee received the following communication, marked (A) which they make part of their report.

The central mound, which the company offer to convey gratuitously to the State, is a handsome spot of ground, already very neatly laid out, containing about one acre, and situated nearly in the centre of the Cemetery, and is, in every way, well adapted to the purpose of a public burying ground. We know of no place so well adapted, and combining more advantages and beauties for the purposes to which it has been devoted.

Your committee, therefore, with the view of procuring a suitable piece of ground to be used, and forever set apart, as a public burying ground, and to enable the Frankfort Cemetery Company to perfect the very liberal donation they have tendered to the State, submit, for the consideration of the Senate, the following resolution, accompanied by a bill, (marked B,) to authorize said company to convey a portion of its grounds to the State of Kentucky.

THOMAS JAMES, Chairman.

Resolved, That it is expedient and proper to provide for the erection of a suitable monument, in honor of the heroes of Kentucky who have heretofore, and who may, hereafter, fall in defence of our much beloved country; and of her illustrious citizens whose memory may be entitled to commemoration.
Hon. Judge James, Chairman of Committee of Senate.

Dear Sir: I have the honor to acknowledge the receipt of your note of this date, with the enclosed resolutions of the Senate. You will discover, by the charter of the company, that the Frankfort Cemetery is strictly a charitable and benevolent institution, and wholly free from speculation and gain. The sole object of those gentlemen who established it, was a desire that they and their friends might have a secure, permanent, and beautiful spot, in which to deposit the ashes of their dead; that when living, they might, with pious hands, keep the briar and the weed from the graves of those they loved, and when laid by their side, the same melancholy, but consoling care might be bestowed upon them. The grounds of the Cemetery embrace 32 acres. There will have been expended, during this and the ensuing year, in the original purchase and improvement, about the sum of $12,000. Its romantic situation and improvements, make it, as they believe, truly an interesting and beautiful spot.

I am charged by the company to state, that should it meet the views of your committee, they will cheerfully convey to the State the beautiful mound in the centre of the grounds, which is sufficiently large for all State purposes. The company are unwilling to receive any compensation for it now, or at any future period. All that they would expect or desire, is, that it be kept by the State in the same neat and simple manner in which the lots of private individuals are kept, so as not to mar the beauty of the place.

I am also charged by the company to state, that should the Legislature, at any time hereafter, desire any other ground, on which to erect such a monument as is alluded to in your note and resolutions, the company will cheerfully give to the State any unoccupied spot in their grounds, on which to erect the same.

Very respectfully, your ob't. serv't.

Mason Brown,
Chairman Frankfort Cemetery Company.

A Bill authorizing the Frankfort Cemetery Company to convey a portion of its grounds to the State of Kentucky.

Whereas, the Frankfort Cemetery Company have been so generous as to tender to the State of Kentucky, the central mound in their grounds, for burial purposes: therefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said company be, and they are hereby empowered and authorized to convey the above described ground to the State of Kentucky, for the purposes of a public burying ground; and when so conveyed, no interment shall be made therein, except such as may hereafter be directed by the Legislature.

Sec. 2. That said conveyance be made to the Governor of Kentucky, in trust for the purposes aforesaid, which shall be recorded in the Clerk's office of the Franklin County Court.

Mr. James, from the same committee, reported a bill authorizing the Frankfort Cemetery Company to convey a portion of its grounds to the State of Kentucky.

At five minutes before 2 o'clock Mr. Patterson moved to adjourn.

The question being taken thereon, it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Patterson and Harris, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, Headly, Swope,
Bradley, Key, Thomas,
Brien, Patterson, Thurman,
Crenshaw, Peyton, Williams—14.
Harris, South,

Those who voted in the negative, were—

Messrs. Bramlette, Helm, Taylor,
Bristow, James, Thornton,
Butler, Russell, Todd,
Fox, Speed Smith, Wall—13.
Hawkins,

The Senate adjourned accordingly.

MONDAY, FEBRUARY 22, 1847.

A message was received from the House of Representatives, announcing that they had disagreed to the amendment proposed by the Senate, to resolutions from that House, for presenting the widow of the late Philip Norbourne Barbour a sword, and for the interment of his remains in the Frankfort Cemetery.

That they had concurred in the amendment proposed by the Senate, to preamble and resolutions from that House, complimentary to General Taylor, and the officers and soldiers under his command.

That they had disagreed to a bill from the Senate, entitled, an act to revive and continue in force an act, entitled, an act to amend an act, entitled, an act for the benefit of the owners of mills and other property injured by slackwater, approved 10th February, 1845.

That they had passed bills from the Senate, of the following titles, to-wit:

An act for the benefit of Samuel D. McCullough and his securities.
An act to incorporate “The Kentucky Female Orphan School.”
An act to authorize the Trustees of the New Athens Seminary, in Greensburg, to convey the same to the Trustees of said town.
An act to incorporate “The Faculty of the Western Military Institute.”
An act for the benefit of Phoebe T. Wilkerson.
An act to amend the several acts in relation to the Lexington, Nicholasville, Danville and Lancaster Turnpike Road Company.

An act for the benefit of Jane S. Stewart, William J. Walker, and his wife, Susan B. Walker, and the infant heirs of Daniel Stewart, deceased.

An act to incorporate the Cynthiana and Millersburg Turnpike Road Company.

With an amendment to the last bill, which amendment was concurred in.

That they had passed bills of the following titles, to-wit:

1. An act to incorporate the Synephebian Society of Masonic College, Lagrange, Kentucky.
2. An act for the benefit of James O'Hara, deputy Sheriff of Grant county.
3. An act for the benefit of Oscar Pepper.
4. An act for the benefit of the Kentucky Institution for the education of the Blind.
5. An act to incorporate the Germantown Circulating Library Company.
6. An act to incorporate the Paintsville Library Society.
7. An act to incorporate the Trustees of the Nelson County Library Company, and for other purposes.
8. An act for the benefit of certain Common Schools in this Commonwealth.
10. An act legalizing the organization and first election of officers by the Bank Lick Turnpike Road Company.
11. An act for the benefit of the Common Schools of Cumberland county.
12. An act authorizing the County Court of McCracken to sell the Seminary lands belonging to said county.
13. An act for the benefit of the Jessamine Cavalary.
15. An act for the benefit of the Maysville Guards.
17. An act for the benefit of John M. Morton.

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 8th being amended,) the 1st and 3d were referred to the committee on the Judiciary; the 4th, 6th, 7th and 11th to the committee on Education; the 9th, 10th, 13th and 14th to the committee on Internal Improvement; the 16th and 18th to the committee on Finance; and the 2d, 5th, 8th, 12th, 15th and 17th were ordered to be read a third time.
The constitutional rule as to the third reading of said 2d, 5th, 8th, 12th, 15th and 17th bills being dispensed with,

Resolved, That said bills, (the 8th as amended,) do pass, and that the titles thereof be as aforesaid.

Mr. James presented the proceedings of a public meeting of the citizens of the town of Hickman, disapproving of a bill passed by the House of Representatives at the present session, entitled, an act to repeal in part and amend in part the several acts incorporating the town of Hickman, in Fulton county, which was received, read and referred to the committee on the Judiciary.

The Senate resumed the consideration of the report and resolution from the select committee, in relation to the erection of a suitable monument in honor of the heroes of Kentucky, who have heretofore or may hereafter fall in defense of our much beloved country, and of her illustrious citizens whose memory may be entitled to commemoration.

The said report and resolution were adopted.

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

The bill authorizing the Frankfort Cemetery Company to convey a portion of its grounds to the State of Kentucky, reported from said committee, 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 from the House of Representatives, entitled, an act to settle and adjust the claim of John Bussing.

Mr. Peyton moved the following substitute for the resolution moved by Mr. Butler, to-wit:

Resolved, That the bill be re-committed to the committee of Internal Improvement, with instructions to report a bill requiring the Board of Internal Improvement to investigate, and report to the Legislature the facts and circumstances of the claim, and report the testimony taken by them in reference to said claim, both for and against said claim.

The question being taken on concurring in the said substitute, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Boyd, Bradley, Bramlette, Heady, Helm, Henderson, Peyton, Rice, South,
Mr. Bristow, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act authorizing Greenberry Reynolds to erect a mill dam on Salt river, 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 aforesaid.

Mr. Bristow, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Carlisle and Sharpsburg Turnpike 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. McNary, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the establishment of fish traps, 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 aforesaid.

Mr. Hardin, from the committee on the Judiciary, reported a bill for the benefit of Napoleon B. Burks, and Eliza Jane Burks, 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. Kinkead, Secretary of State, announcing that the Governor had approved and signed en-
rolled bills and an enrolled resolution which originated in the Senate, of the following titles viz:

An act to provide for a change of venue in the prosecution against Joseph H. Coleman.

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

An act requiring the Clerk of the Green County Court to qualify William B. Carlise as Sheriff of said county.

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

An act for the benefit of Smithland.

An act for the benefit of Elizabeth Bault, of Adair county.

An act to divorce Letitia Ann Casey, and restore her to her maiden name.

An act divorcing Catharine W. Hutchison from her husband, Parker N. Hutchison.

An act for the benefit of Jonathan Williams.

An act for the benefit of James Miller, of Adair county.

An act to legalize the proceedings of the Green County Court in appointing William B. Allen, administrator of John H. Akin, deceased.

An act for the benefit of the trustees of the town of Poplar Plains.

An act to repeal the law authorizing deeds to be recorded in the office of the Court of Appeals and General Court.

An act to allow an additional Constable to Boone county.

An act to give further time to make surveys and return plats and certificates on Kentucky land office warrants to the Register's office.

An act allowing additional Constables to certain counties.

Approved February 13, 1847.

An act authorizing a special Chancery Term of the Garrard Circuit Court.

Approved February 15, 1847.

A resolution fixing a day for the election of Public Officers.

Approved February 13, 1847.

Mr. J. Speed Smith, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Licking and Lexington Railroad Company, reported the same without amendment.

Mr. Butler moved an amendment to said bill, and said bill and amendment were committed to a committee of the whole house, on the State of the Commonwealth, and made the special order of the day for to-morrow, at 12 o'clock.

On the motion of Mr. Heady,

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 revive and amend the Shepherdsville Ordinance.
and Louisville Turnpike Company, and Mr. Heady was directed to carry said message.

The said bill being returned to the possession of the Senate,
Mr. Heady moved to reconsider the vote by which it was disagreed to.

Bills from the House of Representatives, of the following titles, were severally read the first time, to-wit:

1. An act to amend the rules of chancery practice.
2. An act allowing flat boats and other water crafts, laden with the products of Carroll county, to pass over dam at Lock No. 1, on the Kentucky river, free of toll, in time of high water.
3. An act incorporating the Union Seminary, in Owen county.

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 to the committee on the Judiciary; the 2d to the committee on Internal Improvement; and the 3d to the committee on Education.

Resolved, That the Senate recede from the amendment proposed by them to resolutions from the House of Representatives, for presenting the widow of the late Philip Norbourne Barbour a sword, and for the interment of his remains in the Frankfort Cemetery.

The Senate proceeded to the consideration of the special order of the day.

A bill to provide for the completion of the Kentucky River Navigation.

Mr. Butler moved to amend the amendment reported by the committee by striking out the 5th section, which is as follows, to-wit:

Sec. 5. Be it further enacted, That the sum of ten thousand dollars be and the same is hereby appropriated out of any unappropriated money in the Treasury, for the purpose of paying the guard for the convicts, the principal mechanics, and for the sites, rock, iron and timber, necessary for the construction of said Locks and Dams.

The question being taken on striking out said section, it was decided in the negative, the Senate being equally divided, the Speaker voted in the negative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Boyd, Butler, Patterson, Russell, Thornton,
The said amendment was further amended and concurred in.

The said bill as amended reads as follows, to-wit:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor be and he is hereby authorized and required, with a view to continue and complete the slack water navigation of the Kentucky river, to contract with the lessees of the Penitentiary for the work and labor of one hundred of the convicts of said institution.

Sec. 2. Be it further enacted, That in making said contract, not more than forty cents per day, for the labor of each convict, shall be allowed, when applied to the construction of the locks and dams on said river, or in working on materials for the construction thereof; the said lessees to clothe and feed said convicts at their own expense, as now provided for; nor shall any contract, in the first section authorized to be made, have any effect or influence whatever to alter or change the contract now existing, save and except the per diem of forty cents for the labor of each convict whilst employed on the locks and dams, and the materials thereof, as aforesaid: Provided, That the State of Kentucky shall not be charged, for such labor, beyond its due proportion of the proceeds of the convict labor, according to the terms of the contract between the State and present Keepers.

Sec. 3. Be it further enacted, That the Governor be and he is hereby empowered and required to allow the employment of not more than fifteen men, at a price not exceeding fifteen dollars each, per month, as a guard over said convicts whilst employed on said work; and also, to allow the employment of not more than principal mechanics, at a price not exceeding thirty dollars per month, to work on said locks and dams.

Sec. 4. Be it further enacted, That the Governor be and he is hereby empowered and required to direct a re-examination of the sites for the location of locks and dams on said river, by an able and competent engineer, at a salary not to exceed fifteen hundred dollars per annum, whose duty it shall be to superintend and direct in the construction of said locks and dams, and also, to superintend the locks and dams already constructed.

Sec. 5. Be it further enacted, That the sum of ten thousand dollars be and the same is hereby appropriated out of any unappropriated money in the Treasury, for the purpose of paying the guard for the convicts, the principal mechanics, and for the sites, rock, iron and timber, necessary for the construction of said locks and dams.

Sec. 6. Be it further enacted, That, with a view of accelerating the completion of said slack water navigation, the County Courts of the counties of Mercer, Boyle, Garrard, Madison, Clarke, Fayette, Jessamine and Woodford, be and they are hereby authorized and empowered, if they deem proper, to subscribe such sums as may by them be deemed right for the building of one or more locks and dams, as aforesaid; to raise the sum so subscribed by levying an ad valorem tax not exceeding five cents on the hundred dollars worth of property subject to taxation in their respective counties: Provided, That the County Courts of the several counties aforesaid, shall not be authorized to lay and collect the tax aforesaid, unless the major-
ity of the qualified voters, who shall cast their votes at the elections in those counties, respectively, shall give their votes therefor; and it shall be the duty of the Judges of the election in said counties to open a poll to determine said fact, and report the same to the several County Courts.

Sec. 7. Be it further enacted, That for the purpose of raising the necessary funds, by all legitimate means, for the completion of Locks and Dams Nos. 6, 7, 8, 9 and 10, earlier than can be effected by the sum herein provided for will do, power and authority is hereby given John B. Thompson and Christopher China, of the county of Mercer; James S. Hopkins and Charles Caldwell, of the county of Boyle; Hall Anderson and Joseph Hopper, of the county of Garrard; Squire Turner and Daniel White, of the county of Madison; Samuel M. Taylor and F. E. Jackson, of the county of Clarke; James Shelby and Jacob Emery, of the county of Fayette; James Clarke and Tucker Woodson, of the county of Jessamine; and Thos. P. Porter and Thomas W. Sellers, of the county of Woodford, who are hereby made commissioners of the counties respectively, to open books and receive subscriptions of money to aid in the completion of said locks and dams; to keep said books open as long as said commissioners shall deem it necessary; and individuals subscribing shall have the right to designate to the construction of which one of the locks and dams aforesaid the money shall be applied by them respectively subscribed. The subscription shall be payable to the Commonwealth of Kentucky, in such instalments as the Governor shall determine; and whenever the sum of ten thousand dollars shall be subscribed to the building of any one of the locks and dams aforesaid, it shall be the duty of the commissioners to transmit the original list to the Governor, whose duty it shall be to let the lock and dam aforesaid to contract to the lessees aforesaid, upon the terms hereinbefore prescribed: Provided, That not more than two locks and dams shall be put under contract during the year 1847.

Sec. 8. Be it further enacted, That when any of the locks and dams shall be completed, the Governor shall issue to the persons or counties paying any sum for the construction thereof, a certificate for the sum so paid by them respectively, bearing interest at the rate of five per centum per annum, payable semi-annually out of the net tolls and water power accruing at the lock and dam to the construction of which the money was subscribed; the principal to be reimbursed, at the pleasure of the State, out of the net profits of the Kentucky River Navigation: Provided, however, That the State of Kentucky shall first receive five per centum per annum on the amount of money expended by the State in the construction of any lock and dam.

Sec. 9. Be it further enacted, That said convicts shall labor under the control and overseership of the lessees of the Penitentiary, or one of them, supervised and directed as to the character of work to be done by the principal or chief engineer.

Mr. Evans 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. Evans and J. Speed Smith, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, Evans, Peyton, Rice.
Bradley, Henderson.
Bramlette, Holloway, South, Thurman, Walker—15.
Crenshaw, Patterson, Speed Smith, Swope,

Those who voted in the negative, were—

Messrs. Bristow, Helm, Taylor,
Butler, James, Thomas,
Draffin, Key, Thornton,
Hardin, Russell, Todd,
Harris, Slaughter, Wall,
Hawkins, Speed Smith, Williams—20.
Heady, Swope,

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

The yeas and nays being required thereon by Messrs. Peyton and J. Speed Smith, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Butler, Key, Taylor,
Draffin, Russell, Thornton,
Hawkins, Speed Smith, Todd,
Helm, Swope, Williams—12.

Those who voted in the negative, were—

Messrs. Boyd, Hardin, Peyton,
Bradley, Harris, Rice,
Bramlette, Heady, South,
Brien, Henderson, Thomas,
Bristow, James, Thurman,
Crenshaw, Marshall, Walker,
Evans, Patterson, Wall—21.

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

Mr. Bradley, from the joint 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, to-wit:

An act for the relief of emigrants.
An act to regulate the appointment of trustees of the Knox County Seminary, and for other purposes.
An act for the benefit of John Cottingham and wife.
An act to amend an act, entitled, an act to incorporate the town of Independence.
An act for the benefit of Taylor Pember.
An act for the benefit of A. P. Churchill and others.
An act for the benefit of Elizabeth Shoemaker.
An act to change the names of Mary Elizabeth McFall and others.
An act for the benefit of Clinton Nash.
An act to amend an act, entitled, an act to incorporate the Cumberland Female Academy, and for other purposes, approved February 1, 1837.
An act for the benefit of the town of Portland.
An act for the benefit of Christopher C. Lillard and others, Sheriffs of Anderson county.
An act for the benefit of the Sheriff of Owsley county.
An act for the benefit of Martin Fogate, late Sheriff of Pendleton county.
An act for the benefit of W. G. Simpson, H. Todd, H. H. Calvert, and for other purposes.
An act for the benefit of Thomas May and George B. Adams.
An act for the benefit of Henry G. Mitchell, of Warren county.
A resolution for firing two national salutes on the 22d February.
And enrolled bills which originated in the Senate, of the following titles, viz:
An act to incorporate the town of Neetsville, in Adair county.
An act to incorporate the Louisville Rolling Mill Company.
An act for the benefit of the Lexington, Harrodsburg and Perryville Turnpike Company.
An act for the benefit of Thomas Merimee and Prudence Shadburn.
An act for the benefit of the administrator and heirs of Henry Durret, deceased.
An act to establish a town on the lands of George Bowling, of Breathitt county.
An act allowing an additional Justice of the Peace to Breckinridge county.
An act concerning the town of La Fayette, in Christian county.
An act for the benefit of the Sheriff of Mercer county.
An act for the benefit of the Clerk of the Hickman County Court.
An act to amend an act, entitled, an act to establish the Mechanics' Institute and Savings Institution of the city of Lexington, approved February 20, 1840.
An act to legalize the official acts of Jackson Combs, Surveyor of Perry county.
An act to change the time of holding the Clay Circuit Court.
An act authorizing the trustees of McKendree Chapel to sell the same.
An act to amend an act, entitled, an act for the benefit of Louisa Ann Coleman and Charles H. Kenner and Marcus M. Kenner, approved January 29, 1846.
An act for the benefit of Hall Anderson.
An act for the benefit of M. M. Wall, of Logan county.
An act declaring “The Plough Boy,” a paper printed in the town of Richmond, a public authorized newspaper of this State.
An act to authorize the Trustees of the town of Crab Orchard to erect a jail in said town.
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. Bradley reported that the committee had performed that duty.
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 the county of Spencer, reported the same without amendment.
The said bill reads as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be and is hereby allowed one additional Justice of the Peace to the county of Spencer.

Mr. Heady moved to amend the said bill by adding thereto the following proviso:

Provided, That this act shall not take effect until a vacancy in the office of Zachariah Terrill, a Justice of the Peace in the upper end of Spencer county, takes place, upon the happening of which the County Court of said county shall recommend to the Governor two fit persons, one of whom to be commissioned to fill said vacancy.

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

The yeas and nays being required thereon by Messrs. Heady and Draffin, were as follows, to-wit:

Those who voted in the affirmative were—

Messrs. Bradley, Bramlette, Brien, Butler, Harris, Heady, James, Key, Rice, South, Swope, Thurman, Wall—13.

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 said bill, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Boyd, Evans, Swope,
Bramlette, Hawkins, Taylor,
Bristow, Patterson, Thornton,
Butler, Peyton, Walker,
Crenshaw, Russell, Williams—16.
Drappin

Those who voted in the negative, were—

Messrs. Bradley, James, Thurman,
Brien, Key, Todd,
Harris, Rice, Wall—11.
Heady, South,

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

And then the Senate adjourned.

TUESDAY, FEBRUARY 23, 1847.

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

An act for the benefit of the Sheriff of Calloway county, and Breathitt county.

An act for the benefit of James Purvis and others, of Green county.

An act to change the name of James Thomas to that of James Thomas Irvine.

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

An act to amend an act incorporating the town of Burksville.

An act to amend an act, entitled, an act to reduce into one the several acts in relation to the town of Danville, and for other purposes, approved 16th February, 1846.
An act allowing additional Justices of the Peace to the counties of Bath and Henry.

An act allowing additional Justices of the Peace to Knox, Cumberland, and Green counties.

An act to allow two additional Justices of the Peace to the county of Wayne, and one to the county of Bath.

An act to change the place of voting in Hart county from the house of James Simpson to John H. Lively's, and for other purposes.

An act for the benefit of John R. Ringo.

An act for the benefit of Ann Neale and others.

An act to amend the law in reference to guardians and wards.

An act giving to Livingston County Court power to change the State road in said county, and for other purposes.

Approved February 17, 1847.

An act to regulate the time of holding the Circuit Courts in the 2d and 7th Judicial Districts, and for other purposes.

Approved February 18, 1847.

A resolution rescinding the resolution for the election of Public Officers, and fixing another day for such election.

Approved February 17, 1847.

That they had concurred in the amendments by the Senate, to bills from that House, of the following titles, to-wit:

An act to incorporate a company to construct a turnpike road from Burlington to Florence, in Boone county.

An act for the benefit of certain common schools in this Commonwealth.

That they had passed a bill from the Senate, entitled, an act to prevent the wanton destruction of fish, with amendments, which amendments were concurred in.

That they had passed bills of the following titles, to-wit:

1. An act in relation to the Penitentiary.
2. An act to re-model and establish permanently the system of common schools in this Commonwealth.
3. An act appointing Commissioners of the Goose Creek Salt Works road.

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 the Penitentiary; the 2d to the committee on Education; and the 3d to the committee on Internal Improvement.

On the motion of Mr. James,
Resolved, That the Senate will hereafter, during the present session, meet at 9 o'clock, A. M.

The two messages from the Governor, received on yesterday, were taken up and read as follows, to-wit:

Gentlemen of the Senate:
I nominate for your advice and consent, Daniel J. Williams, Jr. to be Major of 106th Regiment, 3rd Brigade.
Marcellus Baugh to be Lieutenant Colonel, and Anderson M. Holmes, Major of 52d Regiment, 10th Brigade.
John Helton to be Major of 121st Regiment, 24th Brigade.
William Coon to be Major of 26th Regiment, 9th Brigade.
John Wilson to be Major of 78th Regiment, 13th Brigade.
James B. Hancock to be Brigadier General of 17th Brigade.
George O. Prouce to be Colonel, Jesse Moore, Lieutenant Colonel, and Thomas Morgan, Major of 40th Regiment, 17th Brigade.

WM. OWSLEY.

Gentlemen of the Senate:
I nominate for your advice and consent, Charles S. Waller to be Clerk of the Penitentiary.

WM. OWSLEY.

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

Mr. Peyton presented the petition of W. H. Ditto, of Ohio county, praying for the passage of a law regulating militia musters, and authorizing the Cavalry company of the 49th Regiment to assess fines for non-attendance at company drills, which was received and referred to the committee on Military Affairs.

On the motion of Mr. Heady, leave was given to bring in a bill to amend the duelling laws, and Messrs. Heady, Crenshaw and Bramlette were appointed a committee to prepare and bring in said bill.

After a short time Mr. Heady 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.

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

An act to authorize toll gate No. 3, on the Georgetown and Williams-town turnpike road, and for other purposes.
An act for the benefit of Ann L. Clements.
An act to establish and incorporate the town of Sherburne, in Fleming county.
An act for the benefit of John U. Watson and Pemberton Cave.
An act to appoint a commissioner to settle the accounts of the Superintendent of Public Instruction.
An act for the benefit of the devisees of Lewis Butler, deceased.
An act for the benefit of James Davidson, Treasurer.
An act for the benefit Isham Thomas.
An act to permit flat boats and other crafts, descending the navigable streams in this Commonwealth, from a point above the influence of slacker-water, to pass over the dams free of toll.
An act for the benefit of James Jenkins, of Warren county.
An act for the benefit of the town of Winchester.
An act for the benefit of Philip Lightfoot and Isaiah Heston, late Sheriffs of Breckinridge county.
An act to authorize a survey of the town of Mount Washington, and for other purposes.

Resolutions in relation to a modification of the tariff laws, so as to admit, duty free, books, &c., imported for the use of colleges and schools.

Approved February 17, 1847.

The Senate proceeded to the consideration of a bill authorizing the issue of State bonds for certain purposes.

The said bill is as follows, to-wit:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor of the State of Kentucky, by and with the consent of the Commissioners of the Sinking Fund of the State of Kentucky, be and he is hereby authorized to issue the bonds of the State of Kentucky, bearing an interest at the rate of six per centum per annum, payable semi-annually, at any point within the United States, and redeemable at the expiration of thirty years from their date, and at the pleasure of the State of Kentucky, from and after a fixed day, to be stipulated on the face of the bond: which said bonds may be issued from time to time, and delivered in exchange, or sold for a sum not less than their nominal value, and the proceeds applied to the payment of five per cent. Internal Improvement bonds, issued by the State of Kentucky, when the exchange or purchase can be made with advantage to the State; having due regard to the amount of the reduction of the principal of the State debt, and the difference in the amount of interest to be paid by the State by the transaction. Said bonds shall not be issued to a greater amount than may be necessary to purchase the five per cent. bonds, nor shall they, or the proceeds thereof, be used for any other purpose than herein provided and directed. So much of the sixth section of an act, entitled, "an act to incorporate the Commissioners of the Sinking Fund of Kentucky," as conflicts with the provisions of this act, be and the same is hereby repealed.

Sec. 2. Be it further enacted, That so much of any act of the Legislature as creates the office of Clerk of the Commissioners of the Sinking Fund of Kentucky, and provides a salary for said Clerk, shall be and the same is hereby repealed; and, from and after the passage of this act, the First Auditor of Public Accounts shall perform the duties of Clerk of the Commissioners of the Sinking Fund of Kentucky.
The said bill was amended by striking out the second section.

Mr. Helm moved further to amend said bill by adding thereto the following sections:

Sec. 2. Be it further enacted, That so much of any law which authorizes the Board of Commissioners of the Sinking Fund to appoint a Clerk of the Sinking Fund, be and the same is hereby repealed; and, hereafter, the First Auditor shall perform the duties to be performed by the Clerk, for which the sum of one hundred and fifty dollars shall be allowed him for extra Clerk hire.

Sec. 3. That before any warrant shall be issued by the First Auditor on the Treasurer for the disbursement of the moneys of the Sinking Fund, an order shall be made on the books kept by said Commissioners for that purpose; a copy of the order made by the Commissioners, countersigned by the Governor, shall be authority for the First Auditor to issue his warrant on the Treasurer. It shall be the duty of the Second Auditor to furnish the Governor with a monthly statement of moneys paid into the Treasury, to the credit of the Commissioners of the Sinking Fund, which may be audited in his office.

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

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

Those who voted in the affirmative, were—

Messrs. Bradley, Hawkins, McNary,
Brien, Heady, Rice,
Bristow, Helm, Speed Smith,
Draffin, James, South,
Evans, Key, Thurman,
Hardin, Marshall, Williams—19,
Harris,

Those who voted in the negative, were—

Messrs. Boyd, Patterson, Taylor,
Butler, Peyton, Thornton,
Crenshaw, Russell, Todd,
Fox, Slaughter, Walker,
Henderson, Swope, Wall—15.

Mr. James moved further to amend the said bill by striking out the first section.

Mr. Helm 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 Helm, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, Hardin, Russell,
Bristow, Helm, South,
Those who voted in the negative, were—


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

On the motion of Mr. Helm,

Ordered, That said bill have its third reading on to-morrow at 10 o'clock.

Mr. Key, from the joint committee on Banks, made the following report, to-wit:

[For this Report—see Legislative Documents.]

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

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

On the motion of Mr. J. Speed Smith—1. A bill to incorporate companies to construct Locks and Dams, Nos. 6, 7, 8, 9, and 10, on the Kentucky river.

On the motion of Mr. Todd—2. A bill to authorize the Superintendent of Public Instruction to make a certain report to the Second Auditor.

On the motion of Mr. Draffin—3. A bill for the benefit of William H. Taylor, of Mercer county.

Messrs. J. Speed Smith, Taylor and Thornton were appointed a committee to prepare and bring in the 1st; Messrs. Todd, Holloway and Wall the 2d; and Messrs. Hawkins, Evans and Draffin the 3d.

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 Charles Caines, 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 for other purposes,”

Mr. James, from the same committee, reported a bill for the benefit of Burris A. Looman and W.G. Andrews Looman, 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, 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.

Mr. Fox, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Kentucky Institution for the Education of the Blind, reported the same without amendment.

Ordered, That said bill be made the special order of the day for to-morrow at II o'clock.

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. Swope in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Swope reported that the committee had, according to order, had under consideration a bill from the House of Representatives, entitled, an act to incorporate the Licking and Lexington Railroad Company, and had gone through the same, and made amendments thereto, which he handed in at the Clerk's table.

The amendments reported from the committee were concurred in.

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

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

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. Rice and Draffin were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, Bramlette, Bristow, Butler, Crenshaw, Harris, Hawkins, Helm, Holloway, Key, Patterson, Peyton, Russell, Slaughter, Speed Smith, Swope, Taylor, Thomas, Todd, Walker, Wall, Williams—22.

Those who voted in the negative, were—


Resolved, That the title of the said bill be amended by adding, "and the Louisville and Frankfort Railroad Company."

The following bills were reported, to-wit:
By Mr. Todd, from a select committee—A bill to authorize the Superintendent of Public Instruction to make a certain report to the Second Auditor.

By Mr. Peyton, from a select committee—A bill relating to the Penitentiary, and requiring a new bond from the Keepers.

By Mr. James, from the committee on Finance—A bill for the benefit of A. G. Kyle, of Mercer 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.

Preamble and resolutions from the House of Representatives, in relation to the Mexican war, were referred to the committee on Federal Relations.

An engrossed bill, entitled, an act to amend an act to reduce into one the several acts concerning strays, approved February 10, 1798, 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 construct a bridge over Buck creek, in Pulaski county, was read the third time.

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

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

Those who voted in the affirmative, were—

Messrs. Bramlette, Holloway, Speed Smith,
Fox, Key, Walker,
Hawkins, Patterson, Williams—11.
Henderson, Russell,

Those who voted in the negative, were—

Messrs. Bradley, Headly, Swope,
Brien, James, Taylor,
Bristow, Marshall, Thomas,
Butler, McNary, Thurman,
Crenshaw, Peyton, Todd,
Draffin, Rice, Wall—20.
Hardin, South,

A bill from the House of Representatives, entitled, an act further increasing the liabilities of Sheriffs and Coroners, and their securities, was read the 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 for the benefit of Wolery Eversole, was taken up.

Mr. South moved an amendment to the said bill: and the said bill and amendment was laid on the table.

A bill from the House of Representatives, entitled, an act for the benefit of the citizens residing on the Middle Fork of the Kentucky river, in Clay county, was read the 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 for the benefit of the citizens residing on the Middle Fork of the Kentucky river, in Clay county, was read the 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 to extend the mechanics' lien law, of the city of Louisville, to the counties of Bourbon, Christian, Madison, Livingston, Shelby, Scott, and Carroll, 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,

Resolved, That said bill, as amended, do pass, and that the title thereof be amended to read, "an act to extend the mechanics lien law of the city of Louisville to the counties of Bourbon, Christian, Livingston, Shelby, Scott, Carroll, Franklin, Gallatin and Clarke."

On the motion of Mr. Patterson,

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 amend the law on the subject of apprehending runaway slaves, and Mr. Patterson was ordered to carry said message.

The said bill having been returned to the Senate, the vote disagreeing to said bill was reconsidered.

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 aforesaid.

On the motion of Mr. Marshall,

Ordered, That he be permitted to record his vote on the resolution reported from the committee on Executive Affairs, on the nomination of Geo. B. Kinkead to be Secretary of State, and also on the substitute proposed to said resolution by Mr. Crenshaw.

And the Clerk was directed to enter his vote on the lists of yeas and nays taken on said resolutions.

Mr. Bradley, from the joint committee on Enrollments, reported that the committee had examined enrolled resolutions and enrolled bills which originated in the House of Representatives, of the following titles, to-wit:
Resolutions for presenting the widow of the late Philip Norbourne Barbour a sword, and for the interment of his remains in the Frankfort Cemetery.

Resolutions complimentary to General Taylor and the officers and soldiers under his command, and for other purposes.

An act to amend the charter of the Louisville Turnpike Road Company.

An act authorizing the sale of the Upper White Oak Church, in Bath county.

An act to establish the town of Cornishville.

An act for the benefit of David and Opie J. Lindsey, trustees under the will of Thomas Lindsey, deceased.

An act authorizing the County Court of Nicholas to change or discontinue a State road.

An act to incorporate the Georgetown and Paris Turnpike Road Company.

An act for the benefit of the Lexington and Covington Turnpike Company.

An act to incorporate a company to be called “The Ohio Line.”

An act to incorporate the towns of Pikeville and Paintsville.

An act for the benefit of the Baptist Church at Fish Pools, in Jefferson county.

An act for the benefit of the Sheriff of Union county, and for other purposes.

An act to authorize the County Court of Grayson to change the State roads in said county.

An act to change the names of Thomas and Jane Holder, John and Lucy M. Bradley, John S. Cocks, Polly Bowles, Rebecca A. Chevalier and her children.

An act to divorce Cyrus Pharis from his wife, Mary Pharis.

An act for the divorce of Louisa Hagin.

An act to incorporate a company to construct a turnpike road from Burlington to Florence, in Boone county.

An act to allow an additional Constable to Pulaski county.

And enrolled bills which originated in the Senate, of the following titles, to-wit:

An act for the benefit of Samuel D. McCullough and his securities.

An act to incorporate “The Kentucky Female Orphan School.”

An act to authorize the Trustees of the New Athens Seminary, in Greensburg, to convey the same to the Trustees of said town.

An act to incorporate “The Faculty of the Western Military Institute.”

An act to incorporate the Cynthiana and Millersburg Turnpike Road Company.

An act to run and establish the line between the counties of Livingston and Caldwell.
An act to change the name of the Mechanics' Savings Institution, of Louisville.

An act for the benefit of John Green, former Sheriff of Henderson county, and for other purposes.

An act to amend the charter of the town of Harrodsburg.

An act to change the time of holding the Spring Courts in Pike and Floyd, and to change the time of holding the Lawrence and Morgan County Courts, and for other purposes.

An act for the benefit of Phoebe T. Wilkerson.

An act to amend the several acts in relation to the Lexington, Nicholasville, Danville and Lancaster Turnpike Road Company.

An act for the benefit of Jane S. Stewart, William J. Walker, and his wife, Susan B. Walker, and the infant heirs of Daniel Stewart, deceased.

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. Bradley reported that the committee had performed that duty.

A bill from the House of Representatives, entitled, an act to amend the charter of the turnpike road leading from the city of Louisville, by the mouth of Salt river and Elizabethtown, to the State line, and for other purposes, was taken up.

The said bill was amended, and is as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of 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, as conflicts with or repeals the 17th section of the act incorporating the said Louisville and Elizabethtown Turnpike Road Company, approved February 2, 1833, or any part thereof, be and the same is hereby repealed, and said 17th section of the said act, incorporating said Company, or so much thereof as has been repealed, is hereby revived and re-enacted, and all other acts or parts of acts, conflicting with the provisions of this act, are hereby repealed: Provided, That this act shall not take effect for six months after its passage: Provided, That the provisions of this act shall extend to Jefferson county alone.

The question was 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. Butler and Helm, fin, were as follows, to-wit:

Those who voted in the affirmative were—

Messrs. Bradley, McNary, Swope, Butler, Peyton, Taylor,
Mr. J. Speed Smith, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act to authorize the County Court of Campbell to change a State road.

An act to amend the road law in the county of Bracken.

An act for the benefit of James Renfro, of Knox county.

An act allowing that boats and other water crafts, laden with the products of Carroll county, to pass over dam at Lock No. 1, on the Kentucky river, free of toll, in time of high water.

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.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 24, 1847.

A message was received from the House of Representatives, announcing that they had disagreed to bills from the Senate, of the following titles, to-wit:

An act to change the Russell and Clinton county line.

An act changing the line, in part, between the counties of Boone and Kenton.

That they had passed bills from the Senate, of the following titles, to-wit:
An act regulating sales of forfeited lands, and applying the statute of limitations in certain cases.
An act for the benefit of the heirs of Isaac Sprake, deceased.
An act to incorporate the Springfield Lodge, and the Washington Royal Arch Chapter.
An act for the benefit of Ann Davis and her children.
An act for the benefit of Nancy Pointer.
An act for the benefit of Silas M. Berry and others.
An act to amend the law in relation to the summoning guards.
An act for the benefit of the heirs of John Frazer, deceased.
An act for the benefit of the heirs of S. H. Anderson, deceased.
An act for the benefit of William P. Mitchell.
An act giving additional powers to the Trustees of the town of Princeton, in Caldwell county, and for other purposes.
An act to incorporate the Trustees of the Presbyterian Church in Frankfort.
An act for the benefit of Isaac Gray, Deputy Sheriff of Caldwell county.
An act for the benefit of Hannah Caldwell, of Livingston county.
An act to provide for a change of venue in the prosecution against Richard S. Mason.
An act to provide for a change of venue in the prosecution against Polly Fenton.
An act for the benefit of George Dixon, of Nelson county.
An act for the benefit of the heirs of Daniel Barksdale, deceased.
An act for the benefit of the heirs of Thomas Anderson, deceased.
An act for the benefit of Alfred Payne.
An act for the benefit of Martha Elizabeth Cleveland.
An act to incorporate the town of Springfield, in Washington county.
An act for the benefit of James Jackman.
An act to incorporate the town of Harrisonville, in Shelby county.
An act to add an additional term to the Mason, Adair and Fleming Circuit Courts.
An act to amend the law in relation to binding out poor children in this Commonwealth.
An act to change the place of voting from Seaton Lee's, in Pulaski county, and for other purposes.
An act to amend the charter of the city of Lexington.
With amendments to the six last named bills.
That they had adopted resolutions in relation to the Owingsville and Big Sandy Turnpike Road Company.
That they had passed bills of the following titles, to-wit:
1. An act to amend the charter of the town of Newport.
2. An act for the benefit of Jeff. Evans, of the county of Greenup.
3. An act making an appropriation to the militia of Floyd county, called out by order of the court, under General Hagar.
5. An act to allow the burning of the woods in a portion of Clay county.
6. An act regulating the mode of appointing a Salt Inspector for the city of Louisville, and for other purposes.
7. An act to reduce the price of public lands in Adair county.
8. An act to amend an act prescribing the further duties of the Board of Internal Improvement, approved 23d February, 1846.
9. An act to allow an additional Justice of the Peace to Meade county.
10. An act to extend the limits of the town of Irvine.
11. An act to establish the road law of Jefferson county.
12. An act to incorporate the town of Booneville, in Owsley county.
13. An act for the benefit of John W. Hazlerigg.
14. An act to establish an election precinct at the house of John Eoff's, in the county of Pulaski, and for other purposes.
15. An act to change an election precinct in the county of Henry, from the house of James Ethington to the house of N. L. Oliver.
16. An act to authorize the Trustees of the Stone Meeting House of the Methodist Church, in Jefferson county, to sell the said house and lot.
17. An act for the benefit of William Calmes.
18. An act to amend the charter of the city of Covington.
19. An act to incorporate the town of East Maysville.
20. An act to incorporate the Presbyterian Church of Paducah.
21. An act to change the names of Eliza Jane Donaldson, and others.
22. An act for the benefit of James Buford and wife.
23. An act allowing the Trustees of Burksville to change an alley in said town.
24. An act to extend the provisions of the mechanics' lien law, of Louisville, to the counties of Mercer, Marion, Trimble and Jessamine.
26. An act to allow an additional Justice of the Peace to Carter county.
27. An act giving further time to the administrator of John Trimble to list certain fee bills for collection.
28. An act allowing an additional Justice of the Peace to Bath county.
30. An act for the benefit of Thomas D. Honaker and David Robinson, of Pike 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 of said bills being dispensed with, they were referred: the 3d, 13th, 29th and 30th, to the committee on Finance; the 4th, 5th, 12th, 16th, 17th, 18th, 19th and 22d to the committee on the Judiciary; the 8th to the committee on Internal Improvement; the 10th to the committee on Propositions and Grievances; the 14th and 16th to the committee on Privileges and Elections; and the 1st, 2d, 6th, 7th, 9th, 11th, 20th, 21st, 23d, 24th, 25th, 26th, 27th and 28th were ordered to be read a third time.

The constitutional rule as to the third reading of the 1st, 2d, 6th, 7th, 9th, 11th, 20th, 21st, 23d, 24th, 25th, 26th, 27th and 28th bills being dispensed with, Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Draffin, from a select committee, reported a bill for the benefit of William H. Taylor, of Mercer 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. Bristow, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to settle and adjust the claim of John Bussing, 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. Crenshaw, from the committee on the Judiciary, reported a bill for the benefit of the widow and heirs of William Perry, deceased, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of 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. J. Speed Smith, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act providing for a State road from Adairsville, in Logan county, to Bowling-green, in Warren 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. J. Speed Smith, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Robert Williams, reported the same without amendment.

The said bill is as follows, to-wit:

WHEREAS, it is represented to the General Assembly that, in the settlements heretofore authorized and made with the contractors on Licking river, among others, Robert Williams, who contracted to build Lock and Dam No. 8, on said river, that no allowance was made him for the losses he sustained in consequence of the temporary suspension of his works by the authority of the State, previous to the final suspension thereof, and it is supposed he has sustained losses thereby. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be and is hereby made the duty of the Board of Internal Improvement, or a majority of the members thereof, to enquire into and ascertain the damages occasioned and sustained by said Williams on account of the said temporary suspension of his works by the State, and report the amount thereof, if any, to the next General Assembly, in due time, for final action upon the subject. Said Board, or a majority as aforesaid, shall have power to summon witnesses before them, and receive testimony in as full and ample a manner as the Circuit Courts now have.

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. Patterson and Evans, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, Helm, Taylor, Bristow, Key, Thomas, Crenshaw, Rice, Thornton, Harris, Speed Smith, Thurman, Hawkins, Swope, Wall—16.

Those who voted in the negative, were—


An engrossed bill, entitled, an act authorizing the issue of State bonds for certain purposes, was read the third time.

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

The yeas and nays being required thereon by Messrs. Peyton and Evans, were as follows, to-wit:
Those who voted in the affirmative, were—

Messrs. Boyd, Messrs. Bradley, Crenshaw, Evans, Mr. Hardin, Harris, Hawkins, Heady, Helm, Holloway, Key, McNary, Patterson, Slaughter, Speed Smith, South, Swope, Taylor, Thomas, Thurman, Todd, Walker, Wall—24.

Those who voted in the negative, were—

Messrs. Bradley, Messrs. Bradley, Crenshaw, Evans, Mr. Hardin, Harris, Hawkins, Henderson, James, Marshall, Peyton, Speed Smith, Henderson, James, Marshall, Peyton, Speed Smith, Rice, Rice, James, Marshall, Peyton, Speed Smith, Williams—12.

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

Mr. Hardin, from the committee on the Judiciary, to whom was referred the message of the Governor nominating Thomas J. Joice, to be Sheriff of Bullitt county, in the place of James Samuels, reported the following resolution thereon, to-wit.

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

The question being taken on the adoption of said resolution, it was decided in the negative, and so the Senate do not advise and consent to said appointment.

The yeas and nays being required thereon by Messrs. Peyton and Draffin, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, Messrs. Boyd, Crenshaw, Evans, Mr. Hardin, Harris, Hawkins, Henderson, Key, Patterson, Speed Smith, Henderson, Key, Patterson, Speed Smith, Peyton, Taylor, Thornton, Williams—9.

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 for the benefit of the Sheriff of Bullitt county, reported the same without amendment.

Ordered, That said bill be read a third time.
Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. J. Speed Smith, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Robert Williams, reported the same without amendment.

The said bill is as follows, to-wit:

WHEREAS, it is represented to the General Assembly that, in the settlements heretofore authorized and made with the contractors on Licking river, among others, Robert Williams, who contracted to build Lock and Dam No. 3, on said river, that no allowance was made him for the losses he sustained in consequence of the temporary suspension of his works by the authority of the State, previous to the final suspension thereof, and it is supposed he has sustained losses thereby. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be and is hereby made the duty of the Board of Internal Improvement, or a majority of the members thereof, to enquire into and ascertain the damages occasioned and sustained by said Williams on account of the said temporary suspension of his works by the State, and report the amount thereof, if any, to the next General Assembly, in due time, for final action upon the subject. Said Board, or a majority as aforesaid, shall have power to summon witnesses before them, and receive testimony in as full and ample a manner as the Circuit Courts now have.

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. Patterson and Evans, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, Helm, Taylor,
Bristow, Key, Thomas,
Crenshaw, Rice, Thornton,
Harris, Speed Smith, Thurman,
Hawkins, Swope, Wall—16.
Heady,

Those who voted in the negative, were—

Messrs. Bradley, Hardin, Patterson,
Bramlette, Henderson, Peyton,
Brien, Holloway, Slaughter,
Butler, James, South,
Draffin, Marshall, Walker,
Evans, McNary, Williams—18.

An engrossed bill, entitled, an act authorizing the issue of State bonds for certain purposes, was read the third time.

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

The yeas and nays being required thereon by Messrs. Peyton and Evans, were as follows, to-wit:
JOURNAL OF THE SENATE.

Those who voted in the affirmative, were—

Messrs. Boyd, Bristow, Butler, Crenshaw, Evans, Hardin, Harris, Hawkins, Heady, Helm, Holloway, Key, McNary, Patterson, Slaughter, Speed Smith, South, Swope, Taylor, Thomas, Thurman, Todd, Walker, Wall—24.

Those who voted in the negative, were—


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

Mr. Hardin, from the committee on the Judiciary, to whom was referred the message of the Governor nominating Thomas J. Joice, to be Sheriff of Bullitt county, in the place of James Samuels, reported the following resolution thereon, to-wit:

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

The question being taken on the adoption of said resolution, it was decided in the negative, and so the Senate do not advise and consent to said appointment.

The yeas and nays being required thereon by Messrs. Peyton and Draffin, were as follows, to-wit:

Those who voted in the affirmative, were—


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 for the benefit of the Sheriff of Bullitt 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, 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. Peyton and Henderson, 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.

The resolutions from the House of Representatives, in relation to the Owingsville and Big Sandy Turnpike Road Company, were twice read and concurred in.

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 amend the charter of the city of Lexington.
An act to add an additional term to the Mason, Adair and Fleming Circuit Courts.
An act to incorporate the town of Harrisonville, in Shelby county.
An act to regulate the number of Justices of the Peace in the town of Greensburg.
An act to amend the law in relation to binding out poor children in this Commonwealth.

Resolved, That the Senate disagree to the first amendment and concur in the second amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act to change the place of voting from Seaton Lee's, in Pulaski county, and for other purposes.

Mr. Bradley, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, to wit:

An act to provide for a change of venue in the prosecution against Polly Fenton.
An act to amend the law in relation to the summoning guards.
An act for the benefit of Isaac Gray, deputy Sheriff of Caldwell county.
An act for the benefit of Hannah Caldwell, of Livingston 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. Bradley reported that the committee had performed that duty.

On the motion of Mr. Todd, leave was given to bring in a bill to incorporate the Lexington Gas Company, and the committee on the Judiciary was directed to prepare and bring in said bill.

Mr. Hawkins, from a select committee, reported a bill for the benefit of the towns of Burlington and Hamilton, 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. Peyton, from the committee on the Judiciary, to whom was referred bills from the House of Representatives, of the following titles, to-wit:
An act for the benefit of the town of Madisonville, in Hopkins county.
An act in relation to the Penitentiary.
Reported the same with amendments to each, which were concurred in.

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.

A bill from the House of Representatives, entitled, an act for the benefit of the Kentucky Institution for the Education of the Blind, was taken up.

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.

An engrossed bill, entitled, an act for the benefit of John B. Meredith, of Woodford county, was read the third time, and amended by way of engrossed rider.

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

Mr. Slaughter, from the committee on Agriculture and Manufactures, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Globe Manufacturing 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 afore-
said.

Mr. Slaughter, from the committee on Education, to whom was referred
a bill from the House of Representatives, entitled, an act to incorporate the
Trustees of the Nelson county Library Company, and for other purposes, re-
ported 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.

Two messages, in writing, were received from the Governor, by Mr.
Mitchell, Assistant Secretary.
The rule of the Senate being dispensed with, the said messages were ta-
ken up, and read as follows, viz:

Gentlemen of the Senate:
James Davidson, elected Treasurer of the State, has nominated to me as
his securities, Newton Craig, Jacob Swigert and Albert G. Hodges.
These securities are hereby submitted for your approval.

WM. OWSLEY.

Gentlemen of the Senate:
I nominate for your advice and consent, A. H. Frizell to be Major of
136th Regiment, 14th Brigade.
James Olien, Colonel, Benjamin J. Ray, Lieutenant Colonel, and Caleb
Lyndsay, Major, of 127th Regiment, 20th Brigade.
Robert D. Hall, Lieutenant Colonel of 94th Regiment, 20th Brigade.
Allen Basham, Colonel, Charles Hambleton, Lieutenant Colonel, and Rich-
ard Kasey, Major, of 59th Regiment, 23d Brigade.
William R. Bradford, Colonel, Radcliffe Fisher, Lieutenant Colonel, and
George U. Gist, Major, of the Fayette Legion.

WM. OWSLEY.

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

Mr. J. Speed Smith, from the committee on Internal Improvement, to
whom was referred bills from the House of Representatives, of the following
titles, to-wit:

1. An act to repeal the 5th section of an act to establish a Marine Rail-
way, in the town of Hickman.
2. An act to repeal in part an act, entitled, an act declaring the Bayou
de Chein, in Hickman county, a navigable stream, and for other purposes.
3. An act to amend an act, entitled, an act to incorporate the Danville
and Hustonville Turnpike Road Company, and for other purposes.
4. An act to amend the laws regulating the Wilderness road.
5. An act appointing Commissioners of the Goose Creek Salt Works
road.
Reported the same without amendment.

The first and second bills were laid on the table, and the third, fourth and fifth 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. J. Speed Smith, from the same committee, reported a bill for the benefit of the Glasgow and Scottsville Turnpike Road, which was read the first time as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, for the purpose of completing the Glasgow and Scottsville Turnpike Road, from Glasgow to the Tennessee State line, the sum of two thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be applied in the completion of said road, according to the law now in force regulating said road.

Mr. Bradley 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. Heady and Walker, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, Heady, Patterson,
Bradley, Helm, Rice,
Bramlette, Henderson, Russell,
Brien, Holloway, South,
Bristow, James, Taylor,
Butler, Key, Thurman,
Hardin, Marshall, Todd—23.
Hawkins, McNary,

Those who voted in the negative, were—

Messrs. Crenshaw, Speed Smith, Walker,
Draffin, Wall,
Evans, Thornton, Williams—9.

Mr. J. Speed Smith, from the same committee, to whom was referred a bill for the benefit of F. G. Everett, reported the same without amendment.

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

Mr. J. Speed Smith, from the same committee, reported the following joint resolutions, to-wit:

1. Resolved by the General Assembly of the Commonwealth of Kentucky, That the rates of toll, as now fixed on the Kentucky river navigation, shall not be increased during the year 1847.

2. That the Board of Internal Improvement enquire into the expediency of reducing the present rates of tolls on salt, and on empty boats passing and re-passing the Locks on the Kentucky river, and if it shall be the opinion of
the Board that the present rates of tolls, on said navigation, can be reduced
without detriment to the public interest, that the same be done by said
Board.

Mr. Evans, from the same committee, to whom was referred bills from
the House of Representatives, of the following titles, to-wit:

An act to amend the charter of the Nashville and Louisville Turnpike
Road Company.

An act legalizing the organization and first election of officers by the
Bank Lick Turnpike Road 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 afore-
said.

Mr. Evans, from the same committee, to whom was referred a bill from
the House of Representatives, entitled, an act to amend an act in relation to
dams and other obstructions in water courses, 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 negative, and so the said bill was disagreed to.

Mr. Peyton, from the committee on the Judiciary, to whom was referred
a bill to amend and reduce into one the several acts relating to the town
of Georgetown, reported the same with amendments, which were concur-
red 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 afore-
said.

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 the Fox precinct, in the county of Fleming,
and the Chestnut Grove precinct, in Shelby county, reported the same with-
out 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. James, from the committee on Finance, to whom was referred bills
from the House of Representatives, of the following titles, to-wit:

An act for the benefit of William S. Patterson.

An act for the benefit of the Clerk of the Cumberland County Court.
Reported the same with the opinion of the committee that they ought not to pass.

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

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Augustine B. Offutt, 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. James, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act for the benefit of A. G. Botts, assignee of James Ray.
An act to amend the several acts incorporating the city of Maysville.
An act for the benefit of Jacob Corbett.

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 aforesaid.

Mr. James, from the same committee, reported a bill for the benefit of certain Justices of the Peace, 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 was dispensed with.

And then the Senate adjourned.

THURSDAY, FEBRUARY 25, 1847.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate, to bills from the House of Representatives, of the following titles, to-wit:

An act for the benefit of Charles Gaines.
An act in relation to the Penitentiary.
That they had disagreed to bill from the Senate, entitled, an act authorizing Robert Triplett and Alexander B. Barrett to bring certain slaves into this Commonwealth.

That they had passed bills from the Senate, of the following titles, to-wit:

An act for the benefit of the Trustees of the town of Shepherdsville, in Bullitt county.

An act relating to the Penitentiary, and requiring a new bond from the Keeper.

An act for the benefit of John D. Blackford.

An act for the benefit of James Stinson, of Pulaski county.

An act for the benefit of James P. Tyler, of Fulton county.

An act for the benefit of James C. Brewer, Commissioner of Tax for Perry county.

An act to amend an act, entitled, an act for the benefit of C. J. Blackburn, approved February 7, 1845.

With an amendment to the last bill.

That they had adopted resolutions complimentary of Rev. R. T. Dillard.

Resolutions for the joint action of the committee on Claims and committee on Finance.

That they had passed bills of the following titles, to-wit:

1. An act for the benefit of the Jailer of Nelson county.
2. An act for the benefit of Amariah Moore.
3. An act for the benefit of Jacob J. Goodman.
5. An act to incorporate the town of Elizabethtown, in Hardin county.
6. An act for the benefit of Thomas Florence, of Hardin county.
7. An act to establish the town of Lairsville, in Russell county.
8. An act to extend the Constable's district which includes the town of Frankfort.
9. An act authorizing Justices of the Peace to try attachment causes and motions out of term time.
10. An act for the benefit of the administrators of H. K. Chism, deceased.
11. An act concerning the town of Glasgow.
12. An act to legalize the proceedings of the Commissioners appointed to run and mark the county line between Bullitt and Jefferson.
13. An act for the benefit of Anna Maria Crockett and her children.
14. An act to extend the jurisdiction of the Police Judge of the town of Morganfield.
15. An act for the benefit of Emily McDowell.
16. An act to allow an additional term of the Cumberland Circuit Court.
17. An act to incorporate the Dover and Minerva Turnpike Road Company.
18. An act to amend the law in reference to the town of Hopkinsville. 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 15th being amended, the 3d, 4th, 9th, 10th, 11th and 12th were referred to the committee on the Judiciary, and the 1st, 2d, 5th, 6th, 7th, 8th, 13th, 14th, 15th, 16th, 17th and 18th were ordered to be read a third time.

The constitutional rule as to the third reading of the 1st, 2d, 5th, 6th, 7th, 8th, 13th, 14th, 15th, 16th, 17th and 18th bills being dispensed with,

Resolved, That said bills, (the 18th as amended,) do pass, and that the titles thereof be as aforesaid, except the 18th, which was amended by adding "and for other purposes."

Mr. Heady presented the petition of sundry citizens of Bullitt county, in relation to the Shepherdsville and Louisville Turnpike Road, which was read.

The Senate proceeded to consider the motion made by Mr. Heady on the 22d instant, to reconsider the vote by which the Senate disagreed to a bill from the House of Representatives, entitled, an act to revive and amend the Shepherdsville and Louisville Turnpike Company.

The question being taken on rescinding the said vote, it was decided in the negative.

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

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<th>Those who voted in the affirmative, were—</th>
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<td>Speed Smith, Henderson, Key, Patterson, Peyton,</td>
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<td>Mr. Williams moved to dispense with the rules of</td>
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<td>him to make a motion to send a message to the</td>
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<td>withdraw the report of the disagreement of the</td>
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<td>Senate, to a bill from that House, entitled,</td>
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<td>an act for the benefit of Robert Williams.</td>
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<td>rules, it was decided in the negative, two-</td>
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<td>thirds not voting in the affirmative.</td>
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<td>Messrs. Patterson and Draffin, were as follows,</td>
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<td>Mr. Williams moved to dispense with the rules</td>
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<td>of the Senate to allow him to make a motion to</td>
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<td>send a message to the House of Representati—</td>
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<td>to ask leave to withdraw the report of the</td>
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Those who voted in the affirmative were—

Messrs. Boyd, Helm, Thomas,
Bramlette, Marshall, Thurman,
Bristow, Rice, Todd,
Draffin, Russell, Walker,
Fox, Speed Smith, Wall,
Hardin, Swope, Williams—19.

Those who voted in the negative, were—

Messrs. Bradley, Harris, McNary,
Brien, Headly, Patterson,
Butler, Henderson, Peyton,
Crenshaw, James, South,
Evans, Key, Taylor—15.

Mr. Hardin, from the committee on the Judiciary, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act for the benefit of William Calmes.
An act for the benefit of John D. Gillmore.
An act for the benefit of Oscar Pepper.
An act for the benefit of A. M., Clifford N., Henry B., and Sidney T. Fontaine.
An act authorizing the County Court of Morgan to sell public grounds.
An act to incorporate the Synephebian Society of Masonic College, Lagrange, Kentucky.
An act to authorize the Trustees of the Stone Meeting House of the Methodist Church, in Jefferson county, to sell the said house and lot.
An act to regulate the price of vacant lands in Clay county.
An act to amend the charter of the city of Covington.
An act for the benefit of James Buford and wife.
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 the following bills, viz:
A bill for the benefit of Matilda Ann Simmons, widow and devisee of Wm. M. Simmons, deceased, and the children and devisees of said Simmons.
A bill for the benefit of the heirs at law of Nelly White, deceased.
A bill to explain the law relating to bills of exceptions.
A bill to incorporate the Lexington Gas Company.
A bill to add an additional term to the Bracken 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 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 from the House of Representatives, entitled, an act to amend the rules of chancery practice, reported the same with the opinion of the committee that it ought not to pass.

The said bill is as follows, to-wit:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases in chancery, where process on original, amended, or cross bill, shall be served twenty days before the return day, the defendant or defendants shall plead, answer, or demur, on or before the calling of the cause, at the term to which the process is returned executed, unless a different day in such term is given by the court; and the issue or issues of law or fact shall then be made up; and if either party fail thus to complete the issue or issues, the court shall enter a final decree against the party so failing.

Sec. 2. If the issue be made up by demurrer, the court shall try the same at the term at which it is filed; and if overruled, the defendant or defendants shall file his, her, or their answer at that term; and on failure, the court shall take the bill for confessed and enter up a final decree.

Sec. 3. If the issue be made up by bill and answer, whereby depositions are to be taken, the cause shall stand for hearing at the term next succeeding. But if the defendant or defendants should file his, her, or their answer or answers, in the Clerk's office thirty days before the return day of the process, and give the opposite party twenty days' notice thereof before said day, then the case shall stand for trial at the term to which the appearance of the defendant or defendants is secured.

Sec. 4. If the complainant be called upon in the answer to answer interrogatories, then the cause shall be continued, unless the complainant voluntarily respond at the term in which the defendant's answer was filed; and in case a suit be thus continued, the answer to interrogatories shall be filed in the Clerk's office within sixty days from the adjournment of the Court, and the cause shall stand for trial at the succeeding term, unless the court shall, for good cause shown, give further time to answer at the succeeding term.

Sec. 5. The complainant may proceed to take depositions immediately after the execution of process, by giving reasonable notice of the time and place, to be read against those upon whom process may have been executed; the defendant may proceed to take depositions, upon like notice, at any time after the answer may have been filed in court or in the Clerk's office; and no order or leave of court shall be necessary to entitle either party to take depositions, whether of residents or non-residents, or parties to the suit.

Sec. 6. The complainant may file in the Clerk's office, before or after answer, amended or supplemental bills, by annexing an affidavit by himself, agent, or attorney, that he or she verily believes such bill is material to the correct decision of the cause, is not filed for delay, and that its allegations are true. If new parties are thereby introduced, who are necessary, or if new matter set up is material to the correct decision of the case, then the
filing of such bill or bills shall be good cause for continuance, unless the defendant voluntarily answers, admitting the equity of the bill and setting up no new matter in avoidance or bar of it.

Sec. 7. When any bill, amended, or cross bill shall be filed against any absent defendant or defendants, or unknown heirs, a traverse shall be entered at the first term; and it shall not, in any case, be necessary to enter a warning order, on the record, against absent defendants, non-residents, or unknown heirs.

Sec. 8. In all chancery cases now pending, or hereafter brought, against non-residents, if the complainant shall allege that the facts, or any of them, set forth, on which the demand is founded, are known to the defendant or defendants, and shall state how such facts are known, and that the same cannot be proved to the knowledge of the complainant or complainants, the said facts, so stated, shall be taken as confessed.

Sec. 9. Nothing in this act contained shall prevent the court from granting a continuance of any case for good cause shown.

Sec. 10. The provisions of this act shall not apply to the Louisville Chancery Court.

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

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

Those who voted in the affirmative, were—


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 regulate the terms of the Scott Circuit Court, reported the same.

Mr. Todd moved to strike out the third section of said bill, which is as follows, to-wit:

Sec. 3. Be it further enacted, That the Grant Circuit Court shall be and the same is hereby added to the third Judicial District, and shall hereafter compose a part of the same.

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

The yeas and nays being required thereon by Messrs. Todd and Hawkins, were as follows, to-wit:
Those who voted in the affirmative, were—

Messrs. Boyd, Bramlette, Crenshaw, Fox, Heady, Taylor, Marshall, Patterson, Speed Smith, Swope, Thurman, Todd, Wall, Williams—15.

Those who voted in the negative, were—


Mr. Todd then moved to amend the said third section of said bill by striking out the words Grant and third, printed in italics, and inserting in lieu thereof the words “Oldham and fifth.”

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

The yeas and nays being required thereon by Messrs. Butler and Todd, were as follows, to-wit:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


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 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 change the time of holding the spring term of the Whitley Circuit Court, reported the same with the opinion of the committee that it ought not to pass.

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

Mr. Wall, from the committee on the Judiciary, to whom was referred a
bill from the House of Representatives, entitled, an act to incorporate the town of East Maysville, 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. Peyton, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to change the terms of the Court of Appeals, reported the same with amendments.

Mr. Walker moved to lay the said bill and amendments on the table.
The question being taken thereon, it was decided in the negative.
The yea and nay being required thereon by Messrs. Patterson and Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bradley, Marshall, Todd,
Drayflin, Russell, Walker,
Holloway, Taylor, Williams—11,
Key, Thornton,

Those who voted in the negative, were—

Messrs. Boyd, Hardin,
Bramlette, Harris,
Brien, Hawkins,
Bristow, Heady,
Butler, Helm,
Crenshaw, Henderson,
Evans, James,
Fox, McNary,
Patterson, Peyton,
Rice, Speed Smith,
South, Thomas,
Wall—23.

The amendments reported from the committee were then concurred in.
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, and it was decided in the affirmative.
The yea and nays being required thereon by Messrs. Williams and Hardin, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, Harris,
Bramlette, Hawkins,
Brien, Heady,
Crenshaw, Helm,
Fox, Henderson,
Hardin, James,
McNary, Patterson,
Patterson, Peyton,
Hawkins, Peyton,
Patterson, Rice,
Heady, Rice,
Helm, Speed Smith,
Henderson, South,
James, Thomas,
Wall—18.
Resolved, That the title of the said bill be as aforesaid.

Mr. Peyton, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act to allow the burning of the woods in a portion of Clay county.

An act to incorporate the town of Booneville, in Owsley 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. Peyton, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to repeal in part and amend in part the several acts incorporating the town of Hickman, in Fulton county, reported the same with an amendment.

Ordered, That said bill and amendment be referred to the committee on Finance.

Mr. Bradley, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, to-wit:

An act for the benefit of the heirs of John Frazer, deceased.

An act for the benefit of the heirs of Isaac Sprake, deceased.

An act for the benefit of the heirs of Thomas Anderson, deceased.

An act for the benefit of the heirs of S. H. Anderson, deceased.

An act for the benefit of Ann Davis and her children.

An act regulating sales of forfeited lands, and applying the statute of limitations in certain cases.

An act for the benefit of James Jackman.

An act for the benefit of the heirs of Daniel Barksdale, deceased.

An act for the benefit of Alfred Payne.

An act to prevent the wanton destruction of fish.

An act to incorporate the town of Springfield, in Washington county.

An act for the benefit of Silas M. Berry and others.

An act for the benefit of Nancy Pointer.

An act for the benefit of George Dixon, of Nelson county.

An act for the benefit of William P. Mitchell.
An act to incorporate the Springfield Lodge and the Washington Royal Arch Chapter.

An act to provide for a change of venue in the prosecution against Richard S. Mason.

An act to incorporate the Trustees of the Presbyterian Church in Frankfort.

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. Bradley reported that the committee had performed that duty.

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

Mr. Walker read and laid on the table the following preamble and resolution, to-wit:

WHEREAS, the Commonwealth of Kentucky has expended large amounts of money in the construction of turnpike roads, many of which have been left incomplete, and some of them with only short intervals between long lines of finished road, whereby the usefulness of the improved parts of the said roads is greatly impaired, and the productiveness of said roads diminished; and, whereas, it would not be politic for the State to embark in the project of completing all of said roads.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement be and they are hereby directed to report to the Legislature, at its next session, all such roads, or parts of roads as, in their judgment ought to be completed, together with an estimate of the amount which would be requisite for their completion, severally.

The rule of the Senate being dispensed with, the said preamble and resolution were taken up, twice read, and adopted.

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to change the county line between the counties of Floyd and Pike, reported the same with the opinion of the committee that it ought not to pass.

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

On the motion of Mr. Fox,

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 for the benefit of the Clerk of the Cumberland County Court; and Mr. Fox was directed to carry said message.

The said bill having been returned to the Senate, the vote by which it was disagreed to was reconsidered.

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.

On the motion of Mr. Boyd, the vote by which an amendment, proposed 
by the House of Representatives, to a bill from the Senate, entitled, an act 
to add an additional term to the Mason, Adair and Fleming Circuit Courts 
was concurred in, was reconsidered.

A message was received from the House of Representatives, by Mr. Mc-
Henry, asking leave to withdraw the report of the passage of said bill, by 
the House of Representatives, with an amendment; which leave was grant-
ed, and the bill withdrawn.

A resolution from the House of Representatives, for the joint action of 
the committee on Claims and the committee on Finance, was twice read 
and concurred in.

Resolutions from the House of Representatives, complimentary to Rev. R. 
T. Dillard, were referred to the committee on Education.

A bill from the Senate, entitled, an act to amend an act, entitled, an act 
for the benefit of C. J. Blackburn, approved February 7th, 1845, together 
with the amendment proposed thereto, by the House of Representatives, 
was referred to the committee on Internal Improvement.

The resolutions in relation to tolls on the Kentucky River Navigation, re-
ported by Mr. J. Speed Smith, from the committee on Internal Improve-
ment, on yesterday, were taken up and amended.

The question was then taken on the adoption of said resolutions, and it 
was decided in the affirmative.

The yea's and nay's being required thereon by Messrs. Heady and Key, 
were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, Butler, Hawkins, Speed Smith, 
Butler, Marshall, 
Gresham, McNary, 
Draffin, Rice, 
Evans, Russel, 
Fox, Slaughter, 
Harris, 

Those who voted in the negative, were—

Messrs. Bradley, Henderson, Peyton, 
Brien, Holloway, South, 
Bristow, James, Swope, 
Heady, Patterson, 

The Senate resumed the consideration of a bill for the benefit of certain 
Justices of the Peace.
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.

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 Circuit Judges and other officers of this Commonwealth, reported the same.

The said bill reads as follows, to-wit:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, from and after the passage of this act, the following officers of this Commonwealth, hereinafter mentioned, shall be paid out of the Public Treasury the following salaries annually, viz: The Circuit Judges one thousand dollars each; to the Chancellor of the city of Louisville, eighteen hundred dollars; to the Auditor of Public Accounts, one thousand dollars; to the Register of the Land Office, one thousand dollars; to the Louisville City Judge, one thousand dollars; to the Keeper of the Library of the State, two hundred dollars; to the Clerk in the Secretary's Office, six hundred dollars; to the Clerk of the Sinking Fund, three hundred dollars; to the Attorneys for the Commonwealth, two hundred and fifty dollars each.*

Mr. James moved to amend said bill by striking out two hundred dollars as the salary to the Public Librarian, and inserting in lieu thereof, “two hundred and fifty dollars.”

Mr. Fox 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. Rice and Fox, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bramlette, Bristow, Crenshaw, Draffin, Evans, Fox, Hawkins, Helm, Henderson, Holloway, Key, McNary, Patterson, Peyton, Russell, Slaughter, Speed Smith, Swope, Taylor, Thornton, Todd, Wall, Williams—23.

Those who voted in the negative, were—

Messrs. Boyd, Bradley, Brien, Harris, Heady, James, Marshall, Rice, South, Thomas, Thurman—11.

Mr. Boyd presented the petition of sundry citizens of Flemingsburg, for the repeal or modification of a law establishing a Fire Company in said town; and, also, a remonstrance against said petition: which were received and referred to the committee on Propositions and Grievances.
Mr. James, from the committee on Finance, reported a bill for the benefit of Jonathan Hathaway and Berryman S. Hoffman, 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.

Leave of absence was granted to Mr. Patterson for the remainder of the session, after to-day.

And then the Senate adjourned.

FRIDAY, FEBRUARY 26, 1847.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate, to bills from the House of Representatives, of the following titles, to-wit:

An act to extend the mechanics lien law of the city of Louisville, to the counties of Bourbon, Christian, Madison, Livingston, Shelby, Scott and Carroll.

An act for the establishment of fish traps.

An act for the benefit of A. G. Botts, assignee of James Ray.

That they had disagreed to bill from the Senate, entitled, an act to amend the several acts regulating civil proceedings in this Commonwealth.

That they had passed bills from the Senate, of the following titles, to-wit:

An act to repeal the 2d section of an act, entitled, an act declaring certain deeds valid, approved March 2, 1844.

An act to incorporate the Fireman's Insurance Company of Lexington.

An act to incorporate the North Kentucky Mutual Insurance Company.

An act to incorporate the Independent Temperance Society of Pulaski county.

An act for the benefit of Edwin Trimble, Clerk of the Floyd County and Circuit Courts.

An act to regulate the Clerks and Trustees fees for services rendered under the Jury laws.

An act to amend an act, entitled, an act for the benefit of Joseph S. N. and James M. Dicken, approved February 17, 1846.
An act for the benefit of Richard Fisher and his securities.
That they had adopted report and resolutions of the committee on Federal Relations, which were concurred in.
That they had passed bills of the following titles, to-wit:
1. An act for the benefit of John Goodridge.
2. An act to stop the breed of Deer west of the Tennessee river.
3. An act to amend an act incorporating certain Turnpike Road Companies, approved January 29, 1829.
4. An act for the benefit of Thomas J. Miller.
5. An act to regulate the tolls on the Madison fork of the Wilderness Road.
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 3d was referred to the committee on the Judiciary; the 4th to the committee on Propositions and Grievances; the 5th to the committee on Internal Improvement; and the 1st and 2d were ordered to 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.
Mr. Peyton, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act concerning the town of Glasgow, 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. Fox, from the committee on Education, to whom was referred bills from the House of Representatives, of the following titles, to-wit:
An act incorporating the Union Seminary, in Owen county.
An act for the benefit of the Common Schools of Cumberland county.
An act to incorporate the Paintsville Library Society.
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. Fox, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to re-model and establish per-
manently the system of common schools in this Commonwealth, reported the same with the opinion of the committee that it ought not to pass.

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

Mr. Fox, from the same committee, to whom was referred resolutions from the House of Representatives, complimentary to Rev. R. T. Dillard, reported the same without amendment, and the said resolution was concurred in.

Mr. Heady, from the committee on Military Affairs, made the following report, to-wit:

The committee on Military Affairs have had under consideration a resolution referred to them, directing an enquiry into the condition of the public arms; and also of the propriety of procuring a public building to keep the arms, &c.; and whether or not a suitable room in the capitol cannot be set apart as an office for the Adjutant and Quartermaster Generals; and beg leave to submit the following report: That there is no room in the capitol that could be set apart for those officers, but there is a large and commodious room over the office of the Governor, that is well adapted for the purpose, with the necessary furniture, &c.; the Governor has been consulted, and is willing. They would respectfully refer the Senate to the report of the committee on Military Affairs, of the House of Representatives, for the situation and condition of the public arms; that report has been printed, and contains all the information upon that subject sought by the resolution referred to the committee. By setting apart the room over the office of the Secretary, for the Adjutant and Quartermaster Generals, the State would be saved the expense of rent for offices for those officers, and as the room above spoken of is unoccupied, the committee have thought proper to accompany this report with a bill, setting apart said room as an office for the Adjutant and Quartermaster Generals.

All of which is respectfully submitted.

STILWELL HEADY, Chairman.

Mr. Heady, from the same committee, reported a bill to provide an office for the Adjutant and Quartermaster Generals, 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. Heady, from the same committee, to whom was referred the nomination of Jeremiah Powers to be Lieutenant Colonel of the 12th Regiment of Kentucky Militia, made the following report, to-wit:

The committee on Military Affairs, to whom was referred the nomination of Jeremiah Powers to be Lieutenant Colonel of the 12th Regiment, Kentucky Militia, have had the same under consideration, and beg leave to report that, from the information derived from high and respectable sources, they are satisfied that the nominee is wholly incompetent to the discharge of
the duties of the office to which he has been nominated; they therefore recommend the adoption of the following resolution:

Resolved, That the Senate do not advise and consent to the said appointment.

The said resolution was twice read and concurred in.

Mr. Heady, from the same committee, to whom was referred the nomination of B. F. McKesson to be Colonel of the 34th Regiment of Kentucky Militia, made the following report thereon, to wit:

The committee on Military Affairs, to whom was referred the nomination, by the Governor, of B. F. McKesson to be Colonel of the 24th Regiment Kentucky Militia, have had the same under consideration, and beg leave to report: that from reliable information, they are satisfied that the nominee is unfit for the responsible station to which he has been recommended, because of habitual drunkenness as well as incapacity. They therefore recommend the adoption of the following resolution:

Resolved, That the Senate do not advise and consent to said appointment.

The said resolution was concurred in.

On the motion of Mr. Heady, the committee on Military Affairs was discharged from the further consideration of the petition of W. H. Ditto, in relation to militia musters.

Mr. Heady, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Jessamine Cavalry, 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 Keene Artillery.”

Mr. Heady, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Lexington Rifles, 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 was received from the House of Representatives, by Mr. Meriwether, asking leave to withdraw the report of the disagreement of that House to a bill from the Senate, entitled, an act authorizing Robert Triplett and Alexander B. Barrett to bring certain slaves into this Commonwealth, which was granted, and the bill withdrawn.

Mr. Helm, from the committee on the Sinking Fund, to whom was referred a bill to amend an act, entitled, an act to amend and reduce into one the several acts incorporating a company to turnpike a road from Frank-
fort to Lexington, by the way of Versailles, reported the same with an amendment.

Mr. Thornton moved an amendment to the amendment reported by the committee.

Mr. Russell 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 by Messrs. Thornton and Boyd, were as follows, to-wit:

Those who voted in the affirmative were—


Those who voted in the negative, were—


The amendment proposed by Mr. Thornton to the amendment reported from the committee, was then rejected, and the amendment of the committee concurred in.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Fox, Hawkins, Henderson, James, Russell, Thurman, Williams—8.

Mr. Helm, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act directing the Agents of the
State, directed and empowered by the Second Auditor, to sell the lands forfeited for the non-payment of tax, 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 aforesaid.

Mr. Slaughter, from the committee on Agriculture and Manufactures, reported a bill to promote the growth and manufacture of silk, 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 same committee, to whom was referred a bill to protect sheep from dogs, reported the same without amendment.

Ordered, That said bill be laid on the table.

Mr. Slaughter, from the same committee, reported a bill to appoint a State Geologist, which was read the first time, and ordered to be read a second time.

Mr. Heady moved to lay 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. Williams and Slaughter, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bradley, Heady, South, Bramlette, James, Thomas, Bristow, Rice, Walker—9.

Those who voted in the negative, were—


The constitutional rule as to the second reading being dispensed with, said bill was placed in the orders of the day.

Mr. Williams, from the committee on Federal Relations, to whom was referred the preamble and resolutions from the House of Representatives, in relation to the Mexican war, reported the same without amendment.
The said preamble and resolutions are as follows, to-wit:

WHEREAS, a war exists between the United States and Mexico. Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, that it is the impious duty of the President of the United States to use all possible means in his power, that are honorable and fair, to terminate and bring said war to a speedy close, and to make peace, doing no act in the adjustment of the matter that will in the least compromit the honor and character of the United States.

Resolved further, That while said war continues, it is the duty of Congress to afford and vote for a sufficient number of men, and an ample supply of means and money to prosecute said war with energy and vigor.

Resolved further, That the Governor be requested to forward to the President of the United States, and to each of our Senators and Representatives in Congress, a copy of the foregoing preamble and resolutions.

Mr. J. Speed Smith moved to lay said preamble and resolutions on the table.

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

The yeas and nays being required thereon by Messrs. Wall and Walker, were as follows, to-wit:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Bradley, Fox, Harris, Heady, Henderson, Holloway, James, Marshall, Rice, South, Swope, Thurman, Todd, Walker, Wall, Williams—16.

Mr. Hawkins, from the committee on Public Offices, made the following report, to-wit:

The joint committee on Public Offices have embraced every opportunity afforded them, during the session, of discharging the duties assigned them, and take pleasure in saying that the condition of all the Public Offices are such as should be desired by the Legislature.

They gave a cursory examination to the books and papers of the Treasurer, 1st and 2d Auditors, and Register of the Land Office, and found them neatly and accurately kept, and everything appeared to be in its proper place, and well arranged.

Since the last session of the Legislature all the Public Offices have, under a law then passed, been refitted, another story added, and metal fire proof roofs put on, they are now, for the first time, considered safe, and while the exterior appearance has been beautified, the interior arrangements are
such as to give the necessary room, and ensure the safety of the books and papers, and add to the comfort of those having business in them.

All of which is respectfully submitted.

J. RUSSELL HAWKINS, Ch'm. Sen. Com.
JOHN W. RUSSELL,
WM. S. BOTTS, Ch'm H. R. Com.
JNO. P. DEVEREUX,
S. S. ENGLISH,
BEN. F. PURDOM.

Mr. Peyton, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to repeal in part an act, entitled, an act further to provide for the appointment of patroons in this Commonwealth, approved February 18, 1841, 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. Peyton, from the committee on the Judiciary, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act authorizing Justices of the Peace to try attachment causes and motions out of term time.

An act for the benefit of the administrators of H. K. Chism, deceased.

An act to legalize the proceedings of the Commissioners appointed to run and mark the county line between Bullitt and Jefferson.

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. Bradley, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, to-wit:

An act for the benefit of James P. Tyler, of Fulton county.

An act for the benefit of James C. Brewer, Commissioner of Tax for Perry county.

An act relating to the Penitentiary, and requiring a new bond from the Keeper.

An act to regulate the number of Justices of the Peace in the town of Greensburg.

An act for the benefit of Martha Elizabeth Cleveland.

An act giving additional powers to the Trustees of the town of Princeton, in Caldwell county, and for other purposes.
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An act to incorporate the Fireman's Insurance Company of Lexington.
An act to incorporate the town of Harrisonville, in Shelby county.
An act to amend the charter of the city of Lexington.
An act for the benefit of John D. Blackford.
An act for the benefit of James Stinson, of Pulaski county.
An act to amend the law in relation to binding out poor children in this Commonwealth.
An act for the benefit of the Trustees of the town of Shepherdsville, in Bullitt county.

And enrolled bills which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the Clerk of the Cumberland County Court.
An act to suppress coffee houses in the town of Washington.
An act authorizing Greenberry Reynolds to erect a mill dam on Salt river.
An act to allow an additional Justice of the Peace to Carter county.
An act to extend the provisions of the mechanics' lien law, of Louisville, to the counties of Mercer, Marion, Trimble and Jessamine.
An act to change the names of Eliza Jane Donaldson, and others.
An act allowing flat boats and other water crafts, laden with the products of Carroll county, to pass over dam at Lock No. 1, on the Kentucky river, free of toll, in time of high water.
An act giving further time to the administrator of John Trimble to list certain fee bills for collection.
An act further increasing the liabilities of Sheriffs and Coroners and their securities.
An act allowing the Trustees of Burksville to change an alley in said town.
An act legalizing the organization and first election of officers by the Bank Lick Turnpike Road Company.
An act for the benefit of the citizens residing on the middle fork of the Kentucky river, in Clay county.
An act to amend an act providing for a State road from Adairsville, in Logan county, to Bowlinggreen, in Warren county.
An act to allow an additional Justice of the Peace to Meade county.
An act to reduce the price of public lands in Adair county.
An act to change the place of voting in the Fox precinct, in the county of Fleming, and the Chestnut Grove precinct, in Shelby county.
An act for the benefit of Augustine B. Oflitt.
An act for the benefit of the Sheriff of Bullitt county.
An act to amend the road law in the county of Bracken.
An act to authorize the County Court of Campbell to change a State road.
An act for the benefit of the Maysville Guards.

An act authorizing the County Court of McCracken to sell the Seminary lands belonging to said county.

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

An act for the benefit of John M. Morton.

An act to incorporate the Carlisle and Sharpsburg Turnpike Company.

An act to incorporate the Germantown Circulating Library Company.

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. Bradley reported that the committee had performed that duty.

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 places of voting in certain election precincts, reported the same with an amendment, which was 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 bill, as amended, 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, to-wit:

An act to allow an additional Justice of the Peace and Constable to the county of Harlan, and additional Justices of the Peace to Owen and Trimble counties.

An act to extend the limits of the town of Irvine.

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. Walker, the committee on Propositions and Grievances was discharged from the further consideration of the petition and remonstrance of sundry citizens of the town of Flemingsburg.

Mr. Fox read and laid on the table the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the adjournment of the General Assembly shall take place on Monday next at 10 o'clock, A. M.

The rule of the Senate being dispensed with, the said resolution was taken up, twice read, and adopted.
The message received from the Governor, on yesterday, was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I am informed, by an extract of your Journals of yesterday, which has been presented to me, that you have refused to advise and consent to the nomination which I sent you, of Thomas J. Joice to be Sheriff of Bullitt county. I was influenced to make the nomination by information derived through an order of the County Court of Bullitt, made at the February term 1847, in which it is stated that the office of Sheriff of that county had become vacant on account of the failure of James Samuel, who had been commissioned and qualified as Sheriff, in November, 1846, to execute bond as required by law, for the collection of tax, &c.; and in which, Thomas J. Joice and another Justice of the Peace were recommended as proper persons, one of whom to be appointed Sheriff to fill the vacancy.

I know nothing of Mr. Joice personally, and was induced to infer that he was qualified for the office of Sheriff from the recommendation of the County Court. But as his nomination has been rejected, I presume that you have been put in possession of more full and correct information, and that I was mistaken as to his fitness and qualifications for the station. Such an inference, it seems to me, is deducible from your action, unless you were influenced in rejecting the nomination by considerations not personal to Mr. Joice. As this may probably have been the case, I have turned my attention to the law under which the County Court acted, and, upon mature reflection, I am unable to bring my mind to any other conclusion than that the office was vacated by the failure of Mr. Samuel to execute bond as required by law. I am informed, however, that the failure to give bond was not altogether without apology, and that the loss of the office might, under all the circumstances, operate rather oppressively on him. But being of opinion that the office has become vacant, there is no legitimate mode by which he can again obtain the office except by re-appointment.

I therefore nominate for your advice and consent, James Samuel to be Sheriff of Bullitt county, to fill the vacancy occasioned by his failure to give bond for the collection of the revenue tax, &c., according to law.

WM. OWsLEY.

Mr. Draffin moved the following preamble and resolutions, to-wit:

WHEREAS, the Governor sent a message to the Senate on the — inst., nominating Thomas J. Joice to be Sheriff of Bullitt county, in the place of James Samuel, who he represented had “vacated his office by failing to give bond for the collection of the county levy and revenue tax, &c., as required by law”; and, whereas, the Senate, upon full consideration of the subject matter of said message, were of the opinion that no vacancy existed in the office of Sheriff of said county, and so believing, refused to and consent to the nomination of said Joice; and, whereas, the Governor has since communicated another message to the Senate, assuming that the rejection of the first nomination was based upon a supposed want of “fitness and qualifications for the office,” and nominating the said “James Samuel to be Sheriff of Bullitt county, to fill the vacancy occasioned by his failure to give bond for the collection of the revenue tax, &c., as required by law.” Therefore,

Resolved, That, in the opinion of the Senate, no vacancy exists in the of-
office of Sheriff of Bullitt county, and that James Samuel is the legal Sheriff of said county.

Resolved, That the message of the Governor, nominating James Samuel to be Sheriff of Bullitt county, be laid on the table, and that no further action be had thereon.

Mr. Peyton moved to strike out the said preamble.

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

The yeas and nays being required thereon by Messrs. Peyton and Draffin, were as follows, to-wit:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


The question was then taken on the adoption of said preamble and resolutions, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Peyton and Draffin, were as follows, to-wit:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


On the motion of Mr. Fox,

Ordered, That a message be sent to the House of Representatives, asking leave to withdraw the report of the disagreement of the Senate, a bill from that House, entitled, an act for the benefit of William S. Patterson; and Mr. Fox was directed to carry said message.
The said bill having been returned to the possession of the Senate, the vote by which it was disagreed to was reconsidered.

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 was received from the House of Representatives, announcing that they had passed a bill, entitled, an act for the benefit of John R. Desha.

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, 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 by adding "and Samuel W. Hatcher."

Mr. J. Speed Smith, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act to amend an act prescribing the further duties of the Board of Internal Improvement, approved 23d February, 1846.

An act to regulate the tolls on the Madison fork of the Wilderness Road. 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. J. Speed Smith, from the same committee, to whom was referred a bill, entitled, an act to amend an act, entitled, an act for the benefit of C. J. Blackburn, approved February 7, 1845, together with the amendment proposed thereto by the House of Representatives, reported the same, and the Senate disagreed to the amendment.

Mr. J. Speed Smith, from the same committee, to whom was referred a bill making an appropriation to improve the navigation of the Big Sandy river, reported the same and said bill was placed in the orders of the day.

Mr. J. Speed Smith having obtained leave, reported a bill declaring the Richmond Whig Chronicle a public authorized newspaper of this State, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, 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 amended to read, an act declaring the "Richmond Whig Chronicle" and "The Convention" public authorized newspapers of this State.
A message was received from the Governor, by Mr. Kinkead, 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 declaring "The Plough Boy," a paper printed in the town of Richmond, a public authorized newspaper of this State.

An act allowing an additional Justice of the Peace to Breckinridge county.

An act to amend an act, entitled, an act to establish the Mechanics' Institute and Savings Institution of the city of Lexington, approved February 20, 1840.

An act concerning the town of La Fayette, in Christian county.

An act to establish a town on the lands of George Bowling, of Breathitt county.

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

An act to legalize the official acts of Jackson Combs, Surveyor of Perry county.

An act for the benefit of M. M. Wall, of Logan county.

An act to amend an act, entitled, an act for the benefit of Louis Ann Coleman and Charles H. Kenner and Marcus M. Kenner, approved January 29, 1846.

An act to change the time of holding the Clay Circuit Court.

An act for the benefit of the administrator and heirs of Henry Durret, deceased.

An act for the benefit of Thomas Merimee and Prudence Shadburn.


An act for the benefit of the Lexington, Harrodsburg and Perryville Turnpike Company.

An act to authorize the Trustees of the town of Crab Orchard to erect a jail in said town.


An act for the benefit of the Clerk of the Hickman County Court.

An act for the benefit of Hall Anderson.

An act authorizing the trustees of McKendree Chapel to sell the same.

An act to incorporate the Louisville Rolling Mill Company.

An act to incorporate the town of Neetsville, in Adair county.

An act to incorporate the Cynthiana and Millersburg Turnpike Road Company.

An act for the benefit of Samuel D. McCullough and his securities.

An act to change the time of holding the Spring Courts in Pike and Floyd, and to change the time of holding the Lawrence and Morgan County Courts, and for other purposes.
An act for the benefit of John Green, former Sheriff of Henderson county, and for other purposes.

An act to amend the charter of the town of Harrodsburg.

An act to incorporate "The Kentucky Female Orphan School."

An act for the benefit of Phoebe T. Wilkerson.

An act to amend the several acts in relation to the Lexington, Nicholasville, Danville and Lancaster Turnpike Road Company.

An act to change the name of the Mechanics' Savings Institution, of Louisville.

An act to run and establish the line between the counties of Livingston and Caldwell.

An act for the benefit of Jane S. Stewart, William J. Walker, and his wife, Susan B. Walker, and the infant heirs of David Stewart, deceased.

An act to authorize the Trustees of the New Athens Seminary, in Greensburg, to convey the same to the Trustees of said town.

An act to incorporate "The Faculty of the Western Military Institute."

Approved February 23, 1847.

An act for the benefit of the heirs of John Frazier, deceased.

An act for the benefit of the heirs of Isaac Sprake, deceased.

An act for the benefit of the heirs of Thomas Anderson, deceased.

An act for the benefit of Alfred Payne.

An act for the benefit of the heirs of Daniel Barksdale, deceased.

An act to prevent the wanton destruction of fish.

An act to provide for a change of venue in the prosecution against Polly Fenton.

An act to amend the law in relation to the summoning guards.

An act to incorporate the town of Springfield, in Washington county.

An act for the benefit of Nancy Pointer.

An act for the benefit of Silas M. Berry and others.

An act for the benefit of William P. Mitchell.

An act for the benefit of George Dixon, of Nelson county.

An act to incorporate the Springfield Lodge and the Washington Royal Arch Chapter.

An act to incorporate the Trustees of the Presbyterian Church in Frankfort.

An act to provide for a change of venue in the prosecution against Richard S. Mason.

An act for the benefit of James Jackman.

An act regulating sales of forfeited lands, and applying the statute of limitations in certain cases.

An act for the benefit of Ann Davis and her children.

An act for the benefit of the heirs of S. H. Anderson, deceased.
An act for the benefit of Isaac Gray, deputy Sheriff of Caldwell county.
An act for the benefit of Hannah Caldwell, of Livingston county.
Approved February 25, 1847.

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

An act to establish an election precinct at the house of John Eoff's, in the county of Pulaski, and for other purposes.

An act to change an election precinct in the county of Henry, from the house of James Ethington to the house of N. L. Oliver.
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 afore-said.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act to repeal in part and amend in part the several acts incorporating the town of Hickman, in Fulton county, together with the amendments proposed thereto, reported the same.

Ordered, That said bill and amendments be laid on the table.

A message was received from the House of Representatives, by Mr. Waller, announcing that they had passed a bill from the Senate, entitled, an act to add an additional term to the Mason, Adair and Fleming Circuit Courts, with amendments.

Mr. James, from the committee on Finance, to whom was referred bills from the House of Representatives, of the following titles, to-wit:
An act for the benefit of Jacob J. Goodman.
An act for the benefit of Robert H. Perry.
An act for the benefit of A. J. Devine, deputy Sheriff of Bourbon county.
An act for the benefit of L. M. Eckert and William Scott, of Campbell county.
An act for the benefit of Thomas D. Honaker and David Robinson, of Pike county, and for other purposes.
An act for the benefit of John W. Hazlerigg.
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 afore-said.
Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act further to protect the interest of wool growers, reported the same without amendment.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Messrs. Bradley, Brien, James, Swope, Williams—5.

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 Thornton F. Johnson, reported the same with the opinion of the committee that it ought not to pass.

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

A message was received from the House of Representatives, announcing that they insist on the first amendment proposed by them to a bill from the Senate, entitled, an act to change the place of voting from Seaton Lee's, in Pulaski county, and for other purposes.

On the motion of Mr. Fox,

Ordered, That a committee of Conference be appointed on the part of the Senate, to ask the appointment of a committee on the part of the House, to the disagreement of the two houses on the said amendment, and Messrs. Fox, Peyton and Swope were appointed said committee.

On the motion of Mr. Helm, leave was given to bring in a bill for the benefit of Gabriel Kirkpatrick and John Duncan, and Messrs. Helm, Heady and Thurman were appointed a committee to prepare and bring in said bill.

On the motion of Mr. Thomas,
Ordered, That a message be sent to the House of Representatives requesting leave to withdraw the report of the disagreement of the Senate, to a bill from that House, entitled, an act for the benefit of Robert Williams.

Ordered, That Mr. Thomas carry said message.

The said bill having been returned to the possession of the Senate, Mr. Thomas moved to reconsider the vote by which the said bill was disagreed to.

The following bills were reported, to-wit:

By Mr. Peyton, from the committee on the Judiciary—A bill concerning the writ of mandamus.

By Mr. J. Speed Smith, from the committee on Internal Improvement—A bill to produce uniformity of tolls on the turnpike roads in this Commonwealth.

Also, a bill to incorporate companies to construct Locks and Dams Nos. 6, 7, 8, 9 and 10, on the Kentucky river.

By Mr. Peyton, from the committee on the Judiciary—A bill to amend an act authorizing the several Sheriffs in this Commonwealth to make certain conveyances, approved February 11, 1809.

By Mr. James, from the committee on Finance—A bill for the benefit of the Sheriff of Scott county.

By Mr. Helm, from a select committee—A bill for the benefit of John Duncan and Gabriel Kirkpatrick.

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.

And then the Senate adjourned.

SATURDAY, FEBRUARY 27, 1847.

A message was received from the House of Representatives, announcing that they had concurred in the report of the committee of conference on the disagreement of the two houses, to an amendment proposed by the House of Representatives, to a bill from the Senate, entitled, an act to change the place of voting from Seaton Lee's, in Pulaski county, and for other purposes.
That they had concurred in the amendments proposed by the Senate, to bills from that House, of the following titles, to-wit:

An act to change the time of holding the terms of the Court of Appeals.

An act to amend the law on the subject of apprehending runaway slaves.

An act for the benefit of the town of Madisonville, in Hopkins county.

An act to settle and adjust the claim of John Bussing.

An act for the benefit of Jacob Corbett.

An act to amend the several acts incorporating the city of Maysville.

An act to incorporate the town of East Maysville.

An act to amend the laws in reference to the town of Hopkinsville, and for other purposes.

An act for the benefit of John R. Desha.

An act to incorporate the Licking and Lexington Railroad Company.

An act to regulate the terms of the Scott Circuit Court, and for other purposes.

With amendments to the amendments to the last two bills: which amendments to the amendments were concurred in.

That they had received official information from the Governor that he had approved and signed enrolled bills which originated in that House, of the following titles, viz:

An act for the benefit of the town of Portland.

An act for the benefit of W. G. Simpson, H. Todd, H. H. Calvert, and for other purposes.

An act for the benefit of Martin Fugate, late Sheriff of Pendleton county.

An act for the benefit of Christopher C. Lillard and others, Sheriffs of Anderson county.

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

An act for the benefit of Clinton Nash.

An act to amend an act, entitled, an act to incorporate the Cumberland Female Academy, and for other purposes, approved February 1, 1837.

An act for the benefit of Elizabeth Shoemaker.

An act to change the names of Mary Elizabeth McFall and others.

An act for the benefit of Henry G. Mitchell, of Warren county.

An act for the benefit of Thomas May and George B. Adams.

An act for the benefit of John Cottingham and wife.

An act to amend an act, entitled, an act to incorporate the town of Independence.

An act for the benefit of Taylor Pamber.

An act for the benefit of A. P. Churchill and others.
An act authorizing the County Court of Nicholas to change or discontinue a State road.

An act for the benefit of David and Opie J. Lindsey, trustees under the will of Thomas Lindsey, deceased.

An act for the benefit of the Lexington and Covington Turnpike Company.

An act to regulate the appointment of trustees of the Knox County Seminary, and for other purposes.

An act to authorize the County Court of Grayson to change the State roads in said county.

An act to change the names of Thomas and Jane Holder, John and Lucent M. Bradley, John S. Cocks, Polly Bowles, Rebecca A. Chevalier and her children.

An act for the benefit of the Baptist Church at Fish Pools, in Jefferson county.

An act for the benefit of the Sheriff of Union county, and for other purposes.

An act to incorporate the towns of Pikeville and Paintsville.

An act to incorporate a company to be called "The Ohio Line."

An act for the divorce of Louisa Hagen.

An act to divorce Cyrus Pharis from his wife, Mary Pharis.

An act to incorporate a company to construct a turnpike road from Burlingom to Florence, in Boone county.

An act to amend the charter of the Louisville Turnpike Road Company.

An act authorizing the sale of the Upper White Oak Church, in Bath county.

An act to establish the town of Cornishville.

An act to allow an additional Constable to Pulaski county.

Approved February 23, 1847.

Resolutions complimentary to General Taylor and the officers and soldiers under his command, and for other purposes.

Resolutions for presenting the widow of the late Philip Norbourne Barbour a sword, and for the interment of his remains in the Frankfort Cemetery.

Approved February 23, 1847.

That they had passed bills from the Senate, of the following titles, to-wit:

An act providing for the construction and protection of Morse's Magnetic Telegraph in Kentucky.

An act making copies of water leases, which have been recorded, evidence.

An act for the benefit of Elizabeth Jane Smith and others.

An act for the benefit of Harriet and Anderson R. Murray.

An act to divorce Independent Gist and Elizabeth Porcher Gist.
An act to establish the town of Monterey, in Owen county.
An act authorizing Robert Triplett and Alexander B. Barrett to bring certain slaves into this Commonwealth.
An act to amend and reduce into one the several acts relating to the town of Georgetown.
With amendments to the three last named bills, which amendments were concurred in.
That they had passed bills of the following titles, to-wit:
An act for the benefit of the heirs and devisees of Reuben Miles, deceased, and Ann Maria Myers.
An act for the benefit of Mary S. Brewer and Matilda M. Buckner.
An act to authorize Notaries Public to take depositions and administer oaths.
An act to amend the charter of the city of Louisville.
An act for the benefit of John V. Cowling and Jesse A. Mooreman.
An act for the benefit of the heirs of Thomas Downton, deceased.
An act for the benefit of Albert G. Tabscott, Alvin C. Day, and Catherine Willis.
An act to change the time of holding the Montgomery County Court.
An act to incorporate the Hopkinsville Water Works Company.
An act for the benefit of the heirs of Christopher B. Martinee, deceased.
An act for the benefit of the devisees of John Bradshaw, deceased.
An act to establish a Chancery Term of the Bourbon Circuit Court.
An act for the benefit of John Morgan, Sheriff of Perry county.
An act for the benefit of the children of Samuel Y. Garrison.
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 following bills were reported, to-wit:
By Mr. Marshall, on leave—A bill to change the terms of the Henry and Oldham Circuit Courts.
By Mr. Draffin, from the committee on Religion—A bill to divorce Ann Elliott from her husband, John Elliott, and to confirm her marriage with John Right, and legitimate her children.
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 afore
said.

The Speaker having announced that he would absent himself from the
Senate for the remainder of the session, after to day, the Senate proceeded
to elect a Speaker for the occasion; and Mr. Robert S. Todd was declared
unanimously elected Speaker for the remainder of the session, after to day.

On the motion of Mr. Taylor,

Ordered, That the Public Printer print 10,000 copies of the synopsis of
the acts passed at the present session, for the use of the Senate.

Mr. Fox, from the committee of conference on the part of the Senate, on
the disagreement of the two houses on the amendment proposed by the
House of Representatives to a bill from the Senate, entitled, an act to change
the place of voting from Seaton Lee's, in Pulaski county, and for other pur-
poses, reported that the committee on the part of the Senate had agreed to
recede from their disagreement, and concur in the amendment proposed by
the House of Representatives to said bill: which report was concurred in.

Resolved, That the Senate concur in the amendments proposed by the
House of Representatives, to a bill from the Senate, entitled, an act to add
one additional term to the Mason, Adair and Fleming Circuit Courts.

Mr. Peyton, from the committee on the Judiciary, to whom was referred a
bill from the House of Representatives, entitled, an act to amend an act in-
corporating certain turnpike road companies, approved January 29, 1829,
made the following report thereon, to-wit:

The committee on the Judiciary, to whom was referred a bill from the
House of Representatives, "to amend an act incorporating certain turnpike road
companies, approved January 29th, 1829," have had the same under
consideration, and submit the following report:

That, from an attentive examination of the acts establishing the turnpike
road from Maysville to Washington, and continuing said road to Lexington,
a majority of the committee are of the opinion that power is given said
turnpike road company to erect toll gates at distances not less than five
miles apart, and to erect toll gates at bridges, to charge full toll when the
cost of the bridge exceeded $20,000, and half toll when the bridge costs
more than $10,000 and less than $20,000.

The committee find the facts to be, that said company have erected seven
turnpike gates within the distance of 29 miles from Maysville, and also a
gate at one bridge, on which full toll is charged. Three of these gates and
the bridge are within the distance of 10 miles on said road, and consequent-
ly operates as a hardship and oppression on persons traveling said road from
the Blue Licks, in the direction to Maysville. The erection of these gates
are a plain violation of the terms of the charter, and against its manifest ob-
ject and design.

In granting these charters, the legislature failed to reserve the right to al-
ter, amend or modify them, and the committee are unanimously of the opin-
ion that the question presented in this case is alone cognizable in the courts
of justice; that to pass the bill under consideration, would be a nugatory act; the company might or might not, as it suited their own pleasure, regard its provisions. If passed, and disregarded by the company, there is no provision for its enforcement, and, indeed, that the legislature possess no power to enforce it. The committee therefore report the bill back to the Senate, with the expression of the opinion that it ought not to pass.

Ordered, That said bill be read a third time.

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

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

The Senate proceeded to the consideration of the motion made by Mr. Draffin, on yesterday, by which a bill from the House of Representatives, entitled, an act for the benefit of Robert Williams, was disagreed to.

The question being taken on reconsidering said vote, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Peyton and Swope, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, Bramlette, Bristow, Draffin, Fox, Hawkins,

Helm, Marshall, Russell, Slaughter, Speed Smith, Swope,

Thomas, Thornton, Todd, Walker, Wall, Williams—18.

Those who voted in the negative, were—


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

The Senate being equally divided, the Speaker voted in the affirmative.

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

Those who voted in the affirmative, were—

Messrs. Boyd, Bristow, Draffin, Harris, Hawkins, Helm, Rice, Russell, Slaughter, Speed Smith, Swope, Thomas,

Thornton, Thurman, Todd, Wall, Williams—17.

Those who voted in the negative, were—

Messrs. Bradley, Bramlette, Brien, Fox, Heady, Henderson, McNary, Peyton, South,
Butler, Crenshaw, Evans,

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. Henderson and Brien, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, Bristow, Draffin, Harris, Hawkins, Helm,
Rice, Russell, Slaughter, Speed Smith, Swope, Thomas,
Thornton, Thurman, Todd, Wall, Williams—17.

Those who voted in the negative, were—

Messrs. Bradley, Bramlette, Brien, Butler, Crenshaw, Evans,
Fox, Heady, Henderson, Holloway, James, Taylor—16.
Marshall, McNary, Peyton, South,

An engrossed bill, entitled, an act to amend an act, entitled, an act to amend and reduce into one the several acts incorporating a company to turnpike a road from Frankfort to Lexington, by the way of Versailles, was read the third time, as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proviso to the thirteenth section of said recited act, restricting the President and Managers of said Company from establishing a toll gate within one half mile of the limits of any town, be so amended as to authorize said President and Managers to establish a toll gate within a quarter of a mile of the limits of the town of Frankfort: Provided, however, That said President and Managers shall charge persons using said road, at the gate hereby authorized to be erected, toll according to the distance they may use said road: Provided, further, That the President and Managers of said Company shall not have the power to establish a gate, under the provisions of this act, until after the next election of a President and Managers of said Road Company, nor shall said President and Managers then be authorized to establish said gate, if the Lessees of the Lexington and Ohio Railroad, or those concerned in the transportation of freight from the wharf, at the river, to the railroad depot, or the town of Frankfort, in her corporate capacity, or the said persons and corporations, jointly, will pay to the President and Managers of said road, one hundred dollars annually, one half of which shall be paid at the commencement of each six months, commencing in one month after the next annual election of President and Managers.

The question being taken on the passage of said bill, it was decided in the negative, and so the said bill was rejected.
The yeas and nays being required thereon by Messrs. Draffin and Russell, were as follows, to-wit:

Those who voted in the affirmative were—


Those who voted in the negative were—


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 James Coyle, 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 from the House of Representatives, entitled, an act making an appropriation to the militia of Floyd county, called out by order of court, under General Hagar, 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 aforesaid.

A bill from the House of Representatives, entitled, an act to stop the breed of deer west of the Tennessee river, was read the third time and laid on the table.

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

On the motion of Mr. Walker—1. A bill for the benefit of George W. Ewing.

On the motion of Mr. Key—2. A bill for the benefit of the town of Dover, in Mason county.

On the motion of Mr. Butler—3. A bill for the benefit of Sylvester Thomas.

On the motion of Mr. Russell—4. A bill for the benefit of Mary B. Alfriend.

Messrs. Walker, Wall and Todd were appointed a committee to prepare and bring in the 1st; Messrs. Key, Taylor and Boyd the 2d; Messrs. But-
The following bills were reported from select committees, to-wit:

By Mr. Walker—1. A bill for the benefit of George W. Ewing.
By Mr. Key—2. A bill for the benefit of the town of Dover, in Mason county.
By Mr. Butler—3. A bill for the benefit of Sylvester Thomas.
By Mr. Russell—4. A bill for the benefit of Mary B. Alfriend.

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

The constitutional rule as to the second reading of the said bills being dispensed with, the 1st was amended, and said bills 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, except the 1st, which was amended by adding "and Alexander McGregor."

Leave of absence was granted to Mr. Williams and Mr. Holloway for the remainder of the session, after to day.

Mr. Holloway presented the petition of William S. Pew, who stands indicted in the Daviess Circuit Court for murder, praying for a change of venue; which was received and referred to the committee on the Judiciary.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled, an act for the appropriation of money, which was read the first time and ordered to be read a second time.

The constitutional rule as to the second reading of said bill being dispensed with,

The 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.

After some time a message was received from the House of Representatives, announcing that they had concurred in the amendments to said bill.

On the motion of Mr. Peyton, the committee on the Judiciary was discharged from the further consideration of the business before them.

On the motion of Mr. Walker, the committee on Propositions and Grievances was discharged from the further consideration of a bill from the House of Representatives, entitled, an act for the benefit of Thomas J. Miller; and the committee was discharged from the further consideration of the business before them.
Two messages, in writing, were received from the Governor, by Mr. Kinkead, 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:**

1. I nominate for your advice and consent, William Alexander to be Commonwealth's Attorney of the 13th Judicial District.
2. William H. Bemiss to be Police Judge of Blandville, Ballard county.

**Gentlemen of the Senate:**

1. I nominate for your advice and consent, Virgil McKnight and U. E. Ewing to be Directors, on the part of the State, of the Bank of Kentucky.
2. Madison C. Johnson and Henry Duncan to be Directors, on the part of the State, of the Northern Bank of Kentucky.

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

On the motion of Mr. J. Speed Smith,

Resolved, That the Treasurer, and 1st and 2d Auditors, be and they are hereby authorized and required to have the Senate Chamber furnished with forty good strong substantial chairs, by a contract with the Keeper of the Penitentiary, and have them in place at the next meeting of the Legislature.

On the motion of Mr. Boyd,

Resolved, That the thanks of the Senate are due and are hereby tendered to the several ministers of the gospel who have, during the present session, opened the Senate with prayer.

Which was twice read and adopted unanimously.

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

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

**Gentlemen of the Senate:**

1. I nominate for your advice and consent, Ryland T. Dillard to be Superintendent of Public Instruction.

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

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, to-wit:

1. An act making an appropriation to the militia of Floyd county, called out by order of the court, under General Hagar.
2. An act directing the agents of the State, directed and empowered by the 2d Auditor, to sell the lands forfeited for the non-payment of tax.
3. An act to repeal in part, an act, entitled, an act further to provide for the appointment of patrols in this Commonwealth, approved February 18, 1841.
4. An act to change the place of voting in certain election precincts.
An act for the benefit of the Jessamine Cavalry.
That they had disagreed to a bill from the Senate, entitled, an act to d
vorce Tamsey Chadwell.
That they had passed bills from the Senate, of the following titles, to-wit:
An act to extend the terms of the Fayette Circuit Court, and for other pur
poses.
An act for the benefit of Napoleon B. Burks and Eliza Jane Burks, his wife.
An act for the benefit of Burriss A. Looman and W. G. Andrews Looman,
of Fleming county.
An act for the benefit of the town of Dover, in Mason county.
An act for the benefit of James Filce, of Graves county.
An act for the benefit of John and Harrison Dobbs.
An act to incorporate the Kentucky State Colonization Society.
An act to divorce Ann Elliott from her husband, John Elliott, and to con
firm her marriage with John Right, and legitimate her children.
An act declaring the "Richmond Whig Chronicle" and "The Conven­
tion" public authorized newspapers of this State.
An act to amend an act authorizing the several Sheriffs of this Common
wealth to make certain conveyances, approved February 11, 1809.
An act to produce uniformity of tolls on the turnpike roads in this Com­
monwealth.
An act to add an additional term to the Bracken County Court.
An act for the benefit of Jonathan Hathaway and Berryman S. Hoffman.
An act to explain the law relating to bills of exceptions.
An act authorizing the issue of State bonds for certain purposes.
An act for the benefit of the heirs at law of Nelly White, deceased.
An act for the benefit of Matilda Ann Simmons, widow and devisee of Wm. M. Simmons, deceased, and the children and devisees of said Simmons.
An act to incorporate the Lexington Gas Company.
An act for the benefit of the towns of Burlington and Hamilton.
An act for the benefit of the widow and heirs of William Perry, deceased.
An act for the benefit of William H. Taylor, of Mercer county.
An act for the benefit of John B. Meredith, of Woodford county.
An act for the benefit of A. G. Kyle, of Mercer county.
An act to authorize the Superintendent of Public Instruction to make a cer­
tain report to the Second Auditor.
An act to amend an act to reduce into one the several act concerning strays, approved February 10th, 1798.
An act authorizing the Frankfort Cemetery Company to convey a portion of its grounds to the State of Kentucky.
An act to incorporate the Boone Turnpike Road Company.
An act to incorporate the Dry Run and Covington Turnpike Road Com­pany.
An act to incorporate the Warsaw and Williamstown Turnpike Road Company.
An act for the benefit of George W. Ewing and Alexander McGregor.
An act to incorporate companies to construct Locks and Dams Nos. 6, 7, 8, 9 and 10, on the Kentucky river.
An act for the benefit of Sylvester Thomas.
An act for the benefit of Mary B. Alfriend.
An act for the benefit of the Sheriff of Scott county.
An act for the benefit of John Duncan and Gabriel Kirkpatrick.

That they had adopted preamble and resolutions from the Senate in relation to the unfinished turnpike roads in this State.

That they had passed bills of the following titles, to-wit:
An act for the benefit of Isham Jones, of Whitley county.
An act authorizing a settlement with the Trustees of the Stanford Seminary.

An act concerning the Lexington and Ohio Railroad Company.

On the motion of Mr. Wall, a bill from the House of Representatives, entitled, an act for the benefit of Thomas J. Miller, was taken up.

On the motion of Mr. Harris, the said bill was laid on the table.

On the motion of Mr. Evans, the select committee, to whom was referred the memorial and other papers in relation to the establishment of a Lunatic Asylum in the southern portion of the State, was discharged from the further consideration of the same.

On the motion of Mr. Boyd, leave was given to withdraw the petition and remonstrance of sundry citizens of the town of Flemingsburg, in relation to the Flemingsburg Fire Company.

Bills from the House of Representatives, of the following titles, were severally read the first time, to-wit:
An act for the benefit of Isham Jones, of Whitley county.
An act authorizing a settlement with the Trustees of the Stanford Seminary.

Ordered, That said bills 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.

On the motion of Mr. J. Speed Smith,

Resolved, That the Senate will originate no new business after this day, nor act on any which may originate in the House of Representatives.

Mr. Boyd, from the committee on Religion, to whom was referred the petition of sundry citizens of Warren and Edmonson county, praying the passage of a law to protect more effectually religious worship in this State, reported the following resolution, to-wit:
Resolved. That said petition be rejected.

Which was concurred in.

On the motion of Mr. Boyd, the committee on Religion was discharged from the further consideration of the business before them.

On the motion of Mr. James, the committee on Finance was discharged from the further consideration of the business before them.

A bill from the House of Representatives, entitled, an act concerning the Lexington and Ohio Railroad, was read the first time as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, as follows: That the Board of Internal Improvement be and it is hereby authorized, in the event that it shall be of the opinion that the lessees of the Lexington and Ohio Railroad have, in any respect, violated the contract by which they became lessees of said Road, to negotiate and make any compromise with said lessees the said Board may deem proper; and in the event no compromise shall be made, the said Board is authorized to institute suit in the name of the Commonwealth of Kentucky against the lessees, in the Circuit Court for Franklin county, to recover damages for any violation of said contract of lease.

Mr. Harris moved to lay 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. Boyd and Holloway, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, Harris, Russell,
Brien, Hawkins, Speed Smith,
Bristow, Helm, Taylor,
Butler, Holloway, Thurman,
Draffin, McNary, Todd—16.
Fox,

Those who voted in the negative, were—

Messrs. Bradley, Key, Swope,
Evans, Marshall, Thornton,
Heady, Peyton, Walker,
James, South, Wall—12.

The orders of the day were laid on the table.

On the motion of Mr. James,

Resolved. That, when the Commissioners appointed to settle with the Board of Internal Improvement, shall have completed said settlement, and prepared their report to be laid before the next Legislature, that they may hand it over to the Public Printer, who may print 150 copies for the use of the next General Assembly.

Mr. Bradley, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, to-wit:

An act for the benefit of Elizabeth Jane Smith, and others.
An act for the benefit of Harriet and Anderson R. Murray.
An act to repeal the 2d section of an act, entitled, an act declaring certain deeds valid, approved March 2, 1844.
An act for the benefit of Edwin Trimble, Clerk of the Floyd County and Circuit Courts.
An act for the benefit of Richard Fisher and his securities.
An act to regulate the Clerks and Trustees fees for services rendered under the Jury laws.
An act making copies of water leases, which have been recorded, evidence.
An act to amend an act, entitled, an act for the benefit of Joseph S. N. and James M. Dicken, approved February 17, 1846.
An act to incorporate the North Kentucky Mutual Insurance Company.
An act providing for the construction and protection of Morse's Magnetic Telegraph in Kentucky.
An act to incorporate the Independent Temperance Society of Pulaski county.
An act to divorce Independent Gist and Elizabeth Porcher Gist.

And enrolled bills which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the Presbyterian Church of Paducah.
An act to incorporate the Trustees of the Nelson County Library Company, and for other purposes.
An act to establish the road law of Jefferson county.
An act to amend the law regulating the Wilderness road.
An act for the benefit of certain Common Schools in this Commonwealth.
An act for the benefit of A. G. Botts, assignee of James Ray.
An act to incorporate the Dover and Minerva Turnpike Road Company.
An act to incorporate the Globe Manufacturing Company.
An act regulating the mode of appointing a Salt Inspector for the city of Louisville, and for other purposes.
An act to amend the charter of the city of Covington.
An act for the benefit of the Kentucky Institution for the education of the Blind.
An act for the benefit of Jacob J. Goodman.
An act to regulate the terms of the Scott Circuit Court, and for other purposes.
An act for the benefit of William S. Patterson.
An act for the benefit of Thomas D. Honaker and David Robinson, of Pike county, 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. Bradley reported that the committee had performed that duty.

And then the Senate adjourned.

MONDAY, MARCH 1, 1847.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, to-wit:

An act for the benefit of William Rowlett, of Owen county.
An act to provide an office for the Adjutant and Quarter Master General.
That they had passed a bill, entitled, an act to amend an act to incorporate the town of Greenupsburg, in Greenup county.
After some time a message was received from the House of Representatives, by Mr. Evans, asking leave to withdraw the report of the passage of said bill, which was granted, and the bill withdrawn.

Mr. Bradley, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and enrolled resolutions which originated in the House of Representatives, of the following titles, to-wit:

An act to amend the several acts incorporating the city of Maysville.
An act to establish the town of Lairsville, in Russell county.
An act for the benefit of Oscar Pepper.
An act for the benefit of Jeff. Evans, of the county of Greenup.
An act for the benefit of A. J. Devine, deputy Sheriff of Bourbon county.
An act for the benefit of Anna Maria Crockett and her children.
An act to incorporate the town of East Maysville.
An act to incorporate the Paintsville Library Company.
An act to allow an additional Justice of the Peace and Constable to the county of Harlan, and additional Justices of the Peace to Owen and Trimble counties.
An act further to protect the interest of wool growers.
An act to amend the charter of the city of Louisville.
An act for the benefit of the heirs and devisees of Reuben Miles, deceased, and Ann Maria Myers.

An act to incorporate the Hopkinsville Water Works Company.

An act to regulate the tolls on the Madison fork of the Wilderness Road.

An act authorizing the County Court of Morgan to sell the public grounds.

An act to extend the limits of the town of Irvine.

An act to amend the law on the subject of apprehending runaway slaves.

An act for the benefit of L. M. Eckert and William Scott, of Campbell county.

An act to amend the charter of the town of Newport.

An act for the benefit of the town of Madisonville, in Hopkins county.

An act to incorporate the Synephebian Society of Masonic College, Lagrange, Kentucky.

An act for the benefit of Charles Caines, and for other purposes.

An act in relation to the Penitentiary.

An act to incorporate the town of Elizabethtown, in Hardin county.

An act to amend an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, and for other purposes.

An act to incorporate the town of Booneville, in Owsley county.

An act for the benefit of James Buford and wife.

An act to extend the jurisdiction of the Police Judge of the town of Morganfield.

An act incorporating the Union Seminary, in Owen county.

An act for the benefit of Robert Williams.

An act authorizing Justices of the Peace to try attachment causes and motions out of term time.

An act to amend an act incorporating certain Turnpike Road Companies, approved January 29, 1829.

An act to change the places of voting in certain election precincts.

An act directing the agents of the State, directed and empowered by the Second Auditor, to sell the lands forfeited for the non-payment of tax.

An act for the benefit of the Jailer of Nelson county.

An act for the benefit of Amariah Moore.

An act for the benefit of John D. Gillmore.

An act for the benefit of William Calmes.

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

An act to establish a Chancery Term of the Bourbon Circuit Court.

An act for the benefit of John Morgan, Sheriff of Perry county.

An act for the benefit of Albert G. Tabscott, Alvin C. Day, and Catherine Willis.

An act to authorize Notaries Public to take depositions and administer oaths.
An act for the benefit of the Jessamine Cavalry and Keene Artillery.
An act appointing Commissioners of the Goose Creek Salt Works road.
An act for the benefit of the devisees of John Bradshaw, deceased.
An act for the benefit of the children of Samuel Y. Garrison.
An act for the benefit of the heirs of Thomas Downton, deceased.
An act for the benefit of James Renfro, of Knox county.
An act to incorporate the Licking and Lexington Railroad Company, and the Louisville and Frankfort Railroad Company.
An act for the benefit of Robert H. Perry.
An act for the benefit of Thomas Florence, of Hardin county.
An act to settle and adjust the claim of John Bussing.
An act to amend the charter of the Nashville and Louisville Turnpike Road Company.
An act to authorize the Trustees of the Stone Meeting House of the Methodist Church, in Jefferson county, to sell the said house and lot.
An act to legalize the proceedings of the Commissioners appointed to run and mark the county line between Bullitt and Jefferson.
An act to regulate the price of vacant lands in Clay county.
An act to allow the burning of the woods in a portion of Clay county.
An act to extend the mechanics lien law of the city of Louisville, to the counties of Bourbon, Christian, Madison, Livingston, Shelby, Scott, Carroll, Franklin, Gallatin and Clarke.
An act to extend the Constable's district which includes the town of Frankfort.
An act for the establishment of fish traps.
An act for the benefit of John W. Hazlerigg.
An act to change the time of holding the terms of the Court of Appeals.
An act for the benefit of the administrators of H. K. Chism, deceased.
An act concerning the town of Glasgow.
An act for the benefit of John V. Cowling and Jesse A. Mooreman.
An act for the benefit of James O'Hara, deputy Sheriff of Grant county.
An act making an appropriation to the militia of Floyd county, called out by order of Court, under General Hager.
An act to change an election precinct in the county of Henry, from the house of James Ethington to the house of N. L. Oliver.
An act to establish an election precinct at the house of John Eoff's, in the county of Pulaski, and for other purposes.
An act for the benefit of Isham Jones, of Whitley county.
An act for the benefit of Mary S. Brewer and Matilda M. Buckner.
An act for the benefit of A. M., Clifford N., Henry B., and Sidney T. Fontaine.
An act for the benefit of the heirs of Christopher B. Martinee, deceased.
An act for the benefit of Emily McDowell.
An act to amend the law in reference to the town of Hopkinsville, and for other purposes.
An act to repeal in part, an act, entitled, an act further to provide for the appointment of patrols in this Commonwealth, approved February 18, 1841.
An act to amend an act prescribing the further duties of the Board of Internal Improvement, approved February 18, 1846.
An act for the benefit of the Common Schools of Cumberland county.
An act allowing an additional Justice of the Peace to Bath county.
An act for the benefit of the Lexington Rifles.
An act for the appropriation of money.
An act authorizing a settlement with the Trustees of the Stanford Seminary.
An act to allow an additional term of the Cumberland Circuit Court.
An act for the benefit of Jacob Corbett.
An act for the benefit of John R. Desha and Samuel W. Hatcher.
Resolutions complimentary to Rev. R. T. Dillard.
Report and resolutions from the committee on Federal Relations.
Resolutions in relation to the Owingsville and Big Sandy Turnpike Road Company.
And enrolled bills and enrolled preamble and resolutions, which originated in the Senate, of the following titles, to-wit:
Preamble and resolutions in relation to the unfinished turnpike roads in this Commonwealth.
An act to explain the law relating to bills of exceptions.
An act for the benefit of George W. Ewing and Alexander McGregor.
An act to add an additional term to the Bracken Circuit Court.
An act for the benefit of A. G. Kyle, of Mercer county.
An act for the benefit of John B. Meredith, of Woodford county.
An act to divorce Ann Elliott from her husband, John Elliott, and to confirm her marriage with John Right, and legitimate her children.
An act authorizing the Frankfort Cemetery Company to convey a portion of its grounds to the State of Kentucky.
An act for the benefit of the town of Dover, in Mason county.
An act to authorize the Superintendent of Public Instruction to make a certain report to the Second Auditor.
An act for the benefit of William H. Taylor, of Mercer county.
An act to amend an act to reduce into one the several acts concerning strays, approved February 10th, 1798.
An act for the benefit of the widow and heirs of William Perry, deceased.
An act for the benefit of the Sheriff of Scott county.
An act for the benefit of John Duncan and Gabriel Kirkpatrick.
An act to establish the town of Monterey, in Owen county.
An act to incorporate the Kentucky State Colonization Society.
An act for the benefit of James Fike, of Graves county.
An act for the benefit of John and Harrison Dobbs.
An act for the benefit of Mary B. Alfriend.
An act for the benefit of Sylvester Thomas.
An act to extend the terms of the Fayette Circuit Court, and for other purposes.
An act to amend an act authorizing the several Sheriffs of this Commonwealth to make certain conveyances, approved February 11, 1809.
An act for the benefit of Napoleon B. Burks and Eliza Jane Burks, his wife.
An act declaring the "Richmond Whig Chronicle" and "The Convention" public authorized newspapers of this State.
An act authorizing the issue of State bonds for certain purposes.
An act for the benefit of Burriss A. Looman and W. G. Andrews Looman, of Fleming county.
An act authorizing Robert Triplett and Alexander B. Barrett to bring certain slaves into this Commonwealth.
An act for the benefit of Jonathan Hathaway and Berryman S. Hoffman.
An act for the benefit of Matilda Ann Simmons, widow and devisee of Wm. W. Simmons, deceased, and the children and devisees of said Simmons.
An act to change the place of voting in election precincts in Bullitt and Boyle counties.
An act to add one additional term to the Adair Circuit Court.
An act to amend and reduce into one the several acts relating to the town of Georgetown.
An act to incorporate the Dry Run and Covington Turnpike Road Company.
An act for the benefit of the heirs at law of Nelly White, deceased.
An act to incorporate the Boone Turnpike Road Company.
An act to incorporate the Warsaw and Williamstown Turnpike Road Company.
An act to incorporate the Lexington Gas Company.
An act to produce uniformity of tolls on the turnpike roads in this Commonwealth.
An act for the benefit of the towns of Burlington and Hamilton.
An act to provide an office for the Adjutant and Quarter Master General.
An act for the benefit of William Rowlett, of Owen county.
An act to incorporate companies to construct Locks and Dams Nos. 6, 7, 8, 9 and 10, on the Kentucky river.

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. Bradley reported that the committee had performed that duty.

The message of the Governor, nominating James Samuel to be Sheriff of Bullitt county, was taken up.

Mr. Heady moved the following preamble, to-wit:

WHEREAS, the Governor sent in a message to the Senate, on the - inst., nominating Thomas J. Joice to be Sheriff of Bullitt county, in the place of James Samuels, who, he represented, had vacated his office by failing to give bond for the collection of the county levy and revenue tax, &c., as required by law; and, whereas, the Senate, upon full consideration of the subject matter in said message, were of the opinion that no vacancy existed in the office of Sheriff of said county, and so believing, refused to advise and consent to the nomination of said Joice: and, whereas, the Governor has since communicated another message to the Senate, assuming that the rejection of the first nomination was based upon a supposed want of fitness and qualification for the office, but supposing it possible, without a knowledge of the fact, that the rejection was upon other grounds, to-wit: there was no vacancy; re-asserting his firm conviction, upon mature consideration, that there was a vacancy, and that there was some apology for the vacancy, therefore nominated James Samuels, the individual who claimed to be Sheriff. The Senate re-affirm their conviction that there was no vacancy in said office, and that James Samuels is the Sheriff of Bullitt county. But lest there might arise some difficulty growing out of such difference of opinion, and the administration of justice disturbed in Bullitt county, by reason thereof, the Senate, to avoid the possibility of such an occurrence, advise and consent to the nomination of James Samuels as Sheriff of Bullitt county.

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

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

Gentlemen of the Senate:

I nominate for your advice and consent, Elisha Brown to be Police Judge of Elizabethtown.

WM. OWSLEY.

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

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

An act for the benefit of James P. Tyler, of Fulton county.
An act for the benefit of James C. Brewer, Commissioner of Tax for Perry county.
An act relating to the Penitentiary, and requiring a new bond from the Keeper.
An act to regulate the number of Justices of the Peace in the town of Greensburg.

An act for the benefit of Martha Elizabeth Cleveland.

An act giving additional powers to the Trustees of the town of Princeton, in Caldwell county, and for other purposes.

An act to incorporate the Fireman's Insurance Company of Lexington.

An act to incorporate the town of Harrisonville, in Shelby county.

An act to amend the charter of the city of Lexington.

An act for the benefit of John D. Blackford.

An act for the benefit of James Stinson, of Pulaski county.

An act to amend the law in relation to binding out poor children in this Commonwealth.

An act for the benefit of the Trustees of the town of Shepherdsville, in Bullitt county.

Approved February 26, 1847.

An act providing for the construction and protection of Morse's Magnetic Telegraph in Kentucky.

An act to incorporate the Independent Temperance Society of Pulaski county.

An act for the benefit of Elizabeth Jane Smith, and others.

An act to amend an act, entitled, an act for the benefit of Joseph S. N. and James M. Dicken, approved February 17, 1846.

An act making copies of water leases, which have been recorded, evidence.

An act to incorporate the North Kentucky Mutual Insurance Company.

An act to regulate the Clerks and Trustees fees for services rendered under the Jury laws.

An act for the benefit of Richard Fisher and his securities.

An act for the benefit of Edwin Trimble, Clerk of the Floyd County and Circuit Courts.

An act to repeal the 2d section of an act, entitled, an act declaring certain deeds valid, approved March 2, 1844.

An act to divorce Independent Gist and Elizabeth Porcher Gist.

An act for the benefit of Harriet and Anderson R. Murray.

An act to amend and reduce into one the several acts relating to the town of Georgetown.

An act to amend an act to reduce into one the several acts concerning strays, approved February 10, 1798.

An act for the benefit of the widow and heirs of William Perry, deceased.

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

An act for the benefit of John Duncan and Gabriel Kirkpatrick.

An act to establish the town of Monterey, in Owen county.

An act to incorporate the Kentucky State Colonization Society.
An act for the benefit of James Fike, of Graves county.
An act for the benefit of John and Harrison Dobbs.
An act for the benefit of Sylvester Thomas.
An act for the benefit of Mary B. Alfriend.
An act to extend the terms of the Fayette Circuit Court, and for other purposes.
An act to amend an act authorizing the several Sheriffs in this Commonwealth to make certain conveyances, approved February 11, 1809.
An act for the benefit of Napoleon B. Burks and Eliza Jane Burks his wife.
An act declaring the "Richmond Whig Chronicle" and the "Convention" public authorized newspapers of this State.
An act authorizing the issue of State bonds for certain purposes.
An act for the benefit of Burriss A. Looman and W. G. Andrews Looman, of Fleming county.
An act authorizing Robert Triplett and Alexander B. Barrett to bring certain slaves into this Commonwealth.
An act for the benefit of Jonathan Hathaway and Berryman S. Hoffman.
An act for the benefit of Matilda Ann Simmons, widow and devisee of Wm. W. Simmons, deceased, and the children and devisees of said Simmons.
An act to change the place of voting in election precincts in Bullitt and Boyle counties.
An act to add an additional term to the Adair Circuit Court.
An act to incorporate the Boone Turnpike Road Company.
An act to incorporate the Warsaw and Williamstown Turnpike Road Company.
An act to incorporate the Lexington Gas Company.
An act to produce uniformity of tolls on the turnpike roads in this Commonwealth.
An act for the benefit of the towns of Burlington and Hamilton.
An act for the benefit of John B. Meredith, of Woodford county.
An act to divorce Ann Elliott from her husband, John Elliott, and to confirm her marriage with John Right, and legitimate her children.
An act authorizing the Frankfort Cemetery Company to convey a portion of its grounds to the State of Kentucky.
An act for the benefit of the town of Dover, in Mason county.
An act to authorize the Superintendent of Public Instruction to make certain reports to the Second Auditor.
An act for the benefit of William H. Taylor, of Mercer county.
An act to incorporate companies to construct Locks and Dams Nos. 6, 7, 8, 9 and 10, on the Kentucky river.
An act to provide an office for the Adjutant and Quartermaster Generals.
An act for the benefit of William Rowlett, of Owen county.
An act to incorporate the Dry Run and Covington Turnpike Road Company.
An act for the benefit of the heirs at law of Nelly White, deceased.
An act to explain the law relating to bills of exception.
An act for the benefit of George W. Ewing and Alexander McGregor.
An act to add an additional term to the Bracken Circuit Court.
An act for the benefit of A. G. Kyle, of Mercer county.

Preamble and resolutions in relation to the unfinished turnpike roads in this State.

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

An act allowing the Trustees of Burksville to change an alley in said town.
An act further increasing the liabilities of Sheriffs and Coroners and their securities.
An act for the benefit of Augustine B. Offutt.
An act to incorporate the Carlisle and Sharpsburg Turnpike Company.
An act for the benefit of John M. Morton.
An act to allow an additional Justice of the Peace to the county of Spencer.
An act authorizing the County Court of McCracken to sell the Seminary lands belonging to said county.
An act for the benefit of the Maysville Guards.
An act to authorize the County Court of Campbell to change a State road.
An act to amend the road law in the county of Bracken.
An act to reduce the price of public lands in Adair county.
An act to change the place of voting in the Fox precinct, in the county of Fleming, and the Chestnut Grove precinct, in Shelby county.
An act for the benefit of the citizens residing on the middle fork of the Kentucky river, in Clay county.
An act legalizing the organization and first election of officers by the Bank Lick Turnpike Road Company.
An act giving further time to the administrator of John Trimble to list certain fee bills for collection.
An act allowing flat boats and other water crafts, laden with the products of Carroll county, to pass over dam at Lock No. 1, on the Kentucky river, free of toll, in time of high water.
An act authorizing Greenberry Reynolds to erect a mill dam on Salt river.
An act for the benefit of the Clerk of the Cumberland County Court.
An act to amend an act providing for a State road from Adairsville, in Logan county, to Bowlinggreen, in Warren county.
An act to allow an additional Justice of the Peace to Mercer county.
An act to extend the provisions of the mechanics' lien law, of Louisville, to the counties of Mercer, Marion, Trimble and Jessamine.
An act to change the names of Eliza Jane Donaldson, and others.
An act to incorporate the Germantown Circulating Library Company.
An act to allow an additional Justice of the Peace to Carter county.
An act to suppress coffee houses in the town of Washington.

Approved February 26, 1847.

An act for the benefit of certain Common Schools in this Commonwealth.
An act for the benefit of A. G. Botts, assignee of James Ray.
An act to amend the charter of the city of Covington.
An act for the benefit of the Kentucky Institution for the education of the Blind.
An act for the benefit of Jacob J. Goodman.
An act to regulate the terms of the Scott Circuit Court, and for other purposes.
An act regulating the mode of appointing a Salt Inspector for the city of Louisville, and for other purposes.
An act to incorporate the Globe Manufacturing Company.
An act to amend the law regulating the Wilderness road.
An act to incorporate the Dover and Minerva Turnpike Road Company.
An act to establish the road law of Jefferson county.
An act to incorporate the Trustees of the Nelson County Library Company, and for other purposes.
An act to incorporate the Presbyterian Church of Paducah.
An act for the benefit of Thomas D. Honaker and David Robinson, of Pike county, and for other purposes.
An act for the benefit of William S. Patterson.
An act for the benefit of John V. Cowling and Jesse A. Moorman.
An act to incorporate the town of Booneville, in Owsley county.
An act to incorporate the town of Elizabethtown, in Hardin county.
An act to amend an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, and for other purposes.
An act for the benefit of Charles Caines, and for other purposes.
An act in relation to the Penitentiary.
An act incorporating the Union Seminary, in Owen county.
An act for the benefit of John Goodridge.
An act for the benefit of Robert Williams.
An act for the benefit of James Buford and wife.
An act to extend the jurisdiction of the Police Judge of the town of Morganfield.
An act to amend the several acts incorporating the city of Maysville.
An act to establish the town of Lairsville, in Russell county.
An act for the benefit of Oscar Pepper.
An act for the benefit of A. J. Devine, deputy Sheriff of Bourbon county.
An act for the benefit of Jeff. Evans, of the county of Greenup.
An act for the benefit of Anna America Crockett and her children.
An act to incorporate the town of East Maysville.
An act to incorporate the Paintsville Library Company.
An act to allow an additional Justice of the Peace and Constable to the county of Harlan, and additional Justices of the Peace to Owen and Trimble counties.
An act further to protect the interest of wool growers.
An act for the benefit of the heirs and devisees of Reuben Miles, deceased, and Ann Maria Myers.
An act to amend the charter of the city of Louisville.
An act to incorporate the Hopkinsville Water Works Company.
An act to regulate the tolls on the Madison fork of the Wilderness Road.
An act authorizing the County Court of Morgan to sell the public grounds.
An act to extend the limits of the town of Irvine.
An act to amend the law on the subject of apprehending runaway slaves.
An act for the benefit of L. M. Eckert and William Scott, of Campbell county.
An act to amend the charter of the town of Newport.
An act for the benefit of the town of Madisonville, in Hopkins county.
An act to incorporate the Synephebian Society of Masonic College, Lagrange, Kentucky.
An act for the benefit of the Jailer of Nelson county.
An act directing the agents of the State, directed and empowered by the Second Auditor, to sell the lands forfeited for the non-payment of tax.
An act to change the places of voting in certain election precincts.
An act for the benefit of John D. Gillmore.
An act for the benefit of Amariah Moore.
An act to change the time of holding the Montgomery County Court.
An act for the benefit of William Calmes.
An act for the benefit of John Morgan, Sheriff of Perry county.
An act to establish a Chancery Term of the Bourbon Circuit Court.
An act for the benefit of Albert G. Tabscott, Alvin C. Day, and Catharine Willis.
An act to authorize Notaries Public to take depositions and administer oaths.
An act for the benefit of the Jessamine Cavalry and Keene Artillery.
An act appointing Commissioners of the Goose Creek Salt Works road.
An act for the benefit of the devisees of John Bradshaw, deceased.
An act for the benefit of the children of Samuel Y. Garrison.
An act for the benefit of the heirs of Thomas Downton, deceased.
An act for the relief of James Renfro, of Knox county.
An act to incorporate the Licking and Lexington Railroad Company, and the Louisville and Frankfort Railroad Company.
Resolutions in relation to the Owingsville and Big Sandy Turnpike Road Company.
Report and resolutions of the committee on Federal Relations.
Resolutions complimentary to Rev. R. T. Dillard.
An act for the appropriation of money.
An act for the benefit of A. M., Clifford N., Henry B., and Sydney T. Fontaine.
An act for the benefit of the Common Schools of Cumberland county.
An act to amend an act prescribing the further duties of the Board of Internal Improvement, approved 23d February, 1846.
An act for the benefit of Thomas Florence, of Hardin county.
An act for the benefit of Robert H. Perry.
An act for the benefit of Jacob Corbett.
An act to allow an additional term of the Cumberland Circuit Court.
An act to amend the charter of the Nashville and Louisville Turnpike Road Company.
An act for the establishment of fish traps.
An act to extend the Constable's district which includes the town of Frankfort.
An act to extend the mechanics' lien law of the city of Louisville, to the counties of Bourbon, Christian, Livingston, Shelby, Scott, Carroll, Franklin, Gallatin and Clarke.
An act to allow the burning of the woods in a portion of Clay county.
An act to regulate the price of vacant lands in Clay county.
An act to settle and adjust the claim of John Bussing.
An act authorizing Justices of the Peace to try attachment causes and motions out of term time.
An act for the benefit of John R. Desha and Samuel W. Hatcher.
An act to amend the law in reference to the town of Hopkinsville, and for other purposes.

An act for the benefit of Emily McDowell.

An act for the benefit of the heirs of Christopher B. Martinie, deceased.

An act to repeal, in part, an act, entitled, an act further to provide for the appointment of patrols in this Commonwealth, approved February 18, 1841.

An act for the benefit of the administrators of H. K. Chism, deceased.

An act to legalize the proceedings of the Commissioners appointed to run and mark the county line between Bullitt and Jefferson.

An act to authorize the Trustees of the Stone Meeting House of the Methodist Church, in Jefferson county, to sell the said house and lot.

An act to change the time of holding the terms of the Court of Appeals.

An act for the benefit of John W. Hazlerigg.

An act authorizing a settlement with the Trustees of the Stanford Seminary.

An act making an appropriation to the militia of Floyd county, called out by order of Court, under General Hager.

An act to establish an election precinct at the house of John Eoff’s, in the county of Pulaski, and for other purposes.

An act to change an election precinct in the county of Henry, from the house of James Ethington to the house of N. L. Oliver.

An act for the benefit of the Lexington Rifles.

An act allowing an additional Justice of the Peace to Bath county.

An act for the benefit of Mary S. Brewer and Mildred M. Buckner.

An act for the benefit of Isham Jones, of Whitley county.

An act concerning the town of Glasgow.

An act for the benefit of James O’Hara, deputy Sheriff of Grant county.

Approved March 1, 1847.

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

Resolved, That the thanks of the Senate are hereby tendered to Theodore Kohlhass, Principal, and Thomas D. Tilford, Assistant Secretary of the Senate, for the faithful, prompt, and able manner in which they have discharged their respective duties.

The said resolution was unanimously adopted.

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

Resolved, That the thanks of the Senate be and are hereby tendered to John D. McClure, Sergeant-at-Arms, and Benjamin Selby, Doorkeeper of the Senate, for the polite, attentive and efficient manner in which they have discharged their respective duties during the present session.

The said resolution was unanimously adopted.

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

Resolved, That the thanks of the Senate are due and hereby tendered to Will. R. Hervey, Reporter for the Daily Commonwealth, for his gentleman-
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.

Whereupon Messrs. Slaughter, Wall and James were appointed a committee on the part of the Senate.

A message was sent to the House of Representatives, by Mr. Fox, 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. Slaughter reported that the joint committee had performed the duty assigned them, and were informed by the Governor that he had nothing further to communicate, other than his wishes for their safe and happy return to their families.

Mr. Todd, Speaker pro tem., being in the chair, Mr. Harris moved the following resolution, to-wit:

Resolved, That the thanks of the Senate are hereby tendered to the Hon. Archibald Dixon for the able and dignified manner in which he has presided over the Senate during the present session.

The said resolution was unanimously adopted.

The Speaker pro tem. having delivered a suitable address, adjourned the Senate without day.
APPENDIX.


TUESDAY, January 12, 1847.

A message was received from the House of Representatives, announcing that they had appointed managers to conduct the impeachment against John A. Duff, Surveyor of Perry county, and had directed the said managers to carry to the Senate the articles agreed upon by the House, to be exhibited in maintenance of their impeachment against said John A. Duff.

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

Resolved, That the Clerk of the Senate inform the House of Representatives that the Senate will now receive the articles of impeachment against John A. Duff, Surveyor of Perry county, who stands impeached by said House for high crimes and misdemeanors.

WEDNESDAY, January 13, 1847.

The resolution moved by Mr. South, on yesterday, directing the Clerk of the Senate to inform the House of Representatives that the Senate are now ready to receive the articles of impeachment against John A. Duff, Surveyor of Perry county, was twice read and adopted.

A message was received from the House of Representatives, by Mr. Armstrong, announcing that the managers appointed by a resolution of the House of Representatives, to prosecute the impeachment of John A. Duff, Surveyor of Perry county, before the Senate, for high crimes and misdemeanors, in obedience to their instructions, present to the Senate articles of impeachment against said John A. Duff, Surveyor of Perry county, on each and every article of impeachment whereof the said John A. Duff stands charged by the House of Representatives, before the Senate; and the managers do now, in the name of the House of Representatives, respectfully demand that said John A. Duff, Surveyor of Perry county, be put upon his trial.

The articles of impeachment against John A. Duff, Surveyor of Perry county, were taken up and read as follows, to-wit:

In the name of the House of Representatives of the General Assembly of the Commonwealth of Kentucky, and all the people of said Commonwealth, and by the authority of the same, the said House of Representatives, doth
find, present and prefer the following articles against John A. Duff, Surveyor of Perry county, in maintainance and support of their impeachment against him for high crimes and misdemeanors in office.

ARTICLE 1.

That, unmindful of the solemn duties of his office, and contrary to the sacred obligation by which he stood bound to discharge them, faithfully and impartially, the said John A. Duff, Surveyor of Perry county, did, within the years 1825, 1830, 1835, 1840 and 1845, negligently fail to enter into bond and security as required by law in such cases, and hath wholly failed to execute bond since the year 1831, and hath, by such failures, committed five separate distinct misdemeanors in office, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 2.

That, undmindful of the public good, and with a view to use his office for selfish purposes, the said John A. Duff, Surveyor as aforesaid, did on the first day of June, in the year of our Lord one thousand eight hundred and twenty-five, and on divers other days and times, refuse to permit Elijah Combs, and many other citizens of the county of Perry, to examine the books and records of his office, declaring that they belonged to him and not to the public. By means of which the said Duff has been benefitted at the expense of the public, in making confusions and confictions in appropriating the vacant lands, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 3.

That, using his office and the power conferred upon him by the Constitution and laws, to the manifest injury and oppression of the people, and to the execution of his own selfish and sinister ends, the said John A. Duff, Surveyor as aforesaid, having been employed by a certain Stephen Campbell, to furnish the warrant, and survey for him fifty acres of vacant land, and the said Stephen Campbell afterwards having sold the right to have said land surveyed, to Samuel Campbell, and the said Samuel Campbell having clearly identified the said land to the said Duff, he, the said Duff, did, on the 10th day of June, in the year of our Lord one thousand eight hundred and forty, in the said county of Perry, wilfully and corruptly, while pretending to cover by a survey the fifty acres of vacant land the said Samuel Campbell intended to appropriate, make the survey and cover other and different land, which was poor and worthless, for the corrupt purpose of compelling the said Samuel Campbell to again employ him, the said Duff, to make another survey and furnish another fifty acre warrant, to save and cover the land which the said Duff well knew the said Campbell intended to appropriate. By means of which the said Duff did compel the said Campbell to purchase another fifty acre land warrant, and have another survey made by the said Duff, to cover the fifty acres of land the said Samuel Campbell wished to appropriate, and did extort from the said Campbell, in the manner aforesaid, the sum of $28 50 cents, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.
APPENDIX.

ARTICLE 4.

That, wholly disregarding the interest and rights of others, the said John A. Duff, Surveyor as aforesaid, did, on the first day of August, in the year of our Lord one thousand eight hundred and thirty nine, in said county of Perry, receive the legal fees from Jeremiah Combs, to enter and survey a well known and well described boundary of vacant land lying on the waters of Loss creek, in said county of Perry, and did promise to survey the same for the said Combs. But the said Duff, contriving to cheat and defraud the said Combs, did not nor would not, according to his promise and the duties of his office, enter and survey the said boundary of vacant land for the said Combs, although often requested so to do, to the manifest injury of the said Combs, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 5.

That the said John A. Duff, Surveyor as aforesaid, did, on the first day of February, in the year of our Lord one thousand eight hundred and forty, in the said county of Perry, for the purpose of corrupt gain, survey for Henry Combs, 200 acres as vacant and unappropriated land, which had been surveyed by the said Duff only a few days before for a certain Alexander Combs and appropriated by him, which was well known to the said Duff; but the said Duff fraudulently, for the purpose of making his fees, concealed the fact of the entry and survey for Alexander Combs from the said Henry Combs, and thereby compelled him, the said Henry Combs, illegally and unjustly, to pay him, the said Duff, the sum of $3.75 cents, for each hundred acres of the said 200 acres, to the injury of the said Henry Combs, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 6.

That the said John A. Duff, Surveyor as aforesaid, did, on the 20th day of June, in the year of our Lord one thousand eight hundred and forty two, in said county of Perry, corruptly survey and appropriate one hundred and fifty acres of vacant land for a certain William Stamper, after he, the said Duff, had for a stipulated price, to wit: the sum of $30, agreed to furnish the warrants and make three fifty acre surveys for a certain Larkin Collins, and the said Collins had often requested the said Duff to appropriate and survey the said vacant land for him. But the said Duff, disregarding his promise and the duties of his office, subsequent to his promise and the request of the said Collins, did appropriate and survey the said one hundred and fifty acres of vacant land aforesaid, for the said William Stamper, thereby selling his official acts to the highest bidder, against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 7.

That the said John A. Duff, Surveyor as aforesaid, did, on the third day of July, in the year of our Lord one thousand eight hundred and forty, in the said county of Perry, in making a survey of vacant land for a certain James N. Brashears, wilfully and corruptly leave out the level and valuable land the said Brashears intended to appropriate, notwithstanding the said Brashears was present directing him, the said Duff, to cover the same by
the said survey. But the said Duff, fraudulently intending to cheat the said Brashears out of the valuable land he intended to appropriate, falsely and fraudulently represented to the said Brashears, that he had surveyed and appropriated the valuable portion of said vacant land to his own name, and positively refused to survey the same for the said Brashears, when in truth and in fact, the said Duff had not surveyed and appropriated the said land. By means of which he cheated and defrauded the said Brashears, against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 8.

That the said John A. Duff, Surveyor as aforesaid, did, on the first day of June, in the year of our Lord one thousand eight hundred and forty two, in said county of Perry, extort from a poor widow, Malinda Merdy, for making for her a fifty acre survey, the illegal, unjust and iniquitous fee of ten dollars, and refused to make for her another fifty acre survey, although the legal fees were tendered, and he, the said Duff, repeatedly requested to make the same, against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 9.

That the said John A. Duff did, in the year of our Lord one thousand eight hundred and forty two, on the 21st day of July, corruptly and illegally charge, and receive and extort, by means of his office, the unjust and illegal fee of ten dollars, in addition to his legal fees for getting and procuring the patents for two fifty acre surveys, for James Williams. And for the purpose of exacting the said sum from the said Williams, the said Duff did corruptly refuse to let the said Williams have the plats and certificates of said surveys, when the said Williams had an opportunity of sending them to the Register's office, without cost or charge, and by so refusing, did extort and receive from the said Williams the ten dollars aforesaid, for procuring the patents aforesaid, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 10.

That the said John A. Duff, Surveyor as aforesaid, did, on the tenth day of June, in the year of our Lord one thousand eight hundred and forty four, in said county of Perry, corruptly fail and refuse to swear William Campbell and others as chain carriers, and to make several surveys, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 11.

That the said John A. Duff, Surveyor as aforesaid, did, on the tenth day of July, in the year of our Lord one thousand eight hundred and forty three, in the said county of Perry, corruptly extort from a certain Patrick B. Napier, for furnishing the land warrant, and making a fifty acre survey, the unjust and illegal fee of fifteen dollars; and for the corrupt purpose of inducing the said Napier to give said fee, the said Duff fraudulently represented that he had entered and surveyed the same for his son Henry Duff, when in truth and in fact he had not so entered and surveyed it, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.
ARTICLE 12.

That the said John A. Duff, Surveyor as aforesaid, did, on the 4th day of December, in the year of our Lord one thousand eight hundred and forty four, in said county of Perry, corruptly procure, and retain in his possession, a patent belonging to, and in the name of Solomon Everidge, for the corrupt purpose of extorting and exacting from the said Everidge the fee of five dollars, to get his patent aforesaid out of the hands of the said Duff; and the said Duff hath hitherto wholly failed and refused to deliver the same to the said Everidge, although often requested, unless the said Everidge would first pay him, the said Duff, the said fee of five dollars, and still retains the same, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 13.

That the said John A. Duff, Surveyor as aforesaid, did, on the tenth day of January, in the year of our Lord one thousand eight hundred and forty one, in the said county of Perry, unjustly and illegally extort from a certain Rachael Everidge, (a poor widow,) the unjust and illegal sum of eight dollars, as his fee for making an hundred acre survey for her, and did wholly fail and refuse to make out a plat and certificate for the same, or to return the warrant, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 14.

That the said John A. Duff, Surveyor as aforesaid, did, on the tenth day of November, in the year of our Lord one thousand eight hundred and forty three, in the said county of Perry, make a fifty acre survey for Patrick B. Napier, and failed to swear the chain carriers, and did corruptly and falsely certify, in this plat and certificate, that the said chain carriers had been sworn, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 15.

That the said John A. Duff, Surveyor as aforesaid, did, on the fifteenth day of June, in the year of our Lord one thousand eight hundred and thirty seven, in the said county of Perry, not having the fear of God before his eyes, alter, change and forge a fifty acre survey to an hundred acres, and did change and forge the date of said survey, and the names of the chain carriers and marker, which appears to be in the name of John Duff, and lying and being on the Lick branch of the Clear fork of Troublesome fork of the North fork of the Kentucky river, in the county of Perry and State of Kentucky; and did return said altered, changed and forged survey, plat and certificate to the Register's office, for the corrupt purpose of cheating and defrauding the Commonwealth and the county of Perry out of their vacant lands, thereby grossly abusing the high trust delegated to him by the constitution and laws, and disregarding his oath and the good of the people, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

And the said House of Representatives, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any further articles or
other accusation or impeachment against the said John A. Duff, Surveyor of Perry county, and also of replying to his answers which he shall make unto the said Articles, or any of them, and offering proof to all and every the aforesaid articles, and all and every other articles, impeachment or accusation, which shall be exhibited by them, as the case shall require, do demand that the said John A. Duff may be put to answer the said crimes and misdemeanors, and that such proceedings, examinations, trials and judgments, may be thereupon had and given, as are agreeable to law and justice.

Upon these, the foregoing charges, the said John A. Duff, Surveyor of Perry county, stands impeached by the House of Representatives.

GRANVILLE PEARL,
GEORGE ARMSTRONG,
WM. S. BOTTIS,

JOHN J. GODSEY,
Petitioner and Prosecutor.

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

Resolved, That the 6th day of February be the day fixed upon by the Senate for the appearance of John A. Duff, who stands charged with high crimes and misdemeanors before the Senate, and that the Clerk of the Senate issue a summons against said Duff, returnable on that day.

Mr. Peyton moved to amend the said resolution by striking out the 6th day of February, and inserting in lieu thereof the 26th day of January.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Patterson then moved to amend the said resolution by striking out the 6th day of February, and insert in lieu thereof the 3d day of February.

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

The yeas and nays being required thereon by Messrs. Patterson and Hardin, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard, Hardin, Peyton, Boyd, Helm, Rice,
Bradley, Henderson, Swope,
Bramlette, Holloway, Taylor,
Bristow, James, Todd,
Draffin, McNary, Wall,
Evans, Patterson, Williams—21.

Those who voted in the negative, were—

Messrs. Brien, Heady, Thomas,
Butler, Marshall, Thornton,
Harris, Speed Smith, Thurman,
Hawkins, South, Walker—12.

The said resolution, as amended, was then adopted.

Mr. J. Speed Smith moved the following resolution, which was adopted,
to-wit:

Resolved, That the Clerk of the Senate be, and he is hereby directed, at
the same time that he issues the summons against the said John A. Duff, to
make out and issue blank summons for the witnesses on both sides, who shall,
respectively, have the right to fill them up with the names of all such wit­
tnesses as they may think proper to summon, returnable to the 3d day of
February.

On the motion of Mr. South,
Resolved by the Senate, That the Sergeant-at-Arms shall have power to
appoint one or more deputies, to execute process and summoning witnesses
in the case of the impeachment of John A. Duff.

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Trial of John A. Duff, Surveyor of Perry county, on the charge of high
crimes and misdemeanors.

THURSDAY, February 4, 1847.

Mr. J. Speed Smith moved that the Senate resolve itself into a high Court
of Impeachment.

The Speaker laid before the Senate the following letter from James Har­
lan, to-wit:

To the Hon. Arch’d Dixon,

Speaker of the Senate:

SIR:—I have been employed by John A. Duff to defend him against arti­
cles of impeachment, exhibited against him by the House of Representa­
tives, in the event the prosecution is persisted in. Having received authen­
tic information that Mr. Duff has resigned the office of Surveyor of Perry
county, I had supposed that further proceedings against him would be aban­
doned. If in that I am mistake, I desire further time to prepare for the de-
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fence. I do not wish that any step be taken in the case which may prejudice my client until the Senate is organized into a Court of Impeachment.

I am, with great respect,
Your obedient servant,

J. HARLAN.

The Senate then resolved itself into a High Court of Impeachment.

Messrs. Rice, Harris, Henderson, J. Speed Smith, Draffin and Bristow were excused from sitting as members of the Court.

The following oath was then administered by Henry Wingate, one of the Commonwealth's Justices for Franklin county, to the Speaker of the Senate, to-wit:

"I, Archibald Dixon, do solemnly swear that I will faithfully and impartially declare my judgment in the case of the impeachment now to be tried, according to the laws of this Commonwealth."

The same oath was then administered, by the said Wingate, to the following Senators, to-wit: Messrs. Ballard, Boyd, Bradley, Bramlette, Brien, Crenshaw, Evans, Hardin, Hawkins, Heady, Helm, Holloway, James, Key, Marshall, McNary, Russell, Slaughter, South, Swope, Taylor, Thomas, Thornton, Thurman, Todd, Walker, Wall and Williams.

The return of the Sergeant-at-Arms of the summons issued to John A. Duff, was read as follows, to-wit:

"Come to hand January 14, 1847. A. B. F. LIVINGSTON, D. S. A.

Executed, by delivering to John A. Duff a copy of the within summons and articles of impeachment, this 20th day of January, 1847.

A. B. F. LIVINGSTON, D. S. A. for

JOHN D. MCCURRY, Sergeant-at-Arms of the Senate of Ky."

"Executed upon John A. Godsey, the prosecutor, by reading the within summons and impeachment, this 21st day of January, 1847.

A. B. F. LIVINGSTON, D. S. A."

"And, also, by delivering a true copy of the within summons and impeachment, to A. F. Caldwell, Attorney for the prosecutor.

JOHN D. MCCURRY, S. A. S."

The Clerk then administered the following oath to the Deputy Sergeant-at-Arms, to-wit:

"I, A. B. F. Livingston, Deputy Sergeant-at-Arms of the Senate of Kentucky, do swear that I served the said John A. Duff, Surveyor of Perry county with a copy of the summons and impeachment, as stated in my return endorsed on said summons.

The Sergeant-at-Arms then made proclamation as follows, to-wit:

O Yes! O Yes! O Yes! John A. Duff, Surveyor of Perry county, come forward and answer to the articles of impeachment exhibited against you by the House of Representatives.

Whereupon, John A. Duff, by James Harlan his counsel, appeared at the bar.

On motion of Mr. Taylor, the Court adjourned to 10½ o'clock to-morrow.
Friday, February 5, 1847.

HIGH COURT OF IMPEACHMENT.


The Court was opened by the following proclamation by the Sergeant-at-Arms:

O Yes! O Yes! O Yes! all persons are commanded to keep silence whilst the Senate of Kentucky is sitting as a High Court of Impeachment, for the trial of John A. Duff, Surveyor of Perry county.

The oath prescribed was then administered to Messrs. Peyton, Patterson and Bristow, by Mr. John D. McClure, one of the Commonwealth's Justices of the Peace.

On the motion of Mr. Evans,

Ordered, That a message be sent to the House of Representatives, informing them that Senate have organized themselves into a High Court of Impeachment, for the trial of John A. Duff, and are now ready to receive the managers appointed to conduct said prosecution, and Mr. Evans was directed to carry said message.

Messrs. Pearl, Armstrong and Botts, the managers appointed by the House of Representatives, appeared, and proper seats were assigned them by the President within the bar, and the Sergeant-at-Arms was directed to make proclamation in the words following:

O Yes! O Yes! O Yes! all persons are commanded to keep silence while the managers, on the part of the House of Representatives, are preferring articles of impeachment against John A. Duff, Surveyor of Perry county, in the Senate of Kentucky, sitting as a High Court of Impeachment.

On the motion of Mr. South, he was excused from serving as a member of the Court of Impeachment.

Mr. Hardin moved that Messrs. Caldwell and Ballinger be admitted to the bar as counsel, to aid the managers in conducting the prosecution against said John A. Duff.

Mr. Harlan, counsel for respondent, objected to the motion on the ground that the statute regulating the mode of proceeding in cases of impeachment, confided the prosecution to managers appointed by the House of Representatives.

The Court sustained the motion of Mr. Hardin, and said counsel were admitted to the bar.

The Clerk then read the Articles of Impeachment against said John A. Duff, as follows, to-wit:

In the name of the House of Representatives of the General Assembly of the Commonwealth of Kentucky, and all the people of said Commonwealth, and by the authority of the same, the said House of Representatives, doth find, present and prefer the following articles against John A. Duff, Surveyor of Perry county, in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.
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ARTICLE 1.

That, unmindful of the solemn duties of his office, and contrary to the sacred obligation by which he stood bound to discharge them, faithfully and impartially, the said John A. Duff, Surveyor of Perry county, did, within the years 1825, 1830, 1835, 1840 and 1845, negligently fail to enter into bond and security as required by law in such cases, and hath wholly failed to execute bond since the year 1831, and hath, by such failures, committed five separate distinct misdemeanors in office, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 2.

That, unmindful of the public good, and with a view to use his office for selfish purposes, the said John A. Duff, Surveyor as aforesaid, did on the first day of June, in the year of our Lord one thousand eight hundred and twenty-five, and on divers other days and times, refuse to permit Elijah Combs, and many other citizens of the county of Perry, to examine the books and records of his office, declaring that they belonged to him and not to the public. By means of which the said Duff has been benefitted at the expense of the public, in making confusions and conflicts in appropriating the vacant lands, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 3.

That, using his office and the power conferred upon him by the Constitution and laws, to the manifest injury and oppression of the people, and to the execution of his own selfish and sinister ends, the said John A. Duff, Surveyor as aforesaid, having been employed by a certain Stephen Campbell, to furnish the warrant, and survey for him fifty acres of vacant land, and the said Stephen Campbell afterwards having sold the right to have said land surveyed, to Samuel Campbell, and the said Samuel Campbell having clearly identified the said land to the said Duff, he, the said Duff, did, on the 10th day of June, in the year of our Lord one thousand eight hundred and forty, in the said county of Perry, wilfully and corruptly, while pretending to cover by a survey the fifty acres of vacant land the said Samuel Campbell intended to appropriate, make the survey and cover other and different land, which was poor and worthless, for the corrupt purpose of compelling the said Samuel Campbell to again employ him, the said Duff, to make another survey and furnish another fifty acre warrant, to save and cover the land which the said Duff well knew the said Campbell intended to appropriate. By means of which the said Duff did compel the said Campbell to purchase another fifty acre land warrant, and have another survey made by the said Duff, to cover the fifty acres of land the said Samuel Campbell wished to appropriate, and did extort from the said Campbell, in the manner aforesaid, the sum of $28 50 cents, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 4.

That, wholly disregarding the interest and rights of others, the said John A. Duff, Surveyor as aforesaid, did, on the first day of August, in the year of our Lord one thousand eight hundred and thirty-nine, in said county of
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That the said John A. Duff, Surveyor as aforesaid, did, on the first day of February, in the year of our Lord one thousand eight hundred and forty, in the said county of Perry, for the purpose of corrupt gain, survey for Henry Combs, 200 acres as vacant and unappropriated land, which had been surveyed by the said Duff only a few days before for a certain Alexander Combs and appropriated by him, which was well known to the said Duff; but the said Duff fraudulently, for the purpose of making his fees, concealed the fact of the entry and survey for Alexander Combs from the said Henry Combs, and thereby compelled him, the said Henry Combs, illegally and unjustly, to pay him, the said Duff, the sum of $375 cents, for each hundred acres of the said 200 acres, to the injury of the said Henry Combs, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 6.

That the said John A. Duff, Surveyor as aforesaid, did, on the 20th day of June, in the year of our Lord one thousand eight hundred and forty two, in said county of Perry, corruptly survey and appropriate one hundred and fifty acres of vacant land for a certain William Stamper, after he, the said Duff, had for a stipulated price, to-wit: the sum of $30, agreed to furnish the warrants and make three fifty acre surveys for a certain Larkin Collins, and the said Collins had often requested the said Duff to appropriate and survey the said vacant land for him. But the said Duff, disregarding his promise and the duties of his office, subsequent to his promise and the request of the said Collins, did appropriate and survey the said one hundred and fifty acres of vacant land aforesaid, for the said William Stamper, thereby selling his official acts to the highest bidder, against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 7.

That the said John A. Duff, Surveyor as aforesaid, did, on the third day of July, in the year of our Lord one thousand eight hundred and forty, in the said county of Perry, in making a survey of vacant land for a certain James N. Brashears, wilfully and corruptly leave out the level and valuable land the said Brashears intended to appropriate, notwithstanding the said Brashears was present directing him, the said Duff, to cover the same by the said survey. But the said Duff, fraudulently intending to cheat the said Brashears out of the valuable land he intended to appropriate, falsely and fraudulently represented to the said Brashears, that he had surveyed and appropriated the valuable portion of said vacant land to his own name, and positively refused to survey the same for the said Brashears, when in truth...
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and in fact, the said Duff had not surveyed and appropriated the said land. By means of which he cheated and defrauded the said Brashears, against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 8.

That the said John A. Duff, Surveyor as aforesaid, did, on the first day of June, in the year of our Lord one thousand eight hundred and forty two, in said county of Perry, extort from a poor widow, Malinda Meryd, for making for her a fifty acre survey, the illegal, unjust and iniquitous fee of ten dollars, and refused to make for her another fifty acre survey, although the legal fees were tendered, and he, the said Duff, repeatedly requested to make the same, against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 9.

That the said John A. Duff did, in the year of our Lord one thousand eight hundred and forty two, on the 21st day of July, corruptly and illegally charge, and receive and extort, by means of his office, the unjust and illegal fee of ten dollars, in addition to his legal fees for getting and procuring the patents for two fifty acre surveys, for James Williams. And for the purpose of exacting the said sum from the said Williams, the said Duff did corruptly refuse to let the said Williams have the plats and certificates of said surveys, when the said Williams had an opportunity of sending them to the Register's office, without cost or charge, and by so refusing, did extort and receive from the said Williams the ten dollars aforesaid, for procuring the patents aforesaid, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 10.

That the said John A. Duff, Surveyor as aforesaid, did, on the tenth day of June, in the year of our Lord one thousand eight hundred and forty four, in said county of Perry, corruptly fail and refuse to swear William Campbell and others as chain carriers, and to make several surveys, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 11.

That the said John A. Duff, Surveyor as aforesaid, did, on the tenth day of July, in the year of our Lord one thousand eight hundred and forty three, in said county of Perry, corruptly extort from a certain Patrick B. Napier, for furnishing the land warrant, and making a fifty acre survey, the unjust and illegal fee of fifteen dollars; and for the corrupt purpose of inducing the said Napier to give said fee, the said Duff fraudulently represented that he had entered and surveyed the same for his son Henry Duff, when in truth and in fact he had not so entered and surveyed it, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

ARTICLE 12.

That the said John A. Duff, Surveyor as aforesaid, did, on the 4th day of December, in the year of our Lord one thousand eight hundred and forty four, in said county of Perry, corruptly procure, and retain in his possession,
a patent belonging to, and in the name of Solomon Everidge, for the corrupt purpose of extorting and exacting from the said Everidge the fee of five dollars, to get his patent aforesaid out of the hands of the said Duff; and the said Duff hath hitherto wholly failed and refused to deliver the same to the said Everidge, although often requested, unless the said Everidge would first pay him, the said Duff, the said fee of five dollars, and still retains the same, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

**Article 13.**

That the said John A. Duff, Surveyor as aforesaid, did, on the tenth day of January, in the year of our Lord one thousand eight hundred and forty one, in the said county of Perry, unjustly and illegally extort from a certain Rachael Everidge, (a poor widow,) the unjust and illegal sum of eight dollars, as his fee for making an hundred acre survey for her, and did wholly fail and refuse to make out a plat and certificate for the same, or to return the warrant, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

**Article 14.**

That the said John A. Duff, Surveyor as aforesaid, did, on the tenth day of November, in the year of our Lord one thousand eight hundred and forty three, in the said county of Perry, make a fifty acre survey for Patrick B. Napier, and failed to swear the chain carriers, and did corruptly and falsely certify, in this plat and certificate, that the said chain carriers had been sworn, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

**Article 15.**

That the said John A. Duff, Surveyor as aforesaid, did, on the fifteenth day of June, in the year of our Lord one thousand eight hundred and thirty seven, in the said county of Perry, not having the fear of God before his eyes, alter, change and forge a fifty acre survey to an hundred acres, and did change and forge the date of said survey, and the names of the chain carriers and marker, which appears to be in the name of John Duff, and lying and being on the Lick branch of the Clear fork of Troublesome fork of the North fork of the Kentucky river, in the county of Perry and State of Kentucky; and did return said altered, changed and forged survey, plat and certificate to the Register's office, for the corrupt purpose of cheating and defrauding the Commonwealth and the county of Perry out of their vacant lands, thereby grossly abusing the high trust delegated to him by the constitution and laws, and disregarding his oath and the good of the people, contrary to the statute, and against the peace and dignity of the Commonwealth of Kentucky.

And the said House of Representatives, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any further articles or other accusation or impeachment against the said John A. Duff, Surveyor of Perry county, and also of replying to his answers which he shall make unto the said Articles, or any of them, and offering proof to all and every the aforesaid articles, and all and every other articles, impeachment or accusa-
tion, which shall be exhibited by them, as the case shall require, do demand
that the said John A. Duff may be put to answer the said crimes and mis-
demeanors, and that such proceedings, examinations, trials and judgments,
may be thereupon had and given, as are agreeable to law and justice.
Upon these, the foregoing charges, the said John A. Duff, Surveyor of Per-
ry county, stands impeached by the House of Representatives.

GRANVILLE PEARL,
GEORGE ARMSTRONG, } Managers.
WM. S. BOTTS,

JOHN J. GODSEY,
Petitioner and Prosecutor.

Mr. Harlan, the counsel for the said John A. Duff, here filed the follow-
ing plea, to-wit:

COMMONWEALTH OF KENTUCKY, } Upon impeachment of the House of
vs. } Representatives of the State of Ken-

JOHN A. DUFF. } tucky.

The aforesaid John A. Duff, saving and reserving to himself all exceptions
to the many imperfections of the articles of impeachment, by his attorney,
comes and defends the force and injury, &c., and says, that he ought not to
answer the articles of impeachment preferred against him by the House of
Representatives of the State of Kentucky; because he says that he is not
now Surveyor of the county of Perry, having duly, as well he might, re-
signed the same to the honorable, the County Court of Perry county, on the
23d of January, A. D., 1847, and he here exhibits a copy of his letter of
resignation, duly certified:

"Mr. JESSE COMBS, C. P. C. C.

And the County Court of Perry county.

Sirs: I hereby resign the office of Surveyor of Perry county, &c.,
this 23d day of January, 1847. J. A. DUFF.

STATE OF KENTUCKY, PERRY COUNTY, Sco:;

I, Jesse Combs, Clerk of the Court for the county aforesaid, do certify
that the above is a true copy of the resignation of John A. Duff, filed in my
office on the 23d day of January, 1847. Given under my hand, as Clerk for
the County Court of Perry county aforesaid.

Attest: JESSE COMBS, Clerk."

He therefore prays the judgment of this honorable Court, whether he
should be held to make further answer to said articles of impeachment.

HARLAN & CRADDOCK.

The managers and assistant counsel for the prosecution filed the following
demurrer to said plea, to-wit:

COMMONWEALTH OF KENTUCKY, } Impeachment.
vs. }

JOHN A. DUFF,

The managers of the House of Representatives comes, and to the defence
put in by the counsel for defendant, says, they ought not to be barred in their
prosecution, because the matters and things in said defence set forth, in man-
er and form as therein contained, are not good and sufficient, in law, to
bar the proceeding, and of this they pray the judgment of the Court.

Caldwell & Ballinger, Assistant Counsel.
The said demurrer was sustained, the plea being adjudged insufficient by the Court.

Mr. Harlan, the counsel for said John A. Duff, then presented the following motion for a continuance of said prosecution, and also the following affidavits in support of said motion, to wit:

**Commonwealth vs. John A. Duff:**

The counsel for the respondent moves the Court to continue the prosecution now depending against him, until a subsequent day of the present session, or, until the next session of the General Assembly, for the reasons and upon the grounds set forth in the accompanying affidavits of Jeremiah Combs, A. B. F. Livingston and James Harlan: and he prays that time be allowed him to prepare and file the response of said Duff to the Articles of Impeachment now depending before the Senate.

J. HARLAN & CRADDOCK, for Duff.

**IN SENATE KENTUCKY, February 5th, 1847.**

Jeremiah Combs, of Perry county, states, on oath, that he is well acquainted with John A. Duff, of said county, and against whom a prosecution is now depending before the Senate, on articles of impeachment. He saw said Duff on the 21st of January last, riding on horseback, with his head tied up, and Duff said he was afraid he was taking the mumps. Said Duff returned by my house on his way home, the 23d of the same month. I had no conversation with Duff on his return, because I did not see him until he was about 150 yards from me. I reside about one mile from Perry court house, and Duff resides about 14 miles from my residence. From the appearance of said Duff, when I saw him, I have no doubt of the correctness of his statement. From my best recollection, the weather was disagreeable and inclement at the time I allude to. From my knowledge of the country through Letcher, Perry and Morgan, and the state of the weather at the time, I would regard it as very difficult to procure the attendance of witnesses at Frankfort by the 3d day of the present month. The disease called the mumps has been very prevalent in the county of Perry this winter, as I have been informed and believe. I never had the disease myself, and cannot say whether it would or not be dangerous to be exposed in cold weather. On the day after Duff passed my house, on the 21st January, on his way to town, I understood he was very bad with the mumps.

**HIGH COURT OF IMPEACHMENT, February 5, 1847.**

Sworn to in open Court by the within named Jeremiah Combs.

Att. T. KOHLHASS, Clerk.

I was at John A. Duff's house on the 20th of January. Mrs. Duff told me that the mumps had been in the family for some time past, and that she herself had had them. After serving Duff with a copy of the summons and impeachment, I inquired if he wished any witnesses summoned? He told me that he would look over the articles, and would be at the court house on to-morrow, and would then give me a list of them; and I believe it was the next day I saw him at the court house, with his head and jaws tied up.
then asked him if he had made out a list of his witnesses. He then informed me that he had taken the mumps, and he did not believe he could get ready in time; that some of his witnesses were in Morgan and some in Letcher counties; that he was afraid to travel in the cold, the weather being very bad. I told him I was going up the river to summon witnesses for the prosecutor, and if he had any up that way, I would summon them. He told me he did not know what to do about it, inasmuch as he could not get to Frankfort himself, and it would be useless to take the witnesses there unless he could get there himself. He also asked me what would be the result if he should resign. I told him I could not tell. He said if he could get his witnesses, he would have no fears about the matter. He remained all night in town, and I saw him next day. He said he did not know what to do, as he had no time to consult counsel, and we parted without any knowledge upon my part, what he intended doing. Upon my return, I came by Duff’s house and called to see him; he still had his jaws bound up, saying he was very bad off with the mumps, and could not think of starting to Frankfort in that condition. He told me he had written a letter to Mr. Harlan, in Frankfort, and had sent his son Henry to Frankfort with it, and he could think of nothing more to say to Mr. Harlan. That he supposed they would do him justice.

A. B. F. LIVINGSTON.

HIGH COURT OF IMPEACHMENT, February 5, 1847.

Sworn to in open Court by the within named A. B. F. Livingston.

Att. T. KOHLHASS, Clerk.

Commonwealth vs. John A. Duff:

James Harlan makes the following statement: Henry C. Harris, Esq., handed to me, several days since, a letter addressed to him from John A. Duff, dated 25th January, 1847, in which he states he was confined at home with the mumps, and was unable to ride; that he had started to get his witnesses, but was compelled to return; that he has witnesses in the counties of Letcher, Perry and Morgan, who would be important in his defence in the prosecution now depending before the Senate, and that it would be impossible for him to procure his testimony and arrive at Frankfort by the day fixed for the trial; that he had resigned the office of Surveyor, and supposed that no further proceedings would be had in the case—a copy of which resignation was enclosed in the letter. He requested Mr. Harris to employ me in his case. I inferred, from the tenor of his letter, that no trial was expected by him. He stated he had no opportunity of consulting counsel, and acted upon his own views. The foregoing is the substance of the letter referred to. I have no personal knowledge of the truth of the facts stated by Mr. Duff, nor do I know the character of his defence. There is nothing in the letter by which I could infer that he did, in any way, admit the correctness of any charge made against him. I could not prepare a response for him without having a personal interview with him.

J. HARLAN.

HIGH COURT OF IMPEACHMENT, February 5, 1847.

Sworn to in open Court by the within named James Harlan.

Att. T. KOHLHASS, Clerk.

On the motion of Mr. Helm, the Court adjourned to 10 o'clock to-morrow.
HIGH COURT OF IMPEACHMENT.


The Court having been opened by proclamation,

The following order was entered of record, with the assent of the Court:

"On the motion of respondent, and by consent of the managers, this prosecution is continued at respondent's costs, and to be set for trial the tenth legislative day of the next session of the General Assembly.

It is further agreed that the respondent may have until the first day of November next, to file his answers to the articles of impeachment, with the Assistant Clerk of the Senate, who is authorized to issue subpoenas for either party, directed to the Sergeant-at-Arms of the Senate, or to the Sheriff of any county.

It is ordered by the Court that said respondent, John A. Duff, pay to the prosecutor, John J. Godsey, his costs occasioned by reason of said continuance, and execution is awarded him therefor."

On the motion of the managers, it is ordered by the Court that, unless the respondent do, on or before the first day of November next, file his response in conformity to the agreement made in this behalf, that the several charges set forth in the articles of impeachment, shall be taken for confessed against him.

On the motion of Mr. Peyton,

The Court adjourned till the 10th Legislative day of the next session of the General Assembly.
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